

River Heights City

COUNCIL MEETING AGENDA

Tuesday, July 10, 2018

Notice is hereby given that the River Heights City Council will hold its regular council meeting beginning at 6:30 p.m. in the River Heights City Office Building at 520 S 500 E.

Opening Remarks (Wilson) and Pledge of Allegiance (Wright)

Adoption of Previous Minutes and Agenda

Reports and Approval of Payments (Mayor, Council, Staff)

Public Comment

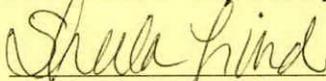
Adopt an Ordinance Providing for the Compensation of Elected and Statutory Officers of River Heights City

Adoption of PTIF Resolution, Update of Authorized Signers on the Bank Account

Discuss Sewer or Water Damage Gaps in the City's Insurance Policy and Possible Solutions

Adjourn

Posted this 6th day of July 2018



Sheila Lind, Recorder

Attachments for this meeting and drafts of previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov)

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

Council Meeting

July 10, 2018

Present: Mayor Todd Rasmussen
Council members: Doug Clausen
Robert "K" Scott
Elaine Thatcher
Dixie Wilson
Blake Wright
Recorder Sheila Lind
Public Works Director Clayton Nelson
Finance Director Clifford Grover
Treasurer Wendy Wilker

Others Present: Cindy Schaub, Heather Lehnig

The following motions were made during the meeting:

Motion #1

Councilmember Scott moved to "adopt the minutes of the council meeting of June 26, 2018 and the evening's agenda." Councilmember Wright seconded the motion, which passed with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.

Motion #2

Councilmember Clausen moved to "pay the bills as listed." Councilmember Thatcher seconded the motion, which passed with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.

Motion #3

Councilmember Scott offered a motion to "approve up to \$1,910 for a 4 drawer fire proof file cabinet." Councilmember Thatcher seconded the motion, which carried with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.

Motion #4

Councilmember Clausen moved to "Adopt Ordinance 2-2018, An Ordinance Providing for the Compensation of Elected and Statutory Officers of River Heights City." Councilmember Wilson seconded the motion, which carried with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.

47 Motion #5

48 Councilmember Wilson moved to “Adopt Resolution 7-2018, A Public Entity Resolution.”
49 Councilmember Scott seconded the motion, which carried with Clausen, Scott, Thatcher, Wilson and
50 Wright in favor. No one opposed.

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Proceedings of the Meeting:

55 The River Heights City Council met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers in
56 the River Heights City Building on Tuesday, July 10, 2018 for their regular council meeting.

57 Opening Remarks and Pledge of Allegiance: Councilmember Wilson opened the meeting with
58 a thought and Councilmember Wright led the group in the Pledge of Allegiance.

59 Adoption of Previous Minutes and Agenda: Minutes for the June 26, 2018 meeting were
60 reviewed.

61 Councilmember Scott moved to “adopt the minutes of the council meeting of June 26,
62 2018 and the evening’s agenda.” Councilmember Wright seconded the motion, which passed
63 with Clausen, Scott, Thatcher, Wilson and Wright in favor. No one opposed.

64 Reports and Approval of Payments (Mayor, Council, Staff):

65 Public Works Director Nelson

- 66 • Wasatch Properties was happy about the \$5,000 the City will contribute towards landscaping of
67 500 South. They are ready to get started. He will get together with them to draw up a contract
68 about future maintenance of the area.
- 69 • The 700 South sidewalk bid will go out this week. He and Engineer Rasmussen decided not to
70 combine the 1000 East sidewalk project with it.
- 71 • Asphalt was delivered and installed on 350 South today where there was a water leak a while
72 back. They had put off replacing the asphalt, thinking it would need to settle first.
- 73 • The remaining seal coats that need to be done on 850 East and 700 East haven’t been scheduled
74 yet.

75

76 Finance Director Grover

- 77 • There was a shift from the General Fund to the Capital Fund in the amount of \$140,000 due to
78 the year end amendments. Some of the June expenses are still outstanding. Councilmember
79 Scott was recognized for coming within \$350 of his budget for the year.

80

81 Treasurer Wilker

- 82 • Questions were answered regarding the list of bills to be paid.

83

84 Councilmember Clausen moved to “pay the bills as listed.” Councilmember Thatcher
85 seconded the motion, which passed with Clausen, Scott, Thatcher, Wilson and Wright in favor.
86 No one opposed.

87

88 Councilmember Thatcher

- 89 • Apple Days planning is in high gear. She handed out a list of the committee members. She
90 asked for input from the Council on who could fill in the gaps. She also asked for nominations
91 for Citizen of the Year and beautification awards. They are planning to pay for a stage this
92 year. Vendors are getting signed up. Treasurer Wilker suggested having the Youth Council

93 help out. Mayor Rasmussen said they seem to be really busy right now. He will check with
94 Shellie Giddings and Sam Brand who are working with them now.

- 95 • Treasurer Wilker suggested asking the Utah Festival Opera Company to donate the use of a
96 stage. Councilmember Thatcher will talk to Gary Griffin. PWD Nelson volunteered to work
97 on getting the same trailer they have always used.
- 98 • Councilmember Wright suggested nominating Rodger Pond as citizen of the year. He has
99 served on the CVTD Board for years. All the money he has received from this he has donated
100 to the elementary school for field trips. Councilmember Thatcher asked him to turn in a letter
101 of nomination.
- 102 • Councilmember Wilson volunteered to find the nominations for the beautification awards.
103 PWD Nelson will give her his suggestions.

104
105 Councilmember Scott

- 106 • He reported on three different fire proof file cabinets he has found. He needed to take some
107 measurements and get with Recorder Lind to discuss the best option. FD Grover stated it will
108 need a PO.

109
110 **Councilmember Scott offered a motion to “approve up to \$1,910 for a 4-drawer fire proof
111 file cabinet.” Councilmember Thatcher seconded the motion, which carried with Clausen, Scott,
112 Thatcher, Wilson and Wright in favor. No one opposed.**

113
114 Councilmember Clausen didn’t have anything.

115
116 Councilmember Wilson didn’t have anything.

117
118 Councilmember Wright didn’t have anything.

119
120 Recorder Lind

- 121 • Councilmember Scott informed Ms. Lind that he appreciates the good job McKelty Astle does
122 at getting the newsletters delivered in a visible spot on the doorstep.

123
124 Mayor Rasmussen discussed his items later in the meeting.

125
126 Public Comment: Heather Lehnig asked how much River Heights would be contributing to the
127 homeless tax. FD Grover figured the City would receive \$15,000 less from sales tax.

128 Adopt an Ordinance Providing for the Compensation of Elected and Statutory Officers of River
129 Heights City: Recorder Lind explained this ordinance needs to be adopted every year after the budget
130 is approved.

131 **Councilmember Clausen moved to “Adopt Ordinance 2-2018, An Ordinance Providing
132 for the Compensation of Elected and Statutory Officers of River Heights City.” Councilmember
133 Wilson seconded the motion, which carried with Clausen, Scott, Thatcher, Wilson and Wright in
134 favor. No one opposed.**

135 Adoption of PTIF Resolution, Update of Authorized Signers on the Bank Account: FD Grover
136 explained the PTIF requires the City to update the account signers every year, as a formality.

137 **Councilmember Wilson moved to “Adopt Resolution 7-2018, A Public Entity Resolution.”**
138 **Councilmember Scott seconded the motion, which carried with Clausen, Scott, Thatcher, Wilson**
139 **and Wright in favor. No one opposed.**

140 Councilmember Clausen discussed some CDs he’s heard of and asked FD Grover his opinion.
141 Mr. Grover replied the PTIF is usually the benchmark and higher than the other options, however, he
142 will look into it.

143 Discuss Sewer or Water Damage Gaps in the City’s Insurance Policy and Possible Solutions:
144 Mayor Rasmussen has been discussing the Thunell’s recent flood situation with Councilmember
145 Clausen, Treasurer Wilker, PWD Nelson and FD Grover. He reminded there was a sewer flood in
146 Andy Thunell’s home; the insurance adjuster came out and determined the City wasn’t liable because
147 the City provided inspection records showing the City wasn’t negligent. The homeowners insurance
148 doesn’t cover it either because the backup didn’t originate on their property. They are looking at
149 \$48,000 for clean up and replacement expenses. There is a \$5,000 no-fault rider on the City’s
150 insurance policy. This is only good per incidence. Some cities choose not to use this because citizens
151 could catch wind of it and take advantage of the situation.

