

MINUTES OF SPECIAL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JUNE 15, 2016

The Southeast Cass Water Resource District met on June 15, 2016, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Dan Jacobson, Manager; Lance Yohe, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Tyler Leverington, Attorney for the Board; Chad Engels, Kurt Lysne and Lyndon Pease, Engineers for the Board; Brady Woodard, Moore Engineering, Inc.; Arnold Jelinek, Dean Wills, Bryce Peterson, Wanzek Construction, Inc.; Tom Vollbrecht, Attorney for Wanzek Construction, Inc.; Carl Olson and Jim Cooper, KLJ.

2015 Drain #3 and Drain #10 Channel Improvements

Wanzek Construction, Inc. (Wanzek) presented an outline of issues they have relating to the Drain #3 and Drain #10 Channel Improvements Project. The outline is attached hereto.

Moore Engineering Inc. performed an as-built ground survey and drain earthwork quantity calculation to determine the amount of excavation completed. The as-built survey was done using the average end area method. Wanzek stated their quantities in the change proposal were calculated using 2014 LiDAR from the City of Fargo and the design surface from Moore Engineering, Inc. Wanzek also indicated they sold material based on load tickets and that they have receipts.

Lyndon Pease explained the average end area method. Mr. Pease stated there is a clear distinction on how the project was bid and designed compared to the work Wanzek actually performed. Arnold Jelinek believes the average end area method was taken from a distance too far between the cross sections to be an accurate measurement. Bryce Peterson stated because the interpolation is incorrect, the earthwork quantity is higher. Mr. Engels stated the average end area method has been used on legal drain projects for a very long time.

Mr. Vollbrecht explained subcontractors planned for the estimated quantities, but when actual quantities were realized, Wanzek hired additional crew. They believe they are entitled to payment for the additional cost and an extension on the construction completion date.

Chairman Brodshaug said he has observed construction of numerous ditches and eluded to inefficiencies during this project, as well as turnover of management at the project site.

Wanzek representatives agreed there were supervision issues, but that ultimately the delays were due to the increase in material quantities. Manager Yohe said month after month the Board received reports from the project field representative and month after month there was no activity at the project site. Dean Wills said they could pull time cards and Mr. Peterson said there was never a gap without someone on the project. Chairman Brodshaug pointed out it did not look like it was productive activity. Mr. Peterson stated it may have been because of additional quantities and that they were working to become more efficient on the job. Manger Yohe said it is up to the contractor to complete the project efficiently.

Mr. Pease presented a map illustrating Moore Engineering, Inc.'s pre-construction survey points for the project that demonstrated the gradual curves and length between the survey points. Mr. Engels stated average end area method surveys have been used on Water Resource District projects for many years. Contractors typically do their own surveys and the results are usually within 1% of the average end area totals. Carl Olson said the average area end method is appropriate. He also pointed out in this case KLJ was hired by Wanzek only to conduct an independent survey of the project area.

Tom Vollbrecht stated the issue is between the estimated quantities versus the actual quantities of material moved. Manager Yohe indicated the Board does not experience this type of problem with contractors on other projects. Mr. Vollbrecht referred to language in the contract relating to quantity changes.

Mr. Pease requested the information presented today in order to respond to the letter received June 6, 2016, from Wanzek regarding the change proposal for additional work for common excavation and spoil overrun. Mr. Wills stated information would be sent to Mr. Pease by June 17, 2016.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer