

Barnes County Water Resource District

PO BOX 306

Valley City, ND. 58075

Special Meeting

03/18/2011

Minutes

Present: Chairman McMillan-via conference call  
Board Members; Pat Hurley and Duane Lettenmaier

Also present: Sean Fredricks and Chris McShane - Ohnstad, Twitchell  
Mike Opat, Jeff Volk and Brady Woodard - Moore Engineering

The meeting was held in the Moore Engineering Conference Room, West Fargo, North Dakota. Chairman Jeff McMillan called the meeting to order at 9:00.

Mike Opat, Project Engineer reviewed what was discussed at the regular board meeting on 3/14/2011, and discussed the Emergency Resolution that was passed. Sean Fredricks spoke with the attorney for Sellin Brothers, Inc. ("SBI"), who indicated Sellin would be willing to complete emergency work at the dam without requiring a commitment from the Board for payment upfront; however, they would not release any right they might have to seek payment for the emergency work later. The Board agreed SBI has not demonstrated a capacity to timely complete their work, and timely completion of the emergency work in this instance is absolutely crucial for the protection of the communities and residents downstream of the dam.

Mike explained the snow water equivalent report updated as of March 17; he indicated that the situation is actually worse than the conditions at the same time in 2009. The amount of rain in the watershed will likely determine the severity of any flood. Clearly, the potential for flooding has only increased; Mike indicated the Board would have to make a decision regarding emergency work since it appears flooding conditions are imminent, and the dam could potentially be at risk for substantial erosion and, possibly, failure.

The Board discussed the most time-sensitive priorities. Chairman McMillan stated that the first priority was to protect the citizens of Kathryn. In light of the potential for flooding, the Board unanimously

agreed armoring the spillway is absolutely necessary as a protective measure to protect the dam and the citizens of Kathryn.

Jon Kelsch spoke with Mike earlier in the week and informed him that the Clausen Springs Dam was the State Water Commission's ("SWC") top priority. The SWC is willing to commit equipment and man power in the event of an emergency. Unfortunately, they will not activate until an emergency starts. If an emergency does develop, the SWC's assistance will be significant. However, if an emergency does develop, it may be too late to construct or install any effective emergency measures to prevent a failure. With that in mind, the Board agreed proceeding with precautionary emergency measures is necessary.

The Board discussed SBI's most recent suggestion that SBI would perform the emergency work, and would likely bill the Board for the emergency work later. The Board agreed that the best interests of the County and downstream residents should control their decision-making. In this situation, SBI has not demonstrated a willingness to do what is necessary to remedy their default. While they indicate they are willing to perform emergency work, they were never committed to armoring the spillway, despite the Board's insistence all along that fully armoring could be necessary. In light of SBI's previous failures to complete their work in a timely manner, and within the deadlines under the contract, and SBI's unilateral decision to demobilize from the site, the Board is concerned about their ability to properly and timely complete sufficient emergency work. The Board concluded it would be in the best interests of the County and downstream residents to select another contractor to complete the emergency work.

Three quotes were received for Emergency Work on the Auxiliary Spillway. There were three contractors contacted and each submitted a cost for two options. Each contractor has been onsite and is aware of site conditions and of the urgency of the situation. Brady spoke with each of the contractors, and all are aware of the urgency of the emergency work. Mike and Brady are both comfortable that each contractor is competent and prepared to commence as soon as possible.

Option #1- Rip rap over the entire spillway

Option #2- Combination of Geo Textile fabric and rip rap

Mike indicated that, at this point, he was only comfortable with the second option. The Board agreed. The following bids were received for Option #2, Rip rap entire auxiliary spillway;

Industrial Builders- \$250,000.00

Star Enterprises (Strata Corp.)- \$211,400.00

Excavating, Inc. - \$174,475.00

Mike pointed out that Excavating, Inc.'s bid included \$30,000.00 for the rip rap removal. Mike suggested the possibility of leaving rip rap removal out of the emergency work, at least initially. By leaving removal costs from their bid the total for rip rap installation would be \$144,475.00. Mike and Brady indicated Excavating, Inc., has done quality work on other water and municipal projects, and they complete their jobs in a timely manner.

Pat Hurley moved to hire Excavating, Inc., to complete Emergency flood control work at the Clausen Springs Dam for a total price of \$144,475.00. Duane Lettenmaier seconded the motion. Chairman, Jeff McMillan called for a roll call vote. The results are as follows; Hurley-yes, Lettenmaier-yes, McMillan-yes. The motion carried. Moore Engineering and Ohnstad- Twitchell will be writing up the contract agreements and construction plans immediately. Work is to begin as soon as possible. The Board directed Sean Fredricks to include the possibility of standby work in the contract, should that type of emergency work also become necessary.

Discussion was held on current site conditions. Mike reported that the access road to the dam is in poor condition. Access at this point is questionable. Mike has held conversations with the Barnes County Highway Department and with the contractors. It was decided that the access road would have to be patched and maintained as the project moves forward.

Mike reported that SBI previously mobilized some equipment to the site. Since SBI was not authorized to do the emergency work, they were asked to stage their equipment away from the work area so that emergency work would not be inhibited.

Discussion was held on the need to have one person be the Point of Contact for the release of information about this project. It was decided to have Jeff be the Point of Contact.

Being no further business, Duane moved to adjourn the meeting, Pat seconded the motion. The meeting was adjourned.

Respectfully submitted,

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Jamie Smith, Secretary  
Barnes County Water Resource District