6(b)

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: **DATE: May 4, 2015**

- Public Hearing (5:35 p.m.)
Barnes Heights Sanitary Sewer Connection Fee District
Approval of First Reading

FINANCIAL IMPACT:

None at this time. The City would be required to construct the sanitary sewer improvements when ordered by the Council and would be reimbursed at the time the property was subdivided, or as part of a site plan approval process, or when building permits are issued, or when service is requested from the property owners. The total estimated cost of the improvements covered by this ordinance is $138,600. Specific details are included in the draft ordinance.

BACKGROUND:

The Barnes Heights Sanitary Sewer Connection Fee District includes eighteen single family residences within the Barnes Heights Plat 1 and Plat 2 subdivisions south of Ashworth Road and west of 60th Street. The improvements would consist of a low pressure sewer line constructed in existing street ROW and service connections extending to just short of the street ROW line. Sewer pumps and connecting services are not included in the projects scope.

This item was discussed at Public Works Committee meetings on April 9, 2012, June 4, 2012, December 3, 2012, December 17, 2012, September 2, 2014, November 10, 2014, December 8, 2014, January 5, 2015, and March 30, 2015. Public meetings were also conducted on November 15, 2012, August 26, 2014, and December 2, 2014.

The Public Hearing should be held and public comments received. Once the hearing is closed, Council should consider approving the first reading of an ordinance creating the Barnes Heights Sanitary Sewer Connection Fee District with amendments as they deem appropriate. If approved, the sanitary sewer improvements would be constructed after authorization by the Council. The City is not making any guarantees regarding when and if improvements would be available to any particular property. Fees apply only when and if the property is subdivided, is part of a site plan approval process, during a building permit process, or at the request of the property owner.

Written objections that have been received by the City at the time the staff report was written are attached. Staff recommends referring any objections to the ordinance to the Public Works Council Committee for further consideration and recommendations prior to the second reading of the ordinance.

OUTSTANDING ISSUES: None

RECOMMENDATION:

City Council Adopt:
- Motion approving First Reading of Ordinance

Lead Staff Member: **Duane C. Wittstock, P.E., L.S., City Engineer** DCW

STAFF REVIEWS

Department Director	Duane C. Wittstock, P.E.,L.S., City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney JBW
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	April 17 & 24, 2015

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
Date Reviewed	April 29, 2015		
Recommendation	Yes	No	Split

April 27, 2015

Jason M. Schlickbernd, P.E.
Principal Engineer
City of West Des Moines
4200 Mills Civic Parkway, Suite 2D
PO Box 65320
West Des Moines, IA 50265-0320

Mr. Schlickbernd,

My name is Dennis Deerr and when we purchased our home in November 1994 from D. Allen and Linda Blazicek, we were informed by them and the City, that an agreement had been made regarding sewer hookup for our home at 6225 Brookview Drive, then 6121 Sue Avenue.

Permission was asked by the City of West Des Moines to put the sewer line and manhole cover partially on our legal property. In return, it was promised that should we need to, we would be allowed to hook into that existing sewer line with no connection fee.

The Blaziceks are willing to testify to this fact, and we are consulting an attorney regarding this. This may mean you need to recalculate the amount you are charging others in the connection fee district, so we needed to make you aware of this prior to the public hearing.

You can contact me via email: deerrfamily@msn.com or our home phone at 515-225-6609.

Sincerely,

Dennis Deerr

Dennis Deerr
6225 Brookview Dr.
West Des Moines, IA 50266

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, 2014 BY AMENDING TITLE 7, PUBLIC WAYS AND PROPERTY, CHAPTER 8, ARTICLE C, SANITARY SEWER SERVICE CHARGES

WHEREAS, on the 2nd day of November, 1998, this City Council passed Ordinance No. 1337, an ordinance to amend the Municipal Code of the City of West Des Moines, by adding and enacting thereto a new section relating to the procedure to be utilized in establishing connection fees to recover the cost of constructing major sanitary sewer facilities; and

WHEREAS, upon due notice and hearing the City Council finds that the general health and welfare of the community will be benefitted by establishment of a sewer district consisting of an area located along the southerly side of Ashworth Road from 60th Street to 63rd Street and along both sides of 63rd Street to south of Brookview Drive and an area on Brookview Drive east of 63rd Street located within the corporate limits of the City of West Des Moines (the "Barnes Heights Sanitary Sewer Connection Fee District").