152 Treasurer Wilker verified the City pays about \$22,000/year to the Trust for insurance.

153 Mayor Rasmussen reminded he had already promised the homeowners the City would take care
154 of what the City’s insurance didn’t. At the time he felt the City’s insurance would cover the damages,
155 which was also the belief of Councilmember Clausen and PWD Nelson. Mr. Nelson and Treasurer
156 Wilker agreed that in the beginning the insurance company inferred it would be covered.

157 Mayor Rasmussen pointed out the City has a gap in what they feel they are covered for and
158 homeowners have a gap in what they think is covered by their insurance. He wants to make sure that
159 when this situation is resolved, that we can be confident in what the City can cover and how to go
160 about it. Then he’d like to educate the residents so they know where their gap is and can decide what
161 to do about it.

162 Councilmember Clausen handed out copies of information he found while researching sewer
163 back-ups online. He suggested a delay on any decision until the council members have time to review
164 the handouts. Its clear that other cities have had this and have consequently put ordinances and
165 procedures in place. Most cities limit the amount they will pay at \$10,000. Then they let their citizens
166 know. This isn’t an isolated incident. He would like more time to discuss this and be proactive in
167 informing our citizens.

168 Mayor Rasmussen would like to get the \$5,000 to Thunells, soon. Their list should be closely
169 reviewed to verify damage costs.

170 Councilmember Wilson asked for clarification on the Thunell’s homeowners insurance.
171 Councilmember Clausen explained it doesn’t cover this no fault situation because it didn’t happen on
172 their property. PWD Nelson pointed out if they had a backflow preventer on their sewer line that
173 failed, they may be able to collect from their insurance. He suggested the City should inform citizens
174 that they all should have one.

175 Cindy Schaub said her basement flooded one time and she found it to be much less expensive
176 for her to find her own clean up contractors than to have Alpine take care of it. She was told the
177 Thunell’s situation was an emergency so there was no time to call around.

178 They felt discouraged because if the City is negligent in damage situations then the insurance
179 company covers the costs. Mayor Rasmussen said there is a program where, if the City’s inspections
180 records are found to be in line, the insurance company will reduce premiums and give a refund.

181 Treasurer Wilker said the City belongs to this program and they claim the discount is taken off our

182 assessment. There isn't a way for her to know for sure, based on the bill. She also found out the
183 City's insurance is the same way for water damages.

184 FD Grover recommended managing the Thunell's claim process by how much is paid, the
185 disclosures, the releases, etc. Then move forward in how to address it with the rest of the citizens.
186 The group agreed.

187 Councilmember Clausen recommended not deciding anything tonight and discussing it at the
188 next meeting. In the meantime, he and PWD Nelson will look at the Thunell's bills to see if they agree
189 it's reasonable and get started on getting them paid.

190 Treasurer Wilker said the Council would need to give their permission if they want the \$5,000
191 no-fault amount issued. There is a process to go through.

192 PWD Nelson recommended taking a closer look at the pipe to make sure there are no flaws in it
193 and having the Thunell's check on a possible backflow preventer malfunction before accepting the
194 \$5,000 no-fault pay out.

195 FD Grover suggested reading the insurance policy language regarding the \$5,000. Treasurer
196 Wilker said if the mayor has permission to act for the Council, he would write a paragraph requesting
197 the money be paid out to the Thunells or to the City. Mayor Rasmussen asked Mr. Grover to look at
198 the language regarding the rider to see if we are missing anything. PWD Nelson will camera the sewer
199 line to see what he can find. Mayor Rasmussen will get the Thunell's cost list to the Council. Mr.
200 Clausen and Nelson will review each line item.

201 Councilmember Clausen asked if the League has been contacted. Treasurer Wilker explained
202 she has been dealing with the Trust and Travelers (since they are the company who holds the policy).
203 Mr. Clausen felt the Trust has not done a good job informing cities of this type of situation and felt
204 someone should tell them so. Treasurer Wilker agreed and said she has never received a copy of the
205 policy until this situation happened when it was specifically requested. Mayor Rasmussen agreed there
206 is a serious gap in education.

207 A follow up discussion will be on the next agenda.

208 Due to the next scheduled meeting being on July 24, the next meeting will be held on Tuesday
209 the 31st at 5:30. Planning Commission will also meet that night at 7:00.

210 The meeting adjourned at 8:00 p.m.

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Sheila Lind, Recorder

216 Todd A. Rasmussen, Mayor

River Heights City
 Financial Summary
 July 10, 2018

Cash Balance By Fund

	05/31/18	06/30/18	Net Change	% of Total
General Fund	336,287.82	177,451.91	(158,835.91)	10.90%
Capital Projects Fund	38,288.26	178,099.51	139,811.25	10.94%
Water Fund	401,225.65	422,091.82	20,866.17	25.93%
Sewer Fund	844,171.09	850,084.04	5,912.95	52.23%
Total Cash Balance	1,619,972.82	1,627,727.28	7,754.46	100.00%

		YTD Actual	Annual Budget	Unexpended Budget	% Of Budget Incurred	% Of Time Incurred
General Fund						
Revenue		814,358.25	792,130.00	(22,228.25)	102.81%	100.00%
Expenditures						
	Administrative	165,549.99	163,850.00	(1,699.99)	101.04%	100.00%
	Office	16,839.11	18,720.00	1,880.89	89.95%	100.00%
	Community Affairs	16,589.78	18,200.00	1,610.22	91.15%	100.00%
	Planning & Zoning	4,021.65	8,070.00	4,048.35	49.83%	100.00%
	Public Safety	83,749.92	84,100.00	350.08	99.58%	100.00%
	Roads	82,713.05	96,200.00	13,486.95	85.98%	100.00%
	Parks & Recreation	65,633.50	75,016.00	9,382.50	87.49%	100.00%
	Sanitation	146,828.81	145,000.00	(1,828.81)	101.26%	100.00%
	Transfer To CP Fund	140,000.00	140,000.00	-	100.00%	
Total Expenditures		721,925.81	749,156.00	27,230.19	96.37%	100.00%
Net Revenue Over Expenditures		92,432.44	42,974.00	(49,458.44)		

Capital Projects Fund						
Revenue		433.89	400.00	(33.89)		100.00%
Transfer From General Fund		140,000.00	140,000.00	-		
Expenditures						
	Administrative	14,900.00	4,900.00	(10,000.00)		100.00%
	Parks & Recreation	114.90	2,620.00	2,505.10		100.00%
	Roads	69,635.61	138,000.00	68,364.39		100.00%
	Electricity	-	4,200.00	4,200.00		100.00%
Total Expenditures		84,650.51	149,720.00	65,069.49		100.00%
Net Revenue Over Expenditures		55,783.38	(9,320.00)	(65,103.38)		

Water Fund						
Revenue		424,518.93	414,730.00	(9,788.93)	102.36%	100.00%
Expenditures		264,057.02	261,500.00	(2,557.02)	100.98%	100.00%
Net Revenue Over Expenditures		160,461.91	153,230.00	(7,231.91)		

Sewer Fund						
Revenue		320,970.35	300,300.00	(20,670.35)	106.88%	100.00%
Expenditures		275,098.39	270,000.00	(5,098.39)	101.89%	100.00%
Net Revenue Over Expenditures		45,871.96	30,300.00	(15,571.96)		

River Heights City Bills To Be Paid

7/10/2018

	Payee	Description	Admin.	P&Z	Parks/Rec	Pub. Safety	Com. Aff.	Roads	Water	Sewer	Total
1	Caselle	Monthly Service Fee	\$91.69						\$91.66	\$91.65	\$275.00
2	Chevron & Texaco	Fuel for City Vehicles			\$119.69			\$119.70	\$119.70	\$119.70	\$478.79
3	Ellis Equipment	Annual Skid Steer Rental			\$625.00			\$3,125.00	\$625.00	\$625.00	\$5,000.00
4	Freedom Mailing	Monthly Service Fee	\$144.20						\$48.07	\$48.07	\$240.34
5	Intermountain Farmers	Saddle Rock Pond, Park Supplies			\$613.25						\$613.25
6	Lee's Plumbing	Plugged Irrigation at park			\$400.00						\$400.00
7	Logan Extermination Service	Wasps in Park Area			\$80.00						\$80.00
8	McKelty Astle	July Newsletter Distribution	\$130.00								\$130.00
9	Peterson Plumbing Supply	Meter Setters, 500 S. Ditch, Repair Grate						\$664.00	\$1,051.76		\$1,715.76
10	Renegade Rentals	Sod Cutter, Tractor New Holland			\$301.88						\$301.88
11	Robert Kidd	Park Deposit Refund			\$50.00						\$50.00
12	Rocky Mountain Power	Electricity	\$111.78		\$62.77	\$24.90		\$1,160.02	\$4,918.29	\$26.94	\$6,304.70
13	Rupp Waste Containers	City Clean Up					\$337.00				\$337.00
14	Sam's Club	Batteries & Office Supplies	\$17.96						\$18.48		\$36.44
15	Secure Instant Payments	Monthly Fee	\$13.57						\$13.57	\$13.56	\$40.70
16	Sprinkler Supply	Park Sprinkler Repair			\$214.66						\$214.66
17	Thomas Petroleum	Fuel for City Vehicles			\$24.73			\$24.75	\$24.75	\$24.75	\$98.98
18	Utah Local Government Trust	Annual Premiums Auto, Gen Liab, Proper	\$942.73		\$1,447.96			\$4,420.78	\$5,599.65	\$5,894.36	\$18,305.48
19	Verizon Wireless	Monthly City Owned Cell Phones (2)	\$35.80						\$35.80	\$35.80	\$107.40
20	Xerox Corporation	Monthly Usage	\$46.26								\$46.26
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Page 1 SubTotals

