

MINUTES

NORTH DAKOTA ATMOSPHERIC RESOURCE BOARD

FEBRUARY 19, 1998

The Atmospheric Resource Board meeting was called to order by Chairman William Geiger at 9:30 a.m., February 19, 1998, in the Lower Level Conference Room of the State Office Building, Bismarck, North Dakota. Board members present were William Geiger, Jay Sandstrom, Joe Porten, Jim Haaland, Hattie Melvin, Mary Cichos, and Dale Frink, representing State Engineer David Sprynczynatyk. Staff members present were Bruce Boe, Director; LeNor Dollinger, Business Manager; Darin Langerud, Chief Meteorologist; and Paul Moen, Field/Research Meteorologist.

APPROVAL OF AGENDA

A motion to approve the agenda as presented was made by Mary Cichos and seconded by James Haaland. Motion carried.

APPROVAL OF MINUTES

Minutes for the October 29, 1997, meeting had been previously distributed. No additions or corrections were offered. A motion to approve the minutes as printed was made by Joe Porten, and seconded by Jay Sandstrom. Motion carried.

FINANCIAL STATUS REPORT

Bruce Boe presented and reviewed the Board's financial status report through the period ending December 31, 1997. Mr. Boe noted to the Board that the State Water Commission voted to contract with the Board for an additional \$57,000 from the Resources Trust Fund for the operations for this summer project. There were no questions.

APPLICATIONS FOR WEATHER MODIFICATION LICENSE

Mr. Boe informed the Board that an application for renewal of weather modification licence had been received from Weather Modification, Inc. noting that the \$50 application fee had been received, and the application renewal was in order. There were two new names on the application this year, Mr. James P. Sweeney, and Mr. Fred M. Remer. Mr. Sweeney and Mr. Remer have not been previously licensed in the state. The qualification and requirements for licensure of individuals were reviewed and discussed. Mr. Remer was found to meet these requirements. Mr. James Sweeney's lack of field experience was found to be a shortcoming. Though he has been a corporate officer for five years, a year of field experience was not indicated. Mr. Boe recommended license renewal be granted to Weather Modification, Inc.

The motion was made by Jay Sandstrom to approve the license renewal for WMI which includes Pat Sweeney, Hans Ahlness, and Fred Remer being the designated licensees. The motion was seconded by James Haaland. Members Mary Cichos, James Haaland, Hattie Melvin, Joe Porten,

Jay Sandstrom, Dale Frink, and Steven Weber voted aye. There were no nay votes. Motion carried.

Mr. Boe informed the Board that an application for renewal of Weather Modification license has been received from Atmospheric, Inc., Fresno CA. the \$50 application fee for license renewal had been received from Atmospheric, Inc., and the licensee named on the application was Mr. Thomas Henderson. Mr. Boe recommended license renewal be granted for Atmospheric, Inc.

The motion was made by Mary Cichos that the Board issue a 1998 license for Atmospheric, Inc. The motion was seconded by Hattie Melvin. Members Mary Cichos, James Haaland, Hattie Melvin, Joe Porten, Jay Sandstrom, Dale Frink, and Steven Weber voted aye. There were no nay votes. Motion carried.

CONSIDERATION OF REVISION OF BOARD RULES AND REGULATIONS REGARDING CONTRACTOR FIELD PRESENCE

CONSIDERATION OF REVISED WEATHER MODIFICATION PERMIT APPLICATION FORM

Mr. Boe reviewed with the Board the present requirements set forth in the Board's rules and regulations which require the licensee to be present in the field during operations. The Board has recently interpreted this requirement to be a presence in the state, given today's advanced communications technology.

Counsel has advised that the Board may wish to clarify this within the rules and regulations, thereby stating the Board's present policy. This, Boe said, would help level the playing field for out-of-state bidders. In addition, it was recommended that a contractor field presence be required, but not necessarily a presence by the licensee.

Draft language modifying these sections of the rules and regulations was presented.

Mr. Boe noted that the requirement for a field presence should also be reflected in the Application for Permit form, and distributed revised forms containing the suggested modification.

The motion was made by Joe Porten to change the permit form to add a field representative and an alternate person. The motion was seconded by Hattie Melvin. Members Mary Cichos, James Haaland, Hattie Melvin, Joe Porten, Jay Sandstrom, Dale Frink, and Steven Weber voted aye. There were no nay votes. Motion carried.

REQUIREMENT FOR PILOT-IN-COMMAND QUALIFICATIONS EXCEEDING FAA MINIMUMS

The minimum qualifications for project pilots-in-command (PIC's) as stated in requests for bids and the project service contract were reviewed by Mr. Boe. In the last few years, he noted, the Board has accepted pilots with lesser qualifications, specifically, a lack of cloud seeding field

experience. Counsel has advised that the board ought to revisit the minimum qualifications required, and either modify the requirements to reflect the real minimum that the board will accept, or to accept only pilots who meet the present criteria. In the event of an accident involving a pilot accepted without meeting minimums, the board's exposure could be heightened, he said.

After considerable discussion, the Board by consensus determined that the staff is best equipped to define what actual minimum PIC requirements should be.

