# LAKE AGASSIZ WATER AUTHORITY

#### **BOARD OF DIRECTORS**

# Trustmark Office Building August 12, 2022

A meeting of the Lake Agassiz Water Authority (LAWA) board of directors was held at the Trustmark Office Building, Fargo, ND, on August 12, 2022. The meeting was called to order by Chair Mahoney at 10:30 a.m.

#### **MEMBERS PARTICIPATING**

Chair Timothy Mahoney

Vice Chair Ken Vein

Director LaVonne Althoff (by video conference)

Director Rick Bigwood (by video conference)

Director Bill Bohnsack

Director Dave Carlsrud (by video conference)

Director Tom Erdmann (by video conference)

Director Mark Johnson

Director Keith Nilson

Director Jim Schmaltz

**Director Travis Schmidt** 

Secretary Duane DeKrey

#### **MEMBERS ABSENT**

Associate Member Dick Johnson Associate Member Brett Lambrecht Associate Member Carol Siegert

Garrison Diversion staff and others attended. A copy of the registration sheet is attached to these minutes as Annex I.

The meeting was recorded to assist with compilation of the minutes.

## **APPROVAL OF AGENDA**

Motion by Director Schmaltz to approve the board meeting agenda. Second by Director Bohnsack. Upon voice vote, motion carried.

#### **CONSIDERATION OF MINUTES**

Motion by Director Schmaltz to approve the March 25, 2022, LAWA Board minutes as distributed. Second by Director Bohnsack. Upon voice vote, motion carried.

# OFFICER REPORT

Vice Chair Vein did not have a report.

# COMMITTEE REPORTS

**Technical Advisory Committee - -** Kip Kovar, Secretary, LAWA Technical Advisory Committee (TAC), reported the committee met virtually on August 3, 2022. At that time, the committee received updates on Red River Valley Water Supply Project (RRVWSP) construction and the prequalification procedure being considered for the contract bidding process. The committee approved five change orders, all of which require final approval by the board today. Updates were also provided on capital cost estimates, operation and maintenance cost estimates and operational planning.

**Operations and Maintenance Cost Estimate - -** Paul Boersma, Black & Veatch, provided a PowerPoint presentation, reviewing the 2018 operation and maintenance (O&M) cost estimates for the RRVWSP and where they stand today with different operating scenarios; i.e., RRVWSP vs ENDAWS at 165, 65 and 20 cfs.

The total annual 2018 O&M costs were \$15.6 million. This is for the RRVWSP water being pumped from the Missouri River to the Sheyenne River. Escalated to 2022 dollars, the annual O&M costs are \$17.6 million.

Updates in 2022 are:

- incorporation of ENDAWS alternative
- using resources of the TAC Operational Planning Subcommittee
- more detail on costs for administration, maintenance and operations
- O&M cost estimating methodology being vetted through Operational Planning Subcommittee

**Operational Planning Update - -** Steve Burian, Burian & Associates, stated the Operational Planning Subcommittee, in addition to discussing the O&M costs, has reviewed operational framework and StatedMod documentation related to the Project Participation Agreement (PPA) through a series of exhibits.

Mr. Burian provided a PowerPoint presentation and reviewed the discussion items from Exhibit F and Exhibit G.

Exhibit F - StateMod Documentation

- Model Background
- User Demands and Return Flows
- Lake Ashtabula
- Sensitivity Analysis and Summary

The StateMod is a powerful tool in understanding and testing different flow conditions. The recent model review has reinforced confidence in project sizing, and the established model will be utilized going forward for finalizing project sizing and future predictive analysis.

Exhibit G – Operational Framework

- Stakeholders and Governance
- Baldhill Dam Releases

- Project Operations
- Drought Monitoring and Response
- Water Accounting
- Summary

The Operational Framework will serve as the building blocks for the new RRVWSP Operational Plan, which will ultimately replace Exhibit B as it is being drafted now. The governance plans, including the roles and responsibilities of each stakeholder, is going to be a very important aspect, as well as the cadence of the project operations.

## RRVWSP UPDATE

**Construction Update - -** Mr. Kovar provided an update and shared progress photos from the construction site for Missouri River Intake Contract 2, commenting the 1,600-foot tunnel was a success, and the tunneling machine was removed on August 6.

