

January 26, 2021

MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT  
BOARD OF MANAGERS HELD THEIR OFFICE IN THE LAW ENFORCEMENT BUILDING,  
CAVALIER, NORTH DAKOTA.

Those present were Managers Richard Kendall, Donald Kemp, Charles Thacker, Randall Emanuelson, Ted Juhl, and LuAnn Kemp, secretary. Attorney Fleming also present. A motion was made by Randall Emanuelson, seconded by Randall Emanuelson, by vote unanimously carried to approve the minutes of January 19, 2021 as amended to correct physical location.

The board adjourned for reorganization. Secretary LuAnn Kemp asked for nominations for Chairman

Manager Thacker nominated Richard Kendall as Chairman. Manager Kemp requested consideration for nomination as Chairman. A motion was made by Charles Thacker, seconded by Ted Juhl, by vote unanimously carried for nominations to cease and cast a unanimous ballot for Richard Kendall as chairman.

A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried for nominations to cease and cast a unanimous ballot for Donald Kemp as vice-chairman.

A motion was made by Charles Thacker, seconded by Randall Emanuelson, by vote unanimously carried to designate United Valley Bank as depository of funds – drain and general.

A motion was made by Donald Kemp, seconded by Charles Thacker, by vote unanimously carried to direct the secretary to seek a quote for a \$500,000 loan from United Valley Bank for operating expenses. Manager Emanuelson requested information be provided regarding the average daily balance on the operating loan. Discussion followed on increasing assessments to help drains pay of the loan faster.

A motion was made by Charles Thacker, seconded by Ted Juhl, to appoint Don Kemp with Rick Kendall as alternate to Red River Joint Board.

A motion was made by Charles Thacker, seconded by Don Kemp, to appoint Ted Juhl, Rick Kendall, and Randy Emanuelson to the Park River Joint Board.

Dan Fischer and Matt Hedger presented information to Drain 34 landowners regarding the proposed reconstruction. Those in attendance included: Tim Wilwand, Melvin Webb, Kevin Sharp, Greg Kemp, Samantha Kiner, Rob Kemp, Ron Falk. The plan is to extend the drain to section 30 – discussion followed on the CRP and WRP along the drain. The grade will be improved to 0.05. Discussion on top soil stripping or not – landowners will let the office/engineer know preferences. Agreement was to move forward with an assessment vote in early spring 2021 with plan as presented. Additional field drains were not requested in any locations at this time.

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Attorney Fleming updated the board on Drain 81 easements – Augustin should be complete very soon. Fleming discussed next steps regarding Heuchert easement - he will contact Attorney Bliss. Drain 82 easements will be starting to have meetings soon – Hedger will meet to confirm any additional easement questions.

Curt Christenson discussed the Drain 3 cleanout proposal for engineering from Fischer Land Surveying and Engineering to bring project to a soft bid – Approximately \$9000.00 – He will meet with Mike Stellon and report back.

Fischer and Hedger also presented information on the potential reassessment of the area south of Highway 5 and generally west of Highway 81 – there are also a few parcels on east edge and south edge of the Drain 16 assessment that may be draining to other drains. Those in attendance included: Melvin Webb, Kevin Sharp, Greg Kemp, Samantha Kiner, Rob Kemp, Ron Falk, Bill Kemp, Curtis Christenson, Clarence Boettger, Robert Vivatson, Paul Gunderson, Scott Gunderson, Jon Ratchenski, Greg Kemp, and Bill Gunderson. Mark Ratchenksi and Andrew Cull over Zoom also present. Fischer explained the watershed boundary and the process he followed to arrive at it. Fischer indicated that the current assessment area doesn't match the watershed area that is currently draining to Drain 16. Drain 16 is flooding due to the speed of the water getting to it and the flat slope of the drain. He reviewed Section 10 elevations and answered questions regarding the elevation of the Kippen Coulee versus the drop east in this section. Fischer also discussed a piece in Section 2 that is currently in Drain 16 that drains to Drain 66. Fischer reiterated that no “new” water was being proposed as the water is indicates is already getting to Drain 16. Clarence Boettger requested the board consider leaving the 16/66 assessment in Section 36 and 2 as it is. Manager Kemp discussed that the water is currently getting there and this is looking at a change in assessment. Clarence Boettger requested the board take no action on the assessment at this time. Robert Vivatson discussed a need to find a solution – taking no action is not acceptable. Fischer indicated that solutions to the drainage issue can be found if land owners cooperate but additional survey and design is needed for any options are chosen.

Fischer also discussed options with the board to divert water to a lateral to the Tongue River prior to it reaching Drain 16. Ron Falk expressed that there is no capacity in the Tongue River for additional drainage. Attorney Fleming discussed with the board options to pursue a new lateral to Drain 16 – Manager Juhl requested that the board wait to see how current legislation may change the situation.

Garry Friedt has requested an appeal from the State Engineer on the Drain 82 assessment. Thacker stream-crossing standard will be completed by the SWC.

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

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Richard Kendall, Chairman