

Minutes of Meeting

Souris River Joint Water Resource Board

Thursday, September 5, 2019

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 5, 2019, in the Community Room of the Minot Auditorium, in the City of Minot, North Dakota. Joint Board members attending the meeting were David Ashley, Clif Issendorf, Dan Jonasson and Tom Klein. 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 moved to approve the agenda, as presented. Clif Issendorf seconded the motion. The motion passed without opposition.

The draft Minutes from the August 1, 2019 regular meeting were discussed. A question was raised with respect to the name of Sundhagen in the Minutes (errantly reported as Stockhagen).

Dan Jonasson made a motion to approve the Minutes from the August 1, 2019 Joint Board meeting, as corrected. Tom Klein seconded the motion. The motion passed without opposition.

The Joint Board discussed the Budget Report included in the September Board packet. Ryan Ackerman provided an explanation to the Joint Board regarding the September Budget Report, as of August 30, 2019 there is a total of \$1.45 million with no liabilities on the Balance Sheet. On the Income Statement, to date around \$20,000 has been received from Renville County and around \$490,000 from Ward County. At a net income for the year of -\$242,000 (it is negative due to timing, as funding was received from the City of Minot and Water Commission during the 2018 calendar year for expenses not incurred until 2019 calendar year).

Tom Klein moved to approve the September Budget Report. Dan Jonasson seconded the motion. The motion passed without opposition.

The Joint Board discussed the bills. Chairman David Ashley provided an opportunity for questions on bills. On Swingen Construction, Ryan Ackerman provided commentary. Swingen had a subcontractor that illegally placed fill materials in the Des Lacs River. This created reactions from the regulatory community. Ryan Ackerman indicated that it was necessary to hold the contractor accountable in order to get the situation remedied. It was discussed that payment for the current invoice would be held contingent on curing the default to the satisfaction of the Administrator. An additional invoice from CP Rail for \$3,925.95 was discussed, for design review associated with Phase MI-4.

Dan Jonasson made a motion to approve the payment of \$8,288,208.59, which includes the contingency on the Swingen payment and addition of the CP Rail invoice. Tom Klein seconded the motion. The motion passed without opposition.

Ryan Ackermann provided information on site monitoring on the projects being administrated. The USACE issued a Memorandum for Record that discusses the scope the USACE is going to have during construction, as well as the staff on hand during construction and the frequency with which they expect to be on site. There is an amendment to the Section 214 agreement with the Corps to change the scope of services.

Dan Jonasson made a motion to approve the Memorandum for Record with the Corps, authorize the Chairman to sign the Memorandum, and approve the amendment of the 214 agreement with the USACE. Tom Klein seconded the motion. The motion passed without opposition.

Jerry Bents with Houston provided updates to the Joint Board regarding Phase MI-1, Phase MI-4 and Phase MI-5.

Jason Westbrook provided an update to the Joint Board regarding Phase MI-2/3, Phase BU-1, and Phase WC-1.

Ryan Ackerman provided an update to the Joint Board regarding the StARR Program. He referred the Joint Board to page 244 of the September Board packet.

A response was received on the Kohlman property regarding that potential acquisition. The Board previously authorized a big of \$585,700.60, along with the option to live in the home rent-free for up to two years. The Kohlmans countered last month with an offer that removes the 5% discount and the Board rejected the offer. The Kohlmans now are requesting consideration for \$632,000.00 for the value of the structures and land, and at 95% value, that would amount to \$604,000.00, which is approximately \$15,000 more than the board authorized back in July. Additionally, Kohlmans have requested to live in the home for up to three years while they build a new home. The Board discussed the offer and opted to decline the offer and set a deadline for Kohlmans to accept our last offer.

Dan Jonasson made a motion to offer Kohlmans the same price that was previously offered and to allow the Kohlmans three years to live in the house, that the offer is a final offer and a decision must be made before September 30, 2019. Cliff Issendorf seconded the motion. The motion passed without opposition.

The Board next considered a change order to the demolition and site restoration contract of DL Barkie to remove the structure on the Kongsli property. A change order in the amount of \$29,800 is being requested.

Tom Klein made a motion to approve the change order in the amount of \$29,800. Dan Jonasson seconded the motion. The motion passed without opposition.

Dennis Reep provided the Joint Board with an update regarding rural bridges.

The Joint Board discussed the upcoming meetings and events scheduled.

There being no further business to discuss, 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 5, 2019
 Minot Municipal Auditorium

Name	Organization
Duffy Zimmerman	Ackerman - Esthold
Tom Klein	SRJB
JERRY RENTS	Haxton ENG
DENNIS REEP	HDR ENGINEERING, INC
Ryan Ackerman	Ackerman - Esthold
Jack Dwyer	Dwyer Law
Chris Kerkowski	ND SWC
Dave Ashley	SRJB
Jason Westbrock	Klein
Gally John	Sen. Hovener's office
Clif Kenderdy	SRJB
Dan Jonason	SRJB