Mr. Kovar next provided an update on Transmission Pipeline East Contract 5A, including photos of the easement restoration process taking place. An update and progress photos were also provided on Transmission Pipe East Contract 5B. Approximately 1,050 feet of pipe has been installed. The project is behind due to many factors. One factor in particular is the high groundwater table this year. It is anticipated four and a half miles of pipe will be completed this year and the other four and a half miles next year.

Mr. Kovar also shared photos from a visit to Northwest Pipe's plant in Saginaw, Texas, where the pipe is developed and tested.

**Work Plan Update - -** A copy of the RRVWSP Work Plan Update dated July 6, 2022, which summarizes engineering and construction activities, is attached to these minutes as Annex II.

#### **Change Orders**

#### Missouri River Intake – Task Order 2520

Mr. Kovar reviewed Change Order No. 2 from Task Order 2520, Missouri River Intake Pumping Station Wet Well and Site Development, which is on Contract 1 with ICS, Inc. It decreases the contract price by \$219,127.25 for a revised total contract price of \$4,731,712.16.

Mr. Kovar reminded the committee of the defective work, which caused leaking secants and heaving of the wet well's bottom floor. The change order would removing the include dewatering, grouting of void space and removal of the one-foot concrete slab and replacing with a two-foot reinforced slab.

Mr. Kovar stated this would involve taking the work away from ICS and moving it over to Contract 2 with Michels Corporation.

Motion by Director Nilson to approve Change Order No. 2, RRVWSP Missouri River Intake Wet Well and Site Development, Task Order 2520, Contract 1, with ICS, Inc. for a decrease of \$219,127.25. Second by Director Jonson. Upon roll call vote, the following directors voted aye: Althoff, Bigwood, Bohnsack, Carlsrud, Erdmann, Johnson, Mahoney, Nilson, Schmaltz, Schmidt and Vein. Those voting nay: none. Motion carried.

Mr. Kovar explained Change Order No. 2, Task Order 2530, RRVWSP Missouri River Intake, Screen and Tunnel, Contract 2, with Michels Corporation, which is the balancing change order. This adds the work he just reviewed to the contract with Michels, causing an increase of \$219,127.25 to the total contract price. The new total contract price is \$19,261,397.25. The revised completion date is scheduled for March 17, 2023.

Motion by Director Nilson to approve Change Order No. 2, RRVWSP Missouri River Intake, Screen Structure and Tunnel, Task Order 2530, Contract 2, with Michels Corporation for an increase of \$219,127.25. Second by Director Johnson. Upon roll call vote, the following directors voted aye: Althoff, Bigwood, Bohnsack, Carlsrud, Erdmann, Johnson, Mahoney, Nilson, Schmaltz, Schmidt and Vein. Those voting nay: none. Motion carried.

Mr. Kovar stated Change Order No. 3, Task Order 2530, RRVWSP Missouri River Intake, Screen and Tunnel, Contract 2, also with Michels Corporation, is regarding cost and schedule impacts related to the delay in the Nationwide 33 Permit for temporary construction. This involves a section near the coffer dam which is below the ordinary high watermark, so it is under the Corps of Engineers' jurisdiction. This increases the contract price by \$25,962.00, resulting in a revised total contract price of \$19,287,359.25. There is also 20-day contract extension included.

Motion by Director Vein to approve Change Order No. 3, RRVWSP Missouri River Intake Wet Well and Site Development, Task Order 2530, Contract 1, with ICS, Inc. for an increase of \$25,962. Second by Director Schmaltz. Upon roll call vote, the following directors voted aye: Althoff, Bigwood, Bohnsack, Carlsrud, Erdmann, Johnson, Mahoney, Nilson, Schmaltz, Schmidt and Vein. Those voting nay: none. Motion carried.

#### Transmission Pipeline East – Task Order 5530

Mr. Kovar reviewed Change Order 001-002, Task Order 5530, Transmission Pipeline East, Contract 5A, with Garney Companies, Inc., regarding tunneling obstructions and a final completion extension. The change order increases the contract price by \$27,195.44, resulting in a revised total contract price of \$8,393,396.44. There is also a 90-day extension included due to weather delays, revising the final completion date to September 13, 2022.

