

MINUTES

STUTSMAN COUNTY WATER RESOURCE BOARD

**SPECIAL MEETING**

December 17, 2020

A special meeting of the Stutsman County Water Resource Board was called to order by Chairman Joel Lees on December 17, 2020, at 4:00 p.m. via telephone conference. Members present were Joel Lees, Arlyn Schmidt, Anthony Roorda, Dennis Clark, and John Schock. Additionally, there were 33 participants at the meeting. We were able to identify some but not all of the participants as follows: Gene Van Eeckhout, Scott Elstad, BJ Kratz of the North Dakota Game and Fish, Tim and Shelly Ames, Jim Collins from the Dept. of Environmental Quality, Doug Szarkowski, Mike Schecht - City of Spiritwood Lake, Daren Peterka of Interstate Engineering, Keven Szarkowski, Kirk Grimm-Mayor of City of Spiritwood Lake, Shirley Kropp-Auditor of the City of Spiritwood Lake, Matt Lindsey of the State Engineer's Office, Pat McQueary of the Army Corps. of Engineers, Jay Praska from the Dept. of Transportation, Chad, Van Amundson, Ted, Doug Szarkowski, Chuck Szarkowski, Laura Ackerman of the Office of the State Engineer's Office, Jared Gasal, Dennis Lorenz, Doug Lorenz, and Marshall Johnson of the Audubon Society. Additionally, Abby Geroux, Secretary of the Board, was present.

**W-625-HEARING ON THE APPLICATION FOR SURFACE DRAIN submitted by:  
City of Spiritwood Lake**

Joel Lees noted that the first item on the special meeting agenda was a hearing on the Application for Surface Drain submitted by the City of Spiritwood Lake on the Southeast Quarter of Section 31, Township 142, Range 62, Stutsman County, North Dakota. Ms. Geroux indicated that this portion of the meeting would be recorded.

Joel Lees then requested Kirk Grimm-Mayor of the City of Spiritwood Lake to provide a short background of the Application. The Mayor explained that the purpose of this project was for installation of a Hypolimnetic Drawdown structure to allow for the ability to remove low-quality water located at the bottom of Spiritwood Lake and mix it with water off the top of Spiritwood Lake, through the drainage system of Alkali Lake, and then through Seven Mile Coulee.

Next, Joel Lees invited Daren Peterka of Interstate Engineering to address the Board and the members of the public

present. Daren Peterka explained that this project is basically placing a pipe up and over the elevation of the lake to allow water from below to be mixed with water that is already flowing out of the lake. Mr. Peterka indicated that the Application provided by the City of Spiritwood Lake was not complete and that the system proposed could take a couple of different forms. Based on this, Mr. Peterka indicated that he is making a couple of different assumptions of items that would be incorporated into the project. 1) There would be a permanent stop-log feature, which would match the existing elevation of the fish weir, 2) There would be an adequate air gap in the structure, and 3) There would be a shut-off mechanism either in the stop-log or a gate valve. It must be permanent and nonleaking. Next, Daren Peterka went through the factors set forth in North Dakota Administrative Code 89-02-01-09.2.

After Mr. Peterka gave his presentation based on the report filed, there was significant discussion with the Applicant and various members of the public. Mr. Collins of the Dept. of Environmental Quality addressed concerns regarding whether the Hypolimnetic Drawdown system would increase the flow of water out of Spiritwood Lake, whether the water would smell, and discussion of the various elevations of Spiritwood Lake. It was noted that for many years the elevation of Spiritwood Lake was listed at 1442.3. The ability to measure the depth of a lake has changed and therefore, the new elevation is 1444.0. It was noted that despite this apparent change in elevation, it is not actually changing the lake elevation, but rather in how the depth of the lake is measured. Daren Peterka also indicated he conducted a survey of the elevation at the fish weir in October and this is the elevation that he is setting the lake at for the purposes of his review. The Mayor had requested that the elevation be provided. Daren Peterka indicated that he would provide that elevation after the meeting. Daren Peterka explained that he did not tie his report to a specific elevation data because of the apparent discrepancies, and that is why he limited his assumptions to the elevation of the fish weir to account for any other updates to how the elevation of a lake is determined.

