

RICHLAND-SARGENT JOINT WATER RESOURCE DISTRICT
 Richland County Courthouse, Wahpeton, ND
 November 27, 2018

The Richland-Sargent Joint Water Resource Board (RSJWRB) met November 27, 2018 at 8:00 AM at the Richland County Courthouse, Wahpeton, North Dakota.

THOSE PRESENT: Managers Gary Friskop, James Haugen, Don Moffet, Robert Rostad, Bruce Speich, Todd Stein, Mike Wyum (via conference call), Secretary-Treasurer Monica Zentgraf, Technician Justin Johnson, Engineer Mike Bassingthwaite (Interstate Engineering), and Jim Viele (JAV Construction).

THOSE ABSENT: Managers Arv Burvee, Lucas Siemieniewski, and Roger Zetocha

Chr. Speich called the meeting to order.

Minutes

The August 7 and October 23, 2018 minutes were presented. A motion was made by Mgr. Friskop and seconded by Mgr. Stein to approve the August 7 and October 23, 2018 minutes as presented. The motion carried unanimously.

Financial Matters

- Financial Reports- August, September, and October 2018 financial reports for the Maintenance and Construction Funds were presented for the Board's review. A motion was made by Mgr. Haugen and seconded by Mgr. Moffet to accept the financial reports as presented. The motion carried unanimously.

- October 2018 Bills- The following bills were presented for the Board's review and approval:

| | |
|--|--------------|
| JAV Construction Pay Estimate #3 (RSWRD #16-001) | \$247,546.49 |
| Interstate Engineering (RSWRD #16-001) | \$ 30,964.75 |
| TrueNorth Steel (RSWRD #18-001) | \$ 1,065.64 |
| SRT Excavation (RSWRD #18-002) | \$ 18,600.00 |

A motion was made by Mgr. Rostad and seconded by Mgr. Friskop to approve the bills as presented. Upon roll call vote, all Managers voted in favor thereof; no Managers voted against said motion. The motion carried unanimously.

- North Dakota State Water Commission (ND SWC) Cost-Share Payment for Design Engineering Services- The Secretary-Treasurer reported design engineering services for the Phase II reconstruction project were paid out of the Maintenance Fund, as the District had not yet bonded for the projected. At the June 6, 2018 meeting, the Managers directed the ND SWC cost-share reimbursement for design engineering services be deposited into the Maintenance Account since the money came out of that account. Legal Counsel has since informed the Secretary-Treasurer those funds should have been deposited into the Sinking Fund. A motion was made by Mgr. Friskop and seconded by Mgr. Wyum to transfer \$13,680 for ND SWC cost share reimbursement from

the Maintenance Account to the Sinking Account. Upon roll call vote, all Managers voted in favor thereof; no Managers voted against said motion. The motion carried unanimously.

Mail

1. Interstate Engineering- Solicitation of views for a roadway improvement project on 135th Avenue SE, south of Sargent County Road 3, located between Sections 33 and 34, Rutland Township. The Managers had no comments.

Phase II Reconstruction

Mr. Bassingthwaite provided an update on the status of the reconstruction project.

Work remaining

- Seeding
- Installation of four or five inlet culverts
- Installation of three texas crossings
- Final spoil spreading
- Miscellaneous touch ups

Mr. Bassingthwaite reported the tenant for the NW1/4 Section 29, Kingston Township, requested a texas crossing be installed for accessing a portion of the NW1/4, on the east side of the channel. Approximate cost would be \$5,000. A motion was made by Mgr. Wyum and seconded by Mgr. Stein to approve the request for installation of a texas crossing on the aforementioned property. The motion carried unanimously.

Crop Damage

Crop damage which occurred this year will be determined and submitted to the Board to payment in December. Landowners are concerned about potential crop loss in the spring due to the lateness of the spoil spreading. Factors contributing to the late spoil spreading were late harvest and early freeze up. No action was taken; a determination will have to be made in the spring.

Retainage

The EJCDC contract calls for 10% retainage until the project is 100% complete; however, the Board could reduce retainage if they felt it was appropriate. The Managers had no concern about the contractor completing the project in the spring and a motion was made by Mgr. Haugen, seconded by Mgr. Moffet, and unanimously carried to reduce the retainage to 5%.

Liquidated Damages

The contract stipulates liquidated damages of \$1,000/day from the October 10, 2018 completion date to project completion. Mr. Bassingthwaite reported there have not been any damages due to the project not being completed by October 10th, and in fact, engineering costs are under the contract amount. A motion was made by Mgr. Friskop and seconded by Mgr. Wyum to waive liquidated damages. The motion carried unanimously.

Mr. Viele thanked the Managers for waiving liquidated damages.

Adjournment

There being no further business to come before the Board, Chr. Speich adjourned the meeting at 8:45 A.M.

Respectfully submitted,

Monica Zentgraf
Monica Zentgraf
Secretary

Bruce Speich
Bruce Speich
Chairman of the Board