

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

November 21, 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, Richard Kendall, Donald Kemp, William Gunderson, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the minutes of the November 14, 2023.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, to pay the bills as presented:

13994	Polar	1,076.05
13995	RJ Zavoral and Sons	121,059.00
13996	ND Water Resource District Association	675.00
13997	ND Water	300.00
13998	William Gunderson	55.86
13999	Kendall Construction	4,200.00
14000	Polar	20.00
14001	Artinson Stewert and Wegner	5,082.76
14002	Cavalier Rural Electric	648.00
14003	Zion Bank	400.00
14004	BIL Manufacturing	935.00
14005	Kendall Construction	53,295.00
14006	Fischer Land and Surveying	38,383.04

Chris Burgess – United Valley Bank met regarding the 2022-2023 FEMA loan. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to approve the Drain 34 loan as presented.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, to approve the Drain 34 Closing Certificate and final documents.

Chad Kendall – Kendall Construction met with the board regarding the spoil on Drain 67A. Kendall reported that he could level in place near the trees. Discussion followed on the spoil along the ND DOT ROW and the parking lot within the drain easement. A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried to approve a change order for \$5000 to Kendall Construction for the hauling the spoil off of those areas.

The board reviewed the Cox complaint on the area upstream from Willow Coulee Dam. Others in attendance included: Darryl Cox, Dale Johnson, Scott Dennisson and Robert Vivatson. Discussion followed on the recent ND Century Code changes regarding natural obstructions to watercourses. Vivatson spoke on the need to not only remove obstructions but also to bring it up to drain standards for the future. A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried that an obstruction to the natural watercourse exists within E ½ SW ¼ and the SW ¼ of Section 1-160-56, SW ¼, NW ¼ and the NE ¼ of Section

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

November 21, 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.

Page 2

6-160-55, the E ½ SW ¼ and S ½ SE ¼ Section 32-161-55. Discussion followed on the deadlines for the work to be completed and the need for some work to be done on the frost to allow for drainage of the backed up water. Johnson discussed how work on his property will depend on the Olason property getting finished. Landowners present agreed on the initial work to clear obstructions and allow drainage could be completed by February 21, 2024.

The board met with the Pembina County Commission. Paul LeClaire- Houston Engineering also present. LeClaire reported on work that was completed on the TR Cutoff as well as the grant opportunity from the US Fish and Wildlife for fish passage. An initial letter of interest has been submitted for further review of the grant process and deadlines. Snagging and Clearing was awarded to Triple D Construction and will begin in December pending river conditions. Bourbanis Dam is complete. Drain 81 – the culvert portions are complete. The Park River Joint board had met and determined to end the North Branch project at the conclusion of this phase with the public meeting planned for December 12. Commission Cull discussed the spoil leveling on Drain 16 and beaver dam in the city limits behind the Bjornson addition.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the ND DWR Cost-share for the EAP on the Tongue River Dams.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to appoint William Gunderson as the voting delegate for the Pembina County WRD at the annual convention.

The board reviewed Mr. Schluchter's request for payment on the temporary easement. No provision were for additional payments for temporary easements on Drain 82.

A motion was made by Ted Juhl, seconded by Donald Kemp, by vote unanimously carried to approve the purchase of television displays for the board room display with the cost not to exceed \$3000. Discussion followed on starting with the main display area with the possibility of a second in the future.

A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to set the deadline for removal of the obstruction in the Cox Complaint to February 21, 2024.

Manager Gunderson discussed the outstanding payments to On the Level. On The Level has not provided the requested information at this time.

The board reviewed the letter of support for the bridge over Drain 66 on Highway 44.

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

November 21, 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.

Page 3

Paul LeClaire gave updates from Houston Engineering:

- Drain 66 outlet investigation – continuing to review NRCS options and possible impacts of Drain 78 outlet project
- Drain 67C – final payment is still waiting approval from On the Level
- Drain 16 Expansion – discussion on the budget and the need for amended ND DWR Cost-share; work on possible Drain 64 alternatives is ongoing
- TR Watershed – drone flight was completed in October; on-schedule for work next summer
- TR Cutoff – side inlet pipe installation is largely complete; discussion on the possible funds from the USFWS – LeClaire will continue to coordinate a possible application
- Snagging and Clearing – letters to landowners have been sent;
- Bourbanis Dam – warranty work is complete; final payment is issued; township road was in good condition.
- 2022 FEMA – partial payments issued on Drain 67A and 66-1a
- 2023 FEMA – design work is ongoing for Drain 78, Drain 13 is complete, Drain 4 is complete
- Drain 81 - Crossings in 144th and 145th are complete, discussion followed on areas of the drain that are excavated and not seeded, contractor is working to address township road concerns and rip rap left in the drain.
- Drain 67 Washout repairs – discussion on the need for additional excavation on the project and the need for more imported materials. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to approve the Change order for Triple D Construction for \$7800.
- Heuchert vs Lysengen complaint – LeClaire discussed the drainage of the area and LIDAR images.

No Regular meeting is planned for December 5th to allow attendance at the ND Water Convention. December 12th meeting will be held in the Farmer's Room. Final meeting for 2023 will be held December 19, 2023.

Attest: _____

LuAnn Kemp, Secretary

Richard Kendall, Chairman