Keven Szarkowski expressed his concern he might notice a smell on his property which is adjacent to the area that the City of Spiritwood Lake is proposing to place this structure. Jim Collins indicated that it is unlikely that there would be any smell and that if there was that they needed to contact the Dept. of Environmental Quality because that means they may need to shut off the structure to determine what is causing the smell. It was also noted that they would be taking samples weekly to determine the quality of the water and at that point,

assess if there is any need to stop the structure from pulling water in the event that the quality of water cannot be passed through the system.

Dennis Lorenz indicated that he was concerned about water moving through the system. This past year there were a number of roads underwater, and he was concerned that this may cause additional water flow through the Seven Mile Coulee. John Schock explained to him that the Water Resource Board has been working on the issue and they are expecting a report from the State Engineer's Office regarding a possible resolution for this.

There was also discussion between Jim Collins and Daren Peterka about where they would be placing the structure and at what depth they would be placing the pipe. Ultimately, Mr. Collins indicated that they would place the stop-log structure at whatever level the permit would allow him to do so.

Chuck Szarkowski indicated that he felt that it might be possible to spray the cattails in Seven Mile Coulee and that this would be a relatively cheap option. Spraying the cattails would allow for a channel in Seven Mile Coulee which would alleviate a lot of the issues. He would be willing to pay for costs of some of his land and perhaps a couple miles down if this spray is as cost efficient as he has been told. The Board indicated that this is something that they would certainly review at one of their regular meetings.

There was some discussion regarding the water quality and its effect on cattle downstream. This issue was presented by Shelly Ames. Jim Collins indicated that it is highly unlikely that there would be any affect on the cattle because the amount of water that would be pulled from the City of Spiritwood Lake as compared to the amount of water otherwise flowing through system is small. He also noted that the quality of water running through Seven Mile Coulee also changes each year. For example, currently the water quality through that area is not very good, although this would change in the springtime.

Scott Elstad also noted that with the proposed structure, even if they place it at a slightly lower elevation or some other issue happened it would take a long time for a 24-inch pipe to significantly lower the level of the lake and that the likelihood is that if anything was going awry that it would be noticed way before significant water passes through the system. It was noted that this structure would likely work for the entirety of the year but likely only for the summer months. It was also noted that the system will end up freezing solid during the winter so, therefore, no water could flow through.

BJ Kratz inquired if they anticipated having the remote gauges on the City of Spiritwood Lake next year. Laura Ackerman from the State Engineer's Office indicated that this is

something that they would be willing to look into based upon the availability of those gauges.

**W-625-CONSIDERATION OF THE APPLICATION FOR SURFACE DRAIN**  
**submitted by: City of Spiritwood Lake**

The Board, after inquiring if there were more questions or comments by members of the public, discussed the Application before the Board. Arlyn Schmidt moved to approve the Application to Drain. Dennis Clark seconded. Ms. Geroux explained to the Board that if the Board decided to approve it, based upon the application and the information presented, she would recommend that they include some conditions on the approval. In particular, the plan of operation be included as a condition of approval as well as the three (3) items listed by Daren Peterka, and a fourth item; the City of Spiritwood Lake obtain Easements from the County in order to allow the placement of the structure. The Board indicated that was their understanding based on the discussion which occurred at the meeting. Joel Lees then requested a roll call vote. After a roll call vote, all members voted in favor of the motion. Motion passed.

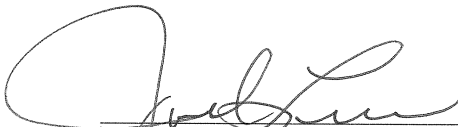
The Board then discussed their upcoming meeting on December 30<sup>th</sup> and some of the items on the agenda to determine whether or not they should get published. After this discussion, Anthony Roorda moved and Arlyn Schmidt seconded a motion to adjourn. Motion passed.

RESPECTFULLY SUBMITTED:

  
\_\_\_\_\_  
ABBAGAIL GEROUX  
Secretary

**BOARD APPROVAL OF MINUTES**

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

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