

Trail County Water Resource District
Tuesday, September 21, 2021 – 8:00 a.m.

The Trail County Water Resource District met on Tuesday, September 21, 2021, at 8:00 a.m. at the Board's office in Hillsboro, North Dakota. Present were Chairman Jason Siegert and Water Managers Joel Halvorson, Jason Lovas, Andy Neset, and Gary Thompson. Chris Gross, the Board's engineer, was also present. Sean Fredricks, the Board's attorney, attended virtually. Jessica Spaeth, interim Secretary/Treasurer was also in attendance. Cory Martin, Traill County Highway Department, was also present for a portion of the meeting.

Approval of Agenda

Chairman Siegert requested the addition of Secretary/Treasurer/Office Manager update. Manager Lovas moved to approve the agenda with the addition. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Minutes

Manager Lovas moved to approve the meeting minutes from the Board's meetings on September 7 and September 14. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Bills

Manager Halvorson moved to approve payment of the bills and electronic funds transfers, as presented. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Elm River & Goose River Snagging and Clearing Projects

There was no update on the Elm River and Goose River Snagging and Clearing Projects.

Camrud Drainage Improvement District No. 79 Project

Chris Gross reported the project came in \$19,000 under budget, while the change order increased the contract price by \$21,000, making the net change of \$2,256.04 for the project. Manager Lovas noted lack of grass growing in ¼ mile section due to a seeding issue. Contractor RJ Zavoral submitted Pay Application No. 3 for the Board's consideration, in the amount of \$170,973.98. \$5,000 remains in project retainage. Manager Lovas moved to approve Pay Application No. 3 for RJ Zavoral in the amount of \$170,973.98. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Thompson Drainage Improvement District No. 72 Project

The contractor recently requested permission to dispose of trees on drain right of way or on private property in the vicinity of the project. Josh Hassell indicated the contractor has an obligation to remove and dispose of the trees off-site under the construction contract. Josh further indicated to the contractor that if the contractor wishes to modify that requirement to allow the contractor to bury or otherwise dispose of the trees in some other manner, the contractor must submit a change proposal to the Board for consideration; the contractor would then have to secure agreements with private landowners regarding access on private property to bury, store, burn, or otherwise dispose of trees on those private parcels, and would have to present copies of those agreements to the Board. The contractor has not submitted a change proposal to the Board for consideration but is investigating the possibility of working with David Bohlman for tree removal on his property. In the meantime, the contractor is aware of its responsibility to remove and dispose of the trees under the contract.

Chris Gross also reported the box culvert for the county road will be delivered this week.

Hong Drainage Improvement District No. 81 Project

Due to the vote on this project failing, the Board may seek reimbursement from Chris Hong in the amount of \$7,962. The total cost of preliminary development of the project and the assessment vote process was \$27,962. Mr. Hong submitted \$20,000 as a preliminary bond, and the Board will retain that amount. The Board may approach Mr. Hong about the remaining balance of \$7,962.

Stavanger-Belmont Drain No. 52 Outlet & Between Section 5 & 8 Culvert Status

Moore Engineering is currently conducting a culvert analysis for the WRD and updates will be provided as they become available.

Elm River Watershed Study

Following a recent meeting with landowners, the Elm River Joint WRD directed Moore to study additional alternatives. The Elm River Joint WRD met in Galesburg on September 20 to discuss those additional alternatives. Managers Neset and Halvorson were both present. At the meeting, based on comments from area landowners and based on review by members of the Joint WRD, the Board does not seem to favor Alternatives 3 and 4 since both would require armoring the spillway. Moore is going to finalize their analysis and a final report will be distributed to the WRD. At that point, the Joint WRD will likely make a decision on how to proceed. Chris Gross distributed an analysis spreadsheet of Alternatives and Scenarios. The Elm River Joint WRD will meet next on Monday, October 25, 2021, at 9:00 a.m. in Galesburg.

Blanchard-Norman Drain No. 23-40 Improvement Project No. 2021-01 Project

Chris reported the State Water Commission meeting is on October 14, 2021 at 1:00 pm in Bismarck, and the Commission will consider the Board's cost-share request for this project. Conference call options are available. The Commission responds well to project sponsors appearing in person so if any of the Board members are willing to attend, that will be helpful.

Murray Drain No. 17 Improvement Project

The Traill County Highway Department is replacing a culvert in section 33 of Mayville Township.

Traill County Bridges

Traill County Highway Superintendent Cory Martin requested a meeting after January 1 to review bridge construction for 2022. The board agreed with the county to have Bridge 69 designed by Moore Engineering.

Red Owl Drain No. 55 – Cleanout Project

KRB Gravel has two miles remaining in the cleanout project.

Greenfield-Bohnsack Drain No. 57A – Repair Project

Katie Bertsch, Ohnstad Twichell bond counsel, negotiated a six-year maintenance levy bond issue with Dakota Heritage Bank in the amount of \$120,000 in principal, at 1.95% interest. Manager Lovas moved to approve the Resolution Authorizing Maintenance Bond Issue regarding the Greenfield-Bohnsack Drain 57A repair project. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Burke, Kaufman, Viking, Nelson 28 Excavation Work Status

The project is in progress and is being completed by Chad's Excavating.

