

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, February 2, 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, February 2, 2023, in Room 203 of the Minot Auditorium in Minot, North Dakota. Joint Board members in attendance were Dan Steinberger, Dan Jonasson and Tom Klein. 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 requested to add Item 16A to the Agenda to request authorization to solicit bids for storm sewer and culvert inspections and cleaning.

Don Jonasson made a motion to approve the agenda (as amended) for the meeting. Dan Steinberger seconded the motion. The motion passed without opposition.

The draft minutes of the January 5, 2023 regular meeting of the SRJB were discussed.

Dan Steinberger made a motion to approve the minutes from the January 5, 2023 meeting of the SRJB. Dan Jonasson seconded the motion. The motion passed without opposition.

The Joint Board discussed the Budget Report included in the February Board Packet. Ryan Ackerman explained the Balance Sheet and Budget Report.

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

The Joint Board next discussed the bills set forth in the February Board Packet totaling \$2,481,330.20. Chairman Ashley opened it up for questions from the Board on each bill being approved. Dan Steinberger inquired on an HDR invoice for the Lower Heart River Flood Risk Reduction Project. Dennis Reep agreed that this is likely an incorrect charge and agreed to check and get it remedied. Upon reviewing the matter further, Dennis Reep advised that Page 132 of the Board Packet should be \$302.50 instead of \$50.00.

Dan Jonasson moved to approve the payment of bills totaling \$2,481,330.20. Dan Steinberger 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 February Board Packet. Jerry Bents indicated the settlement agreement with Park Construction is being finalized. A special meeting may be called to approve a pay request for part of that settlement. Tom Klein questioned why a special meeting would be called for this purpose. Jerry Bents explained the reason for a special meeting would be that some of the costs were incurred in 2022 and a special meeting would allow those to still be processed compliant with what the Department of Water Resources is looking for.

Jerry Bents updated on Phase MI-4A and MI-4B. A Project Status Report from Houston Engineering is contained in the February Board Packet. There are no changes on the phase since the last meeting. The latest comments from CP Rail are being worked through. A meeting with CP Rail is scheduled tomorrow.

to provide them with some of the information that has developed and a meeting with all of the railroad entities is scheduled for February 14, 2023.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the February Board Packet. Three phases are underway but there has not been much activity since the last meeting. Moving of the building out to Public Works is complete. Modifications to the building are about 99% complete so the building is now available to store equipment.

Jerry Bents updated on Phase MI-6. A Project Status Report from Houston Engineering is contained in the February Board Packet. The 90% design was submitted to the review entities. A meeting was held with the City of Minot and Public Works and Engineering staff and comments were received from the USACE. The IERP reviewers are also reviewing the 90%, so those comments are awaited. Nothing in the comments so far is changing the project – mostly cosmetic changes as the 100% is approached. The goal is to be able to bid the project later in 2023 if funding is available.

Jason Westbrook of Barr Engineering updated the Joint Board on Phase MI-2C. A Project Status Report from is contained in the February Board Packet. Winter suspension on this phase, so there was nothing new to report.

Jason Westbrook of Barr Engineering provided an update to the Joint Board regarding Phase MI-7 (Roosevelt Park and Zoo). A Project Status Report is contained in the February Board Packet. Appraisals for the zoo property and property by the landfill are completed. The elements of the Roosevelt Park and zoo received land and conservation funding. With those grants comes encumbrances to the property. This creates the need to find offsetting value for putting some of the property under flood control and having that impact. That will need to be offset with value somewhere else. The land conversion process has been on hold until these appraisals are complete. Now that they are complete, the process can begin. A subcontracted archeologist looked at comments from state historic office on whether the landscape of the park and zoo would qualify as a historic district. The archeologist's opinion that it would not qualify. This finding is good for the project, but concurrence from the State Historic Preservation Office (SHPO) is still needed. Other than that, this phase is marching forward toward 90% design.

Jason Westbrook provided an update to the Joint Board regarding Phase WC-1. A Project Status Report is contained in the February Board Packet. This phase is also in winter suspension. No response has been received from Wagner for a deduct for removing the CP rail closure from the project. An O&M Manual is in with CP Rail and a phone call is scheduled for tomorrow with CP Rail. Dan Steinberger asked about a fence put up next to Highway 83 Bypass. The fence goes on the inside of the levy and Director Steinberger questioned whether that configuration was thought about. Ryan Ackerman indicated this resulted as part of the agreement with Wayne Moe, a property owner who wanted public access onto the property. An easement (not fee title) was received from Mr. Moe. Director Steinberger questioned whether a gate will be constructed. Ryan Ackerman agreed to pull the plans and address the Joint Board on this at the March meeting.

