

**Minutes of Watab Town Board Special Meeting
December 17, 2009**

A special meeting of the Watab Town Board was called to order at 7:00 a.m. by Chair Ed Kacures Jr. Other board members present were Supervisors Lloyd Erdmann and Craig Gondeck and Clerk Pat Spence. Audience members present were: Jon Bogart, Brad Arntson from Knife River, Pete Cluever from Knife River, Cory Tretter, and his Marvin Tretter, and Brian Erdmann.

The purpose of the meeting was to meet with Knife River and their contractors regarding Fifth Avenue. Paving of Fifth Avenue is not complete. About one half of the road still needs one inch of gravel and some work with shaping gravel by the curb. The road has firmed up quite a bit before freezing. One area of the road south of the saw mill is still questionable.

Jon Bogart explained that Knife River has requests to present today. Cory Tretter is requesting additional payment for an additional 3,740 yards of select granular. A handout described the costs and time for hauling. The additional sand was necessary because more black material had to be hauled out and more sand was needed over the fabric. Most of the sand came from the Thompson/Saldana pit. According to MNDoT specifications a bidder has the right to request additional funds when more than 25% additional material is required than what was bid. Lloyd said he could justify additional funds for the area where the fabric was placed, which would be about 2,000 cubic yards. The change order which was previously approved did not include the additional sand, only the fabric. Jon said that an additional \$5.45 per yard is being requested for a total additional amount of \$20,383.00. This includes a 10% payment to Knife River. Jon said that this is the first time in his experience that he has been asked for an increase over the original unit price in the bid. The 1903.2b and 1904 MnDoT specifications were read by Jon Bogart. Jon also asked Cory if he has documentation for the hauls of extra sand. He said it is all documented.

There was also a request for additional rip rap from Paul Schwinghammer, who was in charge of the erosion control for the township. This was not in the original plan. It was around the two culverts and by Mel Greil's driveway. In the original plan there was rock to be placed by hand by the curb but not by the culverts. Jon Bogart gave permission to do the extra work. \$2,880 would be what he is paid at the original bid amount per unit; the contractor is asking for an additional \$300 to cover moving the equipment back. Total request is \$3,180.

There is also an additional \$2,050 in change orders pending. A future decision will need to be made about the Zwilling driveway.

Clerk Spence asked that all bills be submitted by the afternoon of December 29th.

Supervisor Erdmann said that Cory has the right to ask for more funds for the sand, but there needs to be negotiation to reach an agreement. Based on the information, Supervisor Kacures made a motion to table this discussion about sand for further discussion and negotiation. He is not ready to make a decision this morning and will do further homework. It will be brought forward in January. The motion was seconded by Supervisor Gondeck and passed. Negotiations will be handled through Jon Bogart.

Supervisor Gondeck spoke to a Minnesota Association Township attorney, and he said if the future wear course work on Fifth Avenue is over \$100,000 we have to bid out the work for the overlay next spring. The work cannot be given to Knife River through a change order. The attorney said you cannot have a change order over \$100,000 without rebidding it. The wear course was not in the original bid. The Clerk asked Jon Bogart to e-mail her the approximate costs to complete the Fifth Avenue project for budget purposes. Craig made a motion to table a decision until he can contact the attorney again. A decision will be made at the January board meeting; the motion was seconded by Ed and passed. Lloyd asked Craig to talk with the attorney about potential warranty issues if two different contractors apply the base course and the wear course.

Craig asked about the progress on payment for damages to vehicles. The bills have been forwarded to Cory Tretter. The board reviewed the bills from individuals for car repairs, and they told Cory to discuss the charges with each party who had submitted a bill.

The meeting adjourned at 9:45am.

Respectfully submitted by Pat Spence, Clerk