

**TRAILL COUNTY WATER RESOURCE DISTRICT
RECURRENT MEETING
SEPTEMBER 1, 2020 ~ HILLSBORO, ND**

The District Board convened on this date and came to order at 7:00am at the office of the Traill County Water Resource District in Hillsboro, ND. Managers present were Jason Lovas, Gary Thompson, Joel Halvorson, and Andy Neset with Jason Siegert presiding as Chairman. Also present were Attorney Sean Fredricks (virtual), and Chris Gross of Moore Engineering, Inc.

AGENDA

Manager Lovas moved to approve the order of the agenda. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

MINUTES

Manager Halvorson moved to approve the August 18, 2020 meeting minutes as presented. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

SECRETARY-TREASURER'S REPORT

It was moved by Manager Neset and seconded by Manager Lovas to approve payment of August 19 – September 1, 2020 bills and the electronic funds transfers as presented. Upon roll call vote, the motion carried unanimously.

GRAND FORKS-TRAILL JOINT WATER RESOURCE DISTRICT

(9-1-20) Chris Gross said that the purchase agreements for the Thompson Drain No. 72 Project have been drafted and will be sent out this week.

(8-18-20) Chris Gross told the Board that the right of way documents for the Thompson Drain No. 72 Improvement Project will be sent off today. Construction is questionable this year unless right of way transactions are settled in the next few weeks.

DRAIN BUSINESS

Camrud Drain No. 79

(9-1-20) Chris Gross said that the purchase agreements will be sent out this week. In addition, the Board must acquire right of way from George Gunderson in the Northwest Quarter of Section 23 in Stavanger Township. Mr. Gunderson has agreed to grant the requisite right of way to the Board to accommodate the project, but there is a cloud on Mr. Gunderson's title. The Hyllestad Evangelical Lutheran Cemetery Corporation and an unnamed school district or other entity both had interests on small parcels in the Northwest Quarter of Section 23. Those interests are decades old but were never properly resolved or conveyed in the chain of title. Mr. Gunderson has agreed to cooperate with the Board to initiate a quiet title action to clear the title, at the Board's expense. Manager Neset moved to authorize Ohnstad Twichell to cooperate with Mr. Gunderson to commence a quiet title action regarding the Northwest Quarter of Section 23 in Stavanger Township. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

(8-18-20) Chris Gross told the Board that the right of way documents for the Camrud Drain No. 72 Improvement Project will be sent off today. Construction is questionable this year unless right of way transactions are settled in the next few weeks.

McCoy-McCradie Drain No. 4-14

(9-1-20) On 8-18-20, the Board determined that seeding has been established. Chris Gross presented the final pay application for the Board's approval. Manager Lovas moved to approve the Contractor's Application for Payment No. 2 (final) in the amount of \$9,014.80 payable to Comstock Construction. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Norway Drain No. 38

(9-1-20) Manager Neset informed the Board that the contractor (KRB) has approximately 4-5 miles of the cleanout left to do on this drain. Jason Siegert told the Board that he ordered an 18" culvert to be replaced in the SE ¼ of Section 15 of Norway Township. KRB will do the work while he is in the area doing the cleanout.

Kelso Floodway

(9-1-20) Chris Gross informed the Board that the culverts for this project have been ordered and the contractor will commence with the work soon.

(8-18-20) The contractor (No. States Excavating) has completed the majority of the work on the floodway. The work that is yet to be completed is to replace 2-48"x60' culverts and to level the spoil. He anticipates the work to be completed by mid-September. Jason Lovas told the Board that he noticed 3 culvert caps that have fallen off culverts in Section 22. He added that he believes the culverts need to be replaced. After further discussion, Manager Lovas moved to have the contractor install 2-18" x 60' culverts, 1-2'x18" extension, 1 band, and 3 flap gates. Chris Gross will order these items on behalf of the contractor. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Preston Floodway

(8-4-20) Most of the work has been completed on the Preston. Chris Gross presented a map reflecting areas that have erosion which the contractor (KRB) found in addition to the work already done in Sections 12 of Greenfield twp. and Sections 7, 8 & 5 of Bohnsack twp. After further discussion, Manager Neset moved to hire the contractor (KRB) to repair the 3 erosion sites for a cost not to exceed \$25,000.00. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Stavanger-Belmont Drain No. 52

(8-4-20) Discussion was revisited on a culvert in Section 8 that is leaking and has caused a hole in the road on the west side of the north culvert. On the drain tour the Board discovered that the leaks are occurring due to inadequate bands. Mr. Siegert said that he has spoken to the contractor (JAV) who said he will dig back the dirt to get a better look at what can be done. It will most likely have to be filled in with CDF (flowable cement). The contractor was also asked to place 3 caps on culverts that are missing in the drain.

