

August 17, 2015

The regular monthly meeting of the Board of Commissioners of the Bayou Lafourche Fresh Water District was held on Monday, August 17, 2015 at 5:00 p.m. at the Water District office, 1016 St. Mary Street, Thibodaux, LA

Present were:	Hugh Caffery, Chairman	Francis Richard
	Gene Harrell, Vice-Chairman	Donald Schwab
	Greg Nolan, Secretary/Treasurer	Eli Miles, Jr.
	Ron Animashaun	Lance Authement

Absent: Judge Jimmy Gaidry; Jake Giardina

Also present: Dustin Rabalais, T. Baker Smith; Tiffany Bergeron; Annette Fontana; Alma Robichaux, BTNEP
Barry Marionneaux, Attorney; Stevie Smith, All South Consulting Engineers
Shaun Toups, Government Consultants; Nick Porto; Jerry Waguespack; Robert Mire
Ben Malbrough, Executive Director; Jana Langley, Administrative Assistant

Moved by Francis Richard, seconded by Commissioner Donald Schwab to dispense with the reading of the minutes, and approve the minutes of July 20, 2015. Motion carried unanimously.

Moved by Commissioner Francis Richard, seconded by Vice-Chairman Gene Harrell to approve the accounts payable for July. Motion carried unanimously.

Moved by Commissioner Eli Miles, Jr., seconded by Commissioner Donald Schwab to approve the finance report for July. Motion carried unanimously.

Mr. Malbrough reported that everything at the pump station is operating normally. The river is starting to fall so we are about to start pumping again, and the electricity bills will go up. The river has dropped to a range to install the emergency pile, and the contractor will mobilize to the site the first week in September.

Mr. Malbrough stated that we have some maintenance to do on some of the bayou equipment. We have been assisting Lafourche Parish with water hyacinths down south of Raceland and to Valentine.

Mr. Dustin Rabalais, T. Baker Smith, advised that we have started pumping material out of the bayou and into the disposal sites. He stated that everything is working well with the dredges. Mr. Rabalais reported that there was a dredge that capsized in the bayou. The contractor did a phenomenal job dealing with that situation in getting that machine out of the bayou quickly, and finding a replacement dredge.

Mr. Malbrough advised that we have a resolution to discuss on the bonding issuance. The resolution authorizes Shaun Toups and his group to seek our bonding ability with a cap that we need to discuss. Chairman Hugh Caffery stated that one of the cons with setting a high cap is the State or federal government might say you can bond it out, and we might not get any other help. Mr. Shaun Toups advised that is absolutely right. This is just the first step to get through the regulatory process with the bond commission. Mr. Toups advised that we have to make sure it is a number that will get you through all the steps. He stated that if we set the cap at \$25 to \$30 million dollars, we will not have any trouble getting it through the bonding commission.

The Board agreed to postpone the decision on adopting the resolution until later in the meeting so that Mr. Malbrough could discuss how much money we would need for other District projects.

Mr. Malbrough advised that in September 2014 they met with Union Pacific and came to an agreement that we would move forward on the preliminary design of a bridge. We would no longer be looking at different alternatives other than a bridge. We negotiated an agreement with Union Pacific, and we hired HDR Engineers to do the preliminary design.

Mr. Malbrough stated that there were some murmurs at the beginning of July that there could potentially be some surplus CIAP money that would be reallocated from other projects. The big project that went to the top of our priority list is if we could potentially build the train bridge.

Mr. Malbrough stated that he had a conference call with the representatives at Union Pacific and laid out the plan that we could potentially have a shot at getting some funds. He asked if a bridge could be built before December 31, 2016, and how much money is it going to cost. Union Pacific called back a week later and their engineers stated that a bridge could be constructed in place under the existing track for a project somewhere in the ballpark of \$3 to \$5 million dollars.

Mr. Malbrough advised that Thursday he met with the Mr. Kline, Chairman of CPRA, Robert Routon, and Union Pacific. Mr. Kline got back with him and asked what the District could bring to the table if they were to allocate money for the train bridge. Mr. Malbrough discussed it with Hugh Caffery, and Mr. Malbrough felt that we could comfortably afford \$2.5 million dollars to get the biggest hurdle we have out of the way.

Vice-Chairman Gene Harrell asked who will handle the design and bidding, and Mr. Malbrough answered that HDR Engineers is the consultant we hired to do the design. Union Pacific will take the project over as a relocation when they finish the preliminary design. Chairman Hugh Caffery authorized Mr. Malbrough to continue the talks with CPRA and Union Pacific.

Mr. Malbrough advised that he would need a motion to authorize him to initiate the regulatory compliance. Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Donald Schwab and unanimously approved to authorize Ben Malbrough to initiate the permitting process to construct the railroad bridge.

Mr. Malbrough returned to the discussion on the resolution for the bonding issue. He stated that assuming everything goes as planned and we start moving forward on construction on the train bridge within the next six or eight months, the next big projects are the new pump station and dredging from the end of Phase 2 to Thibodaux. He recommended that we adopt the resolution with a maximum cap at \$30 million dollars for the issuance of bonds which will allow us to dredge most of the remaining portion from Napoleonville to Thibodaux.

Moved by Commissioner Donald Schwab, seconded by Commissioner Greg Nolan and unanimously approved to adopt a resolution indicating the intention of the Bayou Lafourche Fresh Water District to incur debt and borrow an amount not to exceed \$30,000,000 which shall be funded through the issuance of revenue bonds by the Louisiana Local Government Environmental Facilities and Community Development Authority.

