

Minutes of Meeting

Souris River Joint Water Resource Board

Thursday, March 9, 2017

A regular meeting of the board of directors of the Souris River Joint Water Resource Board was called to order by Chairman David Ashley on Thursday, March 9, 2017, in the Community Room of the Minot City Auditorium in Minot, North Dakota. Joint Board members attending the meeting were Dave Ashley, Clif Issendorf, Dan Jonasson, Roger Sauer and Tom Klein. A roster of those attending the meeting is listed on Attachment A.

The Joint Board discussed the proposed Agenda for the meeting. Dan Jonasson made a motion to adopt the Agenda. Clif Issendorf seconded the motion. The motion passed without opposition.

The Minutes of the February 9, 2017, meeting were discussed. Dan Jonasson made a motion to approve the Minutes of the February 9, 2017, meeting, and Clif Issendorf seconded the motion. The motion was approved without opposition.

The Joint Board discussed Agenda Item No. 4 regarding bills. The following bills were discussed:

- Barr Engineering	(Environmental and Design)	\$150,006.67
	(MI-2A Construction Perkett)	\$5,023.75
	(USACE Feasibility Study)	\$340.00
	(StARR Program)	\$23,339.44
	(BU-1 Burlington)	\$103,538.58
	(Outlaw Creek)	\$2,214.00
- Houston Engineering	(Engineering & Design)	\$45,724.18
	(MI-5 4 th Ave Tieback)	\$7,311.00
- Ackerman-Estvold	(Administration)	\$10,576.25
- Ackerman-Estvold	(USACE Feasibility Study-WIK)	\$1,827.00
- MDU	(Utility Relocate)	\$13,841.10
- Dwyer Law Office	(Legal)	\$15,064.33
- City of Burlington	(Burlington Property Acquisition)	\$60,688.21
- ND Guaranty	(StARR Program)	\$730,760.05
- TOTAL		\$1,170,254.56

Ryan Ackerman provided clarification regarding the two properties in the City of Burlington. Previously, the Joint Board approved up to \$57,000 for the two properties in Burlington. Clif Issendorf indicated that the final number was within 5% of the estimate. Ryan Ackerman reported that this line item was subject to reimbursement by the State Water Commission in accordance with the approved 75% cost share. Emily Huettl provided a description of the four properties enrolled in the StARR Program (identified in the ND Guaranty line item). Dan Jonasson made a motion to approve the bills for a total amount of \$1,170,254.46. Clif Issendorf seconded the motion. The motion was approved without opposition.

Emily Huettl presented an electric bill from Verendrye Electric in the amount of \$46.39, attached as Attachment B. Emily Huettl reported that this bill was from one of the StARR properties acquired by the Joint Board. Tom Klein made a motion to approve the bill for \$46.39 to Verendrye Electric. Clif Issendorf seconded the motion. The motion passed without opposition.

Emily Huettl provided an update to the Joint Board regarding the StARR Program. She reported that four properties are scheduled to close in April. Emily Huettl requested the Joint Board to consider the recommendations of the StARR Appeal Committee as described in the memorandum included under Agenda No. 5 in the Board Packet.

- The Joint Board discussed the recommendation of the Appeals Committee to deny Appeal 1 regarding appraised value. Roger Sauer indicated that several StARR applicants were looking for replacement value, as opposed to market value, which is the intent of the StARR Program. Roger Sauer indicated that the market values were close to taxable value. Dan Jonasson moved to approve the Appeal Committee's recommendation to deny Appeal 1. Tom Klein seconded the motion. The motion was approved without opposition.
- The Joint Board discussed the recommendation of the Appeals Committee regarding Appeal 2, 3, and 4, which all deal with valuation. Tom Klein made a motion to approve the Appeals Committee's recommendations on Appeal 2, 3, and 4 as set forth in the memorandum included in the Board Packet under Agenda No. 5. Dan Jonasson seconded the motion. The motion was approved without opposition.