Miller Drain 29, Sect 29 Bohnsack Township – Culvert Status

The project is in progress. The Miller Drain outlet needs to be repaired; the Board will develop a plan for 2022.

Mayville Blanchard Drain No. 39

The project to improve the approach and culverts in section 35 has been completed.

Application to Install a Subsurface Water Management System No. 2021-10 for Cody Braaten and Kristie Braaten in the Southwest Quarter of Section 6 in Blanchard Township

The Board next reviewed an Application to Install a Subsurface Water Management System NO. 2021-10 dated September 7, 2021, filed with the Board by Applicants Cody Braaten and Kristie Braaten. Under the Application, Applicants seek to install a 135-acre drain tile system in the Southwest Quarter of Section 6 in Blanchard Township, Traill County, North Dakota. The project will include a pump outlet in the southeast corner of the Southwest Quarter of Section 6; the pump will discharge directly into Blanchard-Norman Drain No. 23-40, a legal assessment drain owned and operated by the Traill County Water Resource District.

According to Traill County tax records, Kristie Braaten owns that portion of the Southwest Quarter of Section 6 of Blanchard Township where Applicants intend to install project components.

Manager Lovas moved, and Manager Thompson seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2021-10 dated September 7, 2021, for Cody Braaten and Kristie Braaten in the Southwest Quarter of Section 6 in Blanchard Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-10, subject to the following conditions:

- 1) that Applicants set and install any drain tile pump at least 25 feet from the top of the back slope of Blanchard-Norman Drain No. 23-40 (with the option to install a pipe buried from the pump to the drain);
- 2) that Applicants install and maintain erosion protection at any and all outlets into Blanchard-Norman Drain No. 23-40;
- 3) that Applicants must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Traill County Water Resource District;
- 4) that Applicants re-establish any areas disturbed installing or maintaining Applicants’ tile system;
- 5) that Applicants will not install Applicants’ tile system within 20 feet, on either side, of any rural water lines East Central Regional Water District has in the Southwest Quarter of Section 6 in Blanchard Township under any blanket easements, or otherwise beyond the Water District’s existing easement(s); and
- 6) that Applicants must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-10 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

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 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.

Sean Fredricks will provide copies of the Board’s NOTICE OF DECISION and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-10 to the State Engineer’s Office and East Central Regional Water

District. Applicants' detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Application to Install a Subsurface Water Management System No. 2021-11 for Reuben Rud in the North Half of Section 8 in Bloomfield Township

The Board next reviewed an Application to Install a Subsurface Water Management System NO. 2021-11 dated September 13, 2021, filed with the Board by Applicant Reuben Rud. Under the Application, Applicant seeks to install a 184-acre drain tile system in the North Half of Section 8 in Bloomfield Township, Traill County, North Dakota. More specifically, the project will include tile in the Northwest Quarter of Section 8, and in 43.93 acres in the Northeast Quarter of Section 8 south of the natural watercourse across that quarter. The project will include eight gravity outlets across the North Half of Section 8 that will all discharge directly into the natural watercourse that flows to the southeast across the North Half of Section 8.

According to Traill County tax records, Reuben and Jennifer Rud own those portions of the Northwest Quarter of Section 8 and the Northeast Quarter of Section 8 where Applicant intends to install the tile system. Tony and Peggy Klemetson own portions of the Northeast Quarter of Section 8 where Applicant intends to install some of the project outlets. Tony Klemetson provided written consent to Applicant to install project outlets on the Klemetson property.

Manager Lovas moved, and Manager Neset seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2021-11 dated September 13, 2021, for Reuben Rud in the North Half of Section 8 in Bloomfield Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-11, subject to the following conditions:

- 1) that Applicant install and maintain erosion protection at any and all outlets into the natural watercourse across the North Half of Section 8;
- 2) that Applicant re-establish any areas disturbed installing or maintaining Applicant's tile system;
- 3) that Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines East Central Regional Water District has in the North Half of Section 8 in Bloomfield Township under any blanket easements, or otherwise beyond the Water District's existing easement(s); and
- 4) that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-11 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

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 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.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2021-11 to the State Engineer's Office and East Central Regional Water District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Complaints

Reimer vs. Koenig – No updates.

Elkhorn Farms vs. Stormoe – November deadline.

Moen Drain Special Assessment Payoff

Property owner, Carol Dilse, contacted the WRD office to request a payoff of Moen Drain Special Assessments on three properties in Bingham Township. Interim Secretary/Treasurer Spaeth will work with Josh Hassell to determine payoff date and payoff totals for the three parcels.

Secretary/Treasurer/Office Manager

The position of Secretary/Treasurer/Office Manager has been posted online and in the newspapers. Applications will be accepted until October 31, 2021. The Managers discussed the need for a laptop computer for remote work situations.

Chairman Siegert notified the Board of a request for an audit to be completed from January 1 – September 1, 2021 by Brady Martz.

There being no further business, Manager Halvorson moved to adjourn the meeting, seconded by Manager Neset. The meeting adjourned at 10:48 am.

APPROVE:

Jason Siegert, Chair

ATTEST:

Jessica Spaeth, Interim Secretary-Treasurer