Buxton Drain No. 68

(8-18-20) Chris Gross indicated that the contractor has completed Sites 1 – 3 with site 4 in the process of being worked on.

Paulson Drain No. 7

(9-17-19) Jason Siegert said that most of the berm-spoil has been levelled on this drain with only a mile and a half mile left to clean, spoil, and place a culvert.

(9-17-19) Discussion was revisited on the possibility of putting in some approaches in Section 5. (This was a request made by Neil Pulskamp). Jason Siegert said he will provide an estimate to have the work done.

Hillsboro Drain No. 26

(8-18-20) Jason Siegert stated that he has spoken to Ken Nesvig, County Commissioner regarding the subject below. After their discussion, Mr. Nesvig said that he will approach the rest of the Commission and ask them to reconsider their decision of denying payment per the agreement made between the County Hwy Dept and TCWRD on February 20, 2018.

(8-4-20) Corey Martin, County Highway superintendent, met with the Board this morning to inform them that work has halted on this project due to the County Commissioners denying payment for any further work to be done there. The Board all agreed that they should speak to the Commissioners about this because there was an agreement between the County and the Water Board made on February 20, 2018 for the County to perform the work. The Board is concerned that if the money from the County is not received the bond may be in jeopardy of being repaid. The Board asked Attorney Fredricks to look into the matter on where the Board stands on this matter.

Viking-Lindaas Drain No. 44

(8-18-20) Gary Thompson said that he recently spoke to Spencer Enrud who informed Gary that he will be doing the survey for a culvert that is to be installed in Section 30 of Lindaas Township after bean harvest is complete.

Blanchard-Norman Drain 23-40

(9-1-20) Chris Gross presented bids from two contractors to do the work on this drain. After further discussion, Manager Lovas moved to award the contract to KRB Contracting to do the work for the amount of \$44,835.56 and to order the drop structure from TruNorth Steel in the amount of \$9,313.18. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

(8-4-20) On the drain tour the Board discovered that there is a need for a 36' x 100' culvert and headwall in Sections 14 & 15 of Norman Township along with being filled in with sand. Chris Gross does not recommend this as there may be a threat that it may cave in. Chris recommends installing a 48" culvert to comply with downstream standards. The Board asked Chris to ask for bids from several contractors to do the work.

Nelson Drain No. 28

(9-1-20) Chris Gross said that he will have quotes prepared and ready to present at the next meeting.

(8-18-20) Discussion was revisited from earlier meetings regarding existing culverts that need replacement in Section 25. The Board directed Chris Gross to put together a culvert recommendation and present it at the next board meeting.

Leirness-Steenerson Drain 34-20

(8-18-20) Jason Siegert informed the Board that an outlet culvert has failed on County Road 2 where it enters the river. Manager Lovas moved to hire Chad's Excavation to order a band that is large enough to reattach the culvert and to also place rip rap at the outlet. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

(8-4-20) Jason Lovas and the Board held a discussion on a possible new lateral being built in Section 21 of Hillsboro Township under Highway 200. Mr. Lovas will obtain more information from the Department of Transportation and Ellingson Drainage.

Miller Drain No. 29

(9-1-20) Discussion was held on a culvert replacement at Bridge 290 at the section line of Section 24 of Roseville Township and Section 19 of Mayville Township. Chris Gross presented a hydraulic evaluation which will help determine the necessary culvert capacity that meets all local, state, and federal requirements. The Board determined that this would have to be looked at more closely before any action is taken.

Garfield Drain No. 32

(9-1-20) The Board revisited discussion from 8-18-20 regarding having a bond put in place to cover drain maintenance costs. Manager Neset moved to approve a \$16,000.00 with a 1.95% rate with Dakota Heritage Bank to cover future maintenance costs for this drain. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Moen Drain No. 27

(9-1-20) Discussion was held on utility issues and costs for this plan (see below). It will be tabled until the next meeting.

(8-18-20) Lauren Steinhaus, Greater Mn Gas, met with the Board this morning regarding installing a 4" natural gas line along Moen Drain No. 27. Chris Gross said that he will be looking at this with Mr. Steinhaus and provide a right of way map and project plan and present it to the Board at the next meeting.

DRAIN SPRAYING FOR WEED CONTROL / TREE REMOVAL

(9-1-20) Chris Gross told the Board that the applicator (Dakota Helicopters) will commence with the spraying of the designated drains this week.

PERMITS

Application to Install a Subsurface Water Management System No. 2020-14 for Corey Moen in the South Half of Section 28 in Garfield Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-14*, dated and filed August 17, 2020, for Corey Moen. Under the application, Applicant seeks to install a 305-acre drain tile system in the South Half of Section 28 in Garfield Township, Traill County, North Dakota. The project will include a single gravity outlet

located in the southeast corner of the South Half of Section 28; the outlet will discharge directly into Holmen Drain No. 43, a legal assessment drain owned and operated by the Traill County Water Resource District.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1, and the Board could not require Applicant to obtain consent from any downstream landowners as a condition to the permit. The Board can and will require Applicant to install erosion protection at the outlet into Drain 43.

