

## MINUTES

North Dakota Atmospheric Resource Board

December 19, 2000

The meeting was called to order at 10:00 a.m., CST, December 19, 2000, by Chairman James Haaland in the lower level conference room of the State Office Building, Bismarck, North Dakota. Members present were James Haaland, William Geiger, Jay Sandstrom, Hattie Melvin, Steve Weber, and Dave Sprynczynatyk. Staff members present were LeNor Dollinger, Business Manager; Darin Langerud, Chief Meteorologist; and Dawn Feist, Project Assistant. Others present were Hans Ahlness, Jody Fisher, Troy Seidel, Mike Dwyer, Bruce Boe, and Jim Sweeney.

### **ELECTION OF OFFICERS**

Hattie Melvin nominated James Haaland for Chairman. Seconded by Dave Sprynczynatyk. No other nominations were made. James Haaland was elected Chairman by unanimous vote.

Hattie Melvin nominated Jay Sandstrom for Vice Chairman. Seconded by William Geiger. No other nominations were made. Jay Sandstrom was elected Vice Chairman by unanimous vote.

Hattie Melvin nominated Mary Cichos for Secretary. Seconded by Jay Sandstrom. No other nominations were made. Mary Cichos was elected Secretary by unanimous vote.

### **MINUTES**

Jay Sandstrom moved the minutes of September 25, 1999; November 8, 1999; July 26, 2000; and March 6, 2000 be approved as distributed. Seconded by William Geiger. Motion carried.

### **FINANCIAL STATUS REPORT**

LeNor Dollinger reviewed the financial status reports for October, 2000 and November 2000. Ms. Dollinger noted that the additional costs noted in salaries & wages line item were to pay Bruce Boe for unused annual leave and 10% of his unused sick leave upon his termination of employment with the board. This payment was made according to North Dakota statutes. There were no further questions regarding the financial status reports.

### **RECOMMENDED BUDGET FOR 2001-2003**

LeNor Dollinger distributed copies showing the Governor's recommended budget for the 2001-2003 biennium. Discussion was held about the various changes in the recommended budget of the State Water Commission and the Atmospheric Resource Board.

## **WILLIAMS CO. WEATHER MODIFICATION AUTHORITY**

Mike Dwyer, ND Weather Modification Association, reported to the board of the vote in Williams County in November. The issue of creating a weather modification authority in Williams County was on the ballot. Creating the authority was approved on a 80-20 vote margin. Mr. Dwyer expressed appreciation for the support in this effort from the ARB staff.

## **2000 ND CLOUD MODIFICATION PROJECT REVIEW**

Darin Langerud distributed copies of the cost report for the 2000 North Dakota Cloud Modification Project. The line item costs were reviewed and discussed. Copies were also distributed and reviewed of the dry ice cost report and the chemical inventory after the project was completed.

Generator performance and testing were discussed. Darin Langerud reported the generator failure rate for the 2000 NDCMP was 6.9%, well below the 10% failure rate before penalties will be considered.

Regarding performance testing of the generators, Weather Modification, Inc., re-engineered the tailcone configuration of the Lohse generators. They used to have a stall fence on the back of the tailcones. This change was made prior to the 1998 project. ARB staff have repeatedly requested Weather Modification, Inc. to have the new configuration tested to make sure it complies with Article VI-B-3 of the requests for bid, and Article VIII-A-3(c) of the service contract between the board and Weather Modification, Inc., which requires the generators to provide the minimal nucleation efficiency at  $-10^{\circ}\text{C}$  for the 2% silver iodide solution at  $10^{14}$  active nuclei per gram of silver iodide. To date this has not been done and it is unknown what the nuclei output of the generators is at this time.

Mr. Langerud stated the testing must be done and recommends to the Board hold the sum of \$5000 from the final contract payment until the Board is presented with these test results from the contractor.

Mr. James Sweeney said they have tried to get a scheduled date from Colorado State University (CSU) to get the generators tested, but have been unsuccessful.

David Sprynczynatyk asked Mr. Sweeney if he could provide the board with evidence of the official request that had been made to Dr. DeMott of CSU for testing of the generators? Mr. Sprynczynatyk stated he felt the board should be shown there was an official attempt made to have the generators tested because clearly the contract states the generators must provide the minimal nucleation efficiency and this can only be determined by testing.

Mr. Sweeney stated the contract does not state that the generators must be tested. Mr. Sprynczynatyk reiterated that evidence must be provided to the Atmospheric Resource Board that the generators are doing their job, which means some sort of testing has to be done to provide that information, unless there is some other way to comply with that section of the contract.

Mr. Sandstrom stated the ARB staff has documented their requests, beginning in August, 1998, to Weather Modification, Inc. (WMI) regarding generator test results on the reconfigured generators. He would like WMI to provide documentation of their efforts to get the requirements accomplished.

Mr. Jim Sweeney, WMI, stated for the record that he questions the ability of the board to withhold payment for this situation based on the contract terms.

David Sprynczynatyk moved the Board pre-approve authorization, but delay payment of \$2500 of the final contract payment until the contractor, Weather Modification, Inc. provides documentation of generator testing for nuclei output, or the contractor provides documentation to the board staff of the efforts that have been made to secure testing of the generators. Second by Hattie Melvin.

David Sprynczynatyk stated if WMI has correspondence from Dr. Paul DeMott, CSU, that the request for testing has been made and it has been delayed due to other CSU priorities or availability of equipment, then that could serve as evidence of efforts on the behalf of WMI to get the testing done. When this evidence is supplied to the ARB staff, or the results of testing, then the delayed payment could then be made.

Being no further discussion, Chairman Haaland called for the vote on the motion. Yea votes were William Geiger, Hattie Melvin, Jay Sandstrom, David Sprynczynatyk, and Steven Weber. There were no "nay" votes. The motion was declared carried.

