

Minutes of Meeting
Souris River Joint Board
Minot City Auditorium, Minot, ND
September 8, 2016

A meeting of the Souris River Joint Water Resource Board was called to order by Chairman David Ashley on September 8, 2016 at the Minot Municipal Auditorium in Minot, North Dakota. Board members in attendance were Dave Ashley, Clif Issendorf, Roger Sauer, Tom Klein, and Dan Jonasson. A quorum was declared. A list of people attending the meeting is Attachment A.

The board reviewed the agenda. Chairman Ashley indicated that two additional items would include a budget report, and a report of meetings with county commissions. It was moved by Dan Jonasson, seconded by Tom Klein, to approve the agenda with the additions. The motion was unanimously approved.

The board reviewed the minutes of the August 11, 2016 meeting. After review it was moved by Dan Jonasson, seconded by Roger Sauer, that the minutes be approved. The motion was unanimously approved.

The board reviewed the following invoices:

Barr Engineering	(Environmental & Design)	\$ 213,433.31
	(MI-2A Construction Perkett)	\$ 9,064.18
	(MI-2B Construction SVGC)	\$ 6,800.00
	(USACE Feasibility Study)	\$ 2,360.00
Houston Engineering	(Environmental & Design)	\$ 472,330.35
	(USACE Feasibility Study)	\$ 1,445.25
Ackerman-Estvold	(Administration)	\$ 13,558.63
	(StARR Program)	\$ 13,835.00
Point Value Appraisal	(StARR Program)	\$ 15,000.00
HDR	(IEPR)	\$ 20,433.58
First Western Insurance	(NDIRF)	\$ 6,553.00
Scherbenske Inc.	(MI-2A Construction Perkett)	\$ 154,021.50
Cordova Inc.	(MI-2B Construction SVGC)	\$ 86,143.06
TOTAL		\$1,014,977.86

It was moved by Dan Jonasson, seconded by Roger Sauer, that the invoices as presented be approved. Clif Issendorf inquired whether the invoices would come under budget. Clif Issendorf also stated he was uncomfortable with approving the invoices in one motion. Clif specifically inquired whether the Houston Engineering invoice would be under budget. Jerry Bents stated that Phase I would be 100% completed by October 27 and that while some individual items would be over, and some individual items would be under, there was no request for additional money, and the design work on Phase I would be finished under budget.

After further discussion, the motion was unanimously approved by roll call vote.

Chairman Ashley called on Emily Huettl to provide an update on the StARR Program. Emily stated that meetings were continuing to be held with interested parties, and that 15 appraisals had been completed. Emily referred the board to the StARR Committee Report, and indicated there would be some additional requests. Ryan Ackerman stated that the Ward County Commission had reviewed and inspected each individual property. Shelly Wepler of the Ward County Commission concurred with Ryan's report, and stated that the Ward County Commission would take action next week. Wepler stated the Ward County Commission needed addresses and legal descriptions for each parcel. It was the recommendation that the Souris River Joint Board acquire the individual properties contingent upon Ward County taking ownership of the parcels.

The board reviewed the StARR Committee recommendations. Souris River Joint Board would acquire properties, contingent on Ward County agreeing to accept properties through quit claim. It was moved by Clif Issendorf, seconded by Dan Jonasson, that discussion of property acquisition should be tabled until a formal response is received from the Ward County Commission. The motion was unanimously approved.

The Joint Board considered group appeals. It was moved by Roger Sauer, seconded by Clif Issendorf, that ring-dike construction in the 100-year regulatory flood plain be denied. The motion was unanimously approved. It was the consensus of the Joint Board that ring-dikes within the 100-year flood plain would not be eligible.

The Joint Board considered individual appeals.

