

Minutes of Meeting

Souris River Joint Water Resource Board

Thursday, February 7, 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, February 7, 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, Mark Cook, 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.

Clif Issendorf moved to approve the agenda, as presented. Dan Jonasson seconded the motion. The motion passed without opposition.

The draft Minutes from the January 3, 2019, meeting were discussed.

Clif Issendorf made a motion to approve the Minutes from the January 3, 2019, Joint Board meeting. Tom Klein seconded the motion. The motion passed without opposition.

The Joint Board discussed the Budget Report included in the February Board Packet. Ryan Ackerman provided an explanation to the Joint Board regarding the Budget Report.

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

The Joint Board discussed the Annual Financial Audit of the Souris River Joint Board financials contained in the Board Packet. Ryan Ackerman explained the material weaknesses that were itemized in the Independent Auditor's Report, and the efforts taken to address those weaknesses. Clif Issendorf asked what checks and balances exist to protect the Joint Board. Ryan Ackerman explained the invoice, reimbursement, and payment process of the Joint Board.

Clif Issendorf made a motion to accept the financial audit report for 2016 and 2017 and authorize Eide Bailly to submit the report to the State of North Dakota. Dan Jonasson seconded the motion. The motion passed without opposition.

The Joint Board discussed the Engineering Contract Amendment contained in the Board Packet relating to coordination work for the StARR Program. Ryan Ackerman explained the need for the Contract Amendment.

Dan Jonasson made a motion to approve Amendment 2 to the Barr Engineering StARR Program Task Order contained in the Board Packet. Tom Klein seconded the motion. The motion passed without opposition.

The Joint Board discussed the bills presented in the February Board Packet totaling \$3,336,673.22. Several questions relating to bills were discussed.

Tom Klein made a motion to approve the bills in the amount of \$3,336,673.22. Clif Issendorf seconded the motion. The motion passed without opposition.

Jerry Bents provided an update to the Joint Board regarding MI-1 construction, which included a drone video. Jerry Bents indicated that the engineering team will be presenting a change order for approximately \$493,000 stemming from the Sondre line delays at an upcoming meeting. Jerry Bents provided an update on the design work for MI-5.

Jason Westbrook provided an update to the Joint Board regarding MI-2/3 construction. Jason Westbrook provided the Joint Board with an update on Phase BU-1. Jason Westbrook indicated that the City of Minot approved the plans and specs to improve the Colton Avenue Bridge, and that the engineering team will be recommending a contractor once bids have been opened and reviewed at the next Joint Board meeting.

Ryan Ackerman provided an update to the Joint Board regarding the Feasibility Study. Ryan Ackerman indicated that the Joint Board was anticipating that the Chief Todd Semonite would be executing the Proposed Report on February 25, 2019. Based on several conversations, there is concern that Chief Todd Semonite is reluctant to sign the Proposed Report due to a relatively low cost-benefit ratio. Ryan Ackerman presented a letter of support to send to the USACE urging Chief Todd Semonite to sign off on the Proposed Report.

Tom Klein made a motion to approve the letter of support. Clif Issendorf seconded the motion. The motion passed without opposition.

Ryan Ackerman provided a StARR Program update memo to the Joint Board containing information relating to the StARR Program.

Dennis Reep provided an update to the Joint Board regarding HDR's work on rural bridges.

Ryan Ackerman addressed the Joint Board regarding an acquisition support task order for the Barr Engineering contract for work and coordination necessary to acquire the real estate interests that are necessary for the MREFPP that lie outside the City of Minot. Ryan Ackerman indicated that this work was outside of the scope of the contract that currently exists with Barr Engineering. Ryan Ackerman indicated that there may be funding available for this acquisition support work within current authorizations with the Joint Board's funding sources. The task order was tabled to a future meeting.

Ryan Ackerman and Jack Dwyer provided an update to the Joint Board on legislative matters. Ryan Ackerman asked the Joint Board to be willing to testify after cross-over for funding efforts. A discussion ensued regarding the concern about being in a flood control funding bucket with FM Diversion, as Governor Burgum, who chairs the State Water Commission, has provided strong support for FM Diversion.

The Joint Board discussed the upcoming meetings concerning the Joint Board and the MREFPP.

David Ashley announced the topics and authority for holding an executive session, to discuss Jerry and Tawnya Nelson's StARR Program negotiation and threatened litigation and related matters under N.D.C.C. § 44-04-19.1(5) and N.D.C.C. § 44-04-19.1(9).

Clif Issendorf made a motion to enter into executive session. Tom Klein seconded the motion. The motion passed without opposition.

The meeting was closed to the public. Following the conclusion of the executive session, the Joint Board reconvened the open meeting.

Clif Issendorf made a motion to stick with the Joint Board's determination of value and offer that was made at the Joint Board's January meeting, and to limit the offer to a thirty-day period. Tom Klein seconded the motion. The motion passed without opposition.

There being no further business, the meeting was adjourned.



Jack Dwyer
Legal Counsel