The motion was made by Jay Sandstrom to have a conference call and discuss the staff's suggestions for minimum PIC qualifications. The motion was seconded by Joe Porten. Members Mary Cichos, James Haaland, Hattie Melvin, Joe Porten, Jay Sandstrom, and Steven Weber voted aye. There were no nay votes. Motion carried.

PLANNING REPORT, 1998 NORTH DAKOTA CLOUD MODIFICATION PROJECT

Mr. Boe reminded the Board of the additional \$57,000 that was approved by the State Water Commission. There will not be a purchase of any additional burn-in-place flares this year. The Williams County Commissioners may vote again to see if they will be joining the 1998 project. Mr. Langerud reported to the Board that in the last week 3 commissioners had given some verbal support to the project.

CONSIDERATION OF MULTI-YEAR CONTRACTING FOR NDCMP

Mr. Boe explained that the present contractor has suggested going to a multi-year contract. The contract could be two or three years, depending on what the Board feels is the best. Mr. Langerud noted that the Board would also know costs for the project three years down the road, allowing the staff to plan better.

The motion was made by James Haaland that the Board pursue the multi-year contract. The motion was seconded by Hattie Melvin. Members Mary Cichos, James Haaland, Hattie Melvin, Joe Porten, Jay Sandstrom, and Steven Weber voted aye. There were no nay votes. Motion carried.

CONSIDERATION OF 1998 DUES AND MEMBERSHIPS

Mr. Boe indicated to the Board that the following memberships and dues needed to be paid: North Dakota Water Coalition, \$1,000; the Weather Modification Association, \$200; the North Dakota Water Education Foundation, \$3,000; and the North Dakota Weather Modification Association, \$1,800.

The motion was made by Jay Sandstrom to approve the payment of all four dues and memberships. The motion was seconded Joe Porten. Members Mary Cichos, James Haaland, Joe Porten, and Jay Sandstrom voted aye. There were no nay votes. Motion carried.

CHANGE IN OFFICIAL WORK WEEK

Mr. Boe presented to the Board the reasons for changing the official work week. The State Water Commission had changed their work week to 12:01 Monday to 12:00 midnight Saturday to allow work on both Saturdays and Sundays to qualify for overtime.

The motion was made by James Haaland that the official work week be changed to 12:01 Monday to 12:00 midnight Sunday. The motion was seconded by Mary Cichos. Members Mary Cichos, James Haaland, Joe Porten, and Jay Sandstrom voted aye. There were no nay votes. Motion carried.

REVIEW OF BOARD COMPENSATORY TIME POLICY

Mr. Boe presented to the Board the present Compensatory Time Policy, noting that the professional staff gets no compensatory time for any hour worked on normal work days, but ½ hour per hours worked on weekends and holidays. Darin, LeNor, Bruce, and field meteorologists are exempt from overtime pay. The clerk and intern meteorologists are non-exempt.

The motion was made by Mary Cichos that the ARB award compensatory time on an hour-for-hour basis for the extra hours worked on the weekends and holidays. The motion was seconded by Jay Sandstrom. Members Mary Cichos, James Haaland, Joe Porten, Jay Sandstrom and Dale Frink voted aye. There was no nay votes. Motion carried.

RECLASSIFICATION OF BUSINESS MANAGER

Mr. Boe described to the Board how the Business Managers' duties have grown greatly since 1989. LeNor presently does many things for the Water Commission. Boe asked the Board to approve reclassification of this position from a Grade 26 to something higher.

The motion was made by Jay Sandstrom to proceed with the reclassification of the Business Manager. The motion was seconded by Mary Cichos. Members Mary Cichos, James Haaland, Joe Porten, Jay Sandstrom, and Dale Frink voted aye. There were no nay votes. Motion carried.

UPDATE, HCR - 3043, STATEWIDE HAIL DAMAGE MITIGATION PROGRAM

Mr. Boe informed the Board about a meeting that will be held March 5 at the capitol. He noted that staff has already spent fair amount of time in preparation for the meeting, which will allow the staff and others to present information for much of the day.

INTERACTION WITH THE COMMITTEE ON THE FUTURE OF AGRICULTURE

Mr. Langerud informed the Board that there will be public meetings held in the project areas, and suggested that the county authorities members be present at the meetings. Mentioning the project at the meetings would be helpful in elevating program visibility to the committee.

OTHER BUSINESS

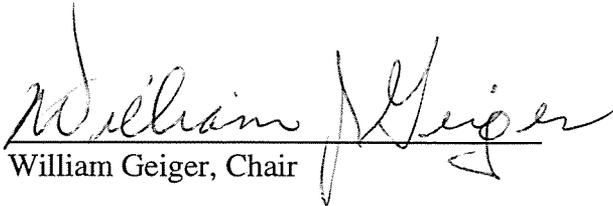
Mr. Frink mentioned that David Sprynczynatyk would like a contract between Atmospheric Resource Board and State Water Commission for the \$57,000 that was granted.

Mr. Boe presented to the Board the task list the staff is working on.

Mr. Langerud told the Board about a survey Mr. Moen and he have put together. The survey will determine what the people in North Dakota know about the project and will be sent out with the rain gauge network mailing at the end of March.

ADJOURNMENT

The meeting was adjourned at 2:30 p.m. CST, February 19, 1998.


William Geiger, Chair

Hattie Melvin, Secretary

Date _____

Date _____

Transcribed by Dawn Feist

