

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

July 31, 2024

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman, Joel Lees, on July 31, 2024, at approximately 10:15 a.m. in the County Commissioner's Room of the Stutsman County Courthouse. Members present were Joel Lees, Dennis Clark, Anthony Roorda, and John Schock. Additionally present were Adam Wieland, David Erickson, Dwight Erickson, Jess Christianson, Jim Wentland, Daren Peterka, and Greg Spenningsby, board alternate. There were two individuals present virtually, Jennifer Martin from the Department of Water Resources, and Nick Wieland. Abbagail Geroux was present as secretary of the Board.

MINUTES

The first order of business was to review and approve the minutes of the June 26, 2024, regular meeting, the special meeting minutes of July 23, 2024, and the site visit minutes of July 26, 2024. John Schock moved and Dennis Clark seconded a motion to approve the minutes. Motion passed.

W-653 ELLINGSON COMPANIES - NOTIFICATION TO INSTALL SUBSURFACE WATER MANAGEMENT SYSTEMS

The next item was the Notification to Install Subsurface Water Management Systems which was submitted by Ellingson Companies on the Northeast Quarter of Section 34, Township 140, Range 64 and the Southeast Quarter of Section 10, Township 139, Range 63, Stutsman County, North Dakota.

W-655 - STUTSMAN COUNTY - APPLICATION FOR SURFACE DRAIN

The next item on the agenda was the Application for Surface Drain submitted by Stutsman County in the Northeast Quarter of Section 24, Township 141, Range 67; the Northwest Quarter of Section 19, Township 141, Range 66; the Northeast Quarter of Section 30, Township 141, Range 67; and the Northwest Quarter of Section 29, Township 141, Range 67, Stutsman County, North Dakota.

Jennifer Martin, who is an engineer for the Department of Water Resources, commenced this portion of the meeting. Ms. Martin read a statement indicating this would constitute the

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official hearing for the emergency drainage and that this portion of the hearing would be recorded. Jim Wentland, Stutsman County Road Department Supervisor, presented the application and explained the purpose and nature of the request. He also indicated he contacted U.S. Fish and Wildlife and in his communication with them he explained that they were comfortable with allowing the temporary draining and supported a more permanent solution long-term. He visited with a representative from the Army Corps of Engineers. They also indicated they had no concerns about the proposed emergency drainage so long as they would be aware of it, but they anticipated no issues with dealing with the water as it comes through the system.

Mr. Wentland explained the last time they put in this drainage ditch, it was open for about a year and a half. This time they would like to keep it open for a year.

Ms. Martin explained to Mr. Wentland that the approval for the temporary drainage could only last for six months at which point they would have to seek renewal of the permit at least 30 days prior to the expiration date of the existing permit and it could be extended for up to six months. Mr. Wentland anticipated that construction would commence as soon as possible within the next few weeks when all the permits have been secured. Mr. Wentland also explained they previously put in culverts downstream and he does not anticipate that there will be any downstream crossing issues. It is anticipated that the runoff would be between 45 and 80 cfs.

Mr. Wentland also explained that he was in contact with the downstream landowners and has received a number of Easements from many of them. He is now in contact with the trust for Ronald Thom, as previously the contact information was not up to date, but he anticipates having that final information and documentation from them in the next few days.

Mr. Wentland planned to commence on the land owned by Owen Olson and opening up the ditch from where he has permission from the Wildlife Easement. The work will consist of one trench.

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Mr. Wentland explained that the last time they did drainage in this area, they were required to fill in the entire trench and he anticipates following the same path as they did the last time, but that the County desires a permanent solution.

Ms. Geroux also indicated to the board that she had made contact with all but one of the owners affected, which was Mr. Ronald Thom, and notified them of this meeting. Seeing no further discussion, Anthony Roorda moved and John Schock seconded a motion to approve the emergency drainage application. Upon roll call vote, all voted in favor of the motion.

Anthony Roorda requested information about what the long-term drainage plan was for the area. Daren Peterka indicated he anticipates they will have plans prepared in the next couple of weeks and then will try to visit with Paul Halko to identify a permanent drainage solution.

Mr. Wentland also indicated that this emergency drainage will assist with other road issues they are having, in particular with County Road 42.

W-652- COMPLAINT FOR WATER RELATED ISSUES ON THE NORTHEAST QUARTER OF SECTION 31/137/63, STUTSMAN COUNTY, NORTH DAKOTA SUBMITTED BY CALE AND LAVONNE KISER

Next, Adam Wieland and Nick Wieland were present at the meeting regarding a complaint by Cale and LaVonne Kiser for an obstruction to drain. Ms. Geroux noted for the board that the board made a determination at its site visit on July 26, 2024, and therefore this item was removed from the agenda and the Kisers were informed that they did not anticipate having further discussion on the matter at the meeting.

Ms. Geroux also provided a summary of what transpired at the prior meetings and site visit. Joel Lees explained that when they conducted the site visit, they observed a hole showing that water was moving around the culvert and that the culvert was no longer effective. Nick Wieland expressed frustration with the Kisers and that the Kisers only put in black dirt when they replaced the culvert claiming that the culvert was 12' from

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the get go. Adam Wieland acknowledged that he did drive his equipment over the culvert. Mr. Wieland claimed that the collapsed culvert was not impeding the flow of water and that the real choke point for the water was elsewhere.

The board explained to the Wielands that they made a decision at their site visit and if they wanted to further appeal the matter, they could request a hearing with the board as outlined in the letter that will be sent to them shortly. Nick Wieland expressed frustration that he did not receive a phone call from the board. Joel Lees expressed to him that he should have been provided with the written notification of the meeting. Mr. Wieland indicated he received correspondence, but did not open it.

Ultimately, Nick Wieland argued that the culvert was only 30% blocked, that they came in with class 5 gravel because the Kisers only put black dirt on top of the roadway, and it did not restrict the flow, Mr. Wieland felt that he should not be solely responsible for the cost of fixing the obstruction.

Again, the board reiterated the process that he may go through if he would like to appeal the decision the board made at its site visit on July 26, 2024.

MISCELLANEOUS

Daren Peterka then addressed the board regarding a tool that may be useful for the board called Stream Stat. It is a tool from USDA website, which shows basins and sub-basins. It can also provide an ability to conduct reports for culvert crossings, although it may not be completely accurate, this can provide a good overall picture of an area that might provide assistance to the board when reviewing various applications or the Crystal Springs Lake area, which was discussed at the July 23, 2024, special joint board meeting.

Mr. Peterka also presented the board with a copy of a hydrology report that was conducted by the Department of Transportation. That could also provide the board with additional background regarding the area.

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The board then discussed the next steps in the feasibility study and future requirements that the board may need to be aware of.

They also discussed generally the use of drone spraying for cattails.

FINANCIALS

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

CHECK NUMBERS

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|--------------------------------------|--------|
| 1. IRS - \$253.22 | #2944 |
| 2. US Post Office - \$200.00 | #2945 |
| 3. ND Workforce Safety - \$250.00 | #2946 |
| 4. Dalsted & Ryan, P.C. - \$2,702.50 | \$2947 |

There being no further business before the board, Anthony Roorda moved and John Schock seconded a motion to adjourn. The meeting was adjourned at 11:30 a.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