

Inflow and Infiltration Private Sewer Service Grant Program Policy



City of Cloquet, Minnesota

Policy and Statement of Purpose

The City of Cloquet has existed as a city along the St. Louis River for more than 100 years and many of its residential neighborhoods and the utilities that serve them, including sanitary sewer services are also very old. Because of this age factor and because of the extreme of weather and geological stresses that sanitary sewer, including the private sewer services lines carrying sanitary sewage from individual structures to the City's sanitary sewer mains which are the responsibility of the individual Owners, has been subjected to significant and unusual stress, causing many partial failures of that system and admitting clear groundwater into that system, overloading its capacity and leading to overflows of untreated sanitary sewage entering the sewage collections system and ultimately Lake Superior.

The City has long recognized Lake Superior not only as a local asset to its commerce, its well-being and its quality of life but also as a national treasure which the City needs to protect and, to that end, the City has established a policy of striving to reduce or eliminate sources of pollution upon which it can have an impact and which could negatively impact Lake Superior, including those sanitary sewer overflows, while, to the extent possible, trying to avoid unduly burdening its citizens and utility rate payers.

Continuing investigation of the source of clear water inflow and infiltration into the City's sanitary sewer system has revealed that one of the major remaining sources of such inflow and infiltration are the privately owned and maintained sanitary sewers connecting private structures with the City's sewer mains and so, in conjunction with the Western Lake Superior Sanitary District, the City has determined to develop and implement a program to incentivize the repair, replacement or lining of as many of the private sanitary sewer service lines in the City as are contributing to the overloading of its sanitary sewer system by clear water and to provide financial assistance to its citizens to mitigate the financial impacts of this program on the individuals who will bear a portion of the costs of this necessary work.

For these reasons and pursuant to the authority granted to the City pursuant to Minnesota Statutes Section 471.342, the City does hereby establish the following Guidelines for the City's Private Sewer Service Grant Program (hereinafter referred to as the "Program").

I. Grant Program Concept

Pursuant to and subject to the process set forth below the City will determine whether properties are contributing clear, unpolluted water (hereinafter referred to as "I/I") to the City's sanitary sewer mains by virtue of a deteriorated or damaged private sewer service (that portion of the sewer system connecting a private structure with an adjacent City-owned and maintained sewer main (hereinafter referred to as a "Service")). Upon determination that a Service is contributing I/I to the City's sanitary sewer mains (hereinafter referred to as an "Identified Service"), the City will notify the property Owner of this condition and that the property Owner or Owners (hereinafter referred to as the "Owner") need to repair, replace or line their Service and will further notify them that, upon completion of such repair, replacement or lining in a satisfactory manner, the City may reimburse Owner, in the form of a grant, for Eighty (80%) percent of their cost of the work up to a maximum grant amount of \$4,000 except as

provided for below. The Owner will be responsible for properly applying for the grant and having all inspections of the Work done and for submitting all necessary documentation to the City in Order to be entitled to the reimbursement grant.

II. Identification of Properties Eligible for Grants

The Public Works Director will evaluate a minimum number of services annually agreed upon with WLSSD by closed circuit television (hereinafter referred to as "CCTV") of the City's mains to identify Identified Services. Video records of examinations will be retained by the Public Works Director until at least three years after notices are sent to Owners as provided for in Article III Section 1 below.

III. Notice to Owners

1.) At a time deemed appropriate by the Public Works Director after any Identified Service has been identified, the Public Works Director will cause a written "I/I Private Sewer Service Notice to Correct" (hereinafter referred to as the "Notice") to be sent to the Owner of the property served by the Identified Service by depositing the Notice in the U.S. Mail, registered mail, as herein after provided for. For the purposes of this notice, the Owner shall be deemed to be the person or persons identified as such on the information on file in the office of the Carlton County Recorder and the address of the Owner shall be deemed to be the address shown on such records.

2.) The Notice referred to in Article III Section 1 above shall include the following:

- a.) The name and address of the Owner.
- b.) The address of the property served by the Identified Service.
- c.) Notification that the Identified Service has been determined to be allowing I/I to enter the City's sanitary sewer mains and that the Identified Service must be repaired, replaced or relined (hereinafter referred to as the "Work").
- d.) Notification that the Work must be completed on or before a specified date, one (1) Year from the date of the Notice and setting forth the consequences of failure to complete the Work within the time specified.
- e.) Notification that the Owner is eligible for participation in the program to defray a portion of the cost of the Work.
- f.) Notification that the video recording which identifies the Owner's Identified Service is available for review upon arrangement with the Public Works Director and providing the name and telephone number of the person who the Owner should contact to make such arrangement.
- g.) Notification that the Owner may appeal the Notice to the Cloquet City Council (hereinafter referred to as "the Council") by submitting a written appeal to the Council at the address specified in the Notice within thirty (30) days of the date of the Notice as provided for in Article IV below.

