

**CITY OF HAMBURG**  
**Special Meeting - Easements**  
**February 16, 2010**

Mayor Malz called the Special Meeting to order at 7:02 p.m. Councilmember Steve Trebesch, Councilmember John Barnes, Councilmember Brian Cummiskey, Councilmember Larry Mueller, City Clerk Jeremy Gruenhagen, and Deputy Clerk Sue Block were in attendance. Others present were Doug Parrott (SEH), Mac Willemsen (City Attorney), William Panning (631 Kim Ave), Larry Mueller (637 David Ave), Lois Droege (719 Park Ave), Dale & Karene Stuewe (636 Kim Ave), Gerald Stuewe (641 Kim Avenue), and Craig Glander (636 David Ave).

The reason for the Public Hearing was to inform and educate the public on the City's Sanitary Sewer and Storm Sewer Improvements. The purpose of the meeting is to discuss easements needs for this project and the handling of illegal connections.

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Doug Parrott (SEH) who is the City of Hamburg Engineer gave a presentation explaining what an easement means to the home owner, reasons why easements are needed for this project, where the piping will be installed, and where the service line connections will be. Mr. Parrott also mentioned various ways the project could be funded.

City Attorney Mack Willemsen explained that the easements go with the land. They are used so the city can go on the easement to clean out the lines or fix a problem.

Doug Parrott (SEH) also talked about City Ordinance Number 124 – Prohibited Connections to the Sanitary Sewer System. If during the construction of the project a connection to the sanitary sewer system is located it will first be identified if it is a legal connection or an illegal connection. If the connection is illegal the property owner will have one year from the date of notification to disconnect the line. Any property owner that does not make the disconnection within one year shall be assessed a monthly charge of \$100 or as amended from time to time by Resolution of the City Council, for each month that the conductor is not permanently disconnected.

Doug Parrott listed three ways the project could be funded.

1. The water line could be funded by the water utility bills.
2. Assessing each benefiting property that gets a sanitary sewer connection a unit charge for sanitary sewer assessment. Assessment options are;
  - a. Assessing 51% to 52% of the sanitary sewer cost and the service line to service the property. This would cost \$4,580
  - b. Assess 80% of the cost of sanitary; this would cost \$7,081, per home.
3. A monthly Storm Water Utility charge to all city residents.
  - a. The Storm Water Utility charge would be a set dollar amount added to the home owner's monthly water bill.

This project is scheduled to start in spring 2010 and finish in the fall of 2010. The starting date will be determined on how easy or hard it is to obtain easements from property owners.

## Question and Answers

William Panning – 631 Kim Avenue

1. Questioned the two drawing that were handed out. One showed his sanitary line going east and the other map showed it going west.
  - a. Mr. Parrott explained that the maps were only showing the easements not the piping. The sanitary line on his property will drain west and the storm water line will drain east.
2. In the letter he received the city is requesting an additional 6 feet x 60 feet easement on the back of his property and he questioned why the additional easement is needed.
  - a. Mr. Parrott responded that it is more than likely to dig a trench for the storm sewer piping and to connect his sanitary sewer line to the cities new sewer line. On the north side of his property the easement would be for digging in the storm sewer pipe and accessing the easement with equipment.
3. Mr. Panning asked if the black dirt will be replaced on the top or bottom.
  - a. Mr. Parrott answered that the top soil will be put back the way it was on the ground surface. This will be the same where grass is disturbed, sod will be put in. The exceptions would be replacing flowers and gardens; however top soil will be placed in those areas. Bushes – The homeowners will be given prior notice of when the project will start so they can try to salvage any bushes or flowers

Lois Droege – 719 Park Avenue

1. Lois asked what about trees.
  - a. Mr. Parrott replied that they are trying to go around all trees. At the present time there are only two areas that trees will have to be taken down.
    - i. One area is by the parking lot on the east side of the city park. About 4 or 5 Cottonwood trees will have to come down to make room for the pipe system.
    - ii. The second area where a tree will have to be removed is on Councilmember Mueller's property.