Jason Westbrook provided an update on Phase BU-1. A Project Status Report is contained in the February Board Packet. Not much for an update due to winter conditions.

Ryan Ackerman provided the SRJB with a Rural Program Update. A proposed approach to roll out the flood assistance and risk management program for trapped water was sent to the chairman to get feedback as to timeframes throughout the year and the amount of touchpoints with property owners.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. Sawyer is in winter shut down, but there is a change order request that needs to be signed by the Board. Work remaining is just for minor touchup work this spring (topsoil and putting pipes through approaches). The change order moves the completion date to May 20, 2023 to avoid additional liquidated damages. Details appear at Page 214 of the February Board Packet. Substantial completion would be pushed back by a total of 22 days and final completion (including winter suspension) would increase by 154 days.

Dan Jonasson moved to approve Change Order No. 3 with HDR Engineering. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Troy Borchard updated on the Velva bridge. Comments were received back from NDDOT with respect to bridge plans sent to them in July of 2022. Now work is moving forward addressing minor changes and trying to get to 90%. Looking forward, there may be issues getting this one let due to tight construction timeframe. Tightening the timeframe seems to push the bidders off. Still working on getting final right of way documents and otherwise moving through to get final plans to NDDOT and finalizing submittals for 404 and 408 approvals.

Troy Borchard updated the Joint Board on Mouse River Park. This was put out for letting and it ended up being a no-bid project. Troy Borchard discussed the project with both major contractors (Industrial Builders and Swingen Construction). Industrial Builders does not prefer to build this type of structure but they may be interested if it is switched from a reinforced slab bridge to a prestressed girder structure between the substructure units. Swingen Construction indicated they typically like this kind of bridge but (1) the remoteness of it will result in inadequate manpower (15 people needed in timeframe allowed); and (2) there were concerns about working in river. Troy Borchard plans to have conversations with both companies to talk about options to change the structure but that will mean revisiting the hydraulics (the surface you drive on and area below it will be thicker than the 18 inches present now, which changes the hydraulics). HDR is working through that in order to get prices before the Joint Board to determine the process forward. Other items would be to allow prepurchase items of items to get them on site because they also requested a lengthened construction time to do some work in the winter and some in the spring.

Ryan Ackerman provided a brief legislative update to the Joint Board submitted on January 19, 2023. The February Board Packet contains three documents that correspond to the testimony presented – a Project Financial Summary (which discusses three different funding scenarios), Senate Appropriations, and written testimony.

On the newly added Agenda Item 16A, Ryan Ackerman requested authorization to solicit bids for storm sewer and culvert inspections and cleaning. The culverts and storm sewers are related to the current federal project. For the USACE, this is required every five years. The process involves submission of documentation relating to condition of pipes and also video to verify they are cleaned out and functioning properly. This was done about five years ago, previously led primarily by the City of Minot and this time around things are being split out. The intent is to get the bids in February, bring that information to the Joint Board and then reach out to individual water resource boards and cities that are responsible for the maintenance of these elements to discuss cost share requirements. At this stage, authorization is being sought to get numbers from contractors. Tom Klein asked who needs to be contacted for permissions. Ryan Ackerman indicated access should be in place to access all pipes and storm sewers. The Ward County Water Board, the City of Velva and Renville County are some of those that would need to be contacted. Dan Steinberger asked about culverts under roads and whether road entity has responsible versus the

water board. Ryan Ackerman indicated if they were put in as a part of the federal flood protection work, they are technically included as part of the federal project and the Joint Board has maintenance responsibilities for those.

Tom Klein moved to authorize soliciting bids for culvert inspections and cleaning. Dan Jonasson seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board took note of future meetings and events as set forth in the February Board Packet. The next regular meeting of the Joint Board is scheduled for Thursday, March 2, 2023 at 4:00 p.m. in Room 203 of the Minot Auditorium. Additionally, the International Souris River Board (ISR) is reorganizing and a meeting will be held February 28, 2023 through March 1, 2023 in Estevan.

There being no further business to discuss, Chairman Ashley called for a motion to adjourn.

Don Jonasson made a motion to adjourn the meeting. Dan Steinberger seconded the motion. The motion passed without opposition.

The meeting was adjourned.

Jack Dwyer
Legal Counsel