

**TRAILL COUNTY WATER RESOURCE DISTRICT  
RECURRENT MEETING  
JANUARY 21, 2020 ~ HILLSBORO, ND**

The District Board convened on this date and came to order at 8:00am at the office of the Traill County Water Resource District in Hillsboro, ND. Managers present were: Joel Halvorson, Jason Lovas, Gary Thompson and Andy Neset with Jason Siegert presiding as Chairman. Also present was Chris Gross, Moore Engineering, Inc.

**AGENDA**

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

**MINUTES**

Manager Halvorson moved to approve the January 7, 2020 recurrent meeting minutes as presented. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously.

**SECRETARY-TREASURER'S REPORT**

It was moved by Manager Neset and seconded by Manager Halvorson to approve payment of January 8 – January 21, 2020 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

Secretary-Treasurer Johnson presented the semi-annual reports for the Pledges of Assets and Journal Entries. Manager Lovas moved to approve the reports as displayed. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

Manager Lovas moved to select Lee Erickson of Viking Insurance to handle all TCWRD NDFT matters. Manager Thompson seconded the motion. Upon roll call vote, the motion carried unanimously. The Secretary will send NDIRF a letter stating our agent selection.

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

A special meeting of the Grand Forks-Traill JWRD will be held this Friday January 24<sup>th</sup> at the Grand Forks WRD for the purpose of discussing the Grand Forks Drain No. 59 proposed project assessment district. Traill County managers Siegert, Thompson, and Neset will be attending.

Also at this meeting, the Board will review and approve the Surface Drain Permit No. 5390 for the Thompson Drain No. 72 Improvement Project. The Office of the State Engineer has determined that the proposed drainage is not drainage of statewide or inter-district significance. (See Grand Forks-Traill Joint WRD file for minutes from the meeting).

## **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.

## **DRAIN BUSINESS**

### **Proposed Hong Drain No. 81**

Chris Hong was here this morning and said he is attempting to collect signatures for this project.

### **Camrud Drain No. 79**

Don Heppner was here this morning to discuss his assessments for this drain. He resides on and owns 17 acres in the SE corner of Section 21 of Stavanger Township and doesn't feel he should be assessed at 100%. He feels that 33% would be more reasonable. After further discussion, the Board determined that he would benefit from the project and kept his assessment at 100%.

Chris and Curtis Hong met with the Board to further discuss the detail design for this drain.

Chris Gross provided a copy of the drain's assessment hearing comments from January 7<sup>th</sup>. After further discussion, Manager Lovas moved to keep all parcels assessed at 100% with the exception of removing 25 acres from the NE ¼ of Section 19, Belmont Township. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously. Manager Lovas moved to approve the *Resolution Confirming the Assessment List*. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

The Board reviewed information from the State Engineer regarding APPLICATION FOR SURFACE DRAIN NO. 5392, previously submitted by the Traill County Water Resource District regarding the CAMRUD DRAINAGE IMPROVEMENT DISTRICT NO. 79 PROJECT. The District recently conducted a successful assessment district vote under North Dakota law to finance and fund the CAMRUD DRAINAGE IMPROVEMENT DISTRICT NO. 79 PROJECT. Prior to the assessment district vote, the District determined and declared the necessity to construct the CAMRUD DRAINAGE IMPROVEMENT DISTRICT NO. 79 PROJECT, and defined the project as follows:

The Project will commence in the Northeast Quarter of Section 20 of Belmont Township at the Buffalo Coulee, and will run west along 15th Street NE for approximately six miles. The Project will terminate in the Northwest Quarter of Section 21 of Stavanger Township. The Project will include a legal lateral located along the east boundary of Section 21 of Stavanger Township. The legal lateral will commence at the new main line drain in the northeast corner of Section 21 of Stavanger Township and will continue south on the west side of 165th Avenue NE for approximately three-quarters of a mile to an existing approach. The District will construct the Project to convey the 10-year design storm event in accordance with current engineering design methods. The Project will include surveys; hydrologic analysis; culvert, crossing, and channel analyses and design; installation of intercept drainage culverts with flap gates to accommodate adjacent field drainage; installation of riprap for erosion control; roadway crossing

improvements; the purchase of permanent and temporary right of way; relocation of utilities; and other items as necessary to accommodate the construction, operation, maintenance, and ownership of the Project. The Project will ultimately improve drainage for properties within the Project watershed.

The State Engineer concluded the project is not “of statewide or inter-district significance.” The Board adopted Moore Engineering’s proposed responses to the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under 89-02-01-09.1(2) of the North Dakota Administrative Code; the Board will obtain any right of way necessary to accommodate the project and the landowners in the area support the project. The Project will actually reduce damages to properties in the area.

