

City of Brookings **WORKSHOP Agenda**

CITY COUNCIL

Monday, November 4, 2013, 4:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

1. Hassett Street Connectivity. [PWDS, pg. 2]
 - a. Map of Hassett Street [pg. 3]
2. Sewer Lateral Replacement Program. [PWDS, pg. 4]
 - a. Sewer lateral maintenance policy matrix for Oregon cities [pg. 7]
 - b. McMinnville program [pg. 8]

D. Council Member Requests for Workshop Topics

E. Adjournment

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: November 4, 2013

Donna Colby-Hanks
Signature (submitted by)

Originating Dept: PWDS, Planning

City Manager Approval

Subject: Connectivity of Hassett Street.

Recommendation: Information only.

Financial Impact: None.

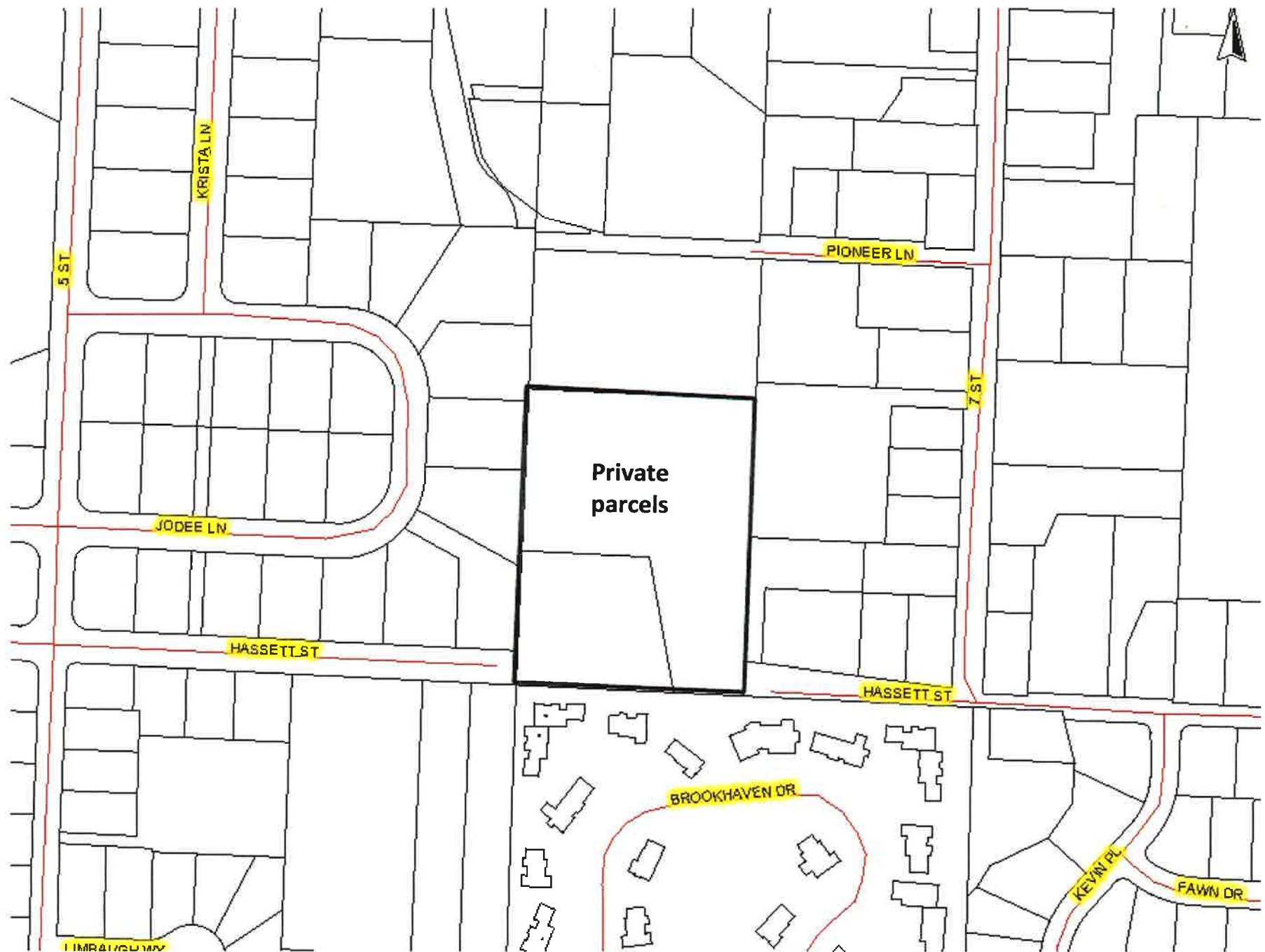
Background/Discussion: Hassett Street is a residential street that begins at Second Street on the west and terminates at Old County Road on the east. A section of Hassett Street has not been developed between Fifth Street and Seventh Street. Vehicles cannot travel on Hassett Street from Second Street to Old County Road without taking a detour south to Ransom Avenue and continuing to Kevin Place before turning back north to Hassett Street.

