

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

February 24, 2021

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on February 24, 2021, at approximately 9:00 a.m. in the Commissioner's Room of the Stutsman County Courthouse. Members present were Dennis Clark and John Schock. Present by phone was Joel Lees, Anthony Roorda, and Arlyn Schmidt. Abbagail Geroux, Secretary of the Board, was also present. Members of public who were present included Craig Barnes and Kirk Grimm. Jim Collins also appeared by phone.

MINUTES

The first order of business was to review and approve the minutes of the January 27, 2021 regular meeting. Upon review, a motion was made by Dennis Clark, and John Schock seconded a motion to approve the minutes as read. Motion passed.

CITY OF SPIRITWOOD LAKE

Next was discussion of City of Spiritwood Lake's request. Ms. Geroux first provided some additional updates to Kirk Grimm and Jim Collins. She explained that originally the Board's approval of the project in December did not indicate the City's ability to lower the elevation of the discharge to 1442 feet. Ms. Geroux indicated she provided the State Engineer's office with an updated approval letter and earlier this week followed up with the Engineer's office. Matt Lindsay from the State Engineer's office indicated that the application is at his office for review and he anticipates having a final decision in the next couple of months. Ms. Geroux did further clarify with Mr. Lindsay that the intent of the Board's decision was to place a condition on the permit that the City must return to the Stutsman County Water Resource Board when it desires to lower the level of the discharge, not to require the City to obtain a whole new permit each time they desire to do so.

Next there was discussion with the Board and Mr. Collins regarding the timeframe for the ability to discharge. It was noted that frequently the desire would be to adjust the elevation based on very short periods of time and after a large

rainfall event, and was concerned they would require the City to try to obtain approval for each particular time or event that they wanted to lower the elevation. Ms. Geroux indicated it appeared to be in the best interest to allow the City to discharge for longer periods of time, whether that be for six months or a year, and that the Board could then periodically re-evaluate the need to allow for the lowered elevation. It was noted through discussion that frequently lowering of the elevation, if approved, would not always go to the lowest level of 1442 feet, but would be adjusted to account for the current level of the lake, and that it would also be likely that it would not remain at a lower level for the entire timeframe. Kirk Grimm indicated that he feels comfortable with this process because the Department of Environmental Quality will be able to test frequently to make sure that the quality of the water is okay to pass through the system. It was noted that the draft operating plan included a weekly monitoring while discharge was occurring.

Joel Lees indicated he was curious to know who would be taking the samples, and that it would be important that the same person takes those samples in order to have consistency on method and timing of the sampling. Kirk Grimm indicated he would be fully capable and would be willing to conduct the sampling. It was also noted that the City has other staff who might be able to assist. There was then discussion with Mr. Collins regarding a revision to the draft operating plan to account for the Water Resource Board's approval of any lowered elevation. The language discussed included the requirement that the City seek approval within thirty days of any desire to lower the elevation from the Water Resource Board. Additionally, language was added to allow the Water Resource Board discretion to indicate the period of time which they would allow the lowered elevation, before the City must return to the Water Resource Board for additional approvals. There was further discussion regarding the affect of the quality of water on the downstream landowners and cattle. Mr. Collins indicated that the water quality would be tested weekly and that there would likely be no adverse impact on cattle downstream from the discharge from the lake. It was noted that the water testing would be occurring at the site of the Spiritwood Lake, and could not account for any other contaminants in the water which might enter the system further downstream. Kirk Grimm indicated he visited with Bob Martin who installed a similar type of structure on a different project. He noted in that project they were unable to detect any water quality impact on the downstream system, at 100 feet downstream of the drawdown structure. He further noted

anecdotally that there was a little bit of odor in the beginning when they started the discharge, but after some time there was no odor if you were 30 feet away from the drawdown structure. Mr. Collins explained he would email out the draft operating plan for the Boards review, which if they decide they would like to take up at a further time, they would. It was noted that there would likely be no need for additional approvals of the draft operating plan. There was also discussion regarding if there was a need to notify all landowners downstream each time the City anticipated lowering the level for water quality purposes. Ms. Geroux explained that there did not appear to be a requirement to do so, but her office did notify the landowners most directly affected, in particular the Audubon Society and Kevin Szarkowski. The Notice was also published in the newspaper to provide people with an additional ability to come before the Water Resource Board if there were any concerns.

