

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 21-

**RESOLUTION ESTABLISHING LIMITED CLEAN UP AND PROPERTY DAMAGE
PROTECTION FOR SEWER BACK-UPS FOR SEWER CUSTOMERS - 2021**

WHEREAS, the City of West St. Paul provides sanitary sewer services to property within its jurisdiction; and

WHEREAS, blockages or other conditions in the City's sanitary sewer lines may cause the back-up of sewage into properties that are connected to those City sanitary lines; and

WHEREAS, sewer back-ups pose a public health and safety concern; and

WHEREAS, it may be difficult to determine the exact cause and responsibility for a sanitary sewer back-up; and

WHEREAS, the City desires to encourage the expeditious clean-up of properties that have encountered damage from sewer back-ups; and

WHEREAS, the City is a member of the League of Minnesota Cities Insurance Trust (LMCIT); and

WHEREAS, LMCIT has offered the City of West St Paul limited "no fault" sewer coverage (No-Fault Coverage) that will reimburse users of the sewer system for certain clean-up costs and property damage regardless of whether the City is at fault.

NOW THEREFORE, BE IT RESOLVED, as follows:

The City of West St Paul, will reimburse sanitary sewer customers for up to \$10,000 of clean-up costs and property damages caused by a sanitary sewer back-up, regardless of whether the City is negligent or otherwise legally liable for damages, subject to the following conditions:

I. Sanitary Sewer Back-Ups. For Sanitary sewer back-ups:

A. The back-up must have resulted from a condition in the City's sanitary sewer system or lines and not from a condition in a private line.

B. The back-up must not have been caused by any catastrophic weather or other event which has been declared by the President of the United States to be a major disaster pursuant to 42 U.S.C. §§ 5121-5206, commonly known as the Stafford Act.

C. The back-up must not have been caused by an interruption in electric power to the City's sewer system or to any City lift station, which continues for more than 72 hours.

D. The back-up must not have been caused by an amount of precipitation equivalent to rainfall amounts, which exceed:

- 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.

E. Neither the City nor LMCIT will reimburse any costs which have been or are eligible to be covered under a property owner's own homeowners' or other property insurance, or which would be eligible to be reimbursed under a National Flood Insurance Protection (NFIP) policy, whether or not the property owner actually has NFIP Coverage.

F. The maximum amount that the City or LMCIT will reimburse is \$10,000 per building, per year. A structure or group of structures served by a single connection to the City's sewer system is considered a single building.

II. The City's determination to make these payments is contingent on and expressly limited to the extent that No-Fault Coverage is in force and available to reimburse the City for the costs set forth herein.

III. The City retains the right, in its sole discretion, to revoke, rescind, or modify this resolution at any time.

IV. The City hereby rescinds any prior resolution providing no-fault sewer backup coverage.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 4th day of January 2021.

Attest:

David J. Napier, Mayor

Shirley R Buecksler, City Clerk