

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, January 5, 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, January 5, 2023, in Room 203 of the Minot Auditorium in Minot, North Dakota. Joint Board members in live attendance were 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.

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

The draft minutes of the December 8, 2022 special meeting of the SRJB were discussed.

Dan Jonasson made a motion to approve the minutes from the December 8, 2022 meeting of the SRJB. Dan Steinberger seconded the motion. The motion passed without opposition.

The Joint Board discussed the Budget Report included in the January 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 January Board Packet totaling \$2,399,255.76. Chairman Ashley opened it up for questions from the Board on each bill being approved. Dan Steinberger questioned appraisal expenses listed under Barr Engineering on Pages 57 and 58 of the Board Packet. Ryan Ackerman advised that it is an appraisal for the Minot Landfill. That land is potentially going to be swapped with the Minot Park District. Dan Steinberger also questioned a rental fee charged by Barr Engineering. Jason Westbrook advised there was a truck he drove for the project one day and a \$95 daily rental fee was charged.

Dan Steinberger moved to approve the payment of bills totaling \$2,399,255.76. 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 January Board Packet. Nothing has changed from last month from a construction standpoint. A proposed settlement agreement on the Park Construction matter is currently being reviewed.

Jerry Bents updated on Phase MI-4A and MI-4B. A Project Status Report from Houston Engineering is contained in the January Board Packet. Jerry Bents advised that there is nothing new to report on the construction side of things – work is being done on closeout documentation for those two phases.

Ryan Ackerman updated the Joint Board on an action item. The SRJB received a design agreement from the USACE for the Maple Diversion Design Project. Details of the agreement and the Certificate of Authority and Certification Regarding Lobbying are contained in the January Board Packet.

Dan Jonasson moved to approve the Certificate of Authority and authorize SRJB's legal counsel, Jack Dwyer, to sign the agreement. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents further updated the Joint Board on the remainder of Phase MI-4 with respect to the railroads and coordination. The latest alternative (which is about three months old) is being worked through. That alternative would essentially build a bridge over the diversion on the existing alignment of the CP railway. The idea of this would be to build a shoefly (or essentially a railroad bypass) around the area that the bridge is built and then construct the bridge and ultimately put the rail line back on its current alignment. By utilizing this option, all of the impacts would be limited to track geometry changes on CP without doing any adjustments to geometry on the BN line. It also would prevent the need to rebuild the Amtrack station. The downside is that there would be some additional private property impacts. At this point, BN has indicated they do not have any objection to it. In the last week, CP responded and raised a few small issues that would need to be addressed prior to getting the design teams back up and running to carry forward on that alignment. The hope is to be in position to have design up and running by March 1, 2023. The impacts on the railroad side dropped with this alternative because we would be down to one railroad being impacted instead of three different entities, so there is some benefit in that respect.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the January Board Packet. An action item included Change Order No. 4 with Wagner Construction. During the excavation of the exploration trench, numerous areas of concrete rubble, garbage, and previously abandoned utilities were encountered. To meet USACE design requirements of EM 1110-2-1913, unforeseen unsuitable foundation material encountered needed to be removed, and replaced with impervious material. This resulted in the Contractor needing to excavate, dispose of, and haul back 13,752 CY of impervious material. The material encountered was buried and was not encountered during pre-project drilling operations or site investigations. The total change in the current contract price is an increase of \$299,301.75 as a result of this change order. Dan Steinberger asked about size and location of the trench. Jerry Bents explained that the trench that is originally under the exploration trench has a four-foot-wide bottom and a 2:1 slope so it goes 10 feet into the ground like a trapezoid down to the ground. As it gets excavated out, a Geotech Engineer evaluates what is seen in the trench and identifies areas that need to spider out. In this area a lot of debris was found and needs to be hauled out.

Dan Jonasson moved to approve Change Order No. 4 in an amount not to exceed \$299,301.75 and authorize the chairman to sign the agreement on behalf of the SRJB. Clif Issendorf seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents updated on Phase MI-6. A Project Status Report from Houston Engineering is contained in the January Board Packet. The 90% design is wrapping up. The goal is to be at 100% this Spring.