## Transmission Pipeline East – Task Order 5532

Change Order No. 001-003, Task Order 5532, Transmission Pipeline East, Contract 5B, with Garney Companies, Inc., involves fiber optic deduction, bevel gear and extension stem (CAV gate valve) and cathodic protection test stations. This change order reduces the contract price by \$1,410,437.42, resulting in a revised total contract price of \$44,51,262.58.

Motion by Director Johnson to approve Change Order 001-002, RRVWSP Transmission Pipeline East, Task Order 5530, Contract 5A for an increase of \$27,195.44, and Change Order 001-003 RRVWSP Transmission Pipeline East, Task Order 5532, Contract 5B, at a decrease of \$1,410,437.42 both with Garney Companies, Inc. Upon roll call vote, the following directors voted aye: Althoff, Bigwood, Bohnsack, Carlsrud, Erdmann, Johnson, Mahoney, Nilson, Schmaltz, Schmidt and Vein. Those voting nay: none. Motion carried.

**Program Schedule - -** Merri Mooridian, Deputy Program Manager RRVWSP Administration, Garrison Diversion, reviewed the 2021-2022 RRVWSP Program Schedule dated July 5, 2022. The schedule focuses on the ongoing construction projects, including substantial and final completion dates. There will be changes made to this schedule following approval of the change orders today allowing for time extensions.

**Planning Level Budget - -** Ms. Mooridian referred to the RRVWSP Planning Level Budget dated July 31, 2022. The total combined program budget is estimated at \$139 million. Actual program expenses are \$60.3 million with total outstanding expenses of \$78.6 million. Total program efforts are 43 percent complete. A copy of the budget table is attached to these minutes as Annex III.

**2021-2023 Work Plan Funding - -** Ms. Mooridian referred to the January 25, 2022, funding table listing the approved work items and cost breakdowns of the \$89.7 million RRVWSP Work Plan budget.

#### CENTRAL NORTH DAKOTA WATER SUPPLY – STATE OF MISSOURI LAWSUIT

Tami Norgard, Vogel Law, reported on the appeal regarding the State of Missouri's lawsuit on the Central North Dakota Water Supply (CND) project, stating briefs have been completed since April, and the 8<sup>th</sup> Circuit Court of Appeals has not yet set the date for oral arguments.

#### FINANCIAL REPORT

**2022 Budget Analysis Statement - -** Ms. Mooridian reviewed the Budget Analysis Statement for the period of January 1, 2022, to July 31 2022, a copy which is attached to these minutes as Annex IV.

Ms. Mooridian stated total income through July is \$701,472. Expenses are \$753,352.

The total bank balance at the end of July was \$524,694.

Motion by Director Nilson to approve the Budget Analysis Statement for the period of January 1, 2022, through July 31, 2022. Second by Director Schmaltz. Upon roll call vote, the following directors voted aye: Althoff, Bigwood, Bohnsack, Carlsrud, Erdmann, Johnson, Mahoney, Nilson, Schmaltz, Schmidt and Vein. Those voting nay: none. Motion carried.

#### Bills Paid

Mr. Mooridian also reviewed the bills paid since the last board meeting to cover construction and design work, legal fees, an insurance premium and membership dues.

**Summary of Dues and Cost Share Payments - -** Ms. Mooridian referred to the table showing 2022 LAWA membership dues collected total \$26,400.

#### <u>UNFINISHED BUSINESS</u>

**User Outreach - -** Mr. Burian provided an update on user outreach meetings. A lot of work has been done relating to the PPA from the users' standpoint. Extensive work has been done with the cities of Fargo and Grand Forks in regard to water usage. Meetings also continue

with Moorhead Public Service concerning their renewed interest in the RRVWSP as well as with the City of Washburn regarding possible use of the Missouri River Intake.

Mr. Burian added the user outreach efforts will increase significantly as the PPA is introduced to the members.

**Project Participation Agreements - -** John Shockley, Ohnstad Twichell, reported a review of the largely drafted PPA continues. A few exhibits remain to be finalized by the technical team. A draft of the PPA in its current form was distributed to the city attorneys for Grand Forks and Fargo for comments. The goal is to have comments finalized and any outstanding issues addressed. The PPA will then be sent to the end users.

