

--MEMORANDUM--

**TO:** City Council

**FROM:** Gregory E. Buckley  
City Manager



**DATE:** April 26, 2024

**SUBJECT:** Proposed Agreement With Blue Heron Condominium Association

Following discussion with members of the board of directors for the Blue Heron Condominium Association at the Council work session on July 31, 2023, the City Council on September 18, 2023 approved the attached resolution.

The resolution addressed certain services that the City would be willing to provide within the boundaries of the Blue Heron condominium development, whose roadways and infrastructure were built as, and continue to be, private property (versus public streets and infrastructure).

Based on this direction, staff held a follow-up meeting with Blue Heron representatives and in early December 2023 forwarded a draft agreement to the condo association for review by that group and their attorney.

City and Blue Heron representatives next met on April 2, 2024 to review feedback from the Condominium Association and its attorney.

That review resulted in two changes to the proposed agreement, which are show in the attached redline version of that agreement, also attached.

In a nutshell, the changes are as follows:

1. Cleaning up the language of paragraph #3 to make clear that the City is responsible for all maintenance, operation and capital costs associated with the sanitary lift station that was built to serve Blue Heron.
2. In paragraph #4, shifting from the Association to the City the responsibility for doing a video inspection of the existing private sanitary sewer collection system within the condo development. The City did not require such an inspection by other condo associations when it agreed to routinely flush and clear blockages in their sewer systems, so the Blue Heron reps on April 2 argued for equitable treatment. As it is in the City's best interest to do such an initial inspection (and thereby identify any structural problems that are the responsibility of the owner, and because this was not a cost the City imposed on other condo association, I agreed to recommend this change to the City Council. The estimated cost for such an inspection is \$4,000.

With these changes, the City Engineer and I recommend approval of this agreement with the Blue Heron Condominium Association.

**RECOMMENDED ACTION FOR CONSENT AGENDA**

**Motion to approve the Consent Agenda with the various actions recommended**

Motion carried with a voice vote.

Motion made by Dahlke, Seconded by Shimulunas.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Petri, Shimulunas, Stechmesser, Wachowski

**11. CITY COUNCIL - FORMAL ITEMS**

- A. Resolution Authorizing the Issuance and Sale of up to \$329,366 Sewerage System Revenue Bonds, Series 2023, and Providing for Other Details and Covenants with Respect Thereto, and Approval of Related \$411,708 Financial Assistance Agreement (Clean Water Fund Loan)

Recommended Action:

Motion to waive reading and adopt the resolution

Motion carried with a roll call vote.

Motion made by B. LeClair, Seconded by Dahlke.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Petri, Shimulunas, Stechmesser, Wachowski

- B. Resolution Pertaining to Offering Certain City Services Within the Property of the Blue Heron Condominium Association

Recommended Action:

Motion to read and adopt the resolution

Bob Bauknecht offered comments on behalf of the condo association board.

Motion carried with a roll call vote.

Motion made by Dahlke, Seconded by D. LeClair to have City Staff draft an agreement to include sanitary sewer maintenance and leaf pickup.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Petri, Stechmesser, Wachowski

Voting Nay: Shimulunas

- C. Request to Purchase Camion IMT300 Brine Sprayer

Recommended Action:

Motion to authorize City Staff to purchase one Camion IMT300 Brine Sprayer and Storm commander GPS flow controller from Casper's Truck Equipment in the quoted amount of \$21,884.00 prior to the 2023-24 winter season-to be purchased from existing Public Works Equipment Capital Budget, as recommended by the Public Works Director and the Public Works Committee

Motion carried with a voice vote.

Motion made by Stechmesser, Seconded by D. LeClair.

Voting Yea: Dahlke, B. LeClair, D. LeClair, Petri, Shimulunas, Stechmesser, Wachowski

- D. Consideration of Land Transfer Agreement between City of Two Rivers and Two Rivers School District for LB Clarke

Recommended Action:

Motion to approve the agreement to transfer land to the Two Rivers School District

Upon the request of Mr. Buckley, no action was taken, pending receipt of a new certified survey that shows a division of the current City-owned property into two parcels: one to be

**RESOLUTION****PERTAINING TO THE PROVISION OF CERTAIN CITY SERVICES  
TO THE BLUE HERON CONDOMINIUM ASSOCIATION**

**WHEREAS**, the Blue Heron Condominium Association has recently requested that the City of Two Rivers consider taking responsibility for repair and maintenance of the private streets and utilities located within the property of that condominium association; and

**WHEREAS**, the Blue Heron Condominiums, developed in the early 1990's, is one of four condominium developments in Two Rivers that have been approved by the City to date where there was provision for private streets and utilities, at the specific request of their respective developers; and

**WHEREAS**, the purchasers of condominium units in those associations are aware that their condominium association dues and fees include the cost of maintaining such private streets and utilities; and

**WHEREAS**, the City Council does not consider it appropriate nor in the best interest of the other taxpayers and utility ratepayers of the City to assume responsibility for these private facilities, but hereby states its willingness to provide certain limited services, as provided herein, subject to the terms of an agreement that is mutually acceptable to the City and the Blue Heron Condominium Association. Such agreement shall address the following services:

1. **Flushing of Private Water Mains, Flushing of Private Sanitary Sewer Mains and Emergency Clearing of Blocked Private Sewer Mains, Based on Past Policy and Precedent.** The Two Rivers City Council, by resolution dated July 17, 2000, approved a policy of providing certain services, limited to routine flushing of private water mains and jetting of private sanitary sewer mains located within condominium association-owned properties in the City, subject to entering into written agreements with such associations. The City has subsequently entered into such agreements with the Mahogany Run Condominium Association, River's Edge Condominium Association and Washington Highlands Condominium Association, but heretofore no such agreement has been entered into with the Blue Heron Condominium Association; and
2. **Bulk Leaf Collection from Private Roadways, Consistent with Leaf Collection Services Provided to Property Owners Along Public Streets.** Again, subject to an agreement allowing City personnel, trucks and equipment to provide this service within the condominium association property, providing appropriate liability protections to the City, and containing other language mutually acceptable to the City and the condominium association, the Council is willing to extend City leaf collection services along the private streets within the Blue Heron Condominium development;

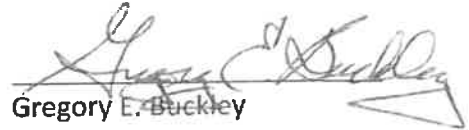
**NOW, THEREFORE BE IT RESOLVED**, that staff is directed to prepare a draft agreement, with terms consistent with this resolution and with existing agreements cited above, to be provided to the Blue

Heron Condominium Association Board for its review and comment and provided to the City Council for its consideration not later than October 16, 2023.

Approved this 18<sup>th</sup> day of September, 2023



Councilmember



Gregory E. Buckley  
City Manager