

EAST RANGE WATER BOARD

Regular Meeting

Wednesday, May 17, 2023

City/Town Government Center

4:30 P.M.

Appointed Board Members for City of Aurora: Doug Gregor, Chairman of the Board; David Skelton; Dennis Schubbe;

Appointed Board Members for the Town of White: Jon Skelton, Vice Chairman of the Board; Clark Niemi;

Other Team Members: Luke Heikkila (COA); Kimberly Berens (COA); Jodi Knaus (TOW); Wayne Thuringer (COA); Jim Gentilini (COA); Mike Larson (SEH); Miles Jensen (SEH); Kevin Young (SEH); Mia Thibodeau (Fryberger Law); Shannon Sweeney (David Drown Associates);

AGENDA

1. Call to Order/Roll Call
2. Consent Agenda:
 - a. Approval of April 26, 2023 Regular Meeting Minutes (attached)
 - b. Treasurer's Report – Fund Balances: Interim Financing: \$289,323.52 Biwabik Fund: \$109,606.87; Total: \$398,930.39 (attached)
 - c. Approval of Disbursements (attached)
 1. Fryberger Law Firm – 5/4/23 - \$518.00
 2. Barr – 5/8/23 - \$3,998.00
 5. SEH – 5/10/23 - \$1,341.50
 - d. Correspondence – None
3. Legal Matters – Updates Including but not limited to:
 - a. Scenic Acres Land & Facility Title Clearance Status – 90 days pending completion
 - b. Rosa Easement Status – Filing pending; all documents signed;
 - c. Creation of New Legal Entity Timeline & Guidance – Tabled to end of Project
 - a. Public Water ID creation
 - b. Water Board EIN with State of MN
4. Guests – No requests received
5. Engineering Updates - SEH
 - a. Funding Initiatives & Cumulative Accounting – Updates by Mike Larson
 - b. Engineering Work – Updates
 1. May 2023 Status Report Review
 - a.) Final Design & Technical Committee Meeting Updates
 - b.) Appropriations Permit & Lake Mine Water Modeling Status
 - c.) Environmental Review
 - d.) Project Certification
 - e.) Biwabik – East Range water Supply Mutual Aid Agreement
 - f.) Project Permits
 - g.) Project Schedule
 - i. Bat Nesting Sites – Tree Removal tabled to Spring – June 1 deadline
6. Community Outreach Plan
 - a. Schedule Public Open Forum Meeting with Presentations – (save the date cards will be mailed prior to meeting)
7. Other Business
 - a. St. James Pit & Current Water Plant updates – Jim Gentilini
8. Next Meeting Date: Wednesday, June _____ 2023 (TBD)
9. Adjournment

EAST RANGE WATER BOARD

Wednesday, April 26, 2023

City/Town Government Center

4:30 p.m.

Meeting Minutes

Board Members Present: Doug Gregor, Chairman of the Board; *David Skelton; Dennis Schubbe; Clark Niemi;*

Absent: Jon Skelton

Others Present: *Kimberly Berens (COA); Lucas Heikkila (COA); Jodi Knaus (TOW); Jim Gentilini (COA); Mike Larson (SEH); Kevin Young (SEH-Zoom); Robert Rutka*

1. **A board meeting was called to order by Chairman Doug Gregor at 4:30 p.m.**

2. **Consent Agenda:**

- a. Approval of March 15, 2023 Regular Meeting Minutes
- b. Treasurer's Report – Fund Balances: Interim Financing: \$292,021.61; Biwabik Fund: \$109,606.87; Total: \$401,628.48
- c. Approval of Disbursements
 - i. Fryberger Law Firm - \$6,337.41
 - ii. SEH - \$9,697.50
 - iii. LMCIT Property/Casualty Premium - \$1,976.00
- d. Correspondence
 - i. Application for Property Tax Exemption Approved for Lake Mine Road Staging Area was reviewed

**MOVED BY CLARK NIEMI, SUPPORTED BY DAVID SKELTON APPROVING THE CONSENT AGENDA AS PRESENTED.
MOTION CARRIED**

3. **Legal Matters** – Chair Doug Gregor updated the Board on legal matters as follows:

- a. Scenic Acres Land & Facility Title Clearance: memo from Paul Kilgore was reviewed stating title work should be complete within 90 days;
- b. Rosa Easement Status-Closing update: TOW approved both the Easement Purchase Agreement and the Water Main Easement Agreement on April 6, 2023. Signed documents were sent to Fryberger Law for recording.
- c. Creation of New Legal Entity Timeline & Guidance – this will be tabled to the end of the Project.

