

Minutes of Meeting

Souris River Joint Water Resource Board

Thursday, May 11, 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, May 11, 2017, in the Community Room of the Minot City Auditorium in Minot, North Dakota. Joint Board members attending the meeting were Dave Ashley, Clif Issendorf, Roger Sauer and Dan Jonasson. A roster of those attending the meeting is listed on Attachment A.

The Joint Board discussed the proposed Agenda for the meeting. Ryan Ackerman requested that Item No. 14(a) be added under "Other Business" to discuss an Amendment to Houston Engineering's Owner-Engineer Agreement. 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 of the April 13, 2017, meeting were discussed. Roger Sauer requested that a clerical error be corrected in paragraph 3 of the draft minutes to correct the spelling of his last name. Dan Jonasson made a motion to approve the Minutes of the April 13, 2017, meeting, as amended, and Roger Sauer seconded the motion. The motion was approved without opposition.

The Joint Board discussed Agenda Item No. 4 regarding bills. The following bills were discussed:

- Barr Engineering	(Environmental & Design)	\$187,757.91
	(MI-2A Construction Perkett)	\$16,138.75
	(StARR Program)	\$9,395.00
	(BU-1 Burlington)	\$297,381.73
	(Outlaw Creek)	\$3,984.00
- Houston Engineering	(Environmental & Design)	\$54,238.15
	(SWIF – Outfall Pipes)	\$2,062.50
	(MI-5 4 <sup>th</sup> Ave. Tieback)	\$48,320.45
- Ackerman-Estvold	(Administration)	\$23,132.67
	(USACE Feasibility Study-WIK)	\$465.00
- HDR Engineering	(IEPR)	\$13,500.25
- Scherbenske Inc.	(MI-2A Construction Perkett)	\$144,053.78
- <b>TOTAL</b>		<b>\$800,430.19</b>

The Joint Board discussed the MI-2A construction contract with Scherbenske, Inc. Ryan Ackerman informed the Joint Board that the pay request from Scherbenske, Inc. aligned with the percentage of completion of the construction. It was reported that the construction was approximately 70% complete. Clif Issendorf made a motion to approve the bills as presented in the amount of \$800,430.19. Roger Sauer seconded the motion. The motion passed without opposition.

The Joint Board discussed Agenda Item No. 5 regarding the USACE Feasibility Study. Ryan Ackerman directed the Joint Board's attention to the memorandum that was included in the Board Packet at page 165. Ryan Ackerman indicated that the focus has been on communicating the progress of the Feasibility Study to the vertical team at the Division and Headquarters levels. Ryan Ackerman indicated that the several levels of the USACE met on April 27, 2017, to discuss the Feasibility Study. Clif Issendorf asked whether the low-head dams were safe. Ryan Ackerman indicated that the USACE was interested in modifying the 5 or 6 low-head dams in order to increase safety.

Jerry Bents provided an update to the Joint Board on MI-1 and MI-5. Jerry Bents directed the Joint Board's attention to the Project Status Report included in the Board Packet at page 175. Clif Issendorf asked whether there were alternatives to the wetland mitigation credits that were purchased from Ducks Unlimited for \$63,000/acre. Jerry Bents indicated that there were other options to acquire the requisite real estate interests necessary to design and construct wetland restoration projects in the Souris River Basin, but because of the cost of designing, constructing, and maintaining wetland restoration projects on a long term basis, it was recommended to purchase the credits from Ducks Unlimited. Jerry Bents indicated that, in the future, restoring wetlands would be an option the Joint Board could consider.

Jason Westbrook provided an update to the Joint Board on Phase MI-2/3 and BU-1 and Outlaw Creek. Jason Westbrook directed the Joint Board's attention to the Project Status Report included in the Board Packet at Page 179. Notably, Jason Westbrook indicated that the USACE recently indicated that the last approvals necessary under the 408 process would likely be issued around September 22, 2017, so the schedule was no longer on the critical path. Dan Jonasson indicated that he has expressed his disappointment to the USACE regarding the delay to the schedule. Regarding Phase BU-1, Jason Westbrook indicated that Barr Engineering recently presented a 30% plan set to the community leaders in Burlington, and received positive feedback. Jason Westbrook indicated that the cost-benefit ratio is likely not adequate to replace Nelson Bridge on Outlaw Creek. The feasibility report should be completed over the next month.

