

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

February 13, 2024

**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 – by phone, Richard Kendall, Donald Kemp, William Gunderson, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the minutes of the February 6, 2024.

Manager Kendall requested that Daryl Cox complaint be added to the agenda. Attorney Fleming reviewed the status of the complaint – Doug Olason requested a hearing – both parties agreed to place the hearing in recess to allow for Corp determination. The next step is for either party to request the hearing to be resumed or for Mr. Olason to agree to the original order. No action was taken by the board.

A motion was made by Randall Emanuelson, seconded by William Gundeson, by vote unanimously carried to add the American Crystal culvert requests to the agenda.

The board reviewed the American Crystal culvert requests – no comment was given and will be forwarded to Pembina County Highway.

Chris Burgess – United Valley Bank met with the board with the documents for the previously approved operating loan.

Attorney Fleming requested the board's direction on how to bill time from private citizens that come to his office for Water Resource district business. The board directed Fleming to have any private citizens make an appointment with the board as the WRD will not be responsible for any billed time for these office visits without prior approval from the board.

A motion was made by Donald Kemp, seconded by Randall Emanuelson by vote unanimously carried to add the Drain 16 addendum from Houston Engineering and Devon Johnson – Pembina County Highway to the agenda.

Devon Johnson – Pembina County Highway met with the board with drainage permit and a culvert permit. The board reviewed the culvert permit from Park Township and had no comment. A motion was made by Randall Emanuelson, seconded by Willam Gunderson by vote unanimously carried to approve the Pembina County DOT ROW permit for American Crystal.

Manager Kemp reviewed the discussions he had with Houston Engineering regarding additional options for splitting the flow and an alternative outlet for Drain 64. The estimate for feasibility of the option is \$39,000. Discussion followed on ND DOT wetland issues and the board reviewed the design of the wetland. No action was taken. Further discussion will be held with Houston Engineering and Drain 16 landowners.

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

February 13, 2024

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

Page 2

The board reviewed the NRCS Tongue River Channel Restoration project. Ms. Fischer will be checking the previously piled trees from the snagging and clearing project for possible use in the Channel Restoration site. Any trees used could be counted as in-kind for the local share of the project.

Correspondence from the US Fish and Wildlife indicated the TR Cutoff project will not be moved into the federal phase of the grant.

Manager Kendall discussed the Drain 82 gates. Discussion followed on operations and maintenance – Current policy is as follows:

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the operating plan as follows: the gates will be open from May 15 to November 15 except the board reserves the right to close the gates in cases of tower flow at Renwick Dam.

Options for monitoring river and drain levels were discussed.

Kendall also discussed O & M at the Tongue River dams. Discussion on adding the O & M language to the EAP was held.

Kendall also reported that the gate at Renwick is closing better now but will still need some repairs.

The board reviewed the following policies/procedures:

- Capital Asset
- Contractor Bid
- Drain Establishment
- Complaint Procedures
- Tile Permit Fee

Discussion on the years of depreciation for the drains and electronic equipment. Updates to the policy will be completed and provided for review. Discussion on the WRD owned tractor, four-wheeler, mower, etc. Options for sale will be explored with intent to purchase a utility vehicle for drain inspections, etc.

The contractor policy was reviewed – discussion on whether board member can be employed by a contractor – current policy allows it and the levels of each bid level. No changes were made at this time.

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

February 13, 2024  
MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT  
BOARD OF MANAGERS HELD FARMERS ROOM OF PEMBINA COUNTY COURTHOUSE,  
CAVALIER, NORTH DAKOTA.

Page 3

The drain establishment and complaint procedures will be reviewed further to ensure the policies match the updated NDCC.

Tile permit fee was reviewed with no suggested changes.

No meeting is scheduled for February 20, 2024.

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

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