



REQUEST FOR COUNCIL ACTION

Date: 4/16/2012
Item No.: 13.b

Department Approval

City Manager Approval

Item Description: Discuss Cleanup Assistance Policy Regarding Sanitary Sewer Backups

1 **BACKGROUND**

2 On March 19, 2012, staff discussed various education efforts we are implementing on how to
3 prevent sewer backups and what to do if a backup occurs. We also discussed what some other
4 cities do in the event of sanitary sewer backups to assist property owners with immediate cleanup.
5 They include self insurance for clean up assistance and cost share assistance to upgrade the
6 private sewer lateral. The Council requested staff return with additional information and draft
7 policy for further discussion.

8 Staff has drafted a sanitary sewer backup cleanup assistance policy for discussion and feedback.
9 (Attachment A) This policy would effectively provide immediate cleanup/removal of wet carpet
10 and hard surfaces along with disinfection. Any damage claims would still be submitted to the
11 city's insurance carrier. The policy is written to apply only to low density residential properties
12 but could apply to all properties citywide. Assistance would only be provided if the backup was
13 verified due to blockage in the city mainline. The city would contract with local vendors to
14 perform the cleanup and administer the program. The Council would need to establish an
15 effective date if the policy is adopted.

16 **POLICY OBJECTIVE**

17 The City has a sanitary sewer maintenance program and a capital improvement program to ensure
18 the sanitary sewer system is operating with minimum risk of damage to private property. The city
19 sanitary sewer system is operated to protect the health and safety of residents and visitors.

20 **FINANCIAL IMPACTS**

21 Staff estimates an assistance policy implementation to cost \$35,000 annually. The city currently
22 averages 6-8 sanitary sewer backup claims per year. This would assume the per property cleanup
23 cost averages \$3,500 and \$5,000 to \$10,000 in administrative costs annually. This would include
24 bidding cleanup services, monitoring and contract administration, and other documentation and
25 communication with property owners.

26 **STAFF RECOMMENDATION**

27 Staff is seeking Council feedback and direction on the draft policy.

28 **REQUESTED COUNCIL ACTION**

29 Discuss draft policy and provide direction to staff on changes and interest in implementation of an
30 assistance policy for private property owners after a sanitary sewer backup.

Prepared by: Duane Schwartz, Public Works Director
Attachments: A: Draft Sanitary Sewer Cleanup Assistance Policy

CITY OF ROSEVILLE, MINNESOTA POLICY

SUBJECT: SANITARY SEWER BACKUP CLEANUP ASSISTANCE

POLICY NO.:

EFFECTIVE DATE:

BACKGROUND:

The majority of the city sanitary sewer system is a gravity flow system meaning water discharge from properties flows downhill in a series of underground pipes without pumping. Infrequently blockages do occur for various reasons causing a backup of sewage in either the public system or private service laterals and into private structures. It is recommended that cleanup of water of this nature be done as soon as possible for health and safety reasons.

Historically property owners who have experienced sewer backups in the public system have been provided information that cleanup should occur as soon as practical by the property owner and if damages occurred as a result of the water they should file a claim with the city and its insurer.

PURPOSE:

To establish a policy for cleanup assistance for sanitary sewer backups without admission of liability or fault. Damage claims shall continue to be submitted to the city's insurance carrier for adjustment and determination of liability. This policy is intended to provide timely cleanup in the event of a sewer backup from the city's mainline to protect the health and safety of the residents.

POLICY:

It shall be the policy of the City of Roseville to:

- A. Without admitting any liability, provide sanitary sewer backup cleanup assistance to low density residential properties by providing wet extraction, removal and disposal of carpeting and carpet padding, and sanitizing and deodorizing of floors and walls as needed after experiencing a sanitary sewer backup which has been verified to have occurred due to backup in the city system. The property owner shall be responsible for replacement of any damaged or removed carpet or carpet padding. The City will contract for the work through local vendors. The city will not reimburse property owners for their time and materials if they choose to perform the cleanup activity themselves.

- B. The City of Roseville will pay for this limited service up to \$5,000 per occurrence per housing unit. Any additional work requested by the property owner beyond what is

stated above will be the responsibility of the property owner and contracted separately by the property owner at their expense.

- C. The City's action does not constitute and shall not be interpreted as an admission of liability or fault and that there are no covenants, promises, undertakings or understandings, either expressed or implied, other than those stated.
- D. Any claims for damage shall be submitted to the city for submittal to the city's insurance carrier.
- E. The city will not pay more than \$50,000 for cleanup from any occurrence of sewer backup for any single event affecting the city such as, but not limited to major weather events. If the cleanup costs for all affected properties, from any single occurrence, exceeds \$50,000, the city will pay a percentage of each cleanup billing, equal to the percentage calculated by dividing \$50,000 by the sum of all cleanup costs for the single event. The per property cost remaining will be billed to the property owner.
- F. The property owner is required to sign a cleanup agreement prior to the city's cleanup contractor commencing work. This agreement outlines the scope of the work to be performed and an authorization to proceed. The agreement also states the property owner understands the city is not admitting any fault or liability for the backup by offering cleanup assistance. The property owner also agrees to payment for the underfunded costs of cleanup if the city's \$50,000 per event limit is reached. Any billing for underfunded costs not received within 90 days will be certified to property taxes.

FUNDING

Sanitary sewer backup cleanup assistance will be funded utilizing sanitary sewer utility enterprise funds. The city will budget funds annually to be collected as a part of the sanitary sewer utility rate.