

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

August 22, 2023

MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT
BOARD OF MANAGERS HELD FARMERS ROOM OF PEMBINA COUNTY COURTHOUSE,
CAVALIER, NORTH DAKOTA.

Those present were Managers Randall Emanuelson, Ted Juhl, Donald Kemp, William Gunderson, Richard Kendall, and LuAnn Kemp, secretary. Attorney Robert Fleming and Jon Kippen also present. A motion was made by Donald Kemp, seconded by Ted Juhl, by vote unanimously carried to approve the minutes of August 7, 2023.

A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to approve the ND DWR loan revolving fund application for the Drain 34 Reconstruction.

A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve amending the agenda to include the Drain ROW cleanout and the ND DOT ROW cleanout request for Robert Kemp.

A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to approve the ND DOT ROW permit and the Drain ROW Cleanout for Drain 64 for Robert Kemp as presented. Don Kemp abstained.

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

13931	Fischer Land and Surveying	35,649.40
13932	Enerson Construction	6,000.00
13933	Cavalier Chronicle	752.82
13934	Hancock Concrete	49,123.43
13935	BIL Manufacturing	5,124.00
13936	RJ Zavoral and Sons	125,658.50
13937	Advanced Ag	2,250.00
13938	Triple D Construction	9,125.00

The board spoke by telephone with Mat Hedger – Fischer Land Surveying and Engineering regarding the crossing on Drain 82 south of Highway 5. The field approaches are too narrow to allow passage of equipment. Discussion followed regarding the availability of concrete pipes, contractor work schedule, etc.

Greg Stegman and Jeff Hughes met with the board to request an extension to the September 15, 2023 deadline for removal of the dike on the Hughes property. A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried set the deadline for removal of the dike on the Hughes property to fifteen days after the removal of the crop but no later than November 1, 2023.

Jeff Duray – Triple D Construction spoke by telephone regarding the Drain 82 crossings south of Highway 5. Board discussed progress on the drain.

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A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to approve the ND DOT ROW permit for Jason Hinkle as presented.

Aaron and Cordell Wimpfheimer met with the board regarding the billing on the repairs of the Renwick Gate structure. Discussion followed on the contracting company being On the Level and not Dirty Deeds as billed, timing of the request and completion of the work, and lack of estimate for the board's review. Attorney Fleming reviewed the status of On the Level's bankruptcy. No decision was made on the billing.

Wimpfheimer also discussed a need to reimburse Travis Uggerude for a 24 inch extension on Drain 67C.

The board spoke with Mat Hedger – Fischer Land Surveying and Engineering about the crossing widths. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to direct Hedger to prepare a change order to reflect 4:1 SS on the Daby crossing to allow for mowing, 3:1 SS on the crossings with 20 foot top on existing township roads and 40 foot top on crossings.

Paul LeClaire -Houston Engineering met for monthly updates.

- Drain 81 – contract is ready for signature and approvals, contractor plans to start as soon as possible, ND DWR permit is still processing. A motion was made by Randall Emanuelson, seconded by Ted Juhl by vote unanimously to approve the Drain 81 contract with Gladen Construction.
- Drain 66 – continue to work with NRCS regarding possible easement modifications, the south route may have issues related to the Drain 78 FEMA project
- Drain 67C – final payment is ready for payment
- Drain 16 Expansion – public meeting was July 27, comment forms are due by August 25, 2023
- TR Cutoff Channel Improvements – additional cost-share has been requested and will be followed up with this week, soft bid for the necessary immediate work will be prepared.
- Snagging and Clearing – final payment for 2022 winter project is prepared, 2023-2024 project will be soft bid this fall with ND DWR cost-share
- Bourbanis EWP – close out work and punch list completed by July 26 and ready for partial pay estimate, small amount of seeding remains, warranty work also remains on an area
- Drain 67E – Discussion on the removed bridge and possibility of adding the crossing back in, drainage area was reviewed, ROW was requested and will be provided, would prefer the lowest elevation due to expected drainage of NE ¼ of Section 30

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- 2022 FEMA cleanouts – area on Drain 16 was left going through the Gunderson Yard at landowner request
- 2023 FEMA – Drain 67A by the city of St Thomas will be surveyed and potentially added to the 2022 FEMA project, Drain 78 was reviewed, Drain 66 berm repair will be requesting field drain culverts as possible mitigation
- Drain 5 – the board reviewed the scope of work and cost \$35,000 – no action taken
- Drain 7 – board reviewed the scope of work and cost estimate of \$40,100 – A motion was made by Ted Juhl, seconded by Donald Kemp, by vote unanimously carried to approve the Drain 7 contract with Houston Engineering pending ND DWR cost-share.

The board reviewed the balance of the Drain 80 engineering. The project vote failed and the project was terminated. A motion was made by Randall Emanuelson, seconded by Donald Kemp, by vote unanimously carried to assess each petitioner \$16,315 with payment by October 15, 2023 and option to extend to a two year installment if requested by petitioner.

A motion was made by Donald Kemp, seconded by Ted Juhl, by vote unanimously carried to approve the Wilwand tile permit for a 354-acre drain tile system in part of the NW ¼ Section 5-163-51, SW ¼ Section 32-164-51 and SE ¼ Section 32-164-51 and the Ratchenski tile permit for the NW ¼ of Section 3-160-53 with the following conditions on both permits:

1. that Applicant install and maintain erosion protection at any and all outlets
2. that Applicant install and maintain erosion protection or other ditch stabilization materials at any and all outlets into Pembina County’s highway right of way/NDDOT’s highway right of way;
3. that Applicant install and maintain erosion protection at any and all outlets
4. that Applicant re-establish any areas disturbed installing or maintaining Applicant’s tile system;
5. that Applicant will not install Applicant’s tile system within 20 feet, on either side, of any rural water lines of North Valley Rural Water District
6. that Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Pembina County Water Resource District;
7. that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
8. that Applicant remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant’s tile system, but only up to one mile downstream from the project outlet

Board recommends permission from the ND DOT for the discharge of tile systems into the ND DOT ROW.

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The board reviewed the soft-bid package for Drain 39 Field Drains.

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The spraying of the trees and cattails on the drains has been completed by the helicopter service.

Manager Kemp discussed the site visits with Olafson Enterprises for brush removal along some of the drains. Discussion followed on cleaning the drain in St. Thomas.

Manager Juhl requested on update on the Drain 66 – Highway 44 bridge project – no update available from Pembina County DOT.

Manager Emanuelson reported additional conversations with Ms. Heuchert regarding the leveling of the spoil on her property.

Discussion on woody debris and tree removal from areas on Renwick Dam, Senator Young Dam and Olson Dam. No decision was made.

Attest: _____
LuAnn Kemp, Secretary

Richard Kendall, Chairman