

**TRAILL COUNTY WATER RESOURCE DISTRICT
REGULAR MEETING
JANUARY 16, 2018 ~ HILLSBORO, ND**

The District Board convened on this date and came to order at 8:00am at the office of the Trill County Water Resource District in Hillsboro, ND. Managers present were: Andy Neset, Joel Halvorson, and Vice-chair Jason Lovas with Chairman Jason Siegert presiding. Also present was: Engineer Chris Gross, Moore Engineering, Inc.

AGENDA

Manager Lovas moved to accept the agenda. Manager Neset seconded the motion. Upon roll call vote, the motion carried unanimously.

MINUTES

Manager Halvorson moved to approve the January 2, 2018 meeting minutes as presented. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

FINANCIAL

It was moved by Manager Neset and seconded by Manager Halvorson to approve payment of the January 3 – January 16, 2018 bills and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

DRAIN BUSINESS

Discussion was held on an invoice submitted by Moore Engineering for **contractor delay costs** for the **Murray Drain No. 17 Improvement Project**. The Board expressed their confliction with some of the costs due to miscommunication issues between the contractor, water managers and a staff member of Moore Engineering. After further discussion, Manager Neset moved to amend the motion to pay bills by withholding a payment to Moore Engineering (invoice no. 17585 in the amount of \$21,642.35) until all final costs for the Project are collected and reviewed by the Board. If the drain account is negative at the closing of the Project, the Water Board may ask Moore Engineering for a deduction on this invoice. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Chris Hong, a petitioner for the **proposed Camrud Drain No. 79 Improvement Project**, met with the Board this morning to discuss the status of this project. This project was denied cost-share funding by the State Water Commission. Chris Gross explained that the SWC cannot obligate funding to rural flood control projects in this biennium, but they will keep his request on file within their database for potential reconsideration at a later date. Mr. Gross then gave him several options to consider, including:

- 1) Pulling away from the project completely;
- 2) Taking the project to a vote and table until the SWC will provide funding, or;
- 3) Funding the entire project themselves and have the water district maintain it.

Mr. Hong decided that it was in the petitioner's best interest to come back to the Board when the SWC commences cost-sharing on new drainage projects again. Manager Lovas moved to refund the bond to Chris Hong in the amount of \$15,000.00 and to Rogenes & Rye Farms in the amount of \$15,000.00. The Board assured Mr. Hong that this project will have high priority status if and

when SWC funding becomes available again. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

Snagging & clearing matters were talked about. Chris Gross told the Board that American Enterprises will commence snagging & clearing the Goose and Elm Rivers at the end of January. Manager Siegert moved to direct Attorney Fredricks draft an agreement with the contractor on behalf of the water board for the 2017-2018 Goose River and Elm River snagging & clearing projects. The Board would like to see \$10,000.00 left in each account for possible future work. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

The **Thoreson Drain No. 64 assessments** were reviewed by the Board. There was an apparent error made which may contain both overpayments and underpayments by land patrons. This topic is tabled until the attorney for the board can be present on how to handle the matter.

Corey Martin, Traill County Highway Superintendent, met with the Board to go over county road and bridge issues with the Board. Chairman Siegert asked if the county would be willing to install a culvert this spring in the NE ¼ of Section 32 of Mayville Township in the Murray Drain No. 17. Another option is to hire a contractor to do the work. This subject will be revisited closer to spring.

Manager Neset moved to direct Moore Engineering to draft a **cost estimate for a new drop structure** in the NE ¼ of the NE corner of Section 15 of Norman Township in the **Blanchard-Norman 23-40 Drain**. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

At the Board's last meeting, the Board approved **Adelman's Application for Payment No. 6**. However, following the Board's action, Chris learned Adelman has not fully paid Pro Landscapers and representatives from Pro Landscapers have indicated Adelman will not return their calls and will not otherwise correspond with Pro Landscapers. Pro Landscapers also indicated they plan to file a claim on Adelman's payment bond and to otherwise take action to ensure full payment. Chris indicated Adelman has not provided final lien waivers and has not otherwise supplied the items required under Section 15.06(A) of the GENERAL CONDITIONS of the construction contract for purposes of final payment. For example, Adelman must supply the following items under Section 15.06(A)(2):

2. The final Application for Payment shall be accompanied (except as previously delivered) by:

- c. satisfactory evidence that all title issues have been resolved such that title to all Work, materials, and equipment has passed to Owner free and clear of any Liens or other title defects, or will so pass upon final payment.
- d. a list of all disputes that Contractor believes are unsettled; and
- e. complete and legally effective releases or waivers (satisfactory to Owner) of all Lien rights arising out of the Work, and of Liens filed in connection with the Work.

Adelman has not supplied any of those items. With that in mind, Adelman is not entitled to final payment under the contract. Manager Siegert moved to rescind the previous Motion, approved

on December 19, 2017, to approve Application for Payment No. 6. Manager Lovas seconded the motion. Upon roll call vote, the motion carried unanimously.

Chris will contact Adelman to inform them the Board will not approve final payment until they supply the items required under Section 15.06(A). Sean will notify Adelman's surety of a potential claim from Pro Landscapers.

Discussion was held on the Steele-Traill Drain No. 17 assessments. Chris Gross will investigate any discrepancies and report his findings back to the Board.

OTHER BUSINESS

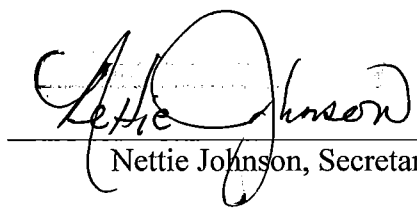
Secretary-Treasurer Johnson presented the semi-annual reports for the **Pledges of Assets and Journal Entries**. Manager Lovas moved to approve the reports as presented. Manager Halvorson seconded the motion. Upon roll call vote, the motion carried unanimously.

The District concluded its **engineering selection process**, as required under Section I(C) of the North Dakota State Water Commission's Cost-Share Policies. The District selected Moore Engineering, Inc. as the most qualified firm and will be negotiating a contract with their firm. The District's final rankings were as follows:

- 1) Moore Engineering, Inc.
- 2) Houston Engineering, Inc.
- 3) Bolton & Menk, Inc.
- 4) Interstate Engineering, Inc.

Having no further topics to discuss, the meeting adjourned at 12:00pm without objection.



Jason Siegert, Chairman

Nettie Johnson, Secretary