

TO: Committee of the Whole - Utilities

FROM: Jeremy Barkei, Water and Sewer Superintendent

DATE: October 8, 2020

RE: Resolution 20-118-R, Authorizing the Water and Sewer Superintendent or his designee(s) to execute Temporary Construction Easement Agreements with regards to the Lead Service Line Replacement Program

This Memo and Resolution go hand in hand with the previous Memo and Resolution for 20-117-R.

Assuming the Committee and Council approve moving forward with the Lead Service Line Replacement (LSLR) Program, staff will need owner cooperation and residence access for obtaining an excess of data used for design engineering, bidding, construction, etc. The Temporary Construction Easement (TCE) Agreement also gives the City and contractor the authority to enter the private property during the construction phase. We will need to have all agreements executed and in place for the 100% principal forgiveness loan approval process to proceed.

As staff begins the investigative phase of the LSLR Program (once Council authorization is obtained), the goal is to move forward swiftly with public education, data collection, and the homeowner TCE Agreements. We anticipate signed TCE Agreements flowing in at 20 per week or more. Our anticipation is a favorable response as no homeowner will incur any out of pocket expenses.

Since the amount of funding received hinges on the number of services “shovel ready”, we need to have a minimum of 300 residences prepared for the best possible chance of the City receiving the full \$4,000,000.00 allotment for the year 2021. This puts us in the best possible position moving forward and gets us the best bang for our buck. Again, we know that the 100% principal forgiveness funding program is limited, and once the pot is empty, there is no indication it will return.

Staff prepared a TCE Agreement and presented it to the City Attorney, Mr. Kevin Drendel. Mr. Drendel has made his revisions and has approved the TCE Agreement for use (**see attached as “Exhibit A”**).

To keep momentum while lifting this massive project off the ground, staff respectfully request that the Water and Sewer Superintendent (or his designee(s)) have the Council’s authority to execute Temporary Construction Easement Agreements regarding the LSLR Program only.

Recommendations:

Staff recommends approval of Resolution 20-118-R, Authorizing the Water and Sewer Superintendent or his designee(s) to execute Temporary Construction Easement Agreements with regards to the Lead Service Line Replacement Program

C. Laura Newman
Gary Holm
Peggy Colby