

Minutes of Meeting

Souris River Joint Water Resource Board

Thursday, March 1, 2018

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, March 1, 2018, in the Community Room of the Minot Auditorium, Minot, North Dakota. Joint Board members attending the meeting were David 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. Chairman David Ashley added "Legislative Representation" as Agenda Item No. 17(a). Dan Jonasson made a motion to accept the Agenda, as amended. Clif Issendorf seconded the motion. The motion was approved without opposition.

The draft Minutes from the February 1, 2018, meeting were discussed. Dan Jonasson made a motion to approve the Minutes from the February 1, 2018, meeting. Roger Sauer seconded the motion. The motion passed without opposition.

The Joint Board discussed the January Budget Report, included in the Board Packet as Agenda Item No. 4. Ryan Ackerman informed the Joint Board that the administrative team has made an effort to categorize the Joint Board's revenues and expenses in accordance with the various projects and to issue regular budget reports to provide more useful financial information to the Joint Board. Roger Sauer made a motion to approve the Budget Report. Tom Klein 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	Project No.	Cost
Barr Engineering	StARR Program	1974-14	\$1,755.00
	BU-1 Burlington	1974-19	\$34,540.47
	USACE Feasibility Study	1974-16	\$43,621.52
	Phase 2 and 3 Construction	1974-26	\$72,473.81
Houston Engineering	Environmental and Design	1974-02	\$23,481.75
	SWIF-Outfall Pipes	N/A	\$2,020.00
	MI-5 4 th Ave Tieback	1974-19	\$15,434.29
	Phase MI-1	1974-26	\$10,156.68
	USACE Feasibility Study-WIK	1974-16	\$5,294.00
Ackerman-Estvold	Administration	N/A	\$24,325.00
	USACE Feasibility Study-WIK	1974-16	\$6,896.25
HDR Engineering	BU-1 MI-5 Ind Ext Review	1974-19	\$7,532.50
AECOM	USACE Feasibility Study-WIK (Maple Economic Analysis)	1974-16	\$25,745.25

Dwyer Law Office	Legal	N/A	\$6,935.76
Park Construction Co	Phase 1 Construction	1974-26	\$173,469.15
	Total		\$453,681.43
Verendrye	StARR Utilities	N/A	\$213.86

A discussion took place regarding the bills. It was noted that the Verendrye Electric bill for \$213.86 was approved by Chairman David Ashley per Joint Board policy that allows the Chairman to approve bills under \$500. Ryan Ackerman informed the Joint Board that the AECOM invoice, which is the USACE's service provider for economic analysis, submitted its bill to the Joint Board for convenience, and that any amount paid to AECOM will be credited to the Joint Board's obligation to the USACE as work-in-kind (WIK). Ryan Ackerman informed the Joint Board that there will likely be another bill from AECOM. Jerry Bents provided a summary to the Joint Board regarding the Phase MI-1 construction pay request from Park Construction Company. Dan Jonasson made a motion to approve the bills. Tom Klein seconded the motion. The motion passed without opposition.

Jerry Bents provided the Joint Board with an update on Phase MI-1 and Phase MI-5. Jerry Bents referenced the Project Status Report on page 98 of the Board Packet. Jerry Bents indicated that the Contract and Notice to Proceed for Phase MI-1 were issued to the contractor, and that progress is underway. Jerry Bents provided a summary of the Phase MI-1 design and purpose, and provided the Joint Board with an expected timeline for construction of Phase MI-1 flood control features in 2018 and 2019. Jerry Bents indicated that all work should be completed by the end of 2020.

Jason Westbrook provided the Joint Board with an update on Phase MI-2/3. Jason Westbrook referenced the Project Status Report on page 103. Jason Westbrook indicated that the Contract and Notice to Proceed for Phase MI-2/3 were issued to the contractor. Jason Westbrook provided a summary of the Phase MI-1 design and purpose, and provided the Joint Board with an expected timeline for construction of Phase MI-2/3 flood control features in 2018 and 2019. Jason Westbrook provided an update regarding Phase BU-1 as well. Barr Engineering is continuing its look at an alternate levy alignment, and is obtaining geotechnical borings to evaluate the alternative alignment.

