

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

April 28, 2021

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on April 28, 2021 at approximately 9:00 a.m. in the Commissioner's Room of the Stutsman County Courthouse. Members present were Joel Lees, John Schock, Dennis Clark, and Anthony Roorda. Arlyn Schmidt appeared by phone. Abbagail Geroux, Secretary of the Board, was also present. Additionally, present were Boyd McKenzie, Brenda Mork, Donna Nice, Charlotte Lindstrom, Bill Lidel, Mike Allen, Josh Hassel of Moore Engineering, and Jacob Hofmann.

**MINUTES**

The first order of business was to review and approve the minutes of the March 31, 2021 regular meeting. Upon review, a motion was made by Anthony Roorda and seconded by John Schock to approve the minutes as read. Motion passed.

**W-626 - CRAIG BARNES - REQUEST TO CONDUCT A HYDROLOGY STUDY BETWEEN THE NE QUARTER OF SECTION 9 AND THE NW QUARTER OF SECTION 10, TOWNSHIP 144, RANGE 62, STUTSMAN COUNTY, NORTH DAKOTA UPON 93<sup>RD</sup> AVE SE (ALSO AFFECTING SECTIONS 3 AND 4, TOWNSHIP 144, RANGE 62, STUTSMAN COUNTY, NORTH DAKOTA)**

Next on the Agenda was to address the request of a hydrology study by Craig Barnes. Boyd McKenzie indicated that after the meeting, Mr. Barnes and the Corrine Township Board appeared to have come to an agreement regarding the placement of gravel on the rocks on 7<sup>th</sup> Street SE. The Water Resource Board, after conducting its site visit and visiting with Mr. Boyd, determined that the results of any Hydrology Study would likely not provide a resolution to this issue. Therefore, Anthony Roorda moved and Arlyn Schmidt seconded a motion to deny the request for the Hydrology Study. Motion passed.

**W-628 - WINDSOR TOWNSHIP - APPLICATION FOR SURFACE DRAIN LOCATED WITHIN THE SE QUARTER OF SECTION 24, TOWNSHIP 140N, RANGE 66W, STUTSMAN COUNTY, NORTH DAKOTA**

Next, the Board reviewed the Windsor Township Application for Drainage. Ms. Geroux indicated that the application was provided by the State Engineer's office, and was in each of the

members folders. Ms. Geroux also noted that this application was based on a prior approval for an emergency drain, and Windsor Township was now seeking to transfer that temporary approval for an emergency drain into a permanent drain. Mike Allen was also present to discuss the application. It was noted that his land was the one impacted by the drainage area and that he was in favor of the drain. With the documents presented to the Board included were the factors that the Board should review for each of these applications. The Board reviewed these factors. Upon review, Dennis Clark moved and John Schock seconded a motion to approve the application. Motion passed.

**W-629 - PETERSON TOWNSHIP - APPLICATION FOR SURFACE DRAIN LOCATED WITHIN THE SOUTH HALF OF SECTION 12, EAST HALF OF SECTION 13, AND NE QUARTER OF SECTION 24, TOWNSHIP 140N, RANGE 69W, STUTSMAN COUNTY, NORTH DAKOTA**

Next on the Agenda was the Peterson Township application for drainage. Ms. Geroux noted that Peterson Township also previously requested and obtained a temporary emergency permit to drain and they were now seeking to turn this into a permanent drain. Mickey Nenow from the County Highway department was also made aware of the application. He indicated he originally had concerns about where this water was going to flow downstream, but based on further review, it does not appear there will be any effect on the additional waterflow. Therefore, he is not opposed to the application. The Board then again reviewed all of the factors presented in the North Dakota Administrative Code. It was noted by Mr. Jacob Hofmann that there is a rural water line in the drainage area. He noted that he will fill it in each fall and it will remain buried until there is a need to actually let the water drain. It was noted that Mr. Hofmann had a keen interest in maintaining this rural water line, as that is the line that provides water to his house. Mr. Hofmann also noted that the drainage application is for the same work under the temporary drain, but the State desired to have some additional information, which they supplied to the State. The application is the same as it was installed under the emergency drainage procedures. Upon review, Arlyn Schmidt moved and Dennis Clark seconded a motion to approve the Peterson Township drainage application. Motion passed.

