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**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 Chairman, Randy Hayzlett on August 19, 2009 at 1:38 p.m. The meeting was held at the Southwest Kansas Groundwater Management District Office located at 2009 E. Spruce Street, Garden City, KS.

**Present:**

Randy Hayzlett	Al Knoll
Ron Conway	Steve Hines
Harold Knoll	Mike Meyer
Mark Rude	Patty Stapleton
David Brenn	Diane Coe
Hal Scheureman	Jason Norquest
Trevor Ahring	

**Absent with Notice:**

Kevin Salter

**Others in Attendance**

Ed Mighell with Stantec Consulting Engineers

**Introductions**

Introductions were completed for all who were present.

**Approval of Agenda**

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

**Approval of Minutes**

The minutes from the May 6<sup>th</sup>, 2009 meeting were reviewed. Hal Scheureman moved to approve the minutes as presented, Steve Hines seconded and the motion passed with all in favor.

## **Lake McKinney Project**

Ron Conway spoke to the board about Lake McKinney. He advised there were three bids for construction.

The first bid came in from Sporer Land Development at \$1,404,532.60. The second bid was from Max Jantz Excavating at \$1,423,635.50 and the last bid was from Stoppel Dirt Inc. at \$3,077,447.21. The two closest bids have been asked to submit their qualifications and the qualifications of their sub-contractors along with other pertinent information.

Ed Mighell reported that the low bids came in at about 66% of the engineer estimate for cost and therefore are very competitive bids. Mr. Mighell added that in addition to bid cost, there is the cost of the gates. He explained that gate structure was included but the actual steel gate costs were not included in the bids to get bids in a timely matter. The estimated additional cost for the gates is \$55,000. That includes shipping and installation support services.

Ed also reminded the committee that Legal Counsel may be used regarding consideration of the acceptable bid. Even though discretion is stated in bid solicitation, if low bid is not chosen, that decision can be challenged.

Ron added that the construction will be phased and each phase will have a starting and ending date. The official start date is set for September 1st, 2009 with an ending date of March 1st, 2011.

## **South Side Ditch Alternate Deliver System: Randy Hayzlett**

Randy Hayzlett reported that bids were opened yesterday. There were three companies that submitted bids. The lowest bid was- Sporer Land Development at \$558,492.00 with Jantz Excavating following at \$571,875.50 and Stoppel Dirt Inc. bid at \$872,907.65. There was a correction to be made for Stoppel's bid bringing that total down to \$872,702.65. As with Lake McKinney, the two closest bids will be asked to submit their qualifications and the qualifications of their sub-contractors along with other pertinent information.

Ed Mighell stated that the lower bids came in approximately 57% of the engineering estimates and the cost of the actual control gates is also additional cost to the bids. The estimated start date for construction is September 1st, 2009 with the ending date being August 31st, 2010.

Randy announced that the land purchase from Mr. Unruh has been completed. Purchase of Right of Way from Mr. Tacket and Mr. Hands is almost complete.

It was acknowledged that there would be a meeting of the Associated Ditches to discuss how Lake McKinney and the new by pass canal would be operated in relation to the other ditch companies.

The Operating Agreements between the South Side Ditch Association and Finney County Water Users Association is in the works and expected to be reviewed for completion sometime soon.

## **Ditch Measuring Devices**

No report for Ditch Measuring Devices.

## **Guide lines for future project eligibility**

Guidelines for future project eligibility will be reviewed at a later date.

## **Financial Report**

### **Review of Financial Statements and CD Interest**

Mark reviewed the Certificate of Deposits along with projected interest earned that will be maturing on the 18<sup>th</sup> of September. Interest on the funds at that time is estimated at \$201,756.51.

All financial statements were reviewed and discussed by those present. Ron Conway moved to recommend accepting the financial statement to take them to the annual audit. Al Knoll seconded, motion passed with all in favor.

### **Review of Vouchers submitted for a recommendation of payment**

#### **GMD3 submittal for 3% of fund expenditures for administration**

Mark brought the committees attention to the project vouchers that have been paid since the last meeting, along with the vouchers that are being presented today for review and payment. The draw on the funds for the project expenditures to date totals \$532,957.44. GMD3 is proposing an administrative payment to GMD3 of 3% for administration totaling \$15,988.72.

Discussion was held on timing of future GMD3 requests and what the percentage should be for administration expense. Consensus of the committee was to look at GMD3 expense at a regular yearly basis and discuss basis for administrative amount at that time.

Harold Knoll moved to recommend the amount of \$15,988.72 as appropriate for this year's expenses and to review expenses at a yearly basis in the future. Hal Scheureman seconded. Motion passed with all in favor.

Chairman Randy Hayzlett reminded the committee that there is an obligation by GMD 3 to provide the appropriate legislative committees and the Kansas Water Office with reports at specified intervals as stated in the grant agreement and Senate Bill 534.

## **Agency Reports**

### **Kansas Water Office**

Diane Coe advised the committee that grant reports are due to the Kansas Water Office.

DWR Report

Mike Meyer had nothing to report for this meeting.

Public Forum

No public comments were offered.

Adjournment

Ron Conway moved to adjourn the meeting at 4:50 p.m. Al Knoll seconded. Motion passed with all in favor.

Meeting adjourned.

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