

**TRAILL COUNTY WATER RESOURCE DISTRICT  
RECURRENT MEETING  
SEPTEMBER 4, 2018 ~ HILLSBORO, ND**

The District Board convened on this date and came to order at 7:00am 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 Chairman Jason Siegert presiding. Also present were: Sean Fredricks, Attorney for the Board and Chris Gross, Engineer for the Board.

**AGENDA**

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

**MINUTES**

Manager Thompson moved to approve the August 21st, 2018 meeting minutes as presented. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

**FINANCIAL**

It was moved by Manager Neset and seconded by Manager Halvorson to approve payment of the August 22 – September 4, 2018 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

**DRAIN BUSINESS**

Updates were given on the following drains:

**Stavanger-Belmont Drain No. 52:**

Contractor Jim Viele of JAV Construction has requested that the installation date of the concrete headwall be extended. After consideration, the Board will allow the install date to be extended to November 15, 2018.

**Murray Drain No. 17:**

The Board spoke to contractor Chad Hanson via speakerphone who indicated that he has contacted Pro Landscaping to commence with the seeding and mulching of the Murray Drain this week.

**Paulson Drain No. 7**

Jason Siegert reiterated that he is waiting for contractor Jim Viele of JAV Construction to provide the Board with an estimate for the cleanout of the drain.

**Hillsboro Drain No. 26:**

Chris Gross informed the Board that he has been communicating with Sandy Johnson and the Paul Fossum family who have stated that they are acceptable to our fee title offer and are prepared to sign the official documents once received. They have opted to choose the 4:1 slopes on both sides. Chris asked for direction from the Board on how to proceed with the two crossings. After further discussion, Manager Lovas moved to direct Moore Engineering, Inc. to prepare and provide the Board with a cost estimate and a bid package for JAV Construction, Inc.

Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously. Manager Neset moved to have Moore Engineering, Inc. also prepare the land purchase agreements for the remaining landowners. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

**Blanchard-Norman Drain 23-40:**

Chris Gross and the Board revisited the preliminary plans for the Blanchard-Norman Drains 23-40 reconstruction project. After further discussion, Manager Neset moved to have Moore Engineering, Inc. prepare the surveys for the BN 23-40, BN 23-40 Lateral, Mayville-Blanchard Drain No. 39, and Section 12 of Blanchard Township. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously. Talk was held the assessment hearing, voting process, etc.

**Kelso Floodway:**

At 9:00am, Marlin Stokke and Don McGinnis met with the Board to find out the status of what can be done about the Kelso Floodway and the problem with the water not getting through due to a cattail problem. Chris Gross said that he has been communicating with BNSF Railroad who has specified that they don't foresee a problem with the hydraulic plans Chris provided them. Chris suggests lowering the culvert on Highway 81 and cleaning the ditch to the east approximately 1,000 feet or to the section line in the NE ¼ of Section 21 of Kelso Township. Manager Neset moved to direct Chris Gross to contact contractor Adam Grothman to do the cleaning sometime in October when the crops are off. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

**Brokke Drain No. 30**

At 9:30am, Brandon Hamre met with the Board to request having an intercept culvert lowered approximately 4 feet in Section 11 of Ervin Township, west of County Road 4. After further discussion, Manager Neset moved allow for the lowering the culvert and also to install a 24" x 30' culvert with a flap gate and a flared end in the same section and quarter. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

**Holmen Drain No. 43:**

Gary Thompson told the Board that he has provided the plans for the repair of the two drop structures in the SE ¼ of Section 27 to the contractor Flaten Construction. Thompson asked the contractor to provide the Board with an estimate prior to performing the work. Mr. Flaten will forward the estimate to our office as soon as he is able.

