

**TRAILL COUNTY WATER RESOURCE DISTRICT
RECURRENT MEETING
AUGUST 6, 2019 ~ 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: Joel Halvorson, Gary Thompson, Jason Lovas and Andy Neset with Jason Siegert presiding as Chairman. Also present were: Sean Fredricks, Attorney for the Board, and Chris Gross, Moore Engineering, Inc.

AGENDA

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

MINUTES

Manager Halvorson moved to approve the July 16, 2019 recurrent 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 July 17 ~ August 6, 2019 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

DRAIN BUSINESS

Proposed Grand Forks WRD/Traill County Line Project

(No new updates) Discussion was revisited on the status of the JPA (Joint Powers Agreement) between Grand Forks and Traill County. Sean Fredricks told the Board that he has been in contact with Grand Forks WRD attorney Dan Gaustad regarding this and will keep us informed of the status.

Proposed Thompson Drain No. 72

(No new updates) Discussion was revisited on the JAP (Joint Powers Agreement) between the Traill and Grand Forks WRDs. Sean Fredricks, Traill County Attorney, asked Grand Forks Attorney Dan Gaustad to take a look at the draft JPA several weeks ago and let him know if he had any thoughts or concerns. At this time, Mr. Gaustad has not replied due to a federal case he is involved with. Chris Gross suggested that Gary Thompson speak with Rich Axvig, Grand Forks WRD and inform him of the importance of having the JPA in place so that a cost-share request can be submitted to the State Water Commission before their December 2019 meeting. Chris said he will speak to Sean Fredricks about working with Dan Gaustad to get this done in a timely manner.

Proposed Camrud Drain No. 79

Chris Gross said that his office continues to be in contact with drain petitioner Chris Hong on preliminary engineering issues. Stream crossing standard issues were discussed. A few changes to the original plans are being made. The Resolution Setting the Public Hearing is on hold at this time.

Snagging & Clearing

Public hearings for the Goose and Elm Rivers and the Buffalo Coulee will be held in early 2020 to stress the importance of snagging and clearing projects to the Commissioners and the land patrons. The ND State Water Commission is allowing for cost-sharing these projects again.

Joel Halvorson told the Board that Joel Brandstadt (renter of Pete Satrom's land) has contacted him about spraying weeds in the SW ¼ of Section 5 of Galesburg Township (Elm River). After further discussion, Manager Lovas moved to approve spending up to \$500.00 for the spraying of approximately 6 acres with the landowner being responsible for any costs exceeding that amount. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

Stavanger-Belmont Drain No. 52

Chris Gross stated that he would like to see a culvert crossing in place for this drain before harvest. Jim Viele, JAV Construction, told the Board that he anticipates the work on the headwall to be started after the work on the Hillsboro Drain is complete sometime this month.

Jason Siegert told the Board that he has looked at the washouts on Rick Camrud's land in the SE ¼ of Section 17 of Stavanger Township with the largest washout being approximately 8 feet deep. After further discussion, Manager Lovas moved to hire Chad's Excavating to repair the problems there for costs not to exceed \$7,500.00. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Mayville Airport (S. Mayville Drain No. 9)

Sean Fredrick's office has recently concluded all of the South Mayville Drain No. 9 right of way east of the drain and airport property. With that in mind, the Board would like to pick up negotiations with the Airport Authority.

In 2016, the Airport was planning to construct an access road immediately west of Drain 9 on the Board's right of way. The Board had previously piled spoil on property owned by the Airport, under a Temporary Easement that expired long ago. Sean previously drafted an Exchange Agreement under which the Airport would convey ownership of a parcel to the Board for the Drain; the Airport would retain an easement over a portion of the property to operate its Access Road; and the Board would remove the spoil on the Airport's property (from the previous Temporary Easement property).

Questions were asked if the Airport has since constructed its Access Road or not. It will have to be determined if circumstances have changed; if so, the Board will have to consider its approach with the Airport. Andy Neset will contact Airport Authority and ask them to come in and meet with the Board to discuss the options.

