RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT Richland County Courthouse, Wahpeton, ND September 2, 2015

The Richland-Sargent Joint Water Resource Board (RSJWRB) met September 2, 2015 at 9:45 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Jim Bosse, Roger Zetocha, Lucas Siemieniewski, Korey Martinson, Arv Burvee, Robert Rostad, Don Moffet, James Haugen, Gary Friskop, Engineering Technician Justin Johnson, Secretary-Treasurer Monica Zentgraf, Engineer Mike Bassingthwaite, Matt Miranowski, Gene and Cari Wefel.

The meeting was called to order by Chr. Haugen.

Minutes

A motion was made by Mgr. Moffet and seconded by Mgr. Bosse to approve the minutes of the June 9 meeting as presented. The motion carried unanimously.

A motion was made by Mgr. Siemieniewski and seconded by Mgr. Rostad to approve the minutes of the July 14, 2015 meeting as presented. The motion carried unanimously.

Financial Matters

A motion was made by Mgr. Burvee and seconded by Mgr. Zetocha to accept the June, July, and August, 2015 financial reports as presented. The motion carried unanimously.

Discussion was held relative to the process for approving the District's bills. Consensus of the Managers was for the Richland and Sargent Boards to individually approve bills at their regular meetings. Approval to be included in the minutes of each Board's meetings.

Phase 1 Extension and Channel Improvement Project Construction Issues

Claim for Compensation

Engineer Bassingthwaite reported that the contractor was delayed at the beginning of the project due to NRCS issues. The contractor has now submitted a claim to Interstate Engineering in the amount of \$18,000 plus an additional \$1,950 for mobilization. Engineer Bassingthwaite reported that there have been negotiations and the contractor reduced the claim to \$13,200 and dropped the mobilization costs. The \$13,200 request was based on 11 days work lost x 8 hours/day x \$125/hour. Engineer Bassingthwaite felt the claim for compensation should be for 10 days and the contractor should provide justification for the \$125/hour rate.

Extension of Completion Date

Engineer Bassingthwaite recommended the Board extend the September 25, 2015 completion date by one week to ten days due to the NRCS issues which resulted in the contractor losing useable time. It was noted that a \$500/day penalty may be imposed by the Board if the project is not completed by the extension date deadline.

A motion was made by Mgr. Siemieniewski and seconded by Mgr. Burvee to approve M&M Contractors claim for compensation in the amount of \$13,200 and to extend the completion date to October 3, 2015. The motion carried unanimously.

(It is noted by the Secretary that the correct claim for compensation is \$11,000 rather than \$13,200. She contacted the Engineer and was advised that the \$2,200 difference was the contractor's claim for 15% overhead and 5% profit. These two items inadvertently did not get reported during the meeting. The request for payment of overhead and profit will be brought before the individual Richland County and Sargent County Boards at their next meetings as well as at the next RSJWRB meeting. A decision regarding payment of the \$2,200 will be made at the next Joint Board meeting.)

Wetland Mitigation Modification

Engineer Bassingthwaite re-designed the section of the project plan for the road on the south side of Section 5, Kingston Township. The Change Order is still being worked out with the contractor. Consensus of the Managers was to allow the contractor to proceed with the work after he signs the Change Order.

Construction Update

Engineer Bassingthwaite provided an update on the construction. There are some quality control issues related to the box culverts. The manufacturer is addressing the problems.

US Army Corps of Engineers (USACE)

Copies of the USACE email of August 11, 2015 were distributed to the Managers for their review. The email stated "For 404 purposes, if the excavated material is placed in uplands (outside delineated wetland boundaries), any machinery working in wetlands be placed on appropriate matting materials, and secondary impacts do not occur to adjacent wetlands, the project would likely remain compliant under Section 404." Engineer Bassingthwaite reported that the contractor will need to repair some areas.

Engineer's Concerns

Engineer Bassingthwaite reported problems with the contractor and subcontractor as a result of Board Members giving instructions to the contractors. Engineer Bassingthwaite explained that he was hired to manage the project and the lines of communication need to be between himself and the contractor. Comments were made by some Board Members supporting the engineer's opinion and stating Board Members can observe, but only the engineer is to provide direction to the contractors.

Cleaning- Sections 35/2, Kingston Township

Mgr. Siemieniewski reported that flap gates will not open because of silt in the channel. The flap gates are located between the SE1/4 Section 35 and NE1/4 Section 2, Kingston Township. Appl #15-001 was completed and a motion was made by Mgr. Zetocha and seconded by Mgr. Burvee authorizing Comstock Construction to remove the silt by the flap gates between Sections 35 and 2, Kingston Township. The motion carried unanimously.

Secretary's Compensation

Discussion was held relative to compensation for the Secretary-Treasurer. The Sargent County Board Members will discuss the matter at their regular Sargent County meeting, as it would involve Sargent County WRD issuing a check to the Richland County WRD. The matter will be discussed further at the next joint meeting.

Sargent County Board Members asked if it would be possible to post Joint Board meeting agendas to the Richland County website at an earlier date. The Secretary will post preliminary agendas when meetings are scheduled and also add a note to the webpage listing the District's telephone number which individuals can call to schedule a meeting with the Joint Board.

Meeting Date

The next meeting of the Richland-Sargent Joint WRB was scheduled for 10:30 AM on September 22, 2015.

<u>Adjournment</u>

There being no further business to come before the Board, Chr. Haugen adjourned the meeting at 11:10 AM.

Respectfully submitted,

Monica Zentgraf Secretary

James Haugen Chairman of the Board