

## Bash brothers

A pair of Hopkins Royals sent baseballs out of the park during a showdown with Wayzata.

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## It's Parktacular

St. Louis Park's annual festival returns for four full days June 16-19 after a single-day event last year.

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Thursday, June 9, 2022

# St. Louis Park's insurance policy will provide up to \$2M for flooding

### Trust concluded city is not liable, although city officials have said cause of pipe break is unknown

By **SETH ROWE**  
seth.rowe@apgecm.com

St. Louis Park officials have learned that more insurance funds than they previously believed are available to respond to a water main break that damaged an estimated 55 houses.

The city had previously said that the city's policy with the League of Minnesota Cities Insurance Trust limited the amount available through the plan to \$250,000 per incident. The trust has since determined that the limit for the May 21 water main break in the Texa-Tonka Neighborhood is \$2 million.

"This means that each of the impacted buildings is eligible for up to \$40,000 for damage to property, including but not limited to, removal and clean-up costs, resulting from a sew-

er back-up," a June 2 city statement reads. "Because claims are still coming in, we don't know if we will exceed the per-occurrence limit. If that happens, the available coverage will be prorated per building that has submitted claims."

Another incident has occurred in the area, with a second water main break between Texas and Sumter Avenues on Minnetonka Boulevard June 3 at about 11:30 p.m. The city closed Minnetonka Boulevard during the incident, which a city spokesperson led to a water shutoff by midnight.

In the initial incident, a letter from the insurance trust to homeowners states the trust "has found the city was not liable for this event."

The letter does not state

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## Hopkins High graduates glow with pride

(SUN PHOTO BY NATALIE CIERZAN)

Hopkins High School seniors were quick to find family members and friends in the audience as soon as they entered the 3M Arena at Mariucci on the University of Minnesota campus. After a high school experience heavily impacted by the pandemic, Hopkins High School seniors finally made it to the finish line: graduation. Close to 579 seniors poured into the arena, waving to family members in the audience and eagerly awaiting their opportunity to walk on the stage. This was the first graduation since the pandemic held in-person without restrictions. The ceremony was also live streamed on YouTube for those unable to attend. **For more photos, see page 14 and visit [sailor.mnsun.com](http://sailor.mnsun.com).**

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# Flooding

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who is liable for the city's water main break rupturing but says that funds are available through the sewer backup portion of the city's no-fault sewer backup and water main break coverage.

The findings in the letter say, "The water main ruptured without any prior notice to the City of St. Louis Park. The water flow from this water main break damaged a nearby sanitary sewer manhole and inundated the sanitary sewer system, which created a sewer backup. Ultimately, the City could not have prevented this water main break or the resulting sewer backup from occurring. The City had a duty to respond as quickly as possible and minimize the damages, which occurred in this case."

The letter from Claims Adjuster Philip S. Trebatoski says that the insurance trust's investigation "determined that the City of St. Louis Park was not negligent with respect to the design, construction, maintenance or inspection of its water distribution system or its sewer system."

It adds, "Additionally, the City responded with an appropriate sense of urgency and followed their standard procedure for this type of occurrence."

The funds of up to \$40,000 per property from the sewer backup portion of the coverage would cover removal and clean-up costs resulting from a sewer backup even though the trust denies liability on behalf of the city for damages. The letter makes no mention of restoration costs.

While waiting to determine whether costs will exceed the policy's \$2 million limit, the trust says, "We are willing to

make an initial payment of 50% of your covered damages, not to exceed \$20,000 of your eligible \$40,000."

If total damage does not appear to exceed the limit of \$2 million, the letter says, "We will work as quickly as possible to make an additional payment up to the eligible \$40,000 once we have an agreed amount of damage."

But the payouts could take longer if damages exceed \$2 million.

The trust is requiring that property owners submit summaries of payments from their insurance carriers or denial letters along with documentation like cleaning invoices, repair estimates, itemizations of personal property and photos of damaged property.

## Council deliberations

During a May 25 emergency meeting, the St. Louis Park City Council voted 5-2 to create an emergency reimbursement fund of \$300,000, with up to \$30,000 available per household, to ensure homes are safe and habitable, according to a city description. Councilmembers Sue Budd and Nadia Mohamed voted against the fund, preferring instead to provide more funding immediately for cleanup for all affected homeowners.

