

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

June 29, 2022

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on June 29, 2022, at approximately 10:00 a.m. in the Commissioner's Room of the Stutsman County Courthouse. Members present were Joel Lees, John Schock, Dennis Clark, Anthony Roorda, Arlyn Schmidt, and alternate Greg Spenningsby. Abbagail Geroux, Secretary of the Board, was also present.

Additionally, persons from the public were: Kevin Sortland, representing Victory Lutheran Church, Eric Tuchscher, Katie Tuchscher, Sherry Krenz, Ron Krenz, Justin Liebig, representing the City of Jamestown, Tyler Michel, representing the City of Jamestown, Travis Dillman, representing the City of Jamestown, Thomas Blackmore, representing the City of Jamestown, and John Fieberger.

**MINUTES**

The first order of business was to review and approve the minutes of the May 25, 2022, regular meeting. Upon review, a motion was made by John Schock and seconded by Dennis Clark to approve the minutes as read. Motion passed.

**W-641- RONALD AND SHERRY KRENZ - COMPLAINT OF UNAUTHORIZED DRAINAGE ON THE NW1/4 OF SECTION 35/140/64**

The next order of business was to address the Complaint by Ronald and Sherry Krenz, which is a Complaint of Unauthorized Drainage in the Northwest Quarter of Section 35/140/64. In particular, Mr. Krenz is alleging that unauthorized drainage is occurring on his property located at 502 8<sup>th</sup> Avenue Southwest, Jamestown, North Dakota. The complaint alleges the City of Jamestown allowed permits to modify property on Victory Lutheran Church and on the Tuchschers' property which has caused additional water to flow on these properties. Mr. Krenz addressed the board indicating he had purchased a house which he knew had prior water issues. It has gotten worse the last couple of years because of Victory Lutheran Church and the Tuchschers recently built a home.

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Mr. Krenz claims that the only thing natural about the natural drainage on his property is the draw, that the draw is washing out. He indicated he put in a six-inch water line to try to ease the problem. He also put in a French drain equivalent to an eight-inch pipe, but it did not handle the amount of water coming through the area and problem with water coming into the walls of their home.

Tyler Michel, the City Engineer for the City of Jamestown, presented a number of documents. He noted that when Victory Lutheran Church conducted their construction on the premises, they had to hire an engineer to do a pre and post analysis of the amount of stormwater leaving their property. He indicated that the ordinances of the City of Jamestown requires that no additional water can be displaced from the property based on construction. The engineering firm that was hired by Victory Lutheran Church showed that the amount of water that they would be displacing was the same. It was noted that they reviewed the predevelopment of the water and after development, the cfs for a two year event was 2.33, ten year was 1.61, and 100 year was -.78. It was also noted that the Plat of Homestead Addition, which is the location where this property is located, maintained an Easement for all natural waterways in the City of Jamestown. It was noted that on Mr. Krenz' property, the natural waterway was where this water flows.

There was significant discussion and questions regarding the difference between a detention verses a retention pond and the ability to find drainage through another system rather than the system through Ronald Krenz' property.

Greg Spenningsby questioned the size of the culvert under the road. He also felt that the height for the detention pond of Victory Lutheran Church that pipe should have been higher, but instead it is at the level of the pond. Travis Dillman explained that this is a detention pond, not a retention pond, and therefore that is why the pipe is located at the level it is, because the intent is not to retain water, but to slow the process and the movement down through the system. It was noted that typically you would place a culvert at the same level for hydrology purposes and the purpose of the detention pond is to allow the water to flow out over a 24 to 48 hour period of time rather than instantaneously.

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It was noted that the Tuchschers also built a swail in order to move water accumulating on the south side of their house towards the east and north where it would drain in a different direction rather than through the natural drain on the extended property.

Joel Lees questioned whether the water could be moved to the north instead of through the natural drain of the subject property. Tyler Michel said no because there is a hill in that area and that hill is of a higher elevation than the other property. Travis Dillman indicated that it follows the natural drainage way. There was discussion about if potential placing of a culvert higher in order to create a retention pond rather than a detention pond could further alleviate Krenz' concerns.

Arlyn Schmidt asked if there was the ability for this water issue to be resolved. Travis Dillman suggested that the Krenz could build a berm on their property. It was noted that while the City had met with the Krenz on a couple of occasions and they were willing to assist the Krenz on things that they could do. Ultimately, the cost of placing the berm and obtain a permit would be up to the Krenz and the City could not provide surveying or any sort of engineering of any items that they wanted to place on their property.

There was also discussion regarding erosion in the channels. It was noted that after the most recent rains, that the channel where this water goes through appeared to be significantly eroded.