IV. Appeals

Any Owner disputing the facts supporting the Notice may appeal from the Notice within thirty (30) days of the Notice as provided for in this Section. The appeal shall specify in writing all grounds for the appeal and all facts supporting the appeal. In addition, it shall be accompanied by an appeals fee of \$250 to reimburse the City for its costs of processing the appeal. Failure to file an appeal within thirty (30) days of the date of the notice or to accompany such appeal with the appeals fee, where required, shall constitute a waiver of the right to appeal the Notice.

1.) Grounds for Appeal

Valid grounds for appeal shall be those set forth below; the decision of the Council shall be final:

- a.) That the appealing Owner is not responsible for the subject Identified Service.
- b.) That the Identified Service is not contributing I/I to the City's sanitary sewer main.

c.) That the Identified Service is no longer contributing I/I to the City's sanitary sewer system due to removal of a direct connection thereto.

2.) Testing process under Section IV 1(b) above:

Any appellant appealing based on the grounds for appeal set forth in Section IV 1(b) above, shall, by the filing of his or her appeal, agree to proceed under the testing procedures set forth in Section 3 below and shall have paid the appropriate fee. The testing method shall be Lateral Air Test as provided for in Section 4 below.

3.) Appeals Process

The following procedure shall be followed where an appellant chooses the Testing Process specified in Section 2 above:

a.) Upon receipt of such an appeal, the Council shall cause a copy of said appeal to be sent to the Public Works Director.

b.) As soon thereafter as is reasonably practical, the Appellant shall hire a licensed plumber to conduct the lateral air test to be observed by the City Building Official.

c.) After completion of any testing procedure, the City staff person on site will attempt to contact the appellant to verify whether they still wish to continue their appeal.

d.) If the appeal is to be continued, a copy of the test results will be forwarded to the Council, an appeal date will be scheduled and notice of the date, time and place where the appeal will be heard will be mailed to the appellant at least ten (10) days prior to the date of the hearing.

e.) At the hearing Public Works shall present evidence supporting the City's determination and the Appellant may present such evidence as it is relevant to the grounds for his or her appeal. If the Council determines that the Identified Service is contributing I/I to the City's sanitary sewer system, the Owner's appeal shall be denied and the City may proceed with the process established by ordinance and these Guidelines; the Owner will remain eligible for a grant under this Program. If the Council determines that the Identified Service is not contributing I/I to the City's sanitary sewer system as defined herein, the City shall return the appeals fee, the Notice shall be withdrawn, the service in question shall no longer be deemed to be an Identified Service and Owner shall have no further obligation to repair, replace or reline the previously Identified Service unless and until subsequent testing of said lateral line reveals a change in the condition of such line.

4.) Lateral Air Test Requirements

a.) When an Appellant has filed an appeal and has requested that his or her lateral line be tested by means of a Lateral Air Test as authorized in Section 2(b) above the Appellant shall hire and pay for a plumber licensed as such by the State of Minnesota who has the professional skill, knowledge and equipment to perform such a test, the identity of which shall be subject to the approval of the Building Official. The Appellant shall arrange for the performance of the test by said plumber at a time and date acceptable to the Building Official.

b.) At the date and time established for the Test, the Appellant or other person acting on behalf of Appellant shall provide access to the structure served by the subject lateral line sufficient to allow the City's personnel to observe the conduct of the air test. If the appellant fails or refuses to make such access available to the City, such Appellant's appeal shall be deemed to be abandoned and the City may proceed to enforce the Notice originally provided.

c.) The Appellant shall cause an air test to be conducted on the subject lateral line in a manner complying with the requirements for such tests under the Minnesota State Plumbing Code. The entire lateral line from the point where such line commences under the foundation of the subject structure to the wye-connection to the City's main shall be tested.

d.) Upon completion of the air test process and prior to leaving the site (should the Owner not have chosen to watch the process), the City staff person observing the test will attempt to make contact

with the Appellant in person and inform them of the results of the process. If unable to contact the Owner in person, the staff person will either call the Owner or send a letter with the results.

e.) If as a result of the Lateral Air Test it is determined that the Appellant's Identified Service is not contributing I/I to the sanitary sewer system, Public Works will reimburse the Appellant for the reasonable cost of the Lateral Air Test upon presentation to Public Works of documentation of the cost thereof up to an amount of the appeals fee paid by Owner.

