



CITY HALL 109 NORTH MAIN STREET · HARTFORD, WI 53027

**AGENDA**  
**CITY OF HARTFORD UTILITY COMMITTEE**  
**CITY HALL COUNCIL CHAMBERS**

Monday, June 18, 2018

**6:00 pm**

This is a special meeting of the Utility Committee of the City of Hartford. Prior to this meeting, notice was given to the public by posting an agenda on the City Office Meeting Board, Library Bulletin Board, and Police Bulletin Board. In addition, the Daily News (the official City newspaper) was given notice of this meeting and an agenda was placed in their City Office mailbox at least 24 hours ago.

- 1) Call to Order
- 2) Public Comment Period
- 3) Update on electric service interruptions and water main breaks
- 4) Update on High Street water tower project
- 5) Discussion and consideration of amending Chapter 24 of the Hartford Municipal Code to include lead service line replacements (Executive Summary attached)
- 6) Adjournment

“Persons with disabilities requiring special accommodations for attendance at the meeting should contact the City Clerk at least one (1) business day prior to the meeting.”

“Members of the Common Council may attend the above meeting. Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W.2d 408 (1993) such attendance may be considered a meeting of the Common Council. This notice is given so that members of the Common Council may attend the meeting without violating the open meeting law.”

## EXECUTIVE SUMMARY

**TITLE:** Amend Chapter 24 of the Hartford Municipal Code to include Lead Service Line Replacements

**BACKGROUND:** Lead water service lines pose a threat to the public health based on the potential for leeching of lead into drinking water. New national research on lead in drinking water has raised concerns within the Department of Natural Resources (DNR) regarding the potential for increased lead levels when partial lead service line replacements occur. The DNR is advising that municipalities replace lead service lines in their entirety as the disturbance of the lead service line, particularly partial lead service line replacements, have been shown to increase lead levels in drinking water.

Standard procedure during water main construction projects is to replace all Utility-owned laterals with a copper lateral. If the privately-owned lateral is made of lead, replacement is strongly recommended; however, it is not required.

As a way to eliminate partial lead service replacements and to help our customers replace their lead service lines, a lead service line replacement program is being proposed. The program includes an ordinance, requiring the replacement of all lead services within our service territory. Also found within the ordinance is a method to identify if their existing service line is made of lead, a schedule as to when lead service line replacement would be required and a method to provide financial assistance either through a special assessment or a loan program.

**FISCAL IMPACT:** When privately-owned lead service lines are replaced during water main replacement projects, the City will assess the entire cost of the replacement to the property owner. Repayment of the assessed amount will be paid by either immediate payment, having the total cost applied to the property owner's tax bill or the property owner may enter into a payment plan with repayment of the assessment over a period of five years or less.


For lead water service lines replaced voluntarily, outside of water main replacement projects, the City may allocate general fund balance funds for the provision of financial assistance in the form of a loan to property owners. The property owner would enter into a loan agreement with repayments paid in annual installments, with the installments being placed on the tax roll as a special charge. The interest rate for the loan would be set at the prime interest rate plus one percent (1%) and is subject to change as deemed necessary by the Utility Committee.


**RECOMMENDATION:** Staff recommends that the Common Council approve the proposed amendment to Chapter 24 of the Hartford Municipal Code.

**PREPARED BY:**

  
BRIAN RHODES  
UTILITY DIRECTOR

6-15-18  
DATE

**REVIEWED BY:**  6/15/18  
DAWN TIMM DATE  
FINANCE DIRECTOR

**REVIEWED BY:**  6-15-18  
JASON SCHALL DATE  
CITY ENGINEER

**REVIEWED BY:** \_\_\_\_\_  
IAN PRUST DATE  
CITY ATTORNEY

**APPROVED BY:** \_\_\_\_\_  
STEVE VOLKERT DATE  
CITY ADMINISTRATOR

**24.025 LEAD SERVICE LINE REPLACEMENT.** (1) Purpose. Lead service lines have the potential to leach lead into drinking water. Disturbing or reconnecting to an existing lead service line may increase lead levels in drinking water. Elevated lead levels in drinking water have been determined to cause health problems in young children, pregnant women and their unborn children, and are also potentially harmful to adults. The Common Council therefore finds it in the public interest to establish a comprehensive program for removing and replacing all lead service lines within and connected to the Water Utility water distribution system.

