

**Western Area Water Supply Authority
Board of Directors Meeting
Williston Community Library
Wednesday, February 20, 2013 at 1:00pm**

Attendees

Members Present: Bert Anderson, Brent Bogar, Ben Clarys, Ward Heidbreder, Michelle Klose, Ward Koeser, Richard Liesener (Alternate for R & T), Mark Owan and Denton Zubke.

Members Absent: Gary Rust and Gene Veeder.

Others Present: Jaret Wirtz (WAWSA), Kim Schilke (WAWSA), Sherrie Patten (WAWSA), Tami Norgard (Vogel Law Firm), Sean Mikaelian (Armstrong Water Solutions), Jeffrey Mattern (NDSWC), Jon Cameron (Office of Sen. John Hoeven), Bob Skurdal (Lindale Pipeline), Kent Bickler (R & T Water Supply), CJ Hoogland and Tim Dombroski (JSD Properties ND, LLC), Mike McBride (Ames Water Solutions), Deon Stockert (R & T – AE2S), Boone Maruska (AE2S), Cory Chorne (AE2S), Dustin Schultz (AE2S) and Steve L. Burian (AE2S).

Meeting Called to Order

Denton Zubke called the meeting to order at 1:00pm.

Approval of Agenda

The agenda was approved with the following changes: Item 2 under the Executive Director's Report Legislative Strategy will be moved to Executive Session at 3:15pm and Item B Industrial Contract Negotiation under Executive Session will not be removed. **Bert Anderson moved to approve the changes to the agenda, Ward Heidbreder seconded.**

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE

Approval of the Minutes

Minutes of the January 22, 2013 board meeting were presented for approval. **Ward Heidbreder moved to approve the minutes, Ward Koeser seconded.**

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE

Financial Report

The financial report was presented for consideration and discussion. The January financial report reflected some 2012 expenses that were received late in January. It was the board's recommendation to move the expenses to 2012 and present the adjusted 2012 financial report next month. The board would also like to have an Industrial Sales /Collection Report provided to them before each meeting. **Mark Owan moved to approve the financial report, Bert Anderson seconded.**

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener
NAY: 0
CARRIED: 9-0

Payment Voucher

O & M payment requests for \$183,150.24 and Bank of North Dakota Payment Voucher 04-022013 for \$3,368,629.15 were presented for approval. **Brent Bogar moved to approve the payment requests, Ward Heidbreder seconded.**

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener
NAY: 0
CARRIED: 9-0

Executive Director's Report

Jaret Wirtz gave a report on the Member Sub-Agreements.

A legislative update was given on HB 1140, HB 1020, SB 2233, SB 2359 and SB 2373.

Jaret Wirtz gave a report on the Industrial Water Sales. Ward Koeser asked for a monthly report reflecting the sales at each depot site.

Cory Chorne gave an update on Task Orders 10 – WTP expansion, Task Order 17 – By-Pass on west side of Williston, Task Order 18 – 16" and 10" line West of Williston storage and pump station and Task Order 19 – the Keene loop.

Jaret Wirtz notified the board of another IWP's request for records from WAWSA.

A policy change to the Operation Policy 3:23 "*Location of Lines-Easement Requirements*" was present to the board for their review and input. The policy will be presented with added language next month for the board's approval.

Deon Stockert, on behalf of R&T Water Supply, presented the R & T's Groundwater Study Recommendation and R&T's Water Treatment Plant Status/Operations. **Mark Owan made a motion that WAWSA present a recommendation to the SWC to give a temporary water permit to R & T Water Supply to give them additional capacity for domestic use, Ward Heidbreder seconded.**

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener
NAY: 0
CARRIED: 9-0

Capital Accounting

Steve Burian presented the Capital Accounting Report.

Project Updates

McKenzie County System IV

Cory Chorne presented Change Order #1 for Merryman Excavation in the amount of \$841,326.65 for additional oil and gas line crossings. **Bert Anderson move to approve change order #1, Ben Clarys seconded.**

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener

NAY: 0

CARRIED: 9-0

Williston Regional WTP

Cory Chorne presented Change Order #1 for PKG Contracting in the amount of \$16,350.00 for additional cost and time to demolish existing concrete structure. **Ward Koeser move to approve change order #1, Brent Bogar seconded.**

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener

NAY: 0

CARRIED: 9-0

Cory Chorne presented Change Order #1 for Colstrip Electric, Inc. in the amount of \$9,785.00 for modification to transmission tower footing. **Mark Owan move to approve change order #1, Bert Anderson seconded.**

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener

NAY: 0

CARRIED: 9-0

Regional Water Service Phase II Transmission Main – Ray

Cory Chorne presented Change Order #4 for S J Louis Construction in the amount of \$10,945.77 for rock obstructions while performing a railroad bore. **Ward Koeser move to approve change order #4, Ben Clarys seconded.**

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener

NAY: 0

CARRIED: 9-0

Regional Water Service Phase II Pump Station/Meter Vault

Cory Chorne presented Change Order #6 for John T Jones Construction in the amount of \$20,456.00. **Bert Anderson move to approve change order #6, Brent Bogar seconded.**

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener

NAY: 0

CARRIED: 9-0

Board Entered Executive Session

The purpose of the Executive Session is to discuss legislative strategy. **A motion was made by Ben Clarys and seconded by Ward Heidbreder to move into executive session for the purpose of discussing the direction to provide to special legal counsel John Olson re: legislative strategy.**

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener

NAY: 0

CARRIED: 9-0

The board entered executive session at 3:30pm

A motion was made by Ward Koeser and seconded by Bert Anderson to move out of executive session at 4:25pm.

AYES: Bogar, Klose, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener

NAY: 0

CARRIED: 9-0

Legislative Strategy

A motion to recommend asking special legal counsel John Olson to present Options 1 & 2 to the legislators and to authorize Chairman Denton Zubke to engage in discussions with legislators about options for resolution of this conflict was made by Bert Anderson, seconded by Ward Koeser.

AYES: Bogar, Heidbreder, Owan, Zubke, Clarys, Anderson, Koeser, Liesener

NAY: 0

ABSTAINED: Klose (who stated that she thought the SWC representative should remain neutral on any legislative issues)

CARRIED: 8-0-1

Motion to adjourn was made by Brent Bogar at 4:30pm, seconded by Ward Heidbreder.

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE

Handwritten signature of Denton Zubke in blue ink, with the date 4-10-13 written next to it.

Denton Zubke, Chairman

Handwritten signature of Kim Schilke in blue ink.

Kim Schilke, Secretary