

12/06/2010

11:00 AM

Barnes County Highway Department

Emergency Meeting
Clausen Springs Dam

Present: Chairman Jeff McMillan, Board member Pat Hurley.

Absent: Don Johnson

Also present: Sean Fredricks, Mike Opat, Patrick Hockett, Mark Sellin, and Commissioner John Froelich.

The meeting was called to order by Chairman McMillan.

Mike Opat of Moore Engineering gave a synopsis of the auxiliary spillway improvements to date. Sellin Brothers formally requested to suspend the project until the spring 2011. The completion date for Phase 1 is December 17th, 2010. No articulating block has been installed to date. The contract for this project required the grading and installation of the sheet piling for Phase One to be completed by November 19, 2010 and the articulating concrete block (ACB) revetment system for Phase One to be completed by December 17, 2010. The Contract calls for specific completion deadlines that must be met by the contractor. With a working day contract, the deadlines can change as weather and other qualifying delays can affect the number of actual working days within a given calendar period. With a contract with specific deadlines, such as the one we have for this project, expected delays are already considered with the specified deadline; delays caused by normal weather conditions do not warrant an extension in the contract deadlines and the Contractor is expected to account for this when submitting their bid.

Pat Hockett gave a completion report and background. The last day Sellin Brother's crew worked was 11/22/2010. The sheet pile has been installed by Wanzek Construction of Fargo. He cited that they had some seepage issues and machinery breakdowns that effected their completion of Phase One. He also expressed concern for the safety of their crew as the site is currently frozen and unsafe.

Sean Fredricks of Ohnstad Twitchel, attorney for the Barnes County Water Resource District, presented the board with multiple possible considerations in dealing with the work not be completed as spelled out in the contract that was signed in late October by both parties.

Board member Hurley expressed concern over the emergency spillway being compromised next spring by not completing Phase One. Hurley asked Sellin Brothers if they would armor the spillway in the event

that the spillway is utilized during spring flooding. Sellin responded by yes but at the cost of the Board. Sellin Brother's expressed willingness to reinforce the sheet pile with materials already on site. Mike Opat stated this would not be sufficient armoring should the spillway be utilized.

Pat moved to deny Sellin Brothers request for suspension of the project until spring and to continue work as spelled out in the contract. McMillan seconded the motion. A roll call vote was taken. McMillan-yes. Hurley-yes. The motion carried.

Being no further business, the meeting was adjourned.

Respectively submitted,

Jamie Smith
Secretary
Barnes County Water Resource District