

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, May 4, 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, May 4, 2023, after announcing that a quorum was present. The meeting was held in Room 203 of the Minot Auditorium in Minot, North Dakota. Joint Board members in attendance were Tom Klein, Dan Steinberger and Dan Jonasson. Clif Issendorf appeared virtually. A roster of those attending is attached as **Attachment A**.

The Joint Board discussed the proposed Agenda for the meeting. Ryan Ackerman added award of structure resale under Item 15. Additionally, after the legislative update (Item 17), Ryan Ackerman requested to update the Joint Board on a levee issue in the City of Velva.

Tom Klein 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 April 6, 2023 regular meeting of the SRJB were discussed.

Dan Jonasson made a motion to approve the minutes from April 6, 2023 regular meeting. Clif Issendorf seconded the motion. The motion passed without opposition.

Ryan Ackerman presented the Budget Report and the Joint Board reviewed the Budget Report included in the May Board Packet. Ryan Ackerman explained the Balance Sheet and Budget Report.

Tom Klein moved to approve the Budget Report. Dan Jonasson seconded the motion. The motion passed without opposition.

The Joint Board reviewed and approved bills set forth in the May Board Packet totaling \$784,178.70. Chairman Ashley opened it up for questions from the Board on each bill being considered for approval. On Barr Engineering, Inc., Dan Steinberger asked for an update on Outlaw Creek. Ryan Ackerman advised that Outlaw Creek as a project is viable. That same area is being evaluated for the trapped water program to see if an option there would work. Clif Issendorf asked what the decision is based on. Ryan Ackerman explained there were two main concerns – capital cost and right-of-way needs to be able to do the project.

Dan Steinberger moved to approve the payment of bills totaling \$784,178.70. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board considered a fuel and cost escalation request for MREFPP MI-5A, WC-1A and WC-1B from Wagner Construction. Kalan Wagner and Matthew Guerton from Wagner Construction were present at the meeting to discuss details about fuel and material price escalations that they have encountered. The Board reviewed the fuel and cost escalation requests with Wagner Construction.

Jerry Bents of Houston Engineering updated the Joint Board on Phase MI-1. A Project Status Report from Houston Engineering is contained in the May Board Packet. Park Construction has started to work through warranty items that were part of the settlement agreement. A schedule from Park Construction shows an anticipated completion date of November 1, 2023.

Jerry Bents updated on Phase MI-4A and MI-4B. A Project Status Report from Houston Engineering is contained in the May Board Packet. On Phase MI-4A, the utility re-route on the south side is complete and a 12-month warranty review is scheduled for this summer. On Phase MI-4B, a warranty review will take place this summer as well. A coordination meeting took place today on the entirety of Phase MI-4. An agreement reached will allow CP to use their consultant to look at some of the issues regarding the foundation at the Sixth Street bridge.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the May Board Packet. The MI-5A contract with Wagner Construction is getting back underway for the summer of 2023. Most work is still limited to the east end by the pump station, but utility removal west of there and also on the south side of the tracks is underway. Jerry Bents updated the Joint Board that Wagner Construction is proposing Change Order No. 3A for the additional property that was acquired (405 Railway Ave NE). The roadway alignment was modified to soften the existing curvature of Railway Ave/5thAve. The floodwall was also extended into the adjacent property, which matches the full buildout of the MREFPP Phase MI-5 Project. To complete this, the roadway alignment was modified, which impacted the proposed utility relocations for this area, as well as adjust the utility stationing. Details follow this page.

Dan Jonasson moved to approve Change Order No. 3A in the amount of \$83,808.75 and authorize the chairman to sign on behalf of the SRJB. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents updated the Joint Board on Phase MI-6. A Project Status Report from Houston Engineering is contained in the May Board Packet. Nothing on the alignment has changed with this phase. This phase is at 90% completion and comments have been received from USACE and IEPR panel, so those are being incorporated. Also working through property right agreements with property owners, including R. James and Janet Maxson. A Memorandum of Agreement with this property owner includes estimated costs for proposed work on the property of R. James and Janet Maxson at 6 9th St SE as part of the MREFPP Phase MI-6 Project. While completing the proposed work within and around the deadloop; existing trees, a fence, and an irrigation pump house will need to be relocated on the Maxson property. It was estimated that a chain link fence, plantings along the fence, and the relocation of a pump house would be required to compensate the Owner for the losses. The costs of these items are estimated not to exceed \$31,688.00. Details are contained in the May Board Packet.