\$1,533.99 \$3,939.94 \$24.90 \$337.00 \$9,514.25 \$12,546.73 \$6,879.83 \$34,776.64

Page 1 Total Amount to be Paid \$34,776.64

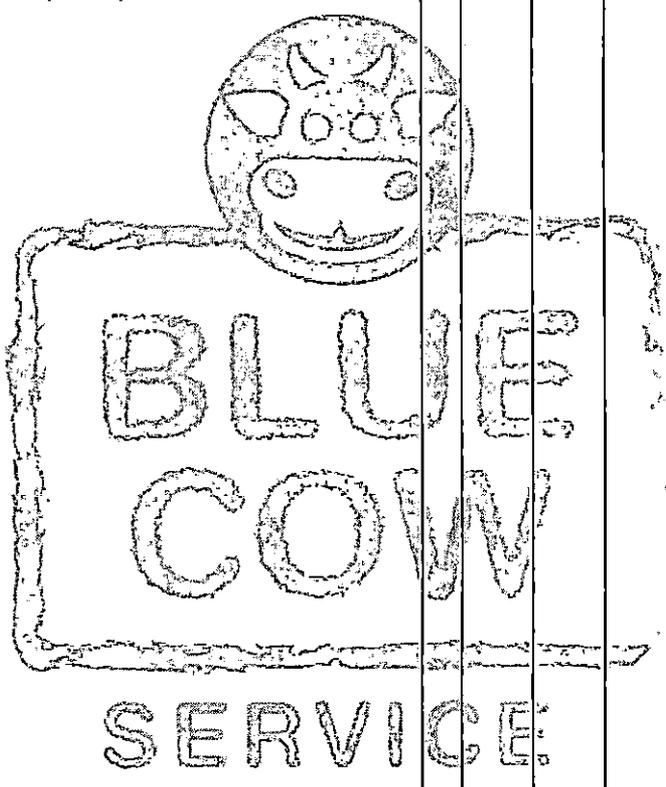
River Heights Apple Days Committees 2018			
Committee	Chair/Members	Contact info	
Publicity/Marketing			
Program	Lauren Shanley	435.760.4872; lauren.shanley@comcast.net	
Vendor Activities	Susan Rasmussen	435.753.0113; rasmussen.susan@hotmail.com	
Kids' Games			
Tennis	Probably not happening this year unless we can find a committee to run it		
Downhill Derby			
Parade	Peggy Smith, Diane Weese, Roxanne Bilbao	435.757.5953; peggylsmith@gmail.com	
Fun Run	Heather Lehnig	435.213.3298; lehnig@gmail.com	
Bike Rodeo/Kids' Parade	Diane Weese	435.881.0872; diweese@gmail.com	
Vendors (Crafts/Snacks)	Suzanne Karren	435.764.2599; suzanne@karren.org	
Decorations	"	"	
Awards (We need nominations for citizen of the year, service to the city, other possible awards like beautification)			
Prizes			
Apple Darlings & Dudes (didn't happen last year--if we want it, we need a chairperson)			
Sound Reinforcement	Chris Rasmussen?		
Flatbed for stage	Magic Productions		

Account No.	03
Proposal No.	8838-0
Proposal Date	07/10/18

PROPOSAL FOR:	PROPOSAL SHIP TO:
CASH CUSTOMER SUITE #18 255 N. 950 W. LOGAN UT 84321 208- -	CITY OF RIVER HEIGHTS 520 SOUTH 500 EAST RIVER HEIGHTS UT 84321

CUSTOMER PURCHASE ORDER	ROUTE L	SORT CODE	PAYCODE QUOTE	PROPOSED BY BGC
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ITEM NUMBER	MFG	ITEM DESCRIPTION	UM	ORD QTY	SELL PRICE	EXTEND PRICE
41825CBL	FIR	Who Called : ROBERT FILE,VERT,INSUL,4DWR,LTR,BLK	EA	1	1910.00	1910.00
4P1831CBL	FIR	FILE,4DWR,LTR,INSUL,BLK	EA	1	1520.00	1520.00
4R1822CPA	FIR	FILE,VERT,TURTLE,4DWR,PAR	EA	1	1160.00	1160.00



This Proposal is good for 30 days from 07/10/18

If you have any questions about this quote please contact BGC by calling Customer Service at (208) 356-4616.

Subtotal 4590.00
Tax

Proposal Total 4590.00



WE'VE GOT THE POWER!

Get ALL your battery needs from us before it's too late!



Robert

From: "Boyd Cook" <bcook@portersop.com>
To: <RKS@SQ1.BIZ>
Sent: Tuesday, July 10, 2018 12:48 PM
Attach: Porter's Invoice 8838-0.pdf
Subject: Fire Files

Here are the stock numbers and Prices I have added the delivery fee to the price of each one since there is not tax for a city. I hope this helps.

Item:

FIR4R1822CPA

- Fireproof insulation protects your files from fire, impact or explosion
- Drawer pulls are surface-mounted for extra insulation inside drawer heads
- Locking drawers help prevent unauthorized access to files
- Drawer bodies with high sides allow instant use with hanging folders
- Scratch-resistant coating ensures lifetime of quality appearance

7.7" x 22.1" x 52.8" - 4 x Drawer(s) for File - Letter, Legal - Fire Resistant - Parchment - Powder Coated – Steel
 Weight 435lbs

FIR41825CB

Four-Drawer Vertical File, 17 3/4w x 25d, UL Listed 350° for Fire, Letter, Black

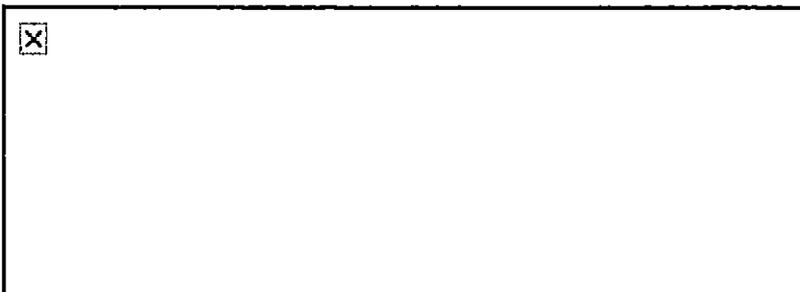
- Impact resistance ensures protection against a 30-ft. drop or collapsing ceilings.
- Water-resistant—designed to prevent water damage resulting from sprinklers and fire hoses. Lock keeps contents safe.
- Drill- and pick-resistant high-security key lock.
- UL one-hour fire and impact tested with letter-size filing capacity.
- Color: Black ; Overall Width: 17 3/4" ; Overall Depth: 25" ; Overall Height: 52 3/4".
 Weight 508lbs

FIR4P1831CBL

- Provides protection from fire, impact and explosion for all your important files
- Offers Class 350 one-hour fire and impact rating; also designed to prevent water damage
- Insulation between all drawers makes each drawer a separate insulated container
- High drawer sides are ready for use with hanging folders without the need for frames
- Two-position drawer catch allows access to one drawer while the other remains locked
- FireKing Patriot Series 4-Drawer Vertical Fire Files

17.8" x 31.6" x 52.8" - 4 x Drawer(s) for File - Letter - Vertical - Fire Proof, Impact Resistant, Locking Drawer, Scratch Resistant, Recessed Handle, Ball Bearing Slide - Black - Gypsum, Steel Weight 603lbs

Boyd Cook | Purchasing & HR Director
 bcook@portersop.com | (208) 356-4616 | portersop.com



ORDINANCE NO. 2-2018

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF RIVER HEIGHTS CITY

NOW, THEREFORE, BE IT ORDAINED BY THE RIVER HEIGHTS CITY COUNCIL THAT:

1. Repealer. All previous salary of compensation ordinances regarding elected and statutory officers hereby are repealed.
2. Compensation. The monthly compensation of the elected and statutory officers shall be as follows:

Mayor	\$600.00
Council members	400.00
Council member over zoning	500.00
Finance Director	600.00
Treasurer	21.00/hr
Recorder	23.87/hr
Zoning Administrator	250.00
3. Payment. The treasurer shall pay each elected official and the Finance Director monthly. All other statutory officers will be paid bi-weekly. Payments will be by automatic deposit or by delivery of a check drawn on the municipal checking account.
4. Per Diem. Each member of the governing body shall receive mileage and per diem for all trips approved by the governing body according to the schedules adopted by the Utah Department of Finance.
3. Effective Date: July 1, 2018

Adopted this 10th day of July, 2018.

