

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

July 23, 2024

MINUTES OF THE MEETING OF THE  
PEMBINA COUNTY WATER RESOURCE DISTRICT BOARD OF MANAGERS  
WATER RESOURCE DISTRICT OFFICE, CAVALIER ND

Those present were Managers Randall Emanuelson, Ted Juhl, William Gunderson, Donald Kemp, Richard Kendall and LuAnn Kemp, secretary. Attorney Fleming was also present. A motion was made by Donald Kemp, seconded by Ted Juhl, by vote unanimously carried to approve the minutes of July 16, 2024.

The board discussed cattail and willow spraying on the drains. Attorney Fleming is researching spraying for broadleaf weeds on the drains since most of the drains are easements and not warranty deed purchases. A meeting will be scheduled with Sean Morton – Dakota Helicopter to discuss previous spraying and future spraying. Morton plans to inspect the area of Longtin’s concern along Drain 12.

Drain 12 has a reported beaver dam – Manager Kendall will site inspect.

Drain 73 has a beaver dam near the outlet berm structure.

Manager Kemp reported that Loren Reimer had opened Herzog Dam as he felt levels were too high. Discussion followed on the need to restrict any dam operations to authorized personnel only and to ensure dams are kept low enough for flood storage.

Manager Juhl reported that he had received a quote from Kendall Construction to continue cleaning the south lateral between Drain 78 and Drain 75. A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to have Kendall Construction to clean the ½ mile of north of Drain 75 at a cost of \$13,000 with spoiling to be included at landowner specifications.

Steve and Jeff Gapp and Attorney Ross Nillson were present to discuss the Gapp vs Thompson LLC complaint in Section 3 – Walhalla. No members of the Thompson family were present. The board reviewed the complaint and pictures provided. Gapps report the shelter belt is 2/3 on their property and 1/3 Thomspon property. The photos provided show that the drain across the Thompson property was straightened between 2009 and 2010. Attorney Fleming detailed the process to investigate this complaint as well as the Johnson Farms vs Gapp complaint together as the findings may be contingent on each other. Board will investigate if a drainage permit was obtained for the drain in Section 3 on the Thompson property as that may determine future steps.

Manager Gunderson reported that Drain 23 is nearly finished.

Manager Emanuelson reported on poor grass catch on Drain 81. Site inspections will be completed by the board for creation of a punch list by August 1.

Manager Kendall reported on-site inspection of the Cox complaint.

Jeff Duray – Triple D Construction and Dan Fischer – Fischer Land Surveying and Engineering were present for board updates.

- Drain 39 – Duray reported an additional 20 yards of rip rap are needed
- Drain 82 – punch list was reviewed, Duray plans on completing this week, discussion on the areas of the drain damaged by Ellingson Tile Drain, an area (1/4 mile) of the drain was sprayed and the seeding killed on the Schluchter property – estimate for reseeding the damaged seeding area will be requested and sent to the farmer
- Drain 67A – Duray provided pictures of the drain in St. Thomas, plans call for cleaning the bottom of sediment; however, side slopes also have material on them – working on solution with Houston Engineering

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- Drain 34 – Alex Spitcher – Nodak Electric joined by telephone, discussion followed on the need for electricity to be bored or dug across the drain for the Wilwand tile project, board preference is to bore the line as the drain is already complete in that area
- Cox complaint – grade of 0.08 with 15–20-foot bottom width in the cleanout area
- Walhalla 3 – Township is requesting the Texas crossing remain, discussion followed on options to armor the crossing, also surveying area by Tongen’s for cleanout
- Walhalla 2 lateral – surveying and spot-checking areas west of Highway 32 for cleanout
- Walhalla 2 – areas being spot-checked for needed cleanout include by the wetland, by Huffman’s
- Drain 51 – entire length being reviewed for necessary cleanout, discussion on drop structures that were installed
- Drain 62R – Fischer feels the area is getting more overflow after Pembina dikes were removed; meeting will be scheduled with Rhineland to discuss options for repairs/reconstruction
- Drain 38 – Fischer will meet with Devon Johnson – Pembina County Highway and landowner Tyler Cameron for options for culvert placement

Heuchert vs Park Township appointment was cancelled as group is working toward an agreement.

Board will meet next week as Audit has been rescheduled.

Following the regular meeting Managers Gunderson, Juhl, Emanuelson, and Kemp did site inspection visits to the following areas of concern:

- Cox complaint: Heavy rain had occurred in the area overnight but the culverts in the Willow Coulee where it crosses 133rd Avenue were running well with about 6 inches of water going through two culverts and the 3<sup>rd</sup> culvert is too high to be carrying water at that depth. By all appearances, the cleaning that was done on both sides of the road at that site appears to be adequate. On 132<sup>nd</sup> Avenue there was a pool of water remaining in Drain 67. That may well be a washout that has undercut the drain. The cleaning that was done on the areas of the Cox complaint appears to be adequate to satisfy the complaint, but board will discuss at the next meeting if a follow up site inspection should be made when the water goes down in order to make sure there are no areas of concern remaining.
- Willow Coulee Dam: The managers continued to the dam site and noted that the outlet was working as it is designed and that the water level in the pool was within normal limits. Managers also noted that there is a definite need for spraying of the dam site for Leafy Spurge to be done as soon as possible. In addition, the managers noted the small triangular area of the WRD property has abandoned vehicles and machinery on it that should be removed.
- Herzog Dam/Shawn Heck ring dike: Managers inspected Herzog dam and noted that the water is high, but the dam is functioning well after the large rain event in the area. Due to road construction on Highway 32, it was not possible to visit the site of a potential ring dike to protect Shawn Heck’s dwellings and utilities.
- Drain 82: Managers drove to the area of concern and noted a distance of about 1/4<sup>th</sup> of a mile that Roundup likely was sprayed over the edge of the drain. Managers noted that the spraying killed a portion of the recently established grass on the shoulder, but the spray did not reach the bottom the ditch. How to address spraying of Roundup products that damage county drains will be a topic of discussion for the board at future meetings.

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- Drain 81: Managers Emanuelson and Juhl drove the length of Drain 81 to inspect for punch list items. Managers Gunderson and Kemp intend to do so independently as well.
- Drain 16: Managers Gunderson and Kemp will independently inspect the leveling of spoil recently done on Drain 16.

Each of the site inspections will be reported on at the next meeting and the board will discuss any action deemed necessary and appropriate.

Attest:

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LuAnn Kemp, Secretary

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Richard Kendall, Chairman