

Dickey County Water Resource District

MEETING MINUTES

January 19, 2022

8:00 a.m.

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale, ND at 8:00 a.m. on Wednesday, January 19, 2022. Managers Steve Hansen, Justin Gemar, Keith Hauck were all present at the courthouse. Sean Fredricks, the Board's attorney and Nathan Trosen, the Board's engineer, managers Don Zimbleman and Norm Haak joined via video conference. Secretary Hansen was absent.

Chairman Hansen called the meeting to order.

Kyle Courtney construction permit #2594

The board does not have to approve these projects but comments can be made about them. There is a 45 day allotment to comment either for or against these projects. The board decided to not make any comments about the project as it does not affect any drains etc. and the project is already complete.

Jeff Anderson surface drain permit #5560

APPLICATION FOR SURFACE DRAIN NO. 5560 for Jeff Andersen - Drainage Project in Section 1 of Ada Township and Section 6 of Port Emma Township

The Board reviewed information from the State Engineer regarding APPLICATION FOR SURFACE DRAIN No. 5560 for Applicant Jeff Andersen. Under the application, Applicant proposes to construct a new drainage ditch that will include construction of new ditch improvements and pipe improvements. The project will commence in the West Half of Section 1 of Ada Township and will flow to the east, along the half-section line in Section 1; the project will cross 102nd Avenue SE (an unimproved section line) and will continue east along the half-section line in Section 6 of Port Emma Township; near the northeast corner of the Southwest Quarter of Section 6, the open ditch will drain into a 24" pipe that will continue east until daylighting and discharging into Dry Run along the north boundary of the Southeast Quarter of Section 6. Dry Run flows south and crosses North Dakota Highway 11. The permitted drain will include the following dimensions:

Length of Drain:	3,550 feet
Maximum Cut:	10 feet
Bottom Width:	6 feet
Side Slopes:	2.5:1
Pipe Diameter:	24

The project will partially drain two large sloughs in Section 1 of Ada Township and Section 6 of Port Emma Township. The North Dakota Department of Transportation engaged Applicant and the Department of Water Resources in the course of DWR's "statewide significance" review, and NDDOT voiced concern regarding the increase in flow through Highway 11. In light of NDDOT's concerns and potential impacts to Highway 11, the Department of Water Resources forwarded APPLICATION FOR SURFACE DRAIN No. 5560 to the Dickey County Water Resource District with two possible options for processing the Application:

1. Accept and include the following permit condition and process APPLICATION NO. 5560 as **not** of "statewide or interdistrict significance":
 - Applicant will include a control structure at the upstream end of the project pipe, at the location required by the Department of Water Resources. Applicant will close the control structure and close the drain if, at any time, there is significant erosion at the culverts at RP 92.1 for State Highway No. 11, upon notification by the North Dakota Department of Transportation's Valley City District Engineer, until erosion concerns are alleviated.
2. Refuse DWR's proposed condition and process APPLICATION NO. 5560 in accordance with the "statewide or interdistrict significance" procedures under Section 89-02-01-09.1(1) of the North Dakota Administrative Code.

The "statewide or interdistrict significance" process requires a public hearing, preceded by mailed notices to parties along and downstream of the project, as well as published notice, and opportunity for several agencies and landowners to comment on or object to the project. In light of the significant delay and expense associated with the "statewide or interdistrict significance" process, and upon conferring with Applicant, the Board concluded accepting the proposed condition from DWR is the preferred method of proceeding.

According to records on file with the Dickey County Recorder's office, Terry and Vicki Andersen own the South Half of the North Half of Section 1 of Ada Township; the Genevieve J. Andersen and Howard J. Andersen Trusts own the North Half of the Southeast Quarter of Section 1 of Ada Township; and Terry and Vicki Andersen own the North Half of the South Half of Section 6 of Port Emma Township.

Moore Engineering prepared responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code. For those properties not owned by Applicant where Applicant intends to construct the project, the Board will require Applicant to obtain easements from other landowners to construct, operate, and maintain any improved channel on their property. The condition required by the Department of Water Resources will alleviate any potential impacts to Highway 11 and, therefore, the project will not result in downstream impacts. In light of those conditions, the project the project will not result in adverse impacts and no hearing is necessary.