4. **Guests** – None

5. **Engineering Updates** -

- a. Funding Initiatives & Cumulative Accounting – Updates by Mike Larson
 - i. No bonding bill yet; Larson recommends going out for bids as soon as possible; Heikkila met with Kohlstad, Bradshaw, and Larson and the Project got approval verbally to bid Project in June; Loan would go to City of Aurora 100%, but Town would commit to their share of 12%.
- b. Engineering Work – Kevin Young read the Project Progress Report dated April 21, 2023 listed below:
 - i. Final Design
 1. Awaiting MDH approval of the P&S for the raw water pump station and intake.
 2. Update P&S for the whole project with MDH comments once MDH approval is received. Gentilini has been reviewing the plans and very minor things needs to be changed. No Technical Committee meeting has been held.
 - ii. Appropriations Permit
 1. DNR looking for:
 - a. Delivered - P&S of the raw water intake facility,
 - b. Delivered - Modified/Updated Water Supply Contingency Plan for the City of

- Biwabik
 - c. Delivered - Modified/Updated Water Supply Contingency Plan for Giants Ridge
 - d. Under way Now - Updated water model analysis of Lake Mine by Barr
 - e. Delivered - Final construction plans including a dewatering plan.
 - 2. Lake Mine Water Modeling
 - a. DNR requesting updated model.
 - b. Barr Engineering to update their model with completion in May-June. The approved agreement was enclosed for review.
 - c. SEH estimating the survey work at an NTE of \$5,000.
- iii. Environmental Review:
 - 1. Minnesota State Historic Preservation Office (SHPO): Approval received 12/20/2022.
 - 2. Federal Environmental Review
 - a. This review has been made necessary due to the direct Federal earmark funds the project received.
 - b. SEH has initiated this review process.
 - c. EPA has been slow to move things along.
 - d. Uncertain of schedule for final approval -- could take another 90 days.
- iv. Project Certification
 - 1. SEH/ERWB prepare notice of, and holds public hearing for, completed State and Federal environmental review.
 - 2. EPA certifies project on Federal side – guidance was sent on what to include in bidding documents to Heikkila and Larson;
 - 3. MDH certifies project on State side.
- v. Biwabik-East Range Water Supply Mutual Aid Agreement
 - 1. SEH to update the draft #3 version of the agreement and send to the group.
- vi. Project Permits:
 - 1. MDH
 - 2. County Work in Roadway; Kevin indicated State permit will also be needed for HWY 135;
 - 3. DNR:
 - a. Water Appropriations
 - b. Public Waters Work Permit
 - 4. Building Permit:
 - a. RWPS, and
 - b. WTP
- vii. Project Schedule
 - 1. MDH/PFA
 - a. The State (MDH) has received the environmental review documents and can certify the project now.
 - b. The State (MDH) will accept EPA certification when that comes.
 - c. The State (MDH) will allow us to bid the project(s) without the water appropriation process complete since it will take a couple of years (roughly) for the project to need to begin withdrawal of water from the lake.
 - 2. US EPA
 - a. The bidding documents must contain full compliance documents (which is also true of the MDH DWRF program) for: (1) American Iron & Steel Act; (2) BABAA – Build America Buy America Act, and (3) Davis Bacon;
 - b. Can bid and begin construction of the project in advance of receiving EPA certification but cannot draw on any Federal earmark funds until the EPA certification is complete.
 - c. The EPA staff would not provide any sort of anticipated schedule for their environmental review and certification process.
 - 3. Based on the above, it seems like we could consider bidding the project in the next couple of months, if: 1. Bonding Bill: We believe that the bonding bill will pass this legislative session, and 2. We put the Bid review Period at 90 days -- which is common.