Ryan Ackerman advised that not much is happening with Phase MI-2C. A Project Status Report from is contained in the January Board Packet. An action item included a scheduling change – Change Order No. 2. The reinforced concrete pipe, manholes, and box culvert are limited to one regional manufacturer which caused extended lead times compared to previous construction seasons. The extended lead time was identified during bidding by multiple contractors. The Notice to Proceed was issued on May 5, 2022, precast submittals were provided on May 19, 2022. The extended lead time was also discussed at the June 29, 2022 Pre-Construction Meeting. Typically, reinforced concrete pipe and manholes can be secured within two weeks. Material was not available until August 22, 2022, which meant a delay of 63 days.

Wagner Construction is requesting a time extension for the delays incurred in securing materials. Dan Steinberger asked whether this will be an ongoing issue with the project. Ryan Ackerman responded that hopefully the market sees this as an opportunity for another supplier to serve this region.

Dan Jonasson moved to approve Change Order No. 2 to extend the substantial completion date to December 15, 2022 and authorize the chairman to sign the agreement 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 provided an update to the Joint Board regarding Phase MI-7. A Project Status Report is contained in the January Board Packet.

Jason Westbrook provided an update to the Joint Board regarding Phase WC-1. A Project Status Report is contained in the January Board Packet. Between the cold, snow, wind and holidays, there is no change with respect to this phase of the project.

Jason Westbrook provided an update on Phase BU-1. A Project Status Report is contained in the January Board Packet. Between the cold, snow, wind and holidays, there is no change with respect to this phase of the project.

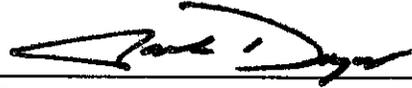
Ryan Ackerman provided the SRJB with a Rural Program Update. Possession of the Kohlman property was taken in December. Efforts are being taken to preserve the integrity of the structure because the buildings will be auctioned off. In addition, the bullet points and guidelines associated with the rural flood assistance and risk management program have been developed to address trapped water throughout the basin. The plan is to ignite that team in January and come up with a strategy to implement that program. Clif Issendorf questioned whether anything is being considered for the trapped water in the oxbows of Minot or whether only trapped rural water is being addressed. Ryan Ackerman indicated that the oxbows of Minot serve as stormwater storage, so they are thus a functional and integral part of the flood risk management as a whole. In designing phases adjacent to the storage areas, they are being evaluated and addressed. As part of the mitigation plan for the Maple Diversion, two of the oxbows will be restored to get water flowing back through them. Clif Issendorf indicated that some of the area was actually repulsive back in July and August and questioned whether anything could be done about that. Ryan Ackerman indicated the only way to address that is reduce the nutrient loading that goes into those dead loops and/or by essentially increasing water that goes through. With flood control, there are two "dead loops" in Minot that are going to be opened up as mitigation for the Maple Diversion. Those two breeding grounds for duckweed should be addressed through the project as an ancillary benefit associated with the work being completed. The remaining ones will likely remain unless something else is done. Don Jonasson indicated that much work has been done in the last few years cleaning the inlets and outlets. Some were designed to have energy dissipaters and they have actually hindered the flow. Many have been cleaned to get flow at lower cubic feet per second.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. A Project Status Report is contained in the January Board Packet with respect to Sawyer, Velva and Mouse River Park bridges. An action item was discussed by the Joint Board with respect to a SRT utilities authorization on the Mouse River Bridge. The SRJB received an estimate from SRT to relocate their facilities that conflict with The Mouse River Park Bridge project.

Dan Jonasson moved to approve SRT to perform utility relocation services associated with the Mouse River Park Bridge. Dan Steinberger 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 January Board Packet. A special meeting will be scheduled in about two weeks to address topics that will need to be addressed in a timely fashion. The next regular meeting of the Joint Board is scheduled for Thursday, February 2, 2023 at 4:00 p.m. in Room 203 of the Minot Auditorium.

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



Jack Dwyer
Legal Counsel