

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

June 24, 2020

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on June 24, 2020, at 9:01 a.m. via telephone conference. Members present were Joel Lees, Arlyn Schmidt, Anthony Roorda, John Schock, and Dennis Clark all by telephone. Additionally, present was Abbagail Geroux, Secretary for the Board. Additionally, the Board had the following members of the public present: Travis Traut and Chad Williams from Country Grain Cooperative along with Kelsey Krapp, their attorney, Shawn Lange of Eldridge Township, and Stacy Lunzman, property owner.

MINUTES

The first order of business was to review the minutes of the May 27, 2020, regular meeting, June 10, 2020, special meeting, and June 16, 2020, special meeting. Upon review, Dennis Clark moved and Arlyn Schmidt seconded a motion to approve the minutes. A roll call vote was taken. All voted in favor. Motion passed.

W-621 COMPLAINT OF UNAUTHORIZED DRAINAGE— STACY LUNZMAN

The next item on the agenda was to discuss the Complaint of Unauthorized Drainage by Stacy Lunzman. Joel Lees invited Ms. Lunzman to address the Board. Ms. Lunzman indicated that she is getting everyone's water in her basement. This summer she put in a pump, which has been helpful but has been told by Country Grain that she would not be allowed to keep the pump in the low spot of the slough come fall. She wanted the ditch by her property to be dug deeper so it would allow the water to flow and then would then no longer back up onto her property. Shawn Lange of Eldridge Township indicated that this area has seen an unprecedented amount of water. He indicated he has helped pump this area approximately three or four times. He noted even with pumping, the amount of water would not decrease and he also indicated that Country Grain did install a pump system by digging a ditch and placing a pump, which would allow water to move through the system.

Next, regarding the ability to dig the ditch further. There is a pump in the right of way, and it was noted that the reason why they were unable to ditch through there was because of

utilities. It was noted that the utilities are located West of the pump system and they were not exactly sure where it was. Travis Traut from Country Grain explained at the time that they were placing the ditch he was told he was unable to go farther West, because of the utilities, and that is the location of the hump in the road. Ms. Lunzman indicated that she believed that they would only need to dig down about two to two and a half feet to get the water to flow through this area, and she would request that they look into the possibility of doing that. Joel Lees then explained that the local Water Resource Board cannot require a Township to take any particular action in their right of way. Travis Traut explained that he felt Country Grain Cooperative had done all they could to assist Ms. Lunzman and that they had dug a ditch and placed a pump in the area. These pumps cost approximately a thousand dollars and that they have put in between five and six pumps throughout the years. Mr. Traut indicated he did not believe that Country Grain was not required to do any additional work on behalf of Ms. Lunzman. He explained that it should be up to Ms. Lunzman and the downstream landowners and the other folks in the cul-de-sac to come up with the solution.

There was some additional discussion regarding the location of all of the roads in the area. Kelsey Krapp indicated that the road going East and West is Country Grain's road. The other road at issue is the road built in 2010 which is a Township road, and the third road located by the railroad is Country Grain's road that has been in existence for approximately forty to fifty years. There was some additional discussion that currently the water table in that area is about two and a half inches below normal, but it was acknowledged that if there was a normal rain event, it would be unlikely that the existing pumps would be sufficient to move all the water. John Schock then inquired about Ms. Lunzman's Exhibit 3. He explained that he didn't understand how she was indicating that the water was flowing because of the lines marked on the Exhibit. Ms. Lunzman explained that currently the water gets pumped out but then comes back through the system and into her yard, and that is why she is requesting that there be additional ditching be done in that area. Travis Traut also commented that in order to do the amount of pumping they have done currently, they had to get permission from the downstream landowners and they are not sure if they would receive additional permission from the landowners regarding this. Kelsey Krapp also explained that from his perspective, Ms. Lunzman's complaint contains two main allegations. One, her concerns with the building of the 2010 Township road, and in Mr. Krapp's opinion the Water Resource Board does not have jurisdiction to require any particular work

to be done on the Township road, as that is a matter with the Township. Second, her complaint was regarding the Country Grain road, and that they were not pumping it enough to Ms. Lunzman's satisfaction. Mr. Krapp felt that this was a civil matter that should be handled between the parties and should not involve the Water Resource Board.

