



City of Grand Island

Tuesday, December 27, 2016

Council Session

Item D-1

#2016-BE-7 - Consideration of Determining Benefits for Sanitary Sewer District No. 528

Council action will take place under Ordinances item F-1.

Staff Contact: John Collins, P.E. - Public Works Director

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: December 27, 2016

Subject: Consideration of Determining Benefits for Sanitary Sewer District No. 528

Presenter(s): John Collins PE, Public Works Director

Background

The Certificate of Final Completion for Sanitary Sewer District No. 528 was approved on November 22, 2016 with December 27, 2016 set as the date for Council to sit as the Board of Equalization.

All work has been completed and special fees have been calculated for this sanitary sewer district.

Discussion

Sanitary Sewer District No. 528 was created by City Council on July 12, 2011 through Ordinance No. 9299 in response to a petition the City received from four (4) property owners requesting sanitary sewer in the Wildwood Subdivision. Work on this sanitary sewer district was completed at a construction price of \$1,686,157.73 and additional costs of \$214,388.97 for a total district cost of \$1,900,546.70. The Engineers Certificate of Completion is attached detailing such costs.

Assessments were reached using the following information, with supporting documentation attached.

Final District Cost	\$ 1,900,546.70
530T credit	\$ (436,395.96)
Swift Beef Co. credit (Per Res 2011-321)	\$ (245,000.00)
City Costs	\$ (254,150.74)
Total Assessable Costs	\$ 965,000.00

Connection Agreements & amount paid prior to project completion:

Property Owner	Address	Previous Fees Paid
Robco, LLC dba Fairbanks Equipment	5018 Antelope Dr	\$ 2,003.13
Rich and Sons Camper Sales of GI	5112 Antelope Dr	\$ 5,936.25
Total Previous Fees Paid		\$ 7,939.38

The attached resolution gives credit to the two (2) property owners currently connected to the sanitary sewer main in this district and notes assessment amount due from each property, in the total amount of \$957,060.62.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

Public Works Administration recommends that the Council sit as the Board of Equalization to determine benefits and pass an Ordinance to levy assessment fees to individual properties.

Sample Motion

(Sample Motion for the Board of Equalization)

Move to approve the resolution determining benefits for Sanitary Sewer District No. 528.

(Sample Motion for the Ordinance)

Move to approve the Ordinance levying the assessment fees for Sanitary Sewer District No. 528.

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

AFFIDAVIT OF MAILING

RaNae Edwards, City Clerk, being first duly sworn on oath, deposes and says that she is the duly appointed and acting City Clerk of the City of Grand Island, Nebraska, and that on December 13, 2016, she mailed copies of the "Notice of Board of Equalization Hearing – Sanitary Sewer District 528", which notice was first published in the Grand Island Independent on December 13, 2016, to the following named parties:

*Robin Stauffer Trustee
2304 E Cuming St
Fremont, NE 68025

GMS Enterprises, Inc.
5050 S Elk Dr
Grand Island, NE 68803

Daniel P & Susan M Springer
3344 W Wildwood Dr
Grand Island, NE 68803

Central Cooperatives Nonstock Transport Co.
5120 S Elk Dr
Grand Island, NE 68803

*Attn: Cody Wray
Robco LLC
2422 High Point Cir
Wichita, KS 67205

*Nebraska Transport Co., Inc.
1225 Country Club Rd
Gering, NE 69341-1738

Rich & Sons Camper Sales of GI
5112 Antelope Dr
Grand Island, NE 68803

*Amercian Freightways, Inc.
3336 E 32nd St, #217
Tulsa, OK 74135

*BBRE Partnership
PO Box 248
Durand, WI 54736

Man Properties, LLC
5212 S Antelope Dr
Grand Island, NE 68803

JPK & CMA Enterprises, Inc.
50185 S Elk Dr
Grand Island, NE 68803

Such communications were properly posted and deposited in the United States mail.

Those names shown with an asterisk were mailed copies by certified mail, return receipt requested, being owners of property within the district whose addresses were shown on the tax rolls of Hall County at the time said Notice was first published as being outside the boundaries of Hall County.