That should allow a reasonable amount of time after the bonding bill passes to still decide on project award. Miles may have information coming on construction phase services for the May meeting.

4. Bat Nesting Sites – Aurora and Town of White Public Works crews will get it done

viii. Project Costs

1. April 11, 2023 Cost Summary was reviewed. New Cost Projection is \$27,166,202.00.

ix. Project Labor Agreement

1. David Skelton shared the version of the Project Labor Agreement used by St. Louis County and recommends the Board use this version. The previous version approved caused a stir with the unions.

IT WAS MOVED BY DAVID SKELTON, SUPPORTED BY DOUG GREGOR TO USE THIS VERSION OF THE PROJECT LABOR AGREEMENT. MOTION CARRIED

6. **Community Outreach Plan** – The Board is waiting for the legislative session to end to determine next steps for Community Outreach.
7. **St. James Pit & Current Water Plant updates** – Spring thaw will cause pumping but things look good.
8. **Next Meeting date: May 17, 2023; June meeting will need to be rescheduled due to staff attending the League of MN Cities Annual Conference in Duluth, MN.**
9. **Adjournment**
MOTION BY CLARK NIEMI, SUPPORTED BY DENNIS SCHUBBE TO ADJOURN MEETING AT 5:37 P.M. MOTION CARRIED

ERWB - Interim Financing

Revenue

	DATE	VENDOR	DESCRIPTION	
Beginning Balance	7/22/2021	First Independent Bank	Interim Financing	\$ 1,000,410.00
Ending Balance				\$ 1,000,410.00