The City Council planned to meet June 6, after this edition went to press, to discuss further assistance.

A city staff report created for the meeting states that the insurance trust had previously told the city that the incident would only be covered under the water main break portion of the city's coverage, which has a \$250,000 limit per occurrence. During a meeting between staff and the trust, the trust determined that the higher



(SUBMITTED PHOTOS)

Images from the city of St. Louis Park depict the aftermath of the initial water main break on Minnetonka Boulevard in the Texa-Tonka Neighborhood.

limit relating to no-fault sewer backups should apply instead.

The funds are secondary to the insurance company obtained by property owners, though, meaning that the money from the insurance trust "will only be available to homeowners that can provide proof that their insurance provider has declined coverage or that their claims exceed the limits established by their homeowner's insurance," according to the staff report.

Staff members have proposed that the city offer funds of up to \$30,000 per household that would be available to owners with damage above the amount covered by the insurance trust coverage. Recipients would have to waive liability claims against the city under the proposal. City staff also proposed up to \$30,000 in zero-interest loans per home for restoration for properties with claims above the

reimbursement limit. The new proposal eliminates the interest that staff had proposed charging for many homeowners who took out loans.

The proposal would also include up to \$60,000 in reimbursement for each affected business and up to \$75,000 in loans at 2% interest.

City staff recommended the council allocate \$1 million from its general fund initially.

## City response to break

The report says the water main break occurred May 21 on Minnetonka Boulevard between Texas and Sumter avenues.

"Due to the rupture, water flowed underground penetrating a nearby sanitary

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# Flooding

CONTINUED FROM PAGE 12

sewer manhole flowing through the sanitary sewer and emerging in the basements of nearby homes and businesses," the report says. "It is estimated that 1.1 million gallons of water was released due to this break."

Pointing to the insurance trust's conclusion that the city is not liable for the break, the report says, "Even so, the impact has had a profound effect on the lives of residents and the city is taking measures to respond quickly, communicate with residents, and provide relief to those impacted."

The insurance trust had received 37

damage claims as of June 2.

In response to a council question during the May 25 emergency meeting, Public Works Superintendent Mark Hanson said, "It's unknown what caused the break itself."

He added, "All we know is we arrived at water coming out of the ground and in the homes. And when we dug down to it, we saw a sizable hole in our water main. Beyond that, there's really no indication one direction or another what could have caused it."

Water main breaks are "not uncommon" in a system with sections that are many decades old, according to Hanson, but water main breaks that end up in the sanitary system are unusual. He said an automated system set off an alarm.

"It just so happened that we were already rolling by the time we got the alarm because our dispatch did their job and passed the information on to our call staff," Hanson said.

Employees arrived on the scene about a half an hour after learning of the situation, but shutting down the leaking water took another hour. The discolored and deep water along the curb created difficulty in finding the exact location of the leak, according to Hanson.

"We had to find those valves under that amount of water," he said.

Numerous affected residents have taken issue with the city response, which they deemed slow. Several have questioned whether construction on Volo at Texa Tonka, previously known as Texa-Tonka Apartments, could have caused the water main break. St. Louis Park Chief Building Official David Skallet poured cold water

on the suggestion, stating that utilities for the building are attached to Texas Avenue instead of Minnetonka Boulevard.

"For that to be directly related to that break is very, very unlikely," said Skallet, prompting an outcry from residents in the audience May 25 who had another view.

Some council members expressed support for an investigation into the cause, although at least one affected homeowner objected to the expense of such a review.

Denise Mueller, a homeowner on Rhode Island Avenue, said, "To be honest, I'd rather have the money coming back to the homes that were affected to help us get back to where we need to be than ... to spend money on why the break occurred."

The city is posting updates on the water main break at [stlouispark.org/our-city/in-the-news/minnetonka-boulevard-water-main-break](http://stlouispark.org/our-city/in-the-news/minnetonka-boulevard-water-main-break).



City images show flooding late last month.



Camille Gipple speaks about damage to her home.

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