

# Minutes

## Utility Committee

January 18, 1999  
Engineering Conference Room 8:00 A.M.

Meeting was called to order by Chairman Bullermann at 8:03 a.m.

Members present were: Aldermen Bullermann and Wysocki, Director of Public Works Hamid Hashemizadeh, and resident member Tim Murphy.

Absent: Alderman Patzer

Others present: City Engineer Jeff Chase, Utility Superintendent Larry Wilms, and Mr. Bergen

### **ITEM 1A-99 Approval of Minutes September 28, 1998**

**Motion by Alderman Wysocki. Second by Director of Public Works Hamid Hashemizadeh. Motion carried unanimously.**

It was a consensus to remove Item No. 2-99, as it duplicated Item No. 7-98.

Alderman Bullermann stated that he would be taking item number 12-98 as the next item, due to the fact that Mr. Bergen was present for this issue.

### **ITEM 12-98 Thomas Bergen Claim**

Alderman Bullermann stated that this item was discussed at the previous September 28, 1998, meeting and it was determined at that time that a report should be done and the issue should be discussed again. He explained that the report had been provided by the Utility and we now need to make a conclusion about this issue.

Alderman Wysocki stated that he would like to give an opportunity to Mr. Bergen to make a presentation/statement to the Committee.

Mr. Bergen explained that there was a sewer back up on February 11, 1998, at his property and that he spoke to Larry Wilms in regard to the issue. He further explained that when repairs/cleaning was done at that time, it was stated that there was a lot of gravel that was removed. He also stated that some repair work was done approximately a block and half from his property and he felt that the excess gravel/debris was due to that work. He stated that he had filed a claim at that time and that his claim was denied.

He stated that the City had removed 30 gallons of waste from an area two blocks from his house.

He continued by explaining that on August 6, 1998, the sewer backed up again. He said that in this case, the storm water that was in the basements had subsided prior to the rain stopping, therefore, he felt that it was caused by a blockage. Mr. Bergen stated that in September and October, the City did more cleaning. He stated that in the reports, Brookside Parkway is the only street that had gravel and no other areas did. He explained that the flow in the area was from south to north and that was the way the sewer was backing up. He stated that the sewer crews said that they would televise the area, however the camera was broke at that time.

Larry Wilms responded by stating that the camera has been fixed but that he was not sure if that particular area had been televised yet.

Mr. Bergen asked about the origin of the gravel, and if there was still a problem. He stated that he was very concerned about future flooding. He stated that he felt the February incident was an indication of a problem and that the August 6, back up should have never happened.

Director of Public Works Hamid Hashemizadeh stated that Larry can explain the details, however, he stated that a decision was made by the Utility Committee and the City Attorney agreed to deny the first claim. He explained that if sewer main problems exist due to the City's lack of a maintenance program, then the City should be liable. However, he stated that the City does in fact have a maintenance program, and that in many cases there are lateral problems, which are the homeowners' responsibility and the City would have no knowledge of these problems. He stated that often times a homeowner has a blockage and calls a company to solve that problem (such as Roto Rooter) and at that time the blockage is flushed from the lateral to the main. He continued by stating that the August rain was an excessive amount of rain in a very short period of time, probably a 200 - 500 year storm, and that many homes had problems.

Director of Public Works Hamid Hashemizadeh also stated that although the camera may have been broken at that particular time, it really had no bearing on whether or not the City was responsible, as the repairs were made and proper steps were taken.

Larry Wilms stated that the entire City system was televised between 1991 - 1994, and the City spent \$300,000 to perform this project. At that time, the City identified some repairs that needed to be done. There were some pipes that were squished or cracked, which does not identify a failure, it shows an area for a potential problem in the future. There were approximately 21 sites identified. These sites were repaired, and during the repairs the sites were cleaned and inspected throughout the process.

Alderman Bullermann asked if the repairs could have contributed to the debris.

Larry Wilms responded that it was not likely.

Mr. Bergen stated that Brookside Parkway is the only area that has the debris.

Larry Wilms explained that Brookside is a main line and that this type of debris is not unusual.

Alderman Wysocki stated that the City did jet out that area and although the August storm was severe, he believes that sufficient debris was in there and that is what caused the back up. He stated that the City did not do any inspection until September.

There was general discussion with regard to the report that the Utility provided and which manholes were cleaned.

Alderman Wysocki asked if the City had done anything since then.

