

Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, July 14, 2016
Minot City Auditorium Minot, North Dakota

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, July 14, 2016 in the Community Room of the Minot City Auditorium. Joint Board members attending the meeting were Dave Ashley, Tom Klein, Clif Issendorf, and Dan Jonasson. Roger Sauer was absent. A quorum was declared. A roster of those attending the meeting are listed on Attachment A. Mike Dwyer, Tim Fay, and Mike Hall also participated by telephone conference.

The board reviewed the agenda for the meeting. Chairman Ashley added Fargo Diversion under other business at the request of Clif Issendorf. It was moved by Dan Jonasson, seconded by Tom Klein, that the agenda be approved. The motion was unanimously approved.

The Board reviewed the minutes of the June 9th, 2016 Board Meeting. It was moved by Tom Klein, seconded by Clif Issendorf, that the minutes be approved. The motion was unanimously approved.

The board reviewed invoices.

It was moved by Dan Jonasson, seconded by Clif Issendorf, that the invoice from Barr Engineering for environmental and design in the amount of \$ 290,614.98 be approved. The motion was unanimously approved by roll call vote.

It was moved by Dan Jonasson, seconded by Tom Klein, that the invoice from Houston Engineering for environmental and design in the amount of \$ 346,423.40 be approved. The motion was unanimously approved by roll call vote.

It was moved by Dan Jonasson, seconded by Clif Issendorf, that the invoice from Ackerman-Estvold for administrative services in the amount of \$ 23,303.75 be approved. The motion was unanimously approved by roll call vote.

It was moved by Dan Jonasson, seconded by Tom Klein, that the invoice from Ackerman-Estvold for the StARR program in the amount of \$ 4,807.50 be approved. During discussion, Ryan Ackerman reported that the invoice was broken down by property owner in order to facilitate submission to the SWC for cost-share. The program is first come first served. The motion was unanimously approved by roll call vote.

It was moved by Dan Jonasson, seconded by Clif Issendorf, that the invoice from Ackerman-Estvold for JCS Survey in the amount of \$ 14,026.10 be approved. The motion was unanimously approved by roll call vote.

It was moved by Dan Jonasson, seconded by Clif Issendorf, that the invoice from HDR for independent review in the amount of \$ 38,814.11 be approved. The motion was unanimously approved.

Ryan Ackerman reported on Outlaw Creek and Nelson Bridge. It was moved by Tom Klein, seconded by Clif Issendorf to authorize the Chairman to solicit a scope, schedule and budget proposal from Barr Engineering for preliminary engineering on a combined project to include improvements to Outlaw Creek and Nelson Bridge. The motion was unanimously approved by roll call vote.

Emily Huettl of Ackerman-Estvold reported on the StARR Program. Emily indicated that they have met with approximately 60 individual property owners. A few have chosen to opt out but most are proceeding. Through the course of these meetings some questions have come up regarding the StARR program policy. They have also received several appeals. Clif Issendorf inquired if there was a formal opt out process or documentation. Emily stated that formal opt out documentation could be added to the process. Emily will coordinate with Issendorf and Roger Sauer to schedule a StARR committee meeting.

Ryan Ackerman reported on the Feasibility Study Process. It was moved by Dan Jonasson, seconded by Tom Klein to authorize the Chairman to solicit a scope, schedule and budget proposal from Houston Engineering for hydrologic analysis as Work In Kind for the Feasibility Study and to execute a task order for the work. The motion was unanimously approved by roll call vote.

It was moved by Dan Jonasson, seconded by Clif Issendorf to authorize the Chairman to solicit a scope, schedule and budget proposal from Barr Engineering for levee alternatives analyses and cost estimating as Work In Kind for the Feasibility Study and to execute a task order for the work. The motion was unanimously approved by roll call vote.

It was moved by Tom Klein, seconded by Clif Issendorf to disburse \$175,000 to the US Army Corps of Engineers and direct the administrator to submit a cost-share reimbursement invoice to the State Water Commission. Discussion clarified that this would be at a 50/50 cost-share between the City of Minot and the SWC. The motion was unanimously approved by roll call vote. Tim Fay reminded the SRJB to ensure on that invoices to the SWC for the various spending be clearly separate for tracking purposes.

Jerry Bents reported on the engineering and design for Phase 1 of the project including:

- 90% submittal on July 28
- Continued coordination with Broadway Bridge project
- Development of CLOMR
- Responding to IEPR comments
- EIS development

Jason Westbrook reported on Phases 2 and 3 of the project including:

- 100% submittal will be sent to the USACE within 2-3 days
- 100% cost estimate being developed
- EIS – moving towards a final document
- MI-2A and MI-2B was bid in June

Ryan Ackerman reported on the bid opening for Phase MI-2A. It was moved by Tom Klein, seconded by Dan Jonasson to accept the low bid of Sherbenske, Inc. in the amount of \$2,949,919.10 and authorize the Chairman to sign the Notice of Award, Construction Contract and Notice to Proceed on the SRJB's

behalf. During discussion, Jonasson reported that the City of Minot approved the bid at their July meeting. Clif Issendorf questioned the amount of City sales tax currently being collected to pay for the cost-share. 0.50% sales tax is currently being collected for flood control. The motion was unanimously approved by roll call vote.

Ryan Ackerman reported on the bid opening for Phase MI-2B. Ackerman called attention to the fact that the cost-share request for this project was denied by the State Water Commission. It was moved by Dan Jonasson, seconded by Tom Klein to accept the low bid of Cordova Construction, LLC in the amount of \$132,361.00 and authorize the Chairman to sign the Notice of Award, Construction Contract and Notice to Proceed on the SRJB's behalf. During discussion, Jonasson reported that he has asked the City of Minot to pay 100% of the cost of this project and he praised the Minot Park District for their continued cooperation with the MREFPP. The motion was unanimously approved by roll call vote.

Ryan Ackerman reported that cost-share requests for utility relocations had been received from three franchise utility companies – MDU, Xcel, and Midco – and presented the Board with this information. Dave Ashley reported that negotiations with these utility companies had gone well but that SRT was not agreeable to the Private Utility Relocation Cost Share Proposal. While there is a possibility that the SRJB may not be legally responsible for any cost-share, the SRJB still originally offered 20% cost-share. SRT's original proposal was 60% cost-share. Through negotiations the SRJB began to increase their cost-share, as well as add assurances that any utility re-relocations (due to design changes) would be at the cost of the SRJB. Ultimately the SRJB has determined that 50% cost-share is fair and equitable, while SRT is now asking for 100% cost-share.. Ashley believes that the SRJB is showing good faith to the utility companies and that SRT is not willing to negotiate or come to a consensus. It was moved by Dan Jonasson, seconded by Tom Klein to approve the Private Utility Relocation Cost Share Program. The motion was unanimously approved by roll call vote.

It was moved by Dan Jonasson, seconded by Clif Issendorf 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. Discussion clarified that payments will be made based on actual invoice costs, though the estimates are being approved. The motion was unanimously approved by roll call vote.

Clif Issendorf reported that he attended the summer Joint Water Convention in Fargo. After hearing updates on the Fargo Diversion Project, Issendorf and others believe that the basin-wide approach of the MREFPP is the best way to move a project of this scale forward.

There being no further business, the meeting was adjourned.



Emily Huettl
Administrator