

## Minutes of Meeting

### Souris River Joint Water Resource Board

Thursday, August 1, 2019

A regular meeting of the board of directors of the Souris River Joint Water Resource Board was called to order by Chairman David Ashley at 4:00 p.m. on Thursday, August 1, 2019, in the Community Room of the Minot Auditorium, in the City of Minot, North Dakota. Joint Board members attending the meeting were David Ashley, Clif Issendorf, Mark Cook, Dan Jonasson and Tom Klein. A roster of those attending is attached as **Attachment A**. Chairman David Ashley called the meeting to order and announced that a quorum was present.

The Joint Board discussed the proposed Agenda for the meeting. Chairman David Ashley added Agenda Item No. 14.a to discuss Barr contract amendments.

**Mark Cook made a motion to approve the agenda, as amended. Dan Jonasson seconded the motion. The motion passed without opposition.**

The draft Minutes from the July 8, 2019 regular meeting and July 11, 2019 special meeting were discussed. It was discussed that the July 8, 2019 minutes stated that Tom Klein "appeared" by phone. "Appeared" was stricken and replaced with "present" by phone.

**Dan Jonasson made a motion to approve the Minutes from the July 8, 2019 and July 11, 2019 Joint Board meetings, as amended. Tom Klein seconded the motion. The motion passed without opposition.**

The Joint Board discussed the Budget Report included in the August Board packet. Ryan Ackerman provided an explanation to the Joint Board regarding the August Budget Report.

**Dan Jonasson moved to approve the August Budget Report. Tom Klein seconded the motion. The motion passed without opposition.**

The Joint Board discussed the bills. Chairman David Ashley provided an opportunity for questions on bills.

**Tom Klein made a motion to approve the payment of \$1,450,829.78. Clif Issendorf seconded the motion. The motion passed without opposition.**

Jerry Bents provided an update to the Joint Board regarding Phase MI-1, which featured a drone video. Jerry Bents also provided an update regarding Phase MI-4.

Jason Westbrook provided an update to the Joint Board regarding Phase MI-2/3, which featured a drone video, Phase BU-1, and Phase WC-1.

Ryan Ackerman provided an update to the Joint Board regarding the StARR Program Update. He referred the Joint Board to page 112 of the August Board packet. There are three closings scheduled for August 5, 2019, after which there are only three properties left for potential acquisition and retake via the StARR program. There are contracts signed on resale structures on the demolitions agreed to by the Joint Board at the July meeting. The Joint Board received an appraisal back from the Sundhagens. The Joint Board's appraiser came up with a value of \$300,000. Sundhagen's appraiser came back with more than double that. Counteroffer back from the Joint Board was to acquire certain of the property, including the shop and the shed to the north of the shop. If they are not interested, it will come back to the Joint Board for further discussion.

Dennis Reep provided the Joint Board with an update regarding rural bridges, including an update on the public input meeting recently held in Sawyer.

The Joint Board discussed the upcoming meetings and events scheduled as described at page 139 in the Board packet.

Under Other Business Agenda Item No. 14.a, contract amendments for Barr Engineering, there were three items presented for consideration, attached as **Attachment B**. First, Amendment 3 deals with work toward the planning, engineering, design and permitting of the Burlington phases of the MRFPP. Back in April of 2019 the Joint Board authorized \$200,000 of the \$350,000 scope of services to be performed by Barr Engineering because the Joint Board did not have spending authority from the State Water Commission. The Joint Board now has the spending authority, and Ryan Ackerman requested the Joint Board's approval of the additional \$150,000.

**Dan Jonasson moved to approve Amendment No. 3. Tom Klein seconded the motion. The motion passed without opposition. A roll call vote was called. The motion passed approving the amendment without opposition.**

The second item under Other Business Agenda Item No. 14.a is Task Order No. 10, Ward County Acquisition Support. A significant number of acquisitions need to be completed in Burlington and certain things such as site assessments, property owner consultations, appraisals, surveys, title opinions, closing documents, etc. associated with acquisitions were not included in previous funding approval. An estimate to complete the acquisitions is \$600,000, which includes roughly 75 properties.