V. Grant Program

1.) Any Owner desiring to receive a grant under the Program to defray a portion of the cost of the Work shall, with the help of the City Staff, complete and execute an "Application for Private Sewer Service Grant Funds Form", which Form shall be developed for this purpose by the Public Works Director. Upon completion and execution of the Form by the Owner, the Owner shall cause the Form to be transmitted to the Public Works Director or designee for his or her approval.

2.) The above form shall contain at least the following information:

- a.) The name and address of the Owner.
- b.) The address of the property served by the Identified Service.
- c.) A description of the Work to be performed about the Identified Service.

3.) To be eligible for a grant under the Program, footing and foundation drains on the property served by the Identified Service shall have been previously disconnected from the City's sanitary sewer system and a sump pump shall have been installed if necessary or Owner shall commit to the completion of such disconnection and sump pump installation at the same time as the Work is performed. Provided, however, that such disconnection work and sump pump installation shall not be part of the Work under the Program and shall not be available for grant fund reimbursement under the Program.

4.) Upon receipt of the form complying with the requirements of the Program and subject to available funds for the Program, the Public Works Director may approve the Form and approve funding of a grant as herein provided for the Work on the Identified Service. Notice of such approval shall be sent to the Owner in the same manner as the Notice.

5.) Upon receipt of approval of grant funding for the Work from the Public Works Director, the Owner may thereafter contract for the construction of the Work.

6.) Upon completion of the Work in accordance with the requirements of Article VI below, the Owner, with the assistance of City Staff, will complete and execute a "Private Sewer Service Payment Form", which, together with such documentation as the Public Works Director shall reasonable require, shall be sent to the Public Works Director at the address specified on the Payment Form.

7.) Upon approval by the Public Works Director of the payment Form of the Work and of the required documentation, the Public Works Director will cause a disbursement of grant proceeds to be made to the Owner, subject to available funding and to the limitations of Section 8 below.

8.) The amount of the grant available under the Program with regard to the Work related to any single Identified Service shall be equal to eighty percent (80%) of the out-of-pocket costs to the Owner of constructing the Work as approved pursuant to Section 3 of this Article above, up to a maximum grant amount of Four Thousand Dollars (\$4,000).

9.) Only costs related to performance of the Work will be eligible for grant funds reimbursement.

VI. Performance of the Work

1.) The Owner shall be responsible for securing or for having secured by Owner's contractor all permits required under the Minnesota State Building Code and ancillary codes adopted by reference and any other required permits and for paying the costs thereof. The cost of such permits shall be the responsibility of the Owner but shall constitute an eligible cost of the Work for the purposes of the grant.

2.) The Owner shall be responsible for having the Work performed by a licensed contractor within the time parameters set forth in the order and for paying the contractor or contractors performing the Work for the costs thereof. The cost of performing the Work shall be the responsibility of the Owner but shall constitute an eligible cost of the Work for the purposes of the grant.

3.) The Owner has the option to perform the Work themselves under the following conditions:

a.) The property is an owner-occupied single-family home as allowed under Minnesota State Building Code.

b.) Documentation of eligible costs of the Work shall be itemized including all required equipment rentals, materials and permits. The owner shall not be eligible to claim labor charges for his or her own time.

c.) The Owner remains responsible for securing all required permits and inspections per Section VI 4) below.

4.) The Owner and his or her contractor shall be responsible for securing and having performed all inspections necessary to insure that the Work has been performed in accordance with the requirements of the Notice, of the plans for the work and in conformance with the Minnesota State Building Code and ancillary codes adopted by reference. The cost of such inspections shall be the responsibility of the Owner but shall constitute an eligible cost of the Work for the purposes of the grant. **Failure to secure and have performed all such inspections shall be grounds for denying reimbursement under the Program.** In addition, the costs, if any, incurred to inspect any work which is covered or obscured prior to the performance of any required inspection shall not be eligible for reimbursement under the Program.

VII. Failure to Complete Work-Surcharge.

1.) If any Owner fails to complete the Work within one (1) year of transmission of the Notice as provided for in Article III Section 1 above, a surcharge for noncompliance as provided for in City Ordinance Section 11.6.02 Subd 1 shall be imposed on the Owner as provided for therein.

2.) Notwithstanding the provisions of Section 1 above, the Public Works Director in the exercise of his or her discretion, upon a finding of special circumstances or good cause not attributable to the Owner, may authorize an extension of time to perform the Work; provided that the written findings of fact setting forth the nature and character of the applicable special conditions or good cause shall be prepared and kept on file in the office of the Public Works Director for so long as the Work has not been performed and the extension is in effect.