The missing section of Hassett Street consists of two private parcels. These parcels are zone Single Family Residential (R-1-6), minimum lot size is 6,000 sq. ft. The western parcel is approximately one acre while the eastern parcel is approximately two and one half acres. These properties are of a size that provides an opportunity for development.

Brookings Municipal Code requires in Section 17/170.100(F) that connectivity be provided to adjacent parcels and surrounding streets. At the time either of the owners propose to develop their parcels, they would be required to construct Hassett Street from the current terminus to the adjacent parcel thus providing for connectivity.

Policy Considerations: None.

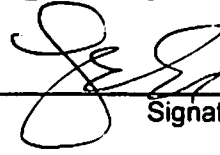
Attachment(s): Map of Hassett Street showing missing section



CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: November 4, 2013



Signature (submitted by)

Originating Dept: Public Works

City Manager Approval

Subject: Sewer Lateral Replacement Program

Recommendation: Staff recommends modifying the current BMC policy to implement a new policy where private property owners participate in ½ the cost of a sewer lateral replacement.

Financial Impact: The 2013-14 CIP budget funded \$50,000 in for a sewer lateral replacement program. If the average cost to replace a sewer lateral in the right of way is \$4,000 and the program pays for ½ the cost, the budget would allow for at least 25 sewer laterals to be replaced this year.

Background/Discussion: One of the largest contributors to inflow and infiltration (I/I) are corroded private sewer laterals. Private laterals comprise multiple times more length than the public sewer mains combined. There is more opportunity for storm water intrusion through private laterals than any other mode. The City owns and operates a 40 mile municipal wastewater main collection system. Although total length of private sewer laterals is unknown at this time, there is definitely more than 40 miles of private sewer laterals susceptible to deterioration and I/I. A sewer lateral program is a means to address this bigger issue of I/I reduction.

Over the years, the City has received complaints over sewer back-ups from a City sewer main onto private property. In a January 2013 workshop, City Council discussed ways to address sewer back-ups. The two main items discussed were increasing efforts for I/I reduction and installing backwater valves on private laterals. A back water valve is a plumbing fixture that only allows for flow in one direction which prevents public sewers from backing up into private laterals. During high rain events, I/I usually combined with a grease deposit or clog in the sewer main can potentially cause a back-up into a residence. Although these events are infrequent, having a sewage back up is not a pleasant experience and many times requires hazardous waste abatement. Subsequent to this workshop, staff presented I/I reduction projects to the budget committee which were adopted for the 2013/14 capital improvement project list. The projects include; \$100,000 for sewer main rehabilitation, \$35,000 for smoke inspection, \$50,000 for I/I repairs, \$12,000 for a smart lid flow meter and \$50,000 for a sewer lateral program.

A sewer lateral program is a means to encourage private owners to replace their laterals by motivating with a rebate. The program presented herein is only proposing to rebate a portion of the costs for the lateral in the street right of way only. This program

would reimburse private property owners ½ the costs of replacing a damaged private sewer lateral in the right of way before the City would accept it as its own asset. The city's current policy on sewer lateral maintenance (BMC 13.10.260) allows for any resident to install a cleanout at the right of way and the City assumes all further maintenance of the lateral from the cleanout to the main in the City right of way, regardless of the condition. The proposed lateral program would amend this practice to only accept laterals if they are newly constructed to current engineering standards, or are in good condition and meet current City engineering standards. Benefits of the program include; 1) The City accepts only laterals that are good condition 2) Funds are available to owners to reduce the cost of replacing a lateral 3) Responsibility reverses from the Owner to the City in the right-of-way 4) Participants in turn increase the number of laterals replaced.

