

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, March 2, 2023**

A 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 Thursday, March 2, 2023, after announcing that a quorum was present. The meeting was held in Room 203 of the Minot Auditorium in Minot, North Dakota. Joint Board members in attendance were Tom Klein (in person), Dan Steinberger (virtual), Dan Jonasson (virtual) and Clif Issendorf (virtual). A roster of those attending is attached as **Attachment A**.

The Joint Board discussed the proposed Agenda for the meeting. Chairman Ashley added Agenda Item 19A – 2023 SWIF Project 23-001 Award of Bid; Item 19B – Audit Proposals for 2020/2021/2022 and Item 19C – ISRB Update. Ryan Ackerman added under Agenda Item 7A – Revised Change Order No. 48.

Clif Issendorf made a motion to approve the agenda for the meeting. Dan Steinberger seconded the motion. The motion passed without opposition.

The draft minutes of the February 2, 2023 regular meeting of the SRJB and the February 27, 2023 special meeting of the SRJB were discussed.

Tom Klein made a motion to approve the minutes from the February 2, 2023 regular meeting and February 27, 2023 special meeting of the SRJB. Dan Steinberger seconded the motion. The motion passed without opposition.

Ryan Ackerman presented the Budget Report. And the Joint Board reviewed the Budget Report included in the March Board Packet. Ryan Ackerman explained the Balance Sheet and Budget Report.

Clif Issendorf moved to approve the Budget Report. Tom Klein seconded the motion. The motion passed without opposition.

The Joint Board reviewed and approved bills set forth in the March Board Packet totaling \$1,782,168.44. Chairman Ashley opened it up for questions from the Board on each bill being considered for approval.

Tom Klein moved to approve the payment of bills totaling \$1,782,168.44. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman indicated there are engineering contract amendments for the Joint Board's consideration. HDR is proposing an amendment to the Phase RC-1 MREFPP project. This amendment is to include the redesign of the project to make it more desirable for bidding, as no bids were received at the last bid opening.

Tom Klein moved to approve Amendment No. 4 with HDR Engineering to increase the total contract amount by \$145,610 and authorize the chairman to sign the agreement. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition. Dan Steinberger asked how this one was missed so badly. Ryan Ackerman explained this was not a miss as much as a function of the environment, namely an unfortunate intersection between a bridge design that was labor intensive with a bidding environment that currently lacks labor. Troy Borchard with HDR advised the original design of the bridge was to allow it to go under

water. After talking to contractors and getting bids, contractors were nervous about the project because ice could wipe their work out in a 100-year event. The amendment is to alter the structure to place the driving surface between the substructure units to make it more buildable and make the best bridge possible in this area. Dan Steinberger questioned how this changes the timeline for the project. Troy Borchard indicates it is expected to be a two-year project.

Ryan Ackerman updated the Joint Board on Phase MI-1. A Project Status Report from Houston Engineering is contained in the March Board Packet. A special meeting was held on February 27, 2023 during which the Joint Board approved the settlement agreement with Park Construction. The one item before the Joint Board was to make an adjustment to a change order approved at the special meeting. After reviewing that final change order with Park (Balancing Change Order – No. 48), Park has requested to not delete a couple of items out of the contract until Spring when a more complete inventory of some of the parts on site can take place. As a result, some of the quantities will be held and there will likely be a second balancing change order at the end of the contract.

Clif Issendorf moved to approve a revision to Balancing Change Order 48, resulting in a net deduct of \$407,042.60 in lieu of a deduct of \$450,973.79 as approved at the special meeting. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman updated on Phase MI-4A and MI-4B. A Project Status Report from Houston Engineering is contained in the March Board Packet. The work on this phase is focused on negotiations with CP Rail.

Ryan Ackerman updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the March Board Packet. The civil work is in winter suspension. The contractor has poured the foundations for the water booster pump station relocations. The bulk of work has slowed down until April.

Ryan Ackerman updated on Phase MI-6. A Project Status Report from Houston Engineering is contained in the March Board Packet. The focus over the last month has been on permitting and the approach to permitting so meetings have been held with the USACE Regulatory Office in Bismarck and North Dakota Parks and Recreation and the National Park Service regarding Phase MI-7 to get a permitting approach together for the 6(f) permit to build a levy on land that has been encumbered by the National Park Service. Other than that, finishing touches are being put on design and property acquisitions. An agreement has been reached with BNSF. Appraisals are back on the structures that constitute leasehold improvements on BNSF's land and the negotiation process will begin shortly on those.