Hillsboro Drain No. 26

Chris Gross told the Board that the contractor has plans to start on the work this week. Chris will have a final cost summary prepared for the Board by the next meeting for the Board to review so that the bond process can begin. Intercept culvert issues involving Roger Anderson were talked about. It was determined that the land he is concerned about does not belong to him. Chris will determine the depth of the culvert in question and report his findings back to the Board.

Murray Drain No. 17

Corey Martin, Traill County Highway Department, said that they will be installing the culvert in Section 32 of Mayville Township in the near future.

Blanchard-Norman Drain No. 23-40

(No new updates) Discussion continued on what options are viable for this drain to function properly. Chris Gross said he will be preparing a cost estimate for 2.5 miles of channel improvements to include one road crossing and one drop structure.

Paulson Drain No. 7

(No new updates) The Board was informed that the Surface Drainage Permit Application was submitted to the ND SWC for their review on May 10, 2019. Upon a recent request made to the OSE for the status of this permit, they replied that they have not yet processed the application due to their current backlog of reviews. Matt Lindsay said that it was brought to Kelsey's attention, and she will do what she can to work it into her current workload.

McCradie Drain 4

Chris Gross presented two Engineer's Statements of Cost for the Board to review for the outlet repair. Alternate #1 includes costs to install a 48" CSP (Helical Lock-Seam Gasket) in the amount of \$99,000.00. Alternate #2 includes costs to install a 48" CSP (Close Riveted Caulk Seam) in the amount of \$108,000.00. Manager Lovas moved to select Alternate #2 and present the Notice of Award to Comstock Construction along with their bid of \$81,887.00 to do the work. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Norway Drain No. 38

The Board reviewed the Engineer's Statement of Cost for the repair of the washouts in this drain. It was determined that due to lack of funds to repair the washouts, the work will be postponed until next year. Comstock submitted the lowest bid of \$26,400.00 to do the work and will be awarded the contract upon the commencement of the work.

Buxton Drain No. 68

(No new updates) Jason Siegert told the Board that there are washout issues next to the railroad in Section 23 of Buxton Township. He asked Chris Gross to have Brady Woodard of Moore Engineering work with the complainant Dave Knudsvig on this issue.

Steenerson Drain No. 20

Jason Siegert told the Board that the outlet is in need of dirt work and rock needs to be placed at the outlet in Sections 2 into 11 of Herberg Township. Manager Lovas moved to hire Chad's Excavating to do the work for costs not to exceed \$10,000.00. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Kelso Floodway

Don McGinnis contacted Jason Siegert about a problem with a blockage in the Kelso Floodway near the drop structure in the NE corner of Section 23 into 24. Jason said that he will be looking at this problem in the near future and report back to the Board with his findings.

Mowing and Spraying of Drains

Dakota Helicopters continues the spraying of the legal drains.

PERMITS

Application to Install a Subsurface Water Management System No. 2019-03 for Chris Hong in the Southeast Quarter of Section 12 in Eldorado Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2019-03* dated July 25, 2019, for Chris Hong. Under the application, Applicant seeks to install a 158-acre drain tile system in the Southeast Quarter of Section 12 in Eldorado Township, Traill County, North Dakota. The project will include a single gravity outlet located along the east boundary of the Southeast Quarter of Section 12, at approximately the quarter-quarter line; the outlet will discharge directly into Kaufmann Drain No. 22. The Traill County Water Resource District owns and operates Drain 22.

Because the project will discharge directly into a legal assessment drain, 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 require Applicant to obtain any consent or easements from downstream landowners. However, the Board can require Applicant to install erosion protection and attach other conditions to protect its legal assessment drain.

According to records supplied by Applicant, Chris Hong owns the Southeast Quarter of Section 12 of Eldorado Township.

