

Proceedings of the Walsh County Water Resource District Board Meeting

Monday, July 8th, 2024

8:00 am

Walsh County Courthouse, Grafton, ND

Chairman Daryl Campbell called the meeting of the Walsh County Water Resource District Board to order. Roll call was taken. All Present: Chairman Daryl Campbell, Vice Chairman Larry Tanke, Manager Albin Jallo, Admin. Assistant Sarah Johnston and Attorney Cassie Tostenson.

Agenda: The agenda was reviewed. ***Manager Jallo motioned to approve the agenda, 2nd by Vice Chairman Tanke. Motion carried.***

Minutes & Bills: The Board reviewed the minutes of the July 2nd meeting and the bills. ***Manager Jallo motioned to approve the minutes and bills as presented, 2nd by Vice Chairman Tanke. Motion carried.***

County Highway Drainage Permits:

Drainage permits for Brad Narloch and Tyler Narloch forwarded by the Highway Dept. were reviewed. Brad Narloch sought permission to remove blow dirt from Co. Rd. 9/ SE ¼ S26 Farmington Twp, cleaning it to the original grade. On Co. Rd. 8 and the quarter line of NE/SE S22 in Ops Twp. he sought permission to replace two 24" culverts with two 36" culverts that would be longer in length, and clean out sediment 300 ft from the crossing to the coulee. Tyler Narloch requested permission to replace an old 24" culvert with a new 24" culvert that is longer in length to accommodate semis at a crossing from Co. Rd. 15 and SW ¼ S30 of Harriston Township. ***Vice Chairman Tanke motioned to approve the highway drainage permit applications for Brad and Tyler Narloch, 2nd by Manager Jallo. Motion carried.*** A highway drainage permit for Tom Torkelson was submitted by Jason Johnston later in the meeting. Tom sought permission to clean out blow dirt from the ditch bottom on Co. Rd. 8 in S24 of Fertile Twp. ***Vice Chairman Tanke motioned to approve the highway drainage permit application for Tom Torkelson, 2nd by Manager Jallo. Motion carried.***

At 8:25 am, a motion to adjourned was provided by Vice Chairman Tanke, 2nd by Manager Jallo. Motion carried. The board attended the County Commission 2025 Budget meeting upstairs and reconvened their meeting at 8:45 am.

Cassie Tostenson- Nilson Brand Law:

Cassie met with the Board prior to the 10:00 am hearing with Luke Holt. She is legal counsel for the Board on this matter.

Luke Holt Complaint Hearing:

The order issued to Luke Holt to remove the watercourse obstruction from the SW 1/4 of S3 in Grafton Township was issued on May 7th, with removal required by July 12th, 2024. Luke requested this hearing to appeal the matter to the Board. The start of the hearing was delayed due to Luke's request for a pre-hearing consult with Grafton Township at 10:00 am. No agreement was reached. The hearing portion of the board meeting was recorded via Zoom, with notification provided to attendees. The hearing began at 10:22 am with the following in attendance: Luke Holt and his attorney Rob Fleming, Grafton

Township Board members Jim Tallackson and Lawrence Burianek, landowner Carl Unruh, county commissioner Ernie Barta, and highway superintendent Jason Johnston. The procedures for the hearing were discussed and it was decided that the evidence would be presented *de novo*. Both attorneys cross examined, as necessary, individuals who provided testimony. A total of fifteen exhibits were presented by the parties.

There was much discussion regarding the Board's determination of a watercourse in the SW ¼ of S3 in Grafton Township. Rob Fleming provided a past determination by the Department of Water Resources (DWR) on different case, and requested the Board consider having the DWR make the determination. Grafton Township members Lawrence Burianek and Jim Tallackson provided information to the board as to the series of events and drainage details. Carl Unruh provided testimony and photos in SE ¼ S4 and the 40 acres in NW ¼ SW ¼ S3 that are affected by drainage issues. In his testimony, Luke Holt and his attorney Rob Fleming provided ditch elevations using the IWI mapping tool. The Board asked Jason Johnston if he had any concerns with the drainage situation. He had concerns with a recent ditch dug on the west side of 157th Ave NE, mentioning potential effects to the bridge to the south. He also expressed concerns about any possible ditching on the east side of the road. Fleming's request to have the watercourse determined by DWR was considered by the Board, but more information would be required before a decision would be made. Sarah will contact DWR to find out the approximate timeline for a watercourse determination, if the Board decides to request it from the State. With no further testimony the hearing ended at approximately 12:15 p.m. ***Manager Jallo motioned to issue a stay on the July 12th removal deadline, 2nd by Vice Chairman Tanke. Motion carried.***

BNSF Contract Review

Jacob Wognum of Houston Engineering joined the meeting via Zoom. Cassie Tostenson reviewed the proposed agreement between the Board and BNSF, which pertains to a new culvert installation through the railroad tracks on Drain 4A on 76th St NE near Pete Brown's farmstead. The board proposed changes to the agreement. Jacob Wognum will contact BNSF with those recommendations and report back to the board.

With no further business, the meeting was adjourned. The board will meet next Tuesday, July 16th at 8:00 am.

Attest:


Sarah B. Johnston, Administrative Asst.


Daryl Campbell, Chairman