

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

October 30, 2024

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman, Joel Lees, on October 30, 2024, at approximately 10:00 a.m. in the County Commissioner's Room of the Stutsman County Courthouse. Members present were Joel Lees, Anthony Roorda, John Schock, Dennis Clark, and Arlyn Schmidt.

Additionally present was Greg Spenningsby, board alternate, Jim Wentland and Jesse Christiansen of the County Road Department, Duane Klostreich, Jennifer Klostreich, and Josh Loosmore. Also present was Abbigail Geroux, secretary of the Board. Additionally present via phone was Monte Deis from the North Dakota Department of Transportation.

**MINUTES**

The first order of business was to review and approve the minutes of the September 25, 2024, regular meeting minutes. Dennis Clark moved and Anthony Roorda seconded a motion to approve the minutes as presented. Motion passed.

**RUNNER'S SLOUGH**

Next, the board addressed the concerns raised by Duane Klosreich who resides by Runner's slough located south of Cleveland. Ms. Geroux provided background on the issue. Duane Klostreich and his wife live on the property located south of Cleveland. Their property is located next to a water body called Runner's Slough. This area is located south of I-94 and 64 1/2 Avenue Southeast. This area received a significant rainfall event over the summer which has caused the elevation of water of the slough to increase. Additionally, there was road grade raise on I-94 and the county is contemplating a road grade raise to the west of 64 1/2 Avenue Southeast. The Klostreichs have concerns, first regarding their well and secondly their homestead with regards to the water level.

The City of Cleveland has a permit to release treated wastewater which ends up in Runner's Slough. This is affecting the quality of the water in the Klostreich's well.

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Next, if those water levels continue to rise, there are concerns regarding their homestead. It is anticipated that they will be digging a new well. The cost of digging a new well is expensive and alternative methods, such as utilizing rural water would likely not be cost efficient. They are approaching a period of time where the slough water may end up overtopping and entering into the well itself.

Monte Deis from the North Dakota Department of Transportation indicated that they have conducted a temporary grade raise in the area. This temporary grade raise was done by decreasing the median between the two separate lanes of traffic, then draining the median and then building up the roadway in that area and placing concrete ballasts on the outside as a temporary measure so that I-94 roadway is not overtopped with water. Currently, the road median was 75 feet in width with the temporary road grade raised and the median was decreased to approximately 11 feet and the road grade was raised to 4.5 feet. Prior to the road grade raise, the road was sitting at an elevation of 1805 feet and with the temporary grade raise, it is sitting at an elevation of 1809.5 feet. They do plan on creating a permanent road grade raise in the area. They are tentatively setting a 2026 construction timeframe. Mr. Deis indicated that they will be having public input meetings and plan on having a public input meeting this winter. He explained they are still surveying the project and in the design phase. He said they do not have final numbers on what the new height of the road will be, but did indicate they did anticipate insuring that there were adequate culverts in the area to move the water. It was noted that there are currently 48" culverts in the area. Mr. Deis explained that the DOT believes those culverts are working because the water has equalized on both sides of the culvert and while they have not done a visual inspection of the culverts, based on the water levels, it appears that they are functioning appropriately.

Duane Klostreich explained that the water coming in to the slough is coming in from all directions which has contributed to an increase of the size of the slough. Duane explained that he sat in prior meetings regarding this matter and explained that he felt that the ditches and I-94 were being used as a drain when they were not supposed to be.

There was some discussion between the board members and the DOT regarding the difficulty in altering the natural drainage

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way as it currently stands because likely upstream landowners would have some concerns with any alterations. Dennis Clark inquired if the DOT could consider putting in a ditch block in an area. Mr. Deis indicated that would be an item that they could look at, however, there is a potential concern about preventing the natural flow of water in the area and its impact on upstream landowners. Mr. Deis also explained that the slough in that area is approximately 700 acres. He believes that with the road grade raise, the likely impact on the elevation of the slough would have minimal to no impact.

Jim Wentland of the County Road Department indicated they were planning on raising the county road up to approximately 6.5 feet and/or to look into a realignment. He is still waiting on approval to conduct the work. He also explained that there is no natural outlet on this slough, that the water would have to go an additional 15 feet before the water would drain out.

