

Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5127, Coralville, Iowa 52241
Return to: City of West Branch, PO Box 218, West Branch, Iowa 52358

ORDINANCE NO. 680

AN ORDINANCE ESTABLISHING THE WEST BRANCH WASTEWATER LIFT STATION CONNECTION FEE DISTRICT.

WHEREAS, the engineering firm of Veenstra & Kimm has made recommendations about certain wastewater system improvements that need to be constructed to serve the area located north of Interstate 80; and

WHEREAS, the City Administrator and City Engineer have recommended the collection of a portion of the funds expended on such project from property owners who will benefit from the water system improvements; and

WHEREAS, pursuant to Section 384.84(3), the City Council has heretofore deemed it necessary and desirable to establish a connection fee district to recapture some of the funds expended for said wastewater system improvements from benefited property owners.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

1. Amendment. The Code of Ordinances is hereby amended by adding a chapter entitled "Wastewater Lift Station Connection Fee District" that will read as follows:

"SECTION 1. CREATION OF DISTRICT. A Wastewater Lift Station Connection Fee District (the "District") is hereby established for the purpose of collection within said District of a fee from those property owners who shall make application to connect their properties to the Municipal Wastewater System of the City of West Branch.

SECTION 2. DISTRICT DESCRIPTION. The areas and properties included within the District shall be the properties legally described as:

See Exhibit "A" attached hereto.

SECTION 3. WASTEWATER SYSTEM UTILITY CONNECTION FEE. A connection fee is hereby imposed for each connection made to the Municipal Water System Utility within the boundaries of the District which is legally described in Section 2 above. The proposed improvements are known as the "Wastewater Lift Station Connection Fee District" (hereinafter the "Project Improvements") and consist generally of the construction of a wastewater lift station to serve the properties within the City of West Branch located generally

north of Interstate 80 which have yet to connect to the City's wastewater system. The Project Improvements will be constructed in one Project to be let by the City in accordance with Chapter 26 of the Code of Iowa. The Project Improvements will serve approximately INSERT NUMBER acres within said District. The Executive Summary provided by Veenstra & Kimm Engineers states that the total project costs are \$750,000. The connection fee payable by a property owner whose property will be served by the Project Improvements will be calculated and imposed based upon the proposed use as listed on Exhibit "B." The connection fee will be payable in full at the earlier of (i) the time of submission by the property owner to the City of the subdivision plat for the area for signature and recording by the City, or (ii) the time of submission by the property owner to the City Engineer of construction plans for the construction of improvements on any portion of the owner's property to be served by the connection to the Public Improvements. For properties located north of Interstate 80 currently located outside of the city limits, the connection fee will become due and payable in accordance with this Ordinance upon annexation and platting or connection to the wastewater system as provided above. As of June 1, 2011, the connection fee payable for each specific use is described on Exhibit "B" attached hereto. Said connection fee will be adjusted annually based upon the interest rate the City is paying for Series INSERT BOND NUMBER AND SERIES LETTER bonds to fund the Project Improvements. Said adjusted connection fee shall be kept on file for public inspection by the City Clerk.

SECTION 4. PRIVATE SYSTEMS. Property owners within the District are not mandated to connect to the Wastewater System Utility if they currently have a properly operating private wastewater system. If a property owner's private wastewater system fails as determined by guidelines previously established by the City Engineer and the public wastewater system is located within 200 feet of said property, then the Property Owner will be required to connect to the City Water System.

SECTION 5. OTHER COSTS. The connection fee imposed by this chapter is in addition to, and not in lieu of, any other fees for connection required under the other provisions of this Code of Ordinances. The property owner paying a connection fee will be responsible for the full cost of providing any necessary sanitary sewer main extensions or service lines from private property improvements or buildings to the public mains and extensions being constructed as part of the Public Improvements.

SECTION 6. NONPAYMENT. In the event a connection is made to the Municipal Wastewater System without payment of the connection fee set forth in this chapter, the City shall disconnect such service until such times as the property owner has paid the required connection fee. In addition, the City may pursue any additional remedy provided by law.

SECTION 7. USE OF PROCEEDS. The connection fees collected by the City under this Chapter shall be used only for the purpose of operating the Municipal Wastewater System Utility, or paying the debt service on obligations issued to finance the Public Improvements.

SECTION 8. INTERPRETATION. The provisions of this Chapter are intended and shall be construed so as to fully implement the provisions of Section 384.84(3) of the Code of Iowa. In the event that any provision of this chapter is determined to be contrary to law, it shall not affect other provisions or application of this chapter which shall at all times be construed to fully invoke the provisions of Section 384.84(3) of the Code of Iowa with reference to the assessment and collection of the connection fees provided herein.

Section 3. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Adjudication. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

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Passed and approved this 5th day of July, 2011.

First Reading: June 6, 2011
Second Reading: June 20, 2011
Third Reading: July 5, 2011


Don Kessler, Mayor

ATTEST:

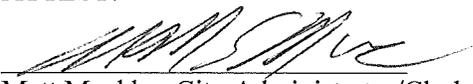

Matt Muckler, City Administrator/Clerk

Exhibit A

All unconnected properties located within the corporate limits of the City of West Branch that are located north of Interstate 80.