

October 10, 2023
MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT
BOARD OF MANAGERS HELD WATER RESOURCE DISTRICT OFFICE,
CAVALIER, NORTH DAKOTA.

Those present were Managers Ted Juhl, William Gunderson, Richard Kendall, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the minutes of September 12, 2023. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to approve the minutes of September 28, 2023.

A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to amend the agenda to include the Drain 67A 2023 FEMA work and Fischer Land Surveying/Engineering.

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

13957 LuAnn Kemp	4,739.91
13958 Donald Kemp	1,001.96
13959 ESRI	440.00
13960 True North Steel	3897.08
13961 Zion Bank	14132.5
13962 Stockgrowers Bank	1256.25
13963 Pembina County highway	1087.95
13964 Blawatt Construction	2500
13965 Gladen Construction	253,953.00
13966 Quill	221.56
13967 Polar	20.00
13968 Kendall Construction	33,500.00
13969 Fleming DuBois Fleming	16,442.50
13971 William Gunderson	266.26
13972 Pembina County	2,509.27

Devon Johnson – Pembina County Highway – met with the board regarding updates on projects. Drain 38 – culvert on each side of the bridge on the north side of drain are in poor condition. Discussion followed on either extending the culverts or removing the culverts to allow for easier snow removal. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve cost-sharing with Pembina county highway to fill in the areas on the northeast and northwest corners of the Drain 38 bridge over Highway 12. Johnson reported that he and Jeff Duray – Triple D Construction have agreed to rip rapping areas of the bridge on Drain 34. Discussion on the area in Section 6 N. Midland that has two culverts – one in an approach and one into the drain with a small area in between. The area in between makes snow removal difficult. The landowner will be contacted for options on fixing the area.

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Jason Volk and Tom Zaharia met with the board regarding Drain 34 spring flooding concerns. The drain is designed for five year event and not spring flooding. Discussion also was held on area of the Tongue River Cutoff north of Ron Falk. Manager Gunderson indicated he would visit with the landowner regarding possible repairs to the berm in that area. The full reconstruction of the Tongue River cutoff is expected late 2024 and into 2025.

The soft bids for the 2023 FEMA projects on Drain 23 and 78 as well as Drain 4 culvert were opened at the time and date specified.

- Drain 23 and Drain 78 bids were as follows:
 - Kendall Construction - \$21,780
 - Triple D Construction - \$31,995
- Drain 4 Culvert bids were as follows:
 - Kendall Construction - \$15,060
 - Triple D Construction - \$26,840

A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to accept the Drain 23 and Drain 78 bids and award to Kendall Construction for \$21,780. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to accept the Drain 4 culvert repairs and award to Kendall Construction for \$15,060.

Paul LeClaire -Houston Engineering attended via telephone to discuss FEMA progress.

- Discussion on the 2023 FEMA cleanout in Drain 67A near the city of St. Thomas. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to soft bid the 2023 FEMA cleanout in Drain 67A near St. Thomas.
- Drain 13 – discussion on the rip rap and plans for repair/replacement of the rip rap on the outlet structure
- Drain 66-1 – discussion on the need to place a field culvert in the area. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to prepare the Drain 66-1 soft bid for culvert placement regardless of FEMA participation.
- Drain 66-2, Drain 67A downstream area, Drain 73 – based on engineering survey, these projects will be removed from the FEMA application

Jeff Duray – Triple D Construction – met with the board regarding progress. Drain 82 – the cranks/handles for the gates are with Fischer Land Surveying and Engineering, discussion followed on opening/closing the gates. Drain 34 – discussion on additional rip rap on the culverts – especially in areas that wash out regularly. The board visited by telephone with Dan Fischer -Fischer Land Surveying and Engineering – Fischer will look at the culvert areas and discuss additional rip rap with Duray.

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The board reviewed the tile permit for Kelly O'Toole in the NW ¼ Section 15-159-55. Discussion followed on notifying townships of tile permits. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve tile permit and ND DOT ROW permit for Kelly O'Toole in the NW ¼ Section 15-159-55. with the following conditions on the permit:

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

Olafson Ventures will be contacted to remove the beaver dam in Section 36 of Walhalla township in Drain W3 by Tongen's.

Spoil leveling on the 2022 projects will be discussed at a future meeting.

The deadline for payment of the Drain 80 engineering fees is October 15th. Any payments not received by that date will be assessed to the property tax.

Park River Joint board meeting is scheduled for October 24 at 11:00 am in Grafton with public meeting tentatively scheduled for December 12.

Attest: _____
LuAnn Kemp, Secretary

Richard Kendall, Chairman