

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

December 19, 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 Randall Emanuelson, Ted Juhl, Richard Kendall, William Gunderson, Donald Kemp, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by Ted Juhl, seconded by Donald Kemp, by vote unanimously carried to approve the minutes of the December 12, 2023.

A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the bills as presented:

14021	Kendall Construction	9,500.00
14022	Fleming DuBois Fleming	7,462.65
14023	Emanuelson Excavating	3,120.00
14024	Void	
14025	LuAnn Kemp	471.70
14026	Robert Fleming	806.21
14027	Kendall Construction	29,602.00
14028	Nodak Electric	1,108.92
14029	Ellingson Drainage	46,400.00
14030	State Side Electric	3,650.00
14031	Houston Engineering	86,903.21
14032	Randall Emanuelson	1,116.82
14033	Donald Kemp	1,444.76
14034	William Gunderson	1,362.35

A motion was made by Richard Kendall to make board policy to restrict accepting any gifts, food, etc. from vendors. Kendall withdrew the motion.

Tim Wilwand and Josh Enerson met with the board regarding the need to reroute electricity and the tile pumps on the Wilwand properties. Board discussed why the tile was not accommodated in the initial design. A motion was made by Donald Kemp, seconded by William Gunderson, by vote unanimously carried to approve the expenses to move the tile pumps and the electricity lines working with the vendors for design as economically as possible. Discussion on the possibility of requesting landowner adjacent to the drain to do a modified use permit on the WRP easement as Nodak estimates about 0.5 acres would need to be disturbed.

A motion was made by Richard Kendall to make board policy to restrict any gifts, food, etc. from vendors. Discussion followed regarding NDCC and intention of the policy– Motion died for lack of second.

Discussion on the Schluchter tile repairs on Drain 82 – board will inspect the work of Ellingson.

Houston Engineering – Zach Herrmann and Paul LeClaire present.

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Manager Kemp discussed if the newer LIDAR layer could be requested to be on the IWI map viewer.

Manager Emanuelson reported on a phone call from Tom Kennelly regarding township road issues.

Manager Juhl has spoken to the landowners on Drain 5, 6, 7 regarding spoil – it can be left for now.

Attorney Fleming reported on the Drain 82 tile correspondence and the appeal period for the Cox Complaint.

Jeff Duray -Triple D Construction met with the board regarding river levels and the condition of the ice. He intends on trying to start the Snagging and Clearing after Christmas but is concerned about the water in the channel. He will continue to monitor the ice levels. Manager Kendall reported that Renwick was closed on Sunday – Duray showed pictures that appear the gate is not fully closed.

A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried to direct the secretary to pay year-end bills.

Zach Herrmann – Houston Engineering provided a yearly update on services. Nearly 8700 hours with over 50 people have been working on Pembina County projects. Discussion followed on the costs of projects and how to manage them more effectively. Going forward, Houston will work with the board to provide more detailed project scopes with options.

The board met with the Pembina County Commission regarding project updates. Tongue River Cut-off channel, Bourbanis Dam, Tongue River Snagging & Clearing project, FEMA projects, Park River Joint Board retention site, and the Drain 78 FEMA project. Zach updated the Commission on a table top exercise that is planned for some time next year. Don Kemp discussed the appointment to the Water Board with the Commission.

Kayo Vivatson met with the board regarding the cleanout on the portion of Willow Coulee downstream from Drain 67B that is part of the Cox Complaint. Vivatson is cleaning his portion and is intending to request it to be annexed into the drain. He was looking for direction on specifications of the cleanout to bring it to drain standards. Discussion followed – board will visit with Dan Fischer regarding options for grade, bottom width, etc. NRCS, Corp of Engineers and landowner easements were also discussed.

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LeClaire and Herrmann provided updates on Houston Engineering projects.

- Drain 16 Expansion – evaluating options to take any water into Drain 64, discussion on the outlet structure of 64
- TR Watershed plan – final design is in place, landowner coordination with NRCS is taking place
- TR Cutoff Channel – working on the proposal for the USFWS grant – decision would be in spring 2024, deadline of the grant is January 4; work on easements will begin in January in coordination with WRD office
- Snagging and Clearing – discussion on ice conditions and options if project must be delayed
- Drain 67E – discussion on funding mechanisms and any impacts of the new Supreme Court ruling – Attorney Fleming will review and report back
- 2022 FEMA – contract work is nearly finished with exception of retainage
- 2023 FEMA – design work is ongoing on Drain 78 outlet; construction is complete on Drain 13; memo provided to NDDDES regarding the findings on Drain 23, 78, and 67A's denial of damages
- Drain 81 – work is ongoing – contractor is on-site to remove riprap and any topsoil piles from drain slopes
- Drain 5 extension and Drain 7 outlet – cost-share applications were sent to NDDWR
- Drain 66-1 culvert – soft bid package is being prepared
- Complaint investigation
  - Survey work was completed on the Cameron vs Johnson Farms complaint; board reviewed the site inspection photos and LeClaire's findings. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried that the work completed by Johnson Farms has satisfied the complaint and that the engineering fees of \$21,788.67 be billed to Johnson Farms.
  - Survey work was completed on the Johnson Farms vs Hughes complaint; board reviewed the site inspection photos and LeClaire's findings. A motion was made by Randall Emanuelson, seconded by Donald Kemp, by vote unanimously carried that the work completed by Mr. Hughes has satisfied the complaint and that the engineering fees of \$10,458.96 be billed to Mr. Hughes.
  - Lysengen vs Heuchert – LeClaire reported on his findings regarding the possible obstruction; a meeting will be scheduled with the parties for January to discuss the findings.
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No meetings will be held December 26 or January 2 due to the holidays.

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

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Richard Kendall, Chairman