

**Minutes of Meeting  
Souris River Joint Water Resource Board  
Thursday, January 4, 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, January 4, 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 Dan Steinberger, Jason Sorenson, Clif Issendorf and Tom Klein.

The Joint Board discussed the proposed Agenda for the meeting. Ryan Ackerman indicated there were a few additions to add – (1) under Phase MI-6, authorization to bid a tree removal contract, (2) under Phase MI-7, authorization to bid a tree removal contract as well, and (3) under Item 19 the Other Business item was deleted but should include a concept for basin-wide flood plain management.

**Dan Steinberger made a motion to approve the agenda for the meeting. Jason Sorenson seconded the motion. The motion passed without opposition.**

The draft minutes of the December 7, 2023 regular meeting of the SRJB were discussed.

**Dan Steinberger made a motion to approve the minutes from December 7, 2023 regular meeting. Jason Sorenson 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 January Board Packet. Ryan Ackerman explained the Balance Sheet and Budget Report.

**Jason Sorenson made a motion to approve the Budget Report. Dan Steinberger seconded the motion. The motion passed without opposition.**

The Joint Board considered a Joint Funding Agreement for the USGS Gaging Station. The Board Packet included a copy of the U.S. Department of the Interior's standard joint funding agreement for the Dakota Water Science Center Water Resources Investigations project for the Souris River at Broadway Bridge at Minot River Gage (05117600). The gage will be maintained by the USGS but payment is to come from local interests to cover the costs associated with the service. The annual cost of the gage to be paid by the SRJB is \$7,660. This funding arrangement was previously approved by the Joint Board prior to the replacement of the gate during the reconstruction of the Broadway bridge. Previously, the cost of this service was split 50/50 between the Souris River Joint Board and the Ward County Water Resource District.

**Tom Klein moved to approve the funding agreement and authorize the Chairman to sign on behalf of the SRJB and direct the administrator to pursue a 50% cost share for this service from the Ward County Water Resource District. Dan Steinberger 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 January Board Packet totaling \$3,629,806.38. Chairman Ashley indicated the Verizon bill has been paid. Chairman Ashley opened it up for questions from the Board on each bill being considered for approval. On Page 43 of the Board Packet (Wagner Construction), Dan Steinberger questioned the "Sanitary Sewer Force Main Air Release/Vacuum Valve Manhole (72") (Bid Item 234)" that was installed during this pay application. Jerry Bents indicated that this item was paid for previously but he would need to get more information before he can accurately

answer the question. On Page 65 (Park Construction) Dan Steinberger asked whether the partial payment eliminates any obligations set forth in contract. Jerry Bents indicated on Phase MI-5 there is a settlement agreement that came out of the mediation and it does not call for this payment. But Park Construction has completed a fair amount of the warranty work and has requested payment of a prorated share. This note is to clarify that it does not change any of the other terms of the settlement agreement. On SRT, Dan Steinberger noted that the changes are going to be made around the Broadway Bridge, and he questioned the sequence of events with respect to fiber optic installation. Jerry Bents indicated the SRT bill dates back a long time. There are cost-share agreements with regard to franchise utility replacements in place for utilities to do their work. Part of the agreement was that final payment would not be made until they provided as-built drawings for where the relocations happened to make sure they were consistent with the design. This was sent by SRT in October but it got held up a bit.

**Tom Klein moved to approve the payment of bills totaling \$3,629,806.38. Jason Sorenson seconded the motion. A roll call vote was cast. The motion passed without opposition.**

The Joint Board considered three engineering contract amendments. First Barr Engineering is proposing an amendment to the StARR Program Project. The amendment is to include the continuation of program closeout activities and accounts for resources needed to complete the final demolition work. Details are contained in the January Board Packet.

**Jason Sorenson moved to approve Amendment 3 with Barr Engineering in an amount not to exceed \$40,000.00 and authorize the chairman to sign the agreement. Dan Steinberger seconded the motion. A roll call vote was cast. Tom Klein abstained from the vote. The motion passed without opposition.**

A second engineering contract amendment related to the River Bed Study. Barr Engineering is proposing an amendment that would allow for the River Bed Study Project. The objective of this work is to collect sediment/soil samples to support evaluation of the erosion potential of sediment during flood events, which in turn impacts the design of rip rap and bank stabilization methods. Details are contained in the January Joint Board Packet.