(2) Authority. This ordinance is enacted pursuant to Section 62.11 (5), Wis. Stats.

(3) Definitions. This ordinance shall be interpreted so that the intent and purpose described may be accomplished. Words and phrases shall be understood according to common meanings unless the contrary is clearly indicated. Definitions of terms used in this Section are listed below:

- a. **Customer-side service line.** The Property Owner's water service line, from the outlet of the curb stop to the inlet of the customer's water meter.
- b. **Distribution System.** The network of water pipes, hydrants, valves and appurtenances including mains and service lines, owned and operated by the Water Utility.
- c. **Lead Services Line or LSL.** A water line constructed of lead. The term includes the customer-side service line and/or the Utility-side service line.
- d. **Property.** Real property as defined in Wisconsin State Statute 70.03.
- e. **Property Owner.** A person or legal entity having a possessory interest, legal or equitable, in property, which defined term includes an estate, trust or lien.
- f. **Plumbing Contractor.** A person, firm, corporation or other entity licensed by the State of Wisconsin to perform plumbing work in the City.
- g. **Utility-side service line.** The Utility-owned portion of the water service line from the water main to the outlet of the curb stop, including the curb stop, but not the outlet joint of the curb stop.

(4) Lead Service Line Replacement Requirement.

- a. As provided in this ordinance, all existing lead service lines connected to the distribution system shall be replaced with water service lines constructed of materials approved by the Building Inspector.
- b. Where both the customer-side and Utility-side service lines are constructed of lead, the replacement of both service lines shall be completed under a schedule established by the Utility.
- c. Where only the customer-side service line is constructed of lead, the replacement of the customer-side LSL shall be completed under a schedule established by the Utility.
- d. As of the effective date of this ordinance, no person, other than a Utility employee or agent, may connect a customer-side LSL to a non-lead Utility-side service line, except as a temporary emergency repair.

(5) Identification of Lead Service Lines

- a. Upon notice from the Utility, any persons or entity who owns, manages or otherwise exercises control over a property connected to the distribution system shall allow the Utility to inspect the customer-side service line to determine the material of construction as authorized by Wisconsin State Statute 196.171.
- b. The Utility shall create and maintain a record of the location of all identified lead service lines in the City.

(6) Customer-side LSL Replacements Done in Conjunction with Utility-side LSL Replacements.

- a. Prior to scheduling the replacement of Utility-side service lines, the Utility Director or the Director's designee, shall inspect all affected customer-side service lines for the presence of lead. In the event that the Property Owner fails to provide access to the interior of any improvement to accomplish such inspection, the Utility Director shall take such steps necessary to make the determination, and shall collect the cost therefore from the Property Owner, including by imposition of a special charge.
- b. If the customer-side service line is found to be constructed of lead, the Property Owner will be notified in writing of that fact, along with notification that the Property Owner must replace the customer-side service line or the City will replace the customer-side service line as part of the project.
- c. For any project involving the replacement of Utility-side service lines, the City shall request unit bid prices for the calculation of the cost of the replacement of customer-side LSLs.
- d. In the event that the Property Owner elects to replace the customer-side LSL, the replacement must be completed by the Property Owner prior to the time the Utility-side service line is replaced.
- e. For any customer-side LSL replacement not completed prior to the time the Utility-side service line is replaced, the City shall proceed with the replacement of the customer-side LSL and shall assess the entire cost of the replacement to the Property Owner. Repayment of the amount so assessed may be made by immediate payment, application of the total cost onto the Property Owner's property tax bill, or by the Property Owner entering into a payment plan following standard City policies for the repayment of the assessment over a period of five years or less.

