

**These are DRAFT minutes, subject to amendment before final approval by
the Pembina County Water Resource District**

March 19, 2024

MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT
BOARD OF MANAGERS PEMBINA COUNTY WATER RESOURCE DISTRICT OFFICE,
CAVALIER, NORTH DAKOTA.

Those present were Managers Randall Emanuelson, Ted Juhl – electronically, Donald Kemp, William Gunderson, Richard Kendall, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by Randall Emanuelson, seconded by Donald Kemp, by vote unanimously carried to approve amending the agenda to include Devon Johnson – Pembina County Highway. A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the minutes of March 5, 2024 as amended to clarify motion to not appeal occurred on 9/20/2022.

A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried to approve the O’Toole tile permit for a 120-acre drain tile system in part of the SE ¼ Section 28-160-53 with the following conditions on the permit:

1. that Applicant install and maintain erosion protection at any and all outlets
2. that Applicant install and maintain erosion protection or other ditch stabilization materials at any and all outlets into Pembina County’s highway right of way/NDDOT’s highway right of way;
3. that Applicant install and maintain erosion protection at any and all outlets
4. that Applicant re-establish any areas disturbed installing or maintaining Applicant’s tile system;
5. that Applicant will not install Applicant’s tile system within 20 feet, on either side, of any rural water lines of North Valley Rural Water District
6. that Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Pembina County Water Resource District;
7. that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
8. that Applicant remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant’s tile system, but only up to one mile downstream from project outlet

A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the O’Toole tile permit for a 142-acre drain tile system in part of the SW ¼ Section 9-160-53 with the following conditions on the permit:

1. that Applicant install and maintain erosion protection at any and all outlets
2. that Applicant install and maintain erosion protection or other ditch stabilization materials at any and all outlets into Pembina County’s highway right of way/NDDOT’s highway right of way;
3. that Applicant install and maintain erosion protection at any and all outlets
4. that Applicant re-establish any areas disturbed installing or maintaining Applicant’s tile system;
5. that Applicant will not install Applicant’s tile system within 20 feet, on either side, of any rural water lines of North Valley Rural Water District
6. that Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Pembina County Water Resource District;
7. that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
8. that Applicant remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant’s tile system, but only up to one mile downstream from project outlet

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A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the Elliot tile permit for a 301-acre drain tile system in part of the NW ¼ Section 6-159-51 and NE ¼ Section 1-159-52 with the following conditions on the permit:

1. that Applicant install and maintain erosion protection at any and all outlets
2. that Applicant install and maintain erosion protection or other ditch stabilization materials at any and all outlets into Pembina County's highway right of way/NDDOT's highway right of way;
3. that Applicant install and maintain erosion protection at any and all outlets
4. that Applicant re-establish any areas disturbed installing or maintaining Applicant's tile system;
5. that Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines of North Valley Rural Water District
6. that Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Pembina County Water Resource District;
7. that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
8. that Applicant remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream from the project outlet

Board recommends permission from Pembina County DOT for the discharge of tile systems into ROW.

A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the Thompson tile permit for a 285-acre drain tile system in part of the SE ¼ Section 23-159-51, NE ¼ Section 26-159-51, and NW ¼ section 25-159-51 with the following conditions on the permit:

1. that Applicant install and maintain erosion protection at any and all outlets
2. that Applicant install and maintain erosion protection or other ditch stabilization materials at any and all outlets into Pembina County's highway right of way/NDDOT's highway right of way;
3. that Applicant install and maintain erosion protection at any and all outlets
4. that Applicant re-establish any areas disturbed installing or maintaining Applicant's tile system;
5. that Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines of North Valley Rural Water District
6. that Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Pembina County Water Resource District;
7. that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
8. that Applicant remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream from the project outlet

Board recommends permission from township for lines that cross township roads.

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A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the Smith tile permit for a 84-acre drain tile system in part of the W ½ of Section 18-163-54 with the following conditions on the permit:

1. that Applicant install and maintain erosion protection at any and all outlets
2. that Applicant install and maintain erosion protection or other ditch stabilization materials at any and all outlets into Pembina County’s highway right of way/NDDOT’s highway right of way;
3. that Applicant install and maintain erosion protection at any and all outlets
4. that Applicant re-establish any areas disturbed installing or maintaining Applicant’s tile system;
5. that Applicant will not install Applicant’s tile system within 20 feet, on either side, of any rural water lines of North Valley Rural Water District
6. that Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Pembina County Water Resource District;
7. that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
8. that Applicant remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant’s tile system, but only up to one mile downstream from the project outlet

Devon Johnson – Pembina County Highway met with the board regarding updates on the Hwy 44 bridge over Drain 66. The bid was opened and was under engineer estimate at \$706,000. Discussion followed on cost-share between the County and Drain 66. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve a 40/60 cost-share for the project with Drain 66 paying 40% of the project.

A motion was made by Donald Kemp, seconded by William Gunderson, by vote unanimously carried to approve payment of the bills as presented:

14065	US Bank	59,181.25
14066	Quill	151.75
14067	US Bank	256,835.00
14068	Houston Engineering	245,335.35

The board reviewed the project list for 2024 and for the ND Water Development Plan. The office will work with Houston Engineering to prepare the applications for the Water Plan. Discussion on adding a berm repair of Brown on Drain 66 east of Highway 81.

A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the SOV letter for the ND DOT Highway 5 project.

A motion was made by Donald Kemp, seconded by Ted Juhl, by vote unanimously carried to approve the Capital Asset Policy as presented.

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Paul LeClaire and Zach Herrmann – Houston Engineering arrived.

Jason Volk met with the board regarding the complaint filed by Mr. Fritz against him. Discussion on the complaint and dike regulations. Fritz was unable to attend so meeting will be rescheduled in the future.

The board met with the Pembina County Commission. Updates on the Drain 66/Hwy 44 cost-share proposal, TR Channel Restoration, TR Cutoff, and other projects.

Manager Kendall left the meeting at this time.

LeClaire and Herrmann gave updates on projects.

- Drain 16 Expansion Analysis – review of the presentation for the upcoming public meeting, discussion on providing a cost-estimate for the project as proposed,
- TR Watershed Plan – Channel Restoration – RJJJ Executive board approved the cost-share - full board is in April, land rights will need to be finalized soon, discussion on trees for the projects
- TR Cutoff – easements and south loop construction permits are being worked on, construction permit should be submitted in the near future,
- Snagging and clearing – work is complete, retainage is being held, discussion on drain flight of the work area, Houston will provide estimate for the drone work in April
- 2023 FEMA – Drain 78 outlet repair is being worked on for HMP proposal, further information will be requested from ND DES, spoil letters for other projects will be sent soon
- Drain 81 – discussion on Whelan request for flattening north drain slopes and moving the box culvert – meeting will be set with Whelan, discussion followed regarding the cost of the requests
- Drain 5 – survey work is planned for early spring
- Drain 7 – survey work is planned for early spring
- Drain 66-1 culvert – estimate for engineering will be revised at the next meeting
- EAP – working on the hydraulic models
- Scharmer culvert configuration – Houston will provide options for engineering estimates.

Meeting will be re-scheduled from March 26th to March 28th due to Farmers Room Scheduling.

Attest:

LuAnn Kemp, Secretary

Donald Kemp, Vice-Chairman