

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, October 6, 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, October 6, 2022, in Room 203 of the Minot Auditorium in Minot, North Dakota. Joint Board members in attendance were Clif Issendorf, Tom Klein, Dan Jonasson and Dan Steinberger. A roster of those attending is attached as **Attachment A**.

The meeting began with a welcome and introductions. Colonel Eric Swenson, the new Commander of the St. Paul District of the Corps of Engineers was present for the meeting, along with Deputy District Engineer Kevin Wilson and Nicholas Castellane Project Manager of the St. Paul District.

The Joint Board discussed the proposed Agenda for the meeting. Chairman Ashley advised that Jason Westbrook had an addition – Item 18a. Ryan Ackerman advised of two suggested modifications/additions to the proposed Agenda, including (1) an update related to railroad issues on Phase MI-4 under Item 7; and (2) Item 16 will be a rural update rather than a StARR Program Update. Dan Steinberger added an item to the Rural Bridge Update, specifically USACE review of the Mouse River Park Bridge.

Clif Issendorf made a motion to approve the agenda for the meeting. Tom Klein seconded the motion. The motion passed without opposition.

The draft minutes of the September 1, 2022 regular meeting of the SRJB were discussed.

Dan Jonasson made a motion to approve the draft minutes from the September 1, 2022 regular meeting of the SRJB. Clif Issendorf seconded the motion. The motion passed without opposition.

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

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

The Joint Board next discussed the bills set forth in the September Board Packet totaling \$6,748,880.28. Chairman David Ashley opened it up for questions from the Board on each bill being approved. On SRT, Dan Steinberger asked about why the relocation of the fiber optic cable was not caught in advance. Ryan Ackermann indicated there is a misinterpretation with the word conflict in the letter, as all relocations were planned for in the design process – it was a known conflict.

Tom Klein moved to approve the payment of bills totaling \$6,748,880.28. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackermann advised of the proposed engineering contract amendment. HDR Engineering is proposing an amendment to the Phase RC-1 MREFPP project. This amendment is to include the construction administration services of the project. Dan Steinberger asked why this came up. Ryan Ackermann indicated the process followed for procurement of engineering is to procedure the services almost immediately ahead of when they are needed. That being the case, design services with HDR were

previously contracted for but services necessary during construction were not included within that original scope. Further, it is not desirable to encumber funds for construction of a project several years in advance of when the project will be built because it increases the carryover and state partners generally frown upon that.

Dan Jonasson moved to approve Amendment 3 with HDR Engineering in an amount not to exceed \$1,537,967.50 and authorize the Chairman to sign the agreement. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackermann provided an update on railroad activities with respect to Phase MI-4. Option A has been carried through a 50% design coordination. It was the basis for the USACE Feasibility Study. One of the challenges with this alternative is that it would require significant phasing and sequencing with respect to BNSF and CP Rail railroad operations. BNSF provided comments at 30% indicating concerns but “no show stoppers.” Option B was identified by BNSF as a lower-impact/lower cost alternative. The bulk of the impact with this alternative is shifted to CP rail. Option B eliminates the diamond crossing and CP Rail would have to cross BNSF via switches. There was a hard “no” from CP Rail, citing operational concerns in terms of needing a larger window in terms of time and citing concerns with reduced reliability with two switches in lieu of the diamond crossing. When switching back to Option A, BNSF cited “insurmountable concerns” related to phasing and risk during construction. In the past few months, the team has been working to identify additional alternatives from the rail side with varying degrees of impact to each railroad. A high level assessment of economic, environmental and social impacts is underway. The evaluation is ongoing so no consensus has been reached yet. Meetings are being scheduled to have additional dialogue with CP rail. Also considering alternatives for mediation through the Surface Transportation Board with the assistance of Dwyer Law Office. The team has also communicating ongoing status with USACE and the North Dakota Department of Water Resources.

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 October Board Packet. Jerry Bents showed drone footage on Phase MI-1. The project is substantially complete.

Jerry Bents updated the Joint Board on Phases MI-4A and MI-4B. A Project Status Report from Houston Engineering is contained in the October Board Packet. Phase MI-4A is substantially complete. Final closeout documentation is being worked on for Phase MI-4B.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the October Board Packet. A drone flight of the project was shown. Anticipated completion is 2025 for Phase MI-5.

Jerry Bents updated on Phase MI-6. A Project Status Report from Houston Engineering is contained in the October Board Packet. Recently obtained 60% design completion.

Jason Westbrook of Barr Engineering updated the Joint Board on Phase MI-2C. A Project Status Report from Barr Engineering is contained in the October Board Packet. Wagner Construction has started their work, boring is complete and pipe is on site. Contract deadline is this fall and things are in track to meet that deadline.

Jason Westbrook provided an update to the Joint Board regarding Phase MI-7. A Project Status Report is contained in the October Board Packet. At 60% design completion with this phase.

Jason Westbrook provided an update to the Joint Board regarding Phase WC-1. A Project Status Report is contained in the October Board Packet. A drone flight video was shown. Permission has not been granted to cross the CP rail. Will seek deduct from Wagner since CP Railway cannot be crossed.

Jason Westbrook provided an update on Phase BU-1. A Project Status Report is contained in the October Board Packet. On Phase BU-1B, the end of the correction period is nearly. One Phase BU-1C, a substantial completion was issued at the end of September. On Phase BU-1D, Bluestone is progressing on schedule.

Ryan Ackerman provided a Rural Program Update to the Joint Board. T-Mobile has inquired about locating a tower on SRJB property (the Kohlman property). The response given on behalf of the SRJB was that their request could not be accommodated. An update was given on Outlaw Creek. Things that need to be considered include relatively high capital cost, three benefiting property owners, right of way impacts (15-20 acres), and USFWS impacts. An update on the Des Lacs National Wildlife Refuge was also presented to the Board, including presentation of a channel profile within the Des Lacs NWR and various hydrographs. Next steps for Des Lacs National Wildlife Refuge are to refine hydrologic analysis for snowmelt events and meet with US Fish and Wildlife Service to present findings and get first indication of compatibility.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. A Project Status Report from HDR Engineering is contained in the October Board Packet. Troy Borchard updated the Joint Board with respect to MDU relocation on the Mouse River Park Bridge. An estimate from MDU for moving the electric utility that crosses in the area of construction is contained in the October Board Packet (at Page 300), for consideration and only information at this time. Dan Steinberger advised there was CORPS review last week and it was accommodated on short notice.

Tom Klein moved to approve the relocation. Dan Jonasson seconded the motion. The motion passed without opposition.

The Joint Board took note of future meetings and events as set forth in the October Board Packet. The next meeting will be November 3, 2022 at 4:00 p.m. in Room 203 of the Minot Auditorium.

In other business, Jason Westbrook advised that each year the American Counsel of Engineering Companies puts out a call for project examples for a competition they run. There are various categories. Last year Barr Engineering submitted an application for Mouse River Phases 2 and 3 and won in the water resources category at the state chapter which qualified the project for a national competition. A national award was received.

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

Jack Dwyer
Legal Counsel