

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

September 12, 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 Ted Juhl, Donald Kemp, William Gunderson, Randall Emanuelson, 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 September 5, 2023.

A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to approve amending the agenda to include Drain 16 Soft Bid specifications and correspondence regarding the cattail/tree spraying.

Carlton Heck met with the board regarding several issues. Heck indicated that his irrigation worked well from the dam this year and there was adequate water. Heck also expressed concern over culverts that were installed north of Hanks Corner along Border Ave in Section 18. The board was not aware of the culvert. Discussion followed on if they were installed by the township, Cavalier or Pembina County.

Tom Kennelly met with the board regarding the culvert configuration in Section 29 – N Midland. Township officials wanted Kennelly to visit with the WRD about any culvert changes. The board provided a culvert request form and discussed culverts being under the road authority.

Jeff Duray – Triple D Construction – met with the board regarding Drain 82. Discussion followed on extensions of culverts, costs to extend and additional rip rap that has been installed. Seeding is scheduled for next week and Duray requested the board to site inspect prior. Discussion followed on the culvert traps south of highway 5. Dan Fischer – Fischer Land Surveying was contacted by telephone. It was the consensus of the group to not install any culvert traps south of the highway. Duray will return traps to the county yard for storage.

Paul LeClaire – Houston Engineering – met via telephone with updates on FEMA projects. The 2022 Drain 16 project is completed – LeClaire inquired about a retainage or payment in full. Discussion followed – A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to withhold the 5% retainage as allowed under the contract.

LeClaire reviewed the 2023 projects for FEMA

- Drain 4 – pipe condition was discussed – Duray indicated when he had inspected it the pipe looked to be in good condition
- Drain 66-2 – discussion on berm washout – board will accompany for site inspection next week
- Drain 73 and Drain 43 are surveyed

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A motion was made by Randall Emanuelson, seconded by Ted Juhl by vote unanimously carried to approve two tile permits for Kevin Lee – one in NE/NW ¼ Section 8-159-52 and the other in NW ¼ Section 2-159-53 with the following conditions on the permit:

1. that Applicant install and maintain erosion protection at any and all outlets
2. that Applicant install and maintain erosion protection or other ditch stabilization materials at any and all outlets into Pembina County’s highway right of way/NDDOT’s highway right of way;
3. that Applicant install and maintain erosion protection at any and all outlets
4. that Applicant re-establish any areas disturbed installing or maintaining Applicant’s tile system;
5. that Applicant will not install Applicant’s tile system within 20 feet, on either side, of any rural water lines of North Valley Rural Water District
6. that Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Pembina County Water Resource District;
7. that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
8. that Applicant remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant’s tile system, but only up to one mile downstream from the project outlet

The culvert request from J.G Beattie in the SE ¼ Section 3-159-54 was reviewed. The board had no comment other than a culvert larger than 36 inch would require Pembina County DOT approval.

A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the Polar estimate for relocating a pedestal along the Drain 81 repairs.

The board reviewed the bids received for the Drain 13 beaver dam. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to award to Blawat Construction for \$2500. Emanuelson Excavating bid was deemed ineligible due to missing the deadline. Emanuelson abstained.

The board reviewed the request from R.J. Zavoral regarding a letter of support for the Bourbanis project. Discussion followed with the project’s issue with rip rap specifications. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to deny the request for a letter of support at this time.

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The board reviewed several open complaints.

- Cameron vs Johnson Farms – Fischer reports that survey points have been requested for Johnson Farms’ contractor
- City of Pembina Vs Gastrak – Attorney Fleming will be getting update
- Augustin vs St. Thomas Township (2) – A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to dismiss the complaint of Augustin vs St Thomas Township due to lack of jurisdiction.
- Dunnigan vs Dubort – letter will be sent indicating board’s intention to hire a contractor for completion of the work as the deadline has passed
- Heuchert vs Akra Township – Akra township will be sent a letter requesting repair of the culvert

Upcoming meeting schedule was discussed – No meetings will be scheduled for September 26, 2023 and October 3, 2023.

Manager Juhl will be accompanying the FEMA inspector to sites this afternoon.

Discussion on the soft bid for Drain 16 spoil leveling – Attorney Fleming will review the soft bid package for next week – discussion followed on leveling all material including old spoil or leaving a berm.

Attest:

LuAnn Kemp, Secretary

Donald Kemp, Vice Chairman