

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

February 6, 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, William Gunderson, Donald Kemp, and LuAnn Kemp, secretary. Attorney Robert Fleming was also present. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the minutes of the January 30, 2024.

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

14039	Pembina County	2,509.27
14040	LuAnn Kemp	251.25
14041	LuAnn Kemp	48.11
14042	Quill	101.96
14049	Taylor Andeson Construction	75.00
14050	LuAnn Kemp	5,101.31
14051	Fischer Land Surveying and Engineering	3,543.76
14052	Polar	20.00

A review of the outstanding complaints was completed. The Corp of Engineering has responded to the Cox Vs Olason, et al complaint. The Corp has no jurisdiction in the removal of sediment or obstructions as long as any removed material is not placed within the wetland footprint. Any sediment removed must not be placed in any cattail or wetland areas and must be placed on adjacent upland. Fritz complaints were reviewed. Fritz vs Volk complaint appears to be primarily concerned with raising of a township road – it may fall in the jurisdiction of the township. Discussion followed on if there was culvert in the area that would reduce the chance the road is acting as a dam or dike. The complaint of Fritz vs Symington was also reviewed. Site inspections will be completed when conditions allow. Discussion on having Houston Engineering provide estimates in the two complaints prior to meeting with the parties.

Zach Herrmann – Houston Engineering and Christi Fischer – NRCS met electronically to discuss the easements and funding options for the local share of the Tongue River Channel Restoration. A cost-share application to the Red River Joint Board will be completed to help with the local share. Discussion on the ability to use in-kind donations for the local share was held. The Board will visit with Triple D Construction regarding the tree piles from the Snagging and Clearing projects. Fischer will be in attendance on February 27th to further discuss the easements and cost-share as well as look at potential tree sites.

Attorney Fleming left at this point.

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A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to amend the agenda to include the operating loan proposal from United Valley Bank.

A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to approve the \$500,000 one-year operating loan at 5% interest from United Valley Bank.

Discussion on upcoming meeting schedule. No quorum will be available on February 20, 2024 – Houston will be contacted to reschedule to February 27, 2024.

The board reviewed the 2023 FEMA eligibility report. Engineering fees might not be approved on Drain 4 and Drain 13 due to being over 15% of the construction. Drain 67A – discussion on the easement width of the drain. Discussion on the Drain 78 outlet options – Manager Juhl will visit with LeClaire regarding the options and cost-sharing from FEMA. Drain 78 (43/45) bills will be reviewed to prove maintenance in that portion of the drain.

A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the 2023 General and Drain Fund Year End financial reports.

Manager Gunderson reported that Tom Zaharia was still working on the culverts in 105th Ave.

Devon Johnson – Pembina County Highway attended the meeting. Manager Emanuelson discussed the American Crystal project to change some culverts in Highway 44. Johnson had returned the culvert requests to the township for signatures.

An update of the Snagging and Clearing project was given – Manager Gunderson showed pictures he had from the project.

Manager Juhl discussed the inquiry from ND DWR Michael Anderson regarding the Drian 66-outlet project which is still waiting on NRCS determinations.

Manager Kemp discussed a priority listing to include development of a manual, extending the TR cutoff to the Red River, Drain 16 options and dam operations.

Discussion followed on having regularly scheduled site inspections on Tuesday mornings for all board members to attend.

Attest: _____
LuAnn Kemp, Secretary

Donald Kemp Vice -Chairman