

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF MANAGERS OF THE BUFFALO CREEK WATERSHED DISTRICT

The Managers of Buffalo Creek Watershed District met on the 14th day of September, 2021, at 7:00 p.m., for a special business meeting to consider bids and award contracts for the improvement of Branches S, P1, A, and M20 of Judicial Ditch 15 (JD 15). Notice of said special meeting was posted at the Board's regular meeting place as well as the McLeod, Renville and Sibley County Government/Courts facilities for at least three days prior to the meeting as required by statutes chapter 13D. A copy of the notice and affidavits of posting are on file with the District.

The following managers were present:	Don Belter Kevin Lindeman Chad Stuewe Matt Melberg Larry Kramer
The following managers were absent/excused:	n/a

Also attending the meeting were:	John Kolb, Attorney Paul Bleck
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President Belter called the meeting to order and announced the first order of business was to review the bids and award contracts as warranted for the improvement of Branches S, P1, A, and M20 of JD 15.

JD 15, Branch S. Kolb reviewed the bids received for the improvement of Branch S as outlined in the recommendation letter from Engineer Shaun Luker of Bolton and Menk. The following bids were received:

- Cooreman Contracting, Inc., in the amount of \$569,059.00; and
- Litzau Farm Drainage, Inc., in the amount of \$601,245.00.

The engineer's opinion of cost for the project, as presented during the final hearing, was \$531,495.00. The low bid was 7% above the engineer's opinion of cost, but within the allowance of section 103E.505 for award. The engineer opines that Cooreman is a responsible bidder and has otherwise complied with the bidding requirements. The engineer recommends the contract be awarded to Cooreman in the amount of \$569,059.00.

Motion by Manager Melberg seconded by Manager Kramer to award the contract for the construction of the improvement of Branch S, JD 15 to Cooreman Contracting, Inc.; to authorize President Belter to execute the notice of award and other contract documents upon review and approval by the Board's attorney; to appoint the Board's consultant, Larry Phillips,

as the owner's representative during construction; and to establish a 20% contingency on the contract and to authorize Phillips, in consultation with the engineer, to approve change orders within the limits of the contingency. After discussion, the Board of Managers voted to approve the motion by the following, roll call vote: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Lindeman – Y, and Manager Stuewe – Y. The president declared the motion passed by unanimous vote.

JD 15, Branch P1. Kolb reviewed the bids received for the improvement of Branch P1 as outlined in the recommendation letter from Engineer Chuck Brandel of I & S Group, Inc. (ISG). The following bids were received:

- Litzau Farm Drainage, Inc., in the amount of \$2,535,570.35 (base bid) and \$3,821,955.60 (bid alternate 1); and
- Hjerpe Contracting, Inc., in the amount of \$3,493,619.08 (base bid) and \$4,352,810.08 (bid alternate 1).

The engineer's opinion of cost for the project, as presented during the final hearing, was \$2,619,293.67 for the base bid and \$2,705,115.17 for the bid alternate 1. The low bid was below the engineer's opinion of cost for the base bid. Remaining bids all exceeded the engineer's opinion of cost. The engineer opines that Litzau is a responsible bidder and has otherwise complied with the bidding requirements. The engineer recommends the contract for the base bid project, HDPE pipe, be awarded to Litzau in the amount of \$2,535,570.35.

Motion by Manager Melberg seconded by Manager Kramer to award the contract for the construction of the improvement of Branch P1, JD 15 (base bid, HDPE pipe) to Litzau Farm Drainage, Inc.; to authorize President Belter to execute the notice of award and other contract documents upon review and approval by the Board's attorney; to appoint the Board's consultant, Larry Phillips, as the owner's representative during construction; and to establish a 20% contingency on the contract and to authorize Phillips, in consultation with the engineer, to approve change orders within the limits of the contingency. After discussion, the Board of Managers voted to approve the motion by the following, roll call vote: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Lindeman – Y, and Manager Stuewe – Y. The president declared the motion passed by unanimous vote.

