

May 18, 2021

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

Those present were Managers Donald Kemp, Ted Juhl, Richard Kendall Charles Thacker, Randall Emanuelson, and LuAnn Kemp, secretary. Attorney Fleming also present. A motion was made by Charles Thacker, seconded by Ted Juhl, by vote unanimously carried to approve the minutes of May 11, 2021.

Chad Kendall met with the board regarding Olson Dam. Kendall has found there is a need for additional fencing to keep ATV's off of the dam. The grate on the spillway also needs repair/replacement. Discussion followed. A motion as made by Charles Thacker, seconded by Donald Kemp by vote unanimously carried to direct Kendall to get estimates for the work and proceed with the work up to \$5000.00 on Olson Dam grate and fencing. Manager Kendall abstained.

Kendall reported he had completed the Drain 47 cleanout – Manager Thacker will review the work. Kendall also reported the culvert in the approach in Drain 47 has collapsed.

A motion was made by Donald Kemp, seconded by Ted Juhl, by vote unanimously carried to approve the cost-share amendment with RRJB for Senator Young.

A motion was made by Charles Thacker, seconded by Ted Juhl, by vote unanimously carried to approve the 2021 Tile Resolution setting tile fee at \$500.

A motion was made by Charles Thacker, seconded by Ted Juhl, by vote unanimously carried to approve the Rob Kemp amended tile permit to include the surface drain. Manager Kemp abstained.

Jon Markusen – Kadrmas Lee and Jackson, by telephone regarding the culvert in Drain 73. The ND Game and Fish easement required a culvert to maintain the wetland in Drain 73 – that culvert has washed out. Discussion on how to fix the issues. Markusen will contact ND Game and Fish to see about alternatives to the culvert.

A motion was made by Randall Emanuelson, seconded by Charles Thacker, by vote unanimously carried to approve the Drain 34 Second Resolution and Notice of Hearing.

A motion was made by Ted Juhl, seconded by Donald Kemp, by vote unanimously carried to approve the First Quarter Financials for the General and Drain funds as well as the Pledge of Assets from UVB.

Zach Herrman and Paul LeClair- Houston Engineering met with the board for project updates. Drain 66 SWC cost-share was approved. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to approve the engineering contract for Drain 66 for \$155,000.

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Drain 13 cleanout project was discussed. Bid advertisement will be ready later this week with bids opened on June 22. Discussion on a possible reassessment of NW ¼ Section 16 – Drayton followed.

The Tongue River Cutoff Assessment Hearing was called to order at 10:00 AM, in the Pembina County Farmers Room, Cavalier, North Dakota. This was the time, date and location specified in the Notice of Hearing.

Those board members present were, Chairman Richard Kendall, Donald Kemp, Randall Emanuelson, Charles Thacker and Ted Juhl. LuAnn Kemp, Secretary was also present. Pembina County Commissioners present included Hugh Ralston, Laverne Doyle, Nick Rutherford, Jim Benjaminson, and Hetty Walker (by telephone). Landowners and other interested parties present were: Attorney Robert Fleming, Bill Gunderson, Robert (Kayo) Vivatson, Rick Brown, Kelly Brown, Kevin Brown and Michael Brown. Zach Hermann and Paul Leclair from Houston Engineering.

Hermann explained the proposed project. The preliminary cost of the project is estimated to be \$5.2–\$5.6 Million, with a possibility of receiving a 45% cost share from the North Dakota State Water Commission. The maximum assessment for agricultural land would be \$27/acre with no SWC cost-share. Discussion on financing for longer period of time was held.

Landowners were informed of the probable cost and their individual share of the cost.

A motion was made by Charles Thacker, seconded by Donald Kemp, by vote unanimously carried to approve the assessment for the Tongue River Cutoff Reconstruction at a maximum total assessment of \$27.00/acre for agricultural property, \$27.00/\$500.00 of taxable valuation for residential and commercial properties, \$0.03/acre/year for woodland properties to be spread as necessary with assessments for 2021 and 2022 set at \$4/acre for agricultural property, \$2.00/\$500.00 of taxable valuation for residential and commercial properties, \$0.03/acre for woodland properties. Roll Call Vote – Kendall –yes, Thacker – yes, Kemp – yes, Emanuelson – yes, Juhl – yes.

Discussion on the Drain 66 Outlet project – SWC cost-share has been obtained for engineering needed to meet the NRCS guidelines for permitting. The three dams (Senator Young, Bourbanis, and Olson) are moving through the technical review part of the watershed planning.

The board returned to the office.

Herrman reviewed the Drain 78-27 estimate for engineering of a cleanout. Discussion followed on reducing the engineering on several of the crossings. A motion was made by Randall

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Emanuelson, seconded by Ted Juhl, by vote unanimously carried to approve the reduced 78-27 engineering with Houston Engineering as agreed upon.

Attorney Fleming reported that he had not heard back from Ms. Heuchert as of the meeting.

Attest: _____
LuAnn Kemp, Secretary

Richard Kendall, Chairman