

**Trail County Water Resource District**  
**November 2, 2021 – 8:00 a.m.**

The Trail County Water Resource District met on Tuesday, November 2, 2021, at 8:00 a.m. at the Board's office in Hillsboro, North Dakota. Present were Chairman Jason Siegert and Water Managers Jason Lovas, Joel Halvorson, Andy Neset and Gary Thompson. Nate Trosen, the Board's engineer, was also present. Sean Fredricks, the Board's attorney, attended virtually. Chad Engels, Josh Hassell, and Brady Woodard, Moore Engineering and Jessica Spaeth, interim Secretary/Treasurer were also in attendance. Ben Zavoral, RJ Zavoral and Sons, Inc. and Cory Martin, Trail County Highway Department, were present for a portion of the meeting.

**Agenda**

Manager Thompson requested the addition of Beaver Creek Dam to Other Business. Manager Lovas moved to approve the agenda with the addition. Manager Thompson seconded the motion. The motion carried unanimously.

**Minutes**

Manager Halvorson moved to accept the minutes from the Board's meetings on October 5 and October 19. Manager Lovas seconded the motion. The motion carried unanimously.

**Introduction**

Nate Trosen, Moore Engineering, introduced himself as the board's newly appointed engineer. Trosen takes the place of Chris Gross, who resigned from Moore Engineering.

**Bills**

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

**Camrud Drainage Improvement District No. 79 Project**

Contractor RJ Zavoral submitted Pay Application No. 4 for the Board's consideration, in the amount of \$5,000. Trosen reported the one item that still remains is an area where the seeding is not yet established which may be due to residual spraying activities. Trosen presented the following options for final payment to RJ Zavoral:

1. Retain \$5000 until seeding has been established.
2. Pay \$4000, retain \$1000 until seeding has been established.
3. Pay \$5000 plus additional to reseed.
4. Pay \$5000 and classify seeding as a warranty item.

Once the project is closed, it is no longer eligible for cost-share from the State Water Commission. Manager Halvorson moved to approve a Certificate of Substantial Completion for RJ Zavoral, to approve RJ Zavoral's Pay Application No. 4 in the amount of \$5000, and to close out the project. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Attorney Fredericks reported on right of way for the project. The DeRider transaction will require a probate action in Texas before the Board can close with the landowner. On some matters, Ohnstad Twichell is still awaiting abstract updates before they can proceed with title review, including the Roller property. On Ingwaldson, Ohnstad Twichell recently obtained updated abstracts and they are currently conducting title review. On the Knutson property, Ohnstad Twichell is awaiting signed closing documents from the landowner. Chairman Siegert and Interim Secretary-Treasurer Spaeth can sign the closing documents for the Moss Living Trust acquisition. Eight of the right of way acquisitions have closed. Some of the outstanding matters will take some time to finally close.

### **Elm River & Goose River Snagging and Clearing Projects**

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

### **Thompson Drainage Improvement District No. 72 Project**

Brady Woodard reported that seeding and gravel up to the second set of box culverts will be completed this week.

Moore obtained quotes for pump and tile relocation and pump removal and salvage on Thompson and Bye properties. Manager Neset moved to accept Maple River Excavating's proposals for \$19,750 and for \$5,569 work on Thompson and Bye properties, respectively. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Hassell reported on an outstanding insurance issue with the contractor, Davidson Ready Mix. Davidson submitted a letter from ND Workforce Safety & Insurance to verify that Davidson does not need WSI coverage.

Trosen explained a situation with Polar Communications' fiber installation along County Road #25. Moore Engineering notified Polar of the project, along with copies of preliminary project plans in August of 2019 so Polar could install its line in a manner that would not require relocation once the Board commenced construction. Moore staked the box culvert location so Polar could avoid the culvert. However, Polar installed their line in the project footprint, despite the 2019 information from Moore Engineering. Davidson requested relocation on-site and Polar has commenced that relocation work and will likely request reimbursement from the Board. The Board was not inclined to reimburse in light of Polar's failure or refusal to install in 2019 in a manner that would not interfere with the project footprint. The Board will await communication from Polar.

