

**TRAILL COUNTY WATER RESOURCE DISTRICT
RECURRENT MEETING
APRIL 3, 2018 ~ HILLSBORO, ND**

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

AGENDA

Manager Lovas moved to accept the agenda. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

MINUTES

Manager Halvorson moved to approve the March 20, 2018 meeting minutes as presented. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

FINANCIAL

It was moved by Manager Neset and seconded by Manager Lovas to approve payment of the March 21 – April 3, 2018 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

DRAIN BUSINESS

Chris Gross gave **updates** on the Goose and Elm River **snagging & clearing projects**. He indicated that the Goose River has been completed and that Mike Staber of American Enterprises said he would like to start on the Elm River later this spring when the water is at a lower level.

Updates on future projected projects for the Paulson Drain # 7, Carson Drain # 10, Murray Drain #17, Hillsboro Drain #26, Blanchard-Norman Drains 23-40, Morgan Drain #36 & Stavanger-Belmont Drain #52 were talked about.

Discussion was held on the recent State Water Commission approved cost-share for the **Norway Drain No. 38 Improvement Project**. Right-of-way issues were discussed. After further discussion Manager Lovas moved to approve the following documents:

- Resolution of Necessity
- SWC Cost-share Agreement
- Notice of Award to Comstock Construction
- Change Order #1 to Comstock Construction

Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

The Board discussed future **work** that needs to be done on the **Blanchard-Norman Drain 23-40**. Chris Gross will be verifying a previous survey that was completed and bring it back to the Board for further discussion. Manager Lovas moved to direct Chris Gross to provide preliminary engineering up to and not to exceed \$30,000.00 for repairs to the Blanchard-Norman Drain 23-40. Said plans will be for the entire drain. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Corey Martin, Traill County Highway Superintendent, went over county road and bridge issues with the Board. Mr. Martin gave updates on the status of culvert work that is anticipated to be done on the Hillsboro Drain No. 26. Traill County Highway Department's engineer and our engineer will be working together on this project and will keep the Board updated.

Mr. Martin informed the Board that **American Crystal** will be putting in an **approach** in a county ditch west of **Highway 81**. This work is out of the Water Board's jurisdiction and is for our information only.

PERMITS AND COMPLAINTS

Application to Install a Subsurface Water Management System No. 2018-03 for Shawn Knudson and Dan Knudsvig in the East Half and the Northwest Quarter of Section 22 in Norman Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-03* dated April 3, 2018, for Shawn Knudson and Dan Knudsvig; Applicants were present to discuss the project with the Board. Under the application, Applicants seek to install a drain tile system in the East Half and the Northwest Quarter of Section 22 in Norman Township, Traill County, North Dakota. The project will include a pump outlet that will discharge directly into a natural watercourse that flows south through Section 22. Applicants intend to install an 8-inch discharge pipe through County Highway 9 along the south boundary of Section 22 to accommodate the natural and the tile discharge.

Because the project will discharge directly into a natural watercourse, no THIRTY-DAY NOTICE was necessary to downstream landowners under N.D. Cent. Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative session, the Board cannot attach any conditions to require downstream approval of the project, but can require Applicants to turn off their pump during flooding conditions downstream, to protect downstream landowners. The Applicants supplied permit and consent forms from Traill County regarding their plan to install a pipe through Traill County's highway right of way.

According to records provided by Applicants, Daniel and Karla Knudsvig own the Northwest Quarter of Section 22 of Norman Township; and Shawn and Kathy Knudson own the East Half of Section 22 where Applicants intend to install tile.

Manager Neset moved, and Manager Lovas seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-03* dated April 3, 2018, for Shawn Knudson and Daniel Knudsvig in the East Half and the Northwest Quarter of Section 22 in Norman Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-03, 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 must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the District.

