

SPECIAL MEETING MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

JULY 26, 2024

Chairman Joel Lees called to order the special meeting of the Stutsman County Water Resource Board at 1:00 p.m. located on site. Members present were John Schock and Dennis Clark. Additionally present was LaVonne and Cale Kiser, Jeff Liechty, Todd Sjostrom, Alex Mastellar, representing the Kisers, Bill Anderson of Montpelier Township, and Abbagail Geroux, secretary of the board.

First, Ms. Geroux provided an overview of the two complaints before the board. Ms. Geroux noted the first complaint was submitted by Jeff Liechty alleging two areas of concern. The first area of concern was regarding a placement of a culvert and fill. The second area of concern was a ditch that Mr. Liechty alleged was dug as outlined in the complaint.

First, the board visited site 1. Mr. Liechty indicated that he filed the complaint because he was told that the Kisers had conducted a significant amount of new drainage on the property. Mr. Liechty indicated he was not concerned if it was existing drainage or if the Kisers had built essentially a bridge in order to allow them to cross their property. In viewing the area, Mr. Liechty indicated that he did not have a concern based on the work that was shown. There was discussion amongst the parties and board members regarding the site which appeared to be an existing drainage way where a culvert was placed and filled on top of the culvert.

LaVonne Kiser indicated that she had Steffes come out and conduct the work on the culvert. Attorney Mastellar argued that the placement of this culvert was likely holding back more water and slowing the flow of the water, which would eventually lead to Mr. Liechty's property and then reiterated that this slough did appear to be existing and was not recently created by the Kisers.

Chairman Joel Lees agreed and indicated that the placement of the culvert would likely slow the flow of the water. LaVonne Kiser indicated that they had to put the culvert in and the crossing because they have had four to five wet years in a row and have been unable to get access to part of their property and

that was the purpose of placing the culvert. Again, board members expressed they did not see a problem or concern with the work that was done.

Based on this, John Schock moved and Dennis Clark seconded a motion to find that site 1 consisted of natural drainage and denied this portion of the complaint. Motion passed.

Next, the parties went to site 2. Site 2 is a natural drainageway and the allegation was that a ditch was dug here. LaVonne Kiser indicated that she had instructed their operator to clean out the cattails in the area. When they received the complaint, they went to review the work that their operator had done and confirmed that it appeared that the operator in removing the cattails did dig too deep of a cut and did deepen the area of the drainage.

Board members noted that they were able to see below the black dirt and saw clay. Based on the same, it appeared that the property had been cut further than it should have been. Cale Kiser indicated that they were willing to replace the dirt back to the point where it was prior to removing the cattails and that it was their intent that they would place enough dirt in order for them to farm across it.

There was also discussion indicating that the water in this area was flowing south. There was also some discussion regarding the general flow of water in the area and the flow of water on and through Mr. Liechty's property. The parties expressed some concerns regarding some larger drainage issues in the area, stemming from a tiling project that occurred through the approval of LaMoure County. The parties discussed a desire to resolve this portion of the complaint themselves. The Kisers indicated they would be willing to replace and fill back in the area that was removed and if it was done to Mr. Liechty's satisfaction, Mr. Liechty indicated he would be willing to withdraw his complaint.

Based on this information, John Schock moved and Dennis Clark seconded a motion to table the complaint until its January, 2025, meeting. Motion passed.

The next part of the site visit was regarding the complaint filed by the Kisers. This complaint is located on property on a section line located between property owned by the Kisers and the Wielands. It was noted that the complaint before the board was an obstruction to drain. Ms. Geroux provided background and

the requirements for an obstruction to drain, including the definition of a water course and the updated factors the board was considering determining whether a water course exists. The Kisers indicated they previously placed the culvert in this area when the first one failed. Cale indicated he had put a marking on the existing culvert at that time, then they observed Adam Wieland going over the road with a grain cart. It is their belief that Mr. Wieland overloaded the grain cart, which ultimately caused the culvert to fail. The Kisers explained that this area where the culvert is located provides access to the Wieland's quarter. The Wielands are the only ones who require use of this prairie trail and unimproved section line.

Joel Lees noted that the water appeared to be equal on both sides, but it was noted that the water would back up in times of high water.

The discussions of the board indicated it was clear that this was a defined water course. Also, the board observed a hole indicating water was flowing in and around the culvert. Bill Anderson from Montpelier Township indicated that the township had no issues or desires to place a culvert or remove the roadway in its entirety. Mr. Anderson explained that the Township Board does not have the finances or the ability to replace or place culverts in unimproved roads as that would be significantly beyond their funding capabilities and therefore the Township Board does not take a position regarding the status of unimproved township roads.

Based on this, John Schock moved and Dennis Clark seconded a motion to authorize Ms. Geroux to send a letter to Mr. Wieland to order him to remove the obstruction or the board would explore doing the same and assessing it on to the property.

Seeing no further business before the board, John Schock moved and Dennis Clark seconded a motion to adjourn the special meeting. Meeting was adjourned at 2:30 p.m.

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