

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

January 23, 2024

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 (by phone), William Gunderson, Donald Kemp, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by Randall Emanuelson seconded by William Gunderson, by vote unanimously carried to approve the minutes of the January 16, 2024 as amended.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to pay the bills as presented:

14046	Red River Basin Commssion	300.00
14047	Kendall Construction	8,400.00
14048	Quill	92.48

A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to amend the agenda to include: Drain 34 True North order and Jeff Duray – Snagging and Clearing.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the Drain 34 True North Culvert order.

A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the ND DWR Cost-share agreements for Drain 5 and Drain 7.

Doug Olason, Daryl Cox and Dale Johnson met for the hearing in the matter of Cox vs Olason, etal complaint as requested by Mr. Olason. Discussion followed on the permitting process being required by NRCS and the Corp of Engineer on the Olason property. The Corp of Engineers will be contacted regarding the permit process. A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried to grant a continuance to the hearing process based upon agreement of the parties.

Managers Kemp and Gunderson reported on the Red River Basin Commission meetings held in Fargo. Discussion on the presentation on drone survey and PRESENS were held. There may be potential for the sensors at the dams to be included in the watershed planning projects through NRCS. Discussion on a possible sensor at Renwick for operation of Drain 82.

Manager Kemp reported on work that is being done by the Canadians along the border and discussions held with Ron Corrick regarding Drain 66 cost-share.

Manager Gunderson reported that he had talked with Randy Gjestvang – ND DWR about the work along the border. Discussion on the Pembina River Task Team – Manager Emanuelson reported that a diversion channel is one proposal being worked on. Gunderson also discussed a need for the board to create a working list of projects to be completed both long and short term.

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

January 23, 2024

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

Page 2

Manager Emanuelson reported on the meeting held with Walsh County on Drain 67E and Drain 67A. Drain 67E was formally Drain 2 in Pembina County.

Paul LeClaire -Houston Engineering arrived.

A meeting with landowners for the Lysengen vs Adrian complaint was held – those in attendance included: Jolen Adrian, Allen Heuchert, Bob Lysengen and Brian O’Toole. LeClaire reviewed the topographic and lidar maps of the complaint area. The primary issues looks to be a break out on Drain 67A. LeClaire discussed the difficulty in proving the dike parameter of 50 acre feet of water being obstructed. A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to dismiss the complaint of Lysengen against Adrian due to lack of jurisdiction. The board will place the Drain 67A berm repair on the 2024 project list.

Jeff Duray and Henry Duray – Triple D Construction met with the board regarding the Snagging and Clearing project. J. Duray reported that the work is starting but will need to start on mile 2 as mile 1 still has water on top of the ice. Discussion followed on the bid and work schedule.

LeClaire gave updates on projects:

- Tongue River Cutoff – working on ND DWR construction permits and Corp permit; both could be amended if the Fish and Wildlife grant is received; easements will be worked on this month; discussion on using 18 inch or 24 inch CMP for the field drains. A motion was made by Donald Kemp, seconded by William Gunderson, by vote unanimously carried to use 24 inch CMP in place of the 18 inch CMP for the TR Cutoff field drains. Office will look for any additional easements in the south loop of the Tongue River
- Drain 66 outlet – additional work is pending environmental reviews of the Drain 78 project to determine any effects
- Drain 16 Expansion – the possibility of improvements to Drain 64 to split flow was discussed; LeClaire will look into the wetland issue along the ND DOT ROW; public meeting to be scheduled later this spring
- TR Watershed Plan – proposed design is almost complete on the project; on schedule for bidding later this year
- Renwick Dam Gate – review of the operation will occur this spring; appears to not be fully closing

Manager Kendall left at this time

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

January 23, 2024

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

Page 3

- 2023 FEMA projects
 - Drain 23, 78 (43) and 67A were marked for ineligibility by ND DES; discussion followed on appeal process. A motion was made by Randall Emanuelson, seconded by Donald Kemp, to remove Drain 23 from the project list for 2023 FEMA. Roll Call vote: Juhl – yes, Kemp – yes, Gunderson – no, Emanuelson – yes- motion passes 3-1. Kendall will be contacted to review the project and determine if it will move forward or not.
- LeClaire reviewed the project scopes for Drain 5 and Drain 7 – discussion on the need for project estimates as well as engineering estimates for each phase was held.
- Drain 81 – Emanuelson discussed the rip rap along the edge of the drain; LeClaire has contacted the contractor and contractor is aware of liability for any additional drain damages. Discussion on the Whelan yard – LeClaire will communicate with Whelan's. Board is agreeable with flattening the slope some east of the box culvert.
- LeClaire reviewed the culvert configuration south of St. Thomas; Houston's railroad contact will review if the line is abandoned or not.

Attest: _____

LuAnn Kemp, Secretary

Richard Kendall, Chairman