Tom Klein moved to approve the Memorandum of Agreement and authorize the chairman to sign on behalf of the SRJB. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jason Westbrook of Barr Engineering updated the Joint Board on Phase MI-2C. A Project Status Report from is contained in the May Board Packet. With the late spring and load restrictions in place, no work of significance has begun on any of the construction projects.

Jason Westbrook provided an update to the Joint Board regarding Phase MI-7. A Project Status Report is contained in the May Board Packet. 90% plans have been submitted on this phase and comments have been received from USACE and the IEPR panel. The focus has been on the zoo exhibits.

Jason Westbrook provided an update to the Joint Board regarding Phase WC-1. A Project Status Report is contained in the May Board Packet.

Jason Westbrook provided an update on Phase BU-1. A Project Status Report is contained in the May Board Packet. Phase A was the bridge, which is done. Phase B was the south side levee, which is complete. Phase C is the first segment of the north side levee, which is in the warranty period. Phase D (the last segment) is at substantial completion.

Ryan Ackerman provided an update on the Rural Program. Ryan Ackerman advised that a bid opening was held Monday May 1, 2023 for three structures that were purchased through the StARR Program. One bid was received for one structure.

Dan Jonasson moved to accept the bid of \$5,000 for the 2,112 square foot gray 3-stall garage at 9311 79th Avenue SE, Minot from Aaron Kohlman. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman advised that on May 2, 2023, Mr. Kohlman asked if it would be possible to purchase the house as well. Typically, once a bid is closed future bids are not accepted. Since there would be a need to demolish the home at a future date, there would be cost savings to sell the home and move it off the property, rather than demolishing it.

Don Jonasson motioned to re-advertise the house for sale. Clif Issendorf seconded the motion. The motion passed without opposition.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. A Project Status Report is contained in the May Board Packet. The contractor on the Sawyer site will be returning this week and should be on site for a couple of weeks to close that project out. A meeting regarding additional costs of adding width on the Velva site is set next month.

A legislative update was presented to the Joint Board by Ryan Ackerman. \$76.1 million has been secured through the appropriations process. Next step is to request funding from the State Water Commission to get authority to move forward for next biennium's projects. Dan Steinberger asked about the passing of legislation requiring posting draft minutes within ten days of a meeting. Ryan Ackerman indicated a requirement will be in place starting August 1, 2023 to post draft minutes within ten days of a meeting.

Ryan Ackerman updated the Joint Board on the Velva Levee. North Prairie Rural Water's project built last year goes underneath the levee. They had not secured a Rule 408 permit before doing so. The St. Paul District indicated to North Prairie Rural Water that no additional permitting was required. They directional drilled under the existing levee. One concern is that a preferential seepage path was created that allows water to follow the water line pipe and potentially degrade the foundation of the levee. Additionally, significant time and money were spent developing utility crossings to avoid creating enhanced risk when crossing under levees with utilities. The practice has been to place pressurized utilities within a steel casing pipe. None of that was done here, resulting in safety concerns. Don Jonasson suggested sending a letter to USACE on the matter. Chairman Ashley indicated a letter to North Prairie may be appropriate as well. Jack Dwyer inquired whether title to the levee is held by the Joint Board in fee. Ryan Ackerman advised that the Joint Board at least has an easement right. The 408 process is in place to address concerns to the congressionally authorized infrastructure.

The Joint Board took note of future meetings and events as set forth in the May Board Packet. The next regular meeting of the Joint Board is scheduled for Thursday, June 1, 2023 at 4:00 p.m. in Room 203 of the Minot Auditorium.

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

A handwritten signature in black ink, appearing to read "Jack Dwyer", is written over a horizontal line.

Jack Dwyer
Legal Counsel