

## Minutes of Meeting

### Souris River Joint Water Resource Board

Thursday, December 7, 2017

A regular meeting of the board of directors of the Souris River Joint Water Resource Board was called to order by Chairman David Ashley on Thursday, December 7, in the Governor's Room of the Ramkota Hotel, Bismarck, North Dakota. Joint Board members attending the meeting were Dave Ashley, Clif Issendorf, Roger Sauer, Tom Klein and Dan Jonasson. A roster of those attending the meeting is attached as Attachment A.

The Joint Board discussed the proposed Agenda for the meeting. David Ashley added "Project Phasing" under "Other Business" as Agenda Item No. 17.a in the December Board Packet. Dan Jonasson made a motion to accept the Agenda, as amended. Roger Sauer seconded the motion. The motion was approved without opposition.

The draft Minutes of the November 9, 2017, meeting were discussed. Dan Jonasson made a motion to approve the Minutes of the November 9 meeting as presented, and Roger Sauer seconded the motion. The motion was approved without opposition.

The Joint Board discussed amendments to its contracts with Houston Engineering Inc. and Barr Engineering. It was discussed that construction will likely begin on Phases MI-1 and MI-2/3 next spring, and Houston and Barr have developed scopes of work and estimates for providing construction administration and inspection. Further, it was discussed that Barr's contract for StARR Program administration is in need of a budget amendment. Clif Issendorf made a motion to approve a contract amendment for Houston Engineering Inc. in an amount not to exceed \$5,879,899 for construction engineering services related to Phase MI-1 and authorize the Chairman to sign the agreement. Roger Sauer seconded the motion. The motion passed without opposition. Dan Jonasson made a motion to approve a contract amendment with Barr Engineering in an amount not to exceed \$4,693,000 for construction engineering services relating to Phase MI-2/3 and authorize the Chairman to sign the agreement. Roger Sauer seconded the motion. The motion passed without opposition. Dan Jonasson made a motion to approve a contract amendment for Barr Engineering in an amount not to exceed \$200,000 for program administration services related to the StARR Program and authorize the Chairman to sign the agreement. Clif Issendorf seconded the motion. The motion passed without opposition.

The Joint Board discussed Agenda Item No. 5 regarding bills. The bills that were considered by the Joint Board are as follows:

Firm	Project	Cost
Barr Engineering	StARR Program	\$14,427.25
	BU-1 Burlington	\$155,487.06
	USACE Feasibility Study	\$12,377.00
Houston Engineering	Environmental and Design	\$49,574.47
	SWIF-Outfall Pipes	\$595.00

	MI-5 4 <sup>th</sup> Ave Tieback	\$87,817.33
Ackerman-Estvold	Administration	\$28,724.08
	USACE Feasibility Study-WIK	\$915
Dwyer Law Office	Legal	\$12,239.96
City of Minot	Highway 83-Broadway Viaduct	\$31,027.00
HDR Engineering, Inc.	BU-1 MI-5 Ind Ext Review	\$15,201.54
Verendry	StARR Program Acq. Utilities	\$16.75
	<b>Total</b>	<b>\$408,402.44</b>

Tom Klein Made a motion to approve the bills, as proposed. Roger Sauer seconded the motion. The motion passed without opposition.

The Joint Board discussed Agenda Item No. 6 and 7. Jerry Bents provided the Joint Board an update regarding the work being performed by Houston Engineering. Jerry Bents directed the Joint Board's attention to the Project Status Report included in the December Board Packet. Notably, Jerry Bents reported that the Joint Board received competitive pricing on the re-bid of Phase MI-1. Jerry Bents indicated that 65% design documents for Phase MI-5 were submitted to USACE and HDR for external peer review, and that further design work on Phase MI-5 is on hold pending comments from USACE, HDR, and the City of Minot.

The Joint Board discussed Agenda Item No. 8 and 9. Jason Westbrook provided the Joint Board with an update regarding the work being performed by Barr Engineering. Jason Westbrook directed the Joint Board's attention to the Project Status Report included in the December Board Packet. Jason Westbrook reported that competitive bids were received for the construction of Phase MI-2/3, and the low bidder is Wagner Construction. USACE permitting has been delayed, with permits likely to be issued near the end of 2017. Jason Westbrook indicated that Barr Engineering has received comments back from USACE on Phase BU-1, and is on track to incorporate USACE comments and provide a 100% design on Phase BU-1.

Emily Huettl provided the Joint Board with an update on the StARR Program. Two closings are scheduled for December. Over the past month, approximately five offers were accepted, and seven offers were appealed. The Joint Board reviewed Change Order Request 01 included in the December Board Packet. Emily Huettl explained that Dig It Up Backhoe Service Inc. is seeking an additional \$1,000 for an extra building to be demolished that was not included in the original scope of work. Tom Klein made a motion to approve Change Order Request 01 for StARR Demolition and Site Restoration and authorize the Chairman to sign. Dan Jonasson seconded the motion. The motion passed without opposition.