- a. Ms. Clarkson lives within Robinwood/Country Club Acres. As her property is behind a current USACE levee system and is proposed to be protected by an improved levee as a part of the MREFPP PER, this structure does not meet the eligibility requirements of the StARR program. The home has also already been demolished and the SWC will not participate in any work that has already taken place. The Committee recommends denial of the appeal. It was moved by Roger Sauer, seconded by Dan Jonasson, that the Clarkson property within Robinwoods-Country Club Acres is not eligible and thus be denied. The motion was unanimously approved.
- b. Ms. Swedlund is requesting that her house and out building be considered as eligible structures. Though the house did not have water damage as a result of the 2011 flood, the entire property was covered and surrounded by water, leaving the home as an island with no access. Severe river bank erosion has caused her to no longer feel safe in the home in its current location as the river continues to move closer to her structures. The Committee recommends approval of the appeal. It was moved by Dan Jonasson, seconded by Roger Sauer, that the Swedelund Home be approved. The motion was unanimously approved.

- c. Mr. Klein is requesting that his house be considered as an eligible structure. Though the house did not have water damage as a result of the 2011 flood, the entire property was covered and surrounded by water, leaving the home as an island with no access. Because the house had no damage and it appears to be outside of the future 100-yr flood plain, the Committee recommends denial of the appeal. Tom Klein stated the home did have damage. It was moved by Clif Issendorf, seconded by Roger Sauer, that the Tom Klein home be tabled for further consideration. The motion was unanimously approved.
- d. The Hills have a large shop which is not shown as being mapped within the 2011 flood plain. In 2011 they constructed a temporary dike which protected the shop but without that dike, the shop would have been impacted by the 2011 waters and therefore they are requesting that it be considered an eligible structure. The Committee recommends approval of the appeal but only for structures constructed prior to 2011. It was moved by Dan Jonasson, seconded by Roger Sauer, that the large shop owned by the Hills be approved. The motion was unanimously approved.
- e. Mr. Kongslied had a mobile home located on his property which was impacted by the 2011 flood. Though water did not reach the main floor, the entire property was covered and surrounded by water, leaving the home as an island with no access. Following the flood the mobile home was relocated out of the 2011 flood plain. He is requesting that the structure be considered as eligible and that his relocation expenses be considered retroactively eligible. The SWC will not participate in any work that has already been completed. The Committee wishes to follow SWC policy and recommends denial of the appeal. It was moved by Roger Sauer, seconded by Clif Issendorf, that the Kongslied Motor Home be denied.
- f. Mr. Kongslied has three structures which are not shown as being mapped within the 2011 flood plain. He has indicated that those structures were in fact inundated in the 2011 flood. The Committee recommends approval of the appeal. It was moved by Dan Jonasson, seconded by Roger Sauer, that the Kongslied structures within the 2011 flood plain be approved. The motion was unanimously approved.
- g. The Ashleys have structures which are not shown as being mapped within the 2011 floodplain. They have indicated that these structures were in fact impacted by the 2011 flood. SWC aerial photography from June 2011 confirms that the structures were impacted. The Committee recommends approval of the appeal. It was moved by Roger Sauer, seconded by Clif Issendorf, that the structures owned by the Ashleys within the 2011 flood plain be approved. The motion was unanimously approved.
- h. The Waggoners wish to have their land purchased as a part of their structure acquisition. They own 17.71 acres of land near Logan. They plan to leave the state and have no use for this land. The Committee recommends tabling the appeal until more information is gathered.
- i. Roger Behm, Donald VerBruggen, Jesse Lafountain, Robert Irwin, Royal Byre, Scott Walter, Byron Galusha, William Bender, and Teresa OHalloran are requesting that the SRJB consider land acquisition. In each instance the property is less than 5 acres and is only used for the residence, with no farming, ranching, or related activities. Without a house on the property, they have no further use for the land. The Committee recommends tabling the appeal until more information is gathered.

It was moved by Tom Klein, seconded by Roger Sauer, that the properties owned by Waggoners, and other properties in Ward County, be deferred until Ward County Commission agrees to assume ownership, as provided in the previous motion. The motion was unanimously approved.

- j. Mrs. Kleven had a mobile home, calving shed, and large machine shed located on their property which was impacted by the 2011 flood. Following the flood these structures were demolished. She is requesting that the structures be considered retroactively eligible. The SWC will not participate in any work that has already been completed. The Committee wishes to follow SWC policy and recommends denial of the appeal. It was moved by Tom Klein, seconded by Roger Sauer, that the club and mobile home, calving shed and large machine shed be denied. The motion was unanimously approved.

Ryan Ackerman explained the procedures for acquisition of easements for parcels in the flood plain. It was moved by Roger Sauer, seconded by Clif Issendorf, that the motion adopted on August 11 which required acquisition of easements for all parcels in the flood plain be reconsidered. Discussion ensued. It was recommended that the board consult with each county commission to adopt the Ward County ordinances which prohibit new structures in the flood plain. Shelly Wepler stated that the ordinance provided that structures must be three feet above flood plain level. It was stated that the joint board would need an agreement with each property owner to restrict rebuilding on any parcel for which cost share had been provided. Ryan Ackerman stated that other parcels would be governed by county zoning. Clif Issendorf requested an opportunity to review the agreement before a joint board decision. The motion was unanimously approved.

Jerry Bents provided an update on the Phase MI-1 of the project. Jerry distributed an executive summary of the 90% submittal, dated July 25, 2016. Bents stated that the 100% submittal would be delivered on or before October 27. Bents indicated that they were responding to comments from the Individual External Peer Review.

Jason Westbrook provided an update on Phase MI-2 and Phase MI-3 of the project. Westbrook stated that the 100% submittal had been provided in July, and that they were also responding to Independent External Peer Review comments. Westbrook indicated that the Corps of Engineers was reviewing comments on the environmental impact statement.

Attachment B is the change order request 01 for MREFPP Phase MI-2A Perkett Ditch Improvements from Scherbenske Incorporated in the amount of \$2,914.72. After discussion, it was moved by Dan Jonasson, seconded by Tom Klein, that the change order be approved. The motion was unanimously approved by roll call vote.

Ryan Ackerman stated that Contract 2B was finished, and that it was under budget by \$30,000.00.

The board discussed the franchise utility request from Excel Energy. It was stated by Dan Jonasson that the Souris River Joint Board policy was 50% cost share for utility relocation, and he distributed a copy of Jack Dwyer's memo concerning utility relocation. He stated that the utilities were in agreement. It was moved by Dan Jonasson, seconded by Roger Sauer, that the request from Excel Energy for utility relocation in the amount of \$6,527.82 be approved. The motion was unanimously approved by roll call vote. The Excel Energy statement of work requested is Attachment C.

The board discussed the Fourth Avenue Tie Back Levee. Ryan Ackerman recommended design of the Fourth Avenue Tie Back Levee. Dan Jonasson inquired as to the cost. Ryan Ackerman stated the cost would be \$4.5-\$5 million. Dan Jonasson inquired as to future cost requests. Ryan Ackerman stated that \$71 million would include design, acquisition, and construction on Phases I-III, plus these two design projects. It was moved by Tom Klein, seconded by Roger Sauer, to authorize chairman to negotiate scope, schedule and budget with Houston Engineering for design of the Fourth Avenue Tie Back Levee. The motion was approved by roll call vote.

The board discussed the Burlington Levee. Ryan Ackerman stated the project cost would be about \$30 million. Ryan Ackerman reported that the new mayor of Burlington was still supportive of the Burlington Levee. It was moved by Dan Jonasson, seconded by Roger Sauer, to authorize chairman to negotiate scope, schedule and budget with Barr Engineering for design of the Burlington Levee. The motion was unanimously approved by roll call vote.

Ryan Ackerman reported on the video inspections through pipes and culverts through levees required by the Corps of Engineers. It was suggested that the Joint Board coordinate the pipe inspections. It was moved by Tom Klein, seconded by Roger Sauer, that the Joint Board coordinate video inspections as required by the Corps of Engineers. Dan Jonasson stated that Minot was already doing the video inspections. The motion was unanimously approved.

Ryan Ackerman reported on the State Water Commission cost share meeting between the governor's office and the City of Minot and the Souris River Joint Board.

