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

November 3, 2026
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, Donald Kemp, Ted Juhl, Randall Emanuelson and LuAnn Kemp, secretary. Attorney Robert Fleming and Rick Hannesson also present. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the minutes of October 27, 2026 with correction of 30 inch CMP for Heuchert instead of 36 inch CMP.

Justin Hinkle met with the board regarding a drainage in the SE ¼ of Section 36 of Hamilton South. Hinkle was requesting the culvert be move to better align with the drain as the current configuration is not allowing the culvert to drain. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to approve removal of the current 24-inch CMP and installation of 160 feet of 24-inch CMP from the SE ¼ across the road and east of the bridge. Emanuelson abstained due to conflict of interest. Project will be sent out for direct hire quotes.

Robert Vivatson met with the board regarding several drainage issues.

- Drain 82: Vivaton requested additional capacity into Drain 82 in Section 1 of S. Cavalier. Currently there is one 24-inch CMP x 30 feet in the location at 75+50 on construction plan set. Vivatson would like an additional 24-inch installed. A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to approve the installation of a 24 inch CMP x 30 feet with rip rap on outlet alongside the current 24-inch CMP. Project will be sent out for direct hire quotes.
- Drain 4 – Vivatson discussed the drainage in Section 4- Bathgate township. He would like two additional field drain culverts. Board discussed the request. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the installation of one 24-inch CMP x 50 feet with trap and rip rap in the NW corner of Section 4 into Drain 4 to capture flow from the east ditch of 146th Ave NE. Project will be sent out for direct hire quotes.
- Drain 66-2 (old drain 72) – Vivatson discussed a need for cleanout of Section 33 – S. Cavalier. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to hire Fischer Land Surveying and Engineering to survey Section 33- S. Cavalier for cleanout in Summer 2027.

The public comment period was held at 8:10 am. No public comments were received.

Sean Anderson met with the board regarding a culvert request and berm request in Drain 79. The board reviewed the H & H study provided by Anderson that was completed by Fischer Land Survyeing and Engineering. Fischer recommends a 42-inch culvert installed across the road and not diagonally as proposed by Anderson. A motion was made by Ted Juhl, seconded by Randall Emanuleson, by vote unanimously carried to approve installation of a 42-inch CMP in the location as directed by the Fischer Report in Summer 2027 due to the lateness of the year and considering the possible erosion resulting. Anderson also discussed an area along Drain 79 where he would like the berm raised. Discussion followed on the drain design, wetland impacts, and Corp permitting requirements for the construction. KLJ will be contacted regarding advice on the wetlands. Anderson indicates that wetlands were all mitigated after the project. Triple D Construction will complete a site inspection and report back to the board.

Jeff Stevenson, Doug Olason, Steve Crowston, and Justin LeTexier met with the board regarding discharge from the Tongue River Retention dams. Board requests that any information requests be in writing with a spokesperson to facilitate discussion with the group. The group would like individual notice when dams are opened – currently, public notice is given on the Pembina County website news section as well as in the meeting minutes.

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Mike Ferrie – Houston Engineering and Cordell Wimpfheimer – Dirty Deeds Dirtwork met with the board regarding project updates.

- Drain 4 – project is complete, discussion followed on spoiling off-site versus along the drain berm as well as the request for the increased insurance coverage required by ND DWR cost-share. The first 6 months of insurance will be paid on second pay estimate with remaining paid at close-out to ensure coverage is held in place.
- Tongue River Cutoff easements were reviewed with landowners.
    - Kent Schluchter – Tracts 3, 7, 8 – Schluchter had concerns about the design and if Geotech analysis as done. Geotech borings were completed which resulted in the flatter slope design; Schluchter also expressed concern over the current top soil and his potential loss of 50 lbs of nitrogen credits on the disturbed acres. Schlucter also requested that the current field drain be filled in and moved slightly to accommodate the easement and spoil placement. He also inquired on the liability of the structure on his property.
    - Brian O'Toole – Tract 1 - O'Toole discussed the division of his parcel and if the old channel would be filled in; Discussion followed on purchase of a deed versus easement; O'Toole requested $16,000 an acre which the board will take on consideration.
    - Drain 64 – the change order total was $10175.25. Minkota and Enbridge will be provided the final billings with request to pay by December 15 to allow payment of contractor prior to year end.

A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the bills as presented:

14464	LuAnn Kemp	5,560.62
14465	ND Water Resource Association	700.00
14466	Clark Gravel and Construction	7,250.00
14467	ND Water Users	500.00
14468	Fleming DuBois Fleming	36,000.00
14469	Quill	203.48
14470	Dirty Deeds Dirtwork, Inc	118,830.75
14471	Pembina County	2,936.63

A motion was made by William Gunderson, seconded by Randall Emanuleson, by vote unanimously carried to approve the ND DOT ROW permit for Longtin in Section 25-163-54.

Board requested the office request board pay from Cavalier and Walsh County.

The board reviewed the report from Fischer Land Survyeing and Engineering as well as Manager Juhl's site inspection photos from the Gapp vs Thompson/Johnson Farms. A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried that the work completed satisfied the order in the complaint of Gapp vs Thompson/Johnson Farms.

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Manager Gunderson reported he had not received estimates from Kendall Construction for the beaver dam removals in Drain 12 and 67.

Attorney Fleming discussed the recent deposition in Fargo in the Gozdal case. Fleming also discussed public participation in meetings in regard to the Pembina County Water Resource District Resolution Of Policy Regarding Public Comment Requirements At Regular Meetings. Policy allows each person three minutes to provide comments. The District will notify each speaker when the three minutes have expired and the speaker will promptly conclude. To ensure orderly and efficient meetings, the District will limit the public comment agenda item to a total of fifteen minutes, regardless of how many people have submitted speaker cards.

Attorney Fleming and the board discussed the recent phone correspondence from Mr. Jeff Stevenson with the office staff. A motion was made by Randall Emanuleson, seconded by William Gunderson, by vote unanimously carried to limit Mr. Stevenson's contact with the office to only email contact with the office. Staff was directed to not respond to or answer any telephonic contact from Mr. Stevenson. Attorney Fleming will contact Mr. Stevenson regarding the board's motion.

Discussion was held on upcoming board training and schedule. No meeting is planned for November 10, 2026.

Attest: _____ _____
LuAnn Kemp, Secretary Donald Kemp, Chairman