**Tom Klein moved to approve Task Order No. 17 with Barr Engineering in an amount not to exceed \$242,000.00 and authorize the chairman to sign the agreement. Jason Sorenson seconded the motion. Tom Klein asked where they are taking the samples. Ryan Ackerman indicated upstream of Minot (in the vicinity of Brooks Addition, Robinwood, Country Club Acres) through Minot in the areas that haven't been built yet to the downstream area of Minot to get a detailed picture at what the riverbed looks like. Proposed boring locations are on page 144 of the January Joint Board Packet. Ryan Ackerman explained that without this information, the likely recommendation for rip rap in the channel is tens of millions of dollars so efforts are being taken to verify what is there so that we are comfortable moving forward without this rock protection. It was determined that spending money on the analysis would pay dividends to the Joint Board in the long run. Chairman Ashley concurred that this is money well spent. A roll call vote was cast. The motion passed without opposition.**

A final engineering contract amendment the Joint Board discussed related to Phase MI-7. Barr Engineering is proposing an amendment to the Phase MI-7 Project for Engineering Services during Construction. This amendment is to include submittal reviews and updates, construction administration, observation, surveying, and documentation, project administration and support, public outreach, and material testing.

The scope of the entire MI-7 project will be constructed with up to three separate bid packages. Jason Westbrook of Barr Engineering indicated that the opinion of probable cost for Phase MI-7 project is at \$42M. To put that into context, they are at 18 percent of estimated construction costs for engineering services. One of the things that is different about this proposed scope is that past scopes for the design contract have gone through bidding. Due to uncertainty of permitting and bidding the project, the MI-7 design contract was stopped short. Details regarding proposed Task Order No. 18 are contained in the January Board Packet. The Joint Board took this under advisement and tabled this amendment for the February Joint Board meeting.

Jerry Bents of Houston Engineering indicated the pay application question raised earlier related to something that happened in the fall of 2021. When the project was bid, because there is OLDCC (Department of Defense money), the project was bid with everything to provide AIS or non-AIS structures there, so things that meet the American Iron & Steel (things bought from within the U.S.) because federal funds were in it. But those federal funds are pretty limited (only used on one portion of the project). So when project construction started, the contractor was having a hard time procuring a valve that would meet those requirements, so a change order was approved in fall of 2021 that reduced the price by about \$16K to use that other valve instead. That note was added to pay application 7 and has been carrying on since that time.

Jerry Bents updated the Joint Board on Phase MI-1. A Project Status Report from Houston Engineering is contained in the January Board Packet. The contractor continues to work through the remaining punch list warranty and set off items.

Jerry Bents updated on Phase MI-4. A Project Status Report from Houston Engineering is contained in the January Board Packet. A meeting took place today, and there were good discussions regarding channel alignment. A few things have been learned as far as what the railroad has required in the process of doing acquisitions for MI-6, and it is anticipated that some of those same questions will come in acquisitions in Phase MI-4. That means the channel may need to get pushed a little bit north or made smaller than proposed. Squeezing the channel will be explored first. If all goes well with Barr Engineering's hydraulics, that will set the design arrangement as far as the layout of the project going forward, and hopefully the protection will not need to get pushed to the north. If it needs to get pushed north, private property impacts will be looked at when that time comes. More information should be known by the February meeting.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the January Board Packet. The contractor hopes to have the project essentially done by the end of 2024, which is earlier than expected. There are two MI-5 change orders that the Joint Board considered. First, Wagner Construction is proposing Change Order No. 28 to expedite construction of the proposed MI-7 project, by adding a preconsolidation pile to the Phase MI-5A Contract. The preconsolidation pile shall be installed by January 12, 2024. Details of the proposed change order are in the January Joint Board Packet.

**Tom Klein moved to approve Change Order No. 28 in the amount of \$168,500.00 and authorize the chairman to sign the change order on behalf of the SRJB. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.**

Second, Wagner Construction is proposing Change Order No. 29 for the removal of an abandoned sanitary sewer forcemain from the BNSF right-of-way and for the installation of a line stop on the existing line, as during construction, the City of Minot determined that an existing valve was not operational. Dan

Steinberger asked about the normal protocol when a line is abandoned. Jerry Bents indicated that where feasible, it would be plugged and left as a hollow line in that area. The price to fill this would be more expensive than going in and tearing it out due to the length of the line.

**Dan Steinberger moved to approve Change Order No. 29 in the amount of \$203,999.76 and authorize the chairman to sign the change order on behalf of the SRJB. Jason Sorenson 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 January Board Packet. The 100% plans and submittal have been completed to the USACE. Comments have been received and the remaining comments are expected in the next week. It has been submitted for independent external peer review, and all comments have been closed out. This phase is at a point where it is ready to take design submittal and start converting it into a bid package. The goal is to have this project in position to award the contract and start construction in the spring of 2024.

The plans and specs for Phase MI-6A-South Downtown/Roosevelt Park Tree Removal project are ready for review and approval. Details are included in the January Joint Board Packet.

**Tom Klein moved to approve plans and specs and authorize the Chairman to sign the advertisement for bids 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 Barr Engineering is contained in the January Board Packet. The work is done, and the contract is closed. This item can come off the agenda moving forward.