Karene Stuewe – (636 Kim Ave)

1. Karene Stuewe requested clarification of the requested easement on the west side of her property. Her understanding is that this would be used for equipment to come in and do work on the backside of residents lawns.
  - a. Mr. Parrott replied that the easement is needed to be able to get equipment into the backyard area of resident's to connect their home sewer lines into the new sanitary sewer line. It is for equipment not piping.
  - b. Mrs. Stuewe asked what type of equipment.
    - i. Mr. Parrott replied that it would be a small backhoe.
2. Karene Stuewe asked why the easement is on her property and not someone else's.
  - a. Mr. Parrott answered that this type of easement is on other property. When the planning for easements started he walked the backyards looking for the open areas and clear pathways for the equipment to get to the backyards to connect sanitary sewer lines.
3. Karene Stuewe asked if this would go on for months where equipment will be going across her yard.
  - a. Mr. Parrott responded that it will not be months but approximately four or five days. However the restoration of the yard will not be completed until the end of the project.
4. Karene Stuewe questioned if it had to be her property or could they be the second choice.
  - a. Mr. Parrott replied that he would check into this and see if another route could be taken but he did not think there would be another option.
5. Karene Stuewe asked why they are requesting an additional eight feet of easement in the back of their yard and is the project asking for 8 feet on Mike Stuewe's (661 Park Avenue) property. Mike's property is right behind their property. Karene also asked if anything can be structured on the easement.

- a. City Attorney Mac responded that a structure can not be erected on the easement.
- 6. Karene asked what about an existing structure.
  - a. Mr. Parrott replied they are trying to go around any structures within the easements.
- 7. Doug Parrott asked Karene if there was a structure on their property.
  - a. Karene replied that there isn't but there is one on Mike Stuewe's (661 Park Avenue) property. She was wondering if they are extending her easement because of the building on Mike Stuewe's property.
  - b. Mr. Parrott answered that they are requesting an eight foot easement across Mike Stuewe's whole backyard property line. The extra eight feet is needed to dig a trench according to OSHA rules and regulations to install the sewer line.

Dale Stuewe - (636 Kim Avenue)

- 1. Asked how much of an easement is by Mikes shed.
  - a. Mr. Parrott responded eight feet.
  - b. Mr. Stuewe questioned if they are going around Mikes shed.
  - c. Mr. Parrott responded, yes and on the north side of the shed is five feet of easement.

Karene Stuewe – (636 Kim Avenue)

- 1. Questioned that this is being done because a shed is there?
  - a. Mr. Parrott answered, yes. If Mike Stuewe would want to move the shed the easement could be moved.

Dale Stuewe – (636 Kim Avenue)

- 1. There was no easement there before?
  - a. Mr. Parrott responded, no not at that location. There is however an existing easement on his back lot line.

Karene Stuewe – (636 Kim Avenue)

- 1. Do you know where the surface inlets will be located and do the home owners know if an inlet will be on their property.
  - a. Mr. Parrott answered that not all homeowners know but when they sit down with home owners to obtain easements they will be informed.
  - b. Mr. Parrott also informed Karene Stuewe that there is not a planed surface inlet on her property.

Dale Stuewe – (636 Kim Avenue)

- 1. Is there a surface inlet on the west lot next to Mike Stuewe's?
  - a. Mr. Parrott responded, yes.

Craig Glander – (636 David Avenue)

- 1. The letter he received from the city lists his easement as temporary however according to Mac's statement tonight the easements are permanent. He will grant a temporary easement but not a permanent one. The 15 feet requested easement on his property is only because of a tree on his neighbor's property. He likes the tree but if the tree dies he will be stuck with a permanent easement on his land.
  - a. Mr. Parrott and Attorney Willemsen both responded that the easement going down the side of his property will be a temporary easement.

Gerald Stuewe – (641 Kim Avenue)

- 1. When the line was televised an illegal connection was found on his private property however no one knows where it starts from. He was previously informed that if the line could be hooked up to the new sewer line it would be.
  - a. Mr. Parrott responded temporarily. He wanted to make this clear that they will only be working with illegal lines that are discovered within the easements when putting in the sanitary sewer and storm sewer lines in backyards. If an illegal connection(s) is found on a residents private property then at a later date the city will work with that resident to properly remove the line(s) from the sanitary sewer.

Karene Stuewe – (636 Kim Avenue)

1. There have been problems at her home with the sanitary sewer and she was wondering if the new sewer project would for sure take care of the problem.
  - a. Mr. Parrott responded that what the project is meant to do is have the city take care of what they are responsible for. To replace the city lines in the easements with pipes that meet the codes of the MPCA (Minnesota Pollution Control Agency) for water tightness, for size of pipe, and for grade or flow into the pipe. Once the city has done their part then it will be up to the homeowner to go from the cities line up to their homes. He can not guarantee that it will take care of their sewer problem but it is a start.
  - b. City Clerk Gruenhagen added that this project is just the cities part of the solution to take care of the cities responsibility of the water mains. To give residents more of reinsurance all of the illegal connections need to be corrected. The city needs to take care of their part and the homeowners need to take care of their part for a better reinsurance that this will help take care of sewer backup in homes.
2. Karene Stuewe asked how the city was going to initiate the homeowner's responsibility.
  - a. City Clerk Gruenhagen responded that the city has adopted an ordinance and it will be up to the City Council to enforce the ordinance. There will need to be guidance from council as how they are going to go about the enforcement.