W-626- CRAIG BARNES- COMPLAINT OF UNAUTHORIZED DRAINAGE

Next, Craig Barnes then addressed the Board. Craig Barnes previously submitted a Complaint against Corinne Township board. Mr. Barnes gave an overview of the history of the land and the road in that area. He indicated it goes back approximately 40 years. Mr. Barnes and his family have been maintaining the road. There is a T in the road which turns to the right and then back to the left, and there is a gradual slope back down to the road. He said over the years, the culvert would occasionally back up but most of the time was able to keep up with the amount of water flow. When the culvert was unable to keep it up, it would wash out the road. Mr. Barnes would level off the road, but each time it would lower the slope of the road. It was noted that this was considered an unmaintained Township road, so Mr. Barnes did put in more gravel a couple of years ago. Last year, there was torrential raining which flooded out the area. The gravel created a hole in the road. Mr. Barnes indicated he offered to fill it in but the Township declined, and the township then dug up a hole and filled it in. Now, the road is flooding out. Mr. Barnes indicated that if the culvert was bigger, the water would flow into the ditch. He indicated the road is not a dam, but the culvert could not keep up. John Schock asked if the culvert was plugged last fall, and Mr. Barnes indicated it could have been. Mr. Barnes explained that the water that is sitting on his land will ruin his land and wants a larger culvert put in place so the water would flow as intended. Mr. Barnes indicated he was going to request that a hydraulic study be done. Ms. Geroux explained the process for the request of a hydraulic study. She explained that the request can be made by the Stutsman County

Water Resource Board to the State Engineer's office. The State Engineer's office will then indicate the amount of water and the speed at which the water should be flowing in the area. The State Engineer's office will not necessarily provide a specific culvert size or location. That would have to get determined by Corinne Township and once that letter is issued, there is no mechanism that the Water Resource Board has if a township does not comply with this requirement. Rather, it would make it easier in the event there are damages and Mr. Barnes would like to pursue civil remedies. There was discussion by the Board and Mr. Barnes regarding the Water Resource Board's inability to enforce the culvert sizing. There was some discussion regarding how the Barnes, Griggs, and Stutsman Counties Joint Board drainage project could alleviate part of the situation. The Board decided they would like this scheduled for next month to allow Corinne Township board to provide a response before they make a decision regarding making the request of the State Engineer's office. Next, Ms. Geroux reviewed some correspondence received by the Board.

BILLS AND FINANCIALS

Next, Ms. Geroux then addressed the Board regarding the bills and financials. She noted that the Water Resource Board did receive a large portion of its property tax funds and that they should no longer need to remove any funds from their CD's. Ms. Geroux also noted that there should be a check that needs to go to the Joint Board, the amount of the check would be \$1,553.34. (This amount is incorrect, and the amount will be corrected at the March meeting to \$2,444.51.) Upon review of the bills and financials, Dennis Clark moved and Arlyn Schmidt seconded a motion to approve the bills and financials as presented. A Roll call vote was taken. All voted in favor. Motion passed.

CHECK NUMBERS

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| 1. ND Water Resource Districts Association - \$30.00 | #2794 |
| 2. VOID | #2795 |
| 3. Dalsted & Ryan, P.C. - \$1,023.35 | #2796 |

Seeing no further business before the Board, John Schock moved and Dennis Clark seconded a motion to adjourn the meeting. Motion passed.

RESPECTFULLY SUBMITTED:

ABBAGAIL GEROUX
Secretary

BOARD APPROVAL OF MINUTES

The board approved the minutes this ____ day of _____,
2021.

JOEL LEES, Chairman, or
ANTHONY ROORDA, Vice-Chairman