As seen in the Attachment a matrix, responsibility for sewer laterals in the right of way varies throughout Cities in Oregon. Some Cities take ownership of laterals in the right of way and some do not. Therefore revising this existing policy does not conflict with industry standard. When a paving or rehabilitation project is in process, the City would offer the reimbursement to qualifying laterals. If the owner fails to participate, there may not be another opportunity to qualify for the rebate. Additionally, if the City has proof the lateral is introducing I/I, the City could pursue a surcharge for the additional expense to the City to treat the storm water. The lateral would remain private and the owner would be responsible for any future maintenance until the lateral is replaced to City standard.

Attachment B includes the City of McMinnville's sewer lateral policy, which is considered to be the more aggressive in the State of Oregon. McMinnville experienced a greater than 20% reduction in their I/I after implementing their program. Staff recently attended an energy conservation seminar. Grant funding may be available for I/I reduction. Staff will pursue these funding options.

Following is a step by step explanation of the proposed lateral policy;

- 1) Upon adoption of the revised ordinance (staff in the process of revising the ordinance), the City will only accept sewer laterals from the clean out to the main if the lateral is in good condition. Good condition is defined as no tree root intrusion, passing a TV inspection where the lateral satisfies materials and installations meets current engineering standards.
- 2) If the sewer lateral is not in good condition, the City will offer a reimbursement to replace the lateral in the right of way. Since funds are limited, reimbursement would be extended in the following priority;
 - a. Sewer laterals in street right of way which are scheduled for street paving.
 - b. Sewer rehabilitation projects.
 - c. Smoke testing or TV inspection issues.
 - d. The pipe is in jeopardy of failure and undermining City right of way.
 - e. The area has been identified as a high I/I intrusion area.
- 3) During a street paving, smoke test or sewer rehabilitation project, the owner will be notified of their opportunity to participate in the program. If they fail to

participate, the reimbursement process will no longer be offered and they will be liable for all maintenance and costs of the lateral to the main.

- 4) If the Owner agrees to participate, the City would obtain 3 quotes and manage the construction contract. The Owner would be required to post their portion of the bid before award of construction. The amount of City reimbursement is ½ the construction costs up to \$2000 total and pay the contractor directly after completion.
- 5) Permit inspection fees will be waived (\$80)
- 6) A loan program was considered but not supported by finance as a sustainable program.

Policy Considerations:

- Does the City want to continue to take over maintenance responsibilities when a sewer cleanout is installed at the property line or only accept them when they meet engineering standard?
- Does the City Council want to fund backwater devices on those properties that have the potential for sewer back-ups from the City main? Staff does not recommend this option.
- Does the City Council want to consider using the \$50,000 budget for private sewer laterals outside of City right of way for owners that show economic hardship and could not pass a smoke test or TV inspection?
- Does City Council support an I/I surcharge fee for those properties who do not fix private laterals identified in a smoke test or TV inspection?

Attachment(s):

- a) Matrix of Oregon Cities policies on sewer lateral maintenance
- b) McMinnville program

Attachment A

City	Who owns the lateral from the property to the main?	If the property owner owns it, does your city provide any form of assistance for replacement of failing laterals?	Does your city provide any assistance to property owners with failing laterals on private property that are creating I&I problems?
Bandon	The City owns the line from the property line to the main line, although the property owner is responsible for maintaining the entire lateral from the building to the main line.	No	No
Carlton, OR	City	N/A	No
Coos Bay, OR	The property owner, both on private property and within the ROW	No	We have been working to mitigate our I & I problems both on public and private property: With the help of a comprehensive smoke testing assessment we identified over 180 leaking laterals. Currently we don't provide assistance but we have been able to persuade over 50% of the property owners into repairing their laterals and we will continue to persuading the other 50%.
Drain, OR	City	Most times we try to work with the property owner to ensure that their service line is installed properly, if they are replacing /repairing the line themselves.	We provide financial assistance to low income property owners through our Low Income Housing Program.
Estacada, OR	City	N/A	My PW Director says "give them the phone number of a plumber"
Falls City, OR	The property owner	We do not provide assistance. We do have a community development loan program if they want to apply for it.	We do not provide assistance. We do have a community development loan program if they want to apply for it.
North Bend, OR	Mostly the property owner...we do have a few instances where the main line is on private property and if the city and in those instances we have a 6 inch stub out which the city is responsible with the owners being responsible from the connection point to their house/business. Also in those instances where the homeowner or business connected directly to the main, they are responsible to the main.	No	No. What we have been doing is using our sewer TV to TV the lateral (usually after a plumber tells the homeowner the problem is on the city side. A TV film of a homeowner's lateral is a great tool to resolve almost all of the issues of whose side the problem is on.) My PWD has looked into creating a lining (think of a small version of Insituform lateral lining) program but is leery of encroaching on private enterprise, since the system he was looking at is sold mainly to plumbers.
Tangent, OR	Property Owner	No	Hasn't come up
Wood Village, OR	City	N/A	Sewer laterals are the responsibility of the City from the property line to the main. When replacements or repairs are required for the segment from the property line to the main, and we are forced to connect to substandard or known problematic services, we have offered to provide financing to the property owner (literally a loan, paid through monthly billing, no interest, up to 5 years).

