

**Western Area Water Supply Authority
Board of Directors Meeting
WAWSA Office May 16, 2018**

Attendees

Members Present: Ellis Haake, Raoul Brandt, Chris Brostuen, Mark Owan, Gary Rust and Denton Zubke.

Members Absent: Bert Anderson, Ward Koeser, Richard Liesener, and Gene Veeder.

Others Present: Todd Pokrzywinski (WAWSA), Kim Schilke (WAWSA), Dustin Schultz (AE2S), Cory Chorne (AE2S), Tami Norgard (Vogel Law Firm), Jason Slater (WAWSA), Jacob Monson (WAWSA), Ben Clarys (NWRWD), Liz Suhr (R & T), Kent Bickler (R & T), Jeff Shaffer (MCWRD), Suhail Kanwar (McKenzie Cty), Eric Volk (ND Rural Water), David Tuan (City of Williston) and Maria Effertz Hanson (AE2S),

Meeting Called to Order

Chairman Owan called the meeting to order at 9:00am.

Approval of Agenda

The agenda was presented for approval. Chairman Owan added item #6 to the Executive Director's Report "ND Missouri River Advisory Council" and item #7 "Policy on Board Member Attendance" to the agenda. **Brostuen moved to approve the agenda as amended, Haake seconded.**

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.

Approval of the Minutes

Minutes of the April 18, 2018 board minutes were presented for approval. **Rust moved to approve the minutes as presented, Zubke seconded.**

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

Financial Report

The April General financial reports and the April Industrial financial reports were presented for consideration and discussion. **Zubke moved to accept the financial reports as presented, Haake seconded.**

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

Schilke presented an invoice from PKG for labor and equipment to replace the Williston Regional WTP generator slab stabilization in the amount of \$158,449.00. **Haake made a motion to approve the invoice, Brostuen seconded.**

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

Executive Director's Report

System Updates

Pokrzywinski gave a system update. The Arnegard water tower land lease agreement needs legal descriptions to be complete. Jeff Shaffer with MCWRD asked if the MCWRD logo could be placed on the Arnegard tower. New pumps have been ordered for the Indian Hill and Alexander depots to increase water flow to McKenzie County for industrial use. Three miles of pipe will need to be replaced to handle the higher pressure. Pokrzywinski reported on a line break on the 24" pipeline near the 13-mile corner.

Industrial Sales

The industrial sales for April were \$1,231,288.00. WAWSA is working with the City of Watford City to sell their reused water.

State Water Commission

Owan reported that the State Water Commission will be meeting May 17th & 18th. New sub-committee will be looking at projects moving forward.

Easement Acquisition

Tami Norgard (Vogel Law Firm) addressed the board concerning the proposed policy of letting the local stakeholders decide if WAWSA should move forward with eminent domain and potentially letting the stakeholder be responsible for initiating and handling the eminent domain proceedings. She reported that there are different legal authorities and timing requirements for water districts, water resource districts, cities and WAWSA. Not all of them have the authority to file traditional "quick take" eminent domain; whereas WAWSA has been given that authority for this project. Discussion was held concerning the stakeholder's involvement with the eminent domain procedure, landowners' reactions to WAWSA or the local boards, and the cost of the legal proceedings for an eminent domain appeal. It was the consensus of the Board that local Member boards would make the final decision on when eminent domain would be filed. **Zubke make a motion that before WAWSA condemns, the local stakeholder board must be contacted and approve of WAWSA filing eminent domain, Rust seconded.**

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

Zubke asked if the *Notice of Non-Availability of Project Water* had been filed on condemned landowners and questioned who would be responsible for making sure the notice gets filed. As of this date the only notices filed have been notices to proceed with quick take. Pokrzywinski stated that Jason Slater and himself would work on procedures for filing the *Notice of Non-Availability of Project Water* and report back to the board next month.

Bank Authorization

WAWSA's authorized signers at First National Bank & Trust and Bank of North Dakota need to be updated. Owan recommended that along with Kim Schilke, Todd Pokrzywinski be added to the accounts. **Zubke made a motion to update the bank authorized signers to Kim Schilke and Todd Pokrzywinski, Rust seconded.**

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

ND Missouri River Advisory Council

Owan reported that Jaret Wirtz was on the ND Missouri River Advisory Council and he would like to appoint Todd Pokrzywinski to fill his vacated position on the council. **Haake made a motion to appoint Todd Pokrzywinski to the ND Missouri River Advisory Council, Brostuen seconded.**

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

Policy on Board Member Attendance

Zubke made a motion that the WAWSA by-laws be change to state that any director who misses six consecutive meeting, for any reason other that medical, be removed from the position and correspondence be sent to the entity that the director be replaced, seconded by Rust. Norgard will draft the by-law changes to be presented at the next board meeting.

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

Project Updates

Dustin Schultz presented a current water demand report and the capital accounting for April.

Drone Technology

Schultz reported that AE2S has drone technology available to record aerial photos/videos of construction. Pre-construction aerial photos/videos would give a good record of impact on the land by construction. Schultz said it would be something AE2S could do in the scope of their current contracts. The cost per flight is \$3000.00 to \$5000.00 per project.

Zubke made a motion to use the drone for pre-construction photos/video on the NWRWD N 200K Rural Distribution, Rust seconded. The photos will be presented to the board to determine if this is something they would like to continue.

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

NWRWD North 200K Rural Distribution-Transmission Main

Schultz recommended awarding the NWRWD North 200K Rural Distribution-Transmission Main project to low bidder Carstensen Contracting, Inc. in the amount of \$2,231,358.50. **Zubke made a motion to award the NWRWD North 200K Rural Distribution-Transmission Main project to low bidder Carstensen Contracting, Inc. in the amount of \$2,231,358.50, Haake seconded.**

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

Engineering Task Orders

Schultz presented engineering task order to the board for their approval.

- Amendment 1 to MCWRD System I/IV Expansion - Tobacco Garden and Sather Dam Expansion TO #54a - \$64,800.00
- Watford City Bypass Trans Main Insulation TO #58 - \$25,000.00
- Williston Regional WTP Intake Access TO #59 - \$83,000.00

Zubke make a motion to approve engineering task orders #54a, #58 and #59, Rust seconded.

AYE: Haake, Brandt (also voting for Liesener), Brostuen (also voting for Koeser), Zubke (also voting for Veeder), Rust (also voting for Anderson), and Owan

NAY: 0

CARRIED: 10-0

SWC Grant Requests

The SWC \$60M Grant request #30-051618 and the SWC \$20M Grant request #7-051618 were presented to the board for their approval. **Koeser moved to approve the SWC grant requests, Liesener seconded.**

Stantec Presentation

The board was emailed a PDF of an amended Stantec presentation of the *WAWSA Industrial Water Supply Infrastructure Financial Analysis*. The board asked for more time to review the presentation before commenting on it.

Executive Director Position Job Description

Owan presented an updated Executive Director's job description for the board's review. The position will be advertised through print publication and social media. Owan has created a search committee of consisting of himself, Denton Zubke (MCWRD), David Tuan (City of Williston) and Ben Clarys (NWRWD). The search committee will screen applicants and present final applicants to the board for interviews. The board will make the final hiring decision. Applications will be taken until the position is filled with first review 30 days from job posting.

Chairman Owan adjourned the meeting.



Mark Owan, Chairman



Kim Schilke, Secretary