

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

June 3, 2025

MINUTES OF THE MEETING OF THE
PEMBINA COUNTY WATER RESOURCE DISTRICT BOARD OF MANAGERS
WATER RESOURCE DISTRICT OFFICE, CAVALIER ND

Those present were Managers William Gunderson, Ted Juhl, Randall Emanuelson, Donald Kemp, and LuAnn Kemp, secretary. Manager Richard Kendall was absent. 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 May 27, 2025.

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

14251	Donald Kemp	2,246.80
14252	William Gunderson	1,420.93
14253	LuAnn Kemp	5,395.97
14254	Pembina County	2,669.10

The board reviewed the Draft of the Pembina County Water Resource District Resolution Of Policy Regarding Public Comment Requirements At Regular Meetings. Discussion followed on the length of the comment period and individual comment length. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to adopt the Pembina County Water Resource District Resolution Of Policy Regarding Public Comment Requirements At Regular Meetings as amended to allow fifteen minutes total with each speaker limited to three minutes.

Devon Johnson – Pembina County Highway met with board. The Drain 34 Reconstruction project was reviewed regarding culvert costs, additional rip rap required, etc. Johnson will be having the area on Highway 1 crossing and the Grube driveway asphalted. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the asphalt work as payment in full for the county's 40% of the culvert and bridge work on the Drain 34 Reconstruction project.

Johnson reviewed the ND DOT request for a culvert and approach in SW ¼ Section 34-162-54. A motion was made by William Gunderson, seconded by Ted Juhl, by vote unanimously carried to approve the drainage ROW permit and the Board had no comment on the project.

Johnson reviewed the Morrison request for a culvert and approach in SE ¼ 11-Akra Township. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the drainage ROW permit and the Board had no comment on the project.

Johnson reviewed the Thompson request for a culvert in SE ¼ 23-159-51. A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the drainage ROW permit and the Board had no comment on the project.

Johnson reviewed a bridge in 146th Street N of 103rd Street that needs repair or replacement. Discussion on the possibility of replacing with a Texas Crossing.

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The board met with the Pembina County Commission – Houston Engineering Zach Herrmann and Mike Ferrie also present. Herrmann presented information on the Snagging and Clearing process at the request of the commission. Discussion on the process of S/C on state land as well as future work west of the Icelandic. Commission decided to not pursue snagging and clearing at this time.

Board also presented on the timelines for the Emergency Action plans being moved to early winter to allow more participation. Tongue River Cutoff assessment was discussed and request was made for Commission to set the assessment for 2025 and 2026 at half of the previous assessments. An update on the Renwick erosion and camera footage was given.

A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to approve the First Quarter 2025 Financial Reports and Pledge of Assets as presented.

Manager Kemp reported on the Drain 38 culvert trap project.

Manager Juhl reported that there is a used culvert from Drain 73 that would work in Drain 78. A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to allow Drain 78 to purchase the culvert from Drain 73 at a price of \$2500 – 45 feet of 96 inch squash.

Attorney Fleming reported on the Drain 55 missed assessment in Walsh County – corrective action will taken in 2025 tax assessments.

Manager Emanuelson reported that a 36 inch and a 60 inch trap are needed in Drain 67 where the bridge in County 4 was replaced.

Johnson reviewed a bridge in Drain 67C near Kennelly Yard that will need repair or replacement. Houston Engineering discussed hydraulics for the area. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to approve the task order under the general contract with Houston Engineering for the needed hydraulic work on Drain 67C.

Those present include Ross Nilson (Electronically), Bruce Gibbons, Steve Gapp, Dan Fischer, Jeff Gapp, Dean Helstrom, Lyle Johnson. Zach Herrmann – Houston Engineering reviewed the drainage complaint of Gapp against Thompson/Johnson Farms in SW Section 3 of Walhalla Township. Herrmann presented his methodology, survey, historic imagery and engineering recommendation. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote carried based on the findings of Houston Engineering, we find that the drainage improvements as alleged in the complaint did occur

between the years 2006 and 2009 and that per NDCC 61.32.03, a permit is required for the drainage improvements. in the SW Section 3 of Walhalla township. Roll call: Kemp – Yes, Emanuelson – Yes, Juhl – Abstained, Gunderson – Yes. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to direct Thompson Family LLC/Johnson Farms to place a block across the drainage improvement at least 500 feet from the property line with a length of at least 100 feet by October 15, 2025.

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Zach Herrmann – Houston Engineering reviewed the dam or dike complaint of Johnson Farms against Gapp in SW Section 3 of Walhalla Township. Herrman presented his methodology, survey, historic imagery and engineering recommendation. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to dismiss the complaint based on the findings, we find that the alleged low-hazard dam does not retain more than 50 acre- feet, and Per NDCC 61-16.1-38, a permit is not required for the construction. Therefore, the low-hazard dam does not fall within the jurisdiction of the Water Resource District.

The third complaint that was filed regarding an obstruction to a watercourse was discussed. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to request a watercourse determination from the ND Department of Water Resources in the complaint of Johnson Farms against Gapp regarding a block to a watercourse. Attorney Fleming left at this time.

Ferrie and Herrmann provided updates on projects from Houston Engineering.

- Tongue River Cutoff – discussion on the current budget and the permitting required to bring to construction. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to approve the ND DWR Cost-share application for additional funds for the Tongue River Cutoff pre-construction engineering.
- Tongue River Dams EAP – discussion on the modeling for the EAP plans was held as modeling requirements have changed. A motion was made by Randall Emanuelson seconded by William Gunderson, by vote unanimously carried to approve the ND DWR Cost-share application for additional funds as well as the Red River Joint Board request for additional funds for the Tongue River Emergency Action Plans.
- Drain 13 – discussion on the alignment of the additional culvert requested by Dean Scharmer. A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to direct Houston Engineering to prepare the project for a soft bid with tentative opening set for June 24th, completion by September 10th and \$250/day penalty.
- Drain 7 – discussion on the project to replace the bottom forty foot of the outlet pipe and place bend to raise the culvert up. A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to have Houston Engineering negotiate for a direct hire of Triple D Construction to install 40 feet of pipe and a 3 degree bend it deems direct hire of Triple D Construction to be appropriate and beneficial to the project, based upon the board's sole discretion.
- Drain 64 – the board reviewed the Enbridge proposal for the west approach. Discussion on the elevation and design of the west approach. A meeting will be scheduled with Enbridge to discuss. A motion was made by Ted Juhl, seconded by William Gunderson, by vote unanimously carried to direct Houston Engineering to prepare the Kneeshaw approach in Drain 64 for a soft -bid.
- Drayton Assessment area – discussion on the progress of the assessment process, likely 2026
- Drain 78 project will be working on permitting and look for bid late summer
- Drain 81 – final inspection have been completed and is ready for closeout

Attest: _____

LuAnn Kemp, Secretary

Donald Kemp, Chairman