

**TRAILL COUNTY WATER RESOURCE DISTRICT
RECURRENT MEETING
FEBRUARY 16, 2021 ~ HILLSBORO, ND**

The District Board convened on this date and came to order at 8:00am at the office of the Traill County Water Resource District in Hillsboro, ND. Managers present were Gary Thompson, Joel Halvorson, Jason Lovas, and Andy Neset with Jason Siegert presiding as Chairman. Also present was Chris Gross of Moore Engineering, Inc., and Attorney Sean Fredricks (virtually).

AGENDA

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

MINUTES

Manager Thompson moved to approve the February 2, 2021 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 the February 3 - 16, 2021 bills and the electronic funds transfers as presented. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Lovas and seconded by Manager Neset to approve the January 2021 bank statements as presented. Upon roll call vote, the motion carried unanimously.

GRAND FORKS-TRAILL JOINT WATER RESOURCE DISTRICT

(2-16-21) At 8:00am the Grand Forks-Traill Joint WRD meeting was called to order. Managers present were Jason Siegert, Rich Axvig, Andy Neset, Tom Perdue, Gary Thompson, Bob Drees, Nettie Johnson, Traill County WRD Secretary-Treasurer, Pat Downs and Chris Gross, Moore Engineering, Inc., Sean Fredricks and Chris McShane, Ohnstad Twichell, P.C., Nick Pribula, and Jerry Pribula, Pribula Engineering & Surveying, and Mark and Eileen Johnson, Drain No. 72 patrons.

Pat Downs opened the discussion regarding the Thompson Drain No. 72 Improvement Project and values pertaining to the Mark & Eileen Johnson land. The Joint Board considered what the existing, fair land value should be. Mr. Johnson described the history of their land and voiced their concerns about what impacts the project may have on their land along with the amount of trees they would be losing. He added that he does agree with and supports drainage but would like to see the boundary for the project reconsidered. Mr. Downs stated that they have been working hard to minimize the impact to the best of their ability for all landowners involved in the project. The Board asked the Johnson's to draw on the project map where they would like to see the boundary set so that alternative plans may be looked at to determine if it is even possible to

move the boundary. This will be revisited once the Johnson's come back with their notion of where they would like to see the boundary moved. The Johnson's left the meeting at 8:40am.

After further discussion, the joint board agreed to present a new offer of \$30,000.00 to the Johnson's and if they agree to the new amount a new purchase agreement will be drafted and sent to the Johnson's for their signature.

Pat Downs updated the joint board on the status of the Carolyn Heskin and Dave Bohlman purchase agreement status for the Drain No. 72 project. Ms. Heskin has refused to correspond by phone or email with the board's engineering and attorney firms and added that David Bohlman's stance on the project remains the same by him being unwilling to sign any project related documents. Mr. McShane reminded those in attendance that both the offer and the invitation to join the meeting have been sent to both parties. Mr. Fredricks exclaimed that his office will be moving forward with the next steps to obtain the remaining property necessary to construct the project.

The Grand Forks-Traill JWRD meeting adjourned at 9:20am and will reconvene at 10:00am when the Grand Forks WRD attorney can be present.

At 10:00am, the Grand Forks-Traill Joint WRD reconvened to discuss issues pertaining to the Grand Forks Drain No. 59 Improvement Project. Managers present were Jason Siegert, Rich Axvig, Andy Neset, Tom Perdue, Gary Thompson, Bob Drees, Grand Forks WRD Secretary-Treasurer Kari Lavecchia, Nettie Johnson, Traill County WRD Secretary-Treasurer, Pat Downs and Chris Gross, Moore Engineering, Inc., Sean Fredricks and Chris McShane, Ohnstad Twichell, P.C., Dan Gaustad, Pearson, Christensen, PLLP, and Nick Pribula, and Jerry Pribula, Pribula Engineering & Surveying.

Land rights were discussed. Jerry Pribula explained a situation they are facing with Magellan Pipeline and the unreasonable costs Magellan is asking for to move their lines for this project. A cost of 1.2 million is being asked of the Grand Forks WRD up front. Alternative plans to assist in alleviating costs were talked about. Several options will be considered. Tom Perdue moved to have the attorney and engineer to continue to work with Magellan Pipeline and to negotiate costs in an effort to move this project forward. Bob Drees seconded the motion. Upon roll call vote, the motion carried unanimously.

