

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

**June 11, 2013
Meeting**

**Agenda
and
Minutes**

BOARD OF WATER COMMISSIONERS

June 11, 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 May 2013.
2. Approval of the Financial Statements for the month of April 2013.

ACTION ITEMS:

3. Resolution No. 7223 pertaining to a Release of Flowage, Drainage and Other Rights by the Board of Water Commissioners over property addressed as 5100 Hodgson Road in the city of North Oaks.
4. Resolution No. 7224 pertaining to a Grant of Easement to the Board of Water Commissioners over a portion of property addressed as 5100 Hodgson Road in the city of North Oaks.
5. Resolution No. 7225 pertaining to Amendment No. 6 to Agreement with Short Elliott Hendrickson, Inc. to provide additional review and inspection of wireless equipment installations on water tower sites.

GENERAL MANAGER'S REPORT

BOARD OF WATER COMMISSIONERS

June 11, 2013

Meeting Minutes

This publication is a summary of meeting proceedings.

The full text is available upon request at 651-266-6275.

President Anfang called the meeting to order at 5:00 p.m. in the Committee Hearing Room 330, City Hall.

Roll call.

Present: President Anfang, Vice President Brendmoen, Secretary Gagnelius, Commissioners Bykowski, Lantry, Rossbach and Tolbert.

Excused: Commissioner Kleindl.

Steve Schneider, General Manager; Dave Schuler, and Bill Tschida, Saint Paul Regional Water Services.

CONSENT AGENDA:

Consent Agenda Item Nos. 1 and 2 were moved for approval by Commissioner Lantry and seconded by Commissioner Rossbach as follows:

1. Approval of the Minutes of the regular meeting of May 2013.
2. Approval of the Financial Statements for the month of April 2013.

Approved

Yeas - 6

Nays - 0

ACTION ITEMS:

3. Resolution No. 7223 pertaining to a Release of Flowage, Drainage and Other Rights by the Board of Water Commissioners over property addressed as 5100 Hodgson Road in the city of North Oaks.

Mr. Schneider explained Items 3 and 4 together. Item 3 releases a flowage easement from 1882 over land owned by the Sisters of the Good Shepard, which desires to sell the land to a developer of single family homes. The Sisters would pay \$15,000 for the release and also grant a new, smaller easement to the Board, which is Item 4.

The area of the 1882 easement is much larger than could possibly be flooded by Board operations. The smaller easement granted to the Board by Item 4 provides plenty of leeway in the management of Charley and Pleasant Lake levels.

Resolution No. 7223 was moved for approval by Commissioner Lantry and seconded by Commissioner Rossbach as follows:

WHEREAS, the Board of Water Commissioners is grantee of an easement for flowage, drainage and ditch purposes over certain property in Section 12, Township 30, Range 23, addressed as 5100 Hodgson Road in the City of North Oaks, Ramsey County, Minnesota (the "Flowage Easement"); and

WHEREAS, the owner of the underlying property, the Sisters of the Good Shepherd Province of Mid-North America (the "Sisters"), has requested a release of certain portions of the Flowage Easement for the development of single family home sites; and

WHEREAS, Board staff has evaluated the request and has determined that a new easement of reduced size would allow for the effective management of Charley Lake water levels; and

WHEREAS, after consulting with Saint Paul Real Estate Division, staff determined \$15,000 would be reasonable compensation for said release; and

WHEREAS, the Sisters' attorney has prepared a Release of Flowage, Drainage and Other Rights ("Release"), which provides for said requested release and payment to the Board in the amount of \$15,000; and

WHEREAS, the Sisters' attorney has also prepared a Grant of Easement, which provides for the new easement area and which will be executed by the parties following execution of said Release; and

WHEREAS, the assistant city attorney has reviewed said Release and also said Grant of Easement and has approved both as to form, and Board staff recommends approval; now, therefore, be it

RESOLVED, that the Release of Flowage, Drainage and Other Rights between the Board of Water Commissioners and the Sisters of the Good Shepherd Province of Mid-North America is hereby approved and that the proper officers are hereby authorized and directed to execute said Release on behalf of the Board.

Approved

Yeas - 6

Nays - 0

4. Resolution No. 7224 pertaining to a Grant of Easement to the Board of Water Commissioners over a portion of property addressed as 5100 Hodgson Road in the city of North Oaks.

Resolution No. 7224 was moved for approval by Commissioner Lantry and seconded by Commissioner Bykowski as follows:

WHEREAS, the Board of Water Commissioners is grantee of an easement for flowage, drainage and ditch purposes over certain property in Section 12, Township 30, Range 23, addressed as 5100 Hodgson Road in the City of North Oaks, Ramsey County, Minnesota (the "Flowage Easement"); and

WHEREAS, the owner of the underlying property, the Sisters of the Good Shepherd Province of Mid-North America (the "Sisters"), requested a release of certain portions of the Flowage Easement for the development of single family home sites, and agreed to pay to the Board \$15,000 for such release; and

WHEREAS, Board staff evaluated the request and determined that a new easement of reduced size allow for the effective management of Charley Lake water levels; and

WHEREAS, to accomplish said release over certain portions of the Flowage Easement, the Board approved a Release of Flowage, Drainage and Other Rights by Resolution No. 7223, with the intent that it receive a new easement from the Sisters for flowage, drainage and ditch purposes over that portion of the property the Board requires for optimum lake level operations; and

WHEREAS, the Sisters' attorney has prepared a Grant of Easement that provides such a new easement for flowage, drainage and ditch purposes over the required area; and

WHEREAS, the assistant city attorney has reviewed and approved said Grant of Easement as to form, and Board staff recommends approval; now, therefore, be it

RESOLVED, that the Grant of Easement from the Sisters of the Good Shepherd Province of Mid-North America to the Board of Water Commissioners is hereby approved.

