

★ Roll Call Number

09-1320

Agenda Item Number

19

Date July 27, 2009

AUTHORIZATION TO SET PUBLIC HEARING DATE, MAIL AND PUBLISH NOTICE TO
ENACT FINAL CONNECTION FEE ORDINANCE FOR THE CLOVER HILL TRUNK
SANITARY SEWER SYSTEM BENEFITED DISTRICT

WHEREAS, the City Council of the City of Des Moines determined the necessity and advisability of constructing the Clover Hill Trunk Sanitary Sewer System, and pursuant to Roll Call No. 05-1009, on April 25, 2005, the City Council adopted Ordinance No. 14,435 establishing a preliminary connection fee for the owners of properties which connect to and derive service from said sewer; and

WHEREAS, said Ordinance states that, upon completion of construction of said sewer, the established preliminary connection fee will be subject to adjustment and the City intends to amend said Ordinance to include a schedule of connection fees; and

WHEREAS, construction of said sewer is now complete, the actual costs of design and construction of said improvements have been identified, and a final connection fee ordinance has been prepared in accordance with the provisions of Ordinance No. 14,435, pursuant to which property owners within said district whose properties are located within the City of Des Moines are eligible to connect to said sewer upon application therefor and payment of final connection fee in the amount of \$2,771.05 per acre for each acre of land to be connected to and served by said sewer for the first year and increasing fees over the next 20 years to reflect adjustments for accrued reasonable interest costs as allowed by Iowa Code Section 384.38(3); and

WHEREAS, establishment of the final connection fee requires notice and public hearing for adoption of a resolution of necessity and approval of the ordinance in accordance with Iowa Code Sections 384.38 and 384.50 and Municipal Code Section 118-208.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, that the City Council proposes adoption of a resolution of necessity and ordinance revising the connection fee charged for the Clover Hill Trunk Sanitary Sewer Benefited District as stated above.

BE IT FURTHER RESOLVED, that this Council shall hold a public hearing at 5:30 p.m. on the 14th day of September, 2009, in the Council Chambers in the City Hall, for the purpose of hearing objections or comments regarding this proposal; and property owners shall be deemed to have waived all objections unless at the time of or prior to the hearing the owner has filed objections with the City Clerk per Iowa Code Section 384.50.

BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to cause notices to be published pursuant to Iowa Code Section 384.50 and Municipal Code Section 118-208 concerning the proposal to enact said amended connection fee ordinance and of the time and place of public hearing on said proposal, said Notice to be in substantially the form appended hereto; and the City Clerk is instructed to work with the Public Works Department to mail

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notices to benefited properties pursuant to Iowa Code Section 384.50 and Municipal Code Section 118-208 in substantially the form attached hereto.

(Council Communication No. 09-523)

Moved by Hensley to adopt.

FORM APPROVED: Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk