

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, September 2, 2021**

A 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 2, 2021, at the Minot Auditorium in Minot, North Dakota. Joint Board members in attendance were Chairman David Ashley, Dan Jonasson, Tom Klein, Clif Issendorf and Dan Steinberger. Chairman David Ashley called the meeting to order and announced that a quorum was present. A roster of those who attended the meeting is attached as Attachment A.

The Joint Board discussed the proposed Agenda for the meeting. Ryan Ackerman removed Item 8(a) from this meeting Agenda (approve plans and specs; authorize advertisement for bids Phase MI-5A) and added Item 12(a) to the Agenda, approval of Wayne Moe Settlement Agreement.

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

The draft minutes from the August 5, 2021 regular meeting were discussed. Dan Steinberger noted a spelling error of Minot.

Tom Klein made a motion to approve the corrected Minutes from the August 5, 2021 regular Joint Board meeting. Dan Steinberger seconded the motion. The motion passed without opposition.

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

Dan Jonasson moved to approve the Budget Report. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman provided the Joint Board with a SWC update and DCIP funding update.

The Joint Board discussed the bills set forth in the September Board Packet totaling \$3,145,988.61.

Clif Issendorf moved to approve the payment of bills totaling \$3,145,988.61. Dan Jonasson 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 September Board Packet. They are getting nearing completion, just working on corrective items and small adjustments.

Ryan Ackerman provided information on Change Order No. 40 – Repair Harrison Township Roadway Damage. This Change Order incorporates an invoice from Harrison Township to cover costs incurred while maintaining roads. SRJB received an invoice from Harrison Township for additional maintenance the township had to complete. Payment should be made directly to Harrison Township for this maintenance from Park Construction. There was much discussion about whether SRJB should incur this cost. The Joint Board also discussed options moving forward to avoid this situation in the future.

Dan Jonasson moved to approve Change Order No. 40 and authorize the Chairman to sign the Change Order. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed with opposition from Tom Klein.

Jerry Bents provided an update on Phase MI-4A design work. This Phase is well on schedule. The Project Status Report from Houston that includes information regarding Phase MI-4A is contained in the September Board Packet.

Jerry Bents provided an update on Phase MI-5 design work. Because of the grant funding, Item 8(a) (approve plans and specs; authorize advertisement for bids Phase MI-5A)) was removed from the Agenda for today. This will instead be brought before the Joint Board this fall. The Project Status Report from Houston that includes information regarding Phase MI-5 is contained in the September Board Packet.

Ryan Ackerman notified the Joint Board of the need for authorization for advertisement for resale of structures. The Souris River Joint Board has acquired several properties associated with Phase MI-5 of the flood protection project. Prior to demolition, the standard process is to advertise the buildings for purchase by members of the public, who would be required to relocate the structures from the property within a specified time period (typically 90 days).

Dan Jonasson moved to approve authorize advertising the structures on SRJB owned land within Phase MI-5 for resale. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents provided an update on Phase MI-6. Currently working through a series of alternative alignments. Awaiting a decision from the City regarding future of the pedestrian bridge to determine whether the bridge needs to tie that in or not. The Project Status Report from Houston that includes information regarding Phase MI-6 is contained in the September Board Packet.

Jason Westbrook with Barr Engineering provided an update to the Joint Board regarding Phases MI-2/3. The warranty period concludes at the end of September. Wagner has a list of warranty items that need to be covered. A Project Status Report is contained in the September Board Packet.

Jason Westbrook also provided an update to the Joint Board regarding Phases MI-6/7. Have discovered petroleum-type activity that had been taken care of in the past. Environmental borings were added to the project and lab results found some diesel-impacted soils. More boring will need to take place to quantify the extent of the issue. Barr has undertaken studies for MI-6/7 and those studies are underway and reports are expected in October. Jason Westbrook also updated on the zoo/park portion of the project. A Project Status Report is contained in the September Board Packet.

Jason Westbrook provided an update to the Joint Board regarding construction of Phase WC-1. Trees are cleared and topsoil is being stripped. Moving forward with early stages of construction. A Project Status Report is contained in the September Board Packet.

The Board discussed authorization for a Settlement Agreement reached with landowner Wayne Moe for a permanent flood protection levee easement (approximately 6 acres) and temporary construction easement (approximately 5 acres). The agreement also includes placement of excess fill material on the property. This is something Mr. Moe requested and saves the SRJB money for the project. As privacy was a concern for the landowner, the agreement also includes the SRJB erecting a fence and signage to instruct the general public to remain off the property.

Dan Jonasson moved to authorize the Wayne Moe Settlement Agreement, totaling \$70,000 for the acquisition of the easements and up to \$5,000 for attorney's fees. Tom Klein seconded the motion. Dan Steinberger questioned whether the SRJB has considered going around the Moe property. Ryan Ackerman explained this acquisition eliminates the need to impact approximately a dozen different residential properties, so this is a shorter section and most cost effective. A roll call vote was cast. The motion passed without opposition.

