

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT  
 Richland County Courthouse, Wahpeton, ND  
 December 8, 2015

The Richland-Sargent Joint Water Resource Board (RSJWRB) met December 8, 2015 at 10:15 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Jim Bosse, Korey Martinson, Richard Engst, Arv Burvee, Robert Rostad, Don Moffet, James Haugen, Gary Friskop, Engineering Technician Justin Johnson, Secretary-Treasurer Monica Zentgraf, Attorney Sean Fredricks, Engineer Mike Bassingthwaite, and Cari Wefel.

The meeting was called to order by Chr. Haugen.

### **Minutes**

A motion was made by Mgr. Bosse and seconded by Mgr. Moffet to approve the minutes of the November 17, 2015 meeting as presented. The motion carried unanimously.

### **Financial Matters**

A motion was made by Mgr. Rostad and seconded by Mgr. Engst to accept the November 2015 financial reports as presented. The motion carried unanimously.

Bills for the month of December were presented for the Board's review. The following bills were presented:

Ohnstad Twichell, PC	\$ 217.50
Interstate Engineering, Inc	\$9,257.36

A motion was made by Mgr. Burvee and seconded by Mgr. Engst to approve payment of the December 2015 bills as presented. The motion carried unanimously.

At the November 17, 2015 meeting, Alan Murack presented the District with a bill for \$10,874.75 for work he did in association with the Phase 1 Extension and Channel Improvement Project. The bill consists of the following:

- Building Road to Access Farmstead- Bill submitted in the amount of \$6,324.75. Mr. Bassingthwaite reported the work was west of Mr. Murack's farmstead and was for an alternate access to his property due to his only access being impassable for an extended period of time. (It was noted that the contractor's work should have taken two weeks; the road was impassable for more than a month.)

- Work on Road by Box Culvert- Bill submitted in the amount of \$960. Mr. Bassingthwaite reported that due to a rain event Mr. Murack disked and bladed the road and added gravel for the contractor, as the contractor did not have the equipment required for this work. This work was done in an attempt to dry the road out quicker.

- Labor and Materials for Reclaiming Field- Bill submitted in the amount of \$3,590. Mr. Bassingthwaite reported Mr. Murack did this work after the ditch work was done. Mr.

Bassingthwaite further reported some of the work was the contractor's responsibility; some was landowner work typically needed to prepare the field for the next crop year.

After considerable discussion regarding this matter, a motion was made by Mgr. Burvee and seconded by Mgr. Bosse to pay 100% of the bill for building the road (\$6,324.75) and 50% of the bill for reclaiming the field (\$1,795) and to deny payment of work on the road by the box culvert. Upon roll call vote, Managers Engst, Bosse, Rostad, Burvee, and Martinson voted in favor of said motion; Managers Moffet, Friskop, and Haugen voted against said motion. Managers Siemieniewski and Zetocha were absent and not voting. The motion carried. It is noted that the Managers opinion was payment for work on the road by the box culvert is between Mr. Murack and the contractor.

Mr. Bassingthwaite reported no payment is due the contractor for the month of December, as there is currently a negative balance as a result of liquidated damages. The contractor's liquidated damages from October 4, 2015 to November 30, 2015 total \$29,000. Work remaining includes spoil spreading, debris removal and cleanup, and approximately 50 acres of seeding.

### **Phase 1 Extension and Channel Improvement Project Construction Issues**

Decision to Suspend Project- Mr. Fredricks advised the Managers not to suspend the project. Consensus of the Managers was not to formally suspend liquidated damages. If the contractor proceeds in good faith, the Managers may reconsider liquidated damages when all work is completed.

### **Administration Agreement**

A motion was made by Mgr. Engst and seconded by Mgr. Friskop to approve the Richland-Sargent Joint Water Resource District Administration Agreement. The motion carried. It was noted that Mgr. Moffet was absent and not voting.

### **Adjournment**

There being no further business to come before the Board, Chr. Haugen adjourned the meeting at 11:45 AM.

Respectfully submitted,

Monica Zentgraf  
Secretary

James Haugen  
Chairman of the Board