

★ Roll Call Number

09-1702

Agenda Item Number

67

Date September 14, 2009

PUBLIC HEARING AND RESOLUTION OF NECESSITY ON AMENDING 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; and

WHEREAS, the City Council of the City of Des Moines at its meeting of July 27, 2009, by Roll Call 09-1321, set the time and place for a public hearing on a proposed resolution of necessity and connection fee ordinance, which ordinance was placed on file in the office of the City Clerk, revising the connection fee charged by reducing level for the collection of interest from 9% to

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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; and

WHEREAS, due notice of said proposed resolution and ordinance was given as provided by law, setting forth the time and place for public hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, that all objections to the proposed ordinance, which have been fully reviewed and considered, be and they are hereby overruled, the public hearing on said matter is now concluded and closed, and it is further hereby resolved and determined necessary to establish and revise the schedules of connection fees for connection to and service by 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.

(Council Communication No. 09-648)

Moved by Hensley to adopt.

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL (7). Includes MOTION CARRIED and APPROVED labels.

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk