

The Special Beulah City Council meeting of May 11, 2017 was called to order at 4:00 pm at Beulah City Hall by Mayor Darrell Bjerke.

Present: Brant Keller, Ben Lenzen, Kelsey Timmer, Clyde Schulz, Eric Hoffer, Travis Frey

Absent: Joel Morgan, Kathy Kelsch

Also Present: City Attorney Scott Solem, Assistant Attorney Allyson Hicks, City Engineer Loren Daede, Charles Hankins, City Coordinator Russell Duppong, Water/Wastewater Foreman Gary Neuberger, Kate Johnson

Pledge of Allegiance

Topic – Water/Wastewater Ordinance #424

Bjerke commented on Hicks' and Daede's comments, which indicate residents have responsibility for their water lines to the main. Bjerke stated he would like to have a motion to give legal counsel the requirements of a recommendation for the May 15 meeting.

Hicks commented on the memo she prepared on the status of liability on the current ordinance. She stated Ordinance #347 is the most recent ordinance that updates the liability language. The language indicates the property owner is responsible for all plumbing, including but not limited to service pipes, stop cocks, corporation cocks and other fixtures from the street main to the property owner's premises, including the shut off box and they will be laid, installed, attached and maintained by and at the expense of the property owner. A corporation cock is attached directly to the street main. Plumbing from main to curb is controlled by the City, but that doesn't indicate the City is liable for maintenance.

Schulz questioned current policy and Ferebee stated the City interpreted "control" as the City being financially responsible from the main to the curb in the case of a water line break. Hicks stated the language should be clarified to avoid misinterpretation in the new ordinance. Lenzen commented on changing the language of "control" so that it's easier to understand. Schulz stated control of the line would need to remain in the ordinance to allow for the City to turn the water off. Solem stated the language is similar when referring to boulevards. Timmer questioned what other cities have in their ordinances. Hicks commented that of the cities she looked into, it was the financial responsibility of the property owner. Discussion followed on water break situations and who would be responsible.

Hoffer commented the ordinance can be changed from what it currently states. Lenzen questioned how many times there has been a problem with a line from the property line to the main. Neuberger stated maybe three times in the last twenty-five years. Lenzen stated this is not a big number. Keller stated there are many curbstops in the City that don't work. Schulz made a motion seconded by Keller to recommend legal counsel move forward with applying the same language from our current ordinance to the new ordinance in easier to understand language. Frey asked for some clarification. Bjerke stated this would leave the plumbing responsibility of the property owner from the property owner's premises to the street main. Bjerke commented Kelsch looked into insurance for water and sewer line coverage and the cost is a very reasonable rate each year. Keller commented residents have questioned the cost of street repairs when repairing a water line. Hoffer stated it is unfair to ask the property owner to be responsible for something they don't have control of. Duppong stated the street repair expense is part of the annual street repair project. Ferebee stated in the case of a water

line repair, the City only invoices the resident on the cost of the excavation and repair in the amount that was billed to the City. Schulz read the wording from the ordinance stating the City is responsible for the street asphalt and curb and gutter repair and the property owner is responsible for the sidewalk. Hoffer clarified that we are not changing the ordinance, but we are changing the policy that has been followed. Neuberger stated the policy didn't really contradict the ordinance. From the main to the curb, the resident would pay for the water/sewer line repair and the City would pay for the street, curb and gutter repair. So really it has not changed and the ordinance has been followed. Bjerke clarified the property owner is not responsible for replacing the street pavement. Roll call vote found Keller, Hoffer, Lenzen, Schulz and Timmer in favor. Frey opposed. Motion passed.

Hicks questioned if vacation rates should be left in the ordinance. Keller commented financially for the homeowner, they are better off if they turn the water off while they're gone. Vacation rates don't make sense and are hard to keep track of. Solem stated most cities don't have vacation rates because the system still needs to be maintained. Schulz stated it could be abused. Frey stated we shouldn't have a vacation rate because the base rate is needed for maintenance of the plant and service lines.

Hicks questioned if bonding should be required on both public and private property for excavation. Keller commented on bonding or permitting for both to prevent problems in the future. Duppong commented permits are required for private property. Schulz commented an individual should hold a bond. Hoffer commented some issues would prevent homeowners from improvements. Duppong stated it shouldn't infringe on homeowner rights. Hoffer made a motion seconded by Schulz to remove wording in section 11-118, 3. a. "within the boundaries of any street, avenue, alley, or public grounds" and add language in 11-118, 4. to state that bonding is also required on private property if tying into a main line. Roll call vote found Keller, Hoffer, Lenzen, Frey, Schulz and Timmer in favor.

Schulz questioned the deposit fee amount and Ferebee explained the increase in the deposit fee is to cover the current utility base rate for water, sewer and garbage.

Meeting adjourned at 5:15 pm.

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Darrell R. Bjerke, Mayor

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Heather Ferebee, Auditor