**Dan Jonasson moved to approve Task Order 10 not to exceed \$600,000. Tom Klein seconded the motion. The motion passed without opposition. A roll call vote was called. The motion passed without opposition.**

The third item under Other Business Agenda Item No. 14.a is Amendment No. 6 to Owner-Engineer Agreement to Task Order 2. This agreement relates to work to close out the Joint Board's contract with Sherbenske Inc. for work on the Perkett Ditch Improvements. Amendment 2 authorized \$434,710.00 for engineering services during construction of the Perkett Ditch Improvements and the temporary greens and tees at the Souris Valle Golf Course. Additional engineering time and expense has been incurred due to the general contractor running past schedule. An additional \$15,000 is sought for the additional services/modifications to services. As for where this would come from, the authority is already

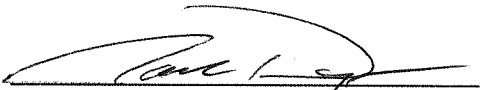
established for this project since the Joint Board came in under budget. The plan is to use liquidated damages to cover these contract management expenses.

**Dan Jonasson moved to approve Amendment 6. Tom Klein seconded the motion. The motion passed without opposition. A roll call vote was called. The motion passed without opposition.**

There being no further business to discuss:

**Dan Jonasson moved to adjourn the meeting. Tom Klein seconded the motion.**

The meeting was adjourned.



Jack Dwyer  
Legal Counsel



Sign-In  
August 1st, 2019  
Minot Municipal Auditorium

Name	Organization
Nathan Amick	Ackerman - Estvold
Ryan Ackerman	Ackerman - Estvold
Dave Ashley	SRJB
Dusty Zimmerman	Ackerman - Estvold
Jerry Bents	Houston
Jack Dwyer	Dwyer Law (phone)
Lynn Mesteth	Dwyer Law (phone)
Shelly Wepler	Ward County
Dave Lakefield	City of Minot
Jason Westbreck	Barr
Tom Klein	SRJB
Clif Issendorf	SRTB
Mark Cook	SRTB
Dan Jonsson	SRTB

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated May6, 2014.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Amendment No.   2**

1. *Background Data:* Amendment 2 to Task Order 4 of the above-referenced agreement for work toward the planning, engineering, design and permitting of the Burlington phases of the MREFPP.

- a. Effective Date of Owner-Engineer Agreement:   May 6, 2014
- b. Owner:   Souris River Joint Board
- c. Engineer:   Barr Engineering Company
- d. Project:   MREFP

2. *Description of Modifications:*

- a. Engineer shall perform or furnish the following Additional Services: *See 2b.*
- b. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:

<b>Notable Scope Changes</b>	<b>Notes</b>
Additional Borrow Sites	Initial intent was to use Hwy 2 site. Changed strategies after a confirmed sighting of DS. Investigated three new locations.
Align levee to go around Rec Complex and eliminate road closures	Required additional geotech investigation, wetland investigations and mitigation, plan modifications, and permitting updates. Estimated construction savings to eliminate the closures expected to exceed \$500k.
Bid Colton Ave Bridge as a separate project	Work included removing the bridge project from the levee project, modifying plans and specs, submitting separate permit applications, working through channel impact mitigation requirements with USACE, and administering the bidding process.
Design on-site mitigation for wetland impacts	Initial scope assumed using DU credits for wetland mitigation. USACE expressed preference to mitigate on site for impacts to oxbows.
Additional effort with real estate acquisition	Number of properties impacted was greater than originally assumed.

