

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, November 4, 2021**

A meeting of the board of directors of the Souris River Joint Water Resource Board was called to order by Chairman David Ashley at 4:00 p.m. on Thursday, November 4, 2021, in Room 203 of the Minot Auditorium in Minot, North Dakota. Joint Board members in attendance were Dan Jonasson, Tom Klein, Cliff Issendorf and Dan Steinberger. Chairman David Ashley called the meeting to order and announced that a quorum was present.

The Joint Board discussed the proposed Agenda for the meeting. Ryan Ackerman added two items, including (1) Item 5a, approval of MI-1 Contractor's Application for Payoff No. 47 and (2) under Item 13b, Bluestone Construction Change Order No. 1.

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

The draft minutes from the October 7, 2021 regular meeting were discussed.

Dan Jonasson made a motion to approve the Minutes from the October 7, 2021 Joint Board meeting. Tom Klein seconded the motion. The motion passed without opposition.

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

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

The Joint Board discussed the bills set forth in the November Board Packet totaling \$4,052,535.31. Dan Steinberger posed questions about Beaver Creek Archeology 404 permitting. Jason Westbrook explained permit conditions for the 404 permit required an archeologist on site for ground disturbing activities to monitor what was coming out of the soil for any type of historically significant artifacts. They had to be on site for topsoil stripping, inspection trench and initial site prep. Another Beaver Creek bill was for a study for future phase of MI-6 and MI-7. On Park Construction Company Contractor's Application for Payment No. 47, Ryan Ackerman explained why it came in late – the pay application was essentially a negative and Park Construction would have had to write the SRJB a check because Park was sustaining liquidated damages as a part of their contract (they are behind schedule and an amount is being withheld per day).

Dan Jonasson moved to approve the payment of bills totaling \$4,052,535.31. Tom Klein seconded the motion. The motion passed without opposition.

Jerry Bents from Houston Engineering provided the Joint Board with an update on Phase MI-1, which included a drone flight video. Park Construction has been awarded partial substantial completion. The liquidated damages for Park Construction stopped as of October 13, 2021. That moves Park Construction to next deadline, November 11, 2021 for final completion deadline at which time liquidated damages would restart at that point. Project Status Report from Houston Engineering is contained in the November Board Packet.

Jerry Bents updated on Phase MI-4A, which included a drone flight video. A request for substantial completion was received last week. Completed inspection on site today with city staff. The plan is to issue a substantial completion certificate this week. Project Status Report from Houston Engineering is contained in the November Board Packet.

Jerry Bents updated on Phase MI-5. Plans and specifications estimate has been updated and provided and is included in the November Board Packet. Asking for authorization to advertise for bids on Phase MI-5A. Dan Steinberger asked whether the cleanup has been completed. Ryan Ackerman explained clean up work is underway. Project Status Report from Houston Engineering is contained in the November Board Packet.

Cliff Issendorf moved to authorize advertising for bids on Phase MI-5A. Dan Steinberger seconded the motion. The motion passed without opposition.

Jerry Bents updated on Phase MI-6. Preferred alignment has been selected, other than area near the Anne Street Bridge, so working with USACE regarding mitigation that may be needed. Discussions have been positive. There are a couple of options, including (1) removal of bridge, or (2) reconstructing the south end of the bridge and tying in to what is there. The next step is a cost comparison between the two options to bring before the SRJB in order to select best option. Would then seek approval from the City of Minot. A Project Status Report from Houston Engineering is contained in the November Board Packet.

Jason Westbrook with Barr Engineering provided an update to the Joint Board regarding Phases MI-2/3, Phases MI-7, Phase WC-1 and Phase BU-1. On Phase MI-2/3, they are working on the signage and O&M manual. On Phase MI-7, there are archeological bills from Beaver Creek due to an inspection to search for anything of cultural significance. Focus lately has been on alternatives and coordination with the Park District, the Zoo and Magic City Express to find a solution workable for all parties. Preferred alignment is close. On Phase WC-1, a drone video of progress was played to show progress. On Phase BU-1, a drone video was shown to see progress. A Project Status Report is contained in the November Board Packet.

Jason Westbrook provided information on Change Order 13. The Wagner Construction component did not meet specs in all cases, so did not get permeability or strength requested. Through further analysis, able to determine that as installed that slurry cutoff wall would still meet factors of safety and perform how they want it to.

Tom Klein moved to authorize the Change Order 13 providing for a deduction of \$158,580 in the contract price with Wagner Construction. Dan Jonasson seconded the motion. The motion passed without opposition.

Jason Westbrook provided information with respect to Change Order 1. Bluestone Construction asked for 41 additional days to be added to the contract. Extensions greater than 30 days need approval of the SRJB. Time issues came about because the borrow site was not cleared.

Dan Jonasson moved to authorize the Change Order 13 providing for a deduction of \$158,580 in the contract price with Wagner Construction. Dan Steinberger seconded the motion. The motion passed without opposition.

Ryan Ackerman advised the Joint Board that an update regarding the StARR Program is contained in the November Board Packet. Tom Klein asked about buildings moved off of Talbot's Nursey property and whether appropriate permits are in place when sold. The Board discussed what can be done with third party sales and whether SRJB has regulatory authority.

Troy Borchard from HDR Engineering provided an update regarding Rural Bridges. No cultural review required for Mouse River Park so moving ahead with design on that. On Sawyer, the 408 permit request is submitted and a response is expected in next 30 days. Plans should be in by November 15, 2021 so that it can be let sometime in December. There is an issue with one property owner by bridge with trees. On the Velva site, there are ongoing discussions with the North Dakota Department of Transportation regarding construction plan/timing. Requesting shift of roadway. A Project Status Report from HDR Engineering is contained in the November Board Packet.

The Joint Board took note of future meetings and events as set forth in the November Board Packet.

Dan Steinberger raised concerns about the drawdown for winter kill of fish. Canada is not releasing. Not returning to Canada, either.

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

The next regular meeting of the SRJB is scheduled for Thursday, December 9, 2021 at 12:00 p.m. at the Ramkota Hotel & Conference Center in Bismarck, North Dakota during the North Dakota Joint Water Conference.

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

Jack Dwyer
Legal Counsel