Councilmember Mueller requested Mr. Parrott to explain the reason why all the easements are in the backyards.

1. Mr. Parrott explained that most of the rain water and snow melt is going into defective sewer pipes. Most of this is caused by sump pumps that are pumping basement water into the sanitary sewer. The reason for the sanitary storm and sanitary sewer is a two part project is because they did not think that one could be done without the other. The new sanitary pipe will be water tight and the clean water will have no place to go but it will find another place to drain to. It could find a way into basements where it was never seen before.

Craig Glander – (641 Kim Avenue)

1. Can rain gutters be hooked up to the storm sewer line?
  - a. Mr. Parrott responded that they could be however they do not want a direct connection but would prefer a surface flow into it. The reason they prefer not having a direct hookup is because of all the leaves in the gutters going into the storm sewer lines. The city would then have to come back to clean the pipe out.

Dale Stuewe – (636 Kim Avenue)

1. If a home owner wants to put in a new line from the house to the cities new line will they be able to work with the contractor or what will be the procedure to do it at the same time when the hole is open.
  - a. Mr. Parrott responded that the home owner will probable be able to work with the contractor however most contractors can do main line piping within the easements but to do work on private property they have to have a plumbers license. Many of the contractors doing this type of work do not have a plumber's license. The home owner will have to hire a plumber of their choice, who has a plumber's license, to replace the line on their private property from the cities line to the home.

William Panning – (631 Kim Avenue)

1. Is his easement temporary or permanent?
  - a. Mr. Parrott responded that if it is an easement along the back lot line then it is permanent.
2. His wife has a big flower garden back there and he was wondering if she could plant flowers back there again.
  - a. City Clerk Gruenhagen answered that she could plant flowers, they are not a permanent structure. However if the city had to get back to the easement and dig in that area unfortunately some of the flowers may be lost.

- b. Mr. Parrott added that the city would try and notify residents before hand if they had to access the easements unless it would be an emergency. His company has a policy to notify residents before the project is started and there will be a Resident Representative available for residents to go to if they have an issue or question. There will be weekly letters handed out to residents on the construction progress and who to go to if there are any problems. If any resident will be out of town it would be good to have phone numbers or email address to get a hold of them.
3. Mr. Panning commented that there has been no mention of manholes. He was previously informed that the manhole on his property will be moved.
  - a. Mr. Parrott responded that the manhole on his property will be moved five to ten feet further west. It will be more on the property line then in his backyard.

Gerald Stuewe – (641 Kim Avenue)

1. He has a manhole on his property and wanted to know if it will be moved also.
  - a. Doug Parrott responded that the manhole will be moved northeast of his trees in the center of his yard but back by the lot line more in the easement area.
  - b. Councilmember Mueller added that the one in his yard now will be eliminated.

Doug Parrott informed the six attending home owners that it will be up to them on how fast this project will move forward. How soon the easements can be obtained will determine how the project will proceed.

William Panning – (631 Kim Avenue)

1. Will the manhole project and the storm sewer be done at the same time?
  - a. Mr. Parrott replied that the sanitary manholes will be done first, and then the home connections, then they will come back in and do the storm.
2. It will take about two months?
  - a. Mr. Parrott answered it could be but the equipment will not be running back and forth continually for those two months.

Councilmember Mueller commented that everybody is leery about the easements. He and Mr. Parrott walked the property lines several times trying to find the best way to install the new lines. It is going to be a tough project and the easier the residents make it the easier it will be for the contractor. The city never enforced the existing easements now there are sheds, flower gardens, gardens, and dog kennels within the easements. The city is trying not to disturb them unless they have to.

City Clerk Gruenhagen added the City Engineer and the City Council has exhausted every option for financing this project. They have looked at every option available for grant money or stimulus money. Currently the City of Hamburg is in line to receive a loan from the Minnesota Public Facility Authority at a low market rate of two and one half percent to three percent loan. This project should continue to move forward while the city is still on the PPL (Project Priority List) list. If this project is delayed there is a possibility of only being able to obtain a loan at higher interest rates.

1. Mr. Parrott added that the project right now is based on 5% interest rate.

***Councilmember Mueller moved to adjourn the Special Easement Meeting at 8:15 p.m. Councilmember Trebesch seconded and the motion unanimously carried. All council members were present.***

Submitted By;

Sue Block  
Deputy Clerk