

## **LaMoure County Water Resource District Special Meeting Tuesday, November 24, 2020**

At approximately 9:08 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. Board members attending via conference call were: Chairman Ketterling, Glenn Haugen, Jason Gross, and Water Resource District Attorney Kim Radermacher. Also attending via conference call were Rex Bierley, Calvin Bierley, Attorney William Black representing the Bierley brothers, and Attorney Kale Van Bruggen representing Scott Schrader, Abram Valenta, and Shane Kjellberg with K2S Engineering.

Concerning the draining permit 2020-4 for Scott Schrader.

After reviewing the Bierley's technical evidence Mr. Van Bruggen has asked for more time to respond. Mr. Schrader has retained Mike Opat with Huston Engineering to review and respond to Mr. Kjellberg's report.

At the last meeting the Bierley's reported that they believed there was some potential that this disagreement could be worked out but unfortunately, the proposal that was given is not something that is feasible or economically viable for Mr. Schrader. Mr. Schrader plans to submit a report so that the waterboard will have two reports to weigh and ultimately decide on.

Mr. Van Bruggen has asked for the same amount of time the Bierley's received, which is 53 days, to respond to the Bierley's report, which is approximately January 10, 2021.

Mr. Black (representing the Bierley's) countered with a 30-day suggestion for Mr. Schrader to respond with his report. Mr. Van Bruggen stated that is not fair to Mr. Schrader.

Ms. Radermacher strongly suggested to the waterboard to retain an engineer to review the evidence provided by both parties and decide whether the drain would cause unreasonable harm or flooding to the Bierley's property.

Based on the discussion, Mr. Frauenberg made a motion to allow extra time for Mr. Schrader to respond to the technical evidence submitted by the Bierleys'. A meeting was set for Monday, January 11, 2021 at 9 am, seconded by Mr. Nitsche. Motion carried.

Ms. Radermacher stated that counsel would need time to review Mr. Schraders evidence, Mr. Black agreed. A week should be enough time. With that, Mr. Schrader must have his technical evidence submitted by end of day on January 4, 2021.

Mr. Ketterling has calls out to a couple different engineers about retaining an engineer but unfortunately have not heard back. He was also not given an estimated cost.

Based on the discussion, Mr. Nitsche made a motion to retain an engineer, seconded by Mr. Frauenberg. Motion carried.

Meeting adjourned at approximately 9:25 a.m.

**Approved this 11th day of January, 2021**

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**Kerry Ketterling, Chairman**

**ATTEST:**

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**Shanel Bohnenstingl, Co-Secretary**