(7) Loan Program for Customer-Side LSL Replacements

- a. The City may allocate general fund balance funds for the provision of financial assistance in the form of loans to Property Owners looking to perform Customer-side LSL replacements. In accordance with Wisconsin State Statute 66.0627, the Utility shall require that an eligible Property Owner enter into a loan agreement, which provides that loan repayments be paid in annual installments, with installment payments being placed on the tax roll as a special charge. Interest rates for loans shall be established by the Utility Committee. The total amount of loans provided as financial assistance by the City may not exceed the actual cost of replacement of the customer-side LSL. Loans provided to

customers cannot be forgiven by the City. The current interest rate for customer-side LSL replacements is set at the prime interest rate plus one percent (1%).

- b. Loans granted to eligible Property Owners shall be in accordance with the following priority:
  1. For Properties with leaking or failed customer-side or Utility side service lines
  2. For Properties where the Water Utility is replacing the Utility-side service line, on either a planned or emergency basis.
  3. For Properties where the Utility Director has determined that replacing a customer-side service line is in the best interest of health or safety.
  4. For Properties with licensed child care facilities and schools.
  5. For Properties where children under the age of seven (7) or pregnant women reside.
  6. For all remaining Properties with customer-side LSLs.
- c. A Property Owner is eligible for loan assistance for the purpose of replacing the customer-side LSL if the Property Owner satisfies all of the following criteria:
  1. The Property Owner alone, or collectively with others, owns the entire fee simple title to the Property served by a customer-side LSL.
  2. The Property Owner's customer-side LSL is either attached to a Utility-side service line that is not a LSL, or a Utility-Side LSL scheduled for replacement and for which the Property Owner has been notified by the Utility of such scheduled replacement.
  3. The Property Owner of subparagraph a, above, agrees to have the work done by a Utility-approved Plumbing Contractor and in compliance with this ordinance.
  4. The Property Owner of subparagraph a, above, executes a temporary right of entry and construction easement authorizing the Utility access to the dwelling as needed.
- d. Written applications for loan assistance shall include the following:
  1. A completed application on a form furnished by the Utility signed by the Property Owner of subparagraph c.1, above. The completed application form shall include a certification by the Property Owner that attests that all eligibility criteria are met.
  2. The executed documentation required by this paragraph 7.d.
  3. Copies of written quotes from at least two pre-qualified Plumbing Contractors for the replacement of the customer-side LSL. A prequalified Plumbing Contractor is one that either is on the Utility's Prequalified Plumbing Contractor list, or is a Plumbing Contractor that is properly licensed to work in the State of Wisconsin, has filed a properly completed Prequalification Form at the Hartford Water Utility office, and has been accepted by the Utility.
- e. Prior to commencement of any work, the Utility shall determine if the Property Owner is eligible for loan assistance, and if there is money available to provide loan assistance to replace the customer-side LSL. Such determination shall be provided in writing to the Property Owner who applied.
- f. Customer-side service line replacement work must be accomplished in a worker-like manner and be coordinated with any Utility replacement work as required by paragraph 6.
- g. Upon completion of the customer-side service line replacement, the Property Owner shall provide the Utility with a copy of the invoice from the Plumbing Contractor. Upon proof of completion satisfactory to the City, the City shall pay directly to the Plumbing

Contractor the amount of loan assistance approved by the City for the replacement of the customer-side LSL. The City shall notify the Property Owner of the payment.

- h. Disputes regarding eligibility for financing may be appealed to the Utility Committee. The decision of the Committee is final.

(8) Severability. If any subsection or portion of this ordinance is for any reason determined to be invalid or unconstitutional by the decision of a court of competent jurisdiction, that subsection or portion shall be deemed severable and shall not affect the validity of the remaining subsection or portions of this ordinance.

(9) Authority to Discontinue Service. As an alternative to any other methods provided for obtaining compliance with this section regarding replacement of a customer-side LSL, the Utility may, after at least thirty (30) days of giving notice, discontinue water service to such property served by customer-side service LSL after reasonable opportunity has been given to make the appropriate replacement.