Manager Thompson moved to approve APPLICATION FOR SURFACE DRAIN NO. 5392, and to authorize the Secretary-Treasurer to sign PERMIT FOR SURFACE DRAIN NO. 5392. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

The Board reviewed and discussed the appraisal report assembled by the Farmers National Company who set values at \$5,500/acre for channel/fee property; \$1,000/acre for berm easement acres; and \$200/acre for tillable temporary construction easement acres. Manager Lovas moved to approve values as just compensation for the right of way for the Project with the addition of a stipulation that the tillable temporary construction easement will be on a “per year” basis. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Chris Gross described the cost-share application that has been prepared for the Project. Manager Lovas moved to direct Chris to submit the prepared application to the State Water Commission on the Board’s behalf. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

#### **McCoy Drain No. 14**

(No new updates) 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 which will most likely transpire in 2020. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

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

(No new updates) Chris Gross indicated that he is waiting for a pay application by contractor JAV Construction for the improvement project. Seeding is yet to be established.

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

Manager Neset has brought the easement to the Airport Authority for their review and signatures. He indicated that they are seeing a problem within the agreement in having to give up land to the water board in order to maintain legal Drain No. 9 efficiently. They are concerned this may inhibit any plans they have to build hangars there in the future.

Andy Neset has contacted Lance Fugleberg, President of the Airport Authority, to come in to speak with the Board on February 4<sup>th</sup> so that both sides may hopefully find a solution to this matter.

**Paulson Drain No. 7**

(No new updates) Jason Siegert said that most of the berm-spoil has been levelled on this drain with only a mile and a half mile left to clean, spoil, and place a culvert.

Discussion was revisited on the possibility of putting in some approaches in Section 5. (This was a request made by Neil Pulskamp). Jason Siegert said he will provide an estimate to have the work done.

**Hillsboro Drain No. 26**

Discussion was revisited on the status of obtaining a bond to help with engineering costs and the improvement work that has been performed on this drain. Sean Fredricks stated that he will draft a Resolution to set the bond for this project. Dakota Heritage Bank will provide the bond for \$85,000.00 at 2.7% which will cover out-fill and the field approach culvert.

Chris Gross stated that the box culvert will not be covered in this bond but will be cost shared by the County. Discussion was held on the possibility of the SWC cost-sharing for this new box culvert and the channel work. Manager Neset moved to direct Chris to submit a cost-share application to the SWC on the Board's behalf. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

**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.

**Red Owl Drain No. 55**

Curt Elliott and Harlan Erickson met with the Board this morning to discuss the possible reconstruction of this drain. There has been quite a lot of concern from the landowners on the condition of this drain. Chris Gross stated that the drain has been surveyed and they have found several problem areas. Chris provided a 2-sided plan and profile for Sections 1 and 32 in Blanchard Township. After reviewing and discussing the plans, Chris described the process of developing an improvement project to include hearings, assessment votes, construction costs, cost-share, utility issues, culverts, and stream crossing standards. The question was raised on collecting a bond from the landowners to cover engineering costs, etc. Manager Lovas moved to use maintenance funds for the bond to cover these costs. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously. The Board suggested that Mr. Elliott and Mr. Erickson speak to the landowners to gage their interest in having this drain reconstructed.

**Carson Drain No. 10**

(No new updates) A culvert in an approach in the NW ¼ of Section 34 of Belmont Township is failing and causing flooding in a farmstead. The Board and Chris Gross will put a plan together to replace 2 culverts and clean the ditch from County Road 2 west and proceed one and a half miles through the farmstead.

**Roseville Drain No. 19**

(No new updates) Discussion was revisited on Pete Haugen's request to find a solution to drainage problems that are occurring on his land due to the condition of this drain. Chris Gross

provided a quad map of the area of the drain that was proposed to be reconstructed in 2007, but failed. The Board suggests having Mr. Haugen visit with landowners who are assessed into this drain and gauge the interest in reconstructing it. Chris will work with Pete Haugen on these issues and report back to the Board.

### **Norway Drain No. 38**

A letter submitted by Caldis, Tingum & Tingum, LTD. on behalf of Dan Overmoe was reviewed by the Board. Mr. Overmoe and his family are planning on selling land which will need a new approach built in order for the new owner to have legal access. The Board decided to table this matter until our attorney can be present to inform us of what our legal obligations are.

Chris Gross said that his office will investigate the existing right of way in preparation for our next meeting.

### **ELM RIVER DAMS**

Chris Gross, Engineer of the Elm River Joint WRD provided an update on the meeting that was held on January 8<sup>th</sup> in West Fargo. The Board asked Chris to provide studies for 3 options which will include:

- 1) A fish passage structure
- 2) Breach Options
- 3) An entire rehabilitation system

When the studies have been completed, another meeting will be held to determine which plan will work best for the stability of the dams.

### **TRAILL COUNTY HIGHWAY DEPARTMENT**

(No new updates) Corey Martin, Traill County Highway Superintendent met with the Board to go over county road and bridge issues with the Board.

