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BOARD OF PEMBINA COUNTY COMMISSIONER'S PROCEEDINGS

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August 4, 2026

9:00 AM

Board of Pembina County Commissioners met in the Commissioners Meeting Room of the Courthouse.

Chairperson Hardy called the meeting to order at 9:00 AM. Roll call: Patrick Hardy, Scot Becker, Blaine Papenfuss, Darin Otto, Andrew Cull. A quorum was declared.

Also, in attendance were: Zelda Hartje, Luann Kemp, Robert Fleming, Donald Kemp, William Gunderson, Randall Emmanuelson, Ted Juhl, Mike Ferrie and Zach Herrmann, Houston Engineering; Devin Johnson, Highway Superintendent; Jeff Daley, KLJ Engineering.

Motion made by Darin Otto and seconded by Scot Becker to approve the agenda. All voting in favor; motion carried.

The public comment section of the meeting started at 9:02 AM.

The public comment section of the meeting closed at 9:18 AM.

Motion made by Scot Becker and seconded by Blaine Papenfuss to approve the July 21, 2026 meeting minutes. All voting in favor; motion carried.

Motion made by Blaine Papenfuss and seconded by Scot Becker to approve the July 21, 2026 Special Meeting minutes. All voting in favor; motion carried.

The water board met with the commission with updates. Donald Kemp mentioned wanting to spray ditches with drones instead of helicopters to save costs, but they have found out that spraying ditches with drones is causing some crop damage on both sides so they are looking for helicopters to spray the drains. They have received a few soft bids. He stated they have been coming in under engineer estimated cost.

Mr. Kemp stated the Red River Joint Board is trying to set up a good system so all dams in the Red River Basin that don't qualify for federal funding can be evaluated equally as far as needs so they can get ahead of any issues that may arise.

Mike Ferrie said the Renwick slope repair project is being wrapped up. The grass is now seeded. He also stated all construction has been wrapped up on Drain 78. He discussed the Tongue River cutoff project. He said they are looking at wrapping that up from the design and land right stand point. He also stated the Drain 5 extension project is going forward and on track.

Zach stated the Herzog dam NRCS planning study project has started with comments.

The tabletop event was discussed and said some really good information came from it and many other project managers are using the information from the Pembina County event. These table tops are funded by the Red River Joint Board.

Mr. Kemp then discussed Drain 64 east of Hamilton. The culverts are failing and they will be replaced. Enbridge is working with the water board and will be funding most of it.

Mr. Herrmann discussed the City of Pembina working with the water board on their lower head dam. They believe all funding is in place. They are hoping to start the project this fall. There will be no local cost because of public safety issues.

A public hearing was held at 10:00 AM, as required in NDCC 61-16.1-09, on the proposed Snagging and Clearing project on the Tongue River in Pembina County. Those in attendance include Pembina County Water Board members Randall Emanuelson, Ted Juhl, Bill Gunderson, Don Kemp, Luann Kemp, Water Board Secretary and Robert Fleming, Water Board Attorney. Zach Herrmann and Mike Ferrie, Houston Engineering. Larry DuBois and Doug Olason were also present. Mike gave a brief review of the project and presented a handout with pictures of the project to date, along with a map showing the area that is planned to be completed this year, depending on funding availability. He stated all root systems would remain in place to support the bank. He stated an assessment will not exceed \$.50 per acre for agricultural land or \$.050 per \$500.00 of taxable valuation of nonagricultural property. He said the whole Tongue River Water Shed is assessed because it benefits the entire system. This is a single year assessment. He then discussed the area they would like to cover, and gave the steps needed to go forward with the project. The Water Board is hoping to be on the October agenda with the North Dakota State Water Commission to see if cost share funding will be available for project. Discussion followed on the historical ox cart trails to see if they are in the area of project consideration. They will make sure that is noted and inventory it. Mike stated this is only a timber removal project. Mr. Olason asked if the assessment has been the same throughout the phases of the project. Luann Kemp stated it has been .41 cents throughout which is what they are planning for this proposed project. He also stated he farms a lot in this area. He stated every year is getting worse and worse with trees falling into the river. He stated he found one large area where water was being held up by trees and ice jams in the spring and it's wrecking the land. He then asked why dams are not being drained down right now when the water is low