My Property and The City of McMinnville's Private Sewer Lateral Replacement Program

WHAT IS A PRIVATE SEWER LATERAL?

A private sewer lateral is the section of underground pipe that connects a house or building (the wastewater plumbing) to the City owned and maintained sanitary sewer collection system (sewer system) in the street or easement. As the name implies, the private sewer lateral is a pipe that is owned and maintained by the private property owner since it is outside the City's right-of-way. Per City Ordinances, the private sewer lateral is the responsibility of the homeowner to maintain and repair.

WHY WAS MY PRIVATE SEWER LATERAL EVALUATED BY THE CITY?

The Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ) have mandated that Sanitary Sewer Overflows (SSO) into the Yamhill River must be eliminated. In some areas of the city, the collection system is old and in need of repair. In these areas structural defects in sewer pipes and manholes allow unwanted storm water Infiltration and Inflow (I&I) to overload the sewer system. When the sewer system is overloaded with unwanted I&I, some of the sewage, diluted by I&I, can overflow into the river without treatment. To eliminate the overflows, the defective pipes must be repaired or replaced.

Through monitoring and study it is estimated that approximately 60% of McMinnville's I&I comes from private sewer laterals. Private sewer lateral I&I can come from broken pipes, offset joints, root intrusions, roof drains, footing drains, basement drains, and area drains. Since private sewer laterals are such a significant source of I&I, defective private sewer laterals need to be replaced.

The City is primarily enforcing the private sewer lateral replacement program in areas where the City is performing "I&I Rehab Projects" to repair and replace aging and defective public sewer lines. Properties adjacent to such projects will be evaluated.

Evaluations of laterals may also take place during routine maintenance and repair operations by the City Collections Crew.

The City will continue this program for the foreseeable future, and the areas of McMinnville that have been identified with the most significant I&I will be addressed first.

HOW DO I REPLACE MY LATERAL? WHO DO I HIRE TO DO THIS WORK? WHO PAYS?

The McMinnville City Council has adopted a policy whereby property owners in McMinnville are responsible for replacing their private sewer lateral from the property line to the structure if it is defective. The cost to replace a defective private sewer lateral is borne by the property owner.

Before the private sewer lateral is replaced, the property owner will need to obtain a permit for this work from the City. Installation of a new, or replacement of an existing, private sewer lateral has always required a permit from the City. With the permit comes a number of requirements as follows:

1. A minimum fee of approximately \$50 is charged for the permit. The permit fee can increase depending on the scope of the work. The exact fee will be determined when the application for permit is made based on the number of feet of pipe to be replaced. The applicant should determine how many feet of pipe need to be replaced prior to making the permit application.
2. The work must comply with the requirements of the current plumbing code.
3. The work must be done by either the property owner, or a licensed contractor.
4. The new pipeline must be inspected by the City before it is covered with soil.

Permits can be obtained at the Community Development Center located at 231 NE Fifth Street.

The City strongly recommends that property owners use a licensed and bonded contractor to do this work. There are a number of qualified contractors in the local area, and others located in the Portland and Salem Metro areas. Contractor's can be located using the yellow pages by referring to listings under "Contractors - General" or "Excavating Contractors". The City also keeps a list of local contractors. Another way to find a good contractor is talk to friends or family to find one that they would recommend. The City will not recommend specific contractors.

If you use a contractor, the City recommends that you consider the following:

1. ***Get at least three estimates.*** It is OK to shop around. Price quotes from contractors may vary. If possible, give each contractor a copy of the City's letter describing your defective lateral condition so they each have the same information about your property. Contractors may also contact the City Engineering Department if additional information is needed. The lowest price is not always the best contractor. Select the contractor that you think will give you the best product at the best price. Usually contractors provide estimates at no charge.

