

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

August 29, 2023

MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT  
BOARD OF MANAGERS HELD FARMERS ROOM OF PEMBINA COUNTY COURTHOUSE,  
CAVALIER, NORTH DAKOTA.

Those present were Managers Ted Juhl, Donald Kemp, William Gunderson, Richard Kendall, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the minutes of August 22, 2023.

A motion was made by Donald Kemp, seconded by William Gunderson, by vote unanimously carried to approve the ND DWR Drain permit for the Drain 81 FEMA reconstruction.

A motion was made by Ted Juhl, seconded by Donald Kemp, by vote unanimously carried to approve the Drain 5 Extension scope of work from Houston Engineering pending ND DWR cost-share approval.

The board discussed the Enbridge repair work planned in the Drain 64 ROW. Manager Kemp also discussed the survey flags for work planned by Polar Communications that are currently in the bottom and side slopes of the north lateral of Drain 64. Polar will be contacted for further information and provided the drain crossing policy.

It was noted that J6 Groundworks had inquired about brushing work along the drains near Wahalla. Discussion followed on brushing contractors available for work. A motion was made by Donald Kemp, seconded by William Gunderson, by vote unanimously carried to approve the Olafson estimate for brushing work along Drain 66 and Drain 23.

A motion was made by Ted Juhl, seconded by Donald Kemp, by vote unanimously carried to approve the Elliot Tile permit in the SW ¼ of Section 29-160-51 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

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Attorney Fleming reviewed the new complaint procedure that allows for ordering removal of obstructions caused by natural occurrences. A motion was made by William Gunderson, seconded by Donald Kemp, to dismiss the complaint against Olason without prejudice based on Mr. Cox's withdrawal of the complaint.

A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to approve the First Half 2023 General and Drain Fund Reports and the pledge of assets of United Valley Bank.

Attorney Fleming expects an updated on the City of Pembina vs Gastrak complaint at the next city council meeting.

Manager Gunderson reported on the site inspections of Drain 51 and 51B. There are two beaver dams west of Highway 32 and three east of Highway 32 as well as a washout along the drop that will need repair/additional rip rap.

A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried to prepare a soft bid for the leveling of spoil along the Drain 16 FEMA project. Discussion followed on the soft-bid package and spoil placement. Houston Engineering will be contacted for further clarification.

Manager Kendall discussed the ND DOT response to the request west of Cavalier to lower the ditch block. They will not be lowering the block along Highway 5 in section 13/14 of Beaulieu township. Attorney Fleming suggested notifying the landowners from the meeting in April to update them on the ND DOT response.

The board opened the soft bids for the Drain 39 field drain culverts. Bids submitted were: Triple D Construction - \$28,000; Kendall Construction - \$48,000. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to accept the bids as presented and award to Triple D Construction.

A motion was made by Donald Kemp, seconded by Ted Juhl, by vote unanimously carried to approve the Drain 34 Reconstruction contract and Notice to Proceed for Triple D Construction.

Manager Kendall discussed the open lagoon outlets from the city of St. Thomas lagoon into Drain 67A.

Manager Gunderson and Juhl reported that the area of the complaint of Dunnigan vs Dubort. The deadline was August 1, 2023 and no work has been done. Dubort will be notified that the board will be moving forward with hiring a contractor and billing it to the taxes.

The board discussed the NRCS request for spraying and tree removal of Senator Young, Olson and Renwick spillways. Chad Kendall – Kendall Construction was contacted by telephone and requested to give estimates for brushing/spraying of the trees on the dams, spraying of the Drain 79 wetlands, and 51/51B beaver dam removal and drop repair.

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The board visited by telephone with Jim Praska – Polar Communication regarding the project in the Drain 64 ROW. Praska will meet with Juhl and Kemp this week. A meeting was set for next Tuesday at 9:00 am to review the Polar proposal along the drain.

Keith Weston and Brian Fuder – Red River Retention Authority met with the board for updates. Discussion on the priority rights projects in MN/ND, services of the RRRA available to WRD, and the upcoming flood survey. The board is invited to attend a biomass harvesting demonstration on October 11 at Pelly’s Lake – a similar option is being reviewed for the North Branch/Cart Creek project.

A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried to approve the Drain 81 FEMA Reconstruction notice to proceed after the preconstruction meeting concludes.

Attest: \_\_\_\_\_  
LuAnn Kemp, Secretary

\_\_\_\_\_  
Richard Kendall, Chairman