
Minutes of the Arkansas River Litigation Funds Advisory Committee
2009 E. Spruce
Garden City, Ks 67846
(620) 275-7147

The meeting of the Arkansas River Litigation Funds Advisory Committee was called to order by Vice Chairman, Ron Conway on September 1st, 2009 at 10:35 a.m. The meeting was held at the Southwest Kansas Groundwater Management District Office located at 2009 E. Spruce Street, Garden City, KS.

Present:

Al Knoll	Ron Conway
Steve Hines	Harold Knoll
Mark Rude	Patty Stapleton
Hal Scheureman	Jason Norquest
Mike Meyer (by phone)	
Diane Coe (by phone)	
Kevin Salter (by phone)	

Absent with Notice:

Randy Hayzlett
David Brenn

Approve Agenda

Vice Chairman Ron Conway asked for discussion on the meeting agenda. Steve Hines moved to approve the agenda, Al Knoll seconded and motion passed with all in favor.

Approval of Minutes

The minutes from the August 19th, 2009 meeting were reviewed. Hal Scheureman moved to approve the minutes as presented, Al Knoll seconded and the motion passed with all in favor.

Lake McKinney Project

Successful Bid and Recommendation for Expenditures

Ron advised the Committee that Sporer Land Development was selected as the contractor for the Lake McKinney Project. A review of the submitted qualifications from Sporer Land Development and Lake McKinney Project was completed. Sporer Land Development was selected due to lower bid for the project. A meeting will be held to complete and sign the contract with Sporer Land Development later today.

Ron is asking GMD3 to appropriate approximately \$1,550,032.60 monies for the Lake McKinney Project. This amount includes contract dollars, Steel gate costs that were not included in the RFB (shipping and installation support services) and projected amount to still be billed to the project from the Project Engineers.

Mark Rude made a motion stating: in light of the bidding process of the successful bid amount I move the committee recommend dedication of \$1,550,000.00 for purposes of proceeding with the Lake McKinney Project and that the actual expenditures from that amount will incur in the manner that has been established by voucher submittal, payment and review of payments.

Much discussion was held regarding the contract payment schedules and if the motion needs to state "as per contract". Ron advised that Ed Mighell, Engineer of the Lake McKinney Project has to approve the process for final payment. Once Ed approves then the submittal of payment voucher will be completed by Ron and given to GMD3.

Mr. Conway read an excerpt from the contract stating payment procedure. Contractor shall submit application for payment in accordance with General Conditions. Application for payment will be processed by the engineer and submitted to the owner for payment as provided in the general conditions. Owner should make progress payments on account on the basis of contractor application for payment as recommended by the engineer or on the 20th day of each month during construction, provided that a correct contractor's application for payment is received by the engineer on the first day of the month. All progress payments will be on the basis of progress of work as follows; prior to substantial completion, progress payment will be made in an amount equal to the percentages indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as engineer shall determine, or owner may withhold, in accordance with general conditions 90% of the first 50% of work completed. Upon substantial completion, in an amount sufficient to increase total payments to contractor to 98% of the contract price, less such amounts as engineer shall determine or owner may withhold, in accordance with general conditions.

Mark withdrew his motion previously made. Discussion continued on payment schedule. Mark noted to the committee that if payment is due on the 20th of the month that corresponds well with the GMD3 Monthly Board Meeting providing the payment voucher is submitted on a timely basis before the monthly meeting on the second Wednesday of the month.

Harold Knoll moved to accept the low bid from Sporer Land Development, Inc. for the Lake McKinney Project, in the amount of \$1,404,532.60 plus including the cost of the gates of \$55,000.00. Al Knoll seconded and motion passed with all in favor.

Steve Hines moved to recommend allocation of \$1,550,000.00 for the Lake McKinney Project and By Pass Canal. Harold Knoll seconded. Motion passed with all in favor.

South Side Ditch ADS (Randy)

New Connector Ditch Successful Bid and Recommendation for Expenditures

In the unavoidable absence of Randy Hayzlett, Mr. Conway advised that the low bid from Sporer Land Development, Inc was accepted for South Side Ditch ADS.

Much discussion was held regarding the bid acceptance and payments due.

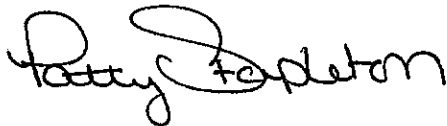
Hal Scheureman moved to accept the low bid from Sporer Land Development for the South Side ADS connector ditch construction in the amount of \$558,492.00. Steve Hines seconded. Motion passed with all in favor.

Harold Knoll moved to recommend allocation of \$558,492.00. Steve Hines seconded. It was the consensus of the committee that any additional expenses, including control gate expenses, not currently detailed to the committee will be addressed at a later time. Motion passed with all in favor.

Adjournment

Steve Hines moved to adjourn the meeting at 11:30 a.m. Al Knoll seconded. Motion passed with all in favor.

Meeting adjourned.

A handwritten signature in black ink, appearing to read "Patty DePietro". The signature is written in a cursive style with a large, looping initial "P".