

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

May 29, 2024

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman, Joel Lees, on May 29, 2024, at approximately 10:00 a.m. in the County Commissioner's Room of the Stutsman County Courthouse. Members present were Joel Lees, John Schock, and Dennis Clark. Additionally present were Cale and LaVonne Kiser and Abigail Geroux, secretary-treasurer for the board. Additionally present by phone was Kale Van Bruggen.

MINUTES

The first order of business was to review and approve the minutes of the April 24, 2024, regular meeting. Upon review, a motion was made by John Schock and seconded by Dennis Clark to approve the minutes as presented. Motion passed.

W-651- COMPLAINT OF UNAUTHORIZED DRAINAGE SUBMITTED BY JEFF LIECHTY, MANAGING PARTNER OF JONATHAN LIECHTY FAMILY LLP ON THE SOUTHEAST QUARTER OF SECTION 31/137/63, STUTSMAN COUNTY, NORTH DAKOTA

The board addressed the Complaint of Unauthorized Drainage submitted by Jeff Liechty, Managing Partner of Jonathan Liechty Family LLP. Ms. Geroux provided an overview to the board regarding the status of the complaint. Ms. Geroux indicated that Jeff Liechty was representing the landowner and he was the one that prepared the complaint before the board. However, Mr. Liechty indicated he would not be able to be present at the board's meeting in May. Ms. Geroux also indicated to the board that Kale Van Bruggen, an attorney out of Minnesota, was retained by the respondent, who was also present at the board meeting. He requested that the board conduct a site visit at a later time. He also indicated he would like to outline his client's position relative to the complaint and that he understood that the hearing today would not be recorded and that there would likely be a requirement for further discussion. Mr. Van Bruggen indicated to the board that with regard to the complaint, it appears Jeff Liechty is complaining about two ditches he is alleging were dug on the Kiser's property. The first was identified as Ditch #1 on Exhibit 1. Mr. Van Bruggen indicated his client's position with regards to Ditch #1 was they had conducted maintenance on the ditch, but that they were

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disputing that they had in any way deepened or widened the ditch, but that they would be willing to work with the complainant if there was concerns regarding the size of the ditch.

Another item was Ditch #2 on Exhibit 1. Mr. VanBruggen indicated that it was his client's position that there is no ditch, that this a natural drainageway. The Kisers cannot cross their property and placed in a bridge to provide access to the property including the placement of a culvert. The placement of the culvert was at ground level and was not dug into the dirt, but was placed on top and therefore they were not increasing the flow of water through this area.

LaVonne Kiser then provided an exhibit of a photograph showing this culvert. John Schock moved and Dennis Clark seconded a motion to accept Exhibit #7 which consisted of a photo of a culvert. Motion passed.

There was discussion regarding the location of Liechty's property and Kiser's property. It was noted that Liechty's property is located east of 85th Street and that another owner, which is Nicholas Wieland's, is located north above Liechty's property. There was some discussion regarding if it would be necessary or appropriate to notify Nicholas Wieland of the complaint. The board requested Ms. Geroux get a hold of Nicholas Wieland as it appears his property was potentially involved even if he was not listed in the complaint.

At this point in time, Dennis Clark moved and John Schock seconded a motion to conduct a site visit at the property at a time convenient to the parties. Motion passed.

LaVonne Kiser also indicated to the board that it was a tenant of theirs who had conducted the work on the property and it is for that purpose that the Kisers themselves were unsure if anything more than maintenance occurred, which is why they would be willing to work with Mr. Liechty regarding Ditch #1. Ms. Kiser also indicated that Nicholas Weiland collapsed a culvert, which is located on a township road. They notified Bill Anderson of the collapsed culvert, who is the chairman of the township board. Mr. Anderson said that the township board will not be fixing the collapsed culvert because they do not have any money to fix it.

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There was some discussion regarding if the culvert was in an area that was obstructing a natural waterway. The board expressed that they could not give an opinion if the placement or location of a culvert is needed. Mr. Van Bruggen indicated he felt that the board could take action in the event that the culvert was obstructing a natural waterway. The board requested Ms. Geroux conduct research to determine if they would have an ability to take action if those circumstances did arise.

Next, there was discussion regarding the date for a site visit. They discussed that they would look at doing July 26, 2024, at 1:00 p.m. as the first option for a site visit, and July 22, 2024, at 1:00 p.m. as the second option for a site visit. It was noted that the property is approximately 35 to 45 minutes from Jamestown. The Kisers indicated that they would provide a side by side so the board could have better access to the property. There was discussion relative to the location of where to gather for this site visit, which would be 1.5 miles off of Highway 281. The Kisers then requested guidance from the Water Resource Board regarding a slough located on the south of their property. They indicated that slough is getting inundated with water and they had questions about what they can do. Ms. Geroux indicated to them that depending on what was needed to clear the additional water, they might require obtaining a permit. Ms. Geroux went through the approval process for tiling or draining and indicated that questions regarding permits and approvals should be addressed to their attorney, Kale Van Bruggen, who can provide assistance relative to these matters.

MILL LEVY REQUEST - 2025 BUDGET

Next, the board addressed the 2025 mill levy request. Ms. Geroux indicated she received correspondence from Jessica Alonge regarding the 2025 budget. The request from the County was that the Water Resource Board's request should not exceed more than 1% in dollars over the 2024 budget and for that reason, Ms. Geroux calculated that the budget for the Water Resource Board for 2025 is \$35,117.70. Ms. Geroux noted that this was a difference of approximately \$500.00 from the prior year's budget. Ms. Geroux adjusted the 2025 budget by increasing the project portions of the budget. Upon review of the proposed budget and last year's

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expenses, Dennis Clark moved and John Schock seconded a motion to approve the budget as presented and the request for levy. Motion passed.

Ms. Geroux then discussed with the board regarding the site visit for the hypolimnetic drawdown. She discussed that the plan would be to have the site visit after the June 26, 2024, meeting and the meeting point would be at the resort parking lot at Spiritwood Lake.

Dennis Clark indicated to the board he intends to participate in the next Upper Sheyenne Joint Water Resource Board meeting on June 19, 2024. There will also be a site visit in Rugby as well the next day that Dennis Clark intends to participate in. John Schock moved and Joel Lees seconded a motion to approve of Dennis to participate in this site visit and approved of cost associated with this site visit and the Upper Sheyenne Board meeting, which would include mileage, room and board, and the cost of the entry fee, which can be presented to the board at the board's next meeting.

Ms. Geroux presented numerous correspondences to the board and no comments were received. Ms. Geroux updated the board regarding the status of the Barry Hazer/Kim Hieb complaint of unauthorized drainage. The current hearing was continued and is anticipated to be in mid-August.

FINANCIALS

The board then reviewed the bills and financials. John Schock moved and Dennis Clark seconded a motion to approve the bills and financials as presented. Motion passed.

CHECK NUMBERS

1. Dalsted & Ryan, P.C. - \$1,470.00 #2936

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There being no further business before the Board, Dennis Clark moved and John Schock seconded a motion to adjourn the meeting. Motion passed. The next meeting is scheduled for June 26, 2024.

RESPECTFULLY SUBMITTED:

ABBAGAIL GEROUX
Secretary

BOARD APPROVAL OF MINUTES

The board approved the minutes this ____ day of _____,
2024.

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