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 consider complying with the following:

- 1) That Applicants obtain written permission from Traill County to discharge into, or otherwise utilize, any of its County highway ditches; to install, operate, and maintain buried pipe in any of its County highway ditches; or to bore through its County highway ditches;
- 2) 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; 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. 2018-01 for Paul and David Mueller in the Northeast Quarter of Section 25 in Wold Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-01* dated February 22, 2018, for Paul Mueller and David Mueller. Under the application, Applicants seek to install a drain tile system in the Northeast Quarter of Section 25 in Wold Township, Traill County, North Dakota. The project will include a pump outlet located in the southeast corner of the Southeast Quarter of Section 24 of Wold Township. The pump outlet will discharge into the south road ditch along the southeast corner of Section 24; the tile discharge will flow east a short distance through an existing culvert under the north-south township road along the east boundary of Section 24; the tile discharge will outlet into the west road ditch along Interstate 29 and will flow south.

The District provided a THIRTY-DAY NOTICE to Wold Township and to the North Dakota Department of Transportation, as required under N.D. Cent. Code § 61-32-03.1. Applicants approached Mr. Troy Gilbertson from NDDOT, and he indicated he had no problem with the project. Neither the township nor NDDOT submitted any "technical evidence," or any other written objection regarding the project. Under the tile law passed during the 2017 legislative session, the Board cannot require Applicants to obtain written permission from Wold Township or NDDOT, but can require Applicants to install and maintain erosion protection in the township and I-29 ditches. The Board concluded erosion protection would be necessary in this instance to protect both ditches from erosion. Further, the Board will require Applicants to turn off the project pump when flooding is occurring downstream.

According to records supplied by Applicants, David and Patricia Mueller and Paul and Debra Mueller jointly own the Southeast Quarter of Section 24. Further, David Mueller and Paul Mueller jointly own the Northeast Quarter of Section 25 of Wold Township.

Manager Lovas moved, and Manager Halvorson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-01* dated February 22, 2018, for Paul Mueller and David Mueller regarding the Northeast Quarter of Section 25 in Wold Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-01, subject to the following conditions:

- 1) That Applicants provide, install, and maintain adequate erosion protection at any and all outlets into Wold Township's right of way;
- 2) That Applicants provide, install, and maintain adequate erosion protection in the Interstate 29 road ditch;
- 3) That Applicants notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicants provide, install, and maintain adequate erosion protection and ditch stabilization materials satisfactory to the Wold Township Board of Township Supervisors at any and all outlets into Wold Township's highway right of way;
- 5) That Applicants provide, install, and maintain adequate erosion protection and ditch stabilization materials satisfactory to the North Dakota Department of Transportation at any and all outlets into the Interstate 29 highway right of way; and
- 6) That Applicants must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the District.

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 consider complying with the following:

- 1) That Applicants obtain written permission from the Wold Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches;
- 2) That Applicants obtain written permission from the North Dakota Department of Transportation to discharge into, or otherwise utilize, any NDDOT right of way;
- 3) 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; and

- 4) 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.

The Board reviewed a ND Department of Transportation **Request for Drainage** on Highway Right of Way submitted by Paul Haugen of Portland, ND. After further discussion, Jason Lovas moved to hold no objection to the application and have it submitted to Troy Gilbertson at the ND DOT for his approval and signature. Andy Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

OTHER BUSINESS

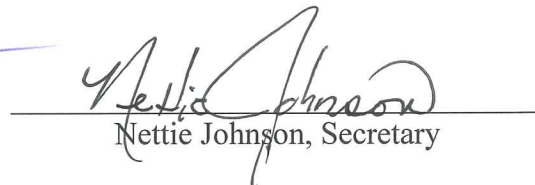
Don Dufner stopped in this morning to revisit a discussion held with the Board last month regarding **equipment** that he has built to **clean snow out of drains** and ditches. Mr. Dufner had asked if the Board would be interested in hiring him to do any snow removal in any of our legal drains. Attorney Fredricks described the legal implications and liability issues with Mr. Dufner and the procedures for becoming bonded and insured to allow him to work in our legal drains. Mr. Dufner will decide if he will pursue this option.

Jason Lovas asked Sean Fredricks about the possibility of creating a **form for landowners** who may be interested **in becoming bonded and insured** to enable them to do maintenance work in our legal drains. Mr. Fredricks replied that he will look into it and prepare something that the Board can have on hand for anyone inquiring about this.

Having no further topics to discuss, the meeting adjourned at 10:50am without objection.



Jason Siegert, Chairman



Nettie Johnson, Secretary