

JSDC Special Board of Directors Meeting
February 3, 2023
10:00 a.m.
Official Minutes
JSDC Lower Level Conference Room

Members Present: Tory Hart (via Zoom), Nick Schauer, Jeremy Rham, Dwaine Heinrich, David Steele, Jen Dockter, Casey Henderson, Rod Johnson, Mike Delfs (via Zoom)

Members Absent: Marlee Siewert, Steve Cichos, Mark Klose, Tonya Perkins

Staff Present: Corry Shevlin, Jamie Czapiewski.

Staff Absent: Connie Ova

Guests Present: Michael Nixt, Moss & Barnett (via Zoom); Al Christianson, GRE (via Zoom); Rachel Retterath, GRE (via Zoom)

Call to order: 10:00 a.m. by Tory Hart.

Conflict of Interest: None.

A) Call to Order: Tory called the meeting to order at 10:00 a.m. There were no open meeting agenda items to discuss, so the Board immediately entered Executive Session.

B) Adjourned Open Meeting for Executive Session: Tory read the Executive Session meeting script to adjourn the open meeting and enter into Executive Session per NDCC Section 44-04-18.27 to discuss SEPA at 10:03 a.m.

Jen Dockter left the meeting at 10:26 a.m.

Mike Delfs left the meeting at 10:46 a.m.

C) Executive Session Adjourned: Tory read the Executive Session meeting script to adjourn the Executive Session per NDCC Section 44-04-18.27 to discuss SEPA at 11:00 a.m. and reenter into an open meeting.

D) Reconvened: Tory reconvened the open portion of the meeting at 11:00 a.m.

E) Approval of Modification to the Various Industrial Park Documents

Dwaine Heinrich made a motion to approve the modification to the various industrial park documents. Jeremy Rham seconded. The motion passed by unanimous roll call vote. Tory-aye, Nick-aye, Jeremy-aye, Dwaine-aye, Casey-aye, David-aye, Rod-aye. Marlee, Jen, Tonya, and Mike were not present to vote.

F) Review of FCCU Phase II Term Sheet

G) Approval of Waiver of Right of First Refusal under First Amended and Restated Limited Liability Company Agreement of Spiritwood Energy Park Association, LLC

Nick Schauer made a motion to approve waiver of right of first refusal under the first amended and restated limited liability company agreement of Spiritwood Energy Park Association, LLC. Rod Johnson seconded. The motion passed by unanimous roll call vote. Tory-aye, Nick-aye, Jeremy-aye, Dwaine-aye, Casey-aye, David-aye, Rod-aye. Marlee, Jen, Tonya, and Mike were not present to vote.

H) Approval of Second Amended and Restated Limited Liability Company Agreement of Spiritwood Energy Park Association, LLC

Adjourn: Adjourned at 11:07 a.m.

Respectfully submitted,

By Jamie L. Czapiewski, Operations Coordinator