

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

November 25, 2020

The regular meeting of the Stutsman County Water Resource Board was called to order by Vice Chairman Arlyn Schmidt on November 25, 2020, at approximately 9:04 a.m. This meeting was held virtually. Members present were Arlyn Schmidt, John Schock, and Anthony Roorda. Joel Lees and Dennis Clark joined the meeting later. Additionally, present by phone was Robin Barnes, the complainant, Ross Bollingberg, Dana Fletcher, and Terry Schoeler, representing Corrine Township. Additionally, present was Abigail Geroux, Secretary of the Board.

**MINUTES & BILLS**

The first order of business was to review the minutes of the October 28, 2020, regular meeting. Upon review, John Schock moved and Anthony Roorda seconded a motion to approve the minutes. Motion passed.

Next, the Board reviewed its monthly bills. Upon review, Anthony Roorda moved and John Schock seconded a motion to approve the bills. Motion passed.

Next, the Board reviewed its financials. Upon review, Anthony Roorda moved and John Schock seconded a motion to approve the financials. Motion passed.

**CHECK NUMBERS**

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|---|-------|
| 1. Dalsted and Ryan, P.C. - \$2,851.35              | #2780 |
| 2. Griggs County Water Resource District - \$270.00 | #2781 |

**W-626- CRAIG M. BARNES - COMPLAINT OF UNAUTHORIZED DRAINAGE IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 144, RANGE 62, STUTSMAN COUNTY, NORTH DAKOTA**

Next, the Board addressed the Complaint of Unauthorized Drainage by Craig Barnes. Robin Barnes was present to address the Board. The respondents present were Ross Bollingberg, Dana Fletcher, and Terry Schoeler, representing Corrine Township.

Ms. Barnes initially described the complaint and indicated that they would like to see the road fixed so that the water

flows through the prairie road, as it should. Ms. Barnes indicated last year the road washed out, creating a ravine. She noted that there is a culvert in the area but in instances of high water, the water pushes back onto the Barnes's land. This water then sits on the Barnes's land and is ruining the soil. Ms. Barnes indicated she would like the road to be built up and that a culvert be placed so that the water flows through the area the way the water is supposed to flow. The Board inquired whether the road is a maintained Township road. Ms. Barnes indicated it is a well-used prairie road, but is not really maintained by the Township.

There was next some discussion between Ms. Barnes and Terry Schoeler regarding the Barnes' placing gravel in the Township road, and whether or not the Barnes' had permission to do that. Mr. Schoeler indicated that he previously visited with Craig who indicated that their concern was the water was backing up and going over the other prairie road in the area and not that the water was sitting on their land. Mr. Schoeler indicated that they looked at various other alternatives on how to repair the road. He said that they looked into putting in another culvert there. They indicated that there was no way to put in a larger culvert without significantly building up the road, which requires funding that they do not have. They also looked into doing a Texas crossing, and that would also require a significant amount of funding. So instead, the Township dug the road down, and put rock in the culverts in order to fix the issue. Mr. Schoeler indicated that Ms. Barnes is requesting the Township to put in a road that would in affect create a dam. Ms. Barnes disputed that she did not want a dam. She acknowledged that the road has always acted like a natural bridge. She is alleging that the Township is changing the natural drainage and has concerns about safety. John Schock indicated that he did a visual inspection of the area. John explained that the road appeared to be level with the ground.

Next, there was significant discussion regarding the flow of the water in the area. There was also discussion between Ms. Barnes and the Township Board regarding a potential solution to the issue and how it may affect the area and any other downstream landowners. Arlyn Schmidt confirmed that the complaint is that the Township created a ditch, and with the placement of the rock added to the change in the flow of the water and that the flow of the water is going East but the culvert cannot currently handle the amount of water. Ms. Barnes indicated that this was the purpose of their complaint. Arlyn Schmidt explained that he believes this is a Township issue. John Schock noted that it appeared the Township did lower the prairie trail but it appears to be level and noted that if a

larger culvert is placed, it could have more water flowing through the area and there could be impacts downstream. John Schock also noted that the engineers on the Silver Creek Project had done significant work close to the area and had prepared some surveys and maps to the Gunderson Creek area and that perhaps the Engineers had indicated the size of the culvert that should be placed in that area. This could provide assistance to the complainant and the township regarding the culvert sizing that would be needed. John Schock indicated that he was not sure if the Engineers had gone this far.

Dana Fletcher, then addressed the Water Resource Board. He indicated that the water being at full capacity only happens approximately every five (5) years. 2015 was the last year that the prairie road was blown out. He refuted Ms. Barnes's account that the water has been overflowing the road for the past couple of years. He did indicate that this past year when the water ran over, the water was gone the next day but that water was trickling through the culvert for approximately a week afterwards.

Ms. Geroux also addressed the Board indicating that in visiting with Joel Lees, Ms. Geroux required the Barnes's to provide an Application in front of the Board in order to address the matter. She also advised the Board of another solution that they could take a look at and that is they could request that the State conduct a Water Determination. This Water Determination could assist the Barnes's and the Township in any sort of culvert sizing that would be necessary in the area.

Anthony Roorda indicated that he was not sure if the culvert size was particularly the issue. Anthony Roorda then moved that the Complaint be dismissed because it is in the Township Road right of way. Dennis Clark seconded. John Schock further noted that he had contact information for the Engineer and that he could provide that information to Ms. Barnes and/or the Township should the desire to see if they had done any work in the area.

Arlyn Schmidt called for a roll call vote. After conducting the roll call vote, all members voted in favor of the motion. Motion passed. Arlyn Schmidt then addressed the Complainant and the Respondent, thanking them for their participation in this Complaint process. He noted that frequently the Board will address issues in hopes of mediating and finding a resolution between the parties for any sort of Complaint that comes before the Board. He hopes that the discussion was helpful between the parties so that they can find a resolution to the matter.

**MISC.**

John Schock then addressed the Board regarding a couple Board members whose terms had been expiring. Ms. Geroux confirmed that both Arlyn Schmidt's and Joel Lee's terms are expiring and that they should have received Applications in the mail that need to be returned. John Schock also indicated that he spoke with the Board's alternate Greg Spenningsby. He indicated that was on the St. John Academy Board for their new renovation which is why he has been unable to assist the Board but that renovation project is done and he may be able to provide more assistance in the future.

Ms. Geroux then addressed the Board regarding the December meeting. She noted that normally the Water Resource Board holds a Christmas Dinner after its December meeting but because of the COVID-19 pandemic she wanted the Board to discuss whether they would still like to conduct this dinner. The consensus of the Board was that they would wait until the December 17<sup>th</sup> special meeting to make a decision. Ms. Geroux then indicated that she would schedule the December 30<sup>th</sup> meeting at 4:00 p.m. so that the Board could decide if they wanted to have a dinner meeting at that time.

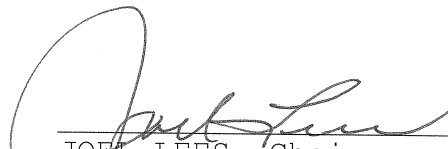
Seeing no further business before the Board, John Schock moved and Anthony Roorda seconded a motion to adjourn. Motion passed.

RESPECTFULLY SUBMITTED:

  
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ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

The board approved the minutes this 30<sup>th</sup> day of December, 2020.

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