Emily Huettl provided the Joint Board with an update on the StARR Program. Emily Huettl indicated that the Joint Board has made several more offers under the StARR Program, and that the Joint Board has recently closed on two structures, with several more in queue. One land acquisition request was recently forwarded to Ward County. However, most StARR Program work has recently focused on advertising the sale of the StARR structures. Clif Issendorf questioned whether groundwater well removal required any special considerations from the State Health Department. Emily Huettl indicated that she will look into this question. Tom Klein made a motion to approve the demolition Advertisement for Bids located in the Board Packet and authorize the Chairman to sign. Clif Issendorf seconded the motion. The motion passed without opposition. Roger Sauer made a motion to approve the resale Advertisement for Bids located in the Board Packet and authorize the Chairman to sign. Clif Issendorf seconded the motion. The motion passed without opposition. Emily Huettl reported that the information would also be located on the website.

Ryan Ackerman provided a report to the Joint Board regarding the USACE Feasibility Study Update. Ryan Ackerman indicated that the written update is located on page 122 of the Board Packet. The Vertical Team has recently agreed with the Tentatively Selected Plan, but the project cannot be funded unless the project gains authorization from Congress in the next Water Resources Development Act (WRDA)

bill. In order to gain authorization, there is a push to deliver the final Feasibility Study by November of 2018. Chairman David Ashley, who attended a February 16, 2018, conference call with the USACE, indicated that the USACE is positive about the Mouse River Enhanced Flood Protection Project.

Ryan Ackerman addressed the Joint Board regarding the proposed Construction Change Order Policy contained at page 156 of the Board Packet. Roger Sauer made a motion to approve the Construction Change Order Policy. Clif Issendorf seconded the motion. The motion passed without opposition.

Emily Huettl led a discussion with the Joint Board regarding the cost share requests for franchise utility relocations. Roger Sauer made a motion to approve the cost share requests of the franchise utility companies contained in the Board Packet and direct the administrator to submit a cost-share reimbursement invoice to the State Water Commission and City of Minot. Clif Issendorf seconded the motion. The motion passed without opposition.

The Joint Board discussed the current biennium funding update. Ryan Ackerman directed the Joint Board's attention to the written report contained at page 162 of the Board Packet, and summarized the report. Ryan Ackerman asked the Joint Board to consider the available funding and the ten projects included in the priority list. Ryan Ackerman also indicated that the acquisition team for the City of Minot has identified an estimated need of \$12 million to continue planned acquisitions. Dan Jonasson asked for the timeline for the design of the Outlaw Creek project and Tierrecita Vallejo Levee Design. Ryan Ackerman indicated that the design time would take 6 months and a year, respectively. Clif Issendorf made a motion for the Administrator and Chairman to develop a plan to complete the ten project priority items described on page 162 of the Board Packet, leaving an estimated \$2.82 million for the City of Minot acquisitions. Tom Klein seconded the motion. A discussion ensued. Dan Jonasson suggested that design work continue, but that the Joint Board consider waiting on construction. Dan Jonasson indicated that there are federal funds available for City of Minot acquisitions to the extent the Joint Board or City of Minot can provide a local match. Clif Issendorf indicated that a dry season could provide cost savings for the Joint Board, and the savings could then be utilized for City of Minot acquisitions. Chairman David Ashley indicated that there was a sentiment to move forward with project features outside of the City of Minot to align with the basin wide project. Roger Sauer indicated that several features will require US FWS permitting or approval, and moving forward on design now was prudent. A roll call vote was cast. Clif Issendorf, Roger Sauer, Tom Klein, and Chairman Ashley voted yes. Dan Jonasson voted no. The motion passed.

Clif Issendorf led a discussion with the Joint Board regarding Groundwater Detection Technology in the Souris River Basin, relating to the presentation of the State Water Commission made at the December ND Water Convention. Clif Issendorf suggested that the Joint Board could utilize the technology in the Souris River Basin to discover groundwater resources. Clif Issendorf noted that any water available is already located in the Hudson Bay basin. Clif Issendorf made a motion that the Joint Board work with the State Water Commission to identify groundwater resources using Groundwater Detection Technology. Roger Sauer seconded the motion. Roger Sauer suggested that the Garrison Conservancy District be considered for funding. The vote was cast. All voted in favor except Dan Jonasson, who abstained.

Ryan Ackerman provided a report to the Joint Board regarding upcoming meetings regarding the MREFPP. He directed the Joint Board's attention to the written report on page 163.

Jack Dwyer introduced a proposal from the North Dakota Water Resource District Association for legislative advocacy. Jack Dwyer handed out a packet, attached as Attachment B. Jack Dwyer reported that several bills have been introduced over the last few legislative sessions which have challenged powers or compromised funding for water resource districts. In response, the North Dakota Water Resource District Association has proposed increased funding to combat problematic bills. The proposal increases dues to local water resource districts, but the majority of increased funding comes from Red River Joint Board, Upper Sheyenne Joint Board, Souris River Joint Board, and Devils Lake Joint Board. The proposal for the Souris River Joint Board averages \$6,000 per year. Jack Dwyer indicated that the legislative advocacy team that would promote water resource district issues includes Mike Dwyer, Lance Gaebe, and Jack Dwyer. The packet attached as Attachment B illustrates six main issues that the legislative advocacy team would focus on, initially. Roger Sauer made a motion to approve the proposal. Tom Klein seconded the motion. The motion passed without opposition.

There being no further business, the meeting was adjourned.



Jack Dwyer
Legal Counsel



SRJB

SOURIS RIVER JOINT BOARD

Sign-In
 March 1, 2018
 Minot Municipal Auditorium

Name	Organization
Jason Westbrook	Burr
Shelly Weppler	Ward Co.
Dennis Peay	HDR
Sally Johnson	Sen. Haerem
SHANNON STRAIGHT	City of Minot
Dan [Signature]	SRJB
Roger [Signature]	SRJB
Cliff Issendorf	SRJB
Tom Klien	SRJB
Dave Ashley	SRJB
Ryan Ackerman	SRJB
Jerry Bantz	Houston
Emily Huethl	Ackerman-Estvold
Dusty Zimmerman	Ackerman-Estvold
Jason Zimmerman	SWC/Wardward
Brent Burgard	Ackerman-Estvold

**North Dakota Water Resource Districts Association/Legislative Advocacy Proposal
Dwyer Law Office: 2018-2019**

- I. **Purpose:** Legislative Advocacy and Legislative Support. Water Resource Districts need a stronger legislative effort. We need an advocate to be present every day of the legislative session, with support from other resources as needed. We need to be proactive and provide both legal and technical support for all bills relating to water management.

	<u>Legislative Year</u>	<u>Non-Legislative Year</u>
II. Legislative Advocacy .70 FTE Legislative year/.40 FTE Non-Legislative Year (63,000)	44,100	25,200

	<u>Legislative Year</u>	<u>Non-Legislative Year</u>
III. Funding Proposal		
A. ND Water Resource Districts Association: Dues	8,600	8,600
B. Red River Joint Board	23,000	10,000
C. Souris River Joint Board	8,000	4,000
D. Devils Lake Joint Board	3,500	2,000
E. Upper Sheyenne Joint Board	1,000	600
Total	<u>44,100</u>	<u>25,200</u>

IV. Cost Sharing: North Dakota Water Users Association (In-Kind)		
A. Office Space	6,000	4,000
B. Travel	2,000	2,000
C. Office Expenses/Postage/Copies/Printing Support Staff	4,000	4,000
D. Communication	8,000	6,000
E. Administrative Support	6,000	4,000
Total	<u>26,000</u>	<u>20,000</u>

- V. This legislative proposal is a partnership with the North Dakota Water Resource Districts Association and the North Dakota Water Users Association.