



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**August 13, 2020**

**Department** Utilities

**Director Approval** Terence Lybarger

**AGENDA ITEM** Consider authorizing City staff to bid out connection to the sanitary sewer main in the 300 block of Westminster and assess the cost back to the property owners.

**SUMMARY RECOMMENDATION** Approve City staff to bid sewer connections.

**BACKGROUND** In 2012 the City was made aware of an issue with the private sewer line in the 300 block of Westminster Place, former City Manager Micky Webb and Utilities Director Terry Lybarger met with all of the property owners and came to an agreement that if the City installed a new sewer main in the alley behind the affected properties the property owners would connect to the new main line at their own expense. The City installed the new sewer main line in 2013 and since that time 3 of the 9 properties have connected. On February 6, 2020 the City sent letters to the property owners advising them that they needed to connect by April 1, 2020. With the pandemic occurring, on May 11, 2020 another letter was sent extending the deadline to August 1, 2020. There have been no new connections as of August 10, 2020. If the Commission approves bidding this work out, we will send a follow up letter advising the property owners that the City is taking action to connect their property to the City's sanitary sewer system and that the cost will be assessed to their property. If the property owners will complete a Sewer Assistance Application, a portion of the costs could be provided as a grant. Another option would be to assess the balance of the costs over a ten-year period.

**BUDGET IMPACT** We will not know the budget impact until the project is bid, which would be funded from the water/sewer fund which would be reimbursed if the assessments are paid.

**SUGGESTED MOTION** I move to authorize City staff to bid out connection to the sanitary sewer main in the 300 block of Westminster Place and assess the cost back to the property owners.

**SUPPORTING DOCUMENTS**

1. Copies of Letters sent on February 6, 2020
2. Sample of Letter sent May 11, 2020 extending the deadline to August 1, 2020 (was sent to all property owners).
3. Proposed letter to be sent advising the property owners the City will be taking action to connect their property to the City's sanitary sewer system.



Director of Utilities  
811 w. Laurel Street  
Independence, KS 67301

February 6, 2020

Re: Disconnect/Environmental Order for properties located at 304, 308, 312 and 320 Westminster Street

Dear Property Owner:

In approximately 2012, property owners on Westminster contacted the City regarding a private tile sewer line that was installed in approximately 1907 that was starting to fail. The private line is located on private property and is the responsibility of the property owners to maintain. You are one of these property owners.

In 2012, City Manager Micky Webb and I met with the property owners and reached an agreement whereby the owners would pay for the connections on their private property, if the City installed a new sanitary sewer main. In 2013, the City completed installation of a 500' sanitary sewer main in the alley north of Westminster Place, from North 5th Street east to North 4th Street. The sewer main installation included taps and risers for each property. It is our understanding that your property has not yet been connected to the new sanitary sewer main.

The private sewer line has now deteriorated to the point of leaking raw sewage and creating inflow and infiltration and must be disconnected from the City's sanitary sewer system. Therefore, you must take action to properly connect your residential sanitary sewer line to the City's main sewer line located in the alley behind your property by April 1, 2020 or be in violation of City Code Section 106-137. - Failure to Comply.

To comply you must contract with a plumber licensed in the City of Independence to perform this work. All work must comply with the City's plumbing code; a permit to work in the right-of-way must be obtained prior to work being performed; and all work must be inspected and approved by the City. A copy of the right-of-way permit is enclosed. If you have any questions on the permit or inspection, please contact David Cowan at [DavidC@IndependenceKs.gov](mailto:DavidC@IndependenceKs.gov) or 620-332-2528.

It is the City's desire to work with you to ensure your property is properly connected to the City's sanitary sewer system. We encourage you to consider applying for the enclosed sewer reimbursement program to assist you in funding a portion of the cost. If you have questions about this program, please contact Lacey Lies at [LaceyL@IndependenceKs.gov](mailto:LaceyL@IndependenceKs.gov) or 620-332-2505.

If you have any questions regarding connection to the sewer main line, please contact me at [TerryL@IndependenceKs.gov](mailto:TerryL@IndependenceKs.gov) or 620-332-2542. Thank you for your cooperation in this matter.

Sincerely,

Terry Lybarger, Director of Utilities

**Director of Utilities  
811 w. Laurel Street  
Independence, KS 67301**

Sec. 106-137. - Failure to comply.

If any person who is required to connect to a sanitary sewer under this division shall fail, neglect or refuse to so connect any building with the water and sewer system for more than ten days after being notified in writing by the city, the city may cause such building to be connected with the sewer system, or may advertise for bids for the construction and making of such sewer connection and may contract therefore with the lowest responsible bidder and cause such premises to be connected with the water and sewer system and the costs and expenses thereof shall be assessed against the property and premises so connected, such assessment to be made in the same manner as other special assessments are made. All such sewer connections as ordered by the city in accordance with the provisions of this section shall be in full compliance with the requirements of the provisions of the plumbing code of the city.



Director of Utilities  
811 w. Laurel Street  
Independence, KS 67301

February 6, 2020

Re: Disconnect/Environmental Order for property located at 316 Westminster Street

Dear Property Owner:

In approximately 2012, property owners on Westminster contacted the City regarding a private tile sewer line that was installed in approximately 1907 that was starting to fail. The private line is located on private property and is the responsibility of the property owners to maintain. You are one of these property owners.

In 2012, City Manager Micky Webb and I met with the property owners and reached an agreement whereby the owners would pay for the connections on their private property, if the City installed a new sanitary sewer main. In 2013, the City completed installation of a 500' sanitary sewer main in the alley north of Westminster Place, from North 5th Street east to North 4th Street. The sewer main installation included taps and risers for each property. It is our understanding that your property has not yet been connected to the new sanitary sewer main.