Todd A Rasmussen, Mayor

Attest:

Sheila Lind, Recorder



Office of the
State Treasurer

Resolution #7-2018

Public Entity Resolution

1. Certification of Authorized Individuals

I, Todd Rasmussen (Name) hereby certify that the following are authorized: to add or delete users to access and/or transact with PTIF accounts; to add, delete, or make changes to bank accounts tied to PTIF accounts; to open or close PTIF accounts; and to execute any necessary forms in connection with such changes on behalf of River Heights City Corporation (Name of Legal Entity). Please list at least two individuals.

Name	Title	Email	Signature(s)
Clifford N. Gover	Finance Director	cliffordgrover@riverhei	
Todd Rasmussen	Mayor	toddrasmussen@riverl	
Blake Wright	City Council Member	blakewright@riverheig	

The authority of the named individuals to act on behalf of River Heights City Corporation (Name of Legal Entity) shall remain in full force and effect until written revocation from River Heights City Corporation (Name of Legal Entity) is delivered to the Office of the State Treasurer.

2. Signature of Authorization

I, the undersigned, Mayor (Title) of the above named entity, do hereby certify that the forgoing is a true copy of a resolution adopted by the governing body for banking and investments of said entity on the _____ day of _____, 20____, at which a quorum was present and voted; that said resolution is now in full force and effect; and that the signatures as shown above are genuine.

Signature	Date	Printed Name	Title
		Todd Rasmussen	Mayor

STATE OF UTAH)
)
 COUNTY OF _____) §

Subscribed and sworn to me on this _____ day of _____, 20____, by Todd Rasmussen (Name), as Mayor (Title) of River Heights City Corporation (Name of Entity), proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____

(seal)



Wendy Wilker <wwilker@riverheights.org>

Fwd: River Heights City - Claims Report

1 message

Todd Rasmussen <toddrasmussen@riverheights.org>

Tue, Jul 10, 2018 at 6:44 PM

To: Wendy Wilker <wwilker@riverheights.org>

----- Forwarded message -----

From: Curtis Tonks <curtis@utahtrust.gov>

Date: Tue, Jul 10, 2018, 14:21

Subject: River Heights City - Claims Report

To: Todd Rasmussen <toddrasmussen@riverheights.org>

Mayor Rasmussen,

I've attached River Heights City's claims history. It includes helpful information including claimants, dates, descriptions and amounts paid out. If you have any questions, please let me know.

Thanks,
Curtis

CURTIS S. TONKS Account Executive, Marketing
m 801.458.1618 curtis@utahtrust.gov

UTAH LOCAL GOVERNMENTS TRUST
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Training & Events

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On Jul 9, 2018, at 6:03 PM, Todd Rasmussen <toddrasmussen@riverheights.org> wrote:

Hey Curtis,

Would you have access to our claims history over the life of our policy? Types of claims and amounts paid out? Claims not paid out?

Thanks,

Todd

River Heights City - Claims Report.pdf
48K

River Heights City - Claims Report

Utah Local Governments Trust

Claimant	Claim Number	Status	Date	Description	Incurred Total	Outcome
Attena Carpenter	VA451019500001	Closed	09/01/1995	Vehicle Accident	\$29,464.49	Covered
Gaylynn Maughn	VA451019500002	Closed	09/01/1995	Vehicle Accident	\$0.00	Not Applicable
Traci Fors	GL450029800001	Closed	08/15/1998	Vehicle Accident	\$544.74	Covered
Mickey Bacon	GL451029800001	Closed	11/07/1998	Waste Water Backup/Overflow/Leak	\$202.00	Covered
Don Wolford	GL451039900001	Closed	05/29/1999	Waste Water Backup/Overflow/Leak	\$3,769.65	Covered
Carl Seethaler	GL451040000001	Closed	06/02/2000	Vehicle Accident	\$482.01	Covered
Nicholas Palmer	VA451050100001	Closed	02/23/2001	Vehicle Accident	\$382.00	Covered
Sherri Miller	VA450030100001	Closed	11/26/2001	Vehicle Accident	\$2,245.02	Covered
Anna Davidson	040547	Closed	08/05/2004	Assumed Claim 8110-0001; Motor Vehicle Accident - Vehicle Accident	\$1,039.67	Covered
KD Stratford	040785	Closed	08/17/2004	Assumed Claim 8110-0002; Water System Leak - Water (Culinary Or Secondary)	\$2,345.34	Covered
Robert Davis	040782	Closed	08/17/2004	Assumed Claim 8110-0002; Water System Leak - Water (Culinary Or Secondary)	\$2,067.77	Covered
David Winkler	040715	Closed	10/20/2004	Assumed Claim 8110-0003; Water System Leak - Water (Culinary Or Secondary)	\$2,886.29	Covered
Tony Smith	040786	Closed	10/20/2004	Assumed Claim 8110-0003; Water System Leak - Water (Culinary Or Secondary)	\$816.00	Covered
Lynn Millard	050372	Closed	07/12/2005	Assumed Claim 8110-0004; Motor Vehicle Accident - Vehicle Accident	\$1,759.65	Covered
Milo Bauer	080179	Closed	02/01/2008	Assumed Claim 4514-0005; Motor Vehicle Accident - Vehicle Accident	\$383.41	Covered
Cathy Rae	090074	Closed	02/01/2009	Assumed Claim 4514-0006; Slip, Trip And Fall - Slip, Trip And Fall	\$12,660.02	Covered
Francine Davis	EKT7895	Closed	09/13/2010	Councilperson Was Assisting With Apple Days When She Tripped And Fell, Dislocating Her Shoulder	\$4,446.00	Covered
Francine Davis	100440	Closed	09/13/2010	Assumed Claim 4514-0007; Injury On Insured Property - Slip, Trip And Fall	\$375.75	Covered
R. Kent Parker	EPU9665	Closed	09/13/2011	Injured Worker Was Lifting A Lawnmower And Strained His Upper Left Arm	\$255.00	Covered
Robert Krause	EUG5923	Closed	10/09/2011	Negligent Maintenance Of Sewer Line Caused Property Damage	\$5,963.00	Covered
Wesley Robertson	ESS4603	Closed	03/28/2012	Injured Worker Was Lifting Items With Pitchfork And Has Pain Near Shoulder Blades	\$0.00	Not Applicable
Clayten Nelson	EYA7351	Closed	07/04/2013	Insured Vehicle, Backing Out Of A Driveway, Struck Other Vehicle Which Was Parked And Unoccupied	\$1,131.00	Covered
Francine Davis	EST8540	Closed	11/12/2015	Trip And Fall On City Sidewalk	\$250.00	Covered
Ruth Nelson	E9A2504	Open	01/03/2017	Crossing Guard, Stepped Out Of Car, Slipped On Ice Fractured Left Arm	\$43,253.00	Covered
Andy Thunell	FCU7353	Open	05/23/2018	Sewer System Backed Up Into Claimant's Home Causing Damage To Partially Finished Basement	\$5,000.00	No Negligence - No Fault Covered
Grand Total					\$121,721.81	



Does Homeowners Insurance Cover Sewer Lines?

Find the Cheapest Insurance Quotes in Your Area

Insurance Type

Zip Code

Home

Zip Code

Currently Insured?

