

# LaMoure County Water Resource District

Special Meeting Minutes

Friday, May 13, 2022

## Opening

The special meeting of the LaMoure County Water Resource District was called to order at 8:58 AM on May 13, 2022, in the basement meeting room of the LaMoure County Courthouse by Chairman, Kerry Ketterling.

## Present

Kerry Ketterling, Chairman LCWR Board	Jason Thielges
Bobby Frauenberg, LCWR Board member	Steve Nelson
Nathan Nitschke, LCWR Board member	Richard Musland
Jason Gross, LCWR Board member	Byron Knudsen
Jan Hamlin, LCWR Board Co-Secretary/Treasurer	Robert Erbele
Shanel Bohnenstingl, LCWR Board Co-Secretary/Treasurer	Carl Opdahl
Josh Loegering, LC Hwy Superintendent	Dan Alber
Krista Lundgren, US Fish & Wildlife Service	Gene Rode
Wayne Henderson, US Fish & Wildlife Service	Jesse Mastenbrook
James Shockman, LC State's Attorney	Jim Grueneich
BJ Kratz, ND Game & Fish	Karl Ketterling
Lee Miller, LC Commissioner	Mike Brandenburg
David Holweg, Marion Mayor	Kent Baertson
Tayler Albrecht, Marion Council	Jeremy Soronson
Isaac VanEnk, Marion Council	Ervand Andersen
Art Hagebock, LaMoure Chronicle	

## Attending Virtually

Kim Radermacher, LCWR Board Attorney	Damon Grabow
Glenn Haugen, LCWR Board Vice-Chair	Clay Carufel
Kimberly Robbins, LC 9-1-1/DES	Kelsey Huber
Matt Lindsay, ND State Water Board	

## Absent

None.

## Approval of Agenda

Mr. Frauenberg motioned to approve the agenda, seconded by Mr. Gross. Motion carried.

## **Emergency Drain Permit No. 6041- City of Marion**

Chairman Ketterling handed the meeting over to Mr. Lindsay. Lindsay explained the two options being considered which are: 1.) trench through the city of Marion and install pipe along the west side of the right of way of CR 61; or 2.) follow the route of a previous emergency drain permit which is open trenching throughout section 15 emptying into a slough along CR 61.

Mayor Holweg explained that Boom Lake is on the west side of Marion and the level of the lake is higher than it has ever been and is only inches from encroaching on the city. The road on the west side of town is water-covered and could pose an issue for emergency response crews. The cemetery is also taking on water which is causing erosion. The wet spring has led to these high-water levels. The city had applied for an emergency drain permit two years ago and has been working on a permanent solution. As of 5/12/22, the level of Boom Lake was 1458.5 ft, and the natural outflow is 1459 ft. Spillover into the city is 1458.5 ft. Diking work began on 5/11/22.

Option 2 doesn't seem to be a viable option as there is pushback from landowners, but there has been verbal agreement from most downstream landowners for option 1.

Lindsay explained that a gage was put out on 5/10/22 and transmits daily. At 9:00 AM on 5/13/22 the gauge read 1458.09 ft. The gauge has been adjusted to collect data every 15 minutes and transmit hourly.

Holweg explained the details of the project are still being engineered and not yet final but stated that beginning straight up the bank of the lake, trenching would come up from the west side of Marion up through the old railroad track line, continues towards the center of town then angle across toward the elevator and continuing on to the county highway right of way which is in the same area as the collecting pond. From there pipe would run along the ditch of CR 61.

Mr. Lindsay asked Mr. Holweg what the desired elevation the lake would drain to for which Mr. Holweg stated 1454 ft if slope allows. Mr. Lindsay asked if all permissions with all agencies have been granted for either option 1 or 2. Mr. Holweg stated that permissions for option 2 will likely not be obtained. As for option 1, they are still working on obtaining permits and permissions. It was stated that permissions from landowners are not needed for an emergency drain but would be needed in order to make the drain permanent therefore it would be wise to obtain the permissions now. State's Attorney, James Shockman, stated that if the use of the county highway easement is to be used, it must be brought to a county commissioner board meeting for that permission process. However, the county doesn't own the land under the easement therefore those landowners would also need to be a part of the permission process. Mr. Henderson stated that there are U.S. Fish and Wildlife Service easements with option 2 but not with option 1. Mr. Kratz with ND Game and Fish stated no fishery concerns with draining of Boom Lake to the level of 1454 ft. County Highway Superintendent, Josh Loegering, said that all the culverts

downstream get larger making the culvert capacity sufficient. There was no representation for NRCS at the meeting. Mr. Lindsay said that the NRCS permission is needed if the drain were to become permanent.

The Corps of Engineers was to meet with Marion City officials and LaMoure County Emergency Manager later this morning.

Mr. Holweg wants to begin the emergency drain project as soon as possible.

Mr. Rode wanted to know what would happen after the emergency drain expires and the permanent drain isn't yet approved. For which, capping the pipe would suffice from the county's perspective as well as the State's. Mr. Alber stated he was in favor of option 1 if water doesn't span out claiming more real estate. Mr. Haugen mentioned there is pushback from residents further downstream and in Dickey County, as Bear Creek is getting so large there are several roads taking on water and eroding as a result and it only gets worse near the city of Oakes. Mr. Haugen made a motion to approve both emergencies drain permits, seconded by Mr. Frauenberg. Motion carried.

### **Complaint for Water-Related Issues – Richard Musland**

Mr. Frauenberg stated that while visiting the site of the complaint, he doesn't see any illegal draining and it only appears to be standard maintenance on a natural drain therefore no basis for the complaint. Mr. Frauenberg motioned to dismiss the complaint, seconded by Mr. Nltschke. Motion carried.

### **Adjournment**

The meeting was adjourned at 10:14 AM by Mr. Ketterling.

**Approved this 6<sup>th</sup> day of July, 2022**

X

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Kerry Ketterling  
Chairman

**ATTEST:**

X

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Karin Boom  
Co-Secretary