Ms. Norgard added the exhibits are close to being completed. Once, the review team approves the exhibits the PPA will be distributed.

## **NEW BUSINESS**

Ms. Mooridian reported EideBailly conducted the Agreed Upon Procedures for LAWA last week. The results will be presented at the next board meeting.

Motion by Director Nilson to adjourn the meeting. Second by Director Schmaltz. Upon voice vote, motion carried.

The meeting adjourned at 12:05 p.m.	
Timothy Mahoney, Chair	Duane DeKrey, Secretary

# **REGISTRATION**

LAWA Board Meeting Burian & Association Fargo, ND August 12, 2022

7 tagast 12, 2022								
NAME	ADDRESS							
Kimbre ly Cook	GDUD							
Darc Hiedur	City d-Faust							
KEITH MY Kleseth	EGF WAL DEPT							
Marc Pritchard	Moorhead Public Service							
Jerry Blomeke	Cass RWD							
Brent Brinkmen	Cass Rural water district							
Jim Schmoltz	EAST Central							
Keith Nilson	Walsh water							
Mark Johnson	Cass Rwal water							
Kip Kovar	GDCD							
John Shocking	Christad Twichell : Low							
Ken Vein	GDCD/City of G.F.							
Duana De Kney	COCO							
Men: Monida	GDCD .							
Janui Vorgacel	Nocel Law Firm							
Lisa Achaper	FIRECAQ.							
SIM GADIG	AERS							
William Bohnsack	City of maguille							
Train's Schmidt	Morhea Public Service							
Steve Buria	Burian + Associates							
Jay Paul Andersury	GDC D							
Steve Metzer	GDCD - Foster G.							
Todd Feland	City of Grand Forks							
Kimberly Cook	Garrison Diversion							
Paul Boersma	Black & Veatch							
Dan Portlock	City of Fargo							
Cindy Hewitte	Garrison Diversion							
Roger Fenstad	Garrison Diversion							
Rocky Schneider	Advanced Engineering							

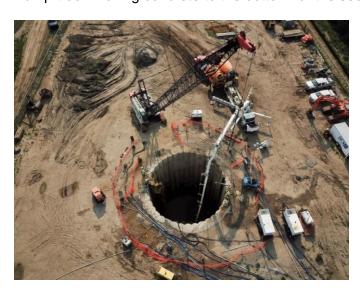
# RRVWSP Work Plan Update July 6, 2022

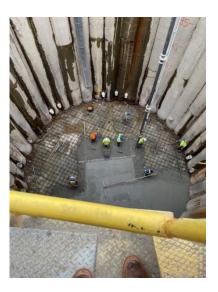
### **CONSTRUCTION**

#### **Wet Well Construction Contract 1**

The last finish grade pour (approximately 1.5' thick) completed on August 30 was deemed defective. The final floor heaved due to poor water pressure, and two secants continue to leak small amounts of water. We are currently working with the contractors to remedy the issues. Grout void space below the existing 1' reinforced concrete slab and secant repair will be removed from this contract and added to Contract 2 through Work Change Directive No.1. This will allow Contract 2 to continue without delay in schedule.

Pump truck moving concrete to the bottom for the second pour





**Pipeline Construction** 

#### Contract 5A

All pipe and trenchless work have been installed to date (5,950' total distance). The pipeline walk through was completed and approved. Fifty percent of the final restoration has been completed. Final restoration is delayed due to the wet conditions.

To date, \$7,697,689.95 has been paid on the original contract amount of \$8,366,201.00.





#### Contract 5B

Soils training was held on May 26 with contractor, subcontractors, owner and consultants. Contractor delivered construction management office trailer. Topsoil has been removed from the first mile in preparation for the July 11 pipe delivery. The original pipe delivery of June 15 was delayed due to surface blemish in the steel coil. After further analysis, there are no structural concerns with the 1 mm blemish (see reports for further information).

# **Discharge Structure Construction**

The contractor has reached substantial completion and is installing railing and grates this week. To date, \$1,476,884.00 has been paid on the original contract amount of \$1,516,955.00.

Heavy rainfall created some erosion, which will need repair.







