

**TRAILL COUNTY WATER RESOURCE DISTRICT  
RECURRENT MEETING  
MARCH 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. Manager's 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 Lovas moved to approve the agenda as amended. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

**MINUTES**

Manager Thompson moved to approve the March 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 Halvorson to approve payment of the March 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 Thompson to approve the February 2021 bank statements. Upon roll call vote, the motion carried unanimously.

**GRAND FORKS-TRAILL JOINT WATER RESOURCE DISTRICT**

(3-16-21) The amended agreement for the Mark and Eileen Johnson property has been signed by the Johnson's. Agreements for the Heskin and Bohlman properties remain unreturned. Attorney Fredricks reiterated the process necessary to obtain this land in order to move forward with the Project. A meeting with the County Commissioners will be held on April 6<sup>th</sup> to discuss right of way issues, etc. Attorney Fredricks will describe the legal process.

**SNAGGING & CLEARING**

(3-16-21) Snagging & clearing efforts will commence for both the Goose and Elm Rivers in the fall/winter of 2021 through early 2022.

**DRAIN BUSINESS**

**Camrud Drain No. 79**

(3-16-21) Chris Gross presented the contract for RJ Zavoral and Sons, Inc. After discussion, Manager Lovas moved to approve the contract with the Chairman and Secretary signing the

contract on behalf of the TCWRD. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously. A preconstruction meeting with the contractor will take place prior to the commencement of construction.

**Hong Drain No. 81**

(3-16-21) 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 on-going, and a preliminary cost estimate will be prepared and ready to present at that meeting. He added that landowners involved are appearing to be more favorable towards the project.

**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.

**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**

(3-2-21) Jason Lovas provided the Board with an estimate from Ellingson Companies for the installation of this tile lateral (see below). It was determined that obtaining additional information is necessary before moving forward with this project. No action was taken.

(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.

**BLANCHARD-NORMAN 23-40**  
**Traill County Water Resource District**  
**INFORMATINAL MEETING**  
**March 16, 2021**

The District Board convened on this date and came to order at 9:30am originating at the office of the Traill County Water Resource District. Manager's present were Joel Halvorson, Gary Thompson, Andy Neset, Jason Lovas and Jason Siegert. Also present was Engineer Chris Gross and landowners Darrell Nottestad, James Aarsvold, Pete Kritzberg, Kevin Braaten, and Shawn Knudson.

Chairman Siegert opened the meeting at 9:30am to discuss the following:

**POSSIBLE IMPROVEMENTS TO THE BLANCHARD-NORMAN DRAIN NO. 23-40**

Chris Gross described the history of the Blanchard-Norman Drain 23-40 to include the following complaints:

- Poor drainage
- Deteriorating structures
- Crop damage

Chris then showed the existing legal drain map and existing assessment district and described the proposed project items to include:

- Replacing the failing structures
- Reducing crop damage
- Improvement of ag field drainage
- Improvement of legal drain outlet
- 10-year design event
- Reduce maintenance costs

It was explained that the importance of making improvements to Drain 23-40 would not only benefit the landowners, but also the schools, emergency services, etc. in the event the bridges are washed out and roads closed due to a flood event.

Chris then explained the steps moving forward to include:

- Finishing project design
- Estimating projected benefits
- Notice of Hearing
- Project Hearing
- Vote tally
- Assessment Hearing (if vote passes)
- Final design and right of way acquisition
- Project bid and construction

Questions and comments from those in attendance were then addressed.

Hearing no further comments, Manager Neset moved to proceed with an assessment district vote of the Blanchard-Norman Drain 23-40 Improvement Project. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Chairman Siegert closed the meeting at 10:55am.

Detailed information on this meeting can be found in the Secretary's office.

### **PERMITS AND COMPLAINTS**

#### **Application to Install a Subsurface Water Management System No. 2021-01 for PDM Farms, Inc., in the Northwest Quarter of Section 31 in Ervin Township**

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2021-01*, dated February 5, 2021, and filed February 15, 2021, for PDM Farms, Inc. Under the application, Applicant seeks to install a 125-acre drain tile system in the Northwest Quarter of Section 31 in Ervin Township, Traill County, North Dakota. The project will discharge via an underground pipeline that will run across the South Half of Section 31; the pipeline will connect to a pump outlet along the south boundary of Section 31; the pump will discharge into the north road ditch along State Highway 200; from there, the discharge will flow east, in the north road ditch along Highway 200, in NDDOT's right of way, through an existing culvert under the railroad, and will continue east along the south boundary of Section 31; the Highway 200 right of way concludes, and the discharge will continue east along the south boundary of the Southwest Quarter of Section 32, in the north road ditch along 6th Street NE.

The Board provided THIRTY-DAY NOTICES to downstream landowners, as required under N.D. Cent. Code § 61-32-03.1. More specifically, the Board provided NOTICES to NDDOT regarding its Highway 200 right of way; the owners of the south boundary of the Southeast Quarter of Section 31 east of the railroad; and the owners of the Southwest Quarter of Section 32. The Board also provided a complimentary NOTICE to Ervin Township regarding the use of its road right of way. None of the downstream landowners submitted any "technical evidence" to object to the project; with that in mind, 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 NDDOT's Highway 200 right of way.