Ryan Ackerman reported that several Joint Board and City of Minot officials would be attending the design workshop in St. Paul September 21-23. He also reported on the biweekly coordination meetings with the design engineers, Corps of Engineers, and the Independent External Peer Review team.

Mike Dwyer presented a budget report, which is Attachment D.

Ryan Ackerman reported on meetings with the county commissions. Ackerman reported that counties seem satisfied with the progress, and that most questions were directed at funding and progress.

Tim Faye submitted comments by telephone.

There being no further business, the meeting was adjourned.



Michael Dwyer
Legal Counsel

Dwyer

LAW OFFICE P.C.



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Attachment A

Sept 8, 2016

News

Michael Decker

Tom Kline

Cliff Isendorf

JERRY BENIS

DAN JONASSON

Roger Sauer

Jesse Westhoff

Emily Hoeft

Barry Zimmerman

Mark Lyman
Renee Byre

Josh Wolsky

Ray Wapper

Tally Johnson

Representation

Souris St Bd

Souris River Joint Board

Souris River JTB

HOUSTON ENG

City of Minot/SRTJB

Renville County/SRTJB

Bar

Poherman-Estvad

Poherman-Estvad

Odney
STARR participant

The Minot Voice, com

Ward County

Senator Howen

Date of Issuance: 9-1-2016	Effective Date: 9-1-2016
Owner: Souris River Joint Water Resources Board	Owner's Contract No.: MI-2-2
Contractor: Scherbenske Inc.	Contractor's Project No.:
Engineer: Barr Engineering Co.	Engineer's Project No.: 34-51-1010.10
Project: Mouse River Enhanced Flood Protection Project	Contract Name: Phase MI-2A, Perkett Ditch Improvements

The Contract is modified as follows upon execution of this Change Order:

Description: Due to requirements by CP Railroad add gates on both sides of the temporary crossing.

Attachments: [List documents supporting change] See Attached

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>2,949,919.10</u>	Original Contract Times: Substantial Completion: <u>June 6, 2017</u> Ready for Final Payment: <u>July 15, 2017</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>1</u> : \$ <u>0</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>1</u> : Substantial Completion: <u>June 6, 2017</u> Ready for Final Payment: <u>July 15, 2017</u> days or dates
Contract Price prior to this Change Order: \$ <u>2,949,919.10</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June July 15, 2017</u> Ready for Final Payment: <u>July 15, 2017</u> days or dates
[Increase] [Decrease] of this Change Order: \$ <u>2,914.72</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>June 6, 2017</u> Ready for Final Payment: <u>July 15, 2017</u> days or dates
Contract Price incorporating this Change Order: \$ <u>2,952,833.82</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 6, 2017</u> Ready for Final Payment: <u>July 15, 2017</u> days or dates

<p style="text-align: center;">RECOMMENDED:</p> <p>By: _____ Engineer (if required)</p> <p>Title: _____</p> <p>Date: _____</p>	<p style="text-align: center;">ACCEPTED:</p> <p>By: _____ Owner (Authorized Signature)</p> <p>Title: _____</p> <p>Date: _____</p>	<p style="text-align: center;">ACCEPTED:</p> <p>By: _____ Contractor (Authorized Signature)</p> <p>Title: _____</p> <p>Date: _____</p>
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Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____





Attachment C
Don) *Amman Report*
Roger) *from E&S*
Ryan *W/in budget*

STATEMENT OF WORK REQUESTED

DATE: AUG. 31, 2016
WORK REQUESTED BY: SOURIS RIVER JOINT BOARD
WORK LOCATION: 2500BLK 2ND AVE SW (PERKETT DITCH)
ADDRESS: 1025 31ST ST SE
MINOT, ND 58701

CONSISTING OF:

THE SOURIS RIVER JOINT BOARD AND THE CITY OF MINOT IS REQUESTING THAT XCEL ENERGY RELOCATE APPROX. 450' OF 3 PHASE HIGH VOLTAGE UNDERGROUND WIRE FEEDING THE JACK HOEVEN BALL DIAMONDS. THIS IS IN THE SCOPE OF WORK NEEDED FOR THE CONSTRUCTION OF RETENTION PONDS IN THIS PERKETT DITCH AREA. THE PRIMARY ELEMENTS INCLUDED IN THE COST ARE AS FOLLOWS: *PLEASE SEE NOTES BELOW*

The facilities installed or removed by Northern States Power Company, a Minnesota corporation ("Xcel Energy" or the "Company") shall be the property of the Company and any payment by customer shall not entitle customer to any ownership interest or right therein. Customer's and Company's rights and obligations with respect to the facilities and services provided through the facilities are subject to additional terms and conditions as provided in the General Rules and Regulations and/or in the Rate Schedules of Xcel Energy's Electric Rate Book for customer's specific service, as they now exist or may hereafter be changed, on file with the state regulatory commission in the state where service is provided.

The undersigned hereby requests and authorizes Northern States Power Company, a Minnesota corporation ("Xcel Energy") to do the work described above, and in consideration thereof, agrees to pay (\$ 13055.63) in accordance with the following terms:
A ONE TIME PAYMENT

Receipt of the above amount hereby acknowledged on behalf of the Company by KEITH JOHNSON

Northern States Power Company, Customer
a Minnesota corporation ("Xcel Energy")

DON TRUEBLOOD-ELECT OP SUPV.
Print Full Name and Title

Print Full Name and Title (if applicable)

Signature

Signature

FOR XCEL ENERGY USE
Xcel Energy Representative _____ Xcel Energy Work Order # 12432370

Construction\$ 13055.63 Removal \$ _____ Total \$ 13055.63



- A: SPLICE PIT NEEDED AND APPROPRIATE SPLICES MADE TO TIE INTO THE EXISTING UNDERGROUND WIRE ON THE NORTH SIDE OF THE RAILROAD TRACKS
- B: INSTALL THE PROPER AMOUNT OF WIRE AROUND RETENTION POND BY TRENCH AND BACKHOE
- C: INSTALL THE NECESSARY MATERIAL AT THE TERMINAL POLE TO MAKE THE CONNECTION TO THE OVERHEAD WIRE
- D: SWITCHING AT OTHER TRANSFORMERS TO MAKE SURE POWER STAYS ON FOR OTHER CUSTOMER INVOLVED IN THIS LOOP

THE RELOCATON OF UNDERGROUND FACILITIES AND ADDING THE NECESSARY MATERIAL ARE AS FOLLOWS:

