

**Western Area Water Supply Authority  
Board of Directors Meeting  
Microtel Inn & Suites, Williston, ND  
Thursday, March 28, 2013 at 1:00pm**

**Attendees**

Members Present: Bert Anderson, Ben Clarys, Ward Heidbreder, Richard Liesener (Alternate for R & T), Jeffrey Mattern (Alternate SWC via phone), Monte Meiers (Alternate for City of Williston), Mark Owan, Gary Rust and Denton Zubke (via phone).

Members Absent: Brent Bogar, Ward Koeser, and Gene Veeder.

Others Present: Jaret Wirtz (WAWSA), Kim Schilke (WAWSA), Sherrie Pattern (WAWSA), Tina Oberzan (WAWSA), Tami Norgard (Vogel Law Firm), Dustin Schultz (AE2S), David Johnson (AE2S) and Cory Chorne (AE2S via phone).

**Meeting Called to Order**

Chairman Denton Zubke was joining the meeting by phone, so asked Vice-Chairman Ward Heidbreder to chair the meeting. Vice-Chairman Ward Heidbreder called the meeting to order at 1:05pm.

**Approval of Agenda**

Items to add to the agenda under the Executive Director's Report are Item 11 – City of Ross, Item 12 – Centerville, Item 13 – R & T Water Supply, Item 14 – ND Water Users and Item 15 – Williams Rural Water's request of a Turnout. Under the Project Updates Item 8b will be added – Change Order #2 for John's Refrigeration. The Executive Session will have Item C added – Negotiation of Industrial Contracts. **Rust moved to approve the changes to the agenda, Liesener seconded.**

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.

**Approval of the Minutes**

Minutes of the February 20, 2013 board meeting were presented for approval. Jeffrey Mattern asked for clarification in the minutes concerning WAWSA's recommendation to the SWC (under Executive Director's Report page 2) to read as follows: Mark Owan made a motion to present a recommendation to the SWC for a temporary permit for R & T Water Supply to give them additional capacity for domestic use. **Anderson moved to approve the minutes with changes, Liesener seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers

NAY: 0

CARRIED: 9-0

**Financial Report**

The financial reports were present for consideration and discussion. **Owan moved to approve the financial reports, Rust seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers  
NAY: 0  
CARRIED: 9-0

### Payment Voucher

O & M payment request for \$361,376.04 and the Bank of North Dakota Payment Voucher 05-032013 for \$2,206,201.30 were presented for approval. **Anderson moved to approve the payments requests, Clarys seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers  
NAY: 0  
CARRIED: 9-0

### Executive Director's Report

Jaret Wirtz gave an update on North Dakota House Bills 1140 & 1030 and Senate Bills 2233, 2359 and 2373.

A report on the NDSWC meeting was given by Jaret Wirtz. WAWSA recommended to the State Water Commission that a temporary permit should be given to R & T Water Supply to increase the amount of water to the plant for domestic use. WAWSA also expressed the need for the 21mgd at the Williston Treatment Plant.

The industrial water sales for 2013 were reviewed by the board.

### Ray Depot Location

Jaret Wirtz informed the board of a location 4 miles east of Ray on Cty Rd 19. The developer has offered to sell WAWSA the land at \$50,000.00 an acre through a cost share agreement. The developer will construct an access road to the depot site as well as perform the initial grading of the site. **Owan moved to approve the cost share agreement, to be created by the WAWSA attorney, Rust seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers  
NAY: 0  
CARRIED: 9-0

### IWP Records Requests

Jaret Wirtz presented the list of all the documents that IWP has been requesting.

### Office Space

Jaret Wirtz discussed the need of a larger office space as well as storage area. An office space is available in Williston. **Meiers made a motion that the Executive Committee view the property and have the authority to make an offer on the property if they felt the property would work for WAWSA, Clarys seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers  
NAY: 0  
CARRIED: 9-0

### Operation Policy 3.23 Location of Lines – Easement Requirements

The purposed policy change clarifies that main transmission line easements and rural water pipeline easements are treated differently for compensation purposes. **Zubke moved to approve Policy 3.23 change, Anderson seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers  
NAY: 0  
CARRIED: 9-0

### Easement Procurement

WAWSA will be getting bids for easement acquisition for the Williston By-Pass line from Diamond Resources of Williston. Jaret Wirtz will bring the bid to the board next month.

