

**Amendment to the agreement between
Brown's Creek Watershed District and Emmons & Olivier Resources
for Engineering Consulting Services**

This amends the February 28, 2025, agreement (the 2025-26 Agreement) between Brown's Creek Watershed District, a public body with powers set forth in Minnesota Statutes chapters 103B and 103D (BCWD), and Emmons & Olivier Resources Inc., a private Minnesota corporation (EOR).

In consideration of the mutual terms and conditions, promises, covenants, and payments hereinafter set forth, the sufficiency of which is hereby acknowledged, BCWD and EOR agree to amend the 2025-26 Agreement as follows:

- A. Exhibit 1, attached to and incorporated into the 2025-26 Agreement as a term thereof, is amended as follows:

EXHIBIT 1

RETAINER

Description of Services
Prepare for and attend monthly meetings (board meetings plus additional status/staff meetings with administrator and board). Review board packet information.
Prepare regular memoranda for ongoing projects and on technical watershed issues. Provide general technical support to board and administrator. Report on new technologies and management techniques. Keep administrator and board abreast of activities in other nearby cities and watershed districts. Answer questions and provide technical information to residents and developers as directed by the board.
Prepare monthly invoices. Prepare, as needed, regular update memoranda on project budgets, costs, and schedules. Work with the BCWD treasurer and administrator as needed to prepare budgets for upcoming projects and activities.

The following blended retainer fee is based on the 66 hours requested for the described services:

<u>Classification</u>	<u>Hourly Rate</u>	<u>Estimated Hours</u>	<u>Total</u>
Professional 4	\$218 227	12	\$2,616 2,724
Professional 3	\$189 197	12	\$2,268 2,364
Professional 2	\$162 168	18	\$2,916 3,024
Professional 1	\$129 134	16	\$2,064 2,144
Support Staff	\$89 93	8	\$712 744
Estimated Total		66	\$10,57610,999

Notes:

- (1) The retainer includes normal direct expenses including travel, mileage, copying, general postage, local facsimiles, cellular telephone charges and general office

supplies. Unusual direct expenses such as multiple color bond plots, presentation board supplies, slides and computer graphics will be billed at cost.

- (2) This retainer does not include technical development reviews or analyses.

- B. All references in the 2025-26 Agreement to Exhibit 2 are deleted and replaced with references to Exhibit 2A, and Exhibit 2, attached to and incorporated into the 2025-26 Agreement as a term thereof, is deleted and replaced in its entirety by the following Exhibit 2A, which is incorporated into and made a part of the 2025-26 Agreement as amended as a term hereof.

EXHIBIT 2A - Hourly Fee Schedule

Classification	Hourly Rate
Professional 1 (J. Lau)	\$134
Professional 2 (J. Marty, P. Nation, J. Sarafolean, A. Furneaux)	\$168
Professional 3 (A. Wilkinson)	\$197
Professional 4 (P. Conrad, M. Majeski, E. Megow, S. Grubb, K. Biehn, D. Lash)	\$227
Technician 1	\$97
Technician 2	\$116
Technician 3	\$142
Project Principal (C. Correll, S. Grubb)	\$249
Senior Principal (B. Emmons)	\$276
Support Staff	\$93
Permit Inspector	\$101

Professionals: Includes licensed and non-licensed engineers, landscape architects, geologists, scientists, surveyors, field professionals, and geospatial professionals with bachelor's or advanced degrees.

Technicians: Work requires a combination of basic scientific knowledge and manual skills which can be obtained through two years of post-high school education, such as is offered in technical schools, community colleges, or through equivalent on-the-job training.

Principals: Officers and senior technical managers at the highest level of EOR staff classification performing technical and quality control supervision.

Support Staff: Non-manual clerical work performed by office administrators, administrative assistants, bookkeepers, messengers, office helpers, and clerks.

Additional Notes:

- Reimbursable expenses (reproduction, printing, duplicating, mileage at current government rates, DGPS equipment, field supplies, use/rental of special equipment, etc.) will be billed at cost.
- Subcontracted services will be billed at cost plus 15 percent to cover overhead expenses.
- Expert witness trial and deposition testimony will be billed at the above hourly rates times 1.5.

This amendment is effective upon complete execution.

Except as explicitly amended hereby, the 2025-26 Agreement remains in full force and effect on its terms.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto execute and deliver this amendment to the 2025-26 Agreement.

Brown's Creek Watershed District

Emmons & Olivier Resources Inc.

Karen Kill, Administrator

Greg Graske, CFO

Date _____

Date _____

Approved as to form and execution

BCWD attorney