

**Minutes of Meeting  
Souris River Joint Water Resource Board  
Thursday, June 3, 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, June 3, 2021, in the Community Room of the Minot Auditorium, in the City of Minot, North Dakota. Joint Board members in attendance were Chairman David Ashley, Dan Steinberger, and Clif Issendorf. Dan Jonasson and Tom Klein joined via Microsoft Teams. 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 indicating Agenda Item 9(c) regarding structure resale was being stricken. Agenda Item 13(b) was added regarding awarding of bids for site demolition and restoration.

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

The draft minutes from the May 6, 2021 regular meeting were discussed.

**Dan Jonasson made a motion to approve the Minutes from the May 6, 2021 Joint Board meeting. Dan Steinberger seconded the motion. The motion passed without opposition.**

The Joint Board discussed a Joint Funding Agreement – USGS Gaging Station. The Board was provided a copy of the U.S. Department of the Interior’s standard joint-funding agreement for the Dakota Water Science Center Water Resources investigations project for the Souris River at Broadway Bridge at Minot river gage (05117600). The gage will be maintained by the USGS but payment is to come from local interests to cover the costs associated with the service. The annual cost of the gage to be paid by the SRJB is \$7,500. This funding arrangement was previously approved by the SRJB prior to the replacement of the gage during the reconstruction of the Broadway Bridge. Previously, the cost of the service was split 50/50 between the Souris River Joint Board and the Ward County Water Resources District. The recommended action was to approve the funding agreement.

**Dan Jonasson moved to approve the funding agreement and authorize the Chairman to sign on behalf of the SRJB and direct the administrator to pursue a 50% cost share for this service from the Ward County Water Resources District. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.**

The Joint Board discussed the Budget Report included at Page 12 of the June Board Packet. Ryan Ackerman explained the Balance Sheet and Budget Report included in the Board Packet.

**Clif Issendorf moved to approve the payment of bills. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.**

The Joint Board discussed the bills set forth in the June Board Packet totaling \$1,131,739.39.

**Dan Jonasson moved to approve the payment of bills. Cliff Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.**

Ryan Ackerman from Houston Engineering provided the Joint Board with an update on Phase MI-1 since Jerry Bents was appearing remotely. A Project Status Report from Houston Engineering is contained in the June Board Packet.

Ryan Ackerman provided an update on Phase MI-4A design work. The Project Status Report from Houston includes information regarding Phase MI-4A is contained in the June Board Packet. This project is around 40-45% complete.

Ryan Ackerman provided an update on Phase MI-5 design work. The Project Status Report from Houston includes information regarding Phase MI-5 is contained in the June Board Packet. The Board discussed an update on Phase MI-5 which included a BNSF Design Review Agreement. An agreement for professional services related to BNSF Railway's review of Phase MI-5 designs is included in the Board Packet for the SRJB's consideration. This would compensate the railroad for its time and expenses associated with the technical review of Phase MI-5. The SRJB entered into a similar agreement with Canadian Pacific Railroad for its technical review of phases that have a nexus with Canadian Pacific Railway infrastructure, including the Maple Diversion (Phase MI-4) and Tierrecita Vallejo (Phase WC-1). The recommended action was to approve the Preliminary Engineering Service Agreement with BNSF.

**Dan Jonasson moved to approve the Preliminary Engineering Service Agreement with BNSF in an amount not to exceed \$65,000 and authorize the chairman to sign the necessary contracts on behalf of the Souris River Joint Board. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.**

Also on Phase MI-5, the SRJB discussed the Minot Area Chamber EDC Borrow Agreement. The Minot Area Chamber EDC owns property in relatively close proximity to Phase MI-5 that is intended to serve as a borrow source for levee material for Phase MI-5. The Minot Area Chamber EDC has agreed to compensation terms similar to the terms used for the construction of Phases MI-1, MI-2/3, BU-1B and BU-1C for the use of their clay borrow material. The recommended action was to approve the Borrow Agreement with the Minot Area Chamber EDC.

**Cliff Issendorf moved to approve the Borrow Agreement with the Minot Area Chamber EDC and authorize the chairman to sign the necessary contracts on behalf of the Souris River Joint Board. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.**

The Souris River Joint Board discussed another update on Phase MI-5, which included striking authorization to advertise for resale structures. The SRJB 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). The recommended action had been to authorize advertising the structures on SRJB-owned land within Phase MI-5 for resale. However, this action was stricken because it is still being studied.

Ryan Ackerman provided an update to the Joint Board regarding construction of Phase MI-2/3, including the fact that this phase is complete.