Disbursements

	DATE	VENDOR	DESCRIPTION	
	7/16/2021	SEH	Wetlands	\$ 11,236.12
	7/21/2021	Steve Thorp	Prof. Liability Insurance	\$ 960.00
	7/25/2021	Building Rescue - Todd Koneczny	Professional Services	\$ 4,687.50
	7/28/2021	Steve Thorp	ERWB Plan Review	\$ 3,480.00
	8/16/2021	SEH	Task 1	\$ 16,184.00
	9/6/2021	Building Rescue - Todd Koneczny	Professional Services	\$ 2,524.50
	9/21/2021	SEH	ERWB Amendment 1	\$ 40,083.00
	10/15/2021	SEH	ERWB Tasks 2-4	\$ 107,763.00
	10/21/2021	MN DNR Ecological & Water Resources	Water Permit	\$ 150.00
	11/9/2021	Fryberger, Buchanan, Smith & Frederick	Legal Services 8/13 thru 10/13/2021	\$ 5,658.35
	11/16/2021	SEH	ERWB Tasks 2-4	\$ 119,032.00
	12/10/2021	SEH	ERWB Tasks 2-4	\$ 128,884.00
	11/30/2021	St. Louis County Auditor	ERWB Parcel 100-0047-00090 Purchase	\$ 6,115.81
	1/19/2022	Steve Thorp	Plan Review ERWB 90% Completion	\$ 6,960.00
	1/26/2022	MN Dept. of Health	Watermains Plan	\$ 150.00
	1/26/2022	MN Dept. of Health	Treatment Plant Plan	\$ 1,000.00
	2/17/2022	Fryberger, Buchanan, Smith & Frederick	Legal sevices through 1/31/2022	\$ 2,989.50
	2/17/2022	Walker, Giroux & Hahne	Review JPA, general accounting, & reporting	\$ 350.00
	2/17/2022	SEH	ERWB Tasks 2-4	\$ 121,129.00
	3/14/2022	NTS	Geotechnical Reports	\$ 36,370.00
	3/14/2022	SEH	ERWB Tasks 2-4	\$ 13,193.00
	3/14/2022	SEH	ERWB Tasks 2-4	\$ 704.00
	4/20/2022	Fryberger, Buchanan, Smith & Frederick	Legal Services through 2/28/2022	\$ 2,942.00
	4/20/2022	LMCIT	Property/Casualty insurance	\$ 2,004.00
	4/20/2022	SEH	ERWB Tasks 2-4	\$ 704.00
	5/18/2022	East Range Shopper	Thank you Ad	\$ 72.45
	5/18/2022	MN Dept. of Health	Pumphouse Review	\$ 150.00
	5/18/2022	SEH	ERWB Tasks 2-4	\$ 7,744.00
	5/18/2022	St. Louis County Land & Minerals	Tree Cutting	\$ 936.52
	6/15/2022	Fryberger, Buchanan, Smith & Frederick	Legal Services through 4/30/22	\$ 8,648.44
	6/15/2022	Fryberger, Buchanan, Smith & Frederick	County Lease	\$ 762.45
	6/15/2022	NTS	Raw Water Intake	\$ 82.96
	6/15/2022	SEH	ERWB Tasks 2-4	\$ 3,520.00
	6/15/2022	Steve Thorp	Professional Liability	\$ 960.00
	7/20/2022	APG	Environmental Review	\$ 10.41
	7/20/2022	Duluth Archaeology Center	Research & Reporting	\$ 1,172.22
	7/20/2022	Fryberger, Buchanan, Smith & Frederick	Real Estate Matters	\$ 938.75
	7/27/2022	Park State Bank	Snacks for Joint Meeting 7/27/22	\$ 47.44
	9/16/2022	SEH	ERWB Tasks 2-4	\$ 1,408.00
	11/10/2022	Fryberger, Buchanan, Smith & Frederick	County Lease	\$ 6,261.97
	11/18/2022	Department of natural Resources	Lease	\$ 1,603.50
	11/20/2022	Duluth Archaeology Center	Phase I	\$ 5,733.36
	12/13/2022	Fryberger, Buchanan, Smith & Frederick	Project Labor Agreement Review	\$ 668.00
	1/11/2023	Fryberger, Buchanan, Smith & Frederick	Project Labor Agreement Review	\$ 1,241.50
	1/31/2023	East Range Times	Status Reports 1-3	\$ 776.25
	2/7/2023	SEH	ERWB Tasks 2-4	\$ 3,825.00
	2/14/2023	Fryberger, Buchanan, Smith & Frederick	Refund - double paid	\$ (668.00)
	2/23/2023	Vivd Design	Card Stock for Bulk Mailing	\$ 275.00
	2/27/2023	U.S. Post Office	EDDM - Bulk Mailing	\$ 241.35
	2/27/2023	w.a.fisher	East Range Water Facility Map	\$ 65.03
	2/9/2023	Fryberger, Buchanan, Smith & Frederick	Project Labor Agreement Review	\$ 802.00
	3/1/2023	East Range Times	9" Thank You Ad	\$ 62.10
	3/6/2023	SEH	ERWB Tasks 2-4	\$ 7,783.00
	3/15/2023	Fryberger, Buchanan, Smith & Frederick	Project Labor Agreement Review	\$ 1,073.00
	3/16/2023	LMCIT	Property/Casualty insurance	\$ 1,976.00
	3/24/2023	Fryberger, Buchanan, Smith & Frederick	Real Estate Matters	\$ 3,159.41
	4/11/2023	SEH	ERWB Tasks 2-4	\$ 9,697.50
	4/13/2023	Fryberger, Buchanan, Smith & Frederick	Project Labor Agreement Review	\$ 888.00
	4/18/2023	Fryberger, Buchanan, Smith & Frederick	Real Estate Matters	\$ 1,217.00
	5/8/2023	Fryberger, Buchanan, Smith & Frederick	Refund - double paid	\$ (3,159.41)
	5/8/2023	BARR	Embarrass Pit Groundwater Model Update	\$ 3,998.00
	5/10/2023	SEH	ERWB Tasks 2-4	\$ 1,341.50
	5/4/2023	Fryberger, Buchanan, Smith & Frederick	Project Labor Agreement Review	\$ 518.00
Total Disbursements				\$ 711,086.48

Ending Balance as of May 11, 2023 \$ 289,323.52

Biwabik Fund beginning balance 10/20/2021 \$ 129,839.79

DATE	VENDOR	DESCRIPTION	
1/1/2022	First Independent Bank - Russell	Interest Payment	\$ 6,198.62
6/1/2022	First Independent Bank - Russell	Interest Payment	\$ 7,017.30
1/1/2023	First Independent Bank - Russell	Interest Payment	\$ 7,017.00

