

**Minutes of Special Meeting
Souris River Joint Water Resource Board
Tuesday, January 16, 2024**

A special meeting of the board of directors of the Souris River Joint Water Resource District was called to order by Chairman David Ashley at 4:00 p.m. on Tuesday, January 16, 2024, after announcing that a quorum was present. The meeting was held virtually via Teams/Teleconference. Joint Board members in attendance were Tom Klein, Dan Steinberger, Clif Issendorf, and Jason Sorenson.

The Joint Board discussed the Barr Engineering contract amendment for Phase MI-7, as detailed by Ryan Ackerman and Jason Westbrook. The contract amendment is to include submittal reviews and updates, construction administration, observation, surveying, and documentation, project administration and support, public outreach, and material testing. This scope assumes the entire MI-7 project is constructed with up to three separate bid packages. Details were included within the Joint Board Packet.

Jason Sorenson moved to approve Task Order No. 18 with Barr Engineering in an amount not to exceed \$7,064,000.00 and authorize the chairman to sign the agreement. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

A second item was approval of bills totaling \$3,724,201.82. Chairman Ashley opened it up for questions from the Board on each bill being considered for approval.

Clif Issendorf moved to approve bills in the total amount of \$3,724,201.82. Jason Sorenson seconded the motion. Dan Steinberger asked about paying taxes (as some invoices have taxes). He questioned when the Joint Board pays taxes versus not. Ryan Ackerman indicated that when they issue a contract for work to be completed, the appropriate contractor must include all applicable sales and use taxes and materials that go into the work. It would be different if the Joint Board direct purchases something like a computer (in which case the Joint Board would be considered a tax-exempt entity). But for items that fall under a contract completed by a non-public entity, sales and use taxes must be included. A roll call vote was cast. The motion passed without opposition.

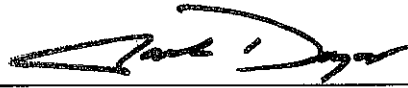
The next item was presented by Ryan Ackerman, which involved an update on Phase MI-5. Wagner Construction is proposing Change Order No. 12 to cover the removal of contaminated soil at 405 Railway Avenue. The contaminated soil will be removed to Clean Harbors Environmental Services in Sawyer, North Dakota. Details were included within the Joint Board Packet. Dan Steinberger questioned whether the contaminated area is concentrated to one area or whether it was multiple areas. Bjorn Berg from Houston indicated the contaminated soil is on the far west end of the project, at the old 405 Railway site. That property was a holdout for acquisition, so the engineers were not able to get on property at the design stage to do any geotechnical or environmental borings until after the property was purchased. The project was let by avoiding that property and knew that environmental borings would be done during the construction phase. Unfortunately, those environmental borings did flag some contaminated soils at that site that need mitigation through North Dakota Department of Environmental Quality. Dan Steinberger asked with that in mind whether there is any recourse from the original owner. Ryan Ackerman indicated there is not. Chairman Ashley agreed and indicated the situation is not necessarily a surprise. Dan Steinberger asked if this was primarily hydrocarbons or whether there was anything else. Bjorn indicated the original report had a lot of hydrocarbons in it. It was also sent to Bismarck for testing for other contaminants. The good news is that no heavy metals were in it. It was mostly diesel range organics and

other hydrocarbons of that nature that the City of Minot Landfill was unable to take due to its heavily contaminated nature. As a result, it did eventually have to go to the Clean Harbors Environmental Landfill in Sawyer.

Dan Steinberger moved to approve Change Order No. 12 in the amount of \$415,156.42 and authorize the chairman to sign the change order on behalf of the SRJB. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Board took note of the next meeting, being a regular meeting on Thursday, February 1, 2024.

There being no further business to discuss, the meeting was adjourned.



Jack Dwyer
Legal Counsel