VIII. Voluntary Participation

1.) Any Owner that believes that their Service is contributing I/I to the City's sanitary sewer system who wishes to participate in the program and is willing pay any unreimbursed costs and to otherwise abide by the terms of the Program may prepare and execute a "Application for Private Sewer Service Grant Funds Form" per Article V Grant Program above.

2.) Application for grant funds signifies the Owner's agreement to participate in the program and to be bound by the terms thereof, including agreement that Program grant funds will only be available if the subject Service is found to be contributing I/I to the City's sanitary sewer system and that Owner's ability to participate in the Program will be subject to the approval of the Public Works Director.

3.) Upon receipt of a Voluntary Application, the Public Works Director may cause the subject Service to be evaluated in the manner provided for in Article II above, subject to his or her determination of allocation of available evaluation resources. Such evaluation shall be made by the City at no cost to the Owner except as provided for in Section 4 below.

4.) Upon a determination by the Public Works Director that the subject Service is contributing I/I to the City's sanitary sewer system or that the service has documented structural failure or a documented history of backups , subject to available resources on a first come first serve basis, the Public Works Director may designate the subject Service to be an Identified Service and upon such designation, said Service and the Owner thereof shall be subject to the terms and condition of this Policy

5.) Voluntary participants are subject to the terms detailed in sections V. Grant Program, VI. Performance of Work and, VII Failure to Complete Work-Surcharge

Adopted by the City Council of the City of Cloquet on this 4th day of August 2020.

Roger Maki, Mayor

ATTEST:

Tim Peterson, City Administrator

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APPLICATION FOR CITY OF CLOQUET
PRIVATE SEWER SERVICE PROJECT GRANT FUNDS

Property Address:

Owner Name(s):

County Parcel No.:

(I)(We)The undersigned _____ owner(s) of the property at:
_____ Phone Number _____

hereby apply for Private Sewer Service Funds of up to 80% of completed project not to exceed \$4,000 to pay for
a portion of the cost of making the following described alterations, repairs, or improvements at the above
described address: (Circle One)

REPLACEMENT OR LINING OF PRIVATE SEWER SERVICE LINE

(I)(We) understand that the requested funds will be disbursed on a reimbursement basis only upon
satisfactory completion of the above described work and after all required city permits/inspections have
been made and a disclaimer is signed by me as property owner. Upon proof of payment the City will reimburse
up to 80% of the total cost not to exceed \$4000.00 for the replacment or lining of the private sewer service line.

(I)(We) further understand that the City will need access to inspect the above described alterations
or repairs, or any other portion of the sanitary sewer system impacted during the period of the Private
Sewer Service Project. (I)(We) further understand that the City may require further access, from time
to time, to inspect the improvements constructed under the Program. Therefore, (I) (We) hereby agree to
permit such access at reasonable times upon notice by the City.

(I)(We) further understand that it is (my)(our) responsibility to obtain any required permits and/or inspections
and final approval by the appropriate City Staff prior to the release of the grant funds.

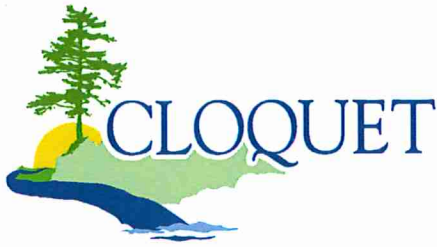
(I)(We) further understand that failure to complete the approved improvements within one (1) year of
transmission of the Notice of Grant Approval will result in a surcharge for I/I noncompliance added to (my)(our)
utility bill unless a written extension is granted by the Public Works Director for good cause not attributable to
the owner.

(Signature of Applicant)

Date: _____

Approved by City of Cloquet:

Date: _____



DEPARTMENT OF PUBLIC WORKS

101 14th Street; Cloquet, MN 55720
Phone: (218) 879-6758 Fax: (218) 879-6555
Street - Water - Sewer – Engineering - Park
www.cloquetmn.gov

Insert Date

INSERT NAME
XXX 10th Street
CLOQUET MN 55720

Dear *Insert Owner Name*:

RE: *XXX 10th Street I/I Grant Application*

Your *Application for City of Cloquet I/I Reduction Program Grant Funds* has been approved.

Please contact my office when the project has been completed and the attached Payment Form is fully executed along with all required documentation. Payments will only be made when all work is completed, all required inspections have certified the work meets current code and proof of contractor payment is provided.