Biwabik Fund ending balance as of 05/11/2023 \$ 109,606.87

TOTAL ENDING BALANCE Biwabik and Interim Financing combined as of 05/11/2023 \$ 398,930.39

FRYBERGER

LAW FIRM

fryberger.com

P.O. Box 16990
Duluth, Minnesota 55816

RECEIVED

MAY 05 2023

TOWN OF WHITE

INVOICE

Tax ID: 41-1000525
Phone: (218) 722-0861
Fax: (218) 725-6800

EAST RANGE WATER BOARD
16 WEST SECOND AVENUE NORTH
PO BOX 146
AURORA MN 55705

May 4, 2023
Invoice No. 22438.000004.12305
File No. 22438.000004 - DCE

For Legal Services Rendered Through 4/30/2023

CLIENT: EAST RANGE WATER BOARD
MATTER: PROJECT LABOR AGREEMENT REVIEW

Professional Fees

Date	Description	Atty	Hours
04/11/23	Review e-mail from Doug Gregor re: status report of PLA for Board; prepare report and e-mail to Jodi	DCE	0.30
04/11/23	Telephone conference with Doug Gregor re: contract from Range Labor Council re: PLA	DCE	0.10
04/11/23	Review and reply to e-mail from Jodi re: additional meeting on PLA	DCE	0.20
04/12/23	Telephone conference with Douglas Gregor re: meeting with Union Representatives over PLA concerns	DCE	0.00
04/25/23	Telephone conference with Doug Gregor re: PLA forms and terms; prepare e-mail to Doug forwarding redline of payment of prevailing wages and benefits by all employers and no need to sign multi-employer trust agreements	DCE	0.80
Total Professional Fees			\$518.00

Current Invoice Amount	\$ <u>518.00</u>
Prior Balance:	1,961.00
Payments & Adjustments:	-1,961.00
Total Due:	\$ <u>518.00</u>

Pay your bill online at www.fryberger.com <<http://www.fryberger.com>>

Current (Less than 30)	30-59 Days	60-89 Days	90-119 Days	Over 120 Days	Total Amount Due
\$518.00	\$0.00	\$0.00	\$0.00	\$0.00	\$518.00

Please Note: When your legal matter is completed, your file is closed and placed in storage. Closed files are placed on a schedule for destruction. While we make an attempt to contact you at the time your file is scheduled for destruction, we are not always successful. If you want to keep your file, you should request in writing that your file be returned to you at the time your matter is completed.

Please return this page with remittance

Fryberger, Buchanan, Smith & Frederick
P.O. Box 16990
Duluth, MN 55816

EAST RANGE WATER BOARD
16 WEST SECOND AVENUE NORTH
PO BOX 146
AURORA MN 55705

May 4, 2023
Invoice No. 22438.000004.12305
File No. 22438.000004 - DCE

Client: EAST RANGE WATER BOARD
Matter: PROJECT LABOR AGREEMENT REVIEW

Total Current Professional Fees	518.00
Total Current Costs	0.00
Current Invoice Amount	\$ <u>518.00</u>
Balance Forward:	1,961.00
Payments & Adjustments:	-1,961.00
Total Due:	\$ <u><u>518.00</u></u>

Amount enclosed: \$ _____

Thank You



INVOICE

Barr Engineering Co.
 4300 MarketPointe Drive, Suite 200
 Minneapolis, MN 55435
 Phone: 952-832-2600; Fax: 952-832-2601
 FEIN #: 41-0905995 Inc: 1966

Remittance address:
Lockbox 446104
PO Box 64825
St Paul, MN 55164-0825

Ms. Jodi Knaus
 East Range Water Board
 16 West Second Avenue North
 PO Box 146
 Aurora, MN 55705

May 8, 2023
 Invoice No: 23692735.00 - 1

Total this Invoice	\$3,998.00
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Email Invoice to: jodi.knaus@townofwhite.com