According to records submitted by Applicant, Corey and Tiffany Moen own the South Half of Section 28 of Garfield Township.

Manager Neset moved, and Manager Lovas seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-14*, dated and filed August 17, 2020, for Corey Moen in the South Half of Section 28 in Garfield Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-14, subject to the following conditions:

- 1) that Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) that Applicant provide, install, and maintain riprap or other erosion protection at the outlet into Holmen Drain No. 43.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend that Applicant comply with the following:

- 1) that Applicant notify the Traill County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 2) that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Application to Install a Subsurface Water Management System No. 2020-11 for Chris Hong, Curtis Hong, Janet Adams, and Kelly Grotte in the South Half of Section 28 in Stavanger Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-11*, dated and filed August 17, 2020, for Chris Hong, Curtis Hong, Janet Adams, and Kelly Grotte. Under the application, Applicants seek to install a joint drain tile system, 620 acres total, in the North Half of Section 9; the Northeast Quarter of Section 8; and the Southwest Quarter of Section 8 in Stavanger Township, Traill County, North Dakota. The project will include 155 acres of tile in each quarter, with a single gravity outlet, connected by a single pipeline that will commence near the south boundary of the Southwest Quarter of Section 8; the line will run straight north to the north boundary of the Southwest Quarter of Section 8, then will

turn east along the north boundary; the line will then run along the south boundary of the Northeast Quarter of Section 8 approximately until turning north and running close to the north boundary of the Northeast Quarter before turning east; the line will run under 164th Avenue NE, then will run straight east across the North Half of Section 9, until ultimately daylighting along the east boundary of the Northeast Quarter of Section 9 and discharging into Stavanger-Belmont Drain No. 52, a legal assessment drain owned and operated by the Traill County Water Resource District.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1, and the Board could not require Applicants to obtain consent from any downstream landowners as a condition to the permit. The Board can and will require Applicants to install erosion protection at the outlet into Drain 52 and will recommend that Applicants obtain permission from the Township to run a line across or through the Township's road right of way.

According to records submitted by Applicants, Janet Adams, Douglas Adams, Brian Adams, and Cindy Adams all own interests in the Northeast Quarter of Section 9; Christopher Hong and Curtis Hong own the Northwest Quarter of Section 9 and the Southwest Quarter of Section 8; and Kelly and Joni Grotte own the Northeast Quarter of Section 8.

Manager Neset moved, and Manager Lovas seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-11*, dated and filed August 17, 2020, for Chris Hong, Curtis Hong, Janet Adams, and Kelly Grotte in the North Half of Section 9; the Northeast Quarter of Section 8; and the Southwest Quarter of Section 8 in Stavanger Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 2020-11, subject to the following conditions:

- 1) that Applicants notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) that Applicants provide, install, and maintain riprap or other erosion protection at the outlet into Stavanger-Belmont Drain No. 52.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the District will recommend that Applicants comply with the following:

- 1) that Applicants notify the Traill County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 2) that Applicants obtain written consent from Stavanger Township to install pipeline in or across the Township's road right of way; and
- 3) that Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Application to Install a Subsurface Water Management System No. 2020-12 for Paul Kozojed in the Northeast Quarter of Section 15 in Bloomfield Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-12*, dated and filed August 17, 2020, for Paul Kozojed. Under the application, Applicant seeks to install a 159-acre drain tile system in the Northeast Quarter of Section 15 in Bloomfield Township, Traill County, North Dakota. The project will include a single pump outlet located in the northeast corner of the Northeast Quarter of Section 15; the outlet will discharge directly into Burke Drain No. 16, a legal assessment drain owned and operated by the Traill County Water Resource District.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1, and the Board could not require Applicant to obtain consent from any downstream landowners as a condition to the permit. The Board can and will require Applicant to install erosion protection at the outlet into Drain 16.

According to records submitted by Applicant, Paul and Melissa Kozojed are currently purchasing the Northeast Quarter of Section 15 of Bloomfield Township from Theresa Kozojed by contract for deed.

Manager Neset moved, and Manager Lovas seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-12*, dated and filed August 17, 2020, for Paul Kozojed in the Northeast Quarter of Section 15 in Bloomfield Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-12, subject to the following conditions:

- 1) that Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 2) that Applicant provide, install, and maintain riprap or other erosion protection at the outlet into Burke Drain No. 16; and
- 3) that Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Traill County Water Resource District.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the District will recommend that Applicant comply with the following:

- 1) that Applicant notify the Traill County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application; and
- 2) that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Application to Install a Subsurface Water Management System No. 2020-13 for Wayne Tastad in the Southeast Quarter of Section 6 in Lindaas Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-13*, dated and filed August 17, 2020, for Wayne Tastad. Under the application, Applicant seeks to install a 15-acre drain tile system in the Southeast Quarter of Section 6 in Lindaas Township, Traill County, North Dakota. The project will include a single gravity outlet that will discharge via an underground pipeline that will commence in the southeast corner of the Southeast Quarter of Section 6; the pipeline will run under 151st Avenue NE and will daylight in the southwest corner of Section 5, and will discharge directly into Thoreson Drain No. 64, a legal assessment drain owned and operated by the Traill County Water Resource District.

Because the project will discharge directly into a legal assessment drain, no THIRTY-DAY NOTICES were necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1, and the Board could not require Applicant to obtain consent from any downstream landowners as a condition to the permit. The Board can and will require Applicant to install erosion protection at the outlet into Drain 64. The Board will also recommend that Applicant obtain written permission from Lindaas Township to install a pipeline within its road right of way.

According to records submitted by Applicant, Mary Lou Tastad owns the Southeast Quarter of Section 6 in Lindaas Township.

Manager Neset moved, and Manager Lovas seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-13*, dated and filed August 17, 2020, for Wayne Tastad in the Southeast Quarter of Section 6 in Lindaas Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2020-13, subject to the following conditions:

- 1) that Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) that Applicant provide, install, and maintain riprap or other erosion protection at the outlet into Thoreson Drain No. 64.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend that Applicant comply with the following:

- 1) that Applicant notify the Traill County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 2) that Applicant obtain written permission from Lindaas Township to install and maintain an underground pipeline within its township road right of way; and

3) that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Application to Install a Subsurface Water Management System No. 2020-09 for Michael Beltz in the Northeast Quarter of Section 18 in Caledonia Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2020-09*, dated June 15, 2020, and filed July 30, 2020, for Michael Beltz. Under the application, Applicant seeks to install a 149-acre drain tile system in the Northeast Quarter of Section 18 in Caledonia Township, Traill County, North Dakota. The project will include a single pump located on the east boundary of the Northeast Quarter of Section 18; the pump will discharge into the west road ditch along 169th Avenue NE and will flow south in the west ditch, along the east boundary of the Southeast Quarter of Section 18; the discharge will flow through an existing culvert under County Road 13 and will continue to flow south along 169th Avenue, along the east boundary of the Northeast Quarter of Section 18.

The Board previously provided THIRTY-DAY NOTICES to the Traill County Highway Department and to the downstream landowners in the Southeast Quarter of Section 18 and the Northeast Quarter of Section 19, as required under N.D. Cent. Code § 61-32-03.1; the Board also provided a copy of the THIRTY-DAY NOTICE to Caledonia Township. None of the downstream landowners submitted any “technical evidence” to object to the project and, therefore, under Section 61-32-03.1, the Board could not require Applicant to obtain consent from any downstream landowners as a condition to the permit. The Board can and will require Applicant to install erosion protection at the outlet into the 169th Avenue ditch. The Board will also recommend that Applicant obtain written permission from Caledonia Township to discharge into the township’s road right of way.

According to records submitted by Applicant, Michael Beltz owns the Northeast Quarter of Section 18 of Caledonia Township. With regard to downstream properties, Chad Boeddeker and Adam Boeddeker own the Southeast Quarter of Section 18, and Larry and Sherry Anderson own the Northeast Quarter of Section 19.

Manager Halvorson moved, and Manager Lovas seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2020-09*, dated June 15, 2020, and filed July 30, 2020, for Michael Beltz in the Northeast Quarter of Section 18 in Caledonia Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 2020-09, subject to the following conditions:

- 1) that Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 2) that Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Traill County Water Resource District.

Upon roll call vote, the motion carried unanimously.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the District will recommend that Applicant comply with the following:

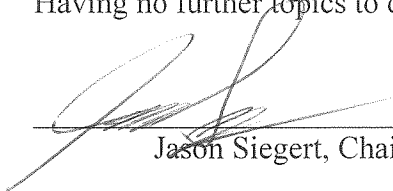
- 1) that Applicant notify the Traill County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 2) that Applicant obtain written permission from Caledonia Township to discharge into, or to otherwise utilize, any of its township road right of way; and
- 3) that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

OTHER BUSINESS

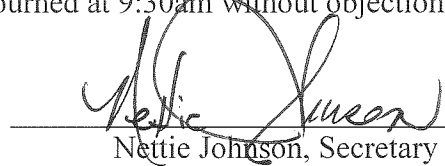
None.

ADJOURNMENT

Having no further topics to discuss, the meeting adjourned at 9:30am without objection.



Jason Siegert, Chairman



Nettie Johnson, Secretary