

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, August 1, 2024**

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, August 1, 2024, after announcing that a quorum was present. The meeting was held in Room 203 of the Minot Auditorium. Joint Board members in attendance were Tom Klein, Jason Sorenson and Dan Steinberger.

The Joint Board discussed the proposed Agenda for the meeting. Ryan Ackerman added the following agenda items: a cost share request for USACE Dead Loop Rehab Study, updates on Phases MI-8 and MI-9, Tierrecita Vallejo Maintenance (tabled from the July SRJB Meeting), and NPRWD Correspondence.

Dan Steinberger made a motion to approve the agenda for the meeting. Tom Klein seconded the motion. The motion passed without opposition.

The draft minutes of the July 11, 2024 regular meeting and July 26, 2024 special meeting were discussed.

Tom Klein made a motion to approve the minutes from the July 11, 2024 regular meeting and July 26, 2024 special meeting. Jason Sorenson seconded the motion. The motion passed without opposition.

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

Jason Sorenson moved to approve the Budget Report. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board next considered the added item of Cost Share with the City of Minot and USACE to study potential improvements to the Dead Loop Rehab Study (former channel meanders cut off by the original flood control project). The water quality within these is very poor. Director Sorenson and Ryan Ackerman have been advancing an initiative to get an understanding from experts at the USACE on what can be done to improve these channels through one of the USACE's Continuing Authorities Programs. In particular, one of the dead loops on the east side of Minot is being reviewed. The cost is \$48,320, which is a 50/50 arrangement between USACE and the non-federal sponsor. Because this is not specifically related to flood control, the SRJB suggested the City of Minot should take lead, but SRJB has an interest in being involved. Ryan Ackerman sought the Joint Board's consideration in participating in 50% of the 50% non-federal cost (25% total, amounting to \$12,080). The source of funds would be from local county dollars (Ward County contributions through the County Commission). Dan Steinberger asked what is seen as the long-term potential solution to the problem. Ryan Ackerman advised that the best alternative is to try to improve water quality by getting more flow through them, getting better flow turnover through them and maybe addressing inlet and outlet configurations. Chairman Ashley indicated potential concern over cost sharing if costs increase in the future.

Dan Steinberger moved to present the Cost Share Request for the Dead Loop Rehab Study as part of the bills. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board reviewed and discussed various bills set forth in the August Board Packet totaling \$352,551.96. Chairman Ashley opened it up for questions from the Board on each bill being considered for approval and advised the Verizon bill has been paid per normal process.

Tom Klein moved to approve the payment of bills totaling \$352,551.96. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents of Houston Engineering updated the Joint Board on Phase MI-1. A Project Status Report from Houston Engineering is contained in the August Board Packet. Jerry Bents advised that there are no substantial updates. The contractor is working on warranty punch list items. Park Construction changed out one of the power boards and one of the variable frequency drives of the pumps and another one is on order that they are going to change out. Full completion with Park Construction is set for the end of September. The hope is to ultimately close out Phase MI-1 as a whole by the end of the year. Dan Steinberger asked whether there is a manual override on the boards. Jerry Bents indicated there are manual overrides.

Jerry Bents updated on Phase MI-4. A Project Status Report from Houston Engineering is contained in the August Board Packet. Jerry Bents indicated CPKC Railroad has responded regarding train dynamics and has accepted/approved the proposed grades for the new bridge construction. As a result, work is ongoing on final alignment changes. The current alignment will result in the need to acquire eleven additional properties (seven additional parcels). It is anticipated that the SRJB will appear before the Minot City Council on August 19, 2024 to get efforts underway for additional acquisitions. The tentative schedule is to get to 65% in March of 2025 and 90% at the end of 2025.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the August Board Packet. A drone video was shown by Jerry Bents to show updates on this phase.

