

Minutes of Meeting

Souris River Joint Water Resource Board

Thursday, September 6, 2018

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, September 6, 2018, in the Community Room of the Minot Auditorium, in the City of Minot, North Dakota. Joint Board members attending the meeting were David Ashley, Dan Jonasson, Clif Issendorf, Roger Sauer and Tom Klein. 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. Dave Ashley added "Timing of Agenda" as Item No. 14(a). Tom Kline added "Dave Coleman Use of Joint Board Property" as Item No. 14(b).

Dan Jonasson moved to approve the agenda, as amended. Tom Klein seconded the motion. The motion passed without opposition.

The draft Minutes from the August 2, 2018, meeting were discussed.

Dan Jonasson made a motion to approve the Minutes from the August 2, 2018, meeting. Tom Klein seconded the motion. The motion passed without opposition.

The draft Minutes from the August 14, 2018, special meeting were discussed.

Dan Jonasson made a motion to approve the Minutes from the August 14, 2018, special meeting. Tom Klein seconded the motion. The motion passed without opposition.

The Joint Board discussed the Budget Report included in the September Board Packet.

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

The Joint Board discussed bills. Bills totaling \$4,922,580.18 were considered by the Joint Board. The Joint Board considered all of the bills except three bills from the City of Minot.

Tom Klein made a motion to approve the bills in the amount of \$4,909,412.49. Roger Sauer seconded the motion. The motion passed without opposition.

The Joint Board discussed the three bills from the City of Minot totaling \$13,167.69. The Joint Board took these bills up separately because Dan Jonasson wished to abstain from voting on these bills to avoid any potential conflict of interest.

Roger Sauer made a motion to approve the bills from the City of Minot in the amount of \$13,167.69. Tom Klein seconded the motion. A discussion ensued regarding Dan Jonasson's potential conflict of interest. Dan Jonasson explained that some of the bills were for

departments of the City of Minot that he oversees, and for travel expenses he incurred for Joint Board business. Dan Jonasson abstained from voting on the motion. The motion passed without opposition.

Jerry Bents from Houston provided the Joint Board with a presentation on Phase MI-1 construction, which included a digital slide show and drone video. Jerry Bents discussed an upcoming change order with the Joint Board, which adds an opening to provide access to Annie's Bridge. It was discussed that the City of Minot would pay for the cost of this addition, which would all be itemized at the next meeting. Jerry Bents explained that this change would not change the timing of permitting, and that a 408 permit had already been approved by USACE. Clif Issendorf indicated that the bridge is currently unsafe, and questioned why the Joint Board would provide access to an unsafe bridge. Jerry Bents indicated that this change was added by request of the City of Minot. Dan Jonasson indicated that City of Minot has issued an RFQ for replacing walking boards and rails, but that it was reported that the bridge was structurally sound except for the walking boards and rails. Jerry Bents indicated that the Change Order would be provided for formal consideration at an upcoming Joint Board meeting. Clif Issendorf asked that all costs be identified for this upcoming change order. Jerry Bents indicated that Houston Engineering has provided a memo to the City of Minot, which would be provided to the Joint Board as well.

The Joint Board discussed Change Order #1 to the MI-1 construction contract. This Change Order #1 results in net deduct in the amount of \$63,240.89. Jerry Bents described the nature of the Change Order, which is included in the Joint Board packet.

Tom Klein made a motion to approve Change Order #1. Roger Sauer seconded the motion. The motion passed without opposition.

Jerry Bents also provided an update to the Joint Board regarding the status of MI-5 design.

Jason Westbrook from Barr Engineering provided the Joint Board with an update for Phase MI-2/3 construction, which included a drone video. Jason Westbrook indicated that the tour on August 13 took legislators on a bus across the newly-constructed dike along the Mouse River, which was a rewarding experience. Jason Westbrook indicated that construction was progressing on schedule.

