

## MINUTES

### STUTSMAN COUNTY WATER RESOURCE BOARD

April 29, 2020

The regular meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on April 29, 2020, at 9:00 a.m. via telephone conference. Members present were Joel Lees, Arlyn Schmidt, Anthony Roorda, John Schock, and Dennis Clark all by telephone. Additionally present was Abbagail Geroux, Secretary for the Board. Additionally present Shirly Krapp of Spiritwood Lake, Mike Schlecht-Councilman of the City of Spiritwood Lake, Jim Collins of the North Dakota Department of Environmental Quality, Patricia McQueary of the U.S. Army Corps. Of Engineers, Laura Ackerman of the State Water Commission, Chris Korkowski of the State Water Commission. Additionally, Brian Mager and Jacob Hofmann appeared at the meeting at 10:00 a.m. for the hearing on the Emergency Application to Drain by Peterson Township.

#### **MINUTES**

The first order of business was to review the minutes of the March 25, 2020, regular meeting, minutes of April 6, 2020, special meeting, minutes of April 9, 2020, special meeting, minutes of April 21, 2020, special meeting, and minutes of April 24, 2020, special meeting. Upon review, Arlyn Schmidt moved and Anthony Roorda seconded a motion to approve all of the minutes. A roll call vote was taken. All voted in favor. Motion passed.

#### **SPIRITWOOD LAKE/ALKALI LAKE PROJECT PLANNING APPLICATION**

The first item on the agenda was discussion of the Spiritwood Lake/Alkali Lake Project Planning Application. Ms. Geroux explained that she provided a document for the Board to review. This is the information she anticipated providing by the electronic application by the State Water Commission. The purpose of this application is to provide the State Water Commission with an idea of anticipated projects for future biennium. By placing this information within the Project Planning Application. This would potentially reserve funding opportunities in the future. She indicated that she worked with Chris Korkowski from the State Water commission to assist her with coming up with some of the numbers for this. She indicated

that the information provided is all considered preliminary as this is such an early stage of the project.

At this time Joel Lees requested if this matter should be handled now. Ms. Geroux explained that the Board would likely prefer receive an update on the Spiritwood Lake Feasibility Project and that both could be discussed at the same time. Chris Korkowski of the State Water Commission indicated that although the planning for this project is premature, it would be important for the Board to put in an application now because otherwise it would wait for at least another year before it could apply for cost share funding. He indicated that the State Water Commission is aware that any information provided is considered preliminary with these project planning applications and that they understand if these amounts change. He noted that the Board would be in a good position to put in this application as it could assist in the timeline necessary for obtaining funding if a project does go forward.

#### **UPDATE ON SPIRITWOOD LAKE FEASIBILITY PRJOECT**

Mr. Korkowski than addressed the progress of the Feasibility Study. He indicated that the Feasibility Study is moving much farther along than anticipated. At this point he needs to verify data that he has been able to obtain electronically for various slough areas and sizes. Currently he has taken available data in the Hydrology Study along with anticipated amounts of precipitation and snow melt. He indicated that currently they are waiting on the ability to have survey crews go and survey the area to confirm the data. He indicated that because of COVID-19 the survey process has slowed but was confident he would be able to meet requested timeline for completion. Mr. Korkowski indicated that the model that he is working would show impacts of any proposal to drain on downstream landowners all the way to the interstate. Currently he is estimating the culvert size and that it might be necessary to rework his model when he is made aware of the actual culvert sizes from the surveyors. Mr. Korkowski also noted that it appears that a project similar to this has been proposed several times previously but these projects never came to fruition. It appeared that these projects failed because there was an inability to determine how these types of projects would affect downstream landowners. Therefore, this Feasibility Study would be important to be able to be able to determine what impacts there would be if any. He also noted that he does not anticipate looking at any solution involving Shock Lake because of the Lake's current conditions.

The Board then discussed the Project Planning Application. Mr. Korkowski acknowledged that the timing request for funding by the Stutsman County Water Resource Board is premature, however it would put this project in line for future funding should a project be proposed. Mr. Korkowski acknowledged that it is possible that his study might find multiple feasible alternatives or the study might find that there is no feasible alternatives and a project may not come to fruition based on his work.

The Board inquired about how Mr. Korkowski came up with the \$15 million figure. He explained he had multiple discussions with Jared Huibregtse regarding cost estimates. Mr. Korkowski indicated that he gave a ball park number. When the State Water Commission reviews these planning applications, they are aware that these are very rough estimates. He explained that the \$15 million was a ball park because if the project was a pumping project, for example, the project would cost significantly less. However, if they were going to be placing any permanent structures on Spiritwood Lake or on Alkali Lake the cost could be higher or lower than \$15 million.

Mike Schlecht from the City of Spiritwood Lake wondered if this planning application included the Hydromagnetic Project. Mr. Korkowski indicated he did not believe that it included the Hydromagnetic Project. He explained that there are currently three (3) projects happening on Spiritwood Lake and that they should be considered distinct and separate.

