

Saturday, January 8, 2022

Special Meeting – Farmer’s Union Ditch Co.

Board Present:

Lloyd Akins, Paul Akins, Mike McGowan, John Schram

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser and Andrew Waldera, Attorneys for FUD

Lloyd Akins called the meeting to order at 2:45 p.m.

Lloyd reported he had been contacted by a salesman from Coastline Equipment regarding a backhoe. They have a 410 John Deere with 5,703 hours. It has 4x4, cab, heat, AC, extenda hoe, hydraulic coupler up front, multipurpose clamshell bucket, auxiliary hydraulics on the back, pilot controls with pattern selector, ride control, block heater, dual batteries with disconnect and 36” tooth bucket. Lloyd thinks it might be something Farmer’s Union would be interested in. They are asking \$52,000 however it does not come with a thumb. The thumb is an additional \$10,000. Lloyd suggested we try it without the thumb and see how it works. It is currently in Lake Fork so it will need to be inspected prior to purchase.

SIMPLOT PARK WATER RIGHT/BOISE CITY CROSSING

Lloyd and Paul do not think Farmer’s Union should allow any work to begin until all materials are on site. Jerry stated the City has all of the component parts for the crossing, he asked if they can demonstrate materials are on site does the Board want to allow them to begin construction. John asked if the construction deadline is not met what would the ramifications be to Farmer’s Union. Jerry stated the way the agreement is currently drafted the City is to vacate and Farmer’s Union will do what is necessary to make the canal usable and pass the costs along to the City.

Lloyd stated so far there has been a significant storm system and we can’t predict what the weather is going to do the rest of the winter. In the event Farmer’s Union has to start discharging flood control water in the middle of February the City would not have until February 28th to complete the work. More than likely that will not happen but we need to be prepared. Jerry stated even if there is no flood release there is no cure time for a total canal breach in time for water delivery in the spring.

The Board does not want a project of this magnitude starting this late in the year. Jerry reported according to the construction schedule the pipe, manhole and gate were supposed to arrive on Jan. 7th. The precast concrete structures for the gate are not on site. Lloyd stated the concrete box will not be delivered by Oldcastle until January 20th. According to the construction schedule the manhole will be installed

first, then trenching and installing the pipe, concrete then backfill. The system is closed until the remainder of the work is completed in the pond.

Jerry stated that unless the 3,500 cfs can be run through the Rubicon to be measured prior to discharge back to the River the City will not be able to divert the water.

In order to allow construction to begin the Board will need confirmation materials including manhole and components and ADS pipe are on site as well as proof concrete is scheduled by 5:00 p.m. on January 12th. Lloyd and Jerry will physically verify. The Board also wants the City to agree the encasement for the pipe will be done in a single pour.

Mike McGowan moved to allow construction to begin if the above conditions are met; motion was seconded by John Schram. Motion was unanimously approved.

ACHD COLLISTER AND STATE STREET TRASH RACK/FLOW METER

Jerry received copies of the plans for the original trash rack from ACHD. Sam suggested sending a copy to Bennett Construction for review and to obtain a bid from them. Jerry reviewed what originally took place. River Structures designed the trash rack which was approved by the Board. The approved plan was then sent to ACHD who put it out to bid. The low bid came back at approximately \$159,000. Because the bid was so high there was discussion about installing a temporary trash rack. Farmer's Union worked with ACHD's engineer and attorney as well as met on site to devise a plan for a temporary trash rack. River Structures then worked in conjunction with ACHD's engineers to design the temporary trash rack. ACHD was supposed to send the revised plans and flow meter out to bid. Jerry Kiser then received notice from Justin Freidan, ACHD's Attorney that he was leaving ACHD. He had sent Jerry an Amendment to the Agreement that Jerry had not had a chance to review. The opportunity for installation was missed in the fall of 2020-2021 so Jerry wanted to make sure the structure was completed this season. Jerry sent several emails to Steve Price asking for a return phone call. Jerry was then contacted by the Deputy Director of Planning and Project Manager informing him the original trash rack had been sent out to bid again. The original bid/agreement did not include a lot of the work necessary to complete the trash rack and Farmer's Union was not going to pay for those items. Jerry then received a letter from ACHD with a check for \$179,890 to fund the installation of the improvements identified in paragraph 8. ACHD received two bids; one from Knife River and one from Winspear Construction. Knife River submitted the low bid. The following assumptions were used for bidding purposes.

- 1) Quote must include domestic steel and iron
- 2) Plan sheets are preliminary in nature and are intended for bidding but the final design calculations and details should be confirmed prior to fabrication and construction
- 3) Construction is anticipated for October 15, 2021 to March 15, 2022

Neither bid includes permit fees, fees for inspection or testing, pavement marking or signage, surveying or staking, removal of backfill of sod nor saturated soil below sub

grade, erosion control or SWPPP EPA permit paperwork and inspection requirements, traffic control, etc. to name just some of the items. The bid is also a subcontract. Farmer's Union is not a contractor and this should have been bid accordingly. Winspear's bid does include the flow meter whereas the bid from Knife River does not.

It is clear the contractor's are bidding a Government job and the bid estimates reflect that. Jerry suggested the Board solicit independent bids meeting specs agreed upon by the Board to see if the job can be done for an amount near or under the \$179,890. The response to ACHD will be based on the information/bids gathered. The check can't be sent back and bids received by ACHD deemed unacceptable due to the following:

- 1) Flow meter is not included
- 2) Bid as subcontractor rather than contractor. All aspects of the work need to be bid. ACHD is to be the contractor, not Farmer's Union.

There is a 90 day limit on the check. It can't be cashed after March 15th therefore independent bids need to be procured quickly. One other option/response may be to sign and return the Amendment for the temporary trash rack provided by Justin Freidan.

CRESTA DEL SOL

Jerry reported there is not enough new information to hold discussion until the Board meets with Toll Brothers on January 13th.

Jerry Kiser provided the Board with an Agreement for Rene Commons for signature. Jerry added language to the standard agreement that there are to be no improvements in the canal or on the canal road.

Rosalie received an affidavit and letter from Tim Laursen representing the Loreen Laursen Family Partnership (Thriftway Lumber) stating they would like to turn their 0.05 of a share back to Farmer's Union because the property has been sold and they did not want to bother with transferring the water since it is not used on the property anyway. They also have 1.5 shares of Boise Valley which will be turned back to Boise Valley.

Paul Akins moved to accept the 0.05 of a share back; motion was seconded by Mike McGowan. Motion was unanimously approved. Rosalie will void the certificate and issue a new certificate to Farmer's Union.

Rosalie stated the 90 day probation period for Sean Kettering has passed. She asked if the Board would like to discuss his salary, benefits, etc. The Board directed Rosalie to add Sean to the Health Insurance policy and will discuss salary, etc. at the February meeting.

A motion was made to adjourn the meeting; motion was seconded. Meeting adjourned at 4:43 p.m.