Jason Westbrook provided an update to the Joint Board regarding construction of Phase BU-1. A drone flight was shown to depict cosmetic changes and borrow pits with this Phase of the project. A Project Status Report is contained in the September Board Packet. There have been extensive equipment failures with Phase BU-1C. Anticipate coming forward with plans and specs on the Rodney Weeks property in the near future on BU-1B. Director Jonasson questioned about progress on the slurry analysis and Jason Westbrook advised on BU-1B portion, test results on slurry cut-off wall are falling outside of specification. Working with GSI and USACE to understand risk and decide next steps. A memo to the Joint Board will be coming soon, likely next month.

Ryan Ackerman advised the Joint Board that an update regarding the StARR Program is contained in the September Board Packet. Ryan Ackerman advised that Joint Board authorization is being sought to advertise for bids for demolition/site restoration.

Cliff Issendorf moved to approve authorize advertising for bids for demolition/site restoration. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

With respect to Rural Bridges, Ryan Ackerman advised that a Project Status Report from HDR Engineering is contained in the September Board Packet.

Ryan Ackerman provided a MREFPP SWIF Update 2021-2021. Houston Engineering is proposing a contract amendment that would allow the 2021-2021 SWIF Continuation report to be completed. Every two years, the SRJB is required to submit a SWIF Continuation Report to maintain the levee system continued coverage under PL-89 to USACE.

Cliff Issendorf moved to approve Work Order No. 16 with Houston Engineering in an amount not to exceed \$20,000.00 and authorize the Chairman to sign the agreement. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman advised that additionally, Ackerman-Estvold is proposing a contract amendment that would allow the 2021-2023 SWIF Continuation report to be completed. Every two years, the SRJB is required to submit a SWIF Continuation Report to maintain the levee system continued coverage under PL-89 to USACE.

Tom Klein moved to approve the 2021-2023 SWIF proposal with Ackerman-Estvold in an amount not to exceed \$20,000.00 and authorize the Chairman to sign the agreement. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman presented a Barr Engineering rural acquisition amendment. Barr is responsible for administrating the acquisition of properties outside of the City of Minot for the SRJB. The scope of

acquisition is constantly changing, with additional properties being added as the design of the various phases of the project progresses. Typical activities undertaken during the acquisition process include: (1) two appraisals per property – one original and one review appraisal per property; (2) parcel or easement platting; (3) purchase negotiations; (4) finding suitable replacement housing or business space for owners and/or tenants; (5) asbestos inspections; (6) lead-based paint inspections; (7) preparation and administration of asset resale bid packages; and (8) preparation and administration of asset demolition packages. The SRJB has previously authorized \$950,000.00 for these activities and that funding has been exhausted. The acquisition team has prepared an amendment for the SRJB to consider.

Dan Jonasson moved to approve Amendment 2 to Task Order 10 with Barr Engineering in an amount not to exceed \$350,000.00 and authorize the Chairman to sign the amendment. Cliff Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman discussed Phase MI-6 Independent External Peer Review. HDR is proposing a contract amendment that would allow for the Independent External Peer Review of Phase MI-6. The objective of this work is to assess, analyze, interpret, and evaluate design/engineering and construction criteria through a process known as Type II Independent External Peer Review (IEPR) Safety Assurance Review (SAR) for the MRFPP.

Dan Jonasson moved to approve Task Order 10 with HDR in an amount not to exceed \$109,774.00 and authorize the Chairman to sign the agreement. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman also discussed Phase MI-7 Independent External Peer Review. HDR is proposing a contract amendment that would allow for the Independent External Peer Review of Phase MI-7. The objective of this work is to assess, analyze, interpret, and evaluate design/engineering and construction criteria through a process known as Type II Independent External Peer Review (IEPR) Safety Assurance Review (SAR) for the MRFPP.

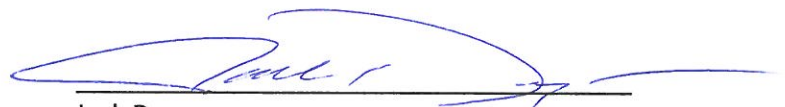
Tom Klein moved to approve Task Order 11 with HDR in an amount not to exceed \$109,774.00 and authorize the Chairman to sign the agreement. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman provided an informational update on a request received from SRT Communications for a directional bore for a fiber optic cable across the Souris River in McHenry County. The SRJB responded they will defer to McHenry County on the request since there is no nexus with the flood control project.

The Joint Board took note of future meetings and events as set forth in the September Board Packet.

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

The next regular meeting of the SRJB is scheduled for October 7, 2021 at 4:00 p.m. in Room 203 of the Minot Auditorium.



Jack Dwyer
Legal Counsel

