

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, November 3, 2022**

A meeting of the board of directors of the Souris River Joint Water Resource District was called to order by Vice Chairman Tom Klein at 4:00 p.m. on Thursday, October 6, 2022, in Room 203 of the Minot Auditorium in Minot, North Dakota. Joint Board members in attendance were Clif Issendorf, Tom Klein, Dan Jonasson and Dan Steinberger. A roster of those attending is attached as **Attachment A**.

The Joint Board discussed the proposed Agenda for the meeting.

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

The draft minutes of the October 6, 2022 regular meeting of the SRJB were discussed.

Dan Jonasson made a motion to approve the draft minutes from the October 6 2022 regular meeting of the SRJB. Clif Issendorf seconded the motion. The motion passed without opposition.

The Joint Board discussed the Budget Report included in the November Board Packet. Brent Burgard explained the Balance Sheet and Budget Report.

Dan Jonasson moved to approve the Budget Report. Clif Issendorf seconded the motion. The motion passed without opposition.

The Joint Board next discussed the bills set forth in the November Board Packet totaling \$6,544,882.02. Vice Chairman Klein opened it up for questions from the Board on each bill being approved. Dan Steinberger asked whether SRJB or BNSF owns the lights being relocated by Xcel. Jerry Bents indicated the lights light the rail yard and are owned by BNSF. They were previously located on the north side of the rail yard but were in conflict with the project. As a result, they were moved to the south side of the rail yard. BNSF will take over control and maintenance of the yard after the project.

Clif Issendorf moved to approve the payment of bills totaling \$6,544,882.02. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents from Houston Engineering provided the Joint Board with an update on Phase MI-1. A Project Status Report from Houston Engineering is contained in the November Board Packet. The contract is still in the closeout phase. Mediation issues with Park Construction are ongoing and Dwyer Law Office is assisting with that matter.

Jerry Bents updated on Phases MI-4A and MI-4B. A Project Status Report from Houston Engineering is contained in the November Board Packet. In Phase MI-4A, there is not much new to report. Work is being done on final quantity adjustments with the contractor to complete the final balancing change order and final pay request (which is anticipated to come before the SRJB at the December meeting). In Phase MI-4B, construction is fully complete and work is being done on closeout documentation that is required for the permit. With respect to Phase MI-4 as a whole, another alternative to address the railroad conflicts

was developed since the October meeting. A meeting was recently held with CP Rail to run through the concept and it sounds promising. BNSF has been asked to provide feedback by the end of the month.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the November Board Packet. Work on Phase MI-5A is still focused on the east end of the project. A drone video was shown to the Joint Board to update on progress of the project. Clif Issendorf asked about collection of stormwater with respect to the railroad. Jerry Bents indicated the flood protection project includes a series of culverts to collect stormwater and enter the pump station and flows to the river.

Jerry Bents updated on Phase MI-6. A Project Status Report from Houston Engineering is contained in the November Board Packet. Work is being done to progress from 60% to 90% design completion. The goal is to be at 90% completion by the end of 2022 and 100% completion by the Spring of 2023. There are no significant changes on this phase since the October meeting.

Jason Westbrook of Barr Engineering updated the Joint Board on Phase MI-2C. A Project Status Report from is contained in the November Board Packet. Wagner Construction is the contractor. The construction schedule was arranged so that this would be good filler work for the contractor. The construction end date was set for the end of the year. All indications are that the project deadline will be met.

Jason Westbrook provided an update to the Joint Board regarding Phase MI-7. A Project Status Report is contained in the November Board Packet. The 60% design has been submitted and comments have been collected. A phasing plan is being worked on and coordination with the zoo is ongoing.

Jason Westbrook provided an update to the Joint Board regarding Phase WC-1. A Project Status Report is contained in the November Board Packet. Substantial completion walk through was on Tuesday. The punch list was long enough that substantial completion was not granted. Substantial completion is expected by next week. A change order is being worked on with Wagner for a deduct to remove the closure elements of this project, and that is anticipated to come before the Joint Board next month.

Jason Westbrook provided an update on Phase BU-1. A Project Status Report is contained in the November Board Packet. A drone video was shown. Phase BU-1B is complete and the correction period has ended. Phase BU-1C is substantially complete. On Phase BU-1D, work will be completed next spring per the contract with Bluestone Construction.

Ryan Ackerman provided the SRJB with a Rural Program Update. The SRJB was contacted by Mr. Kohlmann's attorney to see whether items from the home could be salvaged and taken from the property (things like cabinets, the deck and outbuildings). The response given was that it would not be permitted unless the SRJB specifically authorized it because the intent is to offer the house for sale. The Joint Board agreed that the requested permission should be denied.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges, starting with a requested change order for the Sawyer Bridge. A large winter storm occurred in April 2022. Prior to this storm, Swingen Construction was working on removing span #3 of the existing structure while preparing to begin construction on the cofferdam for pier #3. Crew returned to removing existing structure on April 19, 2022. Prior to the snow, the location of pier #3 was above the water line and not impacted by spawning restrictions. On April 29, 2022, the snow melt had caused the water levels to rise, and the cofferdam was then under water and spawning restrictions. Swingen Construction was unable to return to the

construction of the cofferdam until May 10, 2022. Swingen Construction is requesting a time extension for the delays incurred from the storm.

Dan Jonasson moved to approve Change Order No. 2 to extend the substantial completion date from October 21, 2022 to November 25, 2022 and extend the final payment date from November 12, 2022 to December 17, 2022 and authorize the Chairman to sign the agreement. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.

Troy Borchard showed a drone video of progress at the Sawyer site. On the Velva bridge, work is being done on submittals to both the sovereign lands and for the 408. Confirmation was received that a Class 3 cultural survey is required and a subconsultant has been hired to handle that survey this year. On Mouse River Park, the intent is to start submitting for bidding on November 18, 2022, with a pre-bid web-based meeting on November 19, 2022. A Project Status Report is contained in the November Board Packet.

The Joint Board took note of future meetings and events as set forth in the November Board Packet. The next meeting of the Joint Board is scheduled for Thursday, December 8, 2022 at 12:00 p.m. in the Governor's Room at the Bismarck Hotel & Conference Center – The Ramkota. The meeting will be held in conjunction with the North Dakota Water Convention.

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

Jack Dwyer
Legal Counsel