

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

January 9, 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), Richard Kendall, 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 December 19, 2023.

A motion was made by Donald Kemp, seconded by William Gunderson, by vote unanimously carried to approve payment of the following bills:

14035	LuAnn Kemp	4,739.91
14036	Pembina County	2,509.27
14037	Kendall Construction	1,640.00
14038	Quill	371.81
14043	Bismarck Hotel and Conference	654.00
14044	Ellingson Drainage	24,600.12
14045	Polar	20.00

The board reported on the site inspection of the Drain 82 tile repair project. It appears Ellingson Drainage did attempt repairs – further inspection will be completed after the spring run-off due to the lateness in the construction season.

A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to adjourn the meeting for board reorganization.

Manager Emanuelson nominated Richard Kendall as Chairman. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried for nominations to cease and cast a unanimous ballot for Richard Kendall as chairman.

Manager Gunderson nominated Donald Kemp as Vice-Chairman. A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried for nominations to cease and cast a unanimous ballot for Donald Kemp as vice-chairman.

Chairman Richard Kendall called the meeting to order.

A motion was made by Randall Emanuelson, seconded by Donald Kemp, by vote unanimously carried to designate United Valley Bank as depository of funds – drain and general.

A motion was made by William Gunderson, seconded by Ted Juhl, to keep the following board appointments as follows:

- Don Kemp with Rick Kendall as alternate to Red River Joint Board.
- Ted Juhl, Rick Kendall, and Randy Emanuelson to the Park River Joint Board.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to request a loan proposal for the \$500,000 operating loan from United Valley Bank.

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The board reviewed the US Fish and Wildlife proposal for the fish passage on the Tongue River Cutoff – discussion followed on the design of the project and impacts to price as well as construction timelines.

The board reviewed the O'Toole appraisal and discussed the easements along the Tongue River Cutoff project. A motion was made by offering \$8,000/acre for permanent easement and \$250/acre/year for up to five years as needed for construction.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the Emergency Action Plan Cost Share with Red River Joint Board.

The board reviewed progress on the 2023 FEMA projects – several of the projects may be ineligible for various reasons. Extensions have been requested for the 2022 FEMA projects with outstanding retainage.

The board reviewed the letter requesting PRESENS from the ND DWR.

The 2024 project list was reviewed and will be added to as needed

- Drain 38 culvert project
- Dam Access
- Feasibility study of sediment removal from permanent pools of the dams
- FEMA 2022 project
 - Drain 81
- FEMA 2023 project
 - Drain 23
 - Drain 67A
 - Drain 43/45 (78)
 - Drain 78 Outlet
- Drain 16 Spoil

Manager Gunderson reported on the Fitzsimond's concern along W-3 – he will follow up with the landowner again.

Doug Olason met with the board regarding the Cox complaint. Olason has been working with NRCS and the Corp of Engineers for his property. He has requested a hearing in the complaint as well which is scheduled for next week.

Manager Emanuelson discussed a meeting with Walsh County scheduled for next week for Drain 50. Discussion on how a joint drain could work.

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Manager Gunderson discussed the concerns expressed regarding conflict of interest for board members with interests in contracting businesses or work. The Contractor Policy was reviewed.

Discussion on the Dam maintenance and spraying contracts – they will be awarded through a soft-bid for 2024. Drain 82 gate operation will also be included in the soft-bid.

Discussion on procedures for opening and closing the dams – the board will be more intentional with motions to open and close the dams.

Manager Kendall inquired as to the Snagging and Clearing project – the gate at Renwick is leaking again and Houston will be checking into it. Triple D Construction still intends on completing the Snagging and clearing this winter.

Attorney Fleming reported on the Sargent County case regarding the six-year assessment limit for debt and projects.

Manager Kemp and Gunderson as well as Secretary Kemp will be attending the Red River Basin Conference next week in Fargo.

Attest: _____
LuAnn Kemp, Secretary

Richard Kendall, Chairman