CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **August 20, 2018**

ITEM:

Deerr Property, 6225 Brookview Drive – Barnes Heights Plat 2 Lot 8 – Request to Waive Sewer Capital Charge and Direct Sewer Connection Requirement

RESOLUTIONS: Waiver of Direct Connection Requirement
Waiver of Sewer Capital Charge

FINANCIAL IMPACT:

Cost of the sanitary sewer capital charge of $1,039.00.

BACKGROUND:

The Deerrs' property, located at 6225 Brookview Drive, was originally developed as part of Barnes Heights Plat 2 in 1973. At that time, the subdivision was located outside the corporate limits and public sewer service was not available. The existing septic system is failing and City Code requires connection to the public sewer system.

1. **Sewer Connection Point**

The Deerr property can be connected to the City sewer system at the manhole located partially on that property without City Council action. While the City does not typically allow direct private residential connections to a manhole, the City Engineer can approve the connection. In this case, the City Engineer would approve a properly designed direct connection to the manhole. Staff recommends the Council require a public sewer easement around the existing public manhole as a condition of the Engineer's approval.

However, the Deerrs do not want to connect directly to the manhole and are instead requesting the Council waive West Des Moines City Code 7-8A-3 and allow them to connect via an existing sewer stub located three to five (3-5) feet into the east neighbor's property. This stub was installed as part of the Wrenwood Plat 1 subdivision, adjacent to the Deerr's property, in the early 1990s. The then-owner of 6225 Brookview Drive gave permission to the Wrenwood Plat 1 developer to construct a manhole on the property line, if a sewer stub was extended to 6225 Brookview Drive for future connection. This occurred without the City's knowledge and the stub is not shown on any record drawings in City possession. The stub is located within a public sanitary sewer easement, but the easement does not grant the Deerrs the right to enter their neighbor's property to place service pipe, connect to the public sewer, or perform routine maintenance and repair.

The City's approved design standards require all platted lots within a subdivision to have separate sewer services for each owner and be adjacent to a public sanitary sewer main without crossing any adjacent properties. Staff recommends against granting the Deerr request. However, if the City Council allows the Deerrs to connect to the existing stub, Staff recommends the Council conditioning approval upon the Deerrs acquiring and recording a 10 foot wide private sewer easement encompassing the service on the adjacent property and providing a public sewer easement around the existing public manhole.

2. Capital Charge.

City Code states that any property connecting to the City sanitary sewer shall pay the capital charge. The current capital charge is $1,039.00. This charge is typically paid by developers at the time of platting. The exception is when an existing subdivision is annexed into the City and the fee was not paid. In the past, the administration of collecting the fee on annexed lots was sporadic. The Deerr family has requested a waiver for the capital charge fee imposed by West Des Moines City Code 7-8C-11 due to economic hardship and consistency with fees required of their neighbor. The Deerrs have further requested exclusion from any future sanitary sewer fee districts.

OUTSTANDING ISSUES:

None.

RECOMMENDATION:

Staff and Public Services Council Committee (PSCC) recommend denial of both waiver requests.

Lead Staff Member: Brian J. Hemesath, P.E., City Engineer

STAFF REVIEWS

Department Director	Brian J. Hemesath, P.E., City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	N/A	
Date(s) Published		
Letter sent to surrounding property owners		

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Services		
Date Reviewed	August 13, 2018		
Recommendation	Yes ☐	No ☒	Split ☐

Prepared by: B. Hemesath City of West Des Moines Engineering Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3475
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING WAIVER OF THE DIRECT SEWER CONNECTION REQUIREMENT.

WHEREAS, pursuant to the provisions of Title 7, Chapter 8 et seq, of the West Des Moines Municipal Code, Dennis and Jeanette Deerr request approval of a waiver of the direct sewer connection requirement imposed on property owners by West Des Moines City Code 7-8A-3 for their property located at 6225 Brookview Drive and legally described as:

> LOT 8, BARNES HEIGHTS PLAT 2, AN OFFICIAL PLAT NOW IN AND FORMING A PARK OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA

WHEREAS, the owners of the subject property wish to connect to the public sanitary sewer; and,

WHEREAS, a sewer stub for the subject property exists and is connected to the main on an adjacent property; and,

WHEREAS, City Code 7-8A-3 requires private sewer services be connected directly to the main abutting the property it serves.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

1. The City of West Des Moines hereby waives the direct sewer connection requirement imposed by City Code 7-8A-3 for the property located at 6225 Brookview Drive, West Des Moines, Iowa, subject to the following conditions on the attached Exhibit "A".

PASSED AND ADOPTED on this **20th** day of **August, 2018**.

_____
Steven K Gaer
Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

Prepared by: B. Hemesath City of West Des Moines Engineering Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3475
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING WAIVER OF THE SEWER CAPITAL CHARGE

WHEREAS, pursuant to the provisions of Title 7, Chapter 8 et seq, of the West Des Moines Municipal Code, Dennis and Jeanette Deerr request a waiver of the sewer connection fee imposed on property owners by West Des Moines City Code 7-8C-11 for their property located at 6225 Brookview Drive and legally described as:

> LOT 8, BARNES HEIGHTS PLAT 2, AN OFFICIAL PLAT NOW IN AND FORMING A PARK OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA;

WHEREAS, the owners of the subject property wish to connect to the public sanitary sewer; and,

WHEREAS, City Code 7-8C-11 requires all properties served by a connection with the sewer system to pay a sanitary sewer capital charge.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

1. The City of West Des Moines hereby waives the connection fee imposed by City Code 7-8C-11 for the property located at 6225 Brookview Drive, West Des Moines, Iowa.

PASSED AND ADOPTED on this **20th** day of **August, 2018**.

_____
Steven K Gaer
Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

EXHIBIT "A"

1. The Deerrs shall obtain and record with the Dallas County Recorder a ten (10) foot wide private sewer easement encompassing the service on the adjacent property.

2. The Deerrs shall grant the City of West Des Moines a public sewer easement extending from the east property line to a point fifteen (15) feet west of the center of the existing manhole and from the south property line to a point fifteen (15) feet north of the center of the existing manhole.