

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

September 19, 2023

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

Those present were Managers Randall Emanuelson, Ted Juhl, William Gunderson, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the minutes of September 12, 2023.

A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to amend the agenda to add Kendall Construction estimates and Devon Johnson – Pembina County Highway.

Devon Johnson _ Pembina County Highway met with the board to present request from Neil Bernhoft to remove the approach near the intersection of County 12 and 3, a request from Tim Carpenter for culvert near the intersection of County 12 and County 55 – discussion on size followed as Carpenter requested cleaning on the Hyde Park Coulee if a smaller culvert was approved. Johnson approved the smaller culvert. A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to approve the permits as presented. The board reported a washout along Highway 3 near the 66-1A culvert. Johnson will inspect.

A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to pay the bills as presented and to pay any necessary bills during harvest.

13943 VOID

13944 Kendall Construction	125,400.00
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13945 Dakota Helicopter	22,207.88
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13946 True North Steel	25,111.48
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13947 Jeff Harildstad	354.74
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13948 US Bank	9181.25
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13949 Kendall Construction	260.00
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13950 US Bank	500.00
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13951 US Bank	36,835.00
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13952 Office of Adjutant General	31,041.69
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13953 Hancock Concrete	24,357.71
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13954 Houston Engineering	262,380.60
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13955 KLJ Engineering, Inc	4,636.52
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13954 Triple D Construction	327,912.26
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Mark Ratchenski met with the board regarding a culvert request in Section 16-160-53. Discussion followed on the request for deepening a ditch up to the new culvert. Board recommended following up with the ND DWR regarding a need for a drainage permit for the ditch cleaning and deepening. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to have no comment on the culvert request as presented with recognition of a possible need for a ND DWR drainage permit for any drainage changes.

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Gary Stevens and Paul Brosseau met with the board regarding the road and access to Bourbanis Dam. Brosseau is a township official with S Olga township. Engineer was previously made aware of concerns on the road condition and will address once contractor has completed the project and moved off the dam site. Stevens was requesting access across the dam. Attorney Fleming addressed that no access will be provided as the access across the dam that was previously used was not designed or authorized. Discussion followed on the Border Road culverts – Pembina County Highway installed with stream crossing standard.

Robert Blair met with the board to request Wieler Dam be left with six feet of water to allow trapping of minnows throughout the winter. Board took no action on the matter but reiterated the purpose of flood control on the dams.

Jeff Stevenson met with the board on several items. He was concerned about the retainage of additional water at Wieler from the previous request. Discussion was held on Tongue River Cutoff assessment and project. Stevenson also discussed assessment of the Drain 82 – he is not assessed to the drain, therefore, does not pay into the drain. Discussion was held on the Snagging and Clearing Project. Project has continued to move toward the dam with additional project scheduled for this year. Stevenson requested Section 18 of Akra to be cleaned. This is outside the limits of this year's project scope.

Paul LeClaire – Houston Engineering met with monthly updates.

- The Drain 81 project is underway. Material did not meet specifications and contractor has found new supplier that meets specifications. Contractor has two crews on site and is making good progress. Nodak Electric will need to move one pedestal near 144th Ave. Polar did move the pedestal at 146th Ave. Board requested two spec testing per crossings to ensure adequate material is used.
- Drain 66 outlet – still coordinating with NRCS, considering options that might correlate with Drain 78 Outlet work.
- Drain 16 Expansion – comments from the July 27th meeting were provided to the board
- Tongue River Cutoff – cost-share for the additional engineering and Side Inlet project was approved; Soft bid package is out and will be opened on September 28. Discussion on compaction testing for culvert – this will be required.
- Snagging and Clearing – soft bid package was prepared – discussion on the availability of funds and procedures for the bid as presented.
- Bourbanis Dam – discussion on the township road condition, punch list and seeding is primarily finished with exception of warranty work; working on solution to the out of specification rip rap
- Drain 67E – working on design concept

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- 2023 FEMA
 - Drain 78 – working on design and hydraulic analysis of repairs
 - Drain 13 – working on design and hydraulic analysis of repairs
 - Drain 23 – approximately 2300 CY in 1.4 miles
 - Drain 66-1 – including culvert installation
 - Drain 66-2 – will site inspect for berm repairs after board meeting
 - Drain 73 – discussion of the profile and options for work.
 - Drain 43/45 – discussion of the cleanout versus the old plan set – updated plans/specs will be researched
 - Drain 4 culvert – 200 CY of imported fill required – almost ready for soft bid
 - Drain 67A – erosion repairs is out for soft bid

Jeff Duray – Triple D Construction met with the board regarding the progress on Drain 82 – work is nearly complete and seeding will finish this week. Board confirmed that traps south of the highway be removed with the exception of the farthest south trap which will be left on due to the positioning of the culvert to the bottom of the drain. Drain 34 – discussion on the easements for the project – Duray reported that he will be moving onsite this week.

Attorney Fleming discussed the Drain 16 spoil leveling specifications and the contract with Kendall Construction. The spec book refers to embankment be placed according to Compaction Control, Type C.” Construct embankment in lifts not to exceed 8 inches of loose material over the full width of the proposed embankment section. If the first layer of fill is over material that will prevent achieving proper compaction, the Engineer may adjust the lift thickness. Uniformly compact each lift by operating grading equipment over the entire area” LeClaire could not confirm whether or not he told the contractor to level the spoil or leave it on the berm. Manager Juhl will visit with Sharp’s about the berm on their property before a bid package is developed.

Fleming also discussed railroad correspondence regarding the piers near St. Thomas. Fleming will reach out the railroad to further clarify options and ownership of the abandoned rail.

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The board reviewed the tile permit for Thompson/Tallackson in the SE and SW ¼ Section 36-159-53. Discussion followed on notifying townships of tile permits. A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve tile permit for Thompson/Tallackson in the SE and SW ¼ of Section 36-159-53 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
9. Township to be notified of the tile permit

Updates on the complaints were heard –

- Fleming, et all vs Voecks – letter was sent to ND Attorney General for update on requested ruling
- Dunnigan/Dubort – Olafson Construction will be contacted for an estimate for cleaning the blockage of the natural watercourse

Manager Emanuelson reported that Agnes Heuchert had inquired about seeding on her property as well as wanted a survey done by her renter reviewed. Discussion followed on her ability to reopen the judgement if she desired.

Manager Kendall discussed a culvert needing repair in Drain 67A near St. Thomas. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve 40 feet of 24 inch culvert installed in Drain 67 by St Thomas on Tucker property.

Manager Emanuelson will check on trap sizes needed for Drain 67A replacements – discussion followed on a trap/field drain repair project on 67A like was done on Drain 66.

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The board reviewed the estimates of Kendall Construction.

- Tree removal on the dams – NO ACTION taken.
 - Renwick - \$3800 across dam ending at the fishing dock and spillway
 - Olson Dam - \$2300 across the dam and the north auxiliary spillway
 - Senator Young – across the dam and discharge
- A motion was made by Randall Emanuelson, seconded by William Gunderson by vote unanimously carried to approve the estimate of \$800/site for the two sites in the Drain 79 wetland mitigation area.
- Discussion on the washout repair near Walhalla – board would like clarification on what material will be used to fill and pack the washout. \$4200

Next meeting will be scheduled for the bid opening on September 28, 2023 at 1:00 pm.

The board reviewed the need to inspect the bands/culvert on Drain 47 – Triple D Construction will assist if needed.

Attest: _____
LuAnn Kemp, Secretary

Richard Kendall, Chairman