# Missouri River Intake Tunnel and Screen Final Design Contract 2

As the apparent low bidder at \$18,896,900, Michels was issued notice of award on June 9, 2021. Michels has completed the road work, temporary bridge and coffer dam. The seal plug was poured. All pipe has been delivered, including the micro tunneling boring machine. It is anticipated tunneling will begin early July 2022. To date, \$8,418,260.93 has been paid on the original contract amount of \$18,896,000.00.

Three claims have been submitted by the contractor 1) differing site conditions on the coffer dam, 2) differing site conditions for the tunnel and 3) delays due to permit 33 requirements. We are working to resolve the issues.





# **DESIGN**

Pipeline segments 5C (8 miles), 5D (10 miles) and 6 (25 miles) are currently under design. Plans and specifications have been submitted for review.

# Red River Valley Water Supply Project Planning Level Budget

						C	Outstanding
July 31,2022	Percent Complete	Cu	rrent Estimate	A	ctual Expenses		Expenses
Conceptual Design Subtotal		\$	5,302,130	\$	5,302,130	\$	-
Preliminary Design Subtotal		\$	10,217,606	\$	10,217,606	\$	-
Final Design Completed Subtotal		\$	10,198,949	\$	10,198,949	\$	-
Financial, Administration, Legal, Completed		\$	1,397,474	\$	1,397,474	\$	-
Land Acquistion Completed		\$	1,593,004	\$	1,593,004	\$	-
Subtotal Completed		\$	28,709,162	\$	28,709,162	\$	-
Financial Modeling/Cost Allocation	90%	\$	1,521,047	\$	1,366,101	\$	154,946
Program Management Information System	60%	\$	113,100	\$	68,099	\$	45,001
Stakeholder Support	61%	\$	398,830	\$	242,233	\$	156,597
Subtotal	82%	\$	2,032,977	\$	1,676,433	\$	356,544
Engineering/Land Acquistions							
Missouri River Intake - Screen Structure Design	74%	\$	1,884,000	\$	1,400,113	\$	483,887
Operational Plan Phase 1	78%	\$	106,000	\$	82,586	\$	23,414
Operational Plan Phase 2	33%	\$	290,584	\$	95,087	\$	195,497
Land Acquisition 2019/2021	53%	\$	650,000	\$	345,909	\$	304,091
2019 to 2021 Biennium Program Management Services	100%	\$	166,191	\$	165,814	\$	377
Project Planning, Finance, Admin, etc.	28%	\$	433,809	\$	122,966	\$	310,843
Final Design Transmission Pipeline - 5b	99%	\$	545,000	\$	541,259	\$	3,741
Final Design Transmission Pipeline - 5c & 5d	39%	\$	970,000	\$	377,917	\$	592,083
Final Design Tranmission Pipeline - 6	28%	\$	4,000,000	\$	1,137,908	\$	2,862,092
Acquire Easements	9%	\$	2,919,000	\$	250,531	\$	2,668,469
Admin/Finance/Legal	12%	\$	2,400,000	\$	278,140	\$	2,121,860
ENDAWS-Local Portion	0%	\$	309,750	_	-	\$	309,750
Undesignated Savings	Upcoming	\$	261,017	\$	-	\$	261,017
Engineering & Land Acquisition Subtotal		\$	14,935,351	\$	4,798,231	\$	10,137,120
Construction							
Pipeline 5A & Trenchless	85%	\$	10,157,651	\$	8,627,311	\$	1,530,340
Construction Contract	92%	\$	8,366,201	\$	7,697,690	\$	668,511
Bidding Services	87%	\$	86,685	\$	75,621	\$	11,064
Construction Phase Services	98%	\$	868,145	\$	854,000	\$	14,145
Contingency	if needed	\$	836,620	\$	-	\$	836,620
Discharge Structure	69%	\$	2,449,799	\$	1,688,847	\$	760,952
Construction Contract	97%	\$	1,516,955	\$	1,476,884	\$	40,071
Bidding Services	72%	\$	56,799	\$	40,737	\$	16,062
Construction Phase Services	89%	\$	193,000	\$	171,226	\$	21,774
Contingency	if needed	\$	683,045			\$	683,045
Missouri River Intake Wetwell	81%	\$	6,148,227	\$	4,998,568	\$	1,149,659
Construction Contract	89%	\$	4,989,406	\$	4,455,949	\$	533,457
Bidding Services	64%	\$	56,881	\$	36,662	\$	20,219
Construction Phase Services	83%	\$	612,000	\$	505,957	\$	106,043
Contingency	If needed	\$	489,940		-	\$	489,940
Missouri River Intake Screen Structure & Tunnel	42%	\$	23,000,000	\$	9,753,200	\$	13,246,800
Construction Contract	45%	\$	18,896,900		8,550,336	\$	10,346,564
Construction Phase Services	53%	\$	2,260,000	\$	1,202,863	\$	1,057,137
Contingency	If needed	\$	1,843,100	\$	-	\$	1,843,100
Pipeline 5B	0%	\$	51,600,000		95,724	\$	51,504,276
Construction Contract	0%	\$	45,961,700		-	\$	45,961,700
Construction Phase Services	2%	\$	4,486,000	\$	95,724	\$	4,390,276
Contingency	If needed	\$	1,152,300			\$	1,152,300
Construction Subtotal	27%	\$	93,355,677	\$	25,163,649	\$	68,192,028