2. ***Get written estimates.*** Make sure you have a firm price in hand, with a detailed description of the work, before you sign an agreement for construction. Make sure restoration of your property to its original condition is part of their work. Make sure the contractor commits to a time frame in the written agreement. Remember that the City's 10% reimbursement is tied to a fixed time. Make sure your contractor meets that time frame.
3. ***Check for references.*** As with any purchase you make, especially one this significant, do everything you can up front to make sure you are making the best choice. Ask the contractor for references of similar work. You may also want to check the contractors status with the Oregon Construction Contractors Board. (www.hirelicensedcontractor.com)
4. ***Be satisfied with the results, or don't pay.*** The property owner has some control over the performance of the contractor. For example, if you are not satisfied with their work, in particular restoration of your property, don't pay them until the work meets the conditions of your agreement. We strongly recommend that you do not pay them until the City's inspector accepts the permitted work by signing off on the permit.

HOW MUCH WILL IT COST TO COMPLY WITH THIS PROGRAM?

A typical private sewer lateral replacement will cost somewhere in the range of \$1,500 to \$2,500. The costs can increase significantly if there are obstructions to the contractor such as extensive landscaping, large trees, driveways, structures built over the lateral and/or the home has a basement. Some contractors have "no-dig" equipment available to them that would allow them to do the work with less excavating on your property. The cost of "no-dig" techniques vary as with the traditional "open cut" method.

Property owners that choose to not replace, or that delay the repair of their defective private sewer lateral are faced with paying a \$50 per month penalty until the lateral is replaced. For example, it would take 40 months (3 years and 4 months) for the accumulation of penalties to equal the replacement cost of a \$2,000 lateral.

Property owners that choose to not replace their defective lateral, and that also do not pay the \$50 per month assessments will be subject to further civil penalties, and possible legal action, as allowed by City Ordinance. The cost of not complying can become significant for both the property owner and the City.

IF I REPLACE MY LATERAL WITHIN THE 90 DAY GRACE PERIOD, HOW DO I GET THE 10% INCENTIVE PAYMENT FROM THE CITY?

The City Council has made available a monetary incentive that is part of the private sewer lateral replacement program. Those property owners that take advantage of the City's incentive offer will be reimbursed 10% of their construction cost up to a maximum of \$250. To be eligible, property owners must construct an acceptable lateral

replacement within the **90-day** grace period. Property owners must submit a written request as application for reimbursement.

The request must include:

1. The name and mailing address of property owner.
2. The address and/or tax lot number of the property.
3. Certification that the repairs were not paid for by a renter, lessor, or any other person (If a renter, or lessor, is responsible by separate agreement for this type of repair, submit a copy of that agreement for the City's review).
4. A copy of the contractor's invoice.
5. A completed IRS W-9 form

A reimbursement application is available online at www.ci.mcminnville.or.us or at the Community Development Center.

This application should be made within **60-days** of the City's acceptance of the new private sewer lateral. The City will issue you a check for the eligible amount after the request has been reviewed and processed. Typically this will be about three or four weeks from the City's receipt of the completed application.

CAN THE COLLECTION OF PENALTY ASSESSMENTS BE SUSPENDED?

The McMinnville City Council has adopted a penalty program of \$50 per month to be assessed against those property owners that choose not to replace their defective private sewer lateral or choose not to replace their defective private sewer lateral within a **90-calendar day** grace period. The penalty is in addition to the normal monthly sewer bill.

The penalty assessments do not begin until after the 90-day grace period. It is important to note that property owners who replace their private sewer laterals during the 90-day grace period not only avoid the penalty assessment, they also are eligible for a 10% rebate of their cost from the City up to a maximum of \$250.

After the **90-day** grace period, the property owner can request that the City suspend collection of penalties for up to **10** months to allow the property owners additional time to complete the work. The suspension period begins after the 90-day grace period.

Repairs made during or after the suspension period are not eligible for the grace period rebate program. Penalties continue to accrue during the suspension period and you will continue to receive penalty statements. The penalty is due in full at the end of the period

if the repairs are not made. If the lateral is replaced and accepted by the City before the end of the suspension period, the penalty is waived.

CAN THE CITY PROVIDE FINANCIAL ASSISTANCE FOR THE REPAIR COST?