Mr. Langerud continued his report on the 2000 project. Mr. Langerud reported there were several occasions when contract aircraft did not fly in District II when launched by the meteorology staff. These were June 16, Seed 8 in Kenmare; July 6, Seed 6 in Watford City, August 9, Seed 8 in Kenmare. Mr. Langerud recommends the board take penalty against the final contract payment in these three instances as provided for in the contract. Mr. Langerud also noted there were other cases where aircraft were unable to launch during the project when asked to, but due to the quick efforts and success in getting the aircraft operable, no recommendation of penalty is being made for those dates. It was noted the penalty rate for these aircraft is \$545.30 per day.

Jay Sandstrom moved to assess a penalty, as stated in the contract for missed flights, for June 16 - Seed 8, July 6 - Seed 6, and August 9 - Seed 8, at the contract rate of \$545.30 per day per cloud base aircraft amounting to a total penalty of \$1,635.90. Second by David Sprynczynatyk. "Yea" votes were Jay Sandstrom, David Sprynczynatyk, and Steven Weber. "Nay" votes were William Geiger and Hattie Melvin. Motion carried.

David Sprynczynatyk moved to accept the contractor's final project report and authorize final contract payment less \$1,635.90 penalty and \$2,500 of delayed payment making a payment of \$19,313.10. Second by Jay Sandstrom. There were five "yea" votes and no "nay" votes. Motion carried.

### **WEATHER MODIFICATION LICENSE RENEWALS**

Mr. Langerud informed the board that Weather Modification, Inc. (WMI) of Fargo has applied for renewal of their weather modification license and paid the \$50 fee. The names submitted are Mr. Patrick Sweeney, Mr. Hans Ahlness, Mr. James Sweeney, and Mr. Timothy Sedlock. Mr. Langerud recommended the license renewal from Weather Modification, Inc., in the names of Mr. Patrick Sweeney, Mr. Hans Ahlness, and Mr. Timothy Sedlock be approved. Mr. Langerud recommended that Mr. James Sweeney not be licensed because he does not meet the requirements due to lacking field experience.

Jay Sandstrom made the motion to approve the license for Patrick Sweeney, Hans Ahlness, and Timothy Sedlock of Weather Modification, Inc. for 2001. Second by David Sprynczynatyk. There were 5 yea votes and no nay votes. Motion carried.

Mr. Langerud informed the board Mr. Thomas Henderson, Atmospherics Incorporated has applied for license renewal and paid the \$50 fee. Mr. Langerud recommended the license for Atmospherics Inc. in the name of Thomas Henderson be approved.

David Sprynczynatyk made the motion to approve the license for Thomas Henderson, Atmospherics Incorporated for 2001. Second by Jay Sandstrom. There were 5 yea votes and no nay votes. Motion carried.

### **2001 PROJECT REQUESTS FOR BIDS**

Mr. Langerud reported the 2000 project was the last year in a three-year contract. He stated next month new requests for bids will be mailed to prospective bidders. It is at the board's discretion whether they want to again do a three-year contract. A multi-year contract has proved to be more efficient for the ARB staff and the contractor. The general consensus of the board was to continue with the request for bids for a three-year contract.

### **Montana License & Permit**

Mr. Langerud reported he and Ms. Dollinger had met with legal counsel, Paul Germoulis regarding the procedures and questions about proceeding with the Montana weather modification license and permit. Progress is slow pending answers to some questions raised by the ARB staff.

### **HIRING SUBCOMMITTEE REPORT**

David Sprynczynatyk reported to the board there was one candidate for the advertised position of the director that met the stated requirements. The second applicant did not meet all the requirements at that time. The subcommittee did interview the one qualified applicant via teleconferencing. After reference checks, discussion, and the interview, the subcommittee's recommendation is not to offer Dr. Alexis Long the position of director.

Following discussion regarding the requirements and qualifications for the position of director, Mr. Sprynczynatyk stated, "he believes that Darin Langerud has the experience and has the administrative skills to function as the director of the Atmospheric Resource Board and since the board can appoint someone in the position of director, he feels comfortable with placing Darin Langerud in the position of director for the Atmospheric Resource Board. Mr. Haaland, Mr. Geiger, and Mr. Weber agreed with Mr. Sprynczynatyk.

David Sprynczynatyk moved the Atmospheric Resource Board appoint Darin Langerud as director for the board pending salary negotiations by the subcommittee. Second by William Geiger. The vote was 5 yeas and 0 nays. Motion carried.

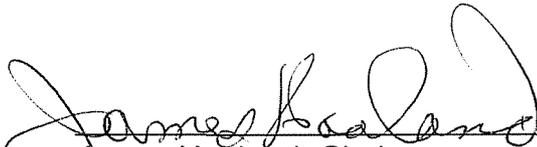
David Sprynczynatyk moved the Atmospheric Resource Board begin to advertise for the position of chief meteorologist for the board. Second by William Geiger. The vote was 5 yeas and 0 nays. Motion carried.

### **2000 COOPERATIVE OBSERVER NETWORK**

The University of Iowa has granted research funds in the amount of \$5,995 to ARB for rainfall information from the ND Cooperative Observer Network to the University of Iowa as one of five networks in the world they will use for this research. The research proposal is being funded to the university by the National Oceanic & Atmospheric Administration (NOAA).

Mr. Langerud reported recruiting ARBCON volunteers for this years rainfall observations is ongoing, materials will be sent to the volunteers in late March and the network will start observations April 1 and continue through September.

Being no further business the meeting adjourned.



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James Haaland, Chairman

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Mary Cichos, Secretary

Transcribed by Dawn Feist  
Prepared by LeNor Dollinger