Ryan Ackerman provided the Joint Board with an update regarding the construction of Phase 2A – Perkett Ditch. Ryan Ackerman indicated that the contractor was making progress, and was by and large on schedule.

The Joint Board discussed two proposed change orders to the MI-2A construction contract, which were described in the Board Packet at page 181. Ryan Ackerman indicated that the construction contract is currently projected to be under budget. Ryan Ackerman indicated that Change Order Request 04 is recommended to upgrade a residential grade fence to a commercial grade fence because of its proximity to a railroad for safety. Dan Jonasson made a motion to approve Change Order Request No. 04 for MREFPP Phase MI-2A and authorize the Chairman to sign. Roger Sauer seconded the motion. The motion passed without opposition. Ryan Ackerman requested the Joint Board to consider Change Order Request 05 to increase the curb/sidewall height 8" along the channels from 2<sup>nd</sup> Ave. to Inlet #2 and 2<sup>nd</sup> Ave. to the pond, which will reduce slope, which will reduce erosion and therefore reduce future maintenance. Dan Jonasson made a motion to approve Change Order Request 05 for MREFPP Phase MI-

2A and authorize the Chairman to sign. Roger Sauer seconded the motion. The motion was approved without opposition.

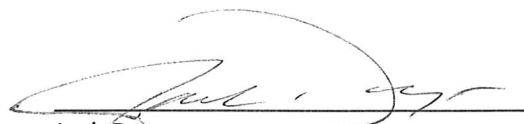
Emily Huettl provided the Joint Board with an update regarding the StARR Program. Emily Huettl indicated that work with participants is ongoing, and that there were three or four closings projected over the next month. Several structures are now ready for resale. Emily Huettl directed the Joint Board's attention to an Advertisement for Bids for the sale of structures, included in the Board Packet at page 192. Emily Huettl reported that the SWC has requested that its portion of the proceeds from the sales be returned to the SWC, but that the StARR Administrator has been tracking expenses so that the Joint Board will not over-remit to the SWC or the City of Minot. Roger Sauer made a motion to approve the Advertisement of Bids included in the Board Packet and authorize the Chairman to sign. Clif Issendorf seconded the motion. The motion was approved without opposition.

Emily Huettl then provided an update to the Joint Board regarding how the StARR Program is administered from a valuation standpoint. Emily Huettl directed the Joint Board's attention to a Valuation Memo included in the Board Packet at page 194. Emily Huettl reported that she has been offering the 95% of market value in accordance with the StARR Policy, and that the participant has the opportunity to challenge market value through the StARR appeals process. Ryan Ackerman indicated that the appeals committee could possibly overrule the appraisal obtained for the StARR Program, but that the decision of the appeals committee should be made in light of the fact that the StARR Program was utilizing state and local public funds. Roger Sauer indicated that there has been confusion regarding market value versus replacement value.

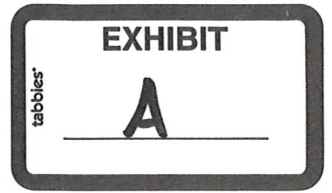
Ryan Ackerman provided the Joint Board with a legislative update. Ryan Ackerman directed the Joint Board's attention to a written report included in the Board Packet at page 195. Ryan Ackerman indicated that Governor Bergum had recently vetoed the "buckets" portion of House Bill 1020. Ryan Ackerman anticipates \$70 million in funding available for the Project from the SWC's budget this biennium, and an additional \$123 million over the next four biennia. Regarding House Bill 1374, Ryan Ackerman indicated that the final version of House Bill 1374 was acceptable.