Larry Wilms responded that he was not sure if the area had been televised since then. He also explained that debris is not removed at every location. Often the debris is pushed through the system to be pulled out further down when more is collected.

Director of Public Works Hamid Hashemizadeh stated that after February, several visits were made. He explained that other communities have maintenance programs of every 5-10 years.

Larry Wilms stated that in 1992, cleaning was done in mainlines and tributary areas, and that may be when the system was televised. He further explained that a cracked pipe is not something that is urgent

or requires immediate repair. It is simply an area that could potentially be a problem at some time in the future. He stated that the repairs were made in 1997. He stated that debris gets into the system through a variety of ways, some being, through the holes in the manhole lids.

Director of Public Works Hamid Hashemizadeh stated that because Mr. Bergen is concerned, the City would be willing to go back to the area and televise the area.

Mr. Bergen stated that he had been in his home for 13 years and the previous owner was there for 11 years, and there had never been any problems before.

Larry Wilms explained that a lateral may have a defect and the City could not observe this. We had a similar situation approximately a month ago, where repairs were made to a particular area and a homeowner had a back up. Visu Sewer was called to view the lateral (as they have special equipment for this). He further explained that there was a blockage in the lateral.

Tim Murphy stated that as a general practice, Cities are not liable if they have a maintenance plan in place. He stated that it is difficult to determine exactly what happened. He continued by stating that the City was negligent in that they did not follow up.

Director of Public Works Hamid Hashemizadeh stated that we did follow up on the issue, we did everything we could possibly do.

There was some general discussion with regard to elevations of properties in relation to the elevation of the sewers.

**Motion by Alderman Wysocki to recommend to Common Council approval of Mr. Bergen's August claim to the City. Second by Alderman Bullermann. Upon voting, motion carried with Aldermen Bullermann and Wysocki, and Tim Murphy voting in favor of, and Director of Public Works Hamid Hashemizadeh voting against.**

Alderman Bullermann advised that as a general rule, the City Attorney has denied these types of claims, as they set a precedence.

Alderman Wysocki asked if Mr. Bergen could be noticed when the issue will go to Common Council.

Director of Public Works Hamid Hashemizadeh responded that we would do so.

## **ITEM 7-98 Sewer System Deficiencies Plan**

### **(Update on Plan/Projects)**

Director of Public Works Hamid Hashemizadeh stated that staff is currently working on obtaining proposals for the study of water problems. The proposals will be in on February 5, 1999, and once the proposals are received and reviewed, staff will make a recommendation.

Larry Wilms stated that this is a comprehensive study.

Alderman Wysocki asked so we will receive more information after the proposals are in? He continued by stating that the City has already spent 1.4 million dollars on this and he is wondering what is all going to be done.

Director of Public Works Hamid Hashemizadeh explained that this is very complicated and that we need to go through this process to determine how to spend the money appropriately.

There was some general discussion with regard to the combination of sanitary sewer and storm sewer systems, and how the storm sewer systems affect the sanitary systems.

Director of Public Works Hamid Hashemizadeh stated that another issue for discussion at a later date would be sump pump connections into the sewer system.

Larry Wilms suggested that this be part of the code compliance inspection for new home sales.

Alderman Bullermann stated that he thought this was a good idea and wanted to have this information sent to Bob Sigrist.

Larry Wilms also commented that with the 1995 resurfacing program, frame and chimney seals were placed into manholes.

### **ITEM 11-98 Special Assessment Policy**

**(Tabled at 9/28/98 Meeting)**

**Motion by Alderman Wysocki to remove this item from the table. Second by Director of Public Works Hamid Hashemizadeh. Motion passed unanimously.**

**Motion by Alderman Wysocki to drop this item from the agenda. Second by Director of Public Works Hamid Hashemizadeh. Motion passed unanimously.**

Alderman Bullermann stated that he would like to come back to item 1-99, as he was having some information prepared.

### **ITEM 3-99 Abandonment of Well 6 and Disposition of Real Property**

Director of Public Works Hamid Hashemizadeh stated that this well has been abandoned for many years. The reasons that we have abandoned use of this is, we don't own the property and the water quality is poor. There was an expert study done on the well, which confirmed the staff's stance on the issue.

Larry Wilms described the location of the property and gave a brief history of how this well and easement came about. He stated that the well had been rehabbed in 1993-1994. Further rehabilitation costs are uncertain.

Alderman Wysocki asked if we abandon this well, will it have an effect on the water service.