JD 15, Branch A. Kolb reviewed the bids received for the improvement of Branch A as outlined in the recommendation letter from Engineer Shaun Luker of Bolton and Menk. The following bids were received:

- Litzau Farm Drainage, Inc., in the amount of \$965,623.40; and
- Cooreman Contracting, Inc., in the amount of \$975,123.50.

The engineer's opinion of cost for the project, as presented during the final hearing, was \$891,485.00. The low bid was 8% above the engineer's opinion of cost, but within the allowance of section 103E.505 for award. The engineer opines that Litzau is a responsible

bidder and has otherwise complied with the bidding requirements. The engineer recommends the contract be awarded to Litzau in the amount of \$965,623.40.

Motion by Manager Melberg seconded by Manager Kramer to award the contract for the construction of the improvement of Branch A, JD 15 to Litzau Farm Drainage, Inc.; to authorize President Belter to execute the notice of award and other contract documents upon review and approval by the Board's attorney; to appoint the Board's consultant, Larry Phillips, as the owner's representative during construction; and to establish a 20% contingency on the contract and to authorize Phillips, in consultation with the engineer, to approve change orders within the limits of the contingency. After discussion, the Board of Managers voted to approve the motion by the following, roll call vote: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Lindeman – Y, and Manager Stuewe – Y. The president declared the motion passed by unanimous vote.

JD 15, Branch M20. Kolb reviewed the bids received for the improvement of Branch M20 as outlined in the recommendation letter from Garrett Monson of Houston Engineering, Inc. The following bids were received:

- Cooreman Contracting, Inc., in the amount of \$722,946.10;
- Litzau Farm Drainage, Inc., in the amount of \$1,057,061.00; and
- Gladen Construction, Inc., in the amount of \$1,559,307.75.

The engineer's opinion of cost for the project, as presented during the final hearing, was \$1,060,827.00. The first and second low bids were below the engineer's opinion of cost for the project. The remaining bid exceeded the engineer's opinion of cost. The engineer opines that Cooreman is a responsible bidder and has otherwise complied with the bidding requirements. The engineer recommends the contract be awarded to Cooreman in the amount of \$722,946.10.

Motion by Manager Kramer seconded by Manager Lindeman to award the contract for the construction of the improvement of Branch M20, JD 15 to Cooreman Contracting, Inc.; to authorize President Belter to execute the notice of award and other contract documents upon review and approval by the Board's attorney; to appoint the Board's consultant, Larry Phillips, as the owner's representative during construction; and to establish a 20% contingency on the contract and to authorize Phillips, in consultation with the engineer, to approve change orders within the limits of the contingency. After discussion, the Board of Managers voted to approve the motion by the following, roll call vote: President Belter – Y, Manager Kramer – Y, Manager Melberg – A, Manager Lindeman – Y, and Manager Stuewe – Y. The president declared the motion passed by unanimous vote with Manager Melberg abstaining.

Discharge of Petitioners' Bonds, Return of Deposits. Kolb discussed the discharge of petitioners' bonds and returns of deposits related to the improvement proceedings. Current costs have been carried by the District against the petitioners' bonds and deposits. Statutes section 103E.202 states that the Bonds are conditioned to pay the costs incurred if the proceedings are dismissed or a contract is not awarded to construct the drainage system

proposed in the petition. Kolb's recommendation is that the bonds be discharged upon final coordination with the County Auditor-Treasurers for the payment of costs in the proceedings from assessments and possible bonding.

Motion by Manager Kramer seconded by Manager Melberg to direct Kolb and Phillips to coordinate with the County Auditor-Treasurers regarding the payment of costs and to authorize the discharge of the bonds or return of cash deposit bonds upon final coordination with the County Auditor-Treasurers regarding payment. After discussion, the Board of Managers voted to approve the motion by the following, roll call vote: President Belter – Y, Manager Kramer – Y, Manager Melberg – Y, Manager Lindeman – Y, and Manager Stuewe – Y. The president declared the motion passed by unanimous vote.

There being no further business to come before the Board, upon motion duly made, seconded and unanimously carried, the Board of Managers adjourned the meeting until the next regular meeting of the Board of Managers on Tuesday, September 28, 2021, at 8:00 p.m., in the Board's meeting room in the Glencoe City Center.

Matt Melberg, Secretary