

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, March 3, 2022**

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 3, 2022, in Room 203 of the Minot Auditorium in Minot, North Dakota. Joint Board members in attendance were Dan Jonasson, Tom Klein, Clif Issendorf and Dan Steinberger. A roster of those attending 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.

Tom Klein made a motion to approve the Agenda. Dan Jonasson seconded the motion. The motion passed without opposition.

The revised minutes from the January 25, 2022 special meeting and draft minutes of the February 3, 2022 regular meeting of the SRJB were discussed. Dan Jonasson made a correction to the February 3, 2022 minutes regarding the kayak launch not being installed until WC-1 (not BU-1D) is completed.

Dan Steinberger made a motion to approve the Minutes from the SRJB special meeting of January 25, 2022 and regular meeting of February 3, 2022 (as corrected). Dan Jonasson seconded the motion. The motion passed without opposition.

The Joint Board discussed the Budget Report included in the March Board Packet. Ryan Ackerman explained the Balance Sheet and Budget Report.

Dan Jonasson moved to approve the Budget Report. Dan Steinberger seconded the motion. The motion passed without opposition.

The SRJB discussed Outlaw Creek.

The Joint Board next discussed the bills set forth in the March Board Packet totaling \$1,004,393.56. Chairman Ashley opened it up for questions from the Board on each bill being approved.

Clif Issendorf moved to approve the payment of bills totaling \$1,004,393.56. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents from Houston Engineering provided the Joint Board with an update on Phase MI-1. A Project Status Report from Houston Engineering is contained in the March Board Packet.

Jerry Bents updated on Phase MI-4A. A Project Status Report from Houston Engineering is contained in the March Board Packet.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the March Board Packet. Jerry Bents updated the Joint Board on the MI-5 C&M Easement Agreement. This easement agreement would be for a permanent levee and floodwall near 4th Street and 5th Street along 4th Avenue NE and at 12th Street NE along Railway Ave NE in relation to the MREFPP MI-5 Project. The cost of the permanent easement consideration is \$11,700 and the administration fee is \$2,500.

Dan Jonasson moved to approve the MI-5 C&M Easement Agreement and payment of \$11,700 for the permanent easement and \$2,500 for the administration fee and authorize the chairman to sign the agreement on behalf of the SRJB. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents advised the award of bid for Phase MI-5A. Bids were opened for the construction of Phase MI-5A of the project on February 16, 2022. Detailed bid tabulations are contained in the March Board Packet. The Engineer's Estimate for this phase of the project was \$49,976,204. The lowest bid was received from Wagner Construction in the amount of \$54,149,125. The low bid was 8.3% over the Engineer's Estimate. The project is being partially funded through a grant of approximately \$10 million received through the Office of Local Defense Community Cooperation (OLDCC). The OLDCC has not yet issued its final approval of the environmental documents for the project, so there is some concern that awarding the project early could have an effect on funding. There is also a concern that holding onto the low bid for an extended period may render the bid invalid (if held more than the 75 days identified in the bidding documents). A hybrid approach to limit the risk to the project is to award the contract to the low bidder with the requirement that the contractor may not complete any work within the work area covered by the OLDCC grant until such time as the SRJB notifies the contractor that the project has been fully approved by the OLDCC.

Tom Klein moved to accept the low bid of Wagner Construction for Phase MI-5A in the amount of \$54,149,125 and authorize the Chairman to sign the contract documents on behalf of the SRJB in a manner which does not compromise the potential for the full use of the OLDCC grant funding. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman updated the Joint Board on Engineering Services During Construction for Phase MI-5A. Houston Engineering has submitted a proposal for engineering services during construction for Phase MI-5A. The proposal totals \$6,110,468.

Dan Jonasson moved to approve Work Order 19 with Houston Engineering for Engineering Services During Construction related to Phase MI-5 in an amount not to exceed \$6,110,468 and authorize the chairman to sign the agreement on behalf of the SRJB. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents updated on Phase MI-6. A Project Status Report from Houston Engineering is contained in the March Board Packet.