### **COMPLAINTS**

Discussion was revisited on the Reimer vs. Koenig complaint and the status of recovering attorney fees and engineering costs incurred due to this complaint. The District is entitled to assess the Koenig property to recover its costs under Section 61-16.1-51. After further discussion, Manager Lovas moved to direct Attorney Fredricks to send notice to the County Auditor of the assessment of the Koenig property. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

UPDATE: At our last meeting on January 7th, The Board and attorney Fredricks discussed the Koenig-Reimer expenses. Mr. Fredricks was planning on directing Traill County to levy assessments against the Koenig property to collect the Board's costs. However, in the meantime, Dan Gaustad (appointed by NDIRF to defend the Board in Koenig's attempted appeal of the Board's cost decision) filed a Motion to Dismiss Koenig's attempted appeal for failure to properly and timely serve the Board.

This matter will be re-addressed when we know the Court's decision on the motion before directing the County to levy.

### **PERMITS**

#### **APPLICATION FOR SURFACE DRAIN NO. 5303 for Leon Sand in the South Half of Section 22 in Norman Township**

The Board reviewed information from the State Engineer regarding APPLICATION FOR SURFACE DRAIN No. 5303 for Applicant Leon Sand. Under the application, Applicant seeks to construct modifications to an existing surface drain in the South Half of Section 22, to re-route the drain. The modified portion of the drain will commence along the north boundary of the Northeast Quarter of the Southwest Quarter of Section 22; the drain will run east along the north boundary until curving to the south along the east boundary of the Southwest Quarter of Section 22; the ditch improvements will continue for the full length of the east boundary of the Southwest Quarter of Section 22 until reaching the southeast corner of the Southwest Quarter of Section 22; from there, the ditch improvements will turn to the east along the north road ditch of County Highway 9; the ditch improvements will continue to the east until ultimately discharging into the existing surface drain that runs under Highway 9 and across the Northeast Quarter of Section 27.

According to records on file with the Traill County Recorder's office, the Sand Family LLLP owns the Southwest Quarter of Section 22, and Shawn and Kathy Knudson own the Southeast Quarter of Section 22. Reuben and Jennifer Rud own the Northeast Quarter of Section 27.

The Board reviewed the responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code prepared by Chris Gross, and adopted those responses. The Board further determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board will require Applicant to obtain easements from the owners of the property where Applicant intends to construct the project. In addition, the Board will require Applicant to obtain permission from Traill County to construct, operate, and maintain an improved channel in the county's Highway 9 road ditch. The Board concluded that, in light of these measures, there will be no further adverse impacts.

Manager Lovas moved, and Manager Halvorson seconded the motion, to approve APPLICATION FOR SURFACE DRAIN No. 5303 for Leon Sand, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) That Applicant obtain and record (with the Traill County Recorder's office) easements (and not just written consents) from the owners of the Southeast Quarter of Section 22 of Norman Township, Traill County, North Dakota, for purposes of constructing, operating, and maintaining portions of the surface drain;
- 2) That Applicant will not construct or improve the drain in any manner that exceeds the dimensions reviewed by the State Engineer's office, including a drain

length of 4,340 feet; a 10-foot bottom width; 4:1 side slopes; and a maximum cut of 2.7 feet;

3) That Applicant obtain an easement from the owner of any land, besides land owned by Applicant, on which Applicant will construct the drain;

4) That Applicant obtain written permission from Traill County to construct, operate, and maintain a portion of the surface drain in Traill County's Highway 9 road ditch, or to otherwise utilize its highway right of way;

5) That Applicant notify the Traill County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application; and

6) 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.

Upon roll call vote, the motion carried unanimously.

With regard to Applicant's obligation to obtain an easement from the Knudsons, Applicant submitted a signed "DEED GRANTING EASEMENT" executed by Shawn and Kathy Knudson; however, that document is not a notarized or recordable easement. Applicant should obtain a recordable easement and should record the easement with the Traill County Recorder's office.

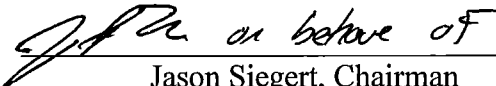
### **OTHER BUSINESS**

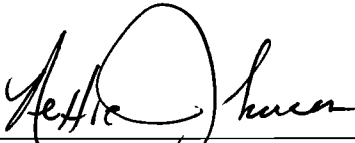
Mike Larson of Larson Helicopters met with the Board this morning to solicit his business for the spraying of legal drains. He provided service rates for 2020 and explained the chemicals he uses on broadleaf and cattails. The Board will keep his information on file.

Chris Gross provided his 2020 billing schedule the Board to review. Manager Thompson moved to accept his 2020 billing schedule and rates as presented. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

### **ADJOURNMENT**

Having no further topics to discuss, the meeting adjourned at 12:20pm without objection.

  
Jason Siegert, Chairman

  
Nettie Johnson, Secretary