The Grand Forks-Traill Joint WRD meeting adjourned at 11:20 with no objections.

SNAGGING & CLEARING

(2-16-21) Ken Nesvig, County Commissioner, met with several of the board managers to discuss the possibility of reconsidering funding the 2021-2022 Elm River Snagging & Clearing project. Mr. Nesvig suggested that the Board obtain letters of support from landowners who would like to see this project move forward. A few managers will meet with the commissioners again on March 2, 2021 to discuss this further.

DRAIN BUSINESS

Camrud Drain No. 79

(2-16-21) Chris Gross stated that the bid opening took place on February 15th at 2:00pm with a total of 10 bids. RJ Zavoral & Sons, Inc., East Grand Forks, MN, presented the lowest bid. Manager Lovas moved to award the project contract to said contractor in the amount of \$1,272,372.26. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Hong Drain No. 81

(2-16-21) Chris Gross informed the Board that his office continues to work on utility issues and has been communicating with the petitioners regarding these issues. The petitioners will be asked to attend the next board meeting to discuss further. He added that the design is ongoing and a preliminary cost estimate will be prepared and ready to present at that meeting.

Norway Drain No. 38

(12-1-20) Chris Gross told the Board that he is currently working on right of way issues.

Stavanger-Belmont Drain No. 52

(11-17-20) The Board all agreed that the Project (below) will have to wait until next spring to be completed by the contractor.

(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.

Blanchard-Norman Drain 23-40

(2-16-21) The Board agreed that an informational meeting is necessary to gauge the interest from landowners in going forward with this project. This meeting will be scheduled for March 16th at 9:30am. An advertisement will be placed in the papers and invitation letters will be sent out.

(2-2-21) Chris Gross provided the Board with drain information on the grade, bottom width, and side slopes, along with a summary of estimated costs and estimated assessments.

Murray Drain No. 17

(11-17-20) This work will be performed in 2021.

(11-3-20) Discussion was held on a rusted culvert in the NE ¼ of Section 33 of Mayville Township through County Road 11. Manager Neset said that the culvert is 30" x 50' but thinks it should be longer. This will be investigated further.

Leirness-Steenerson Drain 34-20

(8-4-20) Jason Lovas and the Board held a discussion on a possible new tile 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.

PERMITS & COMPLAINTS

Application to Install a Subsurface Water Management System No. 2021-02 for PDM Farms, Inc., in the West Half of Section 33 in Ervin Township

The District reviewed an *Application to Install a Subsurface Water Management System No. 2021-02*, dated February 5, 2021, and filed February 10, 2021, for PDM Farms, Inc. Under the application, Applicant seeks to install a 305-acre drain tile system in the West Half of Section 33 in Ervin Township, Traill County, North Dakota. The project will include a single pump outlet located on the south boundary of the Southwest Quarter of Section 33; the outlet will discharge directly into Mickelson Drain No. 13, 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 13.

According to records submitted by Applicant, David Mueller and Paul Mueller own the West Half of Section 33 of Ervin Township; the Muellers are the principals of PDM Farms, Inc.

Manager Lovas moved, and Manager Neset seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-02*, dated February 5, 2021, and filed February 10, 2021, for PDM Farms, Inc., in the West Half of Section 33 in Ervin Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 2021-02, 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 must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Traill County Water Resource District; and
- 3) that Applicant provide, install, and maintain riprap or other erosion protection at the outlet into Mickelson Drain No. 13.

Upon roll call vote, the motion carried unanimously.

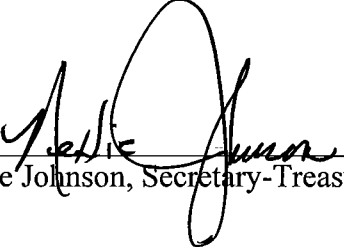
Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the District will recommend that Applicant comply with the following:

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

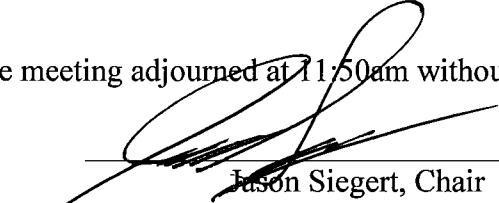
2) that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

ADJOURNMENT

Having no further topics to discuss, the meeting adjourned at 11:50am without objection.



Nettie Johnson, Secretary-Treasurer



Jason Siegert, Chair