Once the completed Payment Approval Form and supporting documentation have been approved the I/I Grant Funds will be released to you for the specified work, not to exceed \$4,000. Please note processing release of grant funds may take up to 4 weeks before payment is made.

You are responsible for verifying that the project has been completed to your satisfaction. The City makes no warranties for work completed by your private contractor.

If you have any questions or concerns, please do not hesitate to contact me.

Thank you,

Caleb Peterson

Caleb Peterson
Public Works Director
218-879-6758

Enc: Private Sewer Service Payment Form



DEPARTMENT OF PUBLIC WORKS

101 14th Street; Cloquet, MN 55720
Phone: (218) 879-6758 Fax: (218) 879-6555
Street - Water - Sewer – Engineering - Park
www.cloquetmn.gov

Notice to Correct
THE BUILDING AT:

Insert Address
Owner Name: *Insert Name*
PID #:xxx-xxx-xxxx

I *Insert Staff Name* a qualified inspector with the City of Cloquet, inspected the building on the above described property. At the time of this inspection, I observed that this building was contributing clear water from the private sanitary sewer service to the City's Sanitary Sewer System and therefore was not in compliance with Section 11.4.07 of Cloquet City Code.

Pursuant to Section 11.4.09 of the Cloquet City Code:
This is official notification to repair, replace or reline the private sanitary sewer system within one (1) year of this notice. Failure to comply within 1 year will result in an additional monthly surcharge to the sewer utility bill for the above property until such time as the correction is completed.

Owners who comply with all program requirements are eligible to receive a grant for eighty (80%) percent up to a maximum amount of \$4,000 towards required repairs. More information regarding the grant application and program requirements can be found in the attached "Private Sewer Service Grant Program Policy."

The video recording which was used to identify a clear water contribution from your property at *insert address* is available for review by contacting City Hall at (218)879-6758.

Building owners may appeal this notice to the Cloquet City Council by submitting a written appeal withing thirty (30) days of the date of this notice in accordance with the attached policy.

Insert Signature

City of Cloquet

Date *Insert Date*



PRIVATE SEWER SERVICE GRANT FUNDS
PAYMENT APPROVAL

NAME: _____

ADDRESS: _____

TYPE OF WORK: REPLACE OR LINE PRIVATE SEWER SERVICE _____

TOTAL ELIGIBLE COSTS: \$ _____

CONTRACTOR _____

Required Documentation Attached: (check all that apply)

Certificate of I/I Compliance (Sump Pump & Foundation Drain Connections).

Copies of all Invoices and/or Receipts for eligible costs.

Contractor Certification of Payment (Below)

OWNER DISCLAIMER

I X _____ Grant recipient in the Private Sewer Service program to improve the premises located at: _____

in the City of Cloquet, hereby certify that all equipment, materials and/or services described in the Application for said project grant have been delivered, installed and performed in accordance with the terms of said grant application. I accept that any costs for future improvements and maintenance are my responsibility upon the completion of the work project.

X _____
(Signature of Applicant)

DATE: _____

CONTRACTOR DISCLAIMER

I X _____ Contractor for the Private Sewer Service program to improve the premises located at: _____

in the City of Cloquet, hereby acknowledge upon receipt of the sum of \$ _____, documented in the attached invoice(s), this amount is full and final payment for all labor, skill and material furnished or to be furnished to the above described real property. I further waive all rights to seek additional compensation, or record a mechanic's lean against any real property of the City of Cloquet for the amount paid.

X _____
(Signature of Contractor)

DATE: _____

For City of Cloquet Staff Only

BUILDING OFFICIAL CERTIFICATION

I Matt Munter Building Official for the City of Cloquet hereby certify that all required building inspections associated with the Private Sewer Grant Program to improve the premises located at _____ have been completed and found in compliance with Minnesota Building Code.

X _____
(Signature of Building Official)

DATE: _____

STREET DEPARTMENT CERTIFICATION (if required)

On behalf of the City of Cloquet Public Works Department, I hereby certify that all excavations of City owned ROW associated with the Private Sewer Grant Program to improve the premises located at _____ have been restored and found in compliance City Standards.

X _____
(Signature of Inspector)

DATE: _____

RECOMMENDATION FOR RELEASE OF FUNDS

I Caleb Peterson Public Works Director for the City of Cloquet have reviewed this Application for Payment and found it to be in compliance with City Policy. I am hereby recommend payment be released to the owner in the amount of \$ _____

X _____
(Signature of Public Works Director)

DATE: _____