It was also noted by the City of Jamestown that in visiting with retired staff members, it appears that this particular drainage area has been a concern for many years. It was noted that this drainage area does wash out every couple of years, but that nature does end up revegetating the area, which also does help retain the soil in the area and slow down the flow of water.

Arlyn Schmidt asked if Mr. Krenz wanted to do a swail on his property. Mr. Krenz indicated that he was going to look into it and also was going to look into placing a 12" culvert underground in order to catch the amount of water running through the system. Travis Dillman indicated he thought that would likely not alleviate the water concerns running through

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the property and an open drainageway may be the best option pending a more extensive review.

Travis Dillman further indicated that the Tuchschers complied with all the requirements with the city ordinances in order to alleviate drainage concerns as well as Victory Lutheran Church in trying to insure that no additional water is moving through the system.

Travis Dillman reiterated that while the City of Jamestown recognizes and feels bad for the Krenz, this is a natural drainageway and that the best option for the Krenz would be to do a berm on their property.

Joel Lees indicated that the potential for putting in a draw similar to the buffalo scenic route could be a possibility, but the draw has always eroded and slowly developed back over time. Travis Dillman noted there was not any need to change any of the detention or change it from a detention to a retention pond.

During this hearing, the Water Resource Board was utilizing new technology located in the Commissioner's Room. The board members indicated a desire to have a laser pointer to assist and identify areas on monitors. John Schock moved and Dennis Clark seconded the motion to instruct Ms. Geroux to purchase a laser pointer in an amount to be determined by Ms. Geroux. Motion passed.

There was further discussion regarding the height of the berm and Mr. Krenz indicated that he added a french drain and a pipe to catch it, which is currently a six-inch berm, but the water was still getting into the house. Travis Dillman indicated likely Mr. Krenz would need to build a three foot berm in order to try to keep the water away from his house. Mr. Krenz noted that currently there is standing water along the french drain, which is about 1 to 1.5 feet high and backs up sufficient to keep the water away from his house. Mr. Krenz indicated he visited with the prior owner about the purpose of the french drain and he indicated the purpose of it was to alleviate and take care of the spring thaw. He also indicated that prior to Victory Lutheran Church putting in all of their construction, he asked if he was going to be getting any more water and they assured him that he would not, but he is getting

more water.  
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Anthony Roorda moved that there was no unauthorized drainage and requested the City and landlords to return to the Water Resource Board to report on a solution if one was found and to allow the board to take a look at it and provide any feedback. John Schock seconded the motion. Motion passed.

**JOHN FIEBEGER**

John Fiebeger appeared in front of the board requesting a stream crossing analysis. Mr. Fiebeger indicated that he is looking for stream crossing analysis for Section 20/137/63 with would be north and east of his property. He was wanting to know whether the water was four feet deep, less the two foot culvert located on the property was sufficient. Mr. Fiebeger indicated a desire to potentially file a lawsuit against the township and wanted to use these documents as evidence towards this lawsuit. This board indicated that they have concerns that if every landowner came forward to make a request, that this could cause significant unnecessary work for the state. Mr. Fiebeger was looking at utilizing a court process and in order to support his arguments, he would likely need to hire an independent engineering firm and the engineering firm of the State of North Dakota would not likely be willing to appear as witnesses for a stream crossing. It was also noted that the state would not be providing information about the specific size of the culvert as that would have to be determined by an engineer. Anthony Roorda moved to deny Mr. Fiebeger's request. John Schock seconded the motion. Motion passed.

**BILLS, FINANCIALS, AND OTHER BUSINESS**

Next the Board addressed the bills and financials. John Schock moved and Arlyn Schmidt seconded a motion to approve the bills and financials as presented. Motion passed.

**CHECK NUMBERS**

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|--------------------------------------|-------|
| 1. Dalsted & Ryan, P.C. - \$2,804.40 | #2857 |
| 2. Joel Lees - \$263.20              | #2858 |
| 3. Arlyn Schmidt - \$394.20          | #2859 |
| 4. Anthony Roorda - \$186.83         | #2860 |
| 5. John Schock - \$259.54            | #2861 |
| 6. Dennis Clark - \$628.07           | #2862 |

7. IRS - \$146.88  
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#2863

Dennis Clark then reported on the current status of the Upper Sheyenne. He indicated that currently they are looking at two sites of other counties for their project. The project has been significantly scaled back because of monetary costs to conduct the work, but they are currently looking at doing two sites.

There being no further business before the board, Arlyn Schmidt 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 \_\_\_\_\_,  
2022.

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