

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

June 13, 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, Richard Kendall, Donald Kemp, and LuAnn Kemp, secretary. Attorney Fleming also present. A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the minutes of June 4, 2024.

The board reviewed the proposed repairs for the erosion near the culvert in Drain 81 in Section 5. A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the additional rip rap at the NE corner of Section 5 St. Thomas township at a cost of \$4000.

The board reviewed the landowner request to have the spoil on Drain 23 placed on the north side to further build up the berm. Discussion followed on the plan set notations regarding spoil placement on both sides to within 0.5 inches. Kendall Construction has not yet provided the insurance documents as required in the specifications and was not been given notice to proceed until insurance is provided to Houston Engineering.

Don Heuchert, Josh Heuchert, Lavone Radke, Darren Otto, Thomas Shephard, Lyle Shephard, Paul O'Toole, Doug Whelan and Jeff Whelan present to review the complaints of Heuchert against Radke, Heuchert against Shephard and Heuchert against Whelan.

1. Heuchert against Radke – Otto discussed the history of the Cart Creek across the Radke property, he reported that no visible obstructions were on the Radke property. Heuchert presented photos he had taken on the property in question. Don and Josh Heuchert agree to withdraw the complaint against Radke as no visible obstructions are in the channel across the Radke property.
2. Heuchert against Whelan – Whelan reports no beaver dam obstructions on his property as part of the complaint. Heuchert clarified the location in question is just east of the Highway. Whelan granted Heuchert permission to clean the beaver dam in question; therefore, Don and Josh Heuchert agree to withdraw the complaint against Whelan.
3. Heuchert against Shephard – Thomas Shephard reported finding no obvious blockages in the channel on the Shephard property. Paul O'Toole discussed the general condition of Cart Creek and process to clean the Creek entirely. Pictures taken by Heuchert were reviewed. Don and Josh Heuchert agree to withdraw the complaint against Shephard as no visible obstructions are in the channel across the Shephard property.

The remaining Heuchert complaints are in the process of being scheduled for appointments. The Heuchert vs Park township complaint – records of any approved FEMA road raises have been requested.

The board reviewed the proposed Bourbanis Dam Ring Dike engineering scope. Manager Juhl will visit with the landowner to discuss the proposed project prior to contracting with Houston Engineering.

The board reviewed the NRCS agreements for Watershed planning on Bourbanis and Herzog dams. A motion was made by Randall Emanuelson, seconded by Donald Kemp, by vote unanimously carried to approve the 424 agreement with NRCS for 100% Cost-share and Certification of Lobbying.

The board reviewed the current requirements for insurance documentation and request to have Pembina WRD as additional insured for all soft bid projects.

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Attorney Fleming reported on the Memorandum of Understanding with the Great Plains Fish Habitat for the modifications of the Pembina City Dam. Language was added to establish no local funding commitment either current or in the future for maintenance and for reimbursement of any funds expended within 30 days. A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to approve the agreement as amended.

A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried to award the spraying of the Tongue River dams to Kendall Construction for \$14,500.

Manager Kemp reported on the RRJB meeting held yesterday in Cavalier.

Manager Gunderson discussed a need to have roads to the dams repaired – in particular, Olson and Olga need work. Gunderson also reported trees in the city of St. Thomas in Drain 67A. Gunderson discussed Kendall Construction's request to redesign the trash racks on the dams. He will get a proposed drawing and estimate.

Manager Emanuelson left at this time.

The board transitioned to Cavalier County Commission room in Langdon, ND to meet in joint session with the Cavalier County Water Resource Board. Cavalier County WRD members present include Brian Hardy, Bruce Roder, Bob Blake, and Secretary Kensi Breyer. Charles Damschen attended electronically. Dan Fischer – Fischer Land Surveying and Engineering and Attorney Robert Fleming also in attendance.

The board discussed the Texas crossing Walhalla 3. Fischer reported that there are two options – installing a large culvert or leaving the low water crossing and armoring with cement. A motion was made by Donald Kemp, seconded by William Gunderson, by vote unanimously carried to direct Fischer to design the crossing to include a culvert and prepare for a soft bid package. Cavalier County WRD approved the same motion.

Attorney Fleming reported that site inspections have indicated the area directly downstream from the outlet culverts in Walhalla 3 needs cleaning. The agreement from the original construction does not specify cost-share percentages but rather language regarding joint work. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to direct Attorney Fleming to contact Manitoba regarding the need for maintenance downstream of the outlet pipes and offer cost-share of 50-50. Cavalier County WRD approved the same motion.

The Pembina board discussed a need for Drain 51 to be cleaned. Discussion followed on cleaning the entire length of Drain 51 and 51-b as needed. A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried to direct Fischer to survey the entire length of Drain 51 and Drain 51-b and prepare a bid package for cleanout as needed. Cavalier County WRD approved the same motion.

Discussion followed on blockages in the channel downstream of Bourbanis Dam. Cavalier County WRD will visit with the downstream landowners regarding the need for maintenance. Attorney Fleming reviewed the options in the NDCC for complaints against naturally occurring obstructions.

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Manager Gunderson discussed a need for gravel and maintenance on the access routes to the dams in Cavalier County. Manager Hardy will reach out to the Cavalier County townships regarding the maintenance.

A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to spray the entire lengths of W3, W2 and lateral as needed for trees and cattails as part of the Cavalier County spraying list. Cavalier County WRD approved the same motion.

The two boards reviewed the financial reports of the drains. A motion was made by Donald Kemp, seconded by William Gunderson by vote unanimously carried to set the assessments for 2023 and 2024 as follows:

Drain W2 and Lateral	\$1/acre
Drain W3	\$2/acre
Drain 51	\$2/acre
Drain 51B	\$2/acre.

Cavalier County WRD approved the same motion.

Manager Hardy discussed an area on W2 lateral that needs cleaning. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to have Fischer survey the W2 later west of County 32 for possible cleanout and prepare a bid for necessary work.

Manager Gunderson reported he had visited with the landowners on Drain 23 and the contractor – Chad Kendall. A motion was made by Donald Kemp, seconded by Ted Juhl, by vote unanimously carried to accommodate the landowners request on Drain 23 to have the spoil placed on the north side at no additional cost to the drain.

Attest: _____

LuAnn Kemp, Secretary

Richard Kendall, Chairman