

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

September 28, 2022

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman, Joel Lees on September 28, 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, Arlyn Schmidt, and Greg Spenningsby as alternate. Abbagail Geroux, Secretary of the Board, was also present. Additionally present were Ronald Greer, Lisa Davis, Brian Miller on behalf of Agricovert and Justin Kangus on behalf of Agricovert.

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The first order of business was to review and approve the minutes of the August 31, 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-644 - COMPLAINT OF UNAUTHOURIZED DRAINAGE PRESENTED BY RONALD GREER AGAINST AGRICOVERT

Ronald Greer presented his application to the Board. Mr. Greer expressed his concerns regarding flooding that was occurring on land developed by Agricovert and onto Mr. Greer's land. He indicated that after it rains, there is drainage happening in a 40' wide area. He explained that the water was within a foot and a half of the road. The water has to go through two culverts, crosses the road and then into two more culverts. It takes approximately 1 ½ to 2 weeks after the spring to get into his fields, later than usual. Mr. Greer indicated his concerns that Agricovert was adding a significantly more amount of concrete, so with the existing landscape he is unable to get into his land until about mid-June and has concerns that the additional water occurring on his property will continue. Mr. Greer would like to see a reserve or pond on Agricovert's property in order to catch the snow and other runoff in order to prevent the water from flooding on his land. Mr. Greer indicated that a one-inch rain will likely wipeout thirty to forty acres of crop. He noted that the water flows into the James River. Arlyn Schmidt indicated to Mr. Greer he understood the concern that Mr. Greer was presenting to the Board. Mr. Schmidt questioned whether the township has any specific zoning in the area that Agricovert must comply with.

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Mr. Miller with Agricover addressed the Board and he indicated with the new project they were not draining any water on any neighboring property. Mr. Miller indicated Interstate Engineering did the design for the project and they received various approvals from many different agencies including the State Water Resource Board. Mr. Miller also explained that Agricover bought land to the East of the project which contains a number of wetlands. The purpose of this purchase was to allow for the water to flow onto this area of property so that no neighboring land owner's property would be directly affected. Mr. Miller indicated that Agricover also paid for the drain across Hwy 281 to be cleaned out so that water would flow through the area quickly. The culvert on 30th Street was showing that it was a 10" culvert. There was some additional discussion with Mr. Miller and the Board regarding the location of the new building, the land that Agricover purchased and the roads and culverts in the area.

There was discussion about possible blockage downstream of Mr. Greers land that may prevent the water from flowing through, as Mr. Greer indicated his concern was that the water was just sitting on his land. A question was raised whether the land to the South of Agricover's property had any concern or complaints regarding water. Mr. Miller indicated he was not aware of any complaints by the owner of the property itself. John Schock indicated that he was concerned that if there is only a 4" pipe going through 30th Street, he was not sure how this amount of water would be impacting Mr. Greer's land. Aryln Schmidt asked Mr. Miller if it was possible for Agricover to put in a holding pond. Mr. Miller indicated that they purchased the property to the East of the new site to act as its holding pond and that there would be significant costs to put in a new holding pond. Mr. Greer also explained that with the complaint before the Board, the Boards determination was to determine if any unauthorized drainage had occurred. Ms. Geroux indicated she was unsure if the Board could order Agricover to install a pond on their property, as typically the Boards Authority would allow them to close any drain that was opened, and she would have to conduct additional research if the Board wanted to move in that direction.

Joel Lees then indicated that they needed to address the complaint that was before them. Mr. Lees indicated that we had an exceptional Spring this year and now it is drier in the fall

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and that he understood that the amount of water may not have been necessarily caused by Agricover but there could be concerns with allowing the water to effectively flow through the region. John Schock moved and Dennis Clark seconded a Motion to find that there was no unauthorized drainage. Motion passed.

Arlyn Schmidt indicated that he felt Mr. Greer made a simple request indicating his concern of the snow piles in the winter and that Mr. Schmidt felt that if Agricover was going to be neighborly that they should be putting in a holding pond as that would seem to take care of the issue. The Board noted that they could suggest that Agricover put in a holding pond but they were not going to order one be done as part of this process. At this time, Mr. Miller noted that they currently have seven acres of holding ponds and 40 acres of grassland where the water does ultimately runoff to. John Schock, additionally commented, that if the runoff from Agricover was such a problem there would be water over the road on 30th but no one has indicated any observations that the road on 30th was over topped with water.

LISA DAVIS PRESENTED A COMPLAINT TO THE BOARD.

Ms. Davis presented a complaint to the Board at the meeting. She indicated she built a home in Homer Township, South of the State Hospital and North of Ypsilanti. She indicated that when her house was built, the township then decided to place five culverts within a one-mile stretch, including one next to her property. A couple of years ago there was a significant amount of runoff and water moved through the culvert which flooded her yard and ultimately filled her basement with 4' of water. Because of how high the water table was, she had no where to pump and now the value of her home is now significantly diminished and she's desiring assistance on how she can go about obtaining damages for the repairs to her home. Ms. Geroux explained to Ms. Davis that she did not receive any complaint from her and that if Ms. Davis desired to file a complaint she certainly could do so at that time, then the Board would notify both parties of the complaint and bring them in. It was noted to Ms. Davis that the Board does not have authority to order a Township to close a particular culvert, but that if she decided to file a complaint that they would certainly listen to her concerns. Ms. Geroux also explained to Ms. Davis that the Board does not likely have the ability to order payment for any damages that occurred to her property and she should seek out her own attorney to determine what remedies, if any, she

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would have available to her. Ms. Davis then inquired about obtaining a form to file a complaint and further made inquiries regarding an open records request. Ms. Geroux indicated she would mail a copy of a Complaint to her address that she provided and Ms. Davis could specify any documents that the Water Resource Board might have to her office and she would conduct a search at that time.

BILLS, FINANCIALS, AND OTHER BUSINESS

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

CHECK NUMBERS

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| 1. Abbagail C. Geroux - \$37.61 | #2868 |
| 2. Casey Lees - \$1,232.50 | #2869 |
| 3. Dalsted & Ryan, P.C. - \$1077.50 | #2870 |
| 4. Joel Lees - \$175.47 | #2871 |
| 5. Arlyn Schmidt - \$349.24 | #2872 |
| 6. John Schock - \$259.54 | #2873 |
| 7. Dennis Clark - 472.55 | #2874 |
| 8. Internal Revenue Service - \$215.73 | #2875 |

Next, there was discussion regarding the bill for the well for Casey Lees. The Board at the last meeting approved of a payment of \$200 towards the closing of a well. Joel Lees explained that it was actually two wells that were closed and the Board indicated that in that event, Casey Lees would need to provide our office with a letter indicating that it was actually two wells as the invoice provided was not explicitly clear. Therefore, the Board revisited their decision regarding the amount of funds that would be reimbursed for the closing of a well. John Schock moved and Dennis Clark seconded a motion to approve \$200 per well. Motion passed. The Board indicated that Casey Lees would have to provide the Board with a letter explaining that he actually closed two wells and then the Board would review that request at that time.

There being no further business before the Board, Arlyn Schmidt moved and John Schock seconded a motion to adjourn. The meeting was adjourned at 11:55 a.m.

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RESPECTFULLY SUBMITTED:

ABBAGAIL GEROUX
Secretary

BOARD APPROVAL OF MINUTES

The board approved the minutes this ____ day of _____,
2022.

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