

LaMoure County Water Resource District Meeting Tuesday, September 21, 2020

At approximately 9:00 a.m. Chairman Kerry Ketterling called the meeting to order with the following board members present in-person: Nathan Nitschke, Bobby Frauenberg, Co-Secretary/Treasurer Jan Hamlin and Shanel Bohnenstingl, attending via conference call were board members: Jason Gross, Glenn Haugen, Water Resource District Attorney Kim Radermacher. Also attending were Highway Superintendent Josh Loegering, Carl Ketterling and Chris Grows with Moore Engineering in-person and via conference call were Kimberly Robbins, Byron Knudsen, Becky Knudsen, Wesley Knudsen, Bev Anderson, and attorney Alex Mastellar with Rinke Noonan Law Firm.

There were no additions to the agenda. Mr. Frauenberg made a motion to approve the agenda, seconded by Mr. Nitschke. Motion carried.

Mr. Haugen made a motion to approve the minutes from June 25, 2020 and special meeting minutes from July 31 and August 11, 2020, seconded by Mr. Nitschke. Motion carried.

Project Manager, Chris Grows, with Moore Engineering out of West Fargo spoke about potential drainage projects in LaMoure county. He explained with his experience he hopes he can assist in any question's landowners and members of the Water Resource District might have now or in the future.

In regards to clean out of Bear Creek, landowners or a group of landowners have the ability to clean out the natural watercourse if it is on their land with no regulatory hurdles. If it is on another landowner's property it is advised to get an easement or written permission. The clean out cost lies solely with the individuals that would be doing the cleanup. If the natural watercourse is modified in anyway then there would be regulatory processes to follow with costs still responsible to the landowner(s). If it were a 20+ mile clean out with potential improvements to the channel or improvements and repairs to the existing culvert crossings then there is a legal process that can be followed to develop an assessment district or assessment drain. This process, ND Century Code allows the Water Resource District to follow the project, there would be a vote of the people within the district. This would create a taxation district so that you pay for the initial costs but down the road if there is any maintenance operation or improvements that are to be done, there is the ability for the district to collect tax on an annual basis to complete any additional work. Mr. Grows explained the taxation district process in greater detail including cost and possible cost share grants followed by some discussion. Over the next couple weeks, Mr. Grows would like to meet with landowners to discuss the scope and narrow that down and come up with a cost and go from there. Mr. Haugen made a motion to have Mr. Grows proceed and come back with costs, seconded by Mr. Frauenberg. Motion carried. Chairman Ketterling appointed Mr. Haugen to work with Mr. Grows, Mr. Frauenberg also volunteered.

The board discussed Bev Anderson's complaint regarding section 3 in Litchville township. The complaint states Arlen Bonde drains his land onto Mrs. Anderson's land and the water has

nowhere to go and is negatively impacting trees, buildings and cement. The Water Resource District Attorney, Kim Radermacher, recommends a couple members of the board go out to the site to investigate as soon as possible so that the matter can be concluded. Chairman Ketterling stated he turned the issue over to Litchville township because the culverts are theirs. The township didn't know if the road was a legal road anymore and they were going to look into that. It was decided that after the crops are off a couple board members will investigate. Chairman Ketterling adjourned the meeting at 9:55 a.m. Mr. Haugen continued the meeting to review Kerry Ketterling's application for subsurface drain in section 27-163-61 south of Marion. Mr. Ketterling's attorney, Alex Mastellar with Rinke Noonan Law Firm stated that the project is going to be conducted by Ellingson Companies and they've conducted the technical analysis required by the permit application. The project will outlet in the NE corner of section 27-163-61, then will flow along the public right away for approximately ¼ mile and hits a watercourse that then drains into Bear Creek. Mr. Mastellar stated the analysis of the project is good and it shouldn't cause harm to any landowners downstream. Mr. Ketterling's son, Carl Ketterling, owns the property at the end of the project. Byron Knudsen stated that there is a big horseshoe shaped slue on the SW corner of section 23-163-61, when the water gets high there the bottom of the slue gets lost, cutting off some acres going up. He would like to alleviate some of the negative impact there. Mr. Knudsen suggested tiling that quarter at the same time as Ketterling's project. He suggested waiting another month so that both projects can be approved at the same time. Carl Ketterling stated he would like this project completed this fall and needs to get pipe and other materials ordered which cannot be ordered until the project is approved. Mr. Knudsen proposed the approve Mr. Ketterling's project with two conditions: 1.) the Knudsen's are allowed to dyke so that they are not negatively impacted by the slue that it runs into and 2.) the Knudsen's would be allowed to pattern tile their quarter in the SW ¼ of section 23. Without those two conditions the Knudsen's feel they would be negatively impacted by the project. It was suggested that the Knudsen's submit a permit for surface drain if in excess of 80 acres but if it is less than 80 acres no permit is required. Both Carl and Kerry Ketterling are in agreement with the two conditions Mr. Knudsen proposed. Mr. Frauenberg made a motion to approve the projected plan contingent on working with the Knudsen's on the dyke, seconded by Mr. Gross. Motion carried.

Mr. Haugen adjourned this part of the meeting at 10:20 a.m. Chairman Ketterling resumed the meeting at this time.

Jan Hamlin reported the current finances, the balance of the checkbook is \$36,040.66. There is one quarterly bill that needs to be paid, United States Treasury \$367.20. Mr. Nitschke made a motion to approve/pay bills, seconded by Mr. Frauenberg. Motion carried.

In other business, Twin Lakes has gone down 1 foot but haven't heard anything more. Boom Lake did not apply for a permanent drain and there is one month remaining on the emergency drain application.

The next regular meeting date is yet to be determined but will likely be in the first week of December.

Meeting adjourned at approximately 10:28 a.m.

Approved this 11th day of January, 2021

Kerry Ketterling, Chairman

ATTEST:

Shanel Bohnenstingl, Co-Secretary