Additional effort with cultural resources	Additional effort than originally scoped to get through SHPO approval.
Total	\$350,000.00

- c. The responsibilities of Owner are modified as follows: *No change*
- d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: *Amendment 2, which was approved by the SRJB in April of 2019, authorized \$200,000.00 toward the total estimated in Section 2b. This amendment 3 authorizes the remaining \$150,000.*
- e. The schedule for rendering services is modified as follows: *No change in schedule. The scope of services is through project bidding.*
- f. Other portions of the Agreement (including previous amendments, if any) are modified as follows: *None.*

5. Agreement Summary (Reference only)

a. Original Agreement amount:	<u>\$3,601,100.00</u>
b. Net change for prior amendments:	<u>\$651,467.00</u>
c. This amendment amount:	<u>\$150,000.00</u>
d. Adjusted Agreement amount:	<u>\$4,402,567.00</u>

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is January 14, 2016.

OWNER:

ENGINEER:

By: Dave Ashley

By: Jason Westbrook

Title: Chairman

Title: Vice President

Date  
Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Task Order No. 10**

**Ward County Acquisition Support**

**Applicable to Agreement Dated May 6, 2014**

**between**

**Barr Engineering Co. (Barr)**  
234 W. Century Ave.  
Bismarck, ND 58503

**Souris River Joint Board (Client)**  
PO Box 1516  
Minot, ND 58702

**Designated Representative:**

Jason Westbrook, Project Manager

**Designated Representative:**

David Ashley, Chairman

**I. Scope Language**

The scope of services for this task order includes the following items related to non-Minot acquisition support:

- Site assessments
- Property owner consultations
- Appraisals
- Surveying
- Negotiations
- Real estate documents
- Closings
- Demolition and relocation administration

**II. Maximum Compensation and Assumptions ("Service Assumptions") Upon Which Maximum is Based**

Client shall pay Barr for services set forth in Section I in accordance with Exhibit C of the May 6<sup>th</sup> agreement.

The total maximum compensation for services in this Task Order 6 shall not exceed \$600,000 without written approval.

**III. Schedule and Assumptions upon Which Schedule is Based**

The work described herein shall commence immediately and continue throughout the duration of the Mouse River Enhance Flood Protection program.

ACCEPTED AND AGREED TO:

BARR ENGINEERING CO.

SOURIS RIVER JOINT BOARD

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: Vice President \_\_\_\_\_

Title: Chairman \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



This is **EXHIBIT K**, consisting of **3** pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated May6, 2014.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**

**Amendment No.   6**

1. *Background Data:* Amendment 6 to Task Order 2 of the above-referenced agreement for work toward the closeout of the SRJB contract with Sherbenske Inc. for work on the Perkett Ditch Improvements. Amendment 2 authorized \$434,710.00 for engineering services during construction of the Perkett Ditch Improvements and the temporary greens and tees at the Souris Valley Golf Course. Additional engineering time and expense has been incurred due to the general contractor running past schedule.

- a. Effective Date of Owner-Engineer Agreement:   May 6, 2014
- b. Owner:   Souris River Joint Board
- c. Engineer:   Barr Engineering Company
- d. Project:   MREFP

2. *Description of Modifications:*

- a. Engineer shall perform or furnish the following Additional Services: *See 2b.*
- b. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:
  - *No change*
- c. The responsibilities of Owner are modified as follows: *No change*
- d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: *\$15,000.*
- e. The schedule for rendering services is modified as follows:

*No change in schedule. The scope of services is through final completion of the Perkett Ditch Improvements.*

- f. Other portions of the Agreement (including previous amendments, if any) are modified as follows: *None.*

5. Agreement Summary (Reference only)	
a. Original Agreement amount:	<u>\$5,643,670.00</u>
b. Net change for prior amendments:	<u>\$3,257,217.45</u>
c. This amendment amount:	<u>\$15,000.00</u>
d. Adjusted Agreement amount:	<u>\$8,915,887.45</u>

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is July 8, 2019.

OWNER:

ENGINEER:

By: Dave Ashley

By: Jason Westbrook

Title: Chairman

Title: Vice President

Date  
Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_