### Completion Schedule of Outstanding Projects

A construction summary was given to the board reflecting the status of each Task Order.

### City of Ross and Centerville Request for Water

The city of Ross has requested a permanent connection off the line that goes to Stanley. Ross will have to contact R & T about becoming a Sub-member of R & T.

Centerville (4 miles west of Ross) needs water. They have been informed that they must follow the process of contacting R & T Water Supply for the water.

### R & T Water Supply

R & T requested to increase their minimum daily take from 5 million to 6.5 million gallons daily when the water is available. This would take an amendment to the Master Agreement. The request was tabled until next month to give time to review the by-laws and contracts.

### Williams Rural Water Turn Out

Williams Rural Water requested a turn out by Ray High Point to be paid by the developer. **Owan made a motion to approve the turn out, Anderson seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers  
NAY: 0  
CARRIED: 9-0

### Capital Accounting

Dustin Schultz presented the Capital Accounting Report.



## Project Updates

### Northwest Williston Reservoir

A Final Completion and Acceptance Certificate for the Northwest Williston Reservoir – Natgun Corporation- was presented to the board for their review and approval. **Clarys moved to accept the Final Completion and Acceptance, Anderson seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Meiers

NAY: 0

CARRIED: 8-0

### Williston Treatment Plant

Dustin Schultz presented Change Order #2 for PKG Contracting, Inc. in the amount of \$8,193.00 for the cost to do additional work to the concrete. **Meier moved to approve Change Order # 2 in the amount of \$8,193.00, Rust seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers

NAY: 0

CARRIED: 9-0

### Transmission Main to Ray

Dustin Schultz presented a balancing Change Order #5 for SJ Louis Co. in the amount of \$563,053.90. Part of the cost is due to \$400,000.00 in bores that were required because of an alignment change. **Zubke moved to approve Change Order # 5 in the amount of \$536,053.90, Rust seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers

NAY: 0

CARRIED: 9-0

### Transmission Main to Watford City

Dustin Schultz presented a balancing Change Order #4 for Merryman Excavation, Inc. in the amount of \$27,724.12. **Rust moved to approve Change Order #4 in the amount of \$27,724.12, Owan seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers

NAY: 0

CARRIED: 9-0

### Pump Stations/Meter Vaults

Dustin Schultz presented Change Order #7 for John T Jones Construction in the amount of (\$4,197.00). **Anderson moved to approve Change Order #7 in the amount of (\$4,197.00), Clarys seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers

NAY: 0

CARRIED: 9-0

Dustin Schultz presented Change Order #1 for John's Refrigeration in the amount of \$51,479.00. This is a cost share change order with Basin Electric and Patriot Point. **Meier moved to approve Change Order #1 in the amount of \$51,479.00, Owan seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers

NAY: 0

CARRIED: 9-0

Dustin Schultz presented Change Order #2 for John's Refrigeration in the amount of \$129,900.00 for the telemetry at the Watford City Reservoirs. **Meier moved to approve Change Order #2 in the amount of \$129,900.00, Anderson seconded.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers

NAY: 0

CARRIED: 9-0

### Board Entered Executive Session

The purpose of the Executive Session is to discuss Right of Way issues, Legislative strategy instructions to attorney and Negotiation of Industrial Contracts. **A motion was made by Owan and seconded by Liesener to move into executive session.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers

NAY: 0

CARRIED: 9-0

The board entered executive session at 3:15pm.

**A motion was made by Rust and seconded by Clarys to move out of executive session at 3:30pm.**

AYES: Liesener, Anderson, Rust, Owan, Heidbreder, Clarys, Mattern, Zubke, Meiers

NAY: 0

CARRIED: 9-0

**Motion to adjourn was made by Owan, seconded by Meier.**

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.



Denton Zubke, Chairman



Kim Schilke, Secretary