CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **August 24, 2015**

ITEM:

Resolution - Establish Date of Public Hearing
Sugar Creek Stormwater Connection Fee District

FINANCIAL IMPACT:

None at this time. The City would be required to construct the stormwater 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. The total estimated cost of the improvements covered by this ordinance is $8,984,000 with up to an estimated $6,851,900 to be recovered through the collection of fees. Specific details are included in the draft ordinance.

BACKGROUND:

There are two properties located within the Sugar Creek Stormwater Connection Fee District where procedural issues were identified after the original public hearing. The Stottlemeyers were not provided notice of the original hearing. Interstate Partners, LLC was informed by me that their parcel did not fall within the district boundaries. My statement was in error. Both parcels are located in the original boundaries of the district. Staff recommends these two parcels be included in the district. In order to provide these property owners due process the Council should conduct another public hearing so their voice can be heard. The proposed public hearing would be held on September 21, 2015 for the purpose of amending the existing ordinance to incorporate these two properties into the connection fee district as shown on Exhibit A. The originally established fee of $4,710/acre will remain unchanged with annual adjustments methodology remaining in place as originally established.

The Sugar Creek Stormwater Connection Fee District generally consists of an area located west of South 88th Street, south of Interstate 80, east of South 105th Street, and north of the Raccoon River. The Sugar Creek Stormwater Connection Fee District was established on April 7, 2014 by Ordinance No. 2024. The last Public Hearings on the matter was held on March 24, 2014.

OUTSTANDING ISSUES: None.

RECOMMENDATION:

City Council Adopt:

- Resolution Establishing Date of Public Hearing as September 21, 2015

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

STAFF REVIEWS

Department Director	Duane C. Wittstock, City Engineer DW
Appropriations/Finance	Tim Stiles, Finance Director TS
Legal	Richard J. Scieszinski, City Attorney RJS
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
Date Reviewed	August 3, 2015		
Recommendation	Yes	No	Split

RESOLUTION ESTABLISHING DATE OF PUBLIC HEARING

WHEREAS, the City of West Des Moines has previously approved the following connection fee district,

Sugar Creek Stormwater Connection Fee District
Project No. 0405-003

and

WHEREAS, on the 7th day of April, 2014, the City council passed Ordinance No. 2024, an ordinance to amend the Municipal Code of the City of West Des Moines, Iowa by adding and enacting a new section establishing the Sugar Creek Stormwater Connection Fee District; and

WHEREAS, two properties located within the boundary of the Sugar Creek Drainage Basin were not included in the Sugar Creek Stormwater Connection Fee District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:

1. The Public Hearing be held on September 21, 2014 for the purpose of amending the existing Ordinance No. 2024 to incorporate in the Sugar Creek Stormwater Connection Fee District the two properties included within the boundary of the Sugar Creek Drainage Basin as shown on Exhibit A, but not included within the Sugar Creek Stormwater Connection Fee District.

PASSED AND ADOPTED this 24th day of August, 2015.

_____
John Mickelson, Mayor Pro tem

ATTEST:

_____
Ryan T. Jacobson, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, 2009 BY AMENDING TITLE 7, PUBLIC WAYS AND PROPERTY, CHAPTER 8, SEWER REGULATIONS ARTICLE H, MAJOR STORMWATER DRAINAGE FACILITIES CONNECTION FEE DISTRICTS

WHEREAS, on the 14th day of October, 2013, this City Council passed Ordinance No. 2006, an ordinance to amend the Municipal Code of the City of West Des Moines, Iowa 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 stormwater drainage facilities; and

WHEREAS, on the 7th day of April, 2014, the City Council passed Ordinance No. 2024, an ordinance to amend the Municipal Code of the City of West Des Moines, Iowa by adding and enacting a new section establishing the Sugar Creek Stormwater Connection Fee District; and

WHEREAS, two properties located in the northwest quarter of Section 10, Township 78 North, Range 26 West were identified as being within the established boundary of the connection fee district, but Ordinance No. 2024 did not include the two parcels within the property subject to the stormwater connection fee; and

WHEREAS, upon due notice and hearing the City Council finds that the general health and welfare of the community will be benefitted by the amendment of Section 7-8H-1-1 Sugar Creek Stormwater Connection Fee District to include within the areas subject to the connection fee the two parcels in the northwest quarter of Section 10 included within the original connection fee district boundary, but not originally subject to the connection fee.

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

SECTION 1. <u>MAJOR STORMWATER DRAINAGE FACILITY CONNECTION FEE DISTRICT</u>. Title 7, Public Ways and Property, Chapter 8, Sewer Regulations, Article H, Major Stormwater Drainage Facilities Connection Fee Districts, Section 7-8H-1-1 is amended as following:

7-8H-1-1: <u>SUGAR CREEK STORMWATER CONNECTION FEE DISTRICT</u>

The boundary of the Sugar Creek Stormwater Connection Fee District is hereby amended to confirm that a tract of land located Section 10, Township 78 North, Range 26 West of the 5th Principal Meridian, Dallas County, Iowa, more particularly described as follows is included within the Sugar Creek Stormwater Connection Fee District:

Commencing at the southeast corner of the southwest quarter of the northeast quarter of Section 10, Township 78 North, Range 26 West;

Thence north along the east line of the southeast quarter of the southwest quarter of the northeast quarter of said Section 10 to the northeast corner of the southeast quarter of the southwest quarter of the northeast quarter of said Section 10;