Manager Lovas moved, and Manager Neset seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-03* dated July 25, 2019, for Chris Hong in the Southeast Quarter of Section 12 in Eldorado Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-03, subject to the following conditions:

- 1) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Kaufmann Drain No. 22;
- 2) That any and all outlets into Kaufmann Drain No. 22 must be located at least one foot from the bottom of the Drain 22 channel;
- 3) That Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 4) That Applicant must reseed any of the District's right of way disturbed by Applicant's activities, and must maintain any reseeded areas for a period of one year from the date of completion to ensure the seeding adequately repairs any disturbed areas.

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 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. 2019-04 for Fred John Williams III in the Northwest Quarter of Section 7 in Blanchard Township

The Board reviewed an *Application to Install a Subsurface Water Management System No. 2019-04* dated July 29, 2019, for Fred John Williams III. Under the application, Applicant seeks to install a 140-acre drain tile system in the Northwest Quarter of Section 7 in Blanchard Township, Traill County, North Dakota. The project will include a single gravity outlet. The tile main will run along the eastern boundary of the Northwest Quarter of Section 7 to the north and will run under First Street SE; the main will discharge into Blanchard-Norman Drain No. 23-40. The Traill County Water Resource District owns and operates Blanchard-Norman Drain No. 23-40.

Because the project will discharge directly into a legal assessment drain, 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, because the project will discharge into a legal assessment drain, the Board cannot require Applicant to obtain any easements or consent from downstream landowners. However, the Board can include conditions to protect its legal assessment drain, including erosion protection.

According to records supplied by Applicant, Fred John Williams III owns Government Lots 1 and 2 and the East Half of the Northwest Quarter of Section 7 where Applicant will install the tile system.

Manager Lovas moved, and Manager Neset seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-04* dated July 29, 2019, for Fred John Williams III in the Northwest Quarter of Section 7 in Blanchard Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-04, subject to the following conditions:

- 1) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Blanchard-Norman Drain No. 23-40;
- 2) That any and all outlets into Blanchard-Norman Drain No. 23-40 must be located at least one foot above the drain channel bottom;
- 3) That Applicant notify the Traill County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets; and
- 4) That Applicant must reseed any of the District's right of way disturbed by Applicant's activities, and must maintain any reseeded areas for a period of

one year from the date of completion to ensure the seeding adequately repairs any disturbed areas.

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 Blanchard Township Board of Township Supervisors to install, operate, and maintain buried pipe in any of its township road right of way, or to bore through its township road;
- 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.

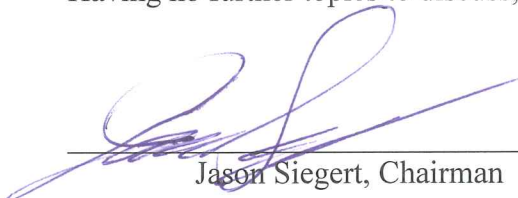
COMPLAINTS

Discussion continued on a situation regarding a culvert that Dalrymple Farms installed that is too small and is causing water to go over a township road in Section 36 of Hillsboro Township (Nelson Drain No. 28). Jason Lovas brought in a formal Complaint for Water-Related Issues by Tom McNamee against Dalrymple Farms. Jason provided drone imaging of the area on Dalrymple's land that is causing the water to go over the road. Mr. McNamee would like to see a bigger culvert installed under the field approach to help alleviate the problems there. After further discussion, Manager Lovas moved to direct Chris Gross to investigate the complaint and draft a "findings" letter for the Board to review and act on. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously. Copies of the complaint forms will be mailed to Dalrymple Farms and Wayne Koering today.

OTHER BUSINESS:

Bruce Christianson met with the Board this morning with concerns about washouts in County Road 16 in the SE ¼ of Section 34 of Viking Township. The Board determined that this is not in the water board's jurisdiction and recommended that he work with the ND DOT on resolving this matter. Jason Siegert suggested he works with his neighbors as well and consider placing rock check to prevent further washouts. The possibility of creating a legal drain was talked about.

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



Jason Siegert, Chairman



Nettie Johnson, Secretary