

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

May 26, 2021

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on May 26, 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, Shirly Kropp representing the City of Spiritwood and Josh Enger appeared by phone. Additionally, present were Jeff Liechty, Marvin Frey, Gordon Bischoff, Brad Legreid, Larry Loose, and Brock Mutschler.

MINUTES

The first order of business was to review and approve the minutes of the April 26, 2021 special meeting, April 28, 2021 regular meeting, and May 14, 2021 special meeting. Upon review, a motion was made by Anthony Roorda and seconded by John Schock to approve the minutes as read. Motion passed.

W-630 - STUTSMAN COUNTY FAIR BOARD - COMPLAINT OF UNAUTHORIZED DRAINAGE IN THE NW QUARTER OF SECTION 23, TOWNSHIP 140, RANGE 64, STUTSMAN COUNTY, NORTH DAKOTA

Next was the Complaint of Unauthorized Drainage by the Stutsman County Fair Board. Marvin Frey was present to address the Fair Board's complaint. Mr. Frey indicated one of their renters noticed a drain that was dug out from Larry Loose's property. He explained that Mr. Loose previously talked to Dennis Mickelson, President of the Stutsman County Fair Board, about conducting some drainage. Mr. Mickelson told Mr. Loose to appear at one of the Fair Board's meetings. Mr. Loose never appeared, and they noted this particular drain after that conversation. Mr. Frey then discussed with the Board exhibits that he attached to the Complaint, exhibits A-G, indicating the location of the water and where it runs. He explained that the water runs into a coulee by the gun range, then into the City of Jamestown. Dennis Clark asked Mr. Frey if the water was pooling. Mr. Frey indicated that the water could pool but it is not currently. Anthony Roorda asked if the trees were on Fair Board property. Mr. Frey indicated that he believed they were on the Fair Board's property. Mr. Loose commented that his excavator went right through it. He indicated that he believed that the

area needed some maintenance, and it was finally dry enough for him to go through and clean it out. Mr. Frey indicated that seeing drainage was put in was a bit of a shock and it is the Fair Board's desire to have it closed. Larry Loose explained that he believed that this area had been silted in and does anticipate doing some tiling in the future. This location is one of the options for tiling for the drain. He has received bids to go two different ways for the tiling but both ways would go through the County Fair Board property. He was indicating he would likely do construction for the tiling this fall. There is currently no application for tiling in front of the Water Resource Board. There was some discussion if there were culverts under the road, and Mr. Frey indicated that he was not sure if there was enough culvert capacity under the roads. There was then some discussion about how the water flows through the Fair Board property. It looks like the water flows East/Southeast, but does not go near the mud pit. Larry Loose indicated that the amount of area that would be drained by this ditch was approximately five acres. There was some discussion since Mr. Loose was planning on seeking approval for some tiling in the future, if there is a way the parties could reconcile this particular drainage, but Mr. Frey indicated the County Fair Board wanted it closed.

Anthony Roorda moved that it was an illegal drain and that it should be plugged. There was some discussion on how deep the cuts were. It appeared to the Board that the cuts were about two feet deep. Mr. Loose indicated he could not recall if he got into any clay. Mr. Loose offered to put in a pipe to slow down the drainage. It did not appear that the Fair Board was desiring to have a placement of a pipe in there at this time. Mr. Frey indicated that the Fair Board would like to see it completely filled in. Dennis Clark asked if there was any way to tell if the trees in that area had been silted in. There was some discussion regarding reviewing of the tree line and the general nature of how property gets silted in. Dennis Clark seconded the motion previously given by Anthony Roorda, finding that it is an illegal drain and that it should be plugged. Upon a vote, the motion was passed. There was discussion by the Board regarding a timeframe in which Mr. Loose must have the drain plugged. The Board, in visiting with Mr. Loose, determined ten days would be sufficient time to plug the drain.

JOINT POWERS AGREEMENT - BARNES COUNTY

Next, the Board discussed the Joint Powers Agreement for the Ten-mile Lake Project with Barnes County. Dennis Clark and Joel Lees attended the Joint Board meeting. At the meeting they

raised some questions if Barnes County knew exactly which parcels of property could be affected by this potential project. It appeared at this meeting that it was not clear which pieces of property would have water flowing in through this Ten-mile Lake Project. There were individuals present to discuss this. Brock Mutschler indicated on his property when the water went under the county road, it is running west, but that it is possible if the water is high enough it could go the eight miles into the drainage location of ten-mile coulee. For this to happen, it would have to be perfect with all of the culverts cleaned out, including the ones under the rail road, with absolutely no cattails in order for the water to flow in that direction. Mr. Mutschler was skeptical that they would actually be able to get water to flow into the Ten-mile Lake Project.