Thence west along the north line of the southeast quarter of the southwest quarter of the northeast quarter of said Section 10 to the northwest corner of the southeast quarter of the southwest quarter of the northeast quarter of said Section 10;

Thence north along the east line of the northwest quarter of the northwest quarter of the northeast quarter of said Section 10 to the northeast corner of the northwest quarter of the southwest quarter of the northeast quarter of said Section 10;

Thence north along the east line of the west one-half of the northwest quarter of the northeast quarter of said Section 10 to the south right-of-way line of Interstate Highway 80;

Thence southwesterly along the southerly right-of-way line of Interstate Highway 80 to the point of intersection with the west line of the northeast quarter of said Section 10;

Thence south along the west line of the northeast quarter of said Section 10 to the southwest corner of the southwest quarter of the northeast quarter of said Section 10;

Thence east along the south line of the southwest quarter of the northeast quarter of said Section 10 to the point of beginning.

Said parcel described herein is included in the description of the connection fee boundary in Ordinance 2024.

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 _____, 2015, provided its passage, adoption and publication as required by law.

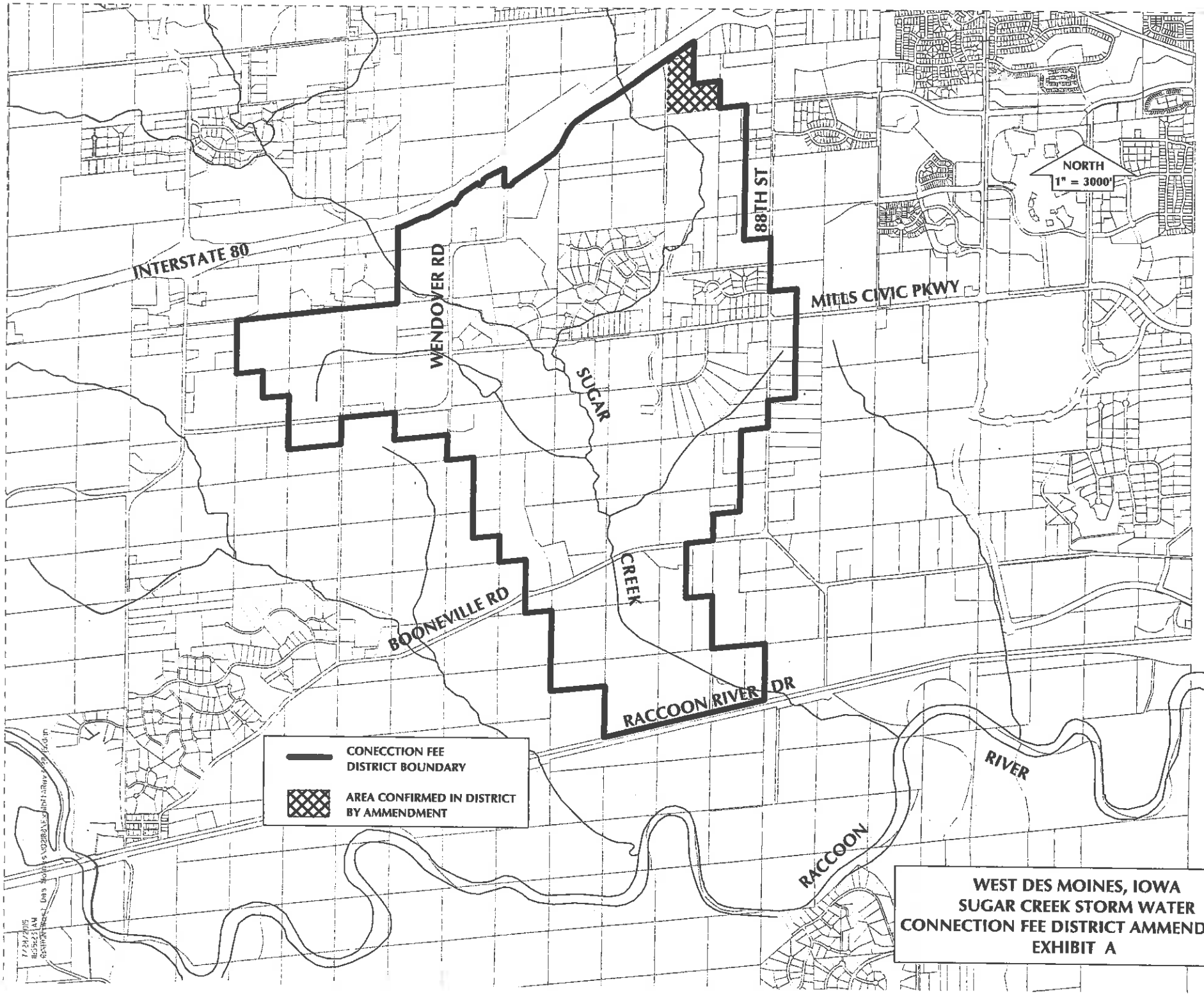
PASSED AND APPROVED this _____ day of _____, 2015.

_____
Steven K. Gaer
Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

Published in the Des Moines Register on September 4 & 11, 2015.



WEST DES MOINES, IOWA
SUGAR CREEK STORM WATER
CONNECTION FEE DISTRICT AMMENDMENT
EXHIBIT A

7/28/15