

Item 4Civ.  
BCWMC 10-19-23

### Kennedy & Graven, Chartered

150 South Fifth Street, Suite 700  
Minneapolis, MN 55402

(612) 337-9300

41-1225694

September 19, 2023

Statement No. 176627

Bassett Creek Water Management Commission

Laura Jester

Bassett Creek Watershed  
16145 Hillcrest Lane  
Eden Prairie, MN 55346

Through August 31, 2023

|             |                                   |          |
|-------------|-----------------------------------|----------|
| BA295-00001 | General                           | 891.33   |
| BA295-00056 | Main Stem Lagoon Dredging Project | 3,977.50 |

**Total Current Billing:** 4,868.83

I declare, under penalty of law, that this account, claim or demand is just and correct and that no part of it has been paid.

DocuSigned by:

*Dave Anderson*

2677F7DA9EC14AF...

Signature of Claimant

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Bassett Creek Water  
Laura Jester

August 31, 2023

BA295-00001    General

Through August 31, 2023

For All Legal Services As Follows:

|                        |     |   | Hours     | Amount        |
|------------------------|-----|---|-----------|---------------|
| 8/14/2023              | DTA | Review, revise and send updated cooperative agreements to L Jester for three CIP projects                       | 1.30      | 279.50        |
| 8/17/2023              | DTA | Travel to GV city hall to attend monthly meeting (non closed session portion)                                   | 2.60      | 559.00        |
| 8/29/2023              | DTA | Emails with L Jester and J Herbert related to tunnel agreement and comments from commissioners; review comments | 0.20      | 43.00         |
| <b>Total Services:</b> |     |   | <b>\$</b> | <b>881.50</b> |

For All Disbursements As Follows:

|                             |                          |                |
|-----------------------------|--------------------------|----------------|
| 8/17/2023                   | David Anderson - Mileage | 9.83           |
| <b>Total Disbursements:</b> |                          | <b>\$ 9.83</b> |

**Total Services and Disbursements:    \$    891.33**

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Bassett Creek Water  
Laura Jester

August 31, 2023

BA295-00056 Main Stem Lagoon Dredging Project

Through August 31, 2023

For All Legal Services As Follows:

|           |     |  | Hours | Amount |
|-----------|-----|--|-------|--------|
| 8/3/2023  | DTA | Emails related to Fitzgerald claim response; review same   | 0.20  | 43.00  |
| 8/4/2023  | DTA | Emails related to contractor response to engineering opinion; call with J Herbert  | 0.30  | 64.50  |
| 8/7/2023  | DTA | Emails with M Weinberg related to contractor denial of claim, next steps   | 0.20  | 43.00  |
| 8/7/2023  | MEW | Review Fitzgerald response and follow-up from Barr; provide comments to D. Anderson on next steps and strategy   | 1.50  | 322.50 |
| 8/8/2023  | DTA | Teams meeting with P Brockamp, M Weinberg, L Jester, K Chandler, and J Herbert related to claim with Fitzgerald, issues, closed session, etc; review docs and emails ahead of meeting  | 1.70  | 365.50 |
| 8/8/2023  | MEW | Prepare for and participate in conference call to discuss Fitzgerald response with client and Barr   | 1.20  | 258.00 |
| 8/9/2023  | DTA | Emails with L Jester related to agenda; review and revise same to add closed session information; send script for closed session and other info  | 0.40  | 86.00  |
| 8/10/2023 | DTA | Review and revise agenda memo; call with L Jester related to same; begin drafting memo related to claim dispute for next week's closed session; call with M Weinberg related to same; review and revise email language from L Jester to contractor | 1.30  | 279.50 |
| 8/10/2023 | MEW | Review and comment on draft email to contractor; review and revise draft memorandum to Commission; draft tolling agreement; emails and phone call with D. Anderson regarding Commission meeting and memorandum                                     | 2.40  | 516.00 |
| 8/11/2023 | DTA | Additional emails related to Fitzgerald claim; review response email from Fitzgerald   | 0.30  | 64.50  |
| 8/11/2023 | MEW | Review Fitzgerald response regarding negotiations  | 0.20  | 43.00  |

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Minneapolis, MN 55402Bassett Creek Water  
Laura Jester

August 31, 2023

|  |     |  |           |                 |
|--|-----|--|-----------|-----------------|
| 8/14/2023                                | DTA | Review and revise memo to commission, tolling agreement; emails with M Weinberg related to same; phone call with M Weinberg and additional revisions to docs ahead of closed session; finalize packet of materials and email to L Jester, Barr folks, and M Weinberg | 2.30      | 494.50          |
| 8/14/2023                                | MEW | Review and revise tolling agreement and memo to commission; confer with D. Anderson regarding same   | 1.10      | 236.50          |
| 8/17/2023                                | DTA | Prepare for and attend closed session to discuss claim dispute; discussion with M Weinberg, P Brockamp, J Herbert ahead of meeting   | 1.30      | 279.50          |
| 8/17/2023                                | MEW | Prepare for, travel to, and participate in closed meeting with Commissioners to discuss claim against Fitzgerald   | 2.70      | 580.50          |
| 8/18/2023                                | MEW | Draft demand letter on behalf of Commission to Fitzgerald  | 0.40      | 86.00           |
| 8/22/2023                                | MEW | Emails with D. Anderson and Barr regarding questions from Fitzgerald's attorney  | 0.30      | 64.50           |
| 8/23/2023                                | MEW | Follow up communications with counsel for Fitzgerald and Barr engineers regarding overpayment dispute  | 0.70      | 150.50          |
| <b>Total Services:</b>                   |     |  | <b>\$</b> | <b>3,977.50</b> |
| <b>Total Services and Disbursements:</b> |     |  | <b>\$</b> | <b>3,977.50</b> |