Jason Westbrook provided an update to the Joint Board regarding Phase MI-7. A Project Status Report is contained in the January Board Packet. Final comments from the USACE are being worked through. The 408 permit is expected by May. The plans and specs for Phase MI-7 Tree Removal project are ready for review and approval. Details are included in the January Joint Board Packet.

**Jason Sorenson moved to approve plans and specs and authorize the Chairman to sign the advertisement for bids on behalf of the SRJB. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.**

Jason Westbrook provided an update to the Joint Board regarding Phases WC-1 and BU-1. The Project Status Reports are contained in the January Board Packet. There is no change since last month. The contractor has not been on site due to the holidays. Dan Steinberger asked if anyone has driven on it since it is an open winter. Jason Westbrook indicated that he has not driven on it. The Joint Board concurred that nobody has seen anything.

Ryan Ackerman provided the SRJB with a Rural Program Update. Ryan Ackerman indicated a meeting with the park district staff is scheduled for next week to discuss land transfers (revisiting the Dave Kohlman property and Wagner and Ward County had also acquired property in that area). The idea is to deed that to the park district and the conversation is starting now since demolition of the site is nearly complete. Tom Klein indicated he would like to be included in the meeting with the park district.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. A Project Status Report is contained in the January Board Packet. For the Mouse River Park bridge, efforts are being made to figure out if there is a way to get contractors to bid on the project. A construction management firm may be hired to get the project actively let.

On the Sawyer bridge, the contractor filled in the bare spots of rip rap, so that takes care of the majority of the punch list items. It has been discussed to have an asphalt company come and fix a last bump in the spring. Now that rip rap is fully placed, the as built construction plans will be sent to USACE to finalize the 408 permitting.

Troy Borchard also updated the Joint Board on the Velva bridge. On that project, the 50% plans were submitted to the North Dakota DOT. Some comments from geology were received. They did request the hydraulic report again and reviewed that with no comments. Comments from the bridge office and roadway office are still awaited. A couple minor items are left before getting the 408 sent in. The DWR provided comment that will need to be worked through with the city that involves doing LOMAR.

The Joint Board took note of future meetings and events as set forth in the January Board Packet. A special meeting is scheduled by conference call on January 11, 2024 at 4:00 p.m. The next regular meeting of the SRJB will be at 4:00 p.m. on February 1, 2024 at 4:00 p.m. in Room 203 of the Minot Auditorium.

In other business, the Joint Board discussed basin wide flood plain management and regulatory oversight. Ryan Ackerman advised the Joint Board that this is a follow up to a memo sent out to address Dan Steinberger's questions regarding how bridges get permitted and the various design standards or regulatory standards that need to be followed. It ends up being a matrix of different requirements based on the agency. One of the fundamental concerns that the SRJB team has is that things are not necessarily being looked at through a consistent set of lenses with regard to the billion-dollar investment being made throughout the basin. One of the challenges the SRJB has as well as that we lack certain regulatory authorities. Authority is limited to areas where the SRJB is sponsoring the project. Once out of those areas, it is someone else's turf. For example, Burlington has an engineer that is the flood plain manager. The Ward County Engineer assumes some authorities for areas outside of that jurisdiction between Burlington and Minot. In Minot proper, the City Engineer is responsible for that. In Sawyer, the City Engineer is responsible. In Velva, a different City Engineer is responsible. In McHenry County, the county auditor holds the responsibility for flood plain management. So there really is not a consistent approach to this. The intent of flood plain management is for this to all be administered equally across the board and for it all to be coordinated, but in practice it is not. Different results can be expected based on this. One idea that Ryan Ackerman proposed is the SRJB assuming a larger responsibility for flood plain management on a basin-wide effort. This is a conversation that needs to happen with all of the local entities if the SRJB wants to go this direction. Clif Issendorf questioned about entering into Bottineau County with the flood plain management. Chairman Ashley indicated Ryan Ackerman was not leaving Bottineau County out, it just was not included in his examples. Jason Sorenson clarified whether the intent would be to adopt basin wide flood plain management guidelines and all entities would try to regulate under the same guidelines. Ryan Ackerman indicated there are merely general concepts at this point. The hope is that a hybrid approach could be developed whereby the local entities retain their power but the SRJB provides a service to ensure things are administered more appropriately and more consistently.

**Chairman Ashley moved to allow Ryan Ackerman to come up with a more concrete proposal taking into account the feedback of the SRJB with respect to flood plain management. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.**

Ryan Ackerman indicated he intends to present a more concrete plan to the Joint Board at the February meeting. Tom made a motion for the Administrator to develop a scope of work or proposal for establishing a more consistent approach to flood plain management in the Mouse River basin for discussion at the next meeting. Clif seconded the motion. The motion passed without opposition.

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

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



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Jack Dwyer  
Legal Counsel