Ryan Ackerman provided the Board with an update on the United States Corps of Engineers Feasibility Study. Ryan Ackerman reported that all storage alternatives had been screened out. Ryan Ackerman reported that the USACE has a federal interest in the "North Minot Plan," which includes the Maple Diversion and the tiebacks on each side. Ryan Ackerman indicated that USACE has a federal interest in some of the ecosystem restoration in some of the "dead loops" of the Souris River. Ryan Ackerman indicated that he is pursuing a Memorandum of Understanding to allow the Joint Board to use state and local funding without jeopardizing federal funding options.

Jerry Bents gave the Joint Board an update on Phase MI-1, which is the Broadway to 3rd Street segment of the Project (4th Avenue Floodwals). Jerry Bents indicated that Houston's work has recently focused on finalizing the bid plan set, acquiring right of way, acquiring wetland mitigation easements, and the addendum the EIS. Jerry Bents also gave the Joint Board an update on MI-5, which is the northeast extension of the Project (4th Avenue Tieback). Jerry Bents indicated that Houston's work has recently focused on tieback location. Clif Issendorf asked how much mitigation will be required. Jerry Bents indicated that Houston intends on finding approximately five acres of land to serve as wetland mitigation somewhere in the Souris River valley. The Joint Board discussed the possibility of restoring "dead loops" to serve as mitigation requirements. Jerry Bents indicated that restoring "dead loops" would not be workable at this time because of USACE criteria and timing, but this could be workable in the future.

Jason Westbrook provided the Joint Board with an update on Phase MI-2 (Napa Valley) and MI-3 (Forest Road). Jason Westbrook indicated that Barr Engineering has recently focused on permitting and the addendum to the EIS. Jason Westbrook also provided the Joint Board with the BU-1 (Burlington) portion of the Project. Jason Westbrook indicated that the geotechnical work and other work relating to Burlington reach is under way, and that Barr Engineering will likely finalize a 30% report by the end of March for review by the IEPR.


Ryan Ackerman provided a legislative update to the Joint Board. Ryan Ackerman reported that Bill 1020, which has been approved by the House, is friendly to the City of Minot and Mouse River Enhanced Flood Protection Project, and could provide up to \$70M to \$80M for the Project. In addition, another provision of the Bill allows an additional \$110M loan from the State Water Commission. Future funding, however, would be subject to an eight-year lockout. There are concerns about some of the details of the bill, which will be addressed with legislators. House Bill 1374 was proposed to modify cost-share processes, and also includes a provision to limit funding for projects that provide protection in excess of a 100-year event. There are concerns about some of the details of the bill, which will be addressed with legislators. Ryan Ackerman indicated that there are two versions of eminent domain/quick take bills, which are being discussed in the House and Senate.

Ryan Ackerman updated the Joint Board regarding the City of Minot Sales Tax. Ryan Ackerman indicated that the ad hoc committee has recessed until the end of the legislative session.

Dan Jonasson provided an update to the Joint Board regarding the International Souris River Board meeting. Dan Jonasson indicated that the flood projections for spring of 2017 have been tailored back. Dan Jonasson reported that the USACE has taken over operation of Lake Darling because a one-in-ten event had been declared. Shelly Wepler of Ward County indicated that a flood situation had been declared. Ryan Ackerman indicated that the International Joint Commission is "tantalizingly close" to getting its reference from the IBC to begin the plan of study.

Frank Durbian from the United States Fish and Wildlife Service provided an update regarding the current Souris River Basin conditions. Frank Durbian reported that most of the remaining snow load exists below the Canadian dams. Lake Darling is currently releasing 400 cfs with the intention of reaching the desired elevation of 1595' by the end of March. Frank Durbian indicated that the FWS is trying to take a more innovative approach to managing water levels.

There being no further business, the meeting was adjourned.



Jack Dwyer