Director of Public Works Hamid Hashemizadeh responded it will not, as the well has not been in use for years, and we have added well number 10. He continued by explaining at this time, the staff's recommendation is not to abandon the easement, and we are not yet sure if we would sell the building or give it to the property owner.

**Motion by Director of Public Works Hamid Hashemizadeh to recommend to Common Council to authorize abandonment of Well #6, including hiring technical and contractor services to perform abandonment of work on site, with disposition of site right-of-way and building to be as recommended by Staff and City Attorney. Second by Alderman Wysocki. Upon voting, motion carried unanimously.**

### **ITEM 1-99 Michael and Jane Sporer 1502 Sunnyslope Road**

Alderman Bullermann stated that he has placed this item on the agenda for discussion purposes only. He explained that there had been correspondence between himself and Larry Wilms with regard to the issue and he provided the members with a copy of that. He stated that he also had corresponded with the City Attorney who in turn responded to Bill Bowers.

Alderman Bullermann explained that throughout his conversations with the residents, he asked them what it is that they wanted, and they have not responded, as they wanted to contact their attorney about the issue. He continued by explaining that he just wants this documentation on record so that when this comes back, everyone has the information that has transpired.

Director of Public Works Hamid Hashemizadeh stated that this has been handled very professionally by staff. He explained that the contractor made the mistake by not installing the lateral. He continued by explaining that Division Engineer, JP Walker, had sent the resident a letter regarding the matter, and we have not received an answer. He explained that staff has tried to work with them.

City Engineer Jeff Chase stated that there were some items in the correspondence that he disagreed with. He explained that there was a mistake made by the contractor by not installing the lateral, however, the City did not make any mistake with regard to the main. He continued by stating that the main was installed exactly as it was planned to be. There are several options: the first one, is that we would install the lateral, the second is that we could remove the lateral portion from the assessment. He explained that removal of the entire assessment was not an option.

There was some discussion with regard to whether or not the main was installed as planned, and about the location of Greenfield Plaza. There was a brief discussion with regard to Greenfield Avenue time frame.

Director of Public Works Hamid Hashemizadeh stated that Mayor Gatzke is now involved with this situation and may have given the resident an option of removal of the entire assessment.

There was some general discussion as to amended the assessment role for removal of the lateral portion of the assessment.

Tim Murphy stated that first we need to get a response from the resident.

Alderman Bullermann asked if we could contact them again and bring the issue back. Letter to resident should be copied to Utility Committee members.

Director of Public Works Hamid Hashemizadeh stated that he would ask for their response in the letter.

Alderman Wysocki suggested that a two week deadline for the resident from the date of the correspondence would be sufficient. All members were in agreement.

**Motion by Alderman Wysocki to table this issue. Second by Director of Public Works Hamid Hashemizadeh. Motion carried unanimously.**

### **ITEM 4-99 Utility Garage Addition (Verbal Status Update)**

Larry Wilms explained that the garage is approximately 95% completed. Vehicles are being parked in the facility. The contractor is working on minor punch list items at this time.

Alderman Wysocki asked if this was within budget.

Larry Wilms explained that it was within budget.

#### **ITEM 5-99 Well 3 and 4 Building Pump House Rehabilitation**

Director of Public Works Hamid Hashemizadeh explained that three architectural firms were submitted and staff recommended that the City award to Taylor Kidd and Associates.

Alderman Wysocki asked if they were the low bid.

Director of Public Works Hamid Hashemizadeh responded that they were not. There was approximately a \$6,000 difference between them and the low bid, however due to their experience and the schedule/time frame of the low bid, the staff is recommending this firm instead.

**Motion by Alderman Wysocki to recommend to Common Council to award contract to Taylor-Kidd and Associates, LLC. Total requested amount is \$27,209, which includes \$23,660 for Taylor-Kidd and Associates' contract, plus 15% contingency. This work is to perform all necessary technical services for pumphouse #3 and #4 roof replacements and exterior wall repair or replacements. These were budgeted projects with funds coming from CIP 96-W-02 and 96-W-04. Second by Director of Public Works Hamid Hashemizadeh. Motion carried unanimously.**

#### **ITEM 6-99 Westbrooke Sewers**

Director of Public Works Hamid Hashemizadeh explained that this item was placed on the agenda at Alderman Patzer's request.

Motion by Alderman Wysocki to table. Second by Director of Public Works Hamid Hashemizadeh. Motion carried unanimously.

Motion by Alderman Bullermann to adjourn. Second by Tim Murphy. Motion carried unanimously.

Meeting was adjourned.