LABOR: \$6,989.35

MATERIAL: \$3,839.53

TRANSPORTATION: \$926.75

CONTRACTOR/HYDROVACCING: \$1,300.00

TOTAL: \$13,055.63

PLEASE PAY THE AMOUNT AGREED UPON BY THE SOURIS RIVER JOINT BOARD FROM THE AMOUNT STATED OF \$13,055.63

Attachment D

**Souris River Joint Board
2016 Budget Report
January through September 2016**

09/08/16
Accrual Basis

	Jan - Sep 16	Budget	% of Budget
Income			
4000 · Water Resource Districts			
4001 · Renville	0.00	0.00	0.0%
4002 · Ward	0.00	0.00	0.0%
4003 · McHenry	0.00	0.00	0.0%
4004 · Bottineau	0.00	0.00	0.0%
Total 4000 · Water Resource Districts	0.00	0.00	0.0%
4010 · Contracts/Reimbursements			
4011 · State Water Comm. (Minot Proj.)	3,185,981.00	0.00	100.0%
4012 · State Water Comm. (Souris JB)	0.00	105,000.00	0.0%
4013 · State Water Comm. (NDIRF)	0.00	0.00	0.0%
4014 · State Water Comm. (214)	0.00	0.00	0.0%
4015 · State Water Comm. (StARR)	12,466.00	0.00	100.0%
4016 · State Water Comm. (COE-FS)	87,500.00	0.00	100.0%
4017 · State Water Comm. (Misc)	0.00	0.00	0.0%
Total 4010 · Contracts/Reimbursements	3,285,947.00	105,000.00	3,129.5%
4020 · City Cost Sharing			
4021 · Minot - Engineering	2,124,004.48	0.00	100.0%
4022 · Minot (214)	0.00	0.00	0.0%
4023 · Minot (StARR)	8,310.50	0.00	100.0%
4024 · Minot (COE - FS)	87,500.00	0.00	100.0%
4025 · Velva	0.00	0.00	0.0%
4028 · Burlington	0.00	0.00	0.0%
Total 4020 · City Cost Sharing	2,219,814.98	0.00	100.0%
4040 · Mill Levies/Property Taxes			
4041 · Renville	30,000.00	30,000.00	100.0%
4042 · Ward	196,508.49	200,000.00	98.3%
4043 · McHenry	7,331.25	0.00	100.0%
4044 · Bottineau	50,000.00	100,000.00	50.0%
Total 4040 · Mill Levies/Property Taxes	283,839.74	330,000.00	86.0%
4050 · Interest	0.00	0.00	0.0%
4080 · Miscellaneous	13.00	0.00	100.0%
Total Income	5,789,614.72	435,000.00	1,330.9%
Expense			
5000 · Staff Services			
5010 · Project Manager	0.00	48,000.00	0.0%
5011 · Administrative	0.00	10,000.00	0.0%
Total 5000 · Staff Services	0.00	58,000.00	0.0%
5100 · Consulting Services			
5110 · Legal (General)	0.00	0.00	0.0%
5111 · Legal (Souris JB)	26,711.67	40,000.00	66.8%
5130 · Engineering (Minot Proj.)	5,239,379.75	0.00	100.0%
5131 · Admin/Coordination (Souris JB)	90,688.61	65,000.00	139.5%
5132 · Engineering (General)	169,400.61	0.00	100.0%
Total 5100 · Consulting Services	5,526,180.64	105,000.00	5,263.0%
5150 · Corps of Engineers			
5151 · 214 MOA	0.00	0.00	0.0%

09/08/16
 Accrual Basis

Souris River Joint Board
2016 Budget Report
 January through September 2016

	Jan - Sep 16	Budget	% of Budget
5152 · Feasibility Study	200,000.00	0.00	100.0%
Total 5150 · Corps of Engineers	200,000.00	0.00	100.0%
5200 · Office Expenses			
5205 · Postage	0.00	1,000.00	0.0%
5210 · Copying & Printing	0.00	2,000.00	0.0%
5215 · Dues & Subscriptions	5,000.00	1,000.00	500.0%
5220 · Equipment	0.00	0.00	0.0%
5225 · Insurance	6,553.00	0.00	100.0%
5230 · Rent	0.00	0.00	0.0%
5235 · Supplies	0.00	1,500.00	0.0%
5240 · Telephone	0.00	0.00	0.0%
5245 · Miscellaneous	0.00	500.00	0.0%
Total 5200 · Office Expenses	11,553.00	6,000.00	192.6%
5300 · Other Expenses			
5310 · ND Water Coalition	1,000.00	1,000.00	100.0%
5320 · Travel	0.00	10,000.00	0.0%
5330 · Meeting Expenses	0.00	5,000.00	0.0%
5335 · Audit/Insurance	0.00	2,500.00	0.0%
5340 · Miscellaneous	0.00	2,000.00	0.0%
Total 5300 · Other Expenses	1,000.00	20,500.00	4.9%
5400 · Projects			
5410 · Renville County	0.00	0.00	0.0%
5420 · Ward County	0.00	0.00	0.0%
5430 · McHenry County	0.00	0.00	0.0%
5440 · Bottineau County	0.00	0.00	0.0%
5450 · Minot	0.00	0.00	0.0%
5460 · Velva	0.00	0.00	0.0%
5465 · Burlington	0.00	0.00	0.0%
5475 · Other	10,824.08	0.00	100.0%
Total 5400 · Projects	10,824.08	0.00	100.0%
Total Expense	5,749,557.72	189,500.00	3,034.1%
Net Income	40,057.00	245,500.00	16.3%