Attorney Fredricks provided an update on right of way. On Heskin, the Board acquired the requisite right of way through court action, and obtained access. The next step in the eminent domain will be discovery and trial, likely in 2022. On the Kenneth Johnson and Rodney and Julianne Thompson acquisitions, Ohnstad Twichll is waiting on signed closing documents from the owners. On the Tangen, Bohlman, and Mark and Eileen Johnson acquisitions, Ohnstad Twichell is waiting on partial releases from lenders. The Axt and Tollefson closing documents were recently submitted for recording and will be final soon. Eight of the right of way acquisitions have closed. Similar to the Camrud project, some of the outstanding right of way matters will take some time to finally close.

### **Hong Drainage Improvement District No. 81 Project**

The Board is waiting on word from Chris Hong on whether or not he would agree to reimburse the Board for the Board's costs above the bond dollars Mr. Hong previously submitted.

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

An intercept culvert is being placed in Section 17 & 16 in Stavanger Township.

### **Elm River Watershed Study**

The Elm River Watershed Study has been completed and was presented at the October 25 Elm River Joint WRD Board Meeting. Moore will complete an Engineering Proposal for final design and permitting which will be presented to the joint board for review.

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

The North Dakota State Water Commission approved the Blanchard-Norman Drain 23-40 cost-share application. The application was approved at 45% of eligible costs not to exceed \$85,545. Manager Neset moved to approve the cost-share agreement with the State Water Commission as presented. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

### **Trail County Bridges**

Cory Martin reported that there is sediment in the ditch along County Road 8 and needs to be cleaned out. There was discussion on the ability to enforce ditch cleaning by adjacent farmers/landowners. Culverts for Bridges 69, 87, 328, and 332 will be ordered this winter. Hydraulic Evaluation reports for Bridges 59, 290, and 292 were previously completed. Trosen provided a Hydraulic Evaluation report for Bridge 69 – Leirness Drain No. 34, Section 14 and 23 of Herberg Township. Moore is wrapping up a final report on Bridge 328. Moore will obtain quotes for material costs of Bridges 69 and 328 replacements and update previous quotes obtained for Bridges 87 and 332. Moore will meet with Martin next week to determine the length of each Bridge replacement. Moore to survey the outlet of Leirness Drain No. 34, if necessary, and develop preliminary options to repair erosion occurring downstream of Bridge 69.

### **Greenfield-Bohnsack Drain No. 57A – Repair Project**

The Greenfield-Bohnsack Drain No. 57A repair project should be completed this week. Chairman Siegert noted a potential additional cost of \$8-10K for dewatering and spoil leveling. Hassell reported the original quote from TrueNorth Steel went up substantially from the quote provided approximately 10 days earlier. After discussion, TrueNorth honored the original quote of \$15,566.82.

### **Miller Drain 29, Sect 29 Bohnsack Township – Culvert Status**

Woodard reported the downstream pipe is not in good condition, headwalls appear to be salvageable, and sediment in the river. Moore is working on a plan and will provide an update at the next meeting. The cost estimate will include Bridge 290.

### **Grand Forks 59 Progress**

The pipes are in place. There was an elevation change of six inches.

### **Complaints**

Reimer vs. Koenig – No updates.

Elkhorn Farms vs. Stormoe: The Board ordered Elkhorn Farms to remedy the obstruction by 5:00 p.m. on November 1. The Board noted they still appear to be harvesting. Manager Thompson will contact them to find out when they plan to complete the work. Attorney Fredricks noted Elkhorn did not timely appeal the Board's decision so the Board's order is final. If Elkhorn does not complete the remedial work, the Board has legal authority to complete the work and to assess Elkhorn's property. The Board will discuss next meeting.

### **Secretary-Treasurer/Office Manager**

Spaeth reported five resumes have been received for the Secretary-Treasurer/Office Manager position. The Board will discuss next meeting. Copies of the approved 2022 budget and 2020 audit were given to each of the managers.

### **Beaver Creek Dam**

Manager Thompson reported Steele County WRD is requesting a reimbursement of \$17,635.28 for operations and maintenance costs incurred from February 2012 to September 2021 on Beaver Creek Dam, under a 1986 agreement in which several parties agreed to certain cost obligations related to the dam. Attorney Fredricks recommended that the boards meet during the state water convention to discuss operations and maintenance of the dam and to develop a decision-making format going forward.

There being no further business, the meeting adjourned at 10:15 a.m.

APPROVE:

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Jason Siegert, Chair

ATTEST:

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Jessica Spaeth, Interim Secretary-Treasurer