

Claims Board Committee Minutes of

June 3, 2024 (approved)

Present: Ed Lohnes, Jenn Kiko, Kris Bugara, Mayor Andy Grove, CSSD Mike Dreger, Auditor Kevin Knowles, Staci Gurney, Pete Worsler, Desirae Roberts, Sherry Harp, Morgan Huxtable

5:30pm: Chairman Lohnes called the meeting to order and read the public notice and announced the members of the committee.

Lohnes asked for motion to approve minutes of May 16, 2024 Claims Board Committee meeting, motion made and seconded, all in favor – notes approved.

Lohnes presented a recap of the dates of events that occurred that caused Ms. Roberts to bring her claim forward. Initial sewage back-up occurred March 7, 2024. Ms. Roberts called a plumber: Jack's Plumbing & Heating Co., they were unable to correct backup. On March 8th, the city's water distribution was called and arrived 9:30am and opened sewer line and left at 11:30am. March 20th, 2024 another back-up was reported. Upon arrival the sewer line was inspected and found to be flowing. March 27th a final maintenance of the sewer line was completed and since Ms. Roberts has had no issues.

Kris Bugara asked about clarification about the 2nd event on March 20th, 2024.

Ms. Roberts and Sherry Harp discussed their feelings that the rules and regulations are not applicable in this case due to age of the home being approximately 125 yrs. old.

Mr. Dreger responded to member Bugara's question. According to the city's report, the March 20th incident stated that at the time of inspection of the sewer line, the line was flowing. Referring to Wastewater Rules & Regulations Section 911.405, it clearly states that any basement floor drainage and/or fixtures installed in basements are made at the owner's risk. Mr. Dreger was critical of her plumber and the problem was exacerbated by leaving the backup sewage for the night.

Lohnes proceeded to cite wastewater rules and regulations, conclusion of Senior Claim Examiner, Mike McGuff, and the legal opinion of Law Director, Weyer and made a motion to find in favor of the city and deny any award amount to Ms. Roberts, receiving no second the motion was dropped. Lohnes asked for an alternative motion. Receiving no motion, Lohnes made a motion to table the discussion until a future meeting of the Claims Board, that motion was seconded, all in favor, motion passed.

Lohnes asked for motion to adjourn, motion made, seconded, all in favor.

Meeting adjourned at 5:48.