Jason Westbrook indicated that design on Phase BU-1 was progressing, and that USACE had recently requested that the Joint Board design team prepare the NEPA document. The 404 permit was recently filed with USACE for this phase. The borrow site had a confirmed sighting of the Dakota Skipper butterfly, which may result in finding an alternative borrow site.

Ryan Ackerman provided an update to the StARR Program. The Joint Board discussed the bid opening for StARR Demolition and Site Restoration, held August 27. Ryan Ackerman indicated that Site No. 3 near Burlington had negative bids, indicating that the structure located thereon had value; therefore Site No. 3 was pulled from the plans.

Dan Jonasson made a motion to accept the low bid for Site 1 of the StARR Demolition and Site Restoration project by Klimpel Excavating in the amount of \$3,928 and the low bid for sites 2, 4, and 5, by DL Barkie Construction in the amount of \$23,000 and authorize the Chairman to sign the Notice of Awards, Construction Contracts and Notice to Proceeds on the SRJB's behalf. Roger Sauer seconded the motion. Dan Jonasson asked whether these were good bids, considering the variability of the bids. Ryan Ackerman indicated that the bids have been widely variable to date for demolition work, and it appeared that the bids were good. The motion passed without opposition.

Ryan Ackerman indicated that the StARR Appeals Committee has met regarding three appeals, and have requested additional information from several applicants, which will be considered at future meetings.

Ryan Ackerman provided an update regarding the USACE Feasibility Study. Ryan Ackerman indicated that the status of the Feasibility Study was similar to last update, but added that Sally Johnson from Senator Hoeven's office indicated that Senator Hoeven was pushing to include authorizing language into the current WRDA bill in Congress.

The Joint Board discussed requests from local utility companies for cost share in accordance with the Cost Share Agreements between the utilities and the Joint Board.

Tom Klein made a motion to approve the cost share requests of the franchise utility companies and direct the administrator to submit a cost-share reimbursement invoice to the State Water Commission and City of Minot. Dan Jonasson seconded the motion. The amount of the request was questioned. It was clarified that the total request was half of the middle column in the Joint Board packet in the amount of \$48,354.05. The motion passed without opposition.

Chairman David Ashley directed the Joint Board's attention to the list of upcoming meetings. Ryan Ackerman thanked those who attended the legislative tour, social, and hearing on August 13 and August 14.

The Joint Board discussed the timing of agenda and board packet. Tom Klein requested that the agenda and board packets be issued a week in advance of the regular Joint Board meetings. Ryan Ackerman indicated the timing problem with bills, and discussed the possibility of submitting invoices to the Joint Board as they come in. Ryan Ackerman asked to take the matter under advisement to determine if there was a way to improve the process.

The Joint Board discussed the use of Joint Board property for an auction by Dave Coleman. Tom Klein had discussed a waiver of liability and insurance policy with Mr. Coleman. The Joint Board also discussed having an agreement that the land be restored to its current condition after the auction. It was discussed that the auction was scheduled for September 23, 2018.

Clif Issendorf made a motion to allow the use the Joint Board property by Dave Coleman as long as an agreement is reached that satisfactory to legal counsel. Dan Jonasson seconded the motion.

There being no further business, the meeting was adjourned.

A handwritten signature in black ink, appearing to read "Jack Dwyer", written over a horizontal line.

Jack Dwyer
Legal Counsel



Sign-In
 September 6, 2018
 Minot Municipal Auditorium

Name	Organization
Dusty Zimmerman	Ackerman-Esthold
STEVE & JAW Moen	NONE
Dan Jensen	SRJB / City of Minot
Brent Burgard	Ackerman-Esthold
Roger Clay	Moore Engineering
VAF Bahr	-
JERRY Bents	Houston Eng.
Jason Westbrook	Barr
Tom Klein	SRJB - Ward Co water
Roger Sauer	SRJB - Renville Co
Jack Dwyer	SRJB Dwyer Law
Clif Mendenhall	SRJB & Beltrami County
Vern Kongsli	Towner ND