Approved

Yeas - 6

Nays - 0

5. Resolution No. 7225 pertaining to Amendment No. 6 to Agreement with Short Elliott Hendrickson, Inc. to provide additional review and inspection of wireless equipment installations on water tower sites.

Mr. Schneider explained that the additional \$20,000 is needed to cover review and inspection of wireless installations until a new long-term agreement can be presented to the Board. These are pass-through costs, as the wireless carriers end up reimbursing the Board all review and inspection costs.

Resolution No. 7225 was moved for approval by Commissioner Lantry and seconded by Commissioner Tolbert as follows:

WHEREAS, the Board of Water Commissioners entered into an agreement with Short Elliott Hendrickson, Inc. ("SEH") on December 4, 2007 to provide warranty reconditioning inspections and plan review and inspection of wireless communication installations on the Board's elevated water towers in an amount not to exceed \$48,720 (the "Agreement"); and

WHEREAS, the Board entered into Amendment No. 1 to Agreement with SEH dated September 8, 2009 to provide for additional wireless equipment review and inspection services at a cost not to exceed \$36,000 and to extend the expiration date to December 31, 2012; and

WHEREAS, the Board entered into Amendment No. 2 to Agreement with SEH dated June 8, 2010 to provide for design and inspection services necessary for the reconditioning of the Board's Stillwater Road Water Tower at a cost not to exceed \$41,400; and

WHEREAS, the Board entered into Amendment No. 3 to Agreement with SEH dated November 9, 2010 to provide further additional wireless equipment review and inspection services at a cost not to exceed \$33,000; and

WHEREAS, the Board entered into Amendment No. 4 to Agreement with SEH dated April 5, 2011 to provide further additional wireless equipment review and inspection services at a cost not to exceed \$50,000; and

WHEREAS, the Board entered into Amendment No. 5 to Agreement with SEH dated October 9, 2012 to provide further additional wireless equipment review and inspection services at a cost not to exceed \$56,380, and to extend the expiration date to June 30, 2014; and

WHEREAS, SEH has faithfully complied with all requirements and conditions of the Agreement; and

WHEREAS, the parties desire to amend the Agreement to provide further additional wireless equipment review and inspection services; and

WHEREAS, staff has prepared an Amendment No. 6 to Agreement which provides for such further additional services at a cost not to exceed \$20,000 resulting in a total not to exceed cost of \$285,500, and which extends the expiration date to June 30, 2014; and

WHEREAS, the assistant city attorney has reviewed and approved said Amendment No. 6 as to form and staff recommends approval of said Amendment No. 6; now, therefore, be it

RESOLVED, that Amendment No. 6 to Agreement between the Board of Water Commissioners and Short Elliott Hendrickson, Inc. to provide additional water tower reconditioning and wireless equipment review and inspection services is hereby approved, and that the proper officers are hereby authorized and directed to execute said Amendment No. 6 on behalf of the Board.

Approved

Yeas - 6

Nays - 0

GENERAL MANAGER'S REPORT

1. Zayo Bandwidth, LLC leases

Backhaul provider Zayo requested that the Board reduce the annual rent on each of its three 2011 water tower site leases from \$5,500 to \$3,500. The Board concurred with staff's recommendation to deny the request.

2. Birchwood Village contracts

Birchwood Village requested that the Board reduce the charges contained in the 2012 water system operation agreement. The city was told the charges could not be lowered and the city issued a 90-day termination notice. The 90 days has passed and the city has since hired a plumber with the required certification to operate its water system. The agreement to perform installation and repair of water distribution facilities remains in effect.

3. Meter process report in August

Business Manager Steve Gleason will present a report on the outcomes and process changes that resulted from the recent meter replacement program.

4. Security services

Viking Security will begin providing security services on July 1 at an annual cost of approximately \$70,000. They were obtained through a State contract and have provided security for Hennepin County for the last 12 years. The current provider, Ramsey County Sheriff, in late 2012 informed staff that charges for 2013 would increase from approximately \$117,000 to \$156,000. At its December 2012 meeting, the Board approved an extension of the Sheriff contract to the end of June and obtaining a new provider for thereafter.

5. Habitat For Humanity

SPRWS volunteers are scheduled to work with Department of Safety and Inspections (DSI) and Human Resources volunteers on a Habitat for Humanity house on June 24, 2013. The Board approved the purchase of lunch for the volunteers.

6. 2014 Budget will be presented at the August meeting.

7. AWWA Directors Award

While in Denver, CO for the AWWA Annual Conference, President Anfang and Mr. Schneider accepted the 15 Year AWWA Directors Award on behalf of the utility. This award for excellence was presented to a total of 14 water utilities around the country.

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

Approved.

Yeas - 6

Nays - 0

The meeting was adjourned at 5:20.

Attest:


Secretary Gagnelius

President Anfang