

**TRAILL COUNTY WATER RESOURCE DISTRICT  
RECURRENT MEETING  
APRIL 7, 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 Gary Thompson, Joel Halvorson, Andy Neset, and Jason Lovas with Jason Siegert presiding as Chairman. Joel Halvorson was absent. Also present by phone were Sean Fredricks, Attorney and Chris Gross and Josh Hassell of 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 March 17, 2020 recurrent meeting minutes as presented. Manager Lovas 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 March 18 – April 7, 2020 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

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

(Update) At 9:00am, Chairman Siegert opened the special meeting of the Grand Forks-Traill Joint WRD meeting to approve the final assessment list for the Thompson Drain No. 72 project. Those present were: Rich Axvig, Tom Perdue, and Bob Dress of the Grand Forks WRD and Jason Siegert, Andy Neset, and Gary Thompson of the Traill County WRD and Sean Fredricks, Chris Gross and Josh Hassell of Moore Engineering, Inc.

Jason Siegert asked Josh Hassell to summarize the comments from the February 24<sup>th</sup> Assessment Hearing. Josh Hassell presented a preliminary assessment district map for the board to review as he described the comments. Below are the hearing comments and changes summary:

- 22-150-52     Comment: Majority of north ½ of the section flows east to the section line and north through the culverts. Ditch constructed adjacent to the township road.  
Notes/Changes: Discussion was held that a small portion of the NE corner flows away from the drain and should be removed. 20 acres removed from assessment district.
- 35-150-52     Comment: Carolyn Heskin called into the meeting to discuss the letter she submitted prior to the assessment hearing. Ms. Heskin contends her property will not benefit in any way from the project. After listening to her concerns and

comments, the Board provided background regarding the development of this project, and the process utilized by the Board in studying and ultimately determining the benefits of the project to properties in the project assessment district, including Ms. Heskin's property. The Board's engineers explained to Ms. Heskin that her property is within the watershed of the project, and her property will drain to the project. The Board's engineers further explained that publicly available aerial photos show that insufficient drainage on Ms. Heskin's property resulted in flooded crops several years. The Board explained to Ms. Heskin the assessment appeal options available, including her ability to appeal to District Court or to the State Engineer's Office. The Board directed its engineers to provide Ms. Heskins additional data regarding her property and the project, and to provide Ms. Heskins contact information for the State Engineer's Office.

Notes/Changes: The Board concluded the project will, in fact, benefit Ms. Heskin's property; the Board did not alter the benefit percentage for Ms. Heskin's property.

10-149-53      Comment: Tile system and constructed ditch take majority of water away from the proposed drain. East 80 acres of NE ¼ does not flow towards drain.

Notes/Changes: East 80 acres remain in assessment district. Remaining area was removed.

15-149-53      Comment: Culvert N/S through township road takes water shout into Section 22 away from the project.

Notes/Changes: Culvert confirmed. Area removed from the assessment district.

Manager Neset moved to approve the Resolution for the Final Assessment List. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Sean will have Resolutions for both WRDs for the Bond for the Thompson 72 project prepared and ready to review and approve on May 5<sup>th</sup>.

### **SNAGGING AND CLEARING**

(No new updates) On March 17<sup>th</sup>, Jason Siegert and Andy Neset along with several landowners met with the county commissioners today to express their concern and the importance of snagging and clearing projects for the purpose of protecting infrastructure and land. Jason stated that the commissioners appeared to be in favor of possibly resuming funding for these projects. Jason asked that Chris coordinate with Brady Woodard to have American Enterprises fly the rivers, take pictures and note the problem areas. Once this is done preliminary planning will take place as in scheduling public hearings, submitting cost-share applications to the SWC, etc.

