

## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	3/21/2017	<b>In control:</b>	City Council
<b>On agenda:</b>	4/4/2017	<b>Final action:</b>	4/4/2017
<b>Title:</b>	Resolution approving a Memorandum of Understanding (MOU) between the City of Littleton and Littleton/Englewood Wastewater Treatment Plant defining sanitary sewer interceptor ownership		
<b>Sponsors:</b>			
<b>Indexes:</b>			
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<b>Attachments:</b>	1. Resolution 08-2017, 2. Memorandum of Understanding, 3. Exhibit A Map Defining Interceptor Ownership		

Date	Ver.	Action By	Action	Result
4/4/2017	1	City Council	approved	Pass

Agenda Date: 4/4/2017

**Subject:**

Resolution approving a Memorandum of Understanding (MOU) between the City of Littleton and Littleton/Englewood Wastewater Treatment Plant defining sanitary sewer interceptor ownership

Presented By: Mark Relph, Public Works and Utilities Director

**POLICY QUESTION:**

Does city council support defining the ownership and maintenance of the sanitary sewer interceptor pipe, upstream from the Littleton/Englewood Wastewater Treatment Plant (LEWWTP), as being the City of Littleton's property and responsibility?

**BACKGROUND:**

When the interceptor was built in the 1970's, a section of this pipe from the siphon under Little Dry Creek to the LEWWTP was never formally owned or expressly defined as maintained by any entity. This pipe is now in need of repair. A small section of this 66" interceptor pipe just north of the City of Littleton's siphon (see fig. 1) collapsed in January, 2016 and emergency repair was completed by the City of Littleton.

Staff prepared the design and construction plans for the permanent repair north of the city's siphon to a designated manhole just inside the LEWWTP per the proposed MOU. Ownership and maintenance responsibility for this pipe should be formalized. The construction contract for the repair has been prepared and is pending approval of the MOU before the contractor is given a formal "Notice to Proceed." At that point the contract is executed and the city incurs the cost of repairs.

Fig. 1



### STAFF ANALYSIS:

City and LEWWTP staff researched the ownership and maintenance of this section of the interceptor and found very limited documentation. Staff did find a series of construction drawings from 1976 that indicate the City of Littleton owns the interceptor from the siphon to at least the north side of the Dartmouth Avenue right-of-way; however, these are just reference notes and not the type of formal declaration staff had hoped to find.

The city has ownership of the interceptor upstream (south) of this section, including the siphon. Once inside the plant, all of the interceptors, including this section, are the ownership of the LEWWTP. The City of Englewood owns a separate sanitary sewer interceptor that conveys flows to the plant. The separate interceptors do not combine until downstream of this section and within the LEWWTP.

### OPTIONS/ALTERNATIVES:

The most likely owners of the interceptor are the City of Littleton, the City of Englewood, or both through the LEWWTP. Following are alternatives to this ownership question:

1. Option 1- Do Nothing: The city allows the interceptor to remain with an unclaimed ownership. The interceptor is in need of repair as evidenced by the January 2016 partial collapse. In the event of another collapse the two cities would have to dispute the ownership and responsibilities while emergency repairs are made.
2. Option 2- City of Littleton ownership: The City of Littleton accepts ownership of this section of the interceptor and all responsibilities for immediate repairs and future maintenance.
3. Option 3- Joint ownership through the LEWWTP.

Following is a brief opinion of each option:

1. Option 1- Do Nothing: It is likely that the City of Littleton would ultimately have ownership of this line. Any cost associated with an emergency repair would likely be higher. In addition, this section of interceptor crosses Dartmouth Avenue. A collapse of this street section would only complicate the repair and raise the liability.
2. Option 2- City of Littleton Ownership: With the City of Littleton owning the upstream pipes and a part of the joint ownership of the downstream interceptor, it appears that the ownership would belong with

the City of Littleton. The City of Englewood's interceptors do not contribute flow into the interceptor pipes in question. Englewood owns separate lines that convey wastewater flows to the plant.

3. Option 3- Joint ownership through the LEWWTP. With the plant immediately adjacent, it is possible that the joint entity could take ownership of the interceptor. The city of Englewood would have to accept a portion of the cost. For the reasons stated in Option 2 it is unlikely that the City of Englewood would accept any portion of this interceptor.

**FISCAL IMPACTS:**

This section of pipe will require rehabilitation soon and regular maintenance in the future. This rehabilitation will cost approximately \$495,000. Funds for this specific repair have been appropriated in the 2017 Sewer Fund.

**STAFF RECOMMENDATION:**

Staff recommends the city proceed with Option 2 and execute the proposed MOU.

**PROPOSED MOTION:**

I move to approve the resolution approving a Memorandum of Understanding between the City of Littleton and the Littleton/Englewood Wastewater Treatment Plant defining interceptor ownership and clarifying the maintenance responsibilities of the 66" interceptor pipe.