There was then some additional discussion regarding various funding mechanisms or avenues that the Klostreichs could look into. The board explained that it did not have any funding available and discussed with them the role that the board could play. No action was taken regarding this matter.

**W-656 LOEWEN, Dennis - Complaint of Unauthorized Drainage**

Next, Ms. Geroux updated the board regarding the Dennis Loewen complaint. She provided e-mail correspondence to attorney Kale Van Bruggen regarding the Wells County Water Resource Board. According to Mr. Van Bruggen, it was their position that they would not entertain a joint meeting unless or until Dennis Loewen presented a complaint to their board and indicated that our board should move forward with any complaint process it so desires on any property located within Stutsman County.

Based on this information, the board directed Ms. Geroux to send a letter to Dennis Loewen explaining the Wells County Water Resource Board's decision and to determine if Mr. Loewen desires to continue with the complaint for the property located in Stutsman County.

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**CRYSTAL SPRINGS FEASIBILITY STUDY**

The next item that was before the board was the status of the Crystal Springs feasibility study. Ms. Geroux explained that the Department of Water Resources did approve of a grant for cost share on the feasibility study and the appropriate paperwork has been drawn up for the county's signature. In addition, Burlington Northern Sante Fe has also prepared up paperwork for the county's signature to provide \$20,000.00 in funding, with \$20,000.00 in in-kind donations for data sharing. Ms. Geroux explained both of these Agreements do not require the signature of the Stutsman County Water Resource Board and therefore Ms. Geroux would not be reviewing those documents unless directed by the board.

It was also noted that regarding the funding for the feasibility study, other entities had stepped forward to express interest in committing funding and Mr. Loosmore expressed his appreciation to the board for their support in the project.

**MISCELLANEOUS**

Next, there was again discussion regarding the Presens monitoring request. It appears that Houston Engineering has drafted a letter for Joel Lees' signature. It was again noted that these monitoring sites would be installed by the Department of Water Resources at no cost to the board. The data generated from these monitoring sites would be immensely helpful for the feasibility study. Mr. Loosmore was on hand to answer board questions regarding additional monitoring sites located in Kidder County. He also indicated that they had identified sites that they wanted to monitor regarding certain wells to monitor ground water levels. Mr. Loosmore also noted that there was some special task force that were being created at the State and some of those task force anticipate looking at the Crystal Springs Lake water concerns.

It was then noted that Joel Lees will be heading to Arizona shortly. Anthony Roorda will now be the point person for future steering committee meetings for the feasibility study. There was discussion amongst the board regarding the amount of information that they would like to receive regarding

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correspondences with Houston Engineering on the status of the project. No action was taken on that matter. However, Anthony Roorda moved and John Schock seconded a motion to authorize Joel Lees to sign a letter requesting additional monitoring with the Department of Water Resources. Motion passed.

**UPPER SHEYENNE JOINT WATER BOARD**

Next, Dennis Clark addressed the board regarding Upper Sheyenne. It was noted that the Upper Sheyenne was working on a new bank stabilization restoration project in Nelson County. They anticipate opening bids for this project on December 2, 2024. Dennis Clark also noted that the board intended to modify its Bylaws regarding the planning of obtaining an attorney and they plan on addresses the adoption of the amendments to the Bylaws again at their meeting on December 2, 2024.

Ms. Geroux then asked if Upper Sheyenne had retained an attorney to provide them legal assistance and Dennis Clark indicated that they had not at this time. The board requested Ms. Geroux to make contact with the current director and determine what the status of that is.

**FINANCIALS**

The board then reviewed the bills and financials, including the voucher of Anthony Roorda and the IRS Form 941. Anthony Roorda moved and Arlyn Schmidt seconded a motion to approve the bills and financials as presented. Motion passed.

**CHECK NUMBERS**

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|--------------------------------------|-------|
| 1. IRS - \$415.40                    | #2953 |
| 2. Dalsted & Ryan, P.C. - \$2,997.50 | #2954 |
| 3. Anthony Roorda - \$339.73         | #2955 |

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There being no further business before the board, Anthony Roorda moved and Dennis Clark seconded a motion to adjourn. The meeting was adjourned at 11:33 a.m.

RESPECTFULLY SUBMITTED:

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ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

The board approved the minutes this \_\_\_\_ day of \_\_\_\_\_, 2024.

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