**JOSH HASSEL - MOORE ENGINEERING - BARNES WATER RESOURCE DISTRICT PROJECT**

Next, Josh Hassel of Moore Engineering indicated he desired to visit with the Water Resource Board. He indicated he was

working on a project with the Barnes County Water Resource District, in particular the ten-mile lake outlet west of Dazey, ND and Wimbledon, ND, close to the Silver Lake Creek project. Mr. Hassel provided a background of the project. He indicated that back in 2009 through 2011 a project was proposed in this area but it ultimately sat dormant due to concerns by the NRCS in maintaining certain wetland requirements under the Farm Bill. Since then, NRCS was recently able to identify a way for the project to move forward. Landowners in the area paid for an initial review and meetings with the various landowners. They conducted public meetings with anticipated downstream landowners affected, and also individual landowners who may not technically be affected by the project but were close by. It was noted that the water in this area flows in three different directions. One towards Silver Creek, the second towards the Baldhill Dam and Lake Ashtabula, and the third towards the Tomahawk and Cheyenne Rivers. Mr. Hassel indicated that the landowners selected a route for the water to move North, through Hanson and Baldhill Dams. It was noted that the reason this route was picked was because this was a shorter route and would be less costly. This would also assist the City of Dazey's lagoons and roads because they have been experiencing some overtopping issues. Moore Engineering worked with the landowners and also worked with on various issues with wetlands in the area to come up with two alternatives to get to the same outlet. One would be a direct route that could cut across farmer's property, and the second would be a more circuitous route that would be more advantageous to farmers in maintaining their tracts of land. The landowners ultimately chose the first, more direct, route because of less wetland mitigation and project costs.

Mr. Hassel then described the process for an assessment drain that they anticipate going through in the future. It was noted that they had held a pre-assessment meeting about a month ago and Barnes County Water Resource Board met in mid-April. It was noted that some of the assessment drain properties could include lands that are within Stutsman County. These lands would be approximately in the area west of Highway 9. These lands they anticipate will be assessed at an amount of five percent of the project. Mr. Hassel explained that in order to assess those properties, the Barnes County Water Resource Board would either need to create a joint board with Stutsman County Water Resource Board, or do a joint powers agreement in order to assess across into Stutsman County. The Barnes County Water Resource Board indicated that they would prefer a joint powers agreement in this situation, but wanted to invite the Stutsman County Water Resource Board to its next meeting to have further discussions.

Mr. Hassel indicated that the property affected in Stutsman County was approximately 10 square miles. He noted there was a possible additional opportunity for drainage occurring upstream, but that would not be a part of the ten-mile lake outlet project. The next Barnes County Water Resource Board meeting was scheduled for May 10, 2021. Mr. Hassel indicated he was hoping to have a draft joint powers agreement before the meeting. He indicated that he would have to visit with Sean Fredricks, the attorney for Barnes County Water Resource Board to further determine when the joint powers agreement would need to be entered into. The Board then discussed if there would be any further need for Board members to participate on the project. Ms. Geroux noted that the Board would likely desire to have some sort of periodic updates on the project so that they could inform any constituents. Further, Mr. Hassel indicated there might be a need for participation on creating the operating and maintenance agreement for the assessment drain, but that there was not anticipated to be a need for further involvement from the Stutsman County Water Resource Board. Based on this discussion, Anthony Roorda moved and Dennis Clark seconded a motion to have John Schock and Joel Lees to attend the Barnes County Water Resource Board. Mr. Hassel indicated he would have the secretary for the Barnes County Water Resource Board to send our office with an email reminder to attend the meeting.

#### **OTHER BUSINESS**

The Board then discussed other correspondences. Ms. Geroux noted that a complaint from Marvin Frey, on behalf of the Stutsman County Fair Board, was presented to the Water Resource Board, but did not make it in time for the April meeting. It therefore would be addressed at the May meeting. Provided documents of the Complaint were placed in the Board member files to allow them time to familiarize themselves with the Complaint.

#### **BILLS AND FINANCIALS**

Next, Ms. Geroux addressed the Board regarding the bills and financials. Upon review of the bills and financials, Anthony Roorda moved and Dennis Clark seconded a motion to approve the bills and financials as presented. All voted in favor. Motion passed. Ms. Geroux also noted that she received communications from Vast Conference System regarding the Automatic Renewal. The cost of the next years automatic renewal would be approximately \$192.00. The Board indicated that they were comfortable with that amount. The Board had previously approved of spending funds to renew this membership.

**CHECK NUMBERS**

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| 1. Anthony Roorda - \$256.09               | #2800 |
| 2. John Schock - \$380.82                  | #2801 |
| 3. Dennis Clark - \$432.30                 | #2802 |
| 4. Internal Revenue Service - \$383.26     | #2803 |
| 5. Forum Communications Company - \$197.50 | #2804 |
| 6. Dalsted & Ryan, P.C. - \$460.30         | #2805 |

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

RESPECTFULLY SUBMITTED:

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ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

The board approved the minutes this \_\_\_\_ day of \_\_\_\_\_,  
2021.

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