

★ Roll Call Number

09-1321

Agenda Item Number

20

Date July 27, 2009

SETTING PUBLIC HEARING TO  
AMEND ESTABLISHED FINAL CONNECTION FEE ORDINANCES BY REDUCING LEVEL FOR  
THE COLLECTION OF INTEREST FROM 9% TO 5% RETROACTIVE TO JULY 1, 2009 FOR THE  
FOLLOWING TRUNK SANITARY SEWER SYSTEM BENEFITED DISTRICTS: EASTER LAKE  
AREA, FOUR MILE EAST, NORTHWEST AIRPORT AREA, SOUTHWEST AIRPORT AREA,  
SOUTHEAST AIRPORT AREA, AND NORTHEAST FOUR MILE AREA

WHEREAS, the City Council of the City of Des Moines has enacted final connection fee ordinances for the following Benefited Districts, as defined in Section 118-208 of the Municipal Code:

- Pursuant to Ordinance No. 13,379, enacted on September 16, 1996, Four Mile East Sanitary Trunk Sewers Benefited District and the Easter Lake Area Trunk Sanitary Sewer System Benefited District;
- Pursuant to Ordinance No. 13,964, enacted on July 9, 2001, Southwest Airport Area Trunk Sanitary Sewer System Benefited District and the Northwest Airport Area Sanitary Trunk Sewers Benefited District;
- Pursuant to Ordinance No. 14,115, enacted on July 8, 2002, Southeast Airport Area Sanitary Trunk Sewers Benefited District;
- Pursuant to Ordinance No. 14,253, enacted on July 28, 2003, Northeast Four Mile Area Trunk Sewers Benefited District; and

WHEREAS, pursuant to said respective ordinances, property owners within each respective district whose properties are located within the City of Des Moines are eligible to connect to the applicable sewer upon application therefor and payment of final connection fee 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, the per-acre final connection fees as established by ordinance are annually adjusted as of July 1 by applying simple interest thereto at the rate of nine percent (9%) per annum simple interest; and

WHEREAS, City staff have determined that the annual simple interest adjustment in the above-listed Benefited Districts should be lowered to the level of five percent (5%) per annum, which adjustment lowers the final connection fee charges and thus requires notice and public hearing for adoption of a resolution of necessity and ordinance establishing the revised final connection fees 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 an ordinance revising the

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simple interest charged per annum from nine percent (9%) to five percent (5%), and revising the final connections fees to reflect this revision, for the following Benefited Districts: Four Mile East Sanitary Trunk Sewers Benefited District, Easter Lake Area Trunk Sanitary Sewer System Benefited District, Southwest Airport Area Trunk Sanitary Sewer System Benefited District, Northwest Airport Area Sanitary Trunk Sewers Benefited District, Southeast Airport Area Sanitary Trunk Sewers Benefited District, Northeast Four Mile Area Trunk Sewers Benefited District.

BE IT FURTHER RESOLVED, that this Council shall hold a public hearing at 5:30 p.m. on the 14<sup>th</sup> 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 notices to all benefited property owners pursuant to Iowa Code Section 384.50 and Municipal Code Section 118-208 in substantially the form attached hereto.

(Council Communication No. 09-522)

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