Yes

Find Insurers

When it comes to your sewer line, there are not many things your homeowners insurance will actually cover. If the part of the line which is on your premises is damaged by something sudden and unexpected, you would be covered. If there is a sewage backup, or the damage is due to a chronic issue, you will likely have to pay out of pocket to replace or repair the line.

- When Does Homeowners Insurance Cover Your Sewer Line?
- When is Your Sewer Line Not Covered by Insurance?
- Sewage Backup Endorsement
- Service Line Protection Endorsement
- How to Care for Your Sewer Line

When Does Homeowners Insurance Cover Your Sewer Line?

Technically, the part of your sewer line that is on your premises is considered an 'other structure' of your home, meaning it is afforded the same protections as your home proper. Typical causes of damage that would be covered are:

- Lightning or fire
- Hail or windstorm
- Damage caused by aircraft
- Explosions

- Riots or civil disturbances
- Damage caused by vehicles
- Vandalism
- Falling objects
- Volcanic eruption

For example, if there were an explosion in your yard and that causes the sewer line or sewer, the damage would be covered by your homeowners insurance policy. The source of the damage needs to come from something outside of your control. The part of the pipe that is damaged will also have to be on your premises. If the pipe is damaged outside of your property line, it will be up to whatever entity that owns the damaged part to fix it. Unfortunately, most of the common ways sewer lines are damaged is through preventable, thus uninsurable, means.

How Much is Your Sewer Line Covered for By Insurance?

If you are covered, most standard home insurance policies limit coverage for 'other structures' to 10% of what your full home is insured for. For example, if your home is insured for \$600,000, 'other structures' like your shed, fence and septic tank may only be covered up to \$60,000. We recommend you scan your individual policy to be sure that is the case, as it may vary. The 10% should be enough to cover the costs. Data from Costhelper.com suggests the typical replacement cost for a sewer line is around \$3,000 to \$6,000.

When is Your Sewer Line Not Covered by Insurance?

When the sewer line backs up into your home, or when it is physically damaged from preventable means, insurance will not pay for its repair or replacement.

Physical Damage to the Pipe

All cases in which the physical damage to the pipe can be attributed to poor upkeep, faulty construction, or preventable error, your homeowners insurance company will not foot the bill for the repairs. Additionally, there are several calamities your insurer also will not cover under a standard policy. Some examples include damage from earthquakes, floods, pests and tree roots. For earthquakes and floods you will need separate insurance policies.

Sewage Back Up

Every homeowners insurance policy explicitly states that any damage caused by a sewage back up will not be covered. Whatever the water or raw sewage destroys will not be qualified for replacement from the insurance company. Unfortunately, many causes of sewage back up can stem from physical damage to the pipe--potentially leaving a very costly bill to replace the pipe and repair whatever was destroyed in the home.

Sewage BackUp Endorsement

Most homeowners insurance companies offer an endorsement that you can add to your standard policy that will cover damages associated with sewage back up (but not physical damage). The endorsement usually costs an extra \$40 to \$50 per year according to the Insurance Information Institute, and gets you an extra \$10,000 of coverage should your sewer back up. Unfortunately, the \$10,000 will likely not be enough to cover a massive sewage back up. As in the case of this Oregon homeowner, a sewage back up destroyed his entire home, costing him over \$300,000. The best thing we recommend is to prevent a sewage line back up in the first place.

Service Line Protection Endorsement

If you're looking for broader coverage than the standard homeowners insurance policy provides for sewer lines, you'll have to purchase a service line protection endorsement. Unfortunately, not many insurance companies offer this endorsement, so you may need to switch insurers if it's a coverage that is important to you. Below, we list the companies with the best service line protection endorsements.

Erie: Best Service Line Endorsement



[Get a Quote](#)

Consider this if you want an insurance company that provides a high coverage limit for service lines.

Not only does Erie offer a service line endorsement, but the company is one of the best reviewed and rated insurers. Despite being one of the few companies to offer the endorsement, Erie gives its policyholders the option to select between coverage limits of \$10,000 and \$25,000. Erie's service line endorsement provides coverage for the following service lines:

- Sewer pipes
- Water lines
- Cable lines
- Internet and electric wiring
- Natural gas pipes
- Propane pipes

Mercury: Runner-Up for Best Service Line Endorsement



[Get a Quote](#)

Consider this if if you're looking for basic coverage for a sewer line.

Mercury's service line endorsement doesn't have the coverage limit options that Erie provides to its policyholders. However, Mercury reimburses customers for their lodging expenses if they have to live away from home due to service line damage. For example, if your sewer pipe is malfunctioning, Mercury would reimburse you for the cost of a hotel while the problem is fixed, potentially saving you hundreds of dollars.

How to Take Care of Your Sewer Line

Most sewer line issues are a result of human error and poor maintenance. There are numerous habits you should adopt as a homeowners to ensure your sewer does not back up at some point in the future. Some of those habits include:

- No flushing of non-biodegradable objects, and oils

- Replacing metal pipes with plastic
- Keep track of tree roots

Get your plumbing inspected

The most notorious cause of sewage backup is clogging that results from flushing objects that should not be flushed. Cooking oils are particularly bad because they can clump together in the pipes and clog it. Paper towels are also damaging to flush down because of how easily they can aggregate in a pipe.

As well, replacing your metal pipe with a plastic pipe (if you can afford it) will help reduce the risk of tree roots creeping into the pipe and damaging it. Lastly, just getting the plumbing into your home inspected just once will alert you to any major dysfunctions of the system. Perhaps the pipe has corroded, or the valves are faulty--these are all things that can cause costly damage, but will be a lot cheaper to fix before they become major issues.

**SEWER BACK-UP
CLAIMS AGAINST TOOELE CITY
(NO-FAULT CLAIMS)**

Generally, claims against Tooele City Corporation are governed by Utah's **Government Immunity Act**.

However, Tooele City has an ordinance specifically designed to help persons who have suffered loss from a water or sewer main line break or backup—regardless of fault.

WHAT TO DO

In order to make a claim under Tooele City's No-Fault Ordinance, you must do the following:

1. You must submit the claim to Tooele City Recorder.
2. You must submit the claim within thirty (30) days after the incident occurred.
3. You must submit the claim in writing, give a full statement of the facts, and state the damages incurred. Attach any additional documents you would like.

Attached is a form which follows the criteria needed to make a no-fault claim to Tooele City.

REASONS FOR NON-PAYMENT

Even if you make a no-fault claim with Tooele City, your claim may be denied or reduced for the following reasons:

1. The claim was not timely submitted.
2. The claim is fully or partially covered by private insurance.
3. The loss was caused by an irresponsible act of the claimant, the claimant's agent, or a member of the claimant's household, or the claimant did not cause the problem but failed to act responsibly to minimize the loss.
4. The loss is unsubstantiated, or verification of the loss is incomplete.
5. The loss exceeds the no-fault claim maximum of \$10,000.
6. The claimant is otherwise ineligible under the No-fault Utilities Claims Ordinance.

MISC.

The Tooele City Attorney's Office represents Tooele City Corporation, and therefore cannot provide you with legal advice or assistance in filing your claim.

Included is a copy of Title 8 Chapter 14 in its entirety for your reference.

Thank you,
Tooele City Attorney's Office

NO-FAULT UTILITY CLAIM

(In accordance with Tooele City Code Chapter §8-14)

TO: TOOELE CITY RECORDER

DATE SUBMITTED:

Name of Claimant: _____

Address: _____

(Must be dated by City Recorder's Office)

Phone (Home/Work/Cell): _____

Date of Incident: _____

Description of Incident (please be specific; attach additional explanations and/or documents if needed):

Do you have Home Insurance? Yes No.

Have you contacted your insurance about this incident? Yes. No.

If so, will your insurance company cover the loss from this incident? Yes. No. Partially.

If your insurance company will not cover your loss, please state the reasons why:

Name of insurance company, contact, and agent: _____

Phone number of company, contact, and agent: _____

Description and Verification of Loss (please be specific; include estimates, receipts, appraisals, photos, videos, etc. to substantiate your loss; attach additional documentation as necessary):

PLEASE READ: I understand, by signing below, that my no-fault claim to Tooele City Corporation may be denied or reduced for the following reasons: (1) The claim was not timely submitted; (2) The claim is fully or partially covered by private insurance; (3) The loss was caused by an irresponsible act of the claimant, or the claimant failed to act responsibly to minimize the loss; (4) The loss is unsubstantiated, or verification of the loss is incomplete; (5) The loss exceeds the no-fault claim maximum of \$10,000; (6) the claimant is otherwise ineligible under the terms of the No-fault Utilities Claims Ordinance.