Ryan Ackerman updated the Joint Board on Phase MI-2C. A Project Status Report from is contained in the March Board Packet. This phase is in winter suspension and work is expected to resume in April.

Ryan Ackerman provided an update to the Joint Board regarding Phase MI-7. A Project Status Report is contained in the March Board Packet. A meeting was held with the Minot Park District and the proposed flood wall configuration was presented. The Park Board had positive feedback on the design. A meeting with the Greater Minot Zoological Society is scheduled this evening. The 90% deliverable was made today.

Ryan Ackerman provided an update to the Joint Board regarding Phase WC-1. A Project Status Report is contained in the March Board Packet. This phase is in winter suspension and work will likely start back up in April. The project is very substantially complete.

Ryan Ackerman provided an update on Phase BU-1. A Project Status Report is contained in the March Board Packet. Construction is substantially complete. The project is currently in winter suspension with respect to civil work. There is some ongoing carpentry work on the Steve Brunelle house that was raised. A community celebration may be scheduled sometime this summer once this project is complete.

Ryan Ackerman provided the SRJB with a Rural Program Update. The rural farm program is ongoing. The intent is to reach out to property owners in March to make contact and to solicit degrees of interest from the rural community. The program is focused on removing trapped water that occurs in a flood plain after it recedes.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. A Project Status Report is contained in the March Board Packet. The Sawyer bridge is substantially complete, but the contractor will return in the spring to finish topsoil placement, seeding and touchup items on the structure. With respect to the Mouse River Park bridge, hydraulics and grade will need to be reviewed. With respect to the Velva bridge, a meeting had been held with NDDOT regarding phasing the project. A new meeting has been set for March 20, 2023 to discuss the possibility of getting a minimum of a 16-foot wide single lane open through the winter to help prevent another no-bid situation.

A legislative update was presented to the Joint Board by Ryan Ackerman. The legislative session is halfway complete. The current appropriations bill (Senate Bill 2020) for flood control project is \$114.6 million. The bill lists Mouse River Flood Control at \$74.5 million (the appropriation from 21-23). This year they are calling out a zero but in section 11 of the bill there is legislative intent language that indicates the intent is \$76.1 million for the upcoming biennium and the \$76.1 million as well as the cap of \$380.5 million corresponds with what identified as scenario number 2 in the proposed funding model. This generally follows what was asked for, but work will continue in the second half of the legislative session to bolster the language, looking for a commitment of funding amounts for the future biennium. The hearing for Senate Bill 2020 is scheduled for next Thursday in the House.

The Joint Board took note of future meetings and events as set forth in the March Board Packet. The next regular meeting of the Joint Board is scheduled for Thursday, April 6, 2023 at 4:00 p.m. in Room 203 of the Minot Auditorium.

The Joint Board considered the 2023 SWIF Project 23-001 award of bid. A bid opening was conducted on February 28, 2023 for the 2023 SWIF Project 23-001 Levee and Storm Sewer Culvert CCTV Inspection and Cleaning Services. The 2023 project added diver inspection of five Mouse River Park area culverts. Two bids were received. CC Steel LLC was the lowest bidder at \$147,701.00.

Tom Klein moved to accept the low bid of CC Steel LLC in the amount of \$147,701.00 and authorize the chairman to sign the contract documents on behalf of the SRJB. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board next considered audit proposals for 2020/2021/2022. Proposals to perform audit services on financial records for 2020, 2021, and 2022 for the SRJB was requested from three firms. Two proposals were received back – one from Eide Bailly and the other from Brady, Martz & Associates. The third firm, Souris Valley Accounting & Consulting, received a request for proposal on February 14, 2023 and they responded on February 23, 2023 that they elected not to provide a proposal based on audit requirements associated with federal funding that was awarded.

Dan Jonasson moved to accept the low bid of Brady, Martz & Associates in the amount of \$30,000 and authorize the chairman to sign the contract documents on behalf of the SRJB. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

Chairman Ashley updated on the International Souris River Board (ISRB). ISRB has gone through a radical restructuring and growing pains are expected. A meeting was held last week and most new board members attended. A problem has been that Saskatchewan has not meaningfully participated. They are working on setting up committees and a meeting at the end of June is expected, most likely in Minot.

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



Jack Dwyer
Legal Counsel