Mr. Malbrough advised that we had already issued permit to ExxonMobil to repair a pipeline. They had some issues with the pipeline and they felt it was in their best interest to cease that operation, and now

they will directional bore the line 40 ft. below the bottom elevation of the bayou and abandon the existing pipeline in place. They are requesting a permit for the new 16" pipeline.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Greg Nolan to approve the permit for ExxonMobil to horizontally directional drill approximately 40 feet under Bayou Lafourche to install a new 16" pipeline, which will replace the existing 16" pipeline which will be abandoned. The project location is the Savoie Industries property between 6944 Hwy 1 and 6936 Hwy 1 in Belle Rose, Assumption Parish, LA. Motion carried unanimously.

Mr. Malbrough advised that funding for the saltwater control structure was put into place through some surplus CIAP money. The State agreed to no longer hold the \$3 million dollars for legal fees for the Phase 1 project, and allocate the money towards the saltwater control structure. We will fund that project through our existing CIAP grant. We have to enter into an Intergovernmental Agreement between us and Lafourche Parish which lays out the mechanism for us to fund the saltwater control structure. We will take back ownership of the saltwater control structure upon substantial completion of the project. The structure will be in Bayou Lafourche just north of the intersection of Company Canal in Bayou Lafourche.

Mr. Malbrough stated that bids for the saltwater control structure will be opened tomorrow by Lafourche Parish. We need to execute the Intergovernmental Agreement with Lafourche Parish contingent upon Lafourche Parish executing the agreement, and the project coming in under budget.

Vice-Chairman Gene Harrell asked if the \$3 million dollars that was released was that the money that was held back to handle the lawsuits, and what will happen if we lose. Mr. Marionneaux answered yes, and that CPRA is still on the hook because they indemnified Bayou Lafourche Fresh Water District for any of these lawsuits. Mr. Malbrough stated that they will have to fund it from another source.

Moved by Commissioner Greg Nolan, seconded by Commissioner Francis Richard and unanimously approved to authorize Ben Malbrough to execute the Intergovernmental Agreement with Lafourche Parish for the construction of the saltwater control structure assuming that the project comes in at or under budget.

Mr. Malbrough reported that we have an amendment to the Professional Services Contract with T. Baker Smith for the Phase 2 Dredge project. We had to rebid the project because we did not receive any bids the first time. The amendment is to change the basic services for an amount not to exceed \$28,000.00.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Lance Authement to approve an amendment to the Professional Services Contract with T. Baker Smith for the Mississippi River Reintroduction into Bayou Lafourche project to change the basic services for an amount not to exceed \$28,000.00. Motion carried unanimously.

Mr. Malbrough requested to amend the agenda to discuss a change order to the sediment trap dredging contract. Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Eli Miles, Jr. to amend the agenda by two-thirds vote to discuss a change order to the sediment trap dredging contract.

Mr. Malbrough advised that we hired a consultant to prepare the plans and specifications for the sediment trap maintenance dredging. We bid the project based off the original survey by the State, and the quantity of dredged material was assumed to be 13,450. We awarded the contract to PCS in the amount of \$227,000.00 for that amount of dredged material. They came back with a quantity of 24,972 in their pre-

construction survey. The change order is for the amount of \$140,635.00, and for an additional 60 days contract time. Mr. Malbrough advised that the original survey was two years old, and the sediment trap had silted in more.

Moved by Commissioner Greg Nolan, seconded by Commissioner Francis Richard to approve Change Order #1 in the amount of \$140,635.00, and for an additional sixty days contract time for the Bayou Lafourche Sedimentation Basin Maintenance Dredging contract with Professional Construction Services, Inc. The amount is due to an increase of additional dredged material, and dredged material disposal site. Motion carried unanimously.

Mr. Malbrough requested that an amendment be made to the Professional Services Contract with Sigma Consulting Group for the sediment trap dredging for the construction administration, project representation, and verification survey for an amount not to exceed \$39,416.00.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Eli Miles, Jr. to approve an amendment to the Professional Services Contract with Sigma Consulting Group, Inc. for the Bayou Lafourche Sedimentation Basin Maintenance Dredging project for an amount not to exceed \$39,416.00 for project administration, project representation, and verification survey. Motion carried unanimously.

Vice-Chairman Gene Harrell asked how close to the pipes under the tracks are they actually starting to dredge away from the railroad bank because he was worried about the place the people go fish, and Mr. Malbrough answered that they are still able to fish in that area.

Vice-Chairman Gene Harrell asked about the update on the Donaldsonville Drainage Project, and Mr. Malbrough answered that we have a plan to present to the West Ascension Drainage Board and the mayor. The three pump stations that we had originally talked about are going to be more than the money we have allocated for the project. Mr. Malbrough stated that we will have to see how this will affect the Union Pacific project. This will add another facet to the whole project. The emphasis is now to look at just north of the railroad, and just south of the railroad. Mr. Malbrough advised that he and Stevie Smith are working on a contract amendment and it will be presented to the Board at the next meeting.

Chairman Hugh Caffery asked for any public comments. Mr. Jerry Waguespack asked if there is any sediment above the railroad, and Mr. Malbrough answered that without going out and doing an actual survey he cannot answer that 100%, but he would venture to say that there is some siltation.

Commissioner Ron Animashaun asked Mr. Malbrough if he had a chance to talk to the State about those trees he wants to plant in his project area in Napoleonville, and Mr. Malbrough answered not yet but it is still on the radar.

Moved by Commissioner Francis Richard, seconded by Vice-Chairman Gene Harrell and unanimously approved the meeting adjourned at 6:35 p.m.

Hugh Caffery, Chairman

Greg Nolan, Secretary/Treasurer

