

CITY OF MONTEVIDEO
CITY COUNCIL WORKSESSION
November 15, 2010

The city council met in a utility issues worksession at 5:00 P.M. on Monday, November 15, 2010 in the conference room at city hall. This date/time was set by motion of the council on October 4, 2010 to discuss/review utility issues, including water lines/curb boxes, connections and rights-of-way.

Council members present: Sandra Hodge, Al Johnsrud, Karen Nieuwbeerta, Bryce Curtiss and Marvin Garbe. Mayor Jim Curtiss absent.

Staff present: City Manager Steven C. Jones, City Clerk Glennis A. Lauritsen and Utilities Superintendent Byron Hayunga.

Also present for the discussion was mayor elect Debra Lee Fader.

(UNUSED) STUB LINES:

Stub lines are those water lines stubbed from the watermain to a property but not connected to a house or business. Stubbed lines would be in the form of city-installed stubs that are not connected to a home or business or a stub that has been disconnected. The question posed to council was who is responsible for the stubs, if they leak.

City Manager Jones and Utilities Superintendent Hayunga noted that leaks are a rare occurrence; however, two have occurred this year. In one case, the line (stub) was installed by the city but never used (property was vacant land). The city attempted to bill the affected property owner, but they resisted. The city attorney has advised staff that the city would likely lose the argument that this was the property owner's responsibility, if taken to court. In the second case, an abandoned (disconnected) line has leaked and (as of this date), the city has fixed the leak but has not billed for the costs. Repair costs for 2010 would likely run over \$6,000 but most years it would be \$0. Depending on whether or not the street needs to be repaired, costs would generally run between \$500-\$4,500 each occurrence. If the city would perform the work, the costs would be less.

It is the recommendation of staff that there is no other alternative but to make stubs the responsibility of the city to repair. If that would be the consensus of the council, no formal action would be needed and staff would proceed with that understanding. If council feels otherwise, an ordinance change would be required to shift that burden back upon the affected property owner.

Following the discussion (and at the advice of the city attorney), it was the consensus of council that no change be made to the ordinance regarding stub lines; that it is the city's responsibility to repair.

CURB BOXES/WATER LINES:

Existing city code language requires property owners to be responsible for the water line, from the main to the home, including the curb box. The question posed to council was whether this policy should be continued.

City Manager Jones and Utilities Superintendent Hayunga noted that this policy has created a tremendous amount of ill will and costly repairs to citizens, many of which have an increasing inability to pay for the repairs and many have had no idea that this was an issue for them. Often times, an issue is discovered at the time that water is turned off due to non-payment of a utility bill. Jones said that in many communities, the city owns from the curb box to the main, so it is a communal cost. In addition, work by private contractors to correct homeowner issues have left the city with some right-of-ways in less than adequate condition, placing a large policy enforcement burden upon city staff.

It is the recommendation of staff to shift a portion of the responsibility to the city (from the curb box to the street), with the property owner being responsible for their private line to the connection to the curb box. Existing language and (draft) proposed language for Section 8-4-39 of the city code was provided to the council for their review. The language addresses only water lines and not sanitary sewer lines; staff does not propose a change to sanitary sewer policy.

Staff had estimated that this could cost the city \$5,000-\$10,000/year, but if city staff does some of the work, the costs would be less. In addition, costs would be saved in degradation to street and right-of-ways, as well as staff time in enforcing the requirements and better control over work within the right-of-way. This could evolve from private contractors still doing the work on behalf of the city, to city staff doing some or all of the work. It was noted that such expenditures would be paid from the Utilities Fund.

Council briefly discussed the idea of checking all curb boxes along the route of any proposed street improvements, so that any necessary repairs could be made at that time.

After the discussion, it was the consensus of the council that an ordinance be drafted for a change in existing policy in regards to responsibility of curb boxes and water lines, as noted.

RIGHT-OF-WAY ISSUES:

City Manager Jones and Utilities Superintendent Hayunga discussed the issue of work within the city rights-of-way. It is likely that city staff will make some changes to the procedure of issuing permits for work on the right-of-way. Some of this has to do with problems encountered with local contractors, but there are also new MS4 (stormwater) requirements, liability insurance

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issues and safety standards. The existing ordinance is likely sufficient for the city's needs; however, staff may act to revamp the permits and contractor requirements will change. It is possible that the council will be approached to consider an additional fee for inspections.

Following the discussion, it was understood that city staff would work to revise the city's existing right-of-way permit to incorporate new MS4 requirements, as well as liability insurance issues and safety standards.

Brief discussion was held on Xcel Energy rates as they relate to the WWTP generator. It was staff's suggestion that changing plans is not justified at this time, but that staff will continue to look at the numbers over the next year to determine whether a change is warranted.

Meeting adjourned at 6:30 P.M.

Glennis A. Lauritsen, Secretary

Approved by council December 6, 2010:

Sandra Hodge, President