

Special City Council Minutes
April 23, 2013
Dundee City Hall

Council and Staff Attendance

Present: Mayor Crawford, Councilors Adlong, Munson, Nelson, and Weaver. Excused absence: Councilors Pugsley and Russ. Staff member: Rob Daykin, City Administrator and City Engineer Eaton.

Public Attendance

Josh Vorderstrasse, Katie Vorderstrasse, and Gary Warrington.

Request regarding Sewer Lateral at 821 Chablis Court

Information from the property owner, included in the handout, was reviewed by both the City Engineer and the City Attorney. City Engineer Eaton reviewed the video inspection; his comments are addressed in the memo included. He advised that there are a few bellies, but the velocity is good, there is no visual sediment in the pipe and no visual blockages. It would not be anything the City would recommend repairing.

Councilor Nelson noted the memo noted there was no surface deflection. Councilor Munson inquired if bellies and deflections were the same. Eaton confirmed they are. He noted the pipes were extremely clean.

Katie Vorderstrasse stated they were happy to receive the Engineer's report. She asked to resolve the ownership issue if repairs needed to be made in the future would the City agree to make the repair, with the understanding it is not required now.

City Attorney Bennett stated the issue is whether the lateral is connected to a public line. If it is a public line the Public Works Design Standards would suggest that the City has a responsibility for maintaining it. The Public Works Design standards specifically designates the responsibility of the sewer lateral is the owners for that portion outside of the public right-of-way (ROW). He noted an eight foot Public and Private Utility Easement (PPUE) on the map for Falcon Crest is an easement granted to the public and private utilities (PGE etc.) for the installation and maintenance of all utilities. There is no easement right to the city within Chablis Court, where the sewer main is located. The line is not a public line, not dedicated to the City or accepted by the City. It is a private sewer line. Since it is a private system; the City does not have an obligation to repair either the main or the laterals. The improvements/utilities a developer builds must comply with city code and be inspected for compliance. Approval of the construction does not mean the city has accepted responsibility for repairing such improvements. There is no evidence this system has been accepted by the City and the City bears no responsibility for repairs.

Councilor Adlong questioned if the Homeowner's Association (HOA) bears responsibility for repairs in the future. Vorderstrasse replied the HOA understands they are responsible for maintaining the private street. Vorderstrasse referred to their letter maintaining the city is responsible for what is underneath the street. Bennett replied that there is no public ROW on Chablis Court; and the PPUE is only along the frontage of each lot.

Mayor Crawford suggested that the HOA would be responsible for repairs to the line. Bennett concurred.

It was noted that the wording on the City's website is general and suggested a possible amendment to the website wording "in most circumstances".

Gary Warrington suggested a letter from the City Engineer stating this is not a problem. It is normal and no problem is anticipated, but if there is a problem in the future the city will accept responsibility for the part in the public street.

After further discussion regarding responsibility and the Engineer's report noting currently there is no problem; the majority Council consensus was the City has not accepted ownership and is not responsible for repairs to the line. A recommendation followed for staff to amend the website language to add "in most circumstances".

The meeting was adjourned at 8:13 P.M.


Storr Nelson, Council President

Attest:


Debra Manning, Assistant City Recorder