Manager Gemar moved, and Manager Hauck seconded the motion, to conclude no hearing is necessary in accordance with Section 89-02-01-09.1(2) of the North Dakota Administrative Code; to adopt Moore Engineering's responses to the eight elements under Section 89-02-01-09.2 of the North Dakota

Administrative Code; and to approve APPLICATION FOR SURFACE DRAIN No. 5560 for Jeff Andersen, subject to the conditions attached by the State Engineer, and subject to the following conditions:

- 1) Applicant will include a control structure at the upstream end of the project pipe, at the location required by the Department of Water Resources. Applicant will close the control structure and close the drain if, at any time, there is significant erosion at the culverts at RP 92.1 for State Highway No. 11, upon notification by the North Dakota Department of Transportation's Valley City District Engineer, until erosion concerns are alleviated.
- 2) Applicant will not construct or improve the drain in any manner that exceeds the dimensions indicated in the application.
- 3) Applicant will obtain and record easements from the owners of any land, besides land owned by Applicant, on which Applicant will construct any portion of the drain.
- 4) Applicant will obtain written consent from the Ada Township Board of Township Supervisors and the Port Emma Township Board of Township Supervisors to construct any improvements within their respective road or section line right of way.
- 5) Applicant will install and maintain erosion protection at the project outlet into Dry Run.
- 6) Applicant will notify the Dickey County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application.

Upon roll call vote, the motion carried unanimously.

In addition to those conditions, the Board will also recommend that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

The Board directed Sean Fredricks to prepare the requisite NOTICE OF DECISION and to provide the NOTICE to all parties of record, as required by law.

Scott Hansen tile permit #2021-16 amendment

This permit was amended because of a misunderstanding of the permit application. Scott provided Sean with better documentation and explanation of the permit as to the downstream flow. It also reduced the permit from two outlets to one outlet. Manager Haak moved to approve the amended permit, and manager Hauck seconded the motion. Upon roll call, Managers Haak, Zimbleman, Hauck and Gemar all voted yes, Manager Hansen abstained from the vote.

Elections

Sean Fredricks led the election of selecting the Chairman to the board. Manager Gemar nominated Steve Hansen as chairman. Upon roll call, Steve Hansen was re-elected chairman. Manager Hansen opened up nominations for Vice-Chairman. Manager Gemar nominated Keith Hauck. Upon roll call, Keith Hauck was re-elected Vice-Chairman. Manager Hauck cast a unanimous ballot to keep the representing members of the Dickey/Sargent joint water board the same as last year. Those managers are Steve Hansen, Justin Gemar, Norm Haak and Don Zimbleman as an alternate. Upon roll call, the motion was passed. There is an appointment and alternate to the ND Water Resource Board and ND Water Users Board. Steve Hansen volunteered to be the appointed member. Manager Gemar moved to appoint Manager Hansen as the representing member to the ND Water Resource Board and ND Water Users Board. Manager Hauck seconded the motion. Upon roll call, the motion passed unanimously.

Drain 11 Update

Sargent County Water Resource Board hosted a public hearing on the Drain 11 reassessment. Manager Hansen and Gemar were present at the meeting. Nathan Trosen gave an update of the hearing. The Sargent County board will meet tomorrow and discuss any changes that may or may not be made to the reassessment based on comments they've received following the hearing. There are no new changes to the reassessment at this time.

Other Business

Before Sean Fredricks and Nathan Trosen exited the meeting, Manager Haak announced that he is retiring from the Dickey County Water Resource Board and that this will be his last meeting. He appreciated working with everyone during his long years of service.

Financial Report and Bills

The Board considered bills from Wendy Willprecht/Sargent County Water Board secretary fee of \$650, ND Water Users \$225, Moore Engineering of \$172.50, Dakota Improvement of \$4500, ND Water Resource District membership of \$675, ND Water Users membership of \$300, Judy Hansen for office supplies of \$32, and Ohnstad Twichell of \$552. Manager Gemar moved to approve the bills, and Manager Zimbleman seconded the motion. Upon roll call the motion passed unanimously. Manager Hansen gave the financial report. The CD is up for renewal. Dickey County Treasurer Wonada Lamotta is looking into rates and will report to the board on those. Manager Hauck moved to approve the

financial statement, and Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

December Minutes

Manager Hauck moved to approve the December 15, 2021 meeting minutes. Manager Zimbleman seconded the motion. The motion carried unanimously.

There being no further business to discuss, the meeting was adjourned.

APPROVED:

Steve Hansen, Chairman

ATTEST:

Judy Hansen, Secretary