# 2022 Budget Analysis

For the period of January 1, 2022- July 31, 2022

Income		2022 Budget		Actual as 07/31/2022		Balance of Budget			
Dues Income	\$	30,000.00	\$	26,400.00	\$	3,600.00			
Interest Income	\$	-	Ψ	20,400.00	\$	3,000.00			
Miscellaneous	\$	_	\$	186.00	\$	(186.00)			
Cost Share-Interim Finance	\$	1,504,000.00	\$	674,886.05	\$	829,113.95			
Total Income	\$	1,534,000.00	\$	701,472.05	\$	832,527.95			
Expenses	<u> </u>	.,,			<u> </u>				
Dues Expenses	\$	6,300.00	\$	6,305.00	\$	(5.00)			
Accounting	\$	7,500.00	\$	6,600.00	\$	900.00			
Directors Expense	\$	500.00			\$	500.00			
Insurance	\$	550.00	\$	423.00	\$	127.00			
Construction	\$			514,725.35	\$	629,274.65			
Engineering	\$	300,000.00			\$	197,137.46			
Property Acquisition/Easements	\$	40,000.00	\$	42,105.26	\$	(2,105.26)			
Adm/Legal/Financial	\$	131,500.00	\$	80,330.90	\$	51,169.10			
Total Expenses	\$	1,630,350.00	\$	753,352.05	\$	876,997.95			
Net Income (Loss)	\$	(96,350.00)	\$	(51,880.00)	\$	(44,470.00)			
		Account Activi	tv.						
Beg. Bank Balance 1-1-2022		Account Activi	ιy		\$	576,574.18			
Income Received					\$	701,472.05			
Total Funds Available					\$	1,278,046.23			
Ob//4407 O amin an Disamin			Φ.	000 050 05					
Ck#1197 Garrison Diversion			\$	209,356.05					
Ck#1198 ND Water Users Assoc			\$	5,000.00					
Ck#1199 ND Water Coalition			\$	1,000.00					
Ck#1200 Ohnstad Twichell			\$ \$ \$ \$	14,382.00					
Ck#1201 Ohnstad Twichell Ck#1202 Garrison Diversion			φ	3,740.00					
Ck#1202 Gamson Diversion Ck#1203 Ohnstad Twichell			φ	149,937.21					
Ck#1203 Offistad Twichell Ck#1204 Eide Bailly			Φ	7,200.00 5,900.00					
Ck#1204 Cide Balliy Ck#1205 Ohnstad Twichell			φ \$	5,925.00					
Ck#1206 Garrison Diversion			\$	20,500.00					
Ck#1207 Ohnstad Twichell			\$	6,938.00					
Ck#1207 Offinstad Twichell Ck#1208 Eide Bailly			\$	700.00					
Ck#1209 Garrison Diversion			\$	297,882.14					
Ck#1210 Ohnstad Twichell			\$	4,428.00					
Ck#1211 ND Rural Water Systems			\$	305.00					
Ck#1212 Garrison Diversion			\$ \$	17,710.65					
Ck#1213 Ohnstad Twichell			\$	2,025.00					
Ck#1214 Insure Forward			\$	423.00					
Total Expenses			\$	753,352.05					