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA AS FOLLOWS:

SECTION 1. <u>SANITARY SEWER CONNECTION FEE DISTRICT</u>. Title 7, Public Ways and Property, Chapter 8, Article C, Sanitary Sewer Service Charges is amended by adding the following:

7-8C-14-7: <u>BARNES HEIGHTS SANITARY SEWER CONNECTION FEE DISTRICT</u>

The Barnes Heights Sanitary Sewer Connection Fee District shall consist of a tract of land located in Section 12, Township 78 North, Range 26 West of the 5th Principal Meridian, Dallas County, Iowa, more particularly described as follows:

> Beginning at the southwest corner of the intersection of 60th Street and Ashworth Road, thence westerly along the southerly right-of-way line of Ashworth Road to the northwest corner of Lot 1 Barnes Heights Plat 2, thence south along the west line of Barnes Heights Plat 2 to the southwest corner of Lot 4 Barnes Heights Plat 2, thence east along the south line of Barnes Heights Plat 2 to the southeast corner of Lot 9 Barnes Heights Plat 2, thence north along the east line of Barnes Heights Plat 2 to the northeast corner of Lot 8 Barnes Heights Plat 2, thence easterly along the southerly line of Barnes Heights Plat 1 to the west right-of-way line of 60th Street, thence north along the west right-of-way line of 60th Street to the Point of Beginning.

Connection fees are hereby established and shall be imposed upon owners of properties within the Barnes Heights Sanitary Sewer Connection Fee District, pursuant to Ordinance 1337 as amended by Ordinance 1895 at the time of application to connect their properties to said sewer facilities, as follows:

A. Fee Schedule: From the effective date hereof through June 30, 2016 the connection fee for properties served by the sewer facility shall be:

Connection Fee (Dollars per Residential Dwelling Unit)
$7,700

The Per Acre Connection Fee shall be adjusted annually as of July 1 of each year according to the annual adjustment in the ENR construction cost index as provided in 7-8C-14.

B. Exception: The above established connection fee schedule shall not apply to any properties within the Barnes Heights Sanitary Sewer Connection Fee District which do not use or derive benefit from any sewer facilities constructed for the Barnes Heights Sanitary Sewer Connection Fee District.

C. Payment: The determination that a property is to be connected to the sewer facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recordation, or issuance of a building or plumbing permit, whichever occurs first.

D. Single-Family Residence: The connection fee shall be based on each single-family residential dwelling unit. The fee paid shall be applicable only to that single-family residential unit. Any division of an existing property that results in the creation of additional single-family lots or the construction of any additional single-family residences shall subject such additional lots or residences to the payment of the appropriate connection fee.

E. Effect of Schedule: The above established connection fee schedule shall remain in force and effect until such time that the City Council adopts an ordinance to adjust the connection fees to be imposed within subsequent years for the Barnes Heights Sanitary Sewer Connection Fee District. Nothing herein is intended to restrict the City Council from appropriate adjustment of the connection fee schedule to reflect future construction costs.

F. Sewers Constructed: The City shall be responsible to design and construct sewers within the Barnes Heights Sanitary Sewer Connection Fee District as graphically depicted on Exhibit B attached to Ordinance _____ and on file in the office of the City Clerk. Other sanitary sewers required to provide sewer service to the Barnes Heights Sanitary Sewer Connection Fee District shall not be the responsibility of the City to design and construct under the provisions of the Barnes Heights Sanitary Sewer Connection Fee District.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY. If any section, provisions, sentence, clause, phrase or part of this Ordinance shall be adjusted invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clauses, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 4. VIOLATION. Any person who violates the provisions of this Ordinance, upon conviction, shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 5. OTHER REMEDIES. In addition to the provisions set out in the Violation section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect on May 4, 2015, provided its passage, adoption and publication as required by law.