The Joint Board discussed an Amendment to Owner-Engineer Agreement with Houston Engineering with an estimated increase of cost of \$24,000 for Houston's work in televising pipes and related work. The written Amendment is attached as Attachment B. Dan Jonasson made a motion to approve the Amendment. Roger Sauer seconded the motion. Ryan Ackerman indicated that the cost will be allocated to the counties and that the Joint Board members will submit reimbursement invoices to the various water resource districts pursuant to the previous MOU's.

There being no further business, the meeting was adjourned.

  
Jack Dwyer

# Sign In Sheet →



Jason Westbrook  
Shelly Wepler

DR. STEVE PODRYBOLA

cliff Isenlof SRJB

Roger Sauer SRJB

SRJB

Dan Johnson

SRJA

David Cole

Emily Huettl

Ackerman-Esthold

Duffy Zimmerman

Ackerman-Esthold

Ryan Ackerman

Lynn Goodman

Turner

Jacki Dwyer

Dwyer Law



This is **EXHIBIT K**, consisting of 3 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated May 6, 2014.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Amendment No. 1**

- 1. *Background Data: Amendment 1 to Work Order 7 of the agreement referenced above for MREFP – SWIF Storm Sewer Outfall Investigation (Mouse River Park, Burlington to Minot, Sawyer, and Velva)*

Effective Date of Owner-Engineer Agreement: May 6, 2014

- b. Owner: Souris River Joint Board
- c. Engineer: Houston Engineernig, Inc.
- d. Project: MREFP

2. *Description of Modifications:*

- a. Engineer shall perform or furnish the following Additional Services: See 2b.
- b. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:

The basis of the existing Scope of Services was the investigation of Storm Sewer Outfalls consistent with the investigation being conducted for storm sewer outfalls crossing a flood control project line of protection within the City of Minot. The modified Scope of Services is expanded to include all storm sewer/culverts installed as part of the flood control project, including all pipes that are part of interior drainage facilities, and pipes that convey runoff to the interior drainage facilities, if installed as part of the flood control project.

The existing Scope of Services projected investigation of approximately 6,000 LF of pipe. The projection for the modified Scope of Services is approximately 13,000 LF. Modifications to the budget for the individual subtasks are as follows:

**Task 1.1 – Televising Scope Development** – This task is modified from \$4,000 to \$8,000 for additional time required to develop location maps and inventories of pipes added to the Scope of Services. Location maps and inventories will be created through review of plans and USACE levee inspection reports.

**Task 1.2 – Project Solicitation and Coordination** – This task is modified from \$8,000 to \$24,000 for additional estimated contractor coordination and field observation/coordination for the pipes added to the Scope of Services. Additional estimated Resident Project Representative (RPR) travel time for pipes added in outlying communities is also a factor in the modifications for this task. The actual level of involvement of the RPR will vary depending on field conditions encountered (water level/pipe submergence) and thus this budget should be considered an estimated budget with actual involvement billed on an hourly basis.

**Task 1.3 – Data Review and Analysis** – This task is modified from \$4,000 to \$8,000 for additional time required to review televising videos and determine recommended actions for pipes added to the Scope of Services.

- c. The responsibilities of Owner are modified as follows: Unchanged.
- d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation: \$24,000.
- e. The schedule for rendering services is modified as follows: Unchanged. Work will continue through completion of the actual investigation, review of investigation data, and identification of outfalls in need of repair.
- f. Other portions of the Agreement (including previous amendments, if any) are modified as follows: None.

5. Agreement Summary (Reference only)

a. Original Agreement amount:	<u>\$16,000</u>
b. Net change for prior amendments:	<u>\$0</u>
c. This amendment amount:	<u>\$24,000</u>
d. Adjusted Agreement amount:	<u>\$40,000</u>

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is April 27, 2017.

OWNER:

  
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By: David Ashley

Title: Chairman

Date Signed: 5/11/2017

ENGINEER:

  
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By: Jerry Bents

Title: Project Manager

Date Signed: 5/11/2017