Regarding: Embarrass Pit Groundwater Model Update

Professional Services from April 6, 2023 to April 21, 2023

Job: 100 Embarrass Pit Model Update

Task: 001 Meetings

Labor Charges

			Hours	Rate	Amount
Vice President					
Kero, Peter	4/12/2023		1.50	205.00	307.50
Engineer / Scientist / Specialist III					
Janzen, Adam	4/12/2023		2.90	170.00	493.00
			4.40		800.50
Subtotal Labor					800.50
					Task Subtotal
					\$800.50

Task: 002 Model Updates and Recalibration

Labor Charges

			Hours	Rate	Amount
Vice President					
Kero, Peter	4/7/2023		.50	205.00	102.50
Engineer / Scientist / Specialist III					
Janzen, Adam	4/6/2023		1.60	170.00	272.00
Janzen, Adam	4/12/2023		.80	170.00	136.00
Janzen, Adam	4/13/2023		.20	170.00	34.00
Janzen, Adam	4/17/2023		5.70	170.00	969.00
Janzen, Adam	4/19/2023		3.60	170.00	612.00
Janzen, Adam	4/21/2023		4.20	170.00	714.00

Terms: Due upon receipt. 1 1/2% per month after 30 days. Please refer to the contract if other terms apply.

Project	23692735.00	Embarrass Pit GW Model Update	Invoice	1
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Support Personnel I					
Merchant, Noella	4/7/2023	.20	90.00	18.00	
		16.80		2,857.50	
Subtotal Labor					2,857.50
				Task Subtotal	\$2,857.50

Task: 004 Technical Memorandum

Labor Charges

		Hours	Rate	Amount	
Engineer / Scientist / Specialist III					
Janzen, Adam	4/17/2023	1.00	170.00	170.00	
Janzen, Adam	4/21/2023	1.00	170.00	170.00	
		2.00		340.00	
Subtotal Labor					340.00
				Task Subtotal	\$340.00
				Job Subtotal	\$3,998.00
				Total this Invoice	\$3,998.00

	Current	Prior	Total	Received	A/R Balance
Invoiced to Date	3,998.00	0.00	3,998.00	0.00	3,998.00

Thank you in advance for the prompt processing of this invoice. If you have any questions, please contact Adam Janzen, your Barr project manager, at (952) 842-3596 or email at ajanzen@barr.com



Invoice

Invoice Number: **445916**

Short Elliott Hendrickson, Inc. FEIN: 41-1251208 | 651.490.2000 | 800.325.2055



BILL TO:

Attn: Accounts Payable
East Range Water Board
16 West 2nd Avenue North
AURORA MN 55705

Pay This Amount	\$1,341.50
Due Date	09-JUN-23
Invoice Date	10-MAY-23
Bill Through Date	29-APR-23
Terms	30 NET
SEH Customer Acct #	84463
Customer Project #	
Agreement / PO #	163450
Authorized Amount	\$562,968.00
Authorized Amount Remaining	\$36,240.00

REMIT PAYMENT TO:

Short Elliott Hendrickson, Inc.
PO Box 64780
Saint Paul, MN 55164-0780

Project Manager	Miles Jensen mjensen@sehinc.com 651.490.2000
Client Service Manager	Miles Jensen mjensen@sehinc.com 651.490.2000
Accounting Representative	Justin Oelschlager joelschlager@sehinc.com 651.490.2000

Project #	Project Name	Project Description
163450	ERWBD Tasks 2-4 East Range WTP	ERWBD Aurora Tasks 2-4 East Range WTP

Notes:

CC:

kimberly@ci.aurora.mn.us
cityclerk@ci.aurora.mn.us
lindsey@ci.aurora.mn.us

Fee

Description	Amount
(100% of \$70,400.00) less previously billed of \$69,696.00	\$704.00
(100% of \$12,750.00) less previously billed of \$12,112.50	\$637.50
	\$1,341.50
Invoice total	\$1,341.50

Project Billing Summary

	<u>Current Amount Due</u>	Previously Invoiced	Cumulative
Totals	\$1,341.50	\$525,386.50	\$526,728.00