The City Council has made a program available to property owners who may have trouble finding financial assistance through banks or other lending agencies. This program is only available to homeowners who accept responsibility for the repair of their private sewer lateral and requires the property owner to sign a contract with the City for installment payments on the following basis:

1. The property owner must select a licensed contractor to complete the required work and provide the City with a cost estimate of the work to be completed (refer to the information above about who to hire).
2. Prior to authorizing the contractor to proceed with the work, the property owner must meet with the City Recorder or designee and sign an application and agreement to pay the repair costs based on the estimate plus 25%. The application for installment payments must be on the prescribed form and must constitute a lien upon the property.
3. The application must provide for a monthly payment for a period not to exceed **24** months. Interest will accrue on the balance due at the prime interest rate plus 3.5%.
4. At the time of completion and inspection of the repair work the property owner will submit to the City Recorder or designee a detailed invoice breaking down the cost of the work and total repair cost for review and approval before payment is made.
5. Once accepted, the City will issue a check jointly to both the property owner and contractor based on the actual billing submitted to the owner by the contractor. The monthly installment payment will be adjusted to reflect the actual repair cost. If repairs are made within the **90**-day grace period, the monthly payment amount will be reduced to reflect any monetary incentive that applies to the property. A copy of the final loan amortization schedule will be provided to the property owner at the time the joint check is issued.

It is important to note that this is not a “low interest” loan. The City’s private sewer lateral financial assistance program is provided primarily for individuals who may have trouble securing a loan from other sources. Most property owners will be able to find better interest rates and repayment periods from banks or lending agencies. The City strongly recommends that property owners evaluate other financing options before selecting the City’s private sewer lateral financial assistance program.

SHOULD I BE CONCERNED IF I HAVE A BASEMENT?

Yes. In older homes with basements it is not uncommon for the foundation drainage system to be connected to the private sewer lateral. Foundation drainage is a source of I&I and needs to be disconnected from the private sewer lateral. Our inspectors will be looking for foundation drain connections to make sure they are disconnected from the private sewer lateral when the lateral is replaced.

Property owners will need to address their basement drainage systems when the private sewer lateral is replaced. This may require a second pipeline (a storm drainage lateral) out to the street to connect to the City's storm drainage system or it may require the installation of a basement pumping system with a discharge into the street at the curb. Construction costs for homeowners with basements will generally be higher because the private sewer laterals are often deeper than a normal lateral and because of the possible need to address basement foundation drainage.

It is possible that some homes with basements that do not have water seepage problems now will discover water in their basements after the City completes the pipeline repairs in the street and/or after property owners repair their private sewer laterals. Other cities who have completed comprehensive sewer repair programs like McMinnville's found that some of the old defective pipes kept groundwater levels low because the old pipe was porous and allowed ground water to drain in. Once defective leaking pipes are replaced with new tight pipes there is a risk that groundwater levels could rise and seep into basements. Correction of a basement leaking problem, should it occur, will be the responsibility of property owners.

DO I NEED TO DISCONNECT MY ROOF DOWNSPOUTS?

Yes, if they are connected to the sanitary sewer. One of the private sewer lateral defects the City will be looking for during the evaluation is the connection of roof downspouts. Similar to the need to disconnect basement foundation drains, roof downspouts also introduce unwanted I&I and they must be disconnected. If downspout connections were identified during the City's inspection, they will be noted in the defect notice to the property owner.

The disconnection of roof downspouts is a very simple process; basically the downspout needs to be separated from the buried pipe it feeds into. The old pipe needs to be sealed or removed, and a splash block should be placed under the end of the pipe to allow the rainwater to flow onto the ground without eroding the soil under the downspout. Those property owners that do not want to deal with the additional water on their lawn or property should install a pipe that will carry the rainwater from the downspout to the street curb or to any area on their own property that will not be impacted by the additional rainwater runoff. Be very careful that rainwater runoff does not impact an adjoining property. Most of the contractors that do private sewer lateral replacement work will also be able to help with downspout disconnections and/or rerouting of rainwater runoff.

WHO DO I CALL FOR MORE INFORMATION?

The City of McMinnville's engineering staff is prepared to answer any questions you have about this program and can be reached at (503) 434-7312.

You can also find additional information about the City's wastewater system and I&I projects on the City's website: www.ci.mcminnville.or.us

WHAT IS A PRIVATE SEWER LATERAL?

