

**TRAILL COUNTY WATER RESOURCE DISTRICT  
SPECIAL MEETING  
NOVEMBER 5, 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, Jason Lovas, and Andy Neset with Jason Siegert presiding as Chairman. Those absent were; Gary Thompson. Also present were: Attorney Sean Fredricks (by phone) and Chris Gross, Moore Engineering, Inc.

**AGENDA**

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

**MINUTES**

Manager Halvorson moved to approve the October 15, 2019 recurrent 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 October 16 ~ November 5, 2019 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

**GRAND FORKS-TRAILL JOINT WATER RESOURCE DISTRICT**

A Public Hearing of the proposed Thompson Drain No. 72 project is scheduled for November 26<sup>th</sup> at 9:00am at the TCWRD office in Hillsboro. Ballots were mailed out last week to all landowners involved in the proposed assessment district.

**SNAGGING AND CLEARING**

(No new updates) 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.

**DRAIN BUSINESS**

**Proposed Hong Drain No. 81**

(No new updates) Chris Gross said that he has been in contact with Chris Hong who is still in the process of trying to collect signatures for this project.

**Camrud Drain No. 79**

Chris Gross provided the results of the votes and a map that represents the vote distribution. The project vote passed 54.77% (for) to 45.23% (against).

Sean Fredricks described the next steps to be taken to proceed with the assessment district process. Manager Neset moved to approve the following Resolutions and documents for the creation of the Camrud Drain No. 79.

1. Certificate of Secretary (for Secretary-Treasurer to certify the vote outcome)
2. Resolution regarding the vote outcome
3. Resolution Authorizing Entry of Order
4. Order establishing the project/assessment district
5. Notice of Entry of Order (for publication in the *Tribune*)
6. Notice of Assessment Hearing

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

The Assessment Hearing will be held at our recurrent meeting on January 7, 2020.

**McCoy McCradie 4-14**

Chris told the Board that Comstock Construction has requested an extension for the project due to inclement weather. Manager Halvorson moved to approve Change Order No. 1 for the request to extend the completion date of the contract. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

**Stavanger-Belmont Drain No. 52**

Chris Gross indicated that he is waiting for a pay application by contractor JAV Construction for the improvement project. Inclement weather has caused a delay in the completion of this project. Seeding is yet to be established.

**Mayville Airport (S. Mayville Drain No. 9)**

(No new updates) Manager Neset has brought the easement to the Airport Authority for their review and signatures. He indicated that they have not met on it at this time.

**Paulson Drain No. 7**

(No new updates) The Board discussed a set of culverts in the last mile of the drain that were set incorrectly. Manager Siegert stated that he would like to see them replaced.

(No new updates) Discussion was revisited on the possibility of putting in some approaches in Section 5. (This was a request made by Neil Pulkamp). Jason Siegert said he will provide an estimate to have the work done.

**Hillsboro Drain No. 26**

Discussion was held on the status of obtaining a bond to help with engineering costs and the improvement work that has been performed on this drain.

**Murray Drain No. 17**

Update: The Traill County Highway Department has completed the installation of the culvert in Section 32 of Mayville Township.

**Viking-Lindaas Drain No. 44**

(No new updates) Spencer Endrud has requested a culvert be installed in Section 30 of Lindaas Township. Chris Gross provided a map of contours for the Board to review.

**Nelson Drain No. 28**

Discussion was revisited on the status of the culvert install in the NE ¼ of Section 31 of Hillsboro Township. (See August 20<sup>th</sup> minutes). Contractor Chad Hanson will perform the work when weather allows. Jason Lovas told the Board that Wayne Koering has done the staking and the culvert has been ordered by the contractor.

**Red Owl Drain No. 55**

Chris Gross told the Board that the survey has been completed for the request to increase the size of the culvert at the outlet in Section 32 of Blanchard Township. More information will need to be obtained before making a decision on the culvert. Joel Halvorson said he will speak to Harlan Erickson and try to get more details.

**Carson Drain No. 10**

Jason Siegert told the Board that he performed a culvert inventory and survey of all the culverts in this drain. A culvert in an approach in the NW ¼ of Section 34 of Belmont Township is failing and causing flooding in a farmstead. Manager Lovas moved to direct Chris Gross to determine the culvert size(s) and report back to the Board with his findings. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

**Leirness Drain No. 34**

Jason Siegert told the Board that he has contacted Chad Hanson to repair a washout in the SW ¼ of Section 17 into Section 20 in Herberg Township.

**OTHER BUSINESS**

Pete Haugen met with the Board this morning to ask questions regarding subsurface drain tiling and how to go about installing a new system into an existing system. It was determined that he will need to obtain a utility permit along with a new subsurface water management system permit as well.

**PERMITS****Application to Install a Subsurface Water Management System No. 2019-10 for Michael Gasper in the Northwest Quarter of Section 28 in Belmont Township**

The District reviewed an *Application to Install a Subsurface Water Management System No. 2019-10* dated September 5, 2019, and filed October 22, 2019, for Michael Gasper. Under the application, Applicant seeks to install a 147-acre drain tile system in the Northwest Quarter of Section 28 in Belmont Township, Traill County, North Dakota. The project will include a pump outlet located along the north boundary of the Northeast Quarter of the Northwest Quarter of Section 28; the pump will discharge under 14<sup>th</sup> Street NE through an existing culvert; the tile discharge will outlet into a natural watercourse on the north side of 14<sup>th</sup> Street and will flow north through the natural watercourse.