Ryan Ackerman provided an update to the Joint Board regarding construction of Phase BU-1. A Project Status Report from Barr Engineering is contained in the June Board Packet. There are two active phases of construction that are ongoing.

Ryan Ackerman provided an update to the Joint Board regarding construction of Phase WC-1. A Project Status Report is contained in the June Board Packet. The bid openings were postponed.

The Board discussed authorization to utilize eminent domain on the Brian and Valerie Heck property. The Souris River Joint Board acquisitions team has been negotiating with Brian and Valerie Heck for a flowage easement on their land located west of Minot and directly south of ward County Road 15 (4<sup>th</sup> Avenue Northwest). An easement is necessary to perform additional channel erosion mitigation, as requested by the property owner (i.e. installation of riprap) along a natural channel where the proposed discharge from the West Peterson Coulee detention pond is to be located. The Hecks' recent counteroffer to the Souris River Joint Board is several times more than the appraised value of the easement. While the acquisition team intends to continue negotiations in the hopes of reaching an amicable settlement agreement with the Hecks, the acquisition team is requesting that the Board authorize Dwyer Law Office to proceed with the use of eminent domain.

**Cliff Issendorf moved to approve authorizing Dwyer Law Office to proceed with the use of eminent domain to obtain the easements necessary to construct the West Peterson Coulee detention pond outlet on property owned by Brian and Valerie Heck. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.**

Ryan Ackerman provided the Joint Board with an update regarding the StARR Program. A Status Report is contained in the June Board Packet. The Board discussed authorization to utilize contract employees for demolition/relocation assistance. The SRJB acquisition team has been utilizing contractors in various capacities to provide demolition services for properties that have been acquired by the SRJB for the StARR Program and also for rural acquisitions associated with the Mouse River Enhanced Flood Protection Project features located outside of the City of Minot. In general, the process has been effective at getting a competitive, market-based price for demolition or structure relocations. In recent months, this process has begun to experience difficulties. For example, when a tenant of an acquired property is forced to relocate, the project must typically provide relocation assistance to the tenant. The tenant is required to secure a minimum of two commercial bids for relocation and the SRJB is typically responsible for cost associated with the lowest commercial bid received. In an attempt to save the project money, the acquisition team is requesting that the Souris River Joint Board authorize the use of independent contractors who will be hired on an hourly basis to complete various tasks associated with relocation assistance. The acquisition team is requesting the authority to hire independent contractors at a rate of \$25 to \$40 per hour, depending on experience. The independent contractors will be required to sign an agreement with the Souris River Joint Board acknowledging that they are independent contractors responsible for providing their own insurance. The acquisition team is also requesting that the Souris River Joint Board authorize the rental and insurance of small equipment (trailers, pickup, etc.) for use by the independent contractors for the relocation activities.

**Clif Issendorf moved to authorize the use of independent contractors to complete various tasks associated with relocation assistance and authorize rental and insurance of small equipment for relocation activities. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.**

The Souris River Joint Board discussed another StARR Program Update with respect to Talbott's Mobile Home Park. Specifically, there is debris, outbuildings and overgrown vegetation that is located within the Talbott's Mobile Home Park area. The parcel spans over 24 acres. The acquisition was an opportunity for the SRJB to implement a more cost effective, resilient solution. Through property negotiations, SRJB effectively mitigated the levee plan for a savings of approximately \$5 million dollars in future project costs.

Another update on the StARR Program was the award of bid-site demolition and restoration. Quotes were received and site restoration of the Talbott's Mobile Home Park on Monday, June 1, 2021. Four total quotes were received – from D.L. Barkie Construction Inc., Klimpel Excavating Inc., Davidson Construction, and Dig It Up Backhoe Service Inc. The bids ranged from a low of \$42,800 to a high of \$132,840. After reviewing the bids, the recommended action was to accept the low bid of D.L. Barkie Construction Inc.


**Tom Klein moved to accept the low bid of D.L. Barkie Construction in the amount of \$42,800 and authorize the Chairman to sign the agreement and applicable notices. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.**

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. A Project Status Report from HDR Engineering is contained in the June Board Packet. Troy Borchard also provided a detailed report on implement of husbandry.

The Joint Board took note of future meetings and events as set forth in the June Board Packet. A ribbon cutting for Phase MI-2/3 and flood commemoration ceremony will be held at 10:00 a.m. on June 26, 2021.

Dan Steinberger complimented Ryan Ackerman on his media coverage.

There being no further business to discuss, the meeting was adjourned. Next regular meeting is scheduled for July 13-15, 2021 at the Alerus Center in Grand Forks, North Dakota. The exact date and time of the meeting are to be determined.



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Jack Dwyer  
Legal Counsel