The private sewer line has now deteriorated to the point of leaking raw sewage and creating inflow and infiltration and must be disconnected from the City's sanitary sewer system. Therefore, you must take action to properly connect your residential sanitary sewer line to the City's main sewer line located in the alley behind your property by April 1, 2020 or be in violation of City Code Section 106-137. - Failure to Comply.

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Director of Utilities  
811 w. Laurel Street  
Independence, KS 67301

February 6, 2020

Re: Disconnect/Environmental Order for property located at 324 Westminster Street

Dear Property Owner:

In approximately 2012, property owners on Westminster contacted the City regarding a private tile sewer line that was installed in approximately 1907 that was starting to fail. The private line is located on private property and is the responsibility of the property owners to maintain. You are one of these property owners.

In 2012, City Manager Micky Webb and I met with the property owners and reached an agreement whereby the owners would pay for the connections on their private property, if the City installed a new sanitary sewer main. In 2013, the City completed installation of a 500' sanitary sewer main in the alley north of Westminster Place, from North 5th Street east to North 4th Street. The sewer main installation included taps and risers for each property. It is our understanding that your property has not yet been connected to the new sanitary sewer main.

The private sewer line has now deteriorated to the point of leaking raw sewage and creating inflow and infiltration and must be disconnected from the City's sanitary sewer system. Therefore, you must take action to properly connect your residential sanitary sewer line to the City's main sewer line located in the alley behind your property by April 1, 2020 or be in violation of City Code Section 106-137. - Failure to Comply.

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If you have any questions regarding connection to the sewer main line, please contact me at [TerryL@IndependenceKs.gov](mailto:TerryL@IndependenceKs.gov) or 620-332-2542. Thank you for your cooperation in this matter.

Sincerely,

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811 W. Laurel Street  
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Director of Utilities  
811 w. Laurel Street  
Independence, KS 67301

May 11, 2020

Re: Disconnect/Environmental Order for property located at 316 Westminster Street

Dear Property Owner:

You were sent a letter in January of this year concerning a private tile sewer line that you are currently hooked up to for your sanitary sewer service. The original date to comply has been extended due to the Covid-19 pandemic. The private sewer line has now deteriorated to the point of leaking raw sewage and creating inflow and infiltration and must be disconnected from the City's sanitary sewer system. Therefore, you must take action to properly connect your residential sanitary sewer line to the City's main sewer line located in the alley behind your property by August 1, 2020 or be in violation of City Code Section 106-137. - Failure to Comply.

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If any person who is required to connect to a sanitary sewer under this division shall fail, neglect or refuse to so connect any building with the water and sewer system for more than ten days after being notified in writing by the city, the city may cause such building to be connected with the sewer system, or may advertise for bids for the construction and making of such sewer connection and may contract therefore with the lowest responsible bidder and cause such premises to be connected with the water and sewer system and the costs and expenses thereof shall be assessed against the property and premises so connected, such assessment to be made in the same manner as other special assessments are made. All such sewer connections as ordered by the city in accordance with the provisions of this section shall be in full compliance with the requirements of the provisions of the plumbing code of the city.

To comply you must contract with a plumber licensed in the City of Independence to perform this work. All work must comply with the City's plumbing code; a permit to work in the right-of-way must be obtained prior to work being performed; and all work must be inspected and approved by the City. A copy of the right-of-way permit is enclosed. If you have any questions on the permit or inspection, please contact David Cowan at [DavidC@IndependenceKs.gov](mailto:DavidC@IndependenceKs.gov) or 620-332-2528.

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Sincerely,

Terry Lybarger, Director of Utilities

**STRATEGIC VISION:** *Customer Service Excellence – Continuous Improvement – Teamwork*



**Director of Utilities**  
**811 w. Laurel Street**  
**Independence, KS 67301**

August 14, 2020

Re: Disconnect/Environmental Order for property located at \_\_\_\_\_ Westminster Street

Dear Property Owner:

Our records indicate that you have not started work to connect your property to the City's sanitary sewer main by August 1, 2020 as indicated in the letters sent to you on February 6 and May 11, 2020. This letter is to notify you that you are in violation of City Code 106-137. Failure to comply:

Sec. 106-137. - Failure to comply.

If any person who is required to connect to a sanitary sewer under this division shall fail, neglect or refuse to so connect any building with the water and sewer system for more than ten days after being notified in writing by the city, the city may cause such building to be connected with the sewer system, or may advertise for bids for the construction and making of such sewer connection and may contract therefore with the lowest responsible bidder and cause such premises to be connected with the water and sewer system and the costs and expenses thereof shall be assessed against the property and premises so connected, such assessment to be made in the same manner as other special assessments are made. All such sewer connections as ordered by the city in accordance with the provisions of this section shall be in full compliance with the requirements of the provisions of the plumbing code of the city.

This letter is to further notify you that the City will be taking action to connect your property to the City's sanitary sewer system and that cost will be assessed to your property. Please further note Section 106.75. – Penalties (3) authorizes the termination of sanitary sewer and/or water service in the following circumstances:

- a. Refusal of the owner or occupant to allow access and entry pursuant to Sec. 106-70; or
- b. Failure of the owner or occupant to timely comply with either a disconnect order or an environmental order; or
- c. Violation of any city, state or federal law, regulation or ordinance relating to sanitary sewer systems by the owner or occupant; or
- d. Violation of any city, state or federal law, regulation or ordinance relating to sanitary sewer systems by the owner or occupant which constitutes an immediate public health risk of such magnitude as to require emergency action as determined by the city employee.

If you have any questions, please email me at [TerryL@IndependenceKs.gov](mailto:TerryL@IndependenceKs.gov) or contact me at 620-332-2542.

Sincerely,

Terry Lybarger, Director of Utilities