

LaMoure County Water Resource District Board Special Meeting Tuesday, August 29, 2023 at 9:00 am.

Present in person: Chairman Kerry Ketterling, Jason Gross, Nathan Nitschke, Bobby Frauenberg, Glenn Haugen, Board Attorney Kimberly Radermacher, Secretary/Treasurer Janice Hamlin, Co-Secretary Karin Boom. Also in attendance were Brandon Schweigert, Dave Schweigert, Mike Brandenburg, Betty Jean Carow, Daron Johnson and appearing via Zoom, Alex Marsteller on behalf of Kale VanBruggen.

Meeting was called to order by Chairman Ketterling. Motion by Frauenberg to approve the agenda, seconded by Haugen and passed.

Brandon Schweigert- Dave Schweigert complaint. Betty Jean Carow was representing the landowner interest. Ketterling reviewed the situation. The drain is a natural waterway and if it is obstructed the obstruction would have to be removed. Carow said there is no obstruction- there is a culvert to the south. Brandon Schweigert believes that the soil has mounded up in the course of the drain during farming over the years causing water to drain west and north. Nitschke visited the site and said the plat map showed a blue line for a natural waterway but it did not go all the way to the fence line. When he visited the site, it was dry. Schweigert said that he has 40 acres of water up to the fence line and across the fence beans were planted. The obstruction would be at that location. Gross also visited the site. He said it was apparent that when the water was high it did drain through that area. He noted that Schweigerts had dug deep trenches to that point. The Schweigerts said others were draining on to them and they can't hold it all. Gross indicated that it could not be expected for Carow to dig deep trenches to accept that level of drain. Nitschke said he did not see any indication that the natural drain was altered to make it higher. Radermacher stated that if there was vegetation or another obstruction that was evident it could be required to be cleaned. Schweigert said that the water would not remain on Carow's property but would drain to the creek about a mile away. Schweigert addressed Michael Brandenburg because all of the culverts from his land are draining onto the field holding the water. Brandenburg said it is between the two parties. Ketterling said the Board could hire an engineer, but it would be the Schweigert's cost to do so. Frauenberg stated that any blue line that is a natural watercourse can be cleaned or maintained. Where the natural watercourse begins and where it is located would be determined by an engineer. Schweigert said he would be satisfied to get half of the water off and get down to 20 acres. Now it drains a little right away in the spring, then stops. Radermacher inquired whether the two parties have discussed this to resolve it without incurring additional expenses. Haugen asked how much would need to be removed to open up the drain to flow the way they wanted. Ketterling said it could not be determined by walking into the middle of the section at this time. Frauenberg asked what was holding it- fence line or soil? Schweigert said they removed the fence line, but there was a pile of soil that was against the fence line sitting there holding water and he is not able to go dig on that side. Schweigert is willing get an engineer to assess it. Betty Jean Carow indicated she wanted to tell her side of the situation. The notice of hearing was a complete surprise to her. She understood there was a problem with Schweigerts having draining onto their land. She doesn't understand why they allowed the draining onto their land if it was going to cause this problem. Carow's road has washed out several times and the township has been asked to install a better culvert. The township removed two old culverts and installed two new culverts that were the same size which didn't help at all. The water went over the road again this spring and all the gravel went to the north ditch. The road is necessary to get vehicles and machinery into her land to farm. More water going through would wash out the road and it isn't acceptable. The culverts were installed wrong and they were too close to the surface of the road. The blade actually nicked one of them and put a hole in it within months of the installation. The road would have to be built up to do the culverts correctly. Mrs. Carow stated that if she was to be assured that the road would handle the extra flow, she would not

have a problem with the waterway. Ketterling asked if the culverts were to be installed correctly and properly engineered if she would allow an engineer to assess the waterway to do possible laser scraping or other remedial work. The Water Board will recommend that Wano township repair the culverts to drain properly. Brandenburg thought a 48-inch culvert would be needed. He farms surrounding land and is downstream. Motion by Frauenberg to dismiss the complaint, seconded by Haugen and passed. Motion by Frauenberg to direct Wano Township inspect the road and engineer for properly sized culverts at true elevation on SW1/4 19- T134-63, seconded by Nitschke and passed.

Myron Ruff Complaint regarding a culvert in road right of way. Alex Marsteller appeared online for Kale VanBruggen on behalf of Don Brandenburg. Ketterling said the County looked at the drain and the culvert and the only problem they found was that the culvert was installed too low. Nora township will have to raise the culvert ten inches. Brandenburg said the watershed is less than 80 acres. Motion by Frauenberg to dismiss the complaint regarding Sec 4-134-64, seconded by Nitschke and passed. Motion by Nitschke to recommend to Nora Twp that the culvert be raised according to the findings of the County Engineer, seconded by Haugen and passed.

The Board discussed the Lon Ost request regarding the location of a culvert on NE1/4 Section 2- 135-64 Glenmore Township. A map showing a location of 46.32' 21N 98.41" 59W was indicated for culvert placement. Darrick Nitschke, LaMoure County Road Superintendent will determine the size of the culvert. All parties are in agreement with the resolution. Motion by Frauenberg to accept the recommendation and agreement, seconded by Gross and passed.

Surface Drain notification from the State regarding Pat Hurley Drain which will deliver water to LaMoure County Drain #1 from Barnes County through Hwy 46 near Les Hansen farm. Haugen said at the last meeting Dickey County wanted notice if water were to be added to this drain which would adversely affect a project on their end of it. They also asked that we recommend control of the water flow directed toward them. Ketterling said the notice was given because the Barnes County District decision will impact the LaMoure County District. Frauenberg asked whether we need to give impact implication on No-name Drain#1? Ketterling did not feel that we had any input that would have an impact at this time.

Hamlin went over reimbursement for travel and conference. She paid the bill prior to approval in the amount of \$1349.10. She noted that for future reference, make bookings under the LCWB and taxes will not be assessed. Motion to approve by Frauenberg, seconded by Haugen and passed.

The City of Marion permanent drain was discussed. Notice must be given to property owners and outlet determined to give notices. Property owners in the area are Walter Piehl, Jr., Sandra Holst, Carl Opdahl, Danny and Dean Alber, Byron Knudsen, Jacqueline Banas Jason Zimmerman, William Bassen. Radermacher will run properties through NDRIN and ND Property Tax programs to determine who to send notices to. Radermacher will also put a letter together to send. At least 20 days are needed to prepare and 20 days for the meeting notices to be served before the hearing. Hamlin said there must be 20 calendar days between meeting notices and meeting and two consecutive notices to be published in the County Newspaper 5 to 15 days before the meeting. Meeting to be set for October.

Adjourn 10:10 am

Approved on:\_\_\_\_\_.

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Kerry Ketterling, Chairman

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Karin Boom, Co-Secretary