The first is the water quality project which is for the Hypolimnetic drawdown. The second is going to be for the fish quality or the Zander issue from the North Dakota Game and Fish. The third is this flood control project that they are doing the Feasibility Study on. Mr. Korkowski explained that he would make sure that the flood control project would not impact either the water quality project or the zander project.

John Schock inquired whether these projects could be tied together. Mr. Korkowski indicated that the project funding would only be for the \$15 million but it is possible that down the road, aspects of these projects could be combined as an Engineer is brought on to work on the various aspects of the flood control project.

Anthony Roorda inquired whether the City should put in their own application request with the State Water Commission. Jim Collins with the Department of Environmental Quality stated that the project does not need any funding. The project is currently fully funded and that they are ready to go tomorrow but they are waiting on the approval process from the State Water Commission for a period of about a year and a half.

Mike Schlecht than asked Mr. Collins why there is such a delay in Water Commission approval. Jim Collins explained that this is a question for the Water Commission because the year/year and half timeframe is their process. Mr. Korkowski indicated that he does not work on the regulatory side of permits. Permits go through the State Engineer's Office and the person to contact would be Matt Lindsay who would be able to explain why the process takes so long. He did note that there are two (2) processes that they have available. One is an Emergency process which goes through an expedited review process as compared to the permanent application.

Shirly Krapp inquired about the Emergency Meeting that was held in the month of April regarding drainage into Spiritwood Lake. She inquired what the result of that emergency drainage was and also noted that Gray Township was requesting to put in a control structure which they could use to inhibit the flow of water when Spiritwood Lake is at 1,445 feet. She noted that currently the lake level is at 1,446 feet so even if the application is approved, they would not be able to drain water off of that slough. It was noted that temporary permits are processed faster and it was noted by Joel Lees that the lake levels for Spiritwood Lake can fluctuate greatly and that system seems to move through a lot of water. They did not anticipate that the water coming from the sloughs from the temporary application would have a dramatic effect on the Lake and that it might take some time in any event.

Seeing no further discussion before the Board, Anthony Roorda moved and Arlyn Schmidt second a motion to approve of the Planning Project Application as presented. Motion passed by roll call vote.

John Schock noted that he did not think the project costs will be as high as \$15 million. It was noted that he sits on the Griggs-Barnes-Stutsman Joint Board. The project that they are looking at is quite large and requires significant drainage and currently that project is anticipated to cost approximately \$3 million and so it is quite possible that any proposed project through this Feasibility Study could be significant less than \$15 million.

**BILLS AND FINANCIALS**

Since it was not quite 10:00 a.m. to hear the temporary drainage application the Board proceeded with its regular monthly activities.

The Board reviewed the bills. Ms. Geroux read aloud the bills and the amount to be paid to each entity. She also noted that at the last Board meeting the Joint Board approved of two (2) bills but the Stutsman County Water Resource Board had already approved one of those bills and a check was sent out upon the Joint Board's approval. Therefore, there is only one (1) bill before the Water Resource Board.

She also received correspondence that the Joint Board had received approximately \$50,000.00 the amount of money needed to continue with the project and they anticipated that future bills would be paid out of the \$50,000.00. John Schock confirmed that there did appear to have significant landowner support for this project. Although the Board would still likely be required to pay the Board members attendance at those meetings. The other bills such as cost for Attorney's fees and Engineering would be coming out of funds provided by the landowners.

Seeing no further questions on the bills, Anthony Roorda moved and Dennis Clark seconded a motion to approve the bills. Motion passed. Dennis Clark moved and John Schock seconded a motion to approve the financials. Motion passed. Both by roll call vote.

**CHECK NUMBERS**

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|---|-------|
| 1. Forum Communication Company - \$257.00           | #2743 |
| 2. Dalsted & Ryan, P.C. - \$2,245.52                | #2744 |
| 3. Griggs County Water Resource District - \$270.00 | #2745 |

**MISC.**

Next, there was a discussion regarding the use of the newspaper. John Schock inquired whether with the limitations on daily papers was impacting the ability to provide notice and asked whether the Board's notices would be available digitally. Ms. Geroux explained that the bill appears to include digital ads on the digital newspaper. Joel Lees confirmed that he gets a copy of the digital newspaper and that he has seen ads in the paper. There was a discussion among the Board members whether it was still necessary to provide notice by paper. Ms. Geroux indicated that previously the Board would have two (2) notices

placed in the paper for each hearing. This was cut back to one (1) unless there was a Complaint filed with the Board. That Complaint process is something has been changing throughout the years and she indicated that she would look into what requirements the Board has to publish these notifications.

### CORRESPONDENCE

Next, the Board reviewed some correspondence. First was a letter from Interstate Engineering regarding a Lift Station. Second was a letter from Chicago Township regarding the placement of a culvert. The Board did not take any action at this time.

### EMERGENCY APPLICATION FOR SURFACE DRAIN FOR PETERSON TOWNSHIP ON THE SW ¼ OF SECTION 12/140/69, STUTSMAN COUNTY, NORTH DAKOTA

Brian Mager and Jacob Hofmann appeared by telephone for the to discuss an Emergency Application to Drain on the Southwest Quarter of Section 12, Township 140, Range 69, Stutsman County, North Dakota. Brain Mager of the State Water Commission opened the hearing and made initial statements. At this point he requested to know all the individuals present at the meeting. Individuals present were Jacob Hofmann of Peterson Township, Shirly Krapp, Pat McQueary, Mike Schlecht, and Jim Collins, along with all of the Board members.

