

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, September 7, 2023**

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, September 7, 2023, after announcing that a quorum was present. The meeting was held in Room 203 of the Minot Auditorium. Joint Board members in attendance were Tom Klein, Dan Steinberger, Clif Issendorf, and Jason Sorenson (to be sworn in).

The Joint Board administered an Oath of Office to Jason Sorenson, who will be taking over for Dan Jonasson as a member of the Souris River Joint Board. Jason Sorenson verbally accepted the oath and signed the Oath of Office.

The Joint Board discussed the proposed Agenda for the meeting. Dan Steinberger added one item under Item 16 – standards for river crossings (bridges). Chairman Ashley noted that under Item 18, an executive session would be held.

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

The draft minutes of the August 3, 2023 regular meeting of the SRJB were discussed.

Tom Klein made a motion to approve the minutes from August 3, 2023 regular meeting. Dan Steinberger seconded the motion. The motion passed without opposition.

Brent Burgard presented the Budget Report and the Joint Board reviewed the Budget Report included in the September Board Packet. Brent Burgard explained the Balance Sheet and Budget Report.

Jason Sorenson moved to approve the Budget Report. Dan Steinberger seconded the motion. The motion passed without opposition.

The Joint Board reviewed and approved bills set forth in the September Board Packet totaling \$5,412,449.54 Chairman Ashley opened it up for questions from the Board on each bill being considered for approval. Dan Steinberger questioned the use of personnel for federal permit and state permit on Barr Engineering invoice. Jason Westbrook of Barr Engineering explained the nature of the charges. On HDR, Dan Steinberger questioned the refund based on an audit. Troy Borchard suspects there was likely a double billing incident that was refunded. On DL Barkie, Dan Steinberger questioned whether the Board is paying \$610/acre for maintenance on property. Brent Burgard responded that the amount paid was equivalent to previous years for mowing and spraying. Ryan Ackerman indicated the costs are for spraying and mowing for SRJB held properties. There are 12 acres and they are using small equipment due to number of trees, so it is fairly labor intensive. Previous years rates have ranged from \$575-595 per acre. Tom Klein indicated that the cost of spray chemical has doubled. Clif Issendorf pointed out that a breakdown showing the number of times mowed and sprayed would be helpful rather than an annual amount to be paid.

Tom Klein moved to approve the payment of bills totaling \$5,412,449.54. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents of Houston Engineering updated the Joint Board on Phase MI-1. A Project Status Report from Houston Engineering is contained in the September Board Packet. The contractor is scheduled to reset the discharge lines which will go from the pump station to the discharge station starting on September 18, 2023. Beyond that, they continue to work on warranty items.

Jerry Bents updated on Phase MI-4A and MI-4B. A Project Status Report from Houston Engineering is contained in the September Board Packet. The foundation evaluation that CP was looking to complete on the Sixth Street Bridge is still awaited. This is a critical piece in moving forward with the Maple Diversion, as it is needed to settle an alignment and start on design.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the September Board Packet. A lot of work is going on with this Phase and Jerry Bents showed a drone video showing the updates.

Jerry Bents updated the Joint Board on Phase MI-6. A Project Status Report from Houston Engineering is contained in the September Board Packet. The design phase is in progress. The goal is to be at 100% of design by October 31, 2023. The negotiations with BNSF are ongoing.

Jason Westbrook of Barr Engineering updated the Joint Board on Phase MI-2C. A Project Status Report from is contained in the September Board Packet. This phase is down to a couple shrubs to plant, which were the last piece of the design to be put together.

Jason Westbrook provided an update to the Joint Board regarding Phase MI-7. A Project Status Report is contained in the September Board Packet. The team is looking at getting pricing and moving forward with a couple of things yet this fall, including (1) placing of pre-consolidation piles of dirt so that underlying soils compress and prevents differential settlement issues once the levee is built up; and (2) tree clearing.

Jason Westbrook provided an update to the Joint Board regarding Phase WC-1. A Project Status Report is contained in the September Board Packet. Work is complete with this phase. There are some vegetative questions and warranty items for Wagner to move through. The rail closure work will come at some point in the future once there is full cooperation with CP Rail. Even with that, this neighborhood is protected from a 200 year event.

Jason Westbrook provided an update on Phase BU-1. A Project Status Report is contained in the September Board Packet. A drone video was shown to show the Joint Board the recent updates. This project will be wrapped up and done this Fall. A community celebration for this phase is planned. Clif Issendorf commented on a job well done.

Ryan Ackerman provided the SRJB with a Rural Program Update. An additional seven property owners have expressed interest in the farm trapped water program, making a total of approximately 20 signed up at this point. The total cost share amount for those properties would be about \$1.32 million if SRJB assumes the full \$1,000/acre and \$135,000 per landowner cap. On July 5, 2023, the various district conservationists were contacted and no reply was received. There have been meetings with 10 of the 20 property owners and additional meetings are scheduled throughout the rest of September. After the site visits and analysis, further updates will be presented to the Joint Board regarding cost estimates, etc.

Ryan Ackerman indicated the StARR Program is in the final phase of demolition with the Kohlmann property and a couple of others. A proposal from DL Barkie will be solicited for removal of trees within

the project limits of the Velva bridge to alleviate scheduling concerns associated with the bridge. A change order will be presented to the Joint Board at a future meeting.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. A Project Status Report is contained in the September Board Packet. The Sawyer bridge has been completed. Some touch up items need to be done and Swingen Construction is proposing a balancing change order to adjust the contract quantity to reflect actual quantity of work completed on the project.

Tom Klein moved to approve Change Order No. 4, reducing the contract price by \$330,322.68, and authorize the chairman to sign the change order and final pay app in the amount of \$0.00 on behalf of the SRJB. Jason Sorenson seconded the motion. A roll call vote was cast. The motion passed without opposition.

Troy Borchard further updated that full approval from the NDDOT on alignment and phasing plans has been received on the Velva Bridge. On the Mouse River Bridge, redesign of the deck is in the finishing stages and the plan is to get it let the project late October or early November with construction starting as soon as possible.

Dan Steinberger advised that Renville County has a 60-year-old bridge on a rural township road that is in desperate need of repair and replacement. It is now on the NDDOT replacement schedule. The proposals that are coming forward on that include installing a box culvert, which may inhibit the flow of water. There is a similar situation further upstream in Ward County on a county road. Dan Steinberger questioned the requirements for water conveyance. Chairman Ashley responded that there may be a conveyance issue. Clif Issendorf questioned the length of the deck. Dan Steinberger estimated 30 feet as the length for the Renville County site and 75 feet for the Ward County site. Clif questioned whether the requirements are state or federal on the 75-foot bridge. Troy Borchard indicated that with a hydraulic conveyance, a bridge replacement would need to run a hydraulic model to show it does not impede water greater than it does presently, nor can it pass flow through faster (you cannot have a water rise on either side of the hydraulic crossing that exists now without writing a letter of map revision effectively changing the map flood area). Troy Borchard indicated that a smaller box culvert will mathematically pass more flow because it creates a pressure flow, starts to siphon, and sucks the water through faster (but they are susceptible to clogging). Troy Borchard indicated that there are multiple options that would meet the sizes of the bridges mentioned by Dan Steinberger. Chairman Ashley suggested that with Joint Board approval, the SRJB administrator and consultants should look into the legalities of the matter. Ryan Ackerman indicated the next step would be coordination with his office to work with county engineers to help them with the hydraulic modeling and ensure plans are compatible with (1) stream crossing standards, (2) existing 100-year flood plain, (3) the future improvements SRJB would be undertaking, or (4) how it would impact the existing federal works in the area.

The Joint Board took note of future meetings and events as set forth in the September Board Packet. The ND Legislative Water Topics Overview Committee will be held in Bismarck, ND. A community celebration for flood protection completion in Burlington, ND will be held on September 19, 2023. The next regular meeting of the Joint Board is scheduled for Thursday, October 5, 2023 at 4:00 p.m. in Room 203 of the Minot Auditorium.

The Joint Board discussed entering into an executive session regarding Wagner Construction Claims with attorney consultation for Wagner Construction's Claims as authorized under NDCC 44-04-19.1(5).

Clif Issendorf motioned to go into an executive session. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

The executive session was recorded. When the executive session concluded, the following action was taken by the Joint Board:

Tom Klein made motion to deny the Wagner Construction claims. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.

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



Jack Dwyer
Legal Counsel