Gordon Bischoff wanted to know if this project was the same or different from the silver creek lake project that was contemplated ten years ago, but stopped before it got started. This was a project being developed with Dave Schwartz, and Mr. Bischoff indicated that he felt the project from ten years ago was a very sensible project. There was some discussion that this was going to be a new and different project. There was also further discussion about the ability to drain through Spiritwood Lake. Ms. Geroux provided some correspondence she had with Chris Korkowski regarding his feasibility study. Mr. Korkowski indicated the likelihood of a project that would allow for the flowing of water through Spiritwood Lake was rather low, and that she anticipated he would be attending their June meeting.

John Schock then asked the landowners present if anyone received a letter regarding the Ten-mile Lake Project, and none of the landowners present indicated they received a letter except for Brad Legreid, but he was unable to read or look through all of the paperwork. There was discussion regarding what impact it would have on the landowners and the Board if they signed off on the Joint Powers Agreement. Ms. Geroux noted that if the Board signed off on the Joint Powers Agreement, they are giving all of their say to Barnes County in order to conduct the project. Ms. Geroux indicated she believed that if the project went to a vote, the vote is not on a county-by-county basis. Instead, it is on a project basis, and the landowners in Stutsman County would have to be participating in the assessment of it if the majority voted for it. It was noted that the amount to be assessed to the Stutsman County landowners was rather small, and that it would be a very small part of the overall project.

There was some discussion regarding some of the landowners

indicating that they recognized they were not actively on the land but that they lived in other locations and that they would be in favor of any sort of project that the local farmers or landowners desired to want, because if that was going to be in the best interest of everyone, they would be in favor of it. When attending the last meeting, Mr. Legreid indicated that the local landowners were not in favor of it, and would be not inclined to endorse this project. It was also noted that none of the landowners indicated that they had an awareness or understanding of how this Ten-mile Lake Project could benefit their property, and indicated they would desire to have more information before making any definitive statement whether they wanted to be a part of this Joint board or not. Based on this, John Schock moved and Dennis Clark seconded a motion to hold off on determining if they are going to sign the Joint Powers Agreement, and request that Ms. Geroux invite Barnes County to attend the Stutsman County Water Resource Board's next meeting that would fit their schedule. Motion passed.

2022 BUDGET & UPPER SHEYENNE RIVER JOINT WATER RESOURCE BOARD

Next was discussion regarding the budget and the Upper Sheyenne Board. These were discussed at the same time. Ms. Geroux presented a budget for 2022 based on the amount of money as prepared by the interim county auditor. She also noted that a placeholder was put on the dues for the Upper Sheyenne Board. At this time, the number from the last amount was used as a placeholder until a further amount was fully determined. The Board felt that because this upcoming project is likely years in the making, they felt that this amount would be appropriate for now. It was noted that the Upper Sheyenne Board voted to approve to put in the application for state funding for an erosion control project on a Watershed basis. The cost for this fund is going to be eight thousand five hundred dollars, which is coming from the general fund of the Upper Sheyenne Board. There was some further discussion regarding the Upper Sheyenne Board, and that the Stutsman County Board desired to continue to monitor the situation for now. The Board, turning to and discussing the 2022 budget, Anthony Roorda moved and John Schock seconded a motion to approve the proposed budget. There was more discussion and Dennis Clark moved and Anthony Roorda seconded a motion to authorize Joel Lees to sign the budget request form. Motion passed.

MISCELLANEOUS BUSINESS

Ms. Geroux then presented an application for drainage. Ms. Geroux explained that the State Legislature prepared a new

revision to the Century Code on tiling and she presented that to the Board. Based on this, the Board determined it would be prudent to place this application on the next Water Resource Board meeting.

CHECK NUMBERS

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| 1. Joel Lees - \$380.93 | #2806 |
| 2. Upper Sheyenne River Joint Water Resource Board -
\$1,229.11 | #2807 |
| 3. Forum Communication Company - \$790.00 | #2808 |
| 4. Dalsted & Ryan, P.C. - \$1,972.65 | #2809 |

Seeing no further business before the Board, Anthony Roorda moved and John Schock 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