

MAGMA FLOOD CONTROL DISTRICT
MINUTES OF THE
TUESDAY, SEPTEMBER 29, 2015 MEETING

An informal presentation and discussion to public attendees of the Meeting was scheduled from 4:00 p.m. to 4:10 p.m. at the Florence Unified School District Anthem K-8 Band Room, 2700 N. Anthem Way, Florence, Arizona. There were no public members present nor appearing telephonically at the Meeting. Therefore, no informal presentation and discussion to the public occurred.

The regular business meeting was called to order at 4:10 p.m. by President Vinson Dobson. Appearing telephonically were the following Board Members, President Vinson Dobson, Board Member Wayne Dames, Board Member Tyler LeSueur and Board Member Elect James Kenny. Present at the meeting were Kent Pace, General Manager, Larry Pfeiffer, Assistant Board Secretary and Board Treasurer and Stephen R. Cooper, District Counsel. The meeting was properly posted within the boundaries of the District and a phone number of 1-800-920-7487 was provided for individuals residing within and without the District to appear telephonically. There were no public members present or appearing telephonically and introductions were not necessary.

The next item of business was consideration of the approval of the Minutes of the Regular Board Meeting of August 19, 2015. A motion was made by Wayne Dames to approve the Minutes and it was seconded by Tyler LeSueur. Thereafter, the Minutes were unanimously approved.

The next item of business was a possible Executive Session. President Dobson stated that he did not see a need for an Executive Session and asked Board Members and staff if they believed an Executive Session was necessary. Hearing no response from the Board Members or staff the Executive Session was not called.

The next item of business was direction to the General Manager, Legal Counsel or staff to proceed as directed in Executive Session. Since no Executive Session occurred there was no direction given to the General Manager, Legal Counsel or staff.

The next item of business was consideration of the ratification of General Manager's action to enter into MCFD Contract No. 2015-01 with Hunter Contracting Company in the amount of \$2,712,183.24 dollars for construction of Magma Flood Retarding Structure Rehabilitation Project Phase 2 – Location 1 (MFRS). General Manager Pace noted that this matter was discussed and approved at the Board Meeting of Wednesday, August 19, 2015. At that meeting the Board authorized a contract with Hunter Contracting Company in the amount of \$2,705,903.14 dollars. General Manager Pace noted that he advised the Board at the prior meeting that there may be further revisions to this contract. General Manager Pace noted that the primary reason for bringing this matter back to the Board for ratification was the creation of an additional allowance of approximately \$5,000.00 dollars to address the possibility of additional earthwork on this contract. General Manager Pace also stated he anticipated mobilization on the Dam repairs to begin within approximately two (2) weeks. General Manager Pace also noted there was a pre-construction meeting on August 28, 2015 which went well and the contractor's scheduled completion of this project is March of 2016.

A motion was made by Wayne Dames to approve and ratify the General Manager's action to enter into Contract No. 2015-01 which would include amendments from the previously approved documents and an adjusted amount of \$2,712,183.24 dollars. This motion was seconded by Tyler LeSueur. Thereafter, this motion was unanimously approved.

The next item of business was consideration of the ratification of the General Manager's action to enter into MFCD Contract No. 2015-02 with Hunter Contracting Company in the amount of \$2,310,246.56 dollars for the construction of Magma Retarding Structure Rehabilitation Project Phase 2 – Location 2 (Lower Magma Channel). General Manager Pace noted this matter was similar to the prior agenda item. However, in this contract the price adjustment was in the amount of \$50,000.00 dollars to address earthwork concerns brought forward by Hunter Contracting. General Manager Pace noted a pre-construction meeting for Location 2 was held on August 28, 2015 which similarly went well and that the contractor's scheduled completion date for this location is also March of 2016.

A motion was made by Wayne Dames to approve and ratify the General Manager's action to enter into Contract 2015-02, which would include amendments from the previously approved documents and the adjusted amount of \$2,310,246.56, and was seconded by Tyler LeSueur. Thereafter, this motion was unanimously approved.

