



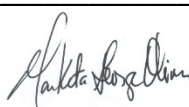
**BUSINESS OF THE CITY COUNCIL
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 11
For Meeting of 03/23/2020

ITEM TITLE: Consideration of Ordinance 200323-207 Adding Chapter 104, Sanitary Sewer Connection Fee Districts

CONTACT PERSON: Marketa Oliver, City Administrator

SUMMARY EXPLANATION: The connection fee district establishes a Sanitary Sewer Fee District located along both the easterly and westerly branches of Mud Creek referred to as the Northwest Trunk Sewer Connection Fee District. The District is put in place so that capital infrastructure improvements are repaid by those who predominantly benefit from the construction of the improvements.

<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Contract <input type="checkbox"/> Other (Specify) _____
Funding Source _____
APPROVED FOR SUBMITTAL _____  City Administrator

RECOMMENDATION: Pass one or more readings of ordinance on a roll call vote.

CITY OF BONDURANT
ORDINANCE NO. 200323-207

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF BONDURANT, IOWA BY ADDING CHAPTER
104, SANITARY SEWER CONNECTION FEE DISTRICTS

WHEREAS, establishment of a Sanitary Sewer Fee District located along both the easterly and westerly branches of Mud Creek referred to as the Northwest Trunk Sewer Connection Fee District.

THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONDURANT, POLK COUNTY, IOWA AS FOLLOWS:

Section 1 Sanitary Sewer Connection Fee District. The Code of Ordinances is amended by adding the following:

CHAPTER 104 – CONNECTION FEE DISTRICTS

104.5 Northwest Trunk Sewer Sanitary Sewer Connection Fee District

104.5.1 Connection Fee District. The Northwest Trunk Sewer Connection Fee District is hereby established consisting of the following area located in Sections 25, 35 and 36, Township 80 North, Range 23 West of the 5th Principal Meridian, Polk County, Iowa described as follows:

Commencing at the point of intersection of an east line of Section 35, Township 80 North, Range 35 West of the 5th Principal Meridian and the north right-of-way line of the former railroad right-of-way, thence southwesterly along the northerly right-of-way line of the former railroad right-of-way to the west line of the east one-half of the east one-half of said Section 35, thence north along the west line of the east one-half of the east one-half of said Section 35 to the north line of said Section 35, thence east along the north line of said Section 35 to the northeast corner of said Section 35, thence north along the west line of Section 25, Township 80 North, Range 23 West of the 5th Principal Meridian to the northwest corner of said Section 25, thence north along the west line of the southwest quarter of Section 24, Township 80 North, Range 23 West of the 5th Principal Meridian to the north line of the south one-half of the southwest quarter of said Section 24, thence east along the north line of the south one-half of the southwest quarter of said Section 24 to the northeast corner of the south one-half of the southwest quarter of said Section 24, thence east along the north line of the south one-half of the southeast quarter of Section 24, Township 80 North, Range 23 West of the 5th Principal Meridian to the northeast corner of the south one-half of the southeast quarter of said Section 24, thence south along the east line of the southeast quarter of said Section 24 to the northeast corner of Section 25, Township 80 North, Range 23 West of the 5th Principal Meridian, thence south along the east line of the northeast quarter of said Section 25 to a point 708.99 feet north of the southeast corner of the northeast quarter of said Section 25, thence west along a line parallel to and 708.99 feet north of the south line of the northeast quarter of said Section 25 a distance of 1,446.26 feet, thence southwesterly along a curve a distance of 485.00 feet, thence west a distance of 250.00 feet, thence southwesterly a distance of 363.53 feet to a point on the south line of the northeast quarter of said Section 25, thence west along the south line of the northeast quarter of said Section 25 to the southwest corner of the northeast quarter of said

Section 25, thence west along the north line of the southwest quarter of said Section 25 to the northwest corner of Outlot Z, Bluejay Landing Plat 2, an official plat in and forming the City of Bondurant, Polk City, Iowa, thence southerly along the westerly line of Bluejay Landing Plat 2 to the southwest corner of Lot 1, Bluejay Landing Plat 2, said point also being the northwest corner of Lot 29, Bluejay Landing Plat 1, an official plat in and forming the City of Bondurant, Polk City, Iowa, thence southerly along the west line of Bluejay Landing Plat 1 to a point on the south line of the southwest quarter of said Section 25, thence west along the north line of the northwest quarter of Section 36, Township 80 North, Range 23 West of the 5th Principal Meridian to a point lying directly north of the northwest corner of Lot J, Quail Run Plat 1, an official plat in and forming the City of Bondurant, Polk City, Iowa, thence southerly along the westerly line of Quail Run Plat 1 to a point on the north line of the former railroad right-of-way, thence southwesterly along the northerly right-of-way line of the former railroad right-of-way to the point of beginning.

104.5.2 Fee Schedule. From the effective date hereof through June 30, 2021 a connection fee of \$4,750 per acre shall be imposed. The connection fee shall be adjusted on July 1, 2021 and each calendar year thereafter based on the change in the ENR construction cost index for the one-year period ending on April 1 of the calendar year in which the adjustment is made. The connection fee shall be rounded to the nearest whole dollar. The City Administrator shall determine the applicable connection fee and shall maintain on file the connection fee effective July 1 of each calendar year.

104.5.3 Payment of the Connection Fee. The payment of the connection fee shall be made prior to the approval of any final plat of an area within the connection fee district, or prior to the approval of a site plan located within the connection fee district, or prior to the issuance of a permit for installation of the sewer connection for any parcel within the connection fee district. The connection fee shall be paid prior to the first of any of the three listed actions. If a connection fee is paid for the parcel for one of the three actions said parcel shall not be further subject to the connection fee.

104.5.4 Property Outside District. Any property outside of the described connection fee district may connect to the sewer serving the district with the approval of the City Administrator and payment of the appropriate connection fee. The number of connections to the system is limited and connections outside the district may not be allowed.

104.5.5 Payment by Agreement. Any property located within the connection fee district that is subject to a separate agreement regarding the payment of the connection fee shall be exempt from the payment of connection fees under this Ordinance, provided the connection fees are paid in accordance with the agreement. In the event a property subject to a separate agreement and the property owner fails to pay any or all of the connection fees under the separate written agreement, the property is not considered exempt from the payment of connection fees under this Ordinance and shall be subject to the payment of connection fees under this Ordinance to the extent not paid under the separate agreement.

Section 2 Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3 Severability. If any section, provisions, sentence, clause, phrase or part of this ordinance shall be adjudicated, invalid or unconstitutional, such adjudication shall not affect the validity of the

ordinance as a whole or any provision, section, subsection, sentence, clauses, phrase or part thereof not adjudged invalid or unconstitutional.

Section 4 Effective Date. This ordinance shall be in full force and effect following its passage, adoption and publication as required by law.

PASSED AND APPROVED by the City Council this 23rd day of March, 2020.

CITY OF BONDURANT, POLK COUNTY, IOWA

CURT SULLIVAN, MAYOR

ATTEST:

SHELBY HAGAN, CITY CLERK

FIRST CONSIDERATION:

SECOND CONSIDERATION:

THIRD CONSIDERATION: