

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, December 8, 2016
Bismarck, North Dakota**

A special 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 8, 2016, at the Ramkota Inn in Bismarck, North Dakota. Joint Board members attending the meeting were Dave Ashley, and Dan Jonasson in person, and Cliff Issendorf, Roger Sauer, and Tom Klein by telephone. A roster of those attending the meeting is listed on Attachment A.

The Joint Board discussed the proposed agenda for the meeting. Chairman Ashley indicated Mike Dwyer would provide a financial report under other business. There being no other additions, it was moved by Dan Jonasson, seconded by Roger Sauer, that the agenda be approved. The motion was unanimously approved.

The minutes of the November 10, 2016 Joint Board meeting were reviewed. After review, it was moved by Dan Jonasson, seconded by Roger Sauer, that the minutes be approved. The motion was unanimously approved.

The Joint Board discussed the proposed STARR contract modification. Ryan Ackerman explained that in order to comply with procurement requirements, the work for the STARR program should be completed under a contract that was awarded following a request for qualifications. Ryan Ackerman recommended that the STARR program administration and management be completed under the engineering services agreement with Barr Engineering. He explained that the contract modification would not change the personnel doing the work. It was moved by Dan Jonasson, seconded by Roger Sauer, that an amendment to the Barr Engineering contract be approved to include work on the STARR program. The motion was unanimously approved by roll call vote.

The board reviewed invoices to date since the last Joint Board meeting. It was moved by Roger Sauer, seconded by Dan Jonasson, that the following bills be approved for payment.

Barr Engineering	(Environmental & Design)	\$ 189,352.10
	(MI-2A Construction Perkett)	\$ 56,503.00
	(USACE Feasibility Study)	\$ 9,392.50
	(STARR Program)	\$ 37,083.13
Houston Engineering	(Environmental & Design)	\$ 230,730.37
	(USACE Feasibility Study)	\$ 950.00
Ackerman-Estvoid	(USACE Feasibility Study)	\$ 10,885.27
Scherbenske Inc.	(MI-2A Construction Perkett)	\$ 411,307.85
	TOTAL	\$ 954,534.14

It was inquired whether all of the invoices were reimbursable. Ryan Ackerman stated that all of the listed invoices were reimbursable except for the Ackerman-Estvoid invoice for administration in the amount of \$8,329.92.

There being no further discussion, the motion was unanimously approved by roll call vote.

Emily Huettl provided an update on the STARR program. Huettl reviewed the memorandum on page 203 and 204 of the agenda packet. Huettl explained there are 53 active participants, all of whom have signed a notice of intent that they would like an offer made to them. Huettl explained that market value is determined by either an appraisal or the tax assessed value and increasing that by 10%. She stated that appraisals have been completed for 28 properties. Huettl explained that current available funding for the STARR program is \$12 million, including \$7.2 million from the State Water Commission and \$4.8 million from the City of Minot. Huettl explained it is estimated that \$12 million will be expended, and future funding will be requested. Huettl explained that some parties may reject offers, and some new participants may sign a notice of intent. Dan Jonasson inquired about the process for a party who is interested in having a relocation. Huettl explained that parties interested in relocations have the responsibility to work with contractors and develop an estimate of costs to be considered. Ryan Ackerman also explained that if costs of relocation exceeded the appraisal value, the cost participation would not exceed the appraised value.

The board considered the proposed offer price appeals process. The proposed appeals process is Attachment B. Emily Huettl explained that the proposed appeals process is for participants who believe the offer is incorrect, and there is a process for participants to present additional information relating to value. Huettl explained that the proposed policy is patterned after the City of Minot appeals process. Dan Jonasson inquired who serves on the appeal board. Huettl and Chairman Ashley responded that the appeals board would be a newly created appeals board, consisting of two board members from the Joint Board, and two persons outside of the Joint Board with real estate knowledge.

After further discussion, it was moved by Roger Sauer, seconded by Dan Jonasson, that the proposed appeals process be approved. The motion was unanimously approved by roll call vote.

Ryan Ackerman reported on the U.S. Army Corps of Engineers feasibility study. Ackerman stated that Dan Jonasson, Dave Ashley, and Ryan Ackerman participated in meetings concerning the feasibility study, and that the vertical team of the Corps of Engineers had concurred that the cost of Phases I, II, and III would not be included in the benefit cost calculation conducted by the Corps of Engineers. Ackerman stated that this was significant since it provided a path for federal involvement in the flood control project. Ackerman further stated that the next milestone for the Corps would take place in January, at which time they would consider the various alternatives to be considered in their analysis. Ackerman further stated that a plan would be developed from the various alternatives, and the Corps would have a proposal or an outline of what a federal project might look like by August, 2017, including federal participation. Ackerman stated that a report would then be developed for scrutiny at various federal levels. Federal participation, both in terms of actual plans and funding, would start to fall into place after that.

Jerry Bents reported on Phase MI-1. Bents stated that work was done on the design side, and that various reviews would be taking place by the Corps of Engineers. Bents stated that the environmental impact statement is out for public comment, that meetings are ongoing with BNSF for railroad permitting, and that after the public comment period for the EIS ended, a section 404 application would be resubmitted. Bents further stated that the storm water study was being completed, and that final comments were being incorporated into the SWIF document for completion.

Jason Westbrook provided an update on Phases MI-2, MI-3, and BU-1. Westbrook stated that design was completed on MI-2 and MI-3, and that it was ready for submittal to the Corps of Engineers. Westbrook reported on the Highway 83 tie in, and the Perkett Ditch improvements. Westbrook stated that there would be a public comment meeting on the environmental impact statement on Thursday, December 15. Westbrook was asked to give a report on Burlington. Westbrook responded that they are in the process of gathering data, doing field investigations, and other investigations concerning that project.

Ryan Ackerman reported that the Joint Board had adopted the Mouse River Enhanced Flood Control Project, as set forth in the preliminary engineering report. Ackerman stated that there were some modifications to the preliminary engineering report that would be appropriate to be considered by the Joint Board. Ackerman stated that due to the national disaster resilience competition which provided funding for the City of Minot, some areas could be used to create flood storage areas and green space if those areas were acquired as part of the project. Ackerman identified the Moose Lodge and Leite-Brekke neighborhoods as possibilities for this consideration. Ackerman stated that the issues of eminent domain for acquisitions needed to be worked out before moving forward. No action is recommended at this time concerning these modifications, but information is provided for future reference.

Dan Jonasson added that there was a desire on the part of some citizens to have another opening in the flood wall, near Main Street and Fourth Avenue. Jonasson stated that the request was voted down by the Minot City Council, by a 8-6 vote.

Mike Dwyer distributed the Souris River Joint Board budget report for January through November, 2016. The report is Attachment C.

Ryan Ackerman reported on the governor's funding in his proposed budget. Ackerman explained that Minot had requested and the North Dakota Water Coalition had recommended \$71 million for Souris River related flood activities, including \$51 million for construction and \$21 million for acquisition. Ackerman stated that the governor's budget had recommended \$70 million for the Souris River flood control project.

Jerry Bents responded to an inquiry about the EIS, and stated that it was anticipated that a record of decision for the environmental impact statement could be available by late spring, 2017.

Tim Fay addressed U.S. Department of State and the International Joint Commission issues, and the final plan of study to be implemented by the International Souris River Board of Control.

There being no further business, the meeting was adjourned.


Michael Dwyer
Legal Counsel