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 District cannot require Applicant to obtain consent from downstream landowners since the project will discharge into a natural watercourse, nor can the District require Applicant to install erosion protection to protect the natural watercourse.

According to records submitted by Applicant, Connie and Michael Gasper own the Northwest Quarter of Section 28 of Belmont Township.

Manager Lovas moved, and Manager Halvorson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-10* dated September 5, 2019, and filed October 22, 2019, for Michael Gasper in the Northwest Quarter of Section 28 in Belmont Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-10, 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; and
- 2) 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 Belmont 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.

**Application to Install a Subsurface Water Management System No. 2019-11 for Michael Gasper in the East Half of Section 29 in Belmont Township**

The District reviewed an *Application to Install a Subsurface Water Management System No. 2019-11* dated October 5, 2019, and filed October 22, 2019, for Michael Gasper. Under the application, Applicant seeks to install a 314-acre drain tile system in the East Half of Section 29 in Belmont Township, Traill County, North Dakota. The project will include a single pump outlet located in the northeast corner of the Northeast Quarter of Section 29; the tile will

discharge to the east, through an existing culvert through 169<sup>th</sup> Avenue NE; the discharge will continue to flow east along the north boundary of the Northwest Quarter of Section 28; in the Northeast Quarter of the Northwest Quarter of Section 28, the discharge will flow north under 14<sup>th</sup> Street NE, through an existing culvert; the tile discharge will flow into a natural watercourse on the north side of 14<sup>th</sup> Street and will flow north through the natural watercourse.

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 District cannot require Applicant to obtain consent from downstream landowners since the project will discharge into a natural watercourse, nor can the District require Applicant to install erosion protection to protect the natural watercourse.

According to records submitted by Applicant, Michael Gasper owns the East Half of Section 29 where Applicant intends to install the tile system, and Michael and Connie Gasper own the Northwest Quarter of Section 28, downstream of the project.

Manager Lovas moved, and Manager Halvorson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-11* dated October 5, 2019, and filed October 22, 2019, for Michael Gasper in the East Half of Section 29 in Belmont Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT No. 2019-11, 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; and
- 2) 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 Belmont 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.

**Application to Install a Subsurface Water Management System No. 2019-12 for Ronald Gadberry in the Southeast Quarter of Section 25 in Mayville Township**

The District reviewed an *Application to Install a Subsurface Water Management System No. 2019-12* dated October 30, 2019, for Ronald Gadberry. Under the application, Applicant seeks to install a 153-acre drain tile system in the Southeast Quarter of Section 25 in Mayville Township, Traill County, North Dakota. The project will include a single gravity outlet that will discharge in the southwest corner of the Southeast Quarter of Section 25; the outlet will discharge directly into Murray Drain No. 17, a legal assessment drain owned and operated by the Traill County Water Resource District.

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 District can attach conditions to protect Murray Drain No. 17, including erosion protection. However, the District cannot require Applicant to obtain any consent from downstream landowners since the project will discharge directly into a legal assessment drain.

According to records submitted by Applicant, Ronald Gadberry owns the East Half of Section 25 of Mayville Township.

Manager Lovas moved, and Manager Halvorson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-12* dated October 30, 2019, for Ronald Gadberry in the Southeast Quarter of Section 25 in Mayville Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-12, subject to the following conditions:

- 1) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Murray Drain No. 17;
- 2) That any and all outlets into Murray Drain No. 17 must be located at least one foot above the bottom of the Drain 17 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. 2019-13 for Ronald Gadberry in the Northeast Quarter of Section 26 in Mayville Township**

The District reviewed an *Application to Install a Subsurface Water Management System No. 2019-13* dated October 30, 2019, for Ronald Gadberry. Under the application, Applicant seeks to install a 158-acre drain tile system in the Northeast Quarter of Section 26 in Mayville Township, Traill County, North Dakota. The project will include a single gravity outlet located in the northeast corner of the Northeast Quarter of Section 26; the discharge will flow through an existing culvert under Second Street NE and will discharge directly into Miller Drain No. 29, a legal assessment drain owned and operated by the Traill County Water Resource District.

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 District can attach conditions to protect Miller Drain No. 29, including erosion protection. However, the District cannot require Applicant to obtain any consent from downstream landowners since the project will discharge directly into a legal assessment drain.

According to records submitted by Applicant, Ronald and Carolyn Gadberry, and Jon M. Gadberry, as Trustee of the Helen A. Gadberry Trust, all own interests in the Northeast Quarter of Section 26.

Manager Lovas moved, and Manager Halvorson seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2019-13* dated October 30, 2019, for Ronald Gadberry in the Northeast Quarter of Section 26 in Mayville Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2019-13, subject to the following conditions:

- 1) That Applicant provide, install, and maintain adequate erosion protection at any and all outlets into Miller Drain No. 29;
- 2) That any and all outlets into Miller Drain No. 29 must be located at least one foot above the bottom of the Drain 29 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.

Having no further topics to discuss, the meeting adjourned at 9:00am without objection.

  
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Jason Siegert, Chairman  
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Nettie Johnson, Secretary