### **DRAIN BUSINESS**

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

(Update) Chris Hong has submitted the petition and a \$20,000.00 bond to cover preliminary engineering and attorney costs. Chris Gross described the changes and revisions made for this proposed project. Chris Gross said that he is prepared to assemble the cost-share application forms. Manager Lovas moved to direct Chris to submit the cost-share application to the SWC on

behalf of our Board. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

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

(No new updates) Chris Gross reiterated that the cost-share application has been submitted to the State Water Commission (SWC) Regulatory Division and will be on their April 9<sup>th</sup> agenda to review/approve. Chris Gross told the Board that he has been dealing with the State Water Commission staff on economic analysis issues. He added that the survey crew has been on site.

(No new updates) Jason Siegert told the managers that the county commissioners were asking questions this morning about the Joint Powers Agreement between the WRD and the County for the Camrud No. 79 and Thompson Drain No. 72 projects and their obligation to provide legal drain crossing cost-share on township road/drain crossings as well as county roads. The WRD attorney and the County attorney will be working together on legality issues.

(Update) Sean will have Resolutions for both WRDs regarding bond issues for this project prepared and ready to review and approve on May 5<sup>th</sup>.

#### **Murray Drain No. 17**

(No new updates) A request for reimbursement for overrun project costs was submitted to the SWC in September of 2019 to cover construction costs not included in original project itinerary. Our office received a letter from the SWC recently which indicated that they will not be providing funding assistance for these overrun costs due to them not having prior approval. Today Chairman Siegert asked Chris Gross to work with SWC staff and to also draft a letter to the SWC to ask for an appeal to their decision.

#### **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) \$5,000.00 is being retained until the seeding can be established this year.

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

(No new updates) Lance Fugleberg, President of the Airport Authority, was here this morning to speak with the Board about the difficulty they are having with signing the easement agreement. The WRD is proposing to acquire a 25' easement. The Airport Authority feels that the agreement benefits the water board and excludes any for the Airport Authority. Mr. Fugleberg added that they are unwilling to give up any land as they have little to build on already but are willing to work with the water board and allow them to work there when necessary. Sean Fredricks said that he will revise the agreement to make it more palatable for all parties involved and will also work with their legal counsel on agreement matters. (Update) Chris Gross said that the survey crew has placed stakes in the ground which will give the Airport Authority an opportunity to visualize on the ground what the easement boundary is. Hopefully this will lead them to granting an easement once they see the impacts are non-existent.

**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.

(No new updates) 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**

(Update) The Board reviewed the SWC cost-share agreement received recently for this project. The SWC is approving 45% of actual costs for the improvements of this drain in the amount of \$72,041.00. Manager Lovas moved to approve the agreement and direct the Secretary return it to the SWC today. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Discussion was held on what to do with the dirt on this drain. Manager Lovas moved to allow Northern Improvement to remove the dirt. Manager Thompson 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**

(No new updates) Chris Gross specified that he has sent Harlan Erickson maps, preliminary drawings, and a cost estimate for the possible reconstruction of this drain. Mr. Erickson will be speaking to landowners to gage their interest in moving forward with this project.

**Carson Drain No. 10**

(No new updates) The Board directed Chris to put together a proper profile on the entire drain to correctly size all culverts.

**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.

**Blanchard-Norman 23-40**

Randy Kylo is seeking permission to replace an existing culvert in the NE corner from Section 12 into the SW ¼ of Section 6 with a 24" diagonal culvert. Manager Neset moved to pay for the culvert with the township paying for the install. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

### **ELM RIVER DAMS**

(Update) Chris Gross told the Board that he is attempting to develop a scope along with looking at modifications for all the dams located in Traill, Steele and North Cass counties and to identify the downstream impacts and what the costs will be. Once all the facts are gathered to study the alternatives, Chris will schedule a joint board meeting to discuss all the data.

### **TRAILL COUNTY HIGHWAY DEPARTMENT**

Nothing to report.

### **COMPLAINTS**

(No new updates) 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.

At our 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**

None.

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

Having no further topics to discuss, the meeting adjourned at 10:45am without objection.

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Jason Siegert, Chairman

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Nettie Johnson, Secretary