

**Board of Water Commissioners
of the City of Saint Paul**

**April 9, 2013
Meeting**

**Agenda
and
Minutes**

BOARD OF WATER COMMISSIONERS

April 9, 2013

Meeting Agenda

CONSENT AGENDA:

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

1. Approval of the Minutes of the regular meeting of March 2013.
2. Approval of the Financial Statements for the month of January and February 2013.

ACTION ITEMS:

3. Resolution No. 7214 pertaining to an Amendment No. 3 to Omnibus Agreement with the City of West St. Paul to provide for the rescindment of all billing and collection services provisions.
4. Resolution No. 7215 pertaining to an agreement with the City of West St. Paul to provide for billing and collection services.
5. Resolution No. 7216 pertaining to approval of a Settlement Agreement and Release regarding a loss at 2839 White Bear Avenue in the city of Maplewood.

DISCUSSION ITEMS:

6. Water Supply Update
7. Water Quality Update

GENERAL MANAGER'S REPORT

WHEREAS, in 2001, the City of West St. Paul and the Board of Water Commissioners entered into an Omnibus Agreement whereby the Board would provide water service to the City of West St. Paul at water rates that would become equal to the rates charged within the City of Saint Paul and, in return, the City of West St. Paul would convey title to its water facilities to the Board; and

WHEREAS, said Omnibus Agreement acknowledged that the City of West St. Paul desired that the Board provide billing, customer service and collection services for sanitary sewer and other miscellaneous charges, and also acknowledged that the City of West St. Paul may request additional billing collection services in the future; and

WHEREAS, at this time, the City of West St. Paul and the Board desire to rescind all billing and collection services provisions of the Omnibus Agreement and amendments thereof and to then enter into a new agreement for the provision of continued billing and collection services; and

WHEREAS, staff has prepared an Amendment No. 3 to Omnibus Agreement which provides said rescindments and the assistant city attorney has approved said Amendment as to form; now, therefore, be it

RESOLVED, that the Board of Water Commissioners does hereby approve Amendment No. 3 to Omnibus Agreement between the Board of Water Commissioners and the City of West St. Paul, and that the proper officers are hereby authorized and directed to execute said Amendment No. 3 on behalf of the Board.

Approved

Yeas - 5

Nays - 0

4. Resolution No. 7215 pertaining to an agreement with the City of West St. Paul to provide for billing and collection services.

Mr. Schneider explained that the new billing fees contained in the agreement are the same as those adopted by agreements with Maplewood, Lauderdale, Falcon Heights and St. Paul.

Resolution No. 7215 was moved for approval by Commissioner Rossbach and seconded by Commissioner Lantry as follows:

WHEREAS, the City of West St. Paul and the Board of Water Commissioners entered into an Omnibus Agreement in 2001 whereby the Board would provide water service to the City of West St. Paul at water rates that would become equal to the rates charged within the City of Saint Paul and, in return, the City of West St. Paul would convey title to its water facilities to the Board; and

WHEREAS, said Agreement and subsequent amendments thereto acknowledged that West St. Paul desired that the Board provide billing and collection services for water surcharge, and sanitary sewer and storm sewer charges, and also acknowledged that West St. Paul may request additional billing and collection services in the future; and

WHEREAS, at this time, the parties desire to initiate new standardized fees for billing and collection services to be applied to existing and future billings of city utility charges by the Board; and

WHEREAS, the parties have previously approved Amendment No. 3 to Omnibus Agreement, which renders null and void previous billing and collection provisions contained in any agreement and amendment between the parties; and

WHEREAS, staff has prepared a Billing and Collection Services Agreement which sets forth the terms and conditions for the Board to provide future billing and collection services for the City of West St. Paul; now, therefore, be it

RESOLVED, that the Board of Water Commissioners does hereby approve the Billing and Collection Services Agreement with the City of West St. Paul which provides for the billing and collection of various City of West St. Paul charges, and that the proper officers are hereby authorized and directed to execute said Agreement on behalf of the Board, following approval of the assistant city attorney.

Approved

Yeas - 6

Nays - 0

5. Resolution No. 7216 pertaining to approval of a Settlement Agreement and Release regarding a loss at 2839 White Bear Avenue in the city of Maplewood.

Mr. Schneider explained that the proposed Settlement Agreement and Release authorizes payment in the amount of \$65,000 as settlement for a claim resulting from a failed hose fitting on a temporary water service in the building on July 7, 2010. The settlement reflects compromises reached during mediation in order to avoid litigation.

Resolution No. 7216 was moved for approval by Commissioner Bykowski and seconded by Commissioner Lantry as follows:

RESOLVED, that the Board of Water Commissioners of the City of Saint Paul does hereby approve the Settlement Agreement and Release between the Board and the City of Saint Paul, EMCASCO Insurance Company, International Brass, Inc., and Able Hose & Rubber, Inc. for settlement of an action related to damages incurred on July 7, 2010 at 2839 White Bear Avenue in the city of Maplewood and that the proper officers are hereby authorized and directed to execute said Agreement and Release on behalf of the Board; and, be it

FURTHER RESOLVED, that the proper Board officers are hereby authorized and directed to pay from the Injuries and Damages fund, Activity 850-28171-0511-00000, the amount of \$65,000.00 to Harens Mediation Center, LLC Trust Account on behalf of EMCASCO Insurance Company and International Brass, Inc., as full settlement of the claim and action.

Approved

Yeas - 6

Nays - 0

DISCUSSION ITEMS:

6. Water Supply Update

Mr. Schneider provided an update on recent inquiries concerning the ability of SPRWS to provide either raw or finished water to communities experiencing declining groundwater aquifer levels. White Bear Lake has been prominently in the news, but other near-by communities are also experiencing problems.

All those inquiring have been told:

1. It is feasible for SPRWS to provide some amount of raw or finished water.
2. The cost of the initial improvements necessary to deliver the water and the ongoing expenses requires further study.

3. McCarrons Water Treatment Plant currently has the capacity to provide finished water to new customers.

4. Approval by various departments of the State of Minnesota would be required.

7. Water Quality Update

Production Manager Jim Graupmann provided a report on the condition of water quality.

GENERAL MANAGER'S REPORT

1. 2014 Budget preview will be discussed at the May Board meeting.

2. Construction activity remains on hold because of the unusually cold and wet spring.

Motion to adjourn was made by Commissioner Bykowski and seconded by Commissioner Lantry.

Approved.

Yeas - 7

Nays - 0

The meeting was adjourned at 5:50.

Attest:

Secretary Gagnelius

President Anfang