instead of late in the fall. Mr. Fleming stated they don't drain them down because people have appropriations for irrigation so they have to balance it. Mr. Olason stated he feels those people should have to pay for the land damage being caused to the people downstream. Mr. Fleming said they do try to get the water out before freeze up but there are times where there is a foot of snow in October that messes that up. Mr. Herrmann stated these dams were federally built and there are some conditions that have to be met to qualify for federal assistance for rehab. He stated the water board does not have sole discretion on drawing them down because of the prior agreements. Mr. Olason stated he feels there is a real need to get it cleaned. He stated the project was started then stopped and he's had to pay for it with no benefit to his area and that is why he feels it should be started again. Mr. Dubois stated he has the exact opposite feeling of Mr. Olason. He stated he loses bank every year. He asked why does he have to pay an assessment to have the river flow increase and wash away his bank and lose his yard. He stated he can't be the only one. He asked why an assessment can't be put on for a repair project through Cavalier. He stated the state paid to fix the road by Bjornson's and the school. He asked who is going to pay to fix his bank. He stated he has had these complaints for years and he thought it was stopped and he just doesn't see a benefit. Mr. Olason stated it has cost him money too and he had to hire someone to haul dirt and clay in to level out what he lost. He stated he didn't get any help and it was all on him to pay. Zelda Hartje stated she feels trees have a purpose in the river. Commissioner Otto asked if there were any programs to help with this type of stabilization projects for Mr. Dubois. Mr. Fleming stated there are not any at this time. Commissioner Hardy asked if it has eroded in the last couple of years. Mr. Dubois stated it has in a couple spots. Mr. Dubois stated he would be happy to give a tour of his property. Mr. Herrmann stated rivers aren't binary and one switch doesn't cause one problem. He stated they are very dynamic systems. He stated there has been change over time in conditions and landscape. He stated the rivers in the Red River Valley are very prone to movement. He stated this is a natural part of rivers.

The Water Board voted on the project. Motion made by Randall Emmanuelson and seconded by William Gunderson to establish the Snagging and Clearing project as presented. Roll call: Don Kemp – yes; Bill Gunderson – yes; Randall Emanuelson – yes; Ted Juhl – yes. Motion carried. Motion made by Blaine Papenfuss and seconded by Scot Becker to establish the Snagging and Clearing project. Discussion followed. Roll call: Patrick Hardy – yes; Scot Becker – yes; Blaine Papenfuss – yes; Darin Otto – yes; Andrew Cull – no. Motion carries. The Snagging and Clearing project will be assessed this year.

Jeff Daley with KLJ gave updates on various projects. The first update was on the 17-structure project. He said some testing was completed on the timber piles. He stated more piles need to be repaired. He informed Key Contracting 9 more piles were needing to be repaired. They stated once they receive all the materials, they will be up to complete that work. He stated the repairs are at sites 9, 10 and 12.

He gave an update on County 12 Bridge. Gowan got their portion done and now Swingen is starting their portion today.

The county 3 box culvert project west of Hensel will start next Monday. Traffic control will be set this week. This has a completion date of the end of August.

He then discussed the 2 structure replacement projects by Hoople and by St. Thomas. They are working on the design and will be working to get bid out and constructed next year.

The ER projects are being currently worked on. Gowan is working along Highway 55. They are waiting on suppliers to keep it going. It is set to be done by the end of August. He stated they could be done already, but the waiting on materials is holding it up.

The bridge replacement project between Garder and Crystal is being worked on to be bid out next year. The soil borings were done in July.

The Highway 44 project is moving forward. They plan to start pouring tomorrow. They are working with American Crystal with pre-pile coming up regarding traffic. They sent a priority list to the contractor on how they want things finished to make it work most effectively. They are all trying to work together to make it all flow for all parties.

Commissioner Becker then asked about the piles that failed the test and if they were all tested before the project or after. Mr. Daley stated they requested all piles were to be tested at site 10. He stated because of scheduling, not all piles were able to be tested because the project had to be started. He stated it is just materials. Nothing needs to be disassembled to make the repairs. He stated this doesn't affect the bid so no change order is necessary.

Mr. Daley then presented pay estimate #4 for \$606,958.87 on the Highway 44 project. Motion by Darin Otto and seconded by Blaine Papenfuss to have Chairman Hardy sign the pay estimate. All voting in favor, motion carried.

Devin presented a drainage permit and culvert request for a 24-inch culvert for William Kemp in the NE quarter of Section 12 of Carlisle South Township. Motion by Blaine Papenfuss and seconded by Darin Otto to approve the permit. All voting in favor, motion carried.

Devin then presented another drainage permit and culvert request for William Kemp. He stated it is on the Midland – South Carlisle border. He stated they want to lower the culvert. Discussion followed. Commissioners Cull and Papenfuss stated they will be abstaining from the vote. Discussion followed. Motion by Scot Becker and seconded by

Darin Otto to approve the permit. Roll call: Patrick Hardy, yes; Scot Becker, yes; Darin Otto, yes. Motion carried.

Devin stated there is a big pile of crushed, rusted culverts in the county shop area. He stated Dean Latozke would take them at no cost to the county. He will contact Dean to come and get them.

Commissioner Cull asked for an update on using railcars for bridges. Mr. Daley stated the DOT would have to get involved for ratings. At this time, he doesn't have a cost. He stated it is a unique situation so they need to do more research since it hasn't been done much in North Dakota. They need to get more information on the state side of things. The condition of the railcars also has to be considered. He will bring more information at the next meeting.

The Commission reviewed the July payroll and claims. Motion made by Darin Otto and seconded by Blaine Papenfuss to approve the consent agenda as presented. All voting in favor, motion carried.

Motion made by Blaine Papenfuss to adjourn the meeting. All voting in favor; motion carried. Meeting adjourned at 11:12 AM.