

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT
 Richland County Courthouse, Wahpeton, ND
 November 17, 2015

The Richland-Sargent Joint Water Resource Board (RSJWRB) met November 17, 2015 at 10:15 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Jim Bosse, Roger Zetocha, Korey Martinson, Richard Engst, Arv Burvee, Robert Rostad, Don Moffet, James Haugen, Gary Friskop, Engineering Technician Justin Johnson, Secretary-Treasurer Monica Zentgraf, Engineer Mike Bassingthwaite, and guests Cari Wefel, Alan Murack, Andy Fettig, Duayne Baldwin, Matt Miranowski, Shawn Nelson, and Brian Baldwin.

The meeting was called to order by Chr. Haugen.

Minutes

A motion was made by Mgr. Bosse and seconded by Mgr. Burvee to approve the minutes of the September 22, 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 September and October 2015 financial reports as presented. The motion carried unanimously.

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

| | |
|---------------------------------|-------------|
| Interstate Engineering, Inc | \$30,027.95 |
| M&M Contractors Pay Estimate #4 | \$17,006.50 |

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

Mail

1. M&M Contractors, LLC- Request for time extension on Phase 1 Extension and Channel Improvement Project. This matter will be considered later in the meeting.

Landowners Concerns and Comments

Andy Fettig and Alan Murack spoke with the Board about their dissatisfaction with how the Phase 1 project has gone. Issues brought forward by Mr. Fettig were:

- Spoil piled much further out on his field than what he was told when he gave the District an easement. Spoil needs to be spread and rocks, trees, and stumps need to be removed from his farmland. Who is going to do the work and when will it get done?
- Possible loss of more acres in 2016 on the west side of the channel than he lost

this year on the east side. Will he receive payment for acres not able to farm in 2016 on both sides of the channel?

- Mr. Fettig hired Alan Murack to do some cleanup on his land. Mr. Fettig feels the spoil cannot be spread this fall due to weather conditions. If the contractor would have finished the project by the October deadline, the land could have been worked and ready for spring planting.

- Will payment be made for the 0.8 acres of land taken for a duck pond for the wetland mitigation?

- Contractors equipment would be on site for two to three days and then disappeared, back for only a few days, and gone again.

Alan Murack brought forward the following concerns:

- He had to do extensive work to clean up his farmland. Will he be reimbursed for his work and for debris that comes up from the ground next year?

- He had to improve a dirt trail to access his farmstead because his only access road was impassable for an extended period of time. Will he be reimbursed?

- \$10,874.75 bill submitted for farmland cleanup and road work.

Engineer Bassingthwaite reported that he spoke with Wayne Kratcha. Mr. Kratcha's hay ground did not get reseeded and therefore he will not have a crop in 2016. Will he be compensated?

Discussion was held regarding the landowners concerns. Payment for loss of cropland in 2016 will have to be determined in the spring. Payment of Mr. Murack's bill was also tabled pending review and a determination of contractor responsibility.

Phase 1 Extension and Channel Improvement Project Construction Issues

Decision to Suspend Project- Engineer Bassingthwaite reported that as of November 16, 2015 there was spoil in the designated wetland areas which needs to be removed. Engineer Bassingthwaite is concerned with the spoil remaining next to the channel and resulting damage if it is not removed before spring runoff. Engineer Bassingthwaite sent a letter to M&M Contractors in response to Mr. Miranowski's request for a time extension. Mr. Miranowski did not respond to Engineer Bassingthwaite's letter. At this time Mr. Miranowski was given the opportunity to respond:

Mr. Miranowski feels the main problems involved communication between Interstate Engineering and the contractors (primary and subcontractor) and engineering plan errors. Mr. Miranowski asked the Board to hire an independent surveyor to determine actual quantities of material moved, as he feels they moved much more dirt than shown on the plans.

Engineer Bassingthwaite reported that Interstate Engineering resurveyed some of the channel and determined that less dirt was moved than shown on the plans, not more as Mr. Miranowski contends. Consensus of the Managers was to reject Mr. Miranowski's request. The Board and the Engineer had no objection if Mr. Miranowski chooses to hire his own surveyor at his expense.

Engineer Bassingthwaite asked Mr. Miranowski what his premise was for a time extension? Mr. Miranowski's response was additional cubic yards of excavation, disagreement on cubic yards and useable clay for building the road, and the heavy rain event.

Mr. Miranowski was asked how long it will take to complete the work. He commented that per the subcontractor it would take approximately five hours for spoil leveling and two to three days for debris removal. A motion was made by Mgr. Rostad and seconded by Mgr. Friskop to table the request for a time extension pending M&M Contractors written response to Engineer Bassingthwaite's letter of November 5, 2015. The motion carried unanimously.

Administration Agreement

The Administration Agreement was forwarded to the Sargent County Water Resource District Office for the Board's review at their next meeting.

Adjournment

There being no further business to come before the Board, Chr. Haugen adjourned the meeting at 12:15 PM.

Respectfully submitted,

Monica Zentgraf
Secretary

James Haugen
Chairman of the Board