Signed: _____ Dated: _____

Notary Public
Residing in Tooele County, Utah

(Revised September 2013)

CHAPTER 14. NO-FAULT UTILITIES CLAIMS

8-14-1.Short title.

8-14-2.Purpose.

8-14-3.Definitions.

8-14-4.Administration and establishment of regulations.

8-14-5.Reimbursement-Application-Time limitations.

8-14-6.Application-Investigation and recommendation.

8-14-7.Criteria for payment.

8-14-8.Maximum payments.

8-14-9.Payment does not imply liability.

8-14-10.Annual budget expenditures.

8-14-11.Claims from other governmental agencies.

8-14-1. Short title.

The ordinance codified in this Chapter shall be known as the "No-fault Utilities Claims Ordinance." (Ord. 88-34, 01-04-89)

8-14-2. Purpose.

It is the purpose of this Chapter to compensate persons for loss sustained as the result of a break or backup in a city-owned and maintained watermain or sewer line, regardless of fault on the part of the City, within the restrictions, limitations, and other provisions of this Chapter. (Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)

8-14-3. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

(1) "City" means Tooele City Corporation, a political subdivision of the state of Utah.

(2) "City Attorney" means the City Attorney or his/her designee.

(3) "Person or applicant" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity (except the United States Government or any of its agencies, or the state of Utah and any of its political subdivisions) or their legal representatives, agents, or assigns.

(4) "Political subdivision" means any political subdivision of the state of Utah, including state departments and agencies, cities, towns, counties, and school districts. (Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)

8-14-4. Administration and establishment of regulations.

The Mayor may establish regulations sufficient to provide for the handling of such claims and disbursement of those funds which are set aside for payment of claims under this Chapter. (Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)

8-14-5. Reimbursement - Claims -Time limitations.

All claims for reimbursement under this Chapter must comply with the Governmental Immunity Act of Utah, Utah Code Annotated §63-30d-101 *et seq.*, as amended, and be submitted to the City Recorder within thirty (30) days after the incident giving rise to the loss occurs. (Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)

8-14-6.Claims - Investigation and recommendation.

Claims received by the City Recorder shall be referred to the Department of Public Works for investigation and recommendation. The Department's report shall be forwarded to the City Attorney for determination under the criteria of this Chapter. All payments authorized by the City Attorney shall be made by the Director of the Department of Public Works. (Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)

8-14-7. Criteria for payment.

(1) The determination as to whether to make payment of a claim submitted pursuant to this Chapter shall be based on the following criteria:

(a) Whether an eligible claimant suffered an otherwise uninsured property loss, caused by breach or backup of a City-owned water main or sewer line, under circumstances where the claimant acted responsibly to avoid the loss; and,

(b) If so, whether the extent of the loss has been adequately substantiated.

(2) The following shall result in the denial of a claim:

(a) Claim not timely submitted;

(b) Loss fully covered by private insurance;

(c) Claimant ineligible under the terms of this Chapter;

(d) Loss caused by an irresponsible act of the claimant, claimant's agent, or member of claimant's business or household; or

(e) Loss or eligibility unsubstantiated.

(3) The following shall result in reduction of payment:

(a) Loss partially covered by private insurance;

(b) Loss exceeds funding limits of this Chapter;

(c) Verification of loss inadequate or incomplete; or

(d) Claimant did not cause the problem but failed to act responsibly to minimize the loss. (Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)

8-14-8. Maximum payments.

(1) Payments under this Chapter shall not exceed \$10,000 per claim.

(2) For budgeting purposes, payments under this Chapter shall not exceed \$100,000 per fiscal year. However, the City Council may, in its sole discretion and without amendment to this Section, budget additional funds in any given fiscal year by Resolution. (Ord. 2007-

08, 04-18-2007); (Ord. 88-34, 01-04-89)

8-14-9. Payment does not imply liability- Release required.

(1) Any payment of a claim made under this Chapter shall not be construed as an admission of, nor does it imply, any negligence or responsibility on the part of the City. Any payment made under this Chapter is strictly voluntary on the part of the City.

(2) This Chapter shall not in any way supersede, change, or abrogate the Government Immunity Act of Utah, and its application to the City, or establish in any person a right to sue the City under this Chapter.

(3) Any payment of a claim made under this Chapter and accepted by the claimant shall constitute a full and complete release of any and all claims against the City, its officers, employees, and agents for any damage or loss arising from the incident.

(4) Any payment of a claim made under this Chapter shall be expressly conditioned upon the City first receiving a written release of liability, signed and notarized by the claimant, in a form acceptable to the City Attorney. (Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)

8-14-10. Annual budget expenditures.

The Department of Public Works is authorized to provide for and include within its budget a fund from which payment of claims may be made pursuant to this Chapter. (Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)

8-14-11. Claims from other governmental agencies.

Notwithstanding any other provisions of this Chapter, no claim shall be accepted from the United States or any of its departments or agencies, or from the state of Utah or any of its political subdivisions. (Ord. 2007-08, 04-18-2007); (Ord. 88-34, 01-04-89)

Woods Cross mayor: City will pay for 24 homes damaged by sewer backup

BY NICOLE VOWELL
APRIL 3, 2018 AT 11:13 PM

City Officials Agree to Pay for Some of Sewage Cleanu...

Woods Cross Mayor says the city isn't legally responsible but they will step up to hel...

WOODS CROSS — Dozens of angry homeowners stormed a regular scheduled city council meeting Tuesday night, demanding answers on who will foot the bill for the damages to 24 homes after a Feb. 27th city water main break caused sewage to back up into homes.

In the meeting, Mayor Rick Earnshaw addressed the issue, he explained while the city is not legally obligated to pay for the damages to the homes, he said, "that's not who we are."

were there to take questions. They explained how they will be tapping into up to 10 percent of the annual city budget to cover the costs outside of what the insurance company won't pay for.

"They're going to work with us, that's all I'd hoped for," said Greg Steed, a homeowner whose home has upwards of \$10,000 in damage and cleaning fees after the sewage backup. "There's light at the end of the tunnel."



However, not everyone is optimistic.

Rhett Cleverly said, "They haven't taken care of us yet."

Cleverly worries about the timeline and how long it will take to get money-in-hand.

The city council will hold an emergency meeting Thursday, March 5, to discuss forgoing annual projects to ensure the city has enough money in the budget to pay the residents. They will also discuss passing a city ordinance to increase water taxes to start a "no-fault" fund for these types of emergencies.

Related: Woods Cross residents demand city fix damage after sewage floods 20 homes

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NO FAULT SEWER BACKUP PROGRAM

The No-Fault Sewer Backup Reimbursement Program provides financial assistance to Davenport residents who have experienced a sewer backup as the result of an unanticipated sewer backup.

The program is designed to help residents with the financial burden of sewer backups, without regard to legal liability, according to the [conditions of the policy](#).

The following are key elements and steps of the No-Fault Sewer Backup Reimbursement Program:

- Contact your insurance agent prior to beginning the clean-up process, some insurance companies require specific photographic evidence and other details for the claims process. These documents may also be used to support claims made under the No Fault Sewer Backup Reimbursement Program.
- Submit a claim to the City's Risk Management Department.
- The claim is reviewed to determine if it should be processed as a no-fault claim according to the conditions of the [No Fault Sewer Backup Reimbursement Program Policy](#) or as a tort claim.
- With confirmation of a sewer backup that meets the No Fault Sewer Backup Reimbursement Program requirements, the City will reimburse the property owner for clean-up costs, building damages, and mechanical equipment essential to the habitation of a residence, as follows:
 - The reimbursement limit is \$7,500 per building, per year for all costs and damages.
 - This reimbursement falls secondary to any home owners/renters insurance; a claim must be filed with the insurance company to be eligible under the program.
 - Included in the \$7,500 limit is reimbursement of personal property and/or possessions, up to \$1,000, per building, per year.
- The property owner is required to install a sewer backflow prevention device in order to be eligible for reimbursement under the program. The cost of the installation is eligible for reimbursement under the \$7,500 limit described above; it is unlikely that homeowners insurance will cover this device.
- The property owner is required to sign a full and complete release of any and all claims against the City arising from the sewer backup incident in order to receive payment.



SEWER BACKUP INFORMATION

Dear Homeowner/Resident:

This letter is addressed to Provo City residents who have experienced a sewer backup or some type of flooding in their residence. These types of events can be traumatic and overwhelming. It is our goal to make your interaction with Provo City as pleasant as possible during this ordeal.