Ryan Ackerman provided an update to the Joint Board regarding the Feasibility Study. The USACE hosted a public information meeting on November 16, 2017. In order to pursue federal participation in the Maple Diversion, the Joint Board will need to reach a level with its plans and designs for the Maple Diversion to obtain a cost estimate for that portion of the Project, within 20% of the actual cost of that portion of the Project. Ryan Ackerman indicated that this should be provided to the USACE by the end of January, which means that the Joint Board's consultants have significant work to accomplish to reach a

level of design to provide this cost estimate. Costs of the Feasibility Study up to \$1.5 million have already been approved by the Joint Board, which constitutes the local match of the Study. Of the \$1.5 million, half is paid by the SWC, and half by the City of Minot. The Joint Board discussed the funding that has been provided to the USACE to date for the Feasibility Study. Ryan Ackerman indicated that \$700,000 cash has been paid to the USACE by the Joint Board for the Feasibility Study. The costs of engineering paid by the Joint Board are considered "Work In Kind" by the USACE, and qualify for the local match. Roger Sauer made a motion to authorize the engineering consultants to work with the USACE on scopes, schedules and budgets for the Feasibility Study Work In Kind, within the limits of non-federal funding remaining for the USACE Feasibility Study, and subject to approval by the Chairman and Minot member. Tom Klein seconded the motion. The motion passed without opposition.

The Joint Board discussed the bid openings for construction of Phase MI-1 and Phase MI-2/3. Ryan Ackerman reported that the Joint Board had an opportunity to save financing costs by utilizing North Dakota's State Revolving Fund, and included requisite language in its bidding instructions when rebidding Phase MI-1. It was reported that Park Construction submitted the lowest combined responsible bid for Phase MI-1 for \$43,450,450.10 (utilizing SRF funding). Dan Jonasson made a motion to award the Combined Prime Construction Contract utilizing SRF funding (Contract 4A) to Park Construction for \$43,450,450.10, contingent upon issuance of required permits for the Project. Tom Klein seconded the motion. The motion passed without opposition. It was reported that Wagner Construction submitted the lowest combined responsible bid for Phase MI-2/3 for \$35,678,634.25. Tom Klein made a motion to award the Combined Prime Construction Contract (Contract 4) to Wagner Construction for \$35,678,634.25, contingent upon issuance of the required permits. Dan Jonasson seconded the motion. The motion passed without opposition. It was reported that, because of the competitive bids received, the total estimated budget has decreased by \$20.5 million, with savings of approximately 17.1%.

The Joint Board discussed utility relocation requests from XCEL Energy and SRT. The total cost for the subject utility relocations is \$157,815.25. Under the contracts between the Joint Board and the XCEL Energy and SRT, the Joint Board is responsible for 50% of the cost incurred for utility relocations necessary because of the Project. Roger Sauer made a motion to approve cost share requests of the franchise utility companies and direct the administrator to submit a cost-share reimbursement invoice to the State Water Commission and City of Minot. Tom Klein seconded the motion. The motion passed without opposition.

The Joint Board discussed the reinternment of two Renville County graves lying in close proximity to the Mouse River. Ryan Ackerman directed the Joint Board's attention to the report contained in the December Board Packet. Both sets of remains were successfully exhumed and reburied in Rosehill Cemetery, Mohall, North Dakota. It was estimated that the total cost of the reinternments will be approximately \$5,000.

The Joint Board discussed voluntary acquisitions of two properties in Ward County within the proposed levee footprint of the Project. Emily Huettl reported that the landowners of the two properties were not interested in selling when funds were initially authorized for these acquisitions by SWC (75%) and Ward

County (25%). The two subject landowners are now interested in selling, and the Joint Board intends on providing administration for the acquisition of the two properties under the terms of the draft Memorandum of Agreement included within the December Board Packet, utilizing previously-authorized funding. Tom Klein made a motion to approve the Memorandum of Agreement with Ward County and authorize the Chairman to sign. Roger Sauer seconded the motion. The motion passed without opposition.

The Joint Board discussed its 2018 regular meeting schedule. The Joint Board agreed to conduct its regular meetings on the first Thursday of each month.

The Joint Board discussed the added Agenda Item No. 17.a. regarding Project phasing, and discussed an estimated timeline for completion of the basin-wide Project. Dan Jonasson indicated that the City of Minot would appreciate if the Joint Board would provide the estimated timeline discussed above. It was discussed that the estimated timeline for construction would be an estimate, and therefore inexact by nature, and would be dependent upon appropriations, weather, contractors, etc. It was suggested that Joint Board consultants prepare a timeline estimate.

There being no further business, the meeting was adjourned.



Jack Dwyer  
Legal Counsel



Name	Organization
Emily Huettl	Ackerman-Estvold
JERRY BENTS	Houston Eng
Jack Dwyer	Dwyer Law
Beth Nangare	SWC
Maureen Foley	W&W RD
Michael J Hall	ND SWC
Matt Lindsay	ND Office of the State Engineer
Chris Korkowski	ND SWC
TJ M Farn	H I Study Board
DAVE SCHWENGLER	HOUSTON ENGINEERING
Jason Zimmerman	STATE WATER COMMISSION
Loren Johnson	WARD WARD
Mark J. Cook	Renville CURD GCD
Dave Anderson	GDCB - Pierce Co.
Aron M. Walter	GDCD - Ward Co.
McKenna Larson	Ackerman-Estvold
Wanda McFadyen	ARBI
Jeff McElwain	Ackerman-Estvold
Jennifer Malloy	Apex Engineering Group
DENNIS REEP	HOB ENGINEERING
William Art	Bottineau W.R.D
Brent Hanson	US Geological Survey
Lorinda Haman	ISRB - McHenry County
Darrell Haman	Eaton Towner, ND
Bob Schenck	Minot



Sign-In  
December 7, 2017  
Ramkota – Bismarck, ND

Name	Organization
Roger	
Tom	
David	
Ryan	
Dan	
Jason	
Clif	