According to records submitted by Applicant, David and Paul Mueller own the North Half of Section 31, less highway right of way, west of the railroad right of way; and the Muellers own the South Half of Section 31, less highway right of way, west of the railroad right of way. With regard to downstream landowners, NDDOT owns its Highway 200 right of way; Linda Motl, Janice Boyle, and Carol Mata own the Southeast Quarter of Section 31 east of the railroad right of way; and Neal Pulskamp owns the Southwest Quarter of Section 32.

Manager Lovas moved, and Manager Thompson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-01*, dated February 5, 2021, and filed February 15, 2021, for PDM Farms, Inc., in the Northwest Quarter of Section 31 in Ervin Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-01, 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 NDDOT's Highway 200 right of way.

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 consent from NDDOT to discharge into and to otherwise utilize any of its Highway 200 right of way;

3) that Applicant obtain written consent from Ervin Township to utilize any of its Township road right of way; and

4) 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. 2021-06 for Scott Hong in the Southwest Quarter of Section 14 in Lindaas Township**

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2021-06*, dated March 10, 2021, and filed March 15, 2021, for Scott Hong. Under the application, Applicant seeks to install a 128-acre drain tile system in the Southwest Quarter of Section 14 in Lindaas Township, Traill County, North Dakota. The project will include a single gravity outlet that will discharge directly into North Mayville Drain No. 8, 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 North Mayville Drain No. 8.

According to records submitted by Applicant, Scott and Suzanne Hong own the Southwest Quarter of Section 14 of Lindaas Township lying west of North Mayville Drain No. 8.

Manager Thompson moved, and Manager Neset seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-06*, dated March 10, 2021, and filed March 15, 2021, regarding a proposed tile system in the Southwest Quarter of Section 14 of

Lindaas Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-06, 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 North Mayville Drain No. 8.

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. 2021-03 for Earle Lien in the Northwest Quarter of Section 9 and the North Half of the Southwest Quarter of Section 9 in Roseville Township**

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2021-03*, dated February 26, 2021, and filed March 11, 2021, for Earle Lien. Under the application, Applicant seeks to install a 194-acre drain tile system in the Northwest Quarter of Section 9 and the North Half of the Southwest Quarter of Section 9 in Roseville Township, Traill County, North Dakota. The project will include a single gravity outlet, with a control structure, located in the northeast corner of the Northwest Quarter of Section 9; the outlet will discharge into the south road ditch along County Road 15; the discharge will flow east, along the north boundary of the Northeast Quarter of Section 9, until ultimately discharging into Roseville Drain No. 19 at the northwest corner of Section 10.

The application would have normally required a THIRTY-DAY NOTICE to downstream landowners, as required under N.D. Cent. Code § 61-32-03.1; however, Applicant secured a "Notarized Letter of Approval" from the downstream landowner in the Northeast Quarter of Section 9, and that letter obviates the necessity for a NOTICE under Section 61-32-03.1. Further, with regard to the County's Highway 15 right of way, Applicant indicated the County has easement rights but does not own its Highway 15 right of way in that area. With that in mind, no NOTICE was necessary to the County. With that in mind, 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 County's Highway 15 right of way.

According to records submitted by Applicant, Michael Lien, David Lien, Sidney Lien, and Tricia Schmitz own the Northwest Quarter of Section 9, and the North Half of the Southwest Quarter of Section 9, all subject to life estates in Earle and Shelby Lien. With regard to downstream property, Clinton Koppang owns the Northeast Quarter of Section 9.

Manager Lovas moved, and Manager Neset seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2021-03*, dated February 26, 2021, and filed March 11, 2021, regarding a proposed tile system in the Northwest Quarter of Section 9 and the North Half of the Southwest Quarter of Section 9 in Roseville Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-03, 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 the County's Highway 15 right of way.

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 consent from the Traill County Highway Department to discharge into and to otherwise utilize any of its Highway 15 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**

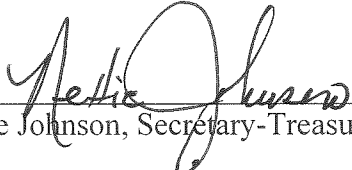
At 9:00am Mike Manstrom, Colliers International, met with the Board to discuss the possible refunding of bonds affixed to several legal drains. After further discussion, Manager Neset moved to allow Mr. Manstrom to return to the Board in April or May with an estimated saving solution on all current callable bonds. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

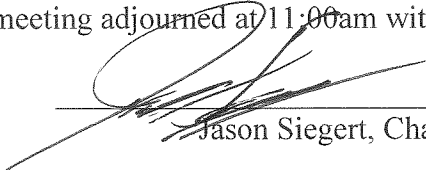
The Board revisited a proposal submitted by Shawn and Derek Morten with Morten Aero-Service of Larimore, ND on March 2<sup>nd</sup>. They have expressed their interest in providing the Board with the spraying of trees and weeds in legal drains throughout Traill County. After

further discussion, the Board concluded that they would accept the proposal from Morten Aero-service for the 2021 season which includes the application of the labeled rate of either Imazapyr or an aquatic glyphosate product at the swath width of the water board's discretion for \$300.00 per mile and in consideration of the vast majority of the county's channels in need of the narrow boom widths.

**ADJOURNMENT**

Having no further topics to discuss, the meeting adjourned at 11:00am without objection.

  
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Nettie Johnson, Secretary-Treasurer

  
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Jason Siegert, Chair