If you have not already done so, the first step in dealing with flooding is usually to contact a company that does "mitigation" work. This involves doing the initial work necessary to keep damage from spreading and remove any contamination as quickly as possible.

After mitigation work is done, you may need a company to perform "restoration" work. Many mitigation companies will also do restoration work. If you intend to file a claim with Provo City for these costs, you should seek approval of the costs before they are incurred. Even if Provo City agrees to pay some of these costs, we reserve the right to reject costs that are not pre-approved.

If you file a claim with Provo City, we may also have an adjuster review the costs. Similar to an automobile claim, the adjuster will apply depreciation based on the age and condition of the property and point out costs that exceed industry standards. Any settlement offered you by Provo City will be based on these adjusted values. Ultimate responsibility to pay, or negotiate, the final bill from the companies providing mitigation and restoration work lies with you. (Note that, in some instances, your homeowners' or renters' insurance may cover some of the costs not covered by Provo City.)

Please understand that sewer backups and flooding may occur for a variety of reasons, often for reasons considered natural or outside the City's control. Therefore, a determination that a City system is involved does not automatically guarantee that Provo City will pay for any damages. In most cities around Utah, sewer backups are considered "acts of God" or "no-fault accidents" and these claims are routinely denied by other jurisdictions. However, Provo City will sometimes consider offering a settlement amount where City systems were involved, as a benefit to our citizens. Please also note that no statements by City employees constitute a promise to accept your claim until you have received an official response from the Provo City Attorney's Office.

If you desire to file a claim, that process is handled by the Provo City Attorney's Office. For information regarding how to file a claim and the claim process, please refer to our website (provo.org/legal.claims.html), visit our office at 351 W. Center St, Provo (across the hall from the Police Station), or call us at 801 852 6365 or 801 852 6140.

Respectfully,

Gary Millward
Assistant City Attorney

RELEVANT LINKS:

Sanitary Sewer Incentive Program.

See *LMCIT Sanitary Sewer Backup Incentive Questionnaire*.

To qualify for the sanitary sewer backup incentive, cities must complete a sanitary sewer system questionnaire and return it to LMCIT. If a city can confirm it meets the criteria, it will not be subject to the higher mandatory deductible. A city may certify they meet the criteria at any time. If qualification occurs midterm, LMCIT will issue an endorsement removing the minimum deductible.

2. No-fault sewer backup coverage

As an option, no-fault sewer backup coverage is available for members that meet certain underwriting criteria. The optional coverage comes with an additional charge and will reimburse a property owner for cleanup costs and damages resulting from a city sewer backup or from a city water main break, irrespective of whether the backup was caused by city negligence.

The no-fault sewer backup coverage option is intended to:

- Reduce health hazards by encouraging property owners to cleanup backups as quickly as possible.
- Reduce the frequency and severity of sewer backup lawsuits (i.e., property owners may be less inclined to sue if they receive conciliatory treatment at the time of the backup).
- Give cities a way to address the sticky political problems that can arise when a property owner learns the city and LMCIT won't reimburse for sewer backup damages because the city wasn't negligent and therefore not legally liable.

Many cities and their citizens may find this coverage option to be a helpful tool. However, it's also important to realize it's not a complete solution to sewer backup problems, and not every possible backup will be covered.

One may wonder whether it is considered a gift of public funds to pay for damages the city isn't legally liable for. The legal basis for this coverage is that it helps reduce health hazards by encouraging prompt cleanups. That's clearly a public purpose and in the public interest.

Also, the law and facts surrounding most sewer backup claims are rarely clear. There's virtually always a way that a claimant's attorney can make some type of argument for city liability. Having this coverage in place should help eliminate the need to spend public funds on litigation costs in many of these cases.

a. Coverage terms

The no-fault coverage will reimburse the property owner for sewer backup damages or water main breaks, regardless of whether the city was legally liable, if the following conditions are met:

RELEVANT LINKS:

LMC information memo,
*National Flood Insurance
Program.*

42 U.S.C. §§ 5121-5206.

- The sewer backup resulted from a condition in the city's sewer system.
- The sewer backup was not the result of an obstruction or other condition in sewer pipes or lines which are not part of the city's sewer system or which are not owned or maintained by the city.
- The water main break damage to property of others was not caused by city negligence.
- The sewer backup or water main break was not caused by or related to an excluded incident.
- The date of the occurrence giving rise to the claim for sewer backup or water main damages must be on or after the retroactive date shown on the city's endorsement.

The no-fault coverage will not pay for any damages or expenses which are or would be covered under a National Flood Insurance Program (NFIP) flood insurance policy, whether such insurance is in effect; or for any costs which the property owner has been reimbursed or is eligible to be reimbursed by any homeowners' or other property insurance.

Following are other incidents that are specifically excluded under the no-fault coverage:

- Any weather-related or other event which has been declared by the President of the United States to be a major disaster pursuant to the Stafford Act.
- Any interruption in the electric power supply to the city's sewer system or to any city sewer lift station which continues for more than 72 hours.
- Rainfall or precipitation which exceeds any of the following amounts:
 - 2.0 inches in a 1 hour period; or
 - 2.5 inches in a 3-hour period; or
 - 3.0 inches in a 6-hour period; or
 - 3.5 inches in a 12-hour period; or
 - 4.0 inches in a 24-hour period; or
 - 4.5 inches in a 72-hour period; or
 - 5.5 inches in a 168-hour period.

RELEVANT LINKS:

See Section III.R, *Sewer backups*.

LMC information memo, *Experience Rating in LMCIT's Liability and Workers' Compensation Premiums*.

b. Coverage limits

The basic limit for sewer backups is \$10,000 per building per year, regardless of the number of occurrences or the number of claimants. The city also has options to purchase higher limits of \$25,000 or \$40,000 per building. For purposes of the limit, a structure or group of structures that is served by a single connection to the city's sewer system is considered a single building.

Only true no-fault claims are counted toward the limit. Claims for damages caused by city negligence, for which the city would be legally liable in any case and for which would be covered under the standard LMCIT liability coverage, are not charged against that limit.

The basic limit for water main breaks is \$10,000 to any claimant, with the option to purchase higher limits of \$25,000 or \$40,000 per building. LMCIT will not pay more than \$250,000 for water main break damage resulting from any single occurrence. All water main breaks which occur during any period of 72 consecutive hours is deemed to result from a single occurrence.

c. Premium costs

The no-fault sewer backup premium charge is based on a per sewer connection basis as follow.

\$10,000 limit	\$1.79 per connection manual rate
\$25,000 limit	\$2.11 per connection manual rate
\$40,000 limit	\$2.63 per connection manual rate

The coverage also includes an experience-rating component. Members that have incurred no losses under this coverage within a three-year rating period receive a 10 percent credit. Members that have incurred losses within the rating period at a per-connection frequency that is higher than the LMCIT program average receive a 10 percent debit.

d. Eligibility

To be eligible for the no-fault sewer backup coverage, the city must meet these underwriting criteria:

- The city must have a policy and practice of inspecting and cleaning its sewer lines on a reasonable schedule.
- If there are any existing problems in the city's system which have caused backups in the past or are likely to cause backups, the city must have and be implementing a plan to address those problems.
- The city must have a system and the ability to respond promptly to backups or other sewer problems at any time of the day or week.

RELEVANT LINKS:

For assistance in developing sewer policies, practices, and schedules, please see the *Sanitary Sewer Toolkit: A Guide for Maintenance Policies and Procedure*.

- o The city must have in place an appropriate program to minimize storm water inflow and infiltration.
- o The city must have in place a system to maintain records of routine sewer cleaning and maintenance, and of any reported problems and responses.

The goal of these criteria is to focus on reasonableness rather than on creating specific standards. The intent isn't to set an arbitrary requirement that sewers be inspected and cleaned every six months, every three years, or every five years. What makes sense in one city with some older and sometimes sagging clay lines probably wouldn't make sense in a city with newer plastic lines, and vice versa. From LMCIT's standpoint, the real concern is that the city has considered its own situation and developed policies, practices, and schedules that make sense for its own situation.

e. Applying for no-fault sewer backup coverage

Cities interested in applying for the no-fault sewer backup coverage should first contact LMCIT. If the city qualifies for coverage, LMCIT will send the city a formal quote. If the city decides to purchase the coverage, the city council must then pass a formal resolution making the no-fault sewer backup protection part of the agreement between the city and the sewer customer. Once LMCIT receives a copy of the resolution, coverage can be bound.