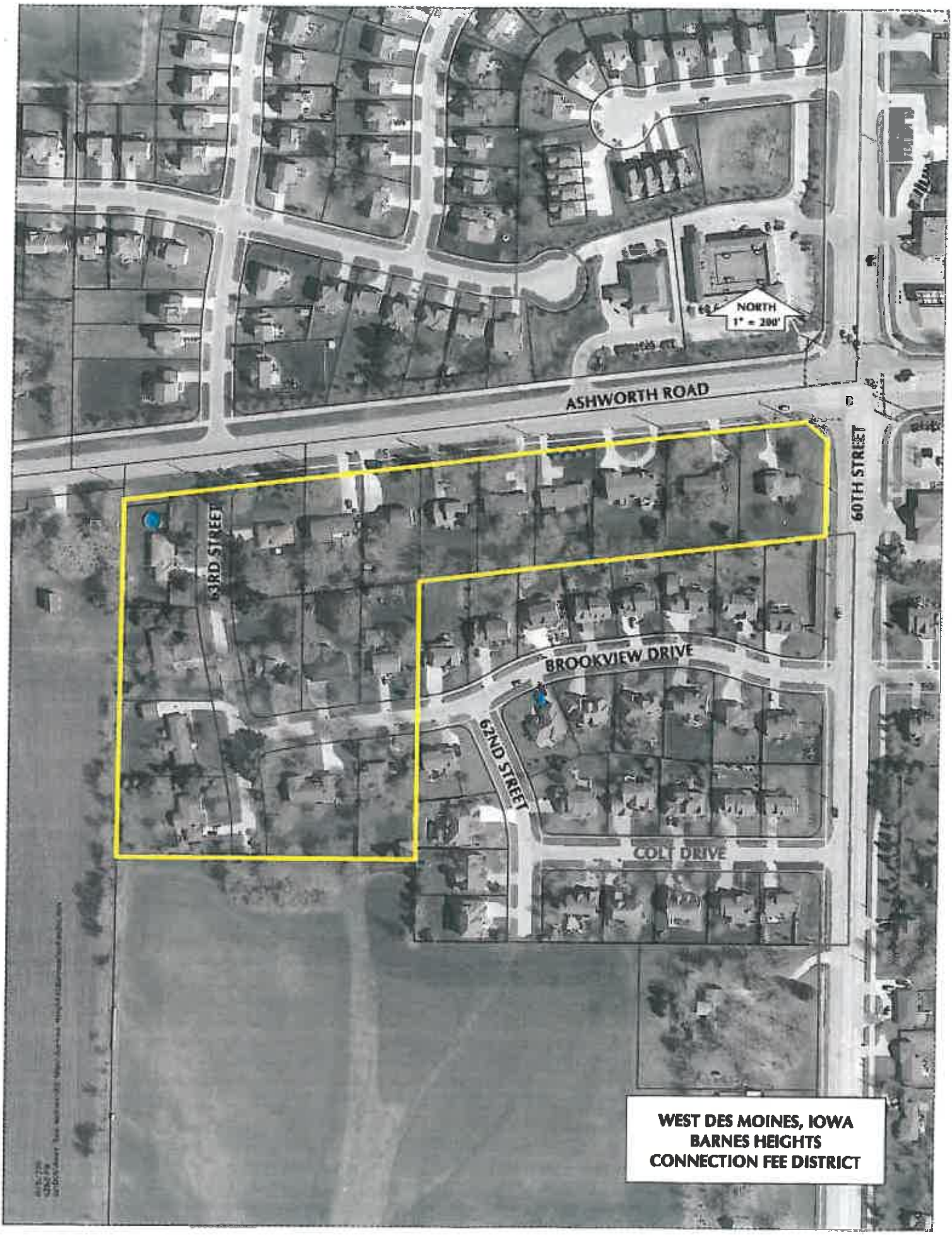
PASSED AND APPROVED this **4th** day of **May, 2015**.

_____
Steven K. Gaer
Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

Published in the Des Moines Register on _____.


NORTH
1" = 200'
ASHWORTH ROAD
60TH STREET
63RD STREET
BROOKVIEW DRIVE
62ND STREET
COLT DRIVE
WEST DES MOINES, IOWA
BARNES HEIGHTS
CONNECTION FEE DISTRICT