

April 16, 2019

MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT BOARD OF MANAGERS HELD IN THEIR OFFICE IN THE LAW ENFORCEMENT BUILDING, CAVALIER, NORTH DAKOTA.

Those present were Managers Charles Thacker, Randall Emanuelson, Richard Kendall, Don Kemp, and LuAnn Kemp, secretary. Attorney Fleming also present. A motion was made by Charles Thacker, seconded by Randall Emanuelson, by vote unanimously carried to approve the minutes of April 9, 2019. A motion was made by Charles Thacker, seconded by Randall Emanuelson, by vote unanimously carried to approve the minutes of April 10, 2019.

Attorney Fleming updated the group on several items. States Attorney Flanders questioned the county's role in A. Heuchert matter – PCWRD is an additional listed party under the Pembina County for NDIRF. No update on the Mahar/Ratchenski from Attorney Tostenston. Streamflow standards do not apply to crossings.

Discussion followed on the Mahar/Ratchenski complaint. Manager Thacker made a motion to direct Attorney Fleming to request a stream-crossing determination on four locations if no response is received by the end of the business day.

Ted and Lyndon Juhl met with the board regarding spoil levels along Drain 78 – KLJ had been hired to measure the difference between the spoil and the original ground prior to starting the project. Juhl's would prefer to lengthen pipes on the berm and flatten slope on field side. Also would like drain taxes removed from the parcels. The parcels in questioned had been appealed to State Engineer at the time of construction and deemed to have benefit.

Manager Thacker withdrew his motion as a request for an extension to negotiate was received. A motion was made by Randall Emanuelson, seconded by Charles Thacker, by vote unanimously carried to set a deadline of Wednesday, April 24 by noon for the Mahar/Ratchenski complaint agreement or the matter will be sent to the North Dakota State Water Commission for stream-crossing standard determinations.

Tom Kennelly met with the board regarding concerns along Highway 66 in SE section of 21. Culverts through the highway are too high and he pumps through the highway. Concern about if tile pumps are ordered to be stopped. Discussion followed on options to have the culverts lowered through the highway – Kennelly will speak to downstream landowners about the possibility of a legal drain extension to Drain 67.

A motion was made by Charles Thacker, seconded by Don Kemp, by vote unanimously carried to pay the following bills:

13132	ND State Tax	150.00
13133	Fischer Land Surveying	24220.80

The board met with the Pembina County Commission and gave several updates – Drain 82 – Fischer has been hired to complete, Snagging and Clearing hearing will be set for June 18 @ 10:00 am, Senator Young watershed planning process, Herzog/Goeschke Dam repair work.

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Discussion followed on the Tongue River cutoff repairs. Houston Engineering will be contacted to provide an estimate on the repair/reconstruction of the cutoff.

Discussion on the SWC cost-share for the Canadian Dike – will allow the cost-share to expire at the end of biennium. Discussion followed on where to store the lawsuit files- Archives in Bismarck may be a possibility.

The O'Toole/Cameron drain tile was discussed. A joint permit will be filed.

Manager Thacker reported on Drain 12 and 47.

Manager Kemp reported on the Drain 16 inspections and discussion on re-routing the river channel.

A motion was made by Randall Emanuelson, seconded by Charles Thacker, by vote unanimously carried to hire Houston Engineering to prepare an estimate for repair/maintenance as well as a feasibility of future improvements on the Tongue River cutoff.

Manager Kemp requested a meeting for Drain 16 – will be set for April 30 as parties have requested notice.

Manager Kendall reported on dam inspections from Wednesday – Senator Young is still frozen; Herzog is open; Goeschke is frozen. Also reported on the Rick/Russ Hannesson tile project on the Cart Creek site

Attest: _____
LuAnn Kemp, Secretary

Joshua Heuchert, Chairman