LMCIT requires a resolution because the coverage is really a contract between the city and the sewer user. In other words, the basis for the no-fault payments to the property owner would be the contract between the city and the sewer user. The idea is that by paying their sewer bill, the sewer user is purchasing not just sewer services but also the right to be reimbursed for certain specified sewer backup costs and damages.

f. Discontinuing no-fault sewer backup coverage

If the city decides to discontinue coverage sometime in the future, make sure the city or its agent notifies LMCIT. The council should also formally rescind the resolution that made the no-fault sewer backup protection part of the agreement between the city and the sewer customer. The city should also notify its sewer users that the coverage was discontinued.

S. Skate parks

The LMCIT liability coverage applies to claims arising out of skate park operations. However, due to the various types of skate park configurations and the various exposures presented by them, coverage is only provided if certain loss control practices are in place. The coverage and premium charge will also vary based on the type of skate park facility, which is for coverage purposes identified as either a tier 1 or tier 2 skate park.

Sewer Backups: Information and Advice

General Information

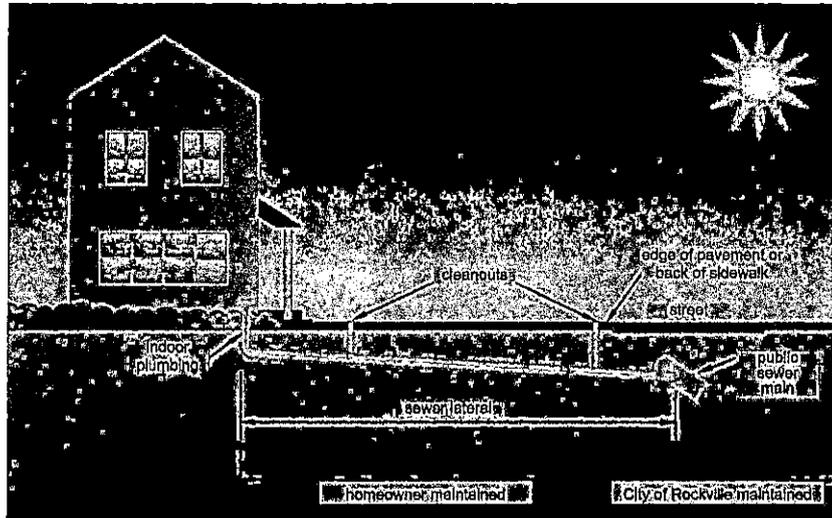
A sewer backup creates a stressful and emotional situation for the homeowner/renter. In some cases it may cause safety concerns as well as significant property loss. A proper response to a sewer backup can greatly minimize property damage and diminish the threat of illness.

The City of Rockville makes every effort to be responsive to a resident's needs and concerns when a sewer backup occurs. The City of Rockville has a crew whose sole duty is to inspect, clean and maintain sewers on a daily basis. Unfortunately, because a sewer is not a closed system, many things put into the sewer can clog the system. While the City has adopted rules prohibiting the discharge of any substance likely to cause a sewer obstruction, and can try to educate the public about the problems they cause, there is really no way we can absolutely prevent this from happening.

What To Do If I've had a Sewer Backup

If you experience a sewer problem within the City of Rockville service area, please call 240-314-8567 and state that you are reporting a sewer emergency. Backed up sewer lines, line breaks, sewage odors and overflowing manholes are considered an emergency.

If the problem is in the sewer lateral, the homeowner or business is to



correct the problem as the owner of the property is responsible for maintaining and cleaning the sewer lateral from the building (or home) to the cleanout.

Remember to call the city first - before calling a plumber. We will check the sewer main and inform you of our findings. If the problem is not in the main line sewer, you will be advised to contact a plumber or sewer/drain cleaning service.

Please be aware that City crews are only responsible for clearing a blockage on the City side of the lateral and are not authorized to enter your home or business to clear a blockage from inside of the property, nor are they trained in cleanup or able to help in the removal of personal belongings.

Insurance and Claims for Property Damage

The City may not pay for damages caused by sewer back ups unless they are caused by a direct act or negligence of the City. This rarely occurs.

During the 2008 legislative session, Maryland's General Assembly passed a law requiring homeowner insurers to offer coverage for losses caused by water and sewer backups as local governments are not typically liable for these losses.

Securing this insurance on your own is essential to protect against a sewage backup and any related damage.

In the event of a sewer backup, the homeowner's insurance company will be responsible and respond to this type of an event and arrange for the majority of any clean-up.

The City of Rockville, however is one of the few jurisdictions to offer a "good-will" policy for no-fault sewer backups. This policy allows for limited and discretionary payments towards cleaning and sanitizing damaged property or towards payment of your insurance deductible. This good-will policy will only apply if City crews determine that the blockage was in a City maintained portion of the sewer line.

The good-will payment may only serve as reimbursement of interior cleaning expenses and/or deductible payments. Any good-will payment will be subject to review by the City and its insurer.

You are still advised to utilize your homeowner's coverage to assure a more thorough clean-up of any damaged areas and absent coverage, you will be responsible for any payments that exceed the City's good-will policy.

Cleaning Advice

As the resident or owner has the responsibility to minimize damage, the following general cleaning tips may be of use (this does not replace the need for professional remediation):

Assure that there is no risk of electrical shock before entering the wet areas.

Completely dewater the area and empty water into the toilet or sink. DO NOT dump the water outside.

Furniture, floor coverings and other debris should be disposed of via the City of Rockville's Bulk Trash Pickup.

Disinfect the floor and wall surfaces with 1/4 cup of bleach to each 1 gallon of water.

Ventilate and air-dry flooded areas after disinfection.

Exercise safety measures while cleaning the flooded areas and wear personal protective gear that fits the exposures (rubber boots and waterproof gloves).

Preventing Sewer Backups

Did you know that discharging your fats, oils and grease into your home sewer and storm lines can result in sewer backups? The discharge of fats, oils and grease (FOGs) into the City of Rockville's sanitary sewer system and storm drains is a rapidly increasing problem that results in the unnecessary spending of thousands of tax dollars each year to remove blockages and repair sanitary sewers.

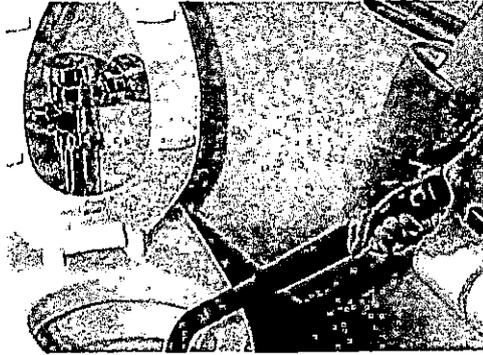
When FOGs are deposited down the drain they cool and solidify to form hard deposits that decrease sewer line capacity and cause blockages and breaks. This can result in raw sewage overflowing from manholes and backing up into homes.

In an effort to address this problem, the City has adopted the Water Quality Protection Ordinance, which precludes residents from pouring cooking fats, oils and grease down their drains. (To view the full ordinance please visit www.rockvillemd.gov/environment/regulations).

General Disposal Guidelines:

Grease: Cooking oil should be poured into a heat-resistant container and disposed of, never let it cool off, in the garbage, not the drain. Some people assume that washing grease down the drain with hot water is satisfactory. This grease goes down the drain, cools off, and solidifies either in the drain, the property owner's line or in the main sewer. When this happens, the line restricts, and eventually clogs.

Paper Products: Paper towels, disposable (and cloth) diapers, and feminine products cause a great deal of problems in the property owner's lateral as well as in the City main. These products do not deteriorate quickly, as does bathroom tissue. They be-



come lodged in portions of the lateral/main, causing sewer backup. These products should be disposed of in the garbage.

City of Rockville Public Works Prevention Programs: Every attempt is made to prevent backups in the public wastewater system before they occur. Sewer lines are specially designed to prevent accumulation and stoppages.

In addition, we have maintenance crews that are devoted to inspecting and cleaning wastewater lines throughout the City on a regular schedule.

Degreasing chemicals are also injected into lines in areas that are prone to stoppages, such as those near restaurants, apartments or high density housing developments.

Even with our maintenance schedule, backups are often beyond the City's control. Most that do occur are confined to the sewage pipeline, rather than backing up into a home.

Department of Public Works
and
Safety and Risk Management

Sewer Backups

Sewer backups are an unfortunate but common problem in U.S. cities and towns. Although municipal departments make every effort to prevent such incidents, they still may occur.

The following information is offered to help City of Rockville residents understand why backups happen, how they can be prevented, and what steps citizens should take if a sewer backup affects their property.

A Guide for City of Rockville Customers




City of
Rockville
Get Into It