Next, Jacob Hofmann explained the history of this particular application. He indicated that he received a permit to pump this area last year. However, it was getting very expensive to pump the water and that the township was unable to keep up with the amount of water flowing through. They ended up abandoning the project. Another road, 34<sup>th</sup> Street, has become impassable with water. They again began pumping. It was noted that it was time consuming and expensive and appeared to be not as effective at moving the water.

Therefore, they were requesting a change in their proposal to put in a ditch. Near the area where they are currently pumping, there exists an area where the water flows naturally and they are requesting to put in a ditch in that area. He noted that the water rose approximately two (2) to two and half (2 ½) feet and that is the amount of water that they would need to take off the road in order to make it safe. He noted there were thirty (30) residents who need to get access through this road and the only alternative is a road which is in very poor condition. This is functionally the main and only road for

residential access and emergency personal.

There was some discussion about the sloughs in the area. It was noted there was a large slough which on the maps provided, showed it was approximately 275 acres. Mr. Hofmann noted that currently that slough is much larger and likely is over 300 acres. There was also a discussion of a slough located near the ditch. He noted that with their proposal that this would likely lower this slough approximately two (2) to two and a half (2 ½) feet. He explained the slough near 34<sup>th</sup> Street is at capacity and that nay additional water would become problematic. He explained that the water in this area would move through a series of lakes the first being Ruel Lake. After that the water would cross I-94. He noted that by the time that the water got to I-94, he would have negligible effect on this crossing. Mr. Hofmann indicated that his goal was to get the water back to the normal level in the area. He noted that the landowner where this ditching would occur is his father and his father consented to this ditching.

He indicated that he did not contact NRCS or the Army Corps. Of Engineers. A representative of the Army Corps. Of Engineers, Pat McQueary, indicated that she was not aware of the project.

Mr. Magner inquired whether the township anticipated using an Engineer to design the project. Mr. Hofmann explained that in the event that they are able to get a permanent approval they would use an Engineer to design the project but for this temporary structure, he planned on doing it himself.

Mr. Hofmann noted that he had not contacted downstream landowners for this particular project but did contact them last year. Last year only one owner indicated an objection and that landowner lived on the Southwest Quarter of Section 24.

Next, Mr. Magner opened the hearing up to Board comments. Arlyn Schmidt noted that he was familiar with the area. He indicated that this is a very serious situation because there is really only one (1) way in and out of the area. The alternative route which is a road that is in very poor condition. Previously the State Water Commission and the local Board agreed that it would be appropriate to pump the water in the area. He did not believe that a request to ditch would be any different. This would just be a much faster way to move the water. Last year, Aryln Schmidt noted, the single objection was by an individual who was concerned about water in her basement.

Seeing no further discussion by the Board members, Anthony Roorda moved and Dennis Clark seconded a motion to recommend drainage approval. A roll call vote was taken by unanimous vote. Motion passed.

At this point in time Brian Magner closed the hearing.

**TELECONFERENCING SYSTEM**

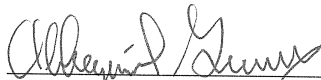
The Board discussed a telephone conferencing system. It was noted that the Board did appear to like this system as it was much clearer and they have not had as many issues with this system as prior systems. It was noted that at this hearing Board members and Ms. Geroux had trouble accessing this matter by computer and that would be useful tool in the future to be able to review documents or presentations by various members of the Board or members of the public and so that would be a particular area of concern that the Board had with this conferencing system.

They acknowledged that although, they like this system they want to make sure Ms. Geroux's office would be able to do those types of activities before committing to purchasing it. Ms. Geroux discussed the various costs and options for this teleconferencing system. It appeared the most appropriate for the Water Resource Board was the Standard Package which would cost \$15.00 per month. Ms. Geroux noted that there was no annual amount given just a monthly amount.

Based on this John Schock moved and Dennis Clark seconded a motion to authorize Abby Geroux to purpose a monthly subscription to Vast Conference so long as she is able to make the computer aspect of this system work. A roll call vote was taken and by unanimous vote motion passed.

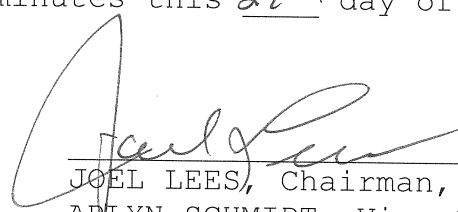
There being no further business before the Board, Johns Schock moved and Dennis Clark seconded a motion to adjourn. Motion passed.

RESPECTFULLY SUBMITTED:

  
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ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

The board approved the minutes this 20<sup>th</sup> day of May, 2020.

  
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JOEL LEES, Chairman, or  
ARLYN SCHMIDT, Vice-Chairman