

April 9, 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 Joshua Heuchert, 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 2, 2019.

Manager Heuchert discussed a need for a ditch block in Highway 12 near Drain 79. Pembina County DOT will be contacted to review the request.

Drain 66-2 cleanout plans were reviewed. A soft bid for cleaning from Drop One to Highway 81 will be prepared with berm repairs and culvert repairs being completed as well. Discussion followed on notice to the assessment areas of upcoming projects-possibility of running one notice in newspaper with updates monthly on the website.

Drain 13 – discussion on the recommendations to ND DOT regarding the box culverts. Triple box 12 x 18 will be requested.

A discussion on filling the vacancies on the Park River Joint board and the Red River Joint Board was held. A motion was made by Richard Kendall, seconded by Randall Emanuelson, by vote unanimously carried to place Don Kemp on the Park River Joint Board and Charles Thacker on the Red River Joint Board.

Drain 81 property searches are being completed and plan for a vote for early summer.

Manager Kendall reported that Renwick is running but the gate is closed.

Manager Thacker reported that he had completed site inspections on the areas of concern on Drain 4, Drain 12, and Drain 47 – all are flowing now with no breakouts.

The Kippen Coulee/Drain 16 complaint meeting was held. Those in attendance included: Allen Anderson, Pat Mahar, Cassie Tostenson, Jon Kippen, Robert Vivatson, Andrew Cull, Les Noerhe, Curtis Christenson, Clarence Boettger, Scott Gunderson, Kevin Sharp, Rick Brown, Kevin Brown, Carson Martin, Doug Olason, Jon Ratchenski, Don Heuchert and Peter Welte. ND DOT appealed the board decision to the District Court – the case was remanded for review of new evidence – the ND DOT plan set for the box indicating the box placement was lower than planned. Attorney Cassie Tostenson reiterated that her clients feel that they are in compliance with the order given previously. Attorney Welte reported that the current order was reviewed with ND DOT and expects an update. Welte did discuss the potential of 10,000 new acres being added to drain 16. Attorney Fleming reviewed that the acres being reviewed were permitted as part of the initial drain 16 permit for the extension in 2001. A motion was made by Richard Kendall, seconded by Charles Thacker, by vote unanimously carried to direct Houston Engineering to complete an electric file for cleanout based on the flow line set by ND DOT plan set for the box culvert with a cleanout deadline set for November 1, 2019.

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Page 2

The Mahar/Ratchenski complaints were reviewed. Those present included: Mark DeMars, Wayne Ratchenski, Jon Ratchenski, Mark Ratchenski, Dale Ratchenski, Andrew Cull, Robert Vivatson, Les Noerhe, and Don Heuchert. Attorney Tostenson played a drone video of the area for the group. Tostenson requests that the additional culvert be removed and a cleanout order. Discussion followed on requesting a stream-crossing standard from the ND State Water Commission. Tostenson indicated a willingness to try to negotiate an agreement with landowners. A deadline of one week was set for a response in the matter.

The Johnson Farms/Stockton complaint was reviewed. Those present included: Kirk Stockton, Vernon Symington, Ron Symington, and Stuart Symington. City of Neche may be interested in joining the complaint. Discussion followed on differences of obstructions historically versus current (12.5 vs 50.0 acre/feet).

Attorney Fleming reported that Howard Swanson has been appointed by NDIRF in the Agnes Heuchert suit.

Attest: _____
LuAnn Kemp, Secretary

Joshua Heuchert, Chairman