**Greenfield-Bohnsack Drain 57A Extension (Halvorson Drain):**

Joel Halvorson gave Attorney Fredricks signed and notarized documents for the donation of his land in the Greenfield-Bohnsack Drain No. 57A to the TCWRD. As a condition, the District will require Joel and Bonnie Halvorson to donate to the District the right of way necessary to operate and maintain said drain as a legal extension. The Resolution and Landowner Agreement were approved by the District on August 7, 2018. Manager Thompson moved to have Chris Gross prepare and submit the surface permit application to the State Engineer's Office for their review and approval. Manager Lovas seconded the motion. Roll call taken: Thompson-yea, Neset-yea,

Lovas-yea, Siegert-yea, Halvorson-abstained. Motion carried. The publication of the Order will be placed in the near future.

#### **Miller Drain No. 29**

Andy Neset told the Board that there are landowners who have planted trees close to the Miller Drain No. 29 in the SE ¼ of Section 21, Mayville Township and is questioning if they are obtrusive to the drain's right of way. After review of the land in question, the Board determined that the trees are outside of the drain's right of way, but that the fence that they built for their horses may have to be moved in the future if there will be any cleaning performed. Neset told the Board that he will contact them with our decision.

#### **PERMITS AND COMPLAINTS**

Jason Siegert presented an application for a *Request for Maintenance in Highway Right of Way*, submitted by Leslie Anderson, for the Board to review. The work would be performed in Section 35 of Eldorado Township. After discussion, the Board holds no objection to the application as it is outside of its jurisdiction.

#### **Application to Install a Subsurface Water Management System No. 2018-06 for Delbert J. Hlavinka and Marlys Hlavinka Revocable Living Trust in the East Half of Section 18 in Norman Township**

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2018-06* filed August 21, 2018, for Delbert J. Hlavinka and Marlys Hlavinka Revocable Living Trust. Under the application, Applicant seeks to install a drain tile system in the East Half of Section 18 in Norman Township, Traill County, North Dakota. The project will include a pump outlet located in the northeast corner of Section 18; the tile discharge will outlet into the south township road ditch along Second Street SE and will flow east through an existing culvert through 145<sup>th</sup> Avenue SE; the tile discharge will continue to flow east in the south township road ditch along the north boundary of the Northwest Quarter of Section 17 until ultimately discharging into a natural watercourse.

With regard to the owners of the North Half of the Northwest Quarter of Section 17, the owner, Dan Thompson, executed and submitted a NOTARIZED LETTER OF PERMISSION. As a result, neither Applicant nor the Board had to provide any THIRTY-DAY NOTICES to the owners of the North Half of the Northwest Quarter of Section 17. Further, once the project discharged into a natural watercourse, no additional THIRTY-DAY NOTICES were necessary to any downstream landowners under N.D. Cent. Code § 61-32-03.1. Under the tile law passed during the 2017 Legislative session, the Board can require Applicant to install erosion protection at any and all outlets into Norman Township's road right of way, but cannot require downstream landowners to execute any additional easements or consent documents. The Board will require Applicant to install erosion protection to protect the township's road right of way.

According to records provided by Applicant, the Delbert J. Hlavinka and Marlys Hlavinka Revocable Living Trust owns the East Half of Section 18, and Daniel and Cynthia Thompson own the North Half of the Northwest Quarter of Section 17 of Norman Township.

Manager Lovas moved, and Manager Thompson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2018-06* filed August 21, 2018, for

Delbert J. Hlavinka and Marlys Hlavinka Revocable Living Trust in the East Half of Section 18 in Norman Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2018-06, 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;
- 2) That Applicant provide, install, and maintain riprap or other ditch stabilization materials satisfactory to Norman Township at any and all outlets into Norman Township's road right of way; and
- 3) That Applicant 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 Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District will recommend that Applicant consider complying with the following:

- 1) That Applicant obtain written permission from the Norman Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches;
- 2) 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
- 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**

**Corey Martin, Traill County Highway Superintendent**, met with the Board to go over county road and bridge issues with the Board.

#### **Drain Spraying:**

Chris Gross informed the Board that the spraying of the drains chosen earlier by the Board will commence today or tomorrow. This includes adding another 200 feet to the Kelso Floodway.

Having no further topics to discuss, the meeting adjourned at 10:30am without objection.



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Jason Siegert, Chairman



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Nettie Johnson, Secretary