

Minutes of Meeting

Souris River Joint Water Resource Board

Thursday, January 3, 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, January 3, 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, and Roger Sauer. A roster of those in attendance 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.

**Roger Sauer moved to approve the agenda, as presented. Clif Issendorf seconded the motion. The motion passed without opposition.**

The draft Minutes from the December 6, 2018, meeting were discussed.

**Roger Sauer made a motion to approve the Minutes from the December 6 Joint Board meeting. Clif Issendorf seconded the motion. The motion passed without opposition.**

The Joint Board discussed the proposed 2019 regular meeting schedule.

**Clif Issendorf moved to approve the 2019 regular meeting schedule contained in the Board Packet.**

The Joint Board discussed the Budget Report included in the January Board Packet. Ryan Ackerman provided information to the Joint Board regarding the Budget Report.

**Roger Sauer moved to approve the Budget Report. Clif Issendorf seconded the motion. The motion passed without opposition.**

The Joint Board discussed the bills presented in the January Board Packet. Ryan Ackerman clarified that the Barr Engineering for BU-1 should be \$43,565.27 (from \$43,562.27). Ryan Ackerman explained the invoice for property taxes from Ward County Treasurer showing on the list of bills.

**Roger Sauer made a motion to approve the bills in the amount of \$4,693,341.52. Clif Issendorf seconded the motion. The motion passed without opposition.**

Jerry Bents provided an update to the Joint Board regarding MI-1 construction, which included a drone video. Jerry Bents explained the nature of Change Order #6 and Change Order #7. Change Order #6 is being proposed because the Sundry line was encased in concrete, which was unanticipated. It was discussed that the City plans did not indicate that the Sundry line was encased in concrete. Jerry Bents indicated that his team has vetted the time and material necessary to perform the work under Change

Order #6. Change Order #7 is being proposed to remove additional portions of 4 piers under the Broadway Bridge to provide more conveyance.

**Clif Issendorf made a motion to approve Change Order #6 and Change Order #7. Roger Sauer seconded the motion. The motion passed without opposition.**

Jerry Bents provided an update on the design work for MI-5. That work has been sent in to the USACE and to the external peer review.

Jason Westbrook provided an update to the Joint Board regarding MI-2/3 construction. Jason Westbrook indicated that two change orders were issued that were approximately \$20,000.00 each. Jason Westbrook provided the Joint Board with an update on Phase BU-1. Barr Engineering is working on a 100% plan set. Jason Westbrook reported that the Chairman signed the construction permit application to be submitted to the State Water Commission. Jason Westbrook indicated that the bridge project that was pulled from earlier phases of the MREFPP could be advertised for construction upon approval by the Joint Board.

**Clif Issendorf made a motion to approve the advertisement for Bids for Phase BU-1A. Roger Sauer seconded the motion. The motion passed without opposition.**

Dennis Reep provided an update to the Joint Board regarding rural bridges survey and design work from HDR Engineering.

Ryan Ackerman provided the USACE Feasibility Update. Ryan Ackerman indicated that two project features within the City of Minot have a federal interest: the Maple River diversion and a western tieback. The total cost of the two features is estimated at \$87.32M. The federal share if authorized and appropriated would \$56.76, and the local would be \$30.56. Ryan Ackerman indicated the cost benefit ratio was marginal at a 1.01 to 1, and that to obtain funding through the traditional path would require a cost benefit ratio closer to 2.0 to 1, so Hoeven's office is hoping to find a creative solution to obtain funding for this portion of the MREFPP. Ryan Ackerman indicated that the design work is moving forward on these features.

**Roger Sauer made a motion to approve the draft Chief's Report as presented. Clif Issendorf seconded the motion. The motion passed without opposition.**

The Joint Board discussed the StARR Program. Chairman David Ashley asked for those members of the public who attended the meeting to testify.

Bennet Johnson from Vogel Law Firm provided testimony on behalf of Jerry and Tawnya Nelson. Bennet Johnson indicated that the StARR Program has typically used the higher of two appraisals, when two appraisals have been obtained, but that Nelsons were treated differently than other StARR Participants, since the StARR Administrator had offered an average between the two appraisals that were obtained by the Joint Board and the Nelsons. Bennet Johnson indicated that the Nelsons were willing to buy back the structures for \$50,000, and rent the property for \$850 while staying in the home.

Lynn Kongsli indicated that he felt he could sit down with the StARR Administrator and work out agreements for his structures, based on the recent StARR Program offer.

Chairman David Ashley indicated that the Joint Board would take up the matter in executive session to consult with its attorney regarding contract negotiations and potential litigation or potential adverse fiscal impacts under § N.D.C.C 44-04-19.1(5), (9).

**Roger Sauer made a motion to close the meeting to conduct an executive session. Clif Issendorf seconded the motion. The motion passed without opposition.**

The meeting was closed to the public. Following the conclusion of the executive session, the Joint Board reconvened the open meeting.

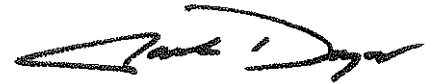
**Roger Sauer made a motion to adopt the StARR Appeals Committee's recommendation of value of \$225,000 for Lynn Kongsli's structures, subject to contractual agreements with the owner. Clif Issendorf seconded the motion. The motion passed without opposition.**

**Roger Sauer made a motion to adopt the StARR Appeals Committee's recommendation of value of \$734,650.50 for Nelsons' property, with a stipulation that the Nelsons can keep the house and live on the property for up to 2 years rent free, subject to contractual agreements with the owner. Clif Issendorf seconded the motion. The motion passed without opposition.**

The Joint Board discussed upcoming meetings.

Chairman David Ashley thanked for Roger Sauer's dedication and service to the Joint Board, and provided Roger Sauer with a Certificate of Appreciate for his years of service. Clif Issendorf also issued thanks to Roger Sauer for his work developing the StARR Program.

There being no further business, the meeting was adjourned.



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Jack Dwyer  
Legal Counsel