Jerry Bents updated the Joint Board on Phase MI-6. A Project Status Report from Houston Engineering is contained in the August Board Packet. The recent special meeting resulted in a rejection of the last round of bids, so a revised bid package is being prepared (changing dates and incorporating contractor questions that came up during the bidding phase). This phase should be advertised for August 9, 2024 and the bid opening is tentatively set for September 5, 2024. If all goes as planned, construction would start in the Spring of 2025. Dan Steinberger asked about any movement on Third Avenue Bridge. Jason Sorenson advised that the DOT sent their bridge consultant up to evaluate it. The DOT will do a new low grading on it. Some cores are needed to know the compression strength of the concrete in the piers is currently. If the load is severely limited, it will remain closed and a repair will be designed before it is put into service. If the low grading comes back and it looks like the same loading can be put on it as before, then it will be opened again. The bridge could potentially be closed for a significant amount of time.

Jerry Bents updated the Joint Board on Phase MI-8 and MI-9. This phase starts at Burdick Expressway and goes south and essentially completes Milestone 2 (starts south of the zoo and runs south until it hits high ground). A contract for that was awarded earlier this summer. The alignment is being refined to determine what to build. A dozen or so variations were gone through at a project coordination meeting today. Next steps in the process include starting geotechnical work on August 12, 2024 (some borings primarily on city property but some private property access will be needed). Crews have been out to do surveying, so the public has likely been noticing this work is underway.

Ryan Ackerman stepped in for Jason Westbrook of Barr Engineering to provide an update to the Joint Board regarding Phase MI-7. A Project Status Report is contained in the August Board Packet. One of the building construction packages was awarded during the special meeting. A bid opening was conducted on July 25, 2024 for the rebid of the Phase MI-7E project. Detailed bid tabulations are contained in the August Joint Board Packet. The low bid on contract 3 is lower than the sum of any combination of bids on contracts 1 and 2 and was 25% over the engineer's estimate for contract 3. Wagner Construction provided the lowest bid for contract 3 in the amount of \$35,177,052.12.

Tom Klein moved to accept the low bid of Wagner Construction for contract 3 in the amount of \$35,177,052.12 and authorize the chairman to sign the contract documents on behalf of the SRJB, contingent upon receipt of applicable permits. Jason Sorenson seconded the motion. A roll call vote was cast. The motion passed without opposition. Ryan Ackerman indicated the permit awaited is from the state. All federal permits have been received.

Ryan Ackerman advised that a bid opening was conducted on July 30, 2024 for the Phase MI-7F project (two buildings that are in-kind replacements for structures that are being impacted by the project – the construction of a new restroom facility in Roosevelt Park and replacing the Magic City Express maintenance and storage building). There was good interest in this project. Five bids were received, with the lowest responsible bid submitted by Mattson Construction Co in the amount of \$1,145,000 for a single prime construction bid. This was \$246,000 (17.7%) under the engineer's estimate. These buildings were originally included in the scope of work for Phase MI-7E when this phase of the project was bid and rejected by the SRJB in May 2024.

Jason Sorenson moved to accept the low bid of Mattson Construction Co in the amount of \$1,145,000 and authorize the chairman to sign the contract documents on behalf of the SRJB. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Ryan Ackerman provided an update to the Joint Board regarding WC-1. The Project Status Report is contained in the August Board Packet. Ryan Ackerman indicated that the last piece to complete is railroad work. CPKC has been reluctant to give feedback on the agreements associated with this until a global agreement related to the Maple Diversion can be negotiated. Movement on this is expected in the next month or two. A report will be forthcoming to the SRJB at that time regarding a schedule for a track raise and rail closure.

Ryan Ackerman provided the SRJB with a Rural Program Update. A subcommittee meeting is being organized on The Farm Trapped Water Program to finalize recommendations and get those to the SRJB for consideration. The development of an update to the preliminary engineering report was authorized a couple months ago by the SRJB. Work is ongoing and memoranda with various recommendations for implementation related to phases outside of Minot and a couple of phases inside of Minot related to Minot Milestone Number 3 will be presented to the SRJB soon.

Troy Borchard of HDR Engineering provided an update regarding Rural Bridges. A Project Status Report is contained in the August Board Packet. On the Mouse River site, all documents relative to ACM have been presented to Dwyer Law Office for a legal opinion on an alternative method of bidding the project. Once the legal opinion is received, Joint Board approval will be sought to get bidding started on the project.

