

Village of Sheridan
Special Board Meeting
October 21, 2022

The Village Board of Trustees met on the above date with the following members present; Peggy Arneson, Jamie Skalic, Darin Naggs, and Shelly Figgins. Jeffrey Wilhelm was absent.

Attorney Burton stated that a Claim was filed as soon as the Village Clerk was notified of the sewer backup incident at 815 W Si Johnson Avenue. The incident took place on Saturday October 15, 2022. Claim was filed with IMLRMA Monday morning, October 17, 2022. IMLRMA asked that the village engineer be immediately notified as well at that point. Attorney Burton has spoken with the insurance adjuster assigned to the case to which the adjuster believes this incident to be considered an Act of God. He explained the term "Negligent" being they have done something beyond what is considered an ordinary standard of care. For a municipality, if we are negligent in maintaining our sewers, we would potentially have liability. The insurance carrier, after speaking with village engineers as well, believes the village has not committed any negligence in maintaining the sewer. Attorney Burton continued that Jeff Wilhelm has already ordered ServPro to come out to the location to clean up. Since this was ordered the village will be responsible for payment to ServPro. He feels IMLRMA will more than likely not reimburse the village for this cost because it does not appear to be a negligent act of the village. He mentioned there has already been discussion of village board members of potentially assisting with a furnace replacement as well. He stated the insurance would likely take the same stance and not cover the cost of this replacement. He also commented that as a general rule as a municipality, we are using public funds from taxes. We also need to treat people equally with funding-Equal Protection. Shelly Figgins asked the cost of ServPro to which Clerk Grimwood stated \$7,920.39.

Michel Walker stated this incident was 100% the village's fault due to negligence. Mike Walker added that this was the third time this has happened. He stated the village hasn't been cleaning the sewer nor have they been checking the backup valve they put in to stop this from happening. Michel stated she has inquired with ServPro for a ballpark figure for damages to which they replied there being over 300 items damaged, her complete bathroom, they have taken out walls, the stairs going down to her basement. They are estimating roughly \$10,000.00 for her furnace, washer and dryer, roughly \$35,000.00 to \$40,000.00 for her normal belongings stored in the basement, and another \$25,000.00-\$30,000.00 for contractor work needed. Shelly Figgins asked if Michel had spoken to her insurance company to which Michel stated that her insurance would only pay \$2,500.00 for water damages and they also claimed that this was 100% the village's fault. Attorney Burton asked why they felt this was the village was at fault. Mike Walker stated that the village didn't maintain the sewer line with a blockage at the next street down. Michel stated that in 1981 or 1982 there had been sewage in her basement. She stated that the village had put in a back water valve to eliminate that issue because her home sits low. She claims that the village was to be inspecting this valve every few months after installation from the 1980's to assure that it was still working. She said no one came out. Attorney Burton stated having no knowledge of ongoings during 1981/1982 but our current Municipal Code states that a lateral line from the house to the main is the homeowner's responsibility. Michel stated this was not the lateral line.

Michel mentioned 1981-1982 was when the Sheridan Correctional Center was connecting to the village sewer line with a lot more pressure coming through the lines. The direction of flow was changed at that point into a Y. She stated that Jeffrey Wilhelm checked it all on the day it occurred, and Teenie's was called in to dislodge the blockage. She stated the flow after release at the Sanitary District was septic. She stated having over 2 feet of this in her basement before the blockage was cleared. Attorney Burton stated having no knowledge of the back water valve installed by the village in 1981-1982. He told Michel that if she has further information for the village

insurance carrier to get something to us in writing to pass along to them regarding the back up valve installed by the village. Michel stated that she would sue the village if she had to regarding the matter as she does not have the money for repairs. Wendy Harris stated that the village should have records from the 1980's. Attorney Burton stated Clerk Grimwood would take look for such within the village records. Michel thought Jack Novotny was the village engineer at that time. Attorney Burton asked again for Michel to produce a narrative of the 1981-1982 events that occurred with the back up valve installation by the village to pass along to the insurance to see if this would make a difference. After further discussion of sewer maintenance, Michel stated that she has spoken with the insurance claim representative already and told her of the back up valve being installed in the early 80's that was not maintained. The representative informed her that she felt the village was not responsible, but they were investigating it. Michel said she would put into writing the information she recollects on the backup valve installation and lack of maintenance. Attorney Burton would pass this along to the insurance. He also asked if Michel has further evidence to please pass along to the village for insurance.

There being no further discussion, Shelly Figgins motioned to adjourn the meeting. Peggy Arneson seconded the motion. All were in favor and the meeting adjourned.

Michel asked about her furnace. With the weather getting colder she needs heat in her home. Board members had previously approved for installation of a furnace, but Michel asked for the air conditioner as well which halted that installation. Attorney Burton recommended to the Village Board that they not approve replacement at this time. He asked Michel for the information that was unknown to this board to pass along to the insurance carrier for their consideration and we would continue to work at this. Clerk Grimwood will look into this also at the Village Hall.

Respectfully Submitted,

Cathy Grimwood
Village Clerk