

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

July 27, 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, Donald Kemp, William Gunderson, Richard Kendall, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to approve the minutes of July 18, 2023.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve amending the agenda to include Kendall Construction request for extension and remove Devon Johnson -Pembina County Highway.

Chad Kendall – Kendall Construction met with the board regarding the 2022 FEMA work remaining on Drain 16, Drain 66 and Drain 67A. Kendall is requesting additional time due to the recent larger rainfalls. Discussion followed on contract deadlines, penalties, etc. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to extend the Drain 16 deadline to August 10, 2023 and the Drain 66 and Drain 67A deadline to September 15, 2023. Manager Kendall abstained.

Mike Otto, Alex Spitsberg – Nodak Electric, and Dan Fischer -Fischer Land Surveying and Engineering were present to discuss the Drain 82 Nodak relocate needed. Spitsberg reported that one of the pedestals and part of a line needs to be relocated again along Drain 82. The relocate done previously was coordinated with Fischer’s crew and is not in the right location for the drain construction. Fischer agreed to pay the relocate fees of \$12,150 to Nodak Electric.

Fischer also reviewed the ND DOT crossing. The board reviewed the final elevations – one of the pipes remained out of specifications; however, Fischer indicates that the flow line of Drain 82 can be adjusted to match the final elevations. A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to accept the ND DOT project as completed.

The board reviewed the easement for Drain 55 and the information provided by Mr. Church regarding the location of a storage shed in Section 35-159-51. As long as Mr. Church is off the drain easement (99 feet from the section line), the board had no concerns with the project.

Manager Emanuelson reported on the Drain 67E meeting with Walsh County. Walsh WRD will be meeting with Houston Engineering regarding the drain in Walsh County. Discussion followed on the potential of making 67 a joint drain with Walsh.

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The board reviewed the general and drain fund budgets and the proposed drain assessments. A motion was made by Donald Kemp, seconded by Ted Juhl, by vote unanimously carried to approve the general and drain fund budgets for 2023. Approved Drain assessments are as follows:

- \$1/Acre: Drains 4, 8, 12, 62R, 74, W-2 and W-3
- \$2/Acre: Drains 6, 51, 51B, 75 and 77
- \$3/Acre: Drain 16 and Drain 73
- \$4/Acre: Drain 3, 5, 7, 11, 13, 17, 19, 23, 28, 55, 60, 67
- \$5/Acre: Drain 78
- \$7/Acre: Drain 39
- \$10/Acre: Drain 34 and 82
- \$12/Acre: Drain 64
- \$13/Acre: Drains 79 and 81

Discussion on the FEMA disaster declaration and soft-bid projects. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to contract Houston Engineering for soft-bid preparations for the FEMA projects on Drain 66-2, Drain 66 erosion, Drain 4 culvert, Drain 23, and Drain 78/75 (N/S lateral)

Discussion on the Enbridge crossing on Drain 64 – Manager Juhl reported that Enbridge will be agreeable to sharing in costs of some of the pipe. A motion was made by Donald Kemp, seconded by Ted Juhl, by vote unanimously carried to approve hiring Houston Engineering to develop soft bid package for the Drain 64 Enbridge crossing and possible cleanout between the landfill and 158th Ave.

Attorney Fleming reported that Johnson Farms and Perry Cameron have been served the order in the complaint. Mr. Hughes will also be notified regarding the deadline as it applies to the Johnson Farms vs Hughes complaint.

Manager Kendall reported on the Drain 13 erosion on the outlet structure by the plunge pool as well as an area on Drain 66 – Section 9 Lincoln that has eroded the field drain and left sediment in the drain. Mitigation to include a field drain culvert will be requested from FEMA.

Manager Juhl reported on the erosion on the Drain 78 outlet from this spring. Discussion followed on the additional FEMA projects – A motion was made by Randall Emanuelson, seconded by Donald Kemp, by vote unanimously carried to contract Houston Engineering to prepare Drain 66 – Section 9, Drain 13 outlet and Drain 78 for FEMA bidding.

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Manager Kemp inquired about the Tongue River Cutoff – ND DWR cost-share has been submitted.

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Manager Kendall discussed brush removal projects. Dakota Land Works had been contacted last year and not completed the work so Olafson Construction was contracted. Olafson mobilized to the sites and the work had been completed by Dakota Land Works. The board will allow Mr. Olafson to submit his mobilization bills for the project.

Kendall also reported that the box culvert in Drain 16 on Highway 4 is cracked – Pembina County Highway will be contacted.

Paul LeClaire and Zach Herrmann – Houston Engineering as well as representatives from Knife River Construction, Gladen Construction and Triple D Construction were present. The bids for the Drain 81 FEMA were opened at the time and place of the bid advertisement. Three bids were received. A motion was made by Randall Emanuelson, seconded by Donald Kemp, by vote unanimously carried to accept the bids from Triple D Construction, Knife River Construction, and Gladen Construction. Houston will review the bids and prepare abstract for award on August 1, 2023.

The board moved to the Farmer’s Room for the public meeting on Drain 16. Landowners and interested parties included: Karmen Ruffatoo, Karla Henschel, Bill Kemp, Doug Olason, Cody Saiger, Scott McColl, Robert Vivatson, Dennis Lindsey, Allen Anderson, Brent Kemp, Keith Kiner, Craig Gunderson, Brian Kiner, Scott Gunderson, Ron Sharp, Craig Sharp, Wes Argue, Clarence Boettger, Dutch Fleming, Alex Cull, Andrew Cull, Lee Menzies, Steven Houston, and Ted Zaharia. LeClaire reviewed the modeling of scenarios including existing conditions, 2017 conditions, removal of entire railroad bed, a proposed Drain 16 Lateral, a proposed north drain to the Tongue River. Discussion followed on the improvements to the TR Cutoff, Drain 82 implications, unassessed areas receiving benefits, and the next steps to the project.

Attest: _____
LuAnn Kemp, Secretary

Richard Kendall, Chairman