The next item of business was discussion, approval and authorization for the General Manager to authorize AMEC to proceed with construction quality assurance and construction coordinating (CQA) services for Location 1 and Location 2 of the Magma Flood Retarding Structure Rehabilitation Project Phase 2 with an estimated budget for Location 1 in the amount of \$386,078 and Location 2 in the amount of \$146,673. General Manager Pace noted that

AMEC has included engineer of records services within the Location 1 estimate but neither Location 1 or Location 2 estimates include post-design services which are likely to be required from EPS and J.E. Fuller. General Manager Pace noted that NRCS had provided review comments on AMEC's proposed budget. NRCS's comments dealt primarily with the need to monitor and adjust the CQA staffing level to allocate resources appropriately to the contractor's construction activities and the associated risk factors. General Manager Pace also noted that for Location 1, the QCA costs will, at a minimum, be eligible for reimbursement from NRCS at the rate of 65% (with 35% being paid by the District). Pace noted that the CQA costs for Location 2 did not qualify for the NRCS cost allocation. Pace additionally clarified that the CQA services for both Location 1 and Location 2 would be provided by AMEC as a continuation of the prior contract with the District and that the related costs of such services had been included in the District's 2015-2016 budget.

It was noted that these services are necessary for quality assurance to make sure the construction materials and method of construction comply with the engineer's design and contract's specifications. A motion was made by Tyler LeSueur to authorize AMEC to proceed with construction quality assurance and construction coordination services for both Locations 1 and 2 in the estimated amounts of \$386,078 for Location 1 and \$146,673 for Location 2. This motion was seconded by Wayne Dames. Thereafter, the motion was unanimously approved.

The next item of business was discussion and possible approval for the General Manager to authorize J.E. Fuller to proceed with engineer of records services for Location 2 with an estimated budget of \$32,000.00 dollars. General Manager Pace noted that Location 2 estimate does not include post-design services that are likely to be required from EPS but will be

authorized by the General Manager and brought back to the Board for approval and/or ratification. A motion was made by Tyler LeSueur to authorize J.E. Fuller to proceed with engineer of record services for Location 2 in the approximate amount of \$32,000.00 dollars and it was seconded by Wayne Dames. Thereafter, the motion was unanimously approved.

The next item of business was discussion of possibly directing the General Manager to explore proposals for Johnson Utilities to acquire an easement from the District which would run parallel to the Lower Magma Channel for an effluent water line.

This matter was for discussion only and no action was taken by the Board. President Dobson noted that he was contacted by Johnson Utilities about a right-of-away or the ability to discharge effluent in to the Lower Magma Channel. He directed Johnson Utilities to speak to General Manager Pace concerning this matter. General Manager Pace stated he had discussions with Johnson Utilities and discussed scenarios which could possibly work for the District. General Manager Pace stated he had concerns about discharging effluent in to the Lower Magma Channel because it would increase vegetation control costs and other maintenance costs.

The consensus of the Board was that General Manager Pace could continue discussions with Johnson Utilities concerning an easement for an effluent water line but the easement would be brought back to the Board at a future meeting for discussion, consideration and approval if an agreement in concept could be reached.

The next item of business was discussion of possible approval of the General Manager to consent to annexation of District property by the Town of Florence at the intersection of Hunt Highway and the Lower Magma Channel.

General Manager Pace noted a property owner had approached the Town of Florence about annexation near the Hunt Highway 90 degree road bend. The Town of Florence asked the property owner to contact the District about the possibility of annexation. General Manager Pace noted that if this were to occur, the county island which exists in that area would be removed and Florence would entirely control this portion of Hunt Highway which would simplify the planning and coordination ultimately needed to fix the bend in the roadway. General Manager Pace noted there would be no obligations to the District if the Town of Florence were to annex District land. A motion was made by Tyler LeSueur and seconded by Wayne Dames to authorize District consent to the proposed annexation of District property near the intersection of Hunt Highway and the Lower Magma Channel. Thereafter, this motion was unanimously approved.

The next item of business was to formally express appreciation to Wayne Dames for his service as a District Board Member. President Dobson thanked Board Member Dames for his four (4) years of service on the Board. Board Member Dames expressed appreciation for the compliment and noted that the District did good work for the District property owners. Board Member Dames thanked Kent Pace for his services to the District and his comments were echoed by Board Member LeSueur.

The next item of business was the administering of oath of office for four (4) year terms for Board Member James Kenny and Board Member Tyler LeSueur. Both Board Members Kenny and LeSueur were administered the oath of office.

The next item of business were Board Members reports and General Manager's reports. There were no reports.

The next item of business was any other business that may come before the Board. There was no other business before the Board.

The next item of business was adjournment of the meeting at 4:50 p.m.

RESPECTULLY SUBMITTED this _____ day of September, 2015.

**STEPHEN R. COOPER, Attorney for
MAGMA FLOOD CONTROL DISTRICT**