Joel Lees then inquired with Ms. Geroux if she could provide additional background information regarding the role of the Water Resource Board. Ms. Geroux made clear that there was prior case law indicating that the Water Resource Board does not have jurisdiction to require the Township Board to place or move a culvert. However, there was no particular case law regarding issues with drainage and approval dealing with Townships. Ms. Geroux did note that generally speaking the Water Resource Board is a body that should attempt to resolve issues among parties and provide a moderating effect between various entities, which would also include the Township Board, and they could provide guidance to these entities. Anthony Roorda then indicated that he felt the Township and Country Grain did all that they could in order to alleviate water concerns on the 2010 Township road and there were no other avenues for Country Grain to do any additional work to assist in Ms. Lunzman's issues. He then indicated that he felt it seemed that the pumping issue with Country Grain on their private road and Ms. Lunzman's property was not a matter with which the Water Resource Board could assist. Therefore, Anthony Roorda moved to dismiss the complaint, and Arlyn Schmidt seconded the motion. A roll call vote was taken. All voted in favor of the motion. Motion passed.

MISC.

Ms. Geroux first noted that the website landing page for the Stutsman County Water Resource Board was up and she requested the Board members to take a look at it. There was some discussion about how long the Board should continue to do notices in the newspaper, and they instructed Ms. Geroux that they felt they should do a notice one more time to the paper, but then reference that future meeting notices will be happening on the Stutsman County Website.

Ms. Geroux then indicated that at the request of Anthony Roorda she did some research regarding reimbursement for conferences. Vikki Coombs had contacted Anthony Roorda requesting that there be reimbursement for the cost of attending a Water Seminar this summer in Wahpeton. The total cost of this Seminar was \$400.00. Ms. Geroux explained she did some research and determined that there is no formal application process, and that the local Water Resource Boards could decide if they would

like to provide any funds to those attending these conferences. The Board discussed that they had provided some partial reimbursement in the past, and that they would be willing to do so this time. John Schock moved to give \$200.00 to Vikki Coombs to attend the Red River Watershed Institute in Wahpeton, North Dakota from July 13 to July 17, 2020. Dennis Clark seconded the motion. A roll call vote was taken. All voted in favor. Motion passed.

Next, Joel Lees indicated that last week he was contacted by Cody Krause of USDA. He handles the removal of beaver dams and the capturing of coyotes. Mr. Krause indicated that recently he needed to remove two beaver dams Southwest of Jamestown. He realized that the prior approval that the Board gave to remove the dams and reimburse for the cost of that had expired. USDA has a specific form that must be filled out and it appears that they require that form to be completed every year. Joel Lees indicated that because of the timeframe involved and he knew of the Boards prior willingness to provide this service, that he signed the request. Based on this, Anthony Roorda moved and Dennis Clark seconded a motion to approve the beaver dam removal at the amount of \$200.00 per dam. A roll call vote was taken. All voted in favor. Motion passed. Ms. Geroux then requested that Joel Lees provide her with a copy of the document he signed. Joel Lees indicated that Mr. Krause should be contacting her office to provide that documentation.

BILLS AND FINANCIALS

Next, was some discussion of bill and vouchers. Ms. Geroux noted some unusual items on the Dalsted and Ryan bill for review and discussion. There was also some discussion regarding the voucher forms. Arlyn Schmidt then informed the Board that it appeared Gene Heinrich had placed a dike on his property and that the dike was looking very good. It looked like the dike was removing a substantial amount of the water and the dike has created a necessary road for him on his property. None of the Board members had heard from Dusty Hofmann to determine how the water issues were being handled on his property. Joel Lees then inquired with Ms. Geroux if she had gotten any correspondence regarding the emergency application to drain submitted by Alan Albrecht. Ms. Geroux indicated that she had not received any correspondence. She also indicated further to the Board that she received another complaint by Alan Albrecht; however, Mr. Albrecht did not provide with contact information for the individuals he was alleging conducted unauthorized drainage. She indicated that requested he provide contact information prior to submitting the application for a hearing in front of the Board.

she also indicated that she would discuss with Stutsman County if it would be possible to hold the July meeting in person at the Stutsman County Courthouse.

Then, Arlyn Schmidt moved and Anthony Roorda seconded a motion to approve the bills and financials as presented. A roll call vote was taken. All members voted in favor. Motion passed.

There being no further information to discuss in front of the Board, Anthony Roorda moved and Arlyn Schmidt 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 _____,
2020.

JOEL LEES, Chairman, or
ARLYN SCHMIDT, Vice-Chairman