

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

October 29, 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 Ted Juhl, William Gunderson, 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 October 22, 2024.

A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to amend the agenda to include Devon Johnson – Pembina County Highway, R. Kemp Private Cleanout permit, and ND DOT ROW permits for R. Kemp and Drain 51.

A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the Change Order #2 for Drain 81.

A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the bills for November 5 as presented:

Devon Johnson presented Pembina County ROW permits and culvert permits. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to approve the following permits:

- Pembina DOT ROW permit for Newell in Section 9-163-54
- Pembina DOT ROW permit and Culvert Request for Sagert in Section 1-161-55

Johnson discussed a log jam that was reported on the Pembina River near an old railroad crossing. ND DWR will be contacted regarding any funding help.

The board reviewed the suggested Amendment to the W-3 Culvert installation to require compaction testing under the direction of Fischer Land Surveying and Engineering with cost for any passing test covered by the drain and failed test covered by contractor. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the amendment as presented.

Discussion followed on contracts for Kendall Construction for Drain 66-3, 38, 51/51b, and Walhalla 3. Contracts have not been issued as the auto insurance and workforce safety certificate had not been received. Chad Kendall will be contacted to provide the necessary paperwork or the projects will be halted.

Dale Ratchenski and Mark Ratchenski met with the board regarding a culvert request in Section 27 – Hamilton township. Board reviewed a need to ensure that adequate downstream drainage is maintained. No action was taken by the board on Section 23 Hamilton township culvert as it had previously been denied.

Harold Myrdal met with the board regarding wanting a culvert trap in Section 22-159-55. Myrdal had previously met with the board – it appears the culvert may be outside the drain; however, it was installed by Pembina County Highway as part of a drain project in the past. Manager Kemp will inspect the culvert for a trap.

Rick Bigwood met with the board regarding a request for a culvert into Drain 67D in Section 12 of South St. Thomas. Bigwood would like a 60 foot pipe but is willing to cost-share. Discussion followed. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to provide 40 feet of 36 inch culvert and trap and approve a Pembina County Drain ROW permit with Bigwood to secure culvert and installation.

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Zach Hermann and Mike Ferrie – Houston Engineering present.

Trevor Kneeshaw met with the board regarding a request for a private approach for property he purchased along Drain 64. Kneeshaw has worked with ND DOT regarding the driveway approach and permit but has not done any sizing of the culverts. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to hire Houston Engineering to provide a scope to provide sizing and coordinate with ND DOT since Drain 64 will need to provide landowner access.

ND DWR correspondence regarding the log jam on the Pembina River was received back and indicated possible eligibility for 50% cost-share through snagging and clearing.

Mike and Steve Gapp, and Attorney Ross Nilson (electronically) present. Hermann reviewed the engineering memo regarding the complaints in Section 3 – Walhalla township. Hermann indicated that the drain in question does drain more than 80 acres and should have been permitted. He indicated no evidence of the channel in question in 2003 and provided aerial images for the board to review. A formal engineering report will be provided to both parties.

A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the Private cleanout for R. Kemp in Drain 64.

A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to approve the ND DOT ROW permits for R. Kemp and Drain 51.

Manager Kendall called into the meeting regarding a beaver dam in Drain 67B by Scott Hansen's driveway. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve removal of the dam by Olafson Ventures if available at a cost of under \$3000. Kendall is to contact Olafsons.

Kendall also reported a need to spray willows in Drain 38.

Manager Juhl reported he had completed the work on Drain 7 outlet as described in the private drain cleanout permit. Juhl also reported that a portion of Drain 78 (45) needs cleaning.

Ferrie discussed the proposal for the drain 4 repairs to the box culvert through Highway 18. Discussion followed on the project and future work that will be needed downstream on Drain 4. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the Drain 4 Apron Repair soft-bid as presented.

Chad Kendall spoke by telephone with the board and will have insurance paperwork provided by end of business day.

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Ferrie discussed the Drain 67A berm repair project. Discussion on the need for additional hydraulics to ensure that the berm repair does not cause additional breakouts on the drain. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to approve an additional \$1500 for the hydraulics on the project to be completed.

The Drain 78 Outlet repair was discussed. FEMA has approved funding to repair the outlet to the as-built; however, there is desire to do an improved project using mitigation. The first improved project was more than the amount allowed by FEMA and will need revisions. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to direct Houston Engineering to design a project with a cost not to exceed \$468,000 for the Drain 78 outlet.

The project for the repair of the culvert in Drain 64 Enbridge crossings was reviewed. The ND DOT has indicated the crossings are not all permitted and are not in favor of three crossings within the short span. Houston will prepare a memo to the ND DOT regarding the crossings and request comment to keep project moving forward.

Ferrie reviewed the findings on the Drain 5 extension feasibility study. A meeting with Drain 5 landowners will be scheduled for November 19.

Ferrie also reviewed progress on the Drain 7 outlet reconstruction. A meeting will be scheduled for December with landowners.

The board reviewed the FEMA determination on projects from 2023. A motion was made by William Gunderson, seconded by Ted Juhl, to appeal the decision to FEMA.

Thomas Schandore and Christi Fischer – NRCS presented a review of the conduit inspections of Renwick and Senator Young Dam. Fischer discussed the engineering design and decision to not repair/replace the conduit as part of the Renwick rehabilitation. Since the design life of the NRCS design is 100 years and the conduit does not have that same lifespan, it will be the responsibility of NRCS to complete any necessary replacement due to design deficiencies in the rehabilitation. Any repairs/replacement of the conduit at Senator Young will NEED to be included in the rehabilitation of the dam. It was reported that the lower level draw-down gate at Senator Young was not functioning and the trash rack needs repair.

A virtual TEAMS meeting will be held on November 5th to open the soft-bids for Drain 4 since no regular meeting will be held due to election parking.

Attest:

LuAnn Kemp, Secretary

Donald Kemp- Vice-Chairman