

**MINUTES OF MEETING
MINNEWAUKAN CITY COUNCIL
Special Meeting
March 4, 2009**

A special meeting of the Minnewaukan City Council was held on March 4, 2009 at 5:30 p.m. at the Minnewaukan Library. Present were Mayor Curt Yri, and Council members Mark Motis, Steve Huffman, Connie Ambers and Rita Staloch. Also present were City Librarian Cathy Burkhardtsmeier, City Attorney Tom Traynor, Eric Gilbertson of KLJ, and numerous citizens.

A motion was made by Staloch to declare an emergency in the City of Minnewaukan. Second by Huffman. Motion carried unanimously.

**Emergency Declaration
City of Minnewaukan, North Dakota**

WHEREAS, the City of Minnewaukan, North Dakota will suffer damage to its lift stations and sewers as a result of hydrostatic pressure and ground water from nearby Devils Lake, and,

WHEREAS, the resulting high water table has been infiltrated by the saline waters of the lake, resulting in corrosive action on that portion of the city's sewer system constructed of concrete, and,

WHEREAS, the additional water infiltrating the sewer system is placing undue strain on the pumps in the city's main sewer lift station, and,

WHEREAS, the impact of these damages threaten the health, well-being and public safety of the citizens of the City of Minnewaukan, and,

WHEREAS, the cost of replacement of the lift station pumps, lift station protection and repair of the manholes and city sewer system is beyond the resources of the City to handle,

NOW THEREFORE BE IT RESOLVED that the city council of the City of Minnewaukan, North Dakota, declares an emergency and requests county, state and federal agencies to follow suit in attempting to alleviate the problems caused by the lake's subterranean invasion of the City, as well as its threat to come into the city across the surface of the land.

DATED at Minnewaukan, North Dakota, this 4th Day of March, 2009.

Curtis A. Yri
Mayor
City of Minnewaukan

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A public meeting will be held Monday at 2:00 PM at the Senior Center regarding the CDBG Grant for emergency sanitary sewer improvements per the preliminary engineering report submitted by Kadrmas Lee and Jackson and dated February 2009.

A motion was made by Staloch to proceed with the flood control project. Due to the Emergency Declaration of an emergency situation in the City of Minnewaukan I move to approve Kadrmas Lee and Jackson as the Project Engineers with the changes as recommended by City Attorney Tom Traynor. Second by Motis. Staloch amended her motion with the following changes to the contract. An addendum to the contract will be added to include any additional fees that are not included in the preliminary and design scope and will be billed in accordance with a standard hourly rate. This schedule will be included as part of the contract. Paragraph 6 to include "This does not release the Engineers from any negligence caused by the Engineers. Error and omissions liability limit to be one million dollars not one hundred thousand dollars. Second by Motis. Amendment vote: Staloch – yes, Huffman-no, Motis-yes, Ambers-yes. Motion carried. Original motion Vote: Staloch-yes, Huffman-no, Motis-yes, Ambers-yes. Motion carried.

Motion by Motis to approve the CDBG Block grant application and environmental review. Second by Huffman. Motion carried unanimously.

A motion was made by Motis to approve a contract with North Central Planning Council for Administration Fees with changes and recommendations from Tom Traynor. Second by Ambers. Motion carried unanimously.

A motion was made by Motis to approve a resolution authorizing filing of application with the North Dakota Department of Health for a loan and or grant under the Clean Water Act. Second by Staloch. Motion carried unanimously.

**RESOLUTION OF GOVERNING BODY OF APPLICANT
RESOLUTION**

Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

WHEREAS, under the terms of the Clean Water Act, the United States of America has authorized the making of Loans to authorized applicants to aid in the construction of specific public projects:
Now, Therefore, Be It Resolved The City of Minnewaukan

1. That Curtis A. Yri, Mayor is hereby authorized to execute and file an application on behalf of City of Minnewaukan, with the North Dakota Department of Health for a Loan to aid in the construction of Emergency Sanitary Sewer Improvements.

2. That Laura J. Weed, City Auditor be and is hereby authorized and directed to furnish such information as the North Dakota Department of Health may reasonably request in connection with the

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application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of city, to accept Loan offer and receive payment of Loan funds.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting City Mayor of the City of Minnewaukan does hereby certify:

That the attached resolution is a true and correct copy of the resolution, authorizing the filing of application with the North Dakota Department of Health, as regularly adopted at a legally convened meeting of the City of Minnewaukan duly held on the 4th day of March, 2009; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In Witness Whereof, I have hereunto set my hand this 4th day of March 2009.

Curtis A. Yri

Mayor

The meeting was adjourned.

Curtis A. Yri
Mayor

Mark Motis
Council President