

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

May 27, 2025

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

Those present were Managers William Gunderson, Ted Juhl, Randall Emanuelson, Donald Kemp, Richard Kendall and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by Ted Juhl, seconded by Richard Kendall, by vote unanimously carried to approve the minutes of April 29, 2025.

A motion was made by Richard Kendall, seconded by William Gunderson, by vote unanimously carried to approve payment of the following bills:

14246	LuAnn Kemp	5,395.97
14247	Pembina County	2,669.10
14248	Houston Engineering	71,115.65
14249	Quill	476.94
14250	Pembina County	57.02

The board reviewed the correspondence from Enbridge regarding maintenance to take Line 3 out of service as well as repairs to farthest west approach. The approach will be discussed with Houston Engineering on June 3rd.

Manager Juhl discussed the culvert needed on Drain 78 – 72 inch x 40 feet is needed. Discussion followed on possible used culverts.

The board reviewed the tile application for under 80 Acres in Crystal Township Section 22.

The board reviewed Attorney Fredricks' email regarding assessment for drains and the Supreme Court Decision from the Sargent County case. The six year assessment maximum applies to only drain funds either accumulated or future assessed and does not apply to funding from other sources.

Zach Herrmann – Houston Engineering met electronically to give project updates.

- Tongue River Cutoff – additional costs for permitting due to a full construction permit being needed as well as the work done on the culvert last fall – a budget amendment will be prepared for board review next week with intention of submitting for additional funds from ND DWR. Cutoff will likely qualify for the 60% cost-share for construction portion.
- Emergency Action Plans – additional costs due to the modification of the dam safety standards breach modeling- a budget amendment will be prepared for board review next week with intention of submitting for additional funds from ND DWR and RRJB, Discussion also held on options for the contact list updates expected in future
- Tongue River Channel Restoration – discussion held on approaching landowners again to see if project can be revived, additional survey may be needed to update plans, all of the funding has been released and will need to inquire regarding the possibility of any federal watershed money
- City of Pembina Dam removal – a motion was made by Richard Kendall, seconded by William Gunderson, by vote unanimously carried to approve sponsoring the City of Pembina Dam removal project for US Wildlife funding at no cost to the WRD.
- Drain 78 FEMA – funds for the project have been obligated. A motion was made by Ted Juhl, seconded by Richard Kendall, by vote unanimously carried to move forward with the Drain 78 outlet repairs as proposed with the mitigation proposal.

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Page 2

- Watershed funding – Houston will be working on a letter of need for Walsh and Pembina Counties regarding the need for watershed funding to send to North Dakota's congressmen

The bond for the Drain 5 Expansion project has been received. Houston Engineering will be directed to prepare an estimate for vote.

Updates on complaints were reviewed:

- Fritz vs Symington – site inspection will be completed this morning, discussion followed on whether drainage changes had occurred or if it was only culvert change, township has no record of approving the culvert change
- Fleming vs Burlington Northern – Burlington Northern reports that land sale is moving forward with adjacent landowner.
- Moquist vs Redmann – Comments from Mr. Moquist from June 2024 were reviewed. A motion was made by Ted Juhl, seconded by Richard Kendall, by vote unanimously carried to dismiss the complaint of Mr. Moquist against Redmann Farms in response to Mr. Moquist's report that the culvert had been installed.
- Moquist vs 9C's – Comments from Mr. Moquist from June 2024 were reviewed. A motion was made by Richard Kendall, seconded by William Gunderson, by vote unanimously carried to dismiss the complaint of Mr. Moquist against Redmann Farms in response to Mr. Moquist's report that road and ditch elevations are adequate.

Project updates were given:

- Drian 51-51b – Manager Kendall reported that work was complete – awaiting engineer inspection
- Drain W2 – outlet is planned to be cleaned by Clark Construction
- Olga/Olson Dam Trash Racks – plan to be constructed this summer

Dwight Fleming present to discuss complaint against Burlington Northern. Attorney Fleming reviewed the ND DWR guidelines regarding culvert changes.

The Drain 12 Tree insurance claim will be site inspected in mid-June by the insurance company.

Cattail and Tree spraying maps are needed next week.

The 2024 Audit will be completed virtually in June. Work is in progress to provide necessary documents.

Legislative updates were reviewed.

Manager Kendall discussed options for cameras at the dams. Discussion followed on having cameras placed separately or requesting cameras be added to the Presens gauges.

May 27, 2025

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Page 3

Manager Gunderson reported that one of the gates on Drain 82 is difficult to open. Discussion on the location of the gates was held – Dan Fischer will be contacted regarding the locations of the gates.

Drain 66- There is a piece taken out of Drop 1 in Section 1 of Lodema – landowner would like the notch in the Drop structure to be lowered – historical records will be reviewed regarding the notch.
Drain 34 – there is a private ditch cleaned south of Highway 1 that goes directly in Drain 34.

Manager Juhl – discussed adding a culvert replacement in the Drain 5 Expansion.

Attorney Fleming reported that Carlton Heck had complained regarding the Tongue River Snag/Clearing and Cutoff Assessments.

Attest: _____
LuAnn Kemp, Secretary Donald Kemp, Chairman