Jason Westbrook provided an update to the Joint Board regarding Phase MI-7. A Project Status Report is contained in the March Board Packet.

Ryan Ackerman presented information to the Joint Board on the USACE Section 214 Agreement. The USACE has provided a budget for completing its required reviews of Phase MI-7. These reviews are paid for by the SRJB through a Section 214 Agreement. The scope and estimate are contained in the March Board Packet.

Dan Jonasson moved to approve the Section 214 Agreement with the US Army Corps of Engineers for the review of Phase MI-7 in the amount of \$115,000 and authorize the chairman

to sign the agreement on behalf of the SRJB. And upon approval, authorize payment of \$115,000 to US Army Corps of Engineers. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jason Westbrook provided an update to the Joint Board regarding Phase WC-1. A Project Status Report is contained in the March Board Packet. Jason Westbrook updated the Joint Board on Engineering Services During Construction for Phase WC-1B. Barr Engineering has submitted a proposal for Engineering Services During Construction for Phase WC-1B. The proposal totals \$832,000.

Dan Jonasson moved to approve Amendment 1 to Task Order 13 with Barr Engineering for Engineering Services During Construction related to Phase WC-1B in an amount not to exceed \$832,000 and authorize the chairman to sign the agreements on behalf of the SRJB. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman updated the SRJB on Tree Planting Proposal Related to MI2-C. The Ward County Water Resources District received a proposal from a local resident to plant trees within the West Peterson Coulee detention area. This Ward County project will be modified by the SRJB as part of the MREFPP. The proposal will be discussed at the meeting. No action was taken on this at this meeting.

Jason Westbrook discussed the Award of Bid for Phase BU-1D. Bids were opened for the construction of phase BU-1D in Burlington on February 22, 2022. The Engineer's Estimate for this phase of the project was \$5,994,358. The low bid was received from Bluestone Construction in the amount of \$6,433,492. The low bid was 7.3% higher than the Engineer's Estimate.

Tom Klein moved to accept the low bid of \$6,433,492 from Bluestone Construction for the construction of Phase BU-1D and authorize the chairman to sign the necessary agreements on behalf of the SRJB. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman provided an update on the StARR program, advising that David Kohlman has requested that the SRJB consider extending the lease between the SRJB and the Kohlmans for the use of the structure and property currently occupied by the Kohlmans for a period of 3 to 5 years. The current lease (minimal cost) is set to expire in December 2022 at which time the structures on the property will be demolished, subject to action of the SRJB. Staff requests direction from the SRJB on this item. Dan Jonasson expressed concerns about (1) there is state and city managed funds for the project and if it is extended for another year for Mr. Kohlman those funds are not available; and (2) there is no benefit to the SRJB by extending for another year.

Dan Jonasson motioned to deny the extension request from the Kohlmans. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition. Chairman Ashley asked legal counsel to review the contract to ensure both parties have fulfilled their obligations and provide proper notice to the Kohlmans.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. A Project Status Report from HDR Engineering is contained in the March Board Packet. Troy Borchard updated the Joint Board on the award of bid on Phase SA-1. A bid opening was held for Phase SA-1, which is the replacement of the Sawyer bridge. The Engineer's Estimate for the project was \$5,065,217. The low bid was received from

Swingen Construction in the amount of \$5,538,433. The low bid was 9.3% higher than the engineer's estimate.

Dan Steinberger motioned to accept the low bid of Swingen Construction in the amount of \$5,538,433 and authorize the chairman to sign the agreements on behalf of the SRJB. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board took note of future meetings and events as set forth in the March Board Packet. A ribbon cutting ceremony will be held on the May 12, 2022 for Phase MI-1.

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

The next regular meeting of the Joint Board is scheduled for Thursday, April 7, 2022 at 4:00 p.m. in Room 203 of the Minot Auditorium.



Jack Dwyer
Legal Counsel