With respect to the Sawyer site, Troy Borchard indicated that the county will be coming back later this fall to repair the bump on the south end of Velva. Once that is completed, this will come before the Joint Board for approval and payment.

On the Velva site, Troy Borchard advised that the 95% plans are fully completed and will be submitted to NDDOT for review and for the Joint Board and the City of Minot to go through and look at plans and specifications for review and comment. All documents for the FEMA submittal for consideration of CLOMR for this project are ready to be sent in. Everything is being combined to submit for completeness review for the 408 submittal. There was a change in the utilities, which delayed resubmittal of that. Originally the utilities did not want on the bridge and that has changed and they now want on the bridge and that information needs to be included in the 408 submittal since they will be coming up and over the levee.

Troy Borchard advised that SRT's existing lines need to be temporarily moved during construction of the Velva bridge replacement project. Total estimated cost for relocation is \$37,676. It is understood that the cost of the relocation is to be shared between SRT and the SRJB in a 50/50 cost share, therefore the SRJB's cost share would be equal to \$18,838.

Tom Klein moved to approve the SRT Relocation Estimate in the amount of \$18,838 and authorize the chairman to sign contract documents on behalf of the SRJB. Jason Sorenson seconded the motion. Dan Steinberger questioned what happens if the cost comes back significantly higher than the estimate. Chairman Ashley indicated they have not been far off with their estimates and there is self-protection by virtue of the cap of \$18,838. A roll call vote was cast. The motion passed without opposition.

Troy Borchard next updated the Joint Board on a Midco Relocation Estimate. Midco's existing lines need to be temporarily moved during construction of the Velva bridge replacement project. The total estimated cost for relocation is \$11,820. It is understood that the cost of the relocation is to be shared between Midco and the SRJB in a 50/50 cost share, therefore the SRJB's cost share would be equal to \$5,910.

Jason Sorenson moved to approve the Midco Relocation Estimate in the amount of \$5,910 and authorize the chairman to sign contract documents on behalf of the SRJB. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Christopher Korkowski presented in Eaton Irrigation Update to the Joint Board. Christopher Korkowski indicated the survey is awaited to proceed on the study. The survey is taking place this week. Once the survey is received, that data will be used and calibration of the existing conditions model and development of alternatives.

The Joint Board next discussed the Tierrecita Vallejo Maintenance (tabled from July Meeting).

Tom Klein made a motion to reopen the Tierrecita Vallejo Maintenance (tabled from the July meeting). Dan Steinberger seconded the motion. The motion passed without opposition.

Ryan Ackerman advised that Tom Klein (Ward County Water Resource District), Jason Sorenson (City of Minot), Ryan Ackerman (SRJB) and Braaten, Espen and Banfill (City of Minot) met on July 30, 2024 to determine which entity is responsible for maintaining the infrastructure. The result of the meeting was that WCWRD will be responsible for levee mowing, weed spraying (levees and riprap, including riprap on Peterson Coulee Outlet), and animal and pest control. The City of Minot responsibilities will be riprap

displacement repairs (including riprap on Peterson Coulee Outlet), erosion/seeking repairs (including Peterson Coulee Outlet), gatewell operations and maintenance; CPKC rail closure operations and maintenance, Peterson Coulee Storm Sewer/Box Culverts. This information will be entered into the multi-party Memorandum of Understanding that lays out the responsibilities of the various parties.

Ryan Ackerman next advised on North Prairie Regional Water District correspondence. A proposed letter to SPRWD with the offer that was discussed at the last SRJB meeting is contained in the Joint Board Packet. No action was necessary from the Joint Board. The letter will be sent out to NPRWD tomorrow, with a copy to the City of Velva.

The Joint Board took note of future meetings and events as set forth in the August Board Packet. The next regular meeting of the Joint Board is scheduled for September 5, 2024 at 4:00 p.m. in Room 203 of the Minot Auditorium.

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

Dan Steinberger made a motion to adjourn. Tom Klein seconded the motion. The motion passed without opposition.

Jack Dwyer
Legal Counsel