

November 5, 2019

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 Joshua Heuchert, Richard Kendall, Don Kemp, Charles Thacker, Randall Emanuelson, and LuAnn Kemp, secretary. Attorney Fleming also present.

A motion was made by Charles Thacker, seconded by Richard Kendall, by vote unanimously carried to enter executive session at 8:30 am for the purpose of attorney client consultation pursuant to N.D.C.C. § 44-04-19.1(2) regarding a pending civil lawsuit naming Agnes Heuchert as plaintiff and the PCWRD as Defendant. Roll Call vote – Kendall -yes, Thacker – yes, Heuchert- yes, Kemp -yes, Emanuelson – yes.

A motion was made by Randall Emanuelson, seconded by Don Kemp, by vote unanimously carried to exit executive session at 8:50 am. Roll Call vote – Kendall -yes, Thacker – yes, Heuchert- yes, Kemp -yes, Emanuelson – yes.

Discussion on the offer to be made in A. Heuchert case – Level existing spoil, maintain the constructed dike to road elevation, and offer either dirt or cash settlement.

Loren Reimer met with the board regarding ingress/egress into Herzog dam – it was agreed to provide access along the left side of the field along the trees with the possibility of a new approach and graveling the access route. Reimer was in agreement – a new easement for the means and bounds will be completed.

Dan Fischer and Matt Hedger – Fischer Land Surveying and Engineering met with the board for updates. Drain 34 – working on final survey, design work this winter with vote later winter/early spring. Drain 39 – Fischer will look at the possibility of dividing the project in to immediate repairs and future work. Meeting will be scheduled on December 10 with landowners to discuss. Drain 67 crossing in city of St Thomas was reviewed – the numbers are around \$400,000 – the board will meet with the city in December to discuss a possible 40/60 split on the project. Discussion on the easements and township ROW for Drain 81. 81 and 82 Economic analysis are completed and ready for state review. Drain 82 permit questions will be ready next week.

A motion was made by Richard Kendall, seconded by Charles Thacker, by vote unanimously carried to make an offer to settle the A. Heuchert case with top spoil leveling and dike to the township road elevation and choice of either 1100 CY of top spoil to be placed in the disturbed construction area or \$25,000 cash. Roll call vote – Kemp – yes, Kendall – yes, Heuchert – yes, Thacker – yes, Emanuelson – yes.

Discussion followed on the material available to purchase from McMartin farms.

A motion was made by Randall Emanuelson, seconded by Charles Thacker, by vote unanimously carried to approve the continuing disclosure agreement with AMKO.

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A motion was made by Randall Emanuelson, seconded by Richard Kendall, by vote unanimously carried to approve the initial paperwork with AMKO for the Drain 64 bonds.

A motion was made by Richard Kendall, seconded by Charles Thacker, by vote unanimously carried to approve the SWC cost-share for Senator Young.

A motion was made by Charles Thacker, seconded by Randall Emanuelson, by vote unanimously carried to approve the mitered ends for the CMP in Drain 64 as required by ND DOT.

A motion was made by Charles Thacker, seconded by Randall Emanuelson, by vote unanimously carried to approve the payment of \$525 for tile repair on Drain 38 to Tyler Cameron.

A motion was made by Richard Kendall, seconded by Donald Kemp, by vote unanimously carried that the order in the Dunnigan/Dubourt complaint had been satisfied based on site inspection.

A motion was made by Randall Emanuelson, seconded by Donald Kemp, by vote unanimously carried to dismiss the Eelkema complaints (2) due to lack of response from the estate.

A motion was made by Richard Kendall, seconded by Donald Kemp, by vote unanimously carried that the order in the Schlittenhard/Hinkle complaint has been satisfied based on site inspection – the remaining concern regarding drainage does not meet the jurisdiction of 80 acres per the SWC documents.

The board visited with Zach Herrmann – Houston Engineering by telephone regarding Spruce Valley – deadline was November 1. A motion was made by Randall Emanuelson, seconded by Richard Kendall, by vote unanimously carried to set full mobilization by November 8 with completion by November 22 or termination of the contract will be started.

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A motion was made by Charles Thacker, seconded by Randall Emanuelson, by vote  
unanimously carried to approve payment of the following bills:

13217	US Bank	48,985.00
	VOID CHECK 12950 4/3/2018 Joshua Heuchert	
13214	LuAnn Kemp	4,000.48
13215	Pembina County	2,101.70
13216	Randall Emanuelson	427.03
13218	Fleming DuBois Fleming	4,260.00
13219	Kadrams, Lee and Jackson	10,360.27
13220	Houston Engineering	56523.13
13221	Kendall Construction	12,500.00
13222	Drayton Township	9,177.74
13223	Quil	345.13

Manager Kendall discussed two approaches by Hwy 81 in Drain 66 – plans will be reviewed to  
determine if the approaches are DOT or WRD.

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

\_\_\_\_\_  
Joshua Heuchert, Chairman