Affiant further states that she, and her attorney, after diligent investigation and inquiry, were unable to ascertain and does not know the post office address of any other party appearing to have a direct legal interest in the proceedings other than the above parties to whom notice has been mailed.

DATED: December 13, 2016



RaNae Edwards, City Clerk

Subscribed and sworn to before me this 13th date December, 2016.



Notary Public



**NOTICE OF
BOARD OF
EQUALIZATION HEARING**

Sanitary Sewer District No. 528
Wildwood Subdivision
Hall County, Nebraska

NOTICE is hereby given to all persons owning real estate in Sanitary Sewer District No. 528 in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on December 27, 2016 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to pay the cost of the sanitary sewer improvements therein. All owners of real estate within said sanitary sewer district, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made.

By order of the City Council,
Grand Island, Nebraska.

RaNae Edwards, City Clerk

13-20-27

ORDINANCE NO.

An ordinance to assess and levy a special tax to pay the cost of construction of Sanitary Sewer District No. 528 of the City of Grand Island, Nebraska; to provide for the collection of such special tax; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. There is hereby assessed upon the following described lots, tracts, and parcels of land specifically benefited, for the purpose of paying the cost of construction of said sanitary sewer in said Sanitary Sewer District No. 528, as adjudged by the Mayor and Council of said City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and lands as follows:

Sanitary Sewer District No. 528 - Assessments

Parcel #	Owner	Legal	Totals	Connection Fee Previously Paid	Assessment Owed
400215985	Robin Stauffer Trustee	Alda Twp PT SE1/4 NE1/4 & PT E1/2 SE1/4 1-10-10 87.48 ac	\$142,268.74	\$ -	\$ 142,268.74
400215977	Daniel P & Susan M Springer	Stauffer Sub Lot 2 5.03 ac	\$ 42,157.68	\$ -	\$ 42,157.68
400219298	Robco LLC, c/o Cody Wray	Lots 1, Wildwood Sub	\$ 35,368.98	\$ 2,003.13	\$ 33,365.85
400219298	Robco LLC, c/o Cody Wray	Lots 2, Wildwood Sub	\$ 8,637.09	\$ -	\$ 8,637.09
400219298	Robco, LLC, c/o Cody Wray	Lots 3, Wildwood Sub	\$ 22,003.04	\$ -	\$ 22,003.04
400219433	Robco, LLC	Lot 14, Wildwood Sub	\$ 22,039.20	\$ -	\$ 22,039.20
400219441	Robco, LLC	Lot 15, Wildwood Sub	\$ 43,940.84	\$ -	\$ 43,940.84
400219336	Rich & Sons Camper Sales of GI	Lot 4, Wildwood Sub	\$ 22,006.06	\$ 5,936.25	\$ 16,069.81
400219360	Rich & Sons Camper Sales of GI	Lot 7, Wildwood Sub	\$ 22,003.04	\$ -	\$ 22,003.04
400219417	Rich & Sons Camper Sales of GI	Lot 12, Wildwood Sub	\$ 22,093.03	\$ -	\$ 22,093.03
400219425	Rich & Sons Camper Sales of GI	Lot 13, Wildwood Sub	\$ 22,007.23	\$ -	\$ 22,007.23
400219352	Rich & Sons Camper Sales of GI	Lot 1, Hiser Sub	\$ 44,006.07	\$ -	\$ 44,006.07

Approved as to Form ☐ _____
December 13, 2016 ☐ City Attorney

RESOLUTION NO. _____ (Cont.)

400219379	BBRE Partnership	Lot 8, Wildwood Sub	\$ 26,414.64	\$ -	\$ 26,414.64
400219387	BBRE Partnership	Lot 9, Wildwood Sub	\$ 26,104.07	\$ -	\$ 26,104.07
400219395	BBRE Partnership	Lot 10, Wildwood Sub	\$ 22,142.26	\$ -	\$ 22,142.26
400219409	BBRE Partnership	Lot 11, Wildwood Sub	\$ 22,046.93	\$ -	\$ 22,046.93
400219468	JPK & CMA Enterprises, Inc.	Lot 1, Wildwood Second Sub	\$ 47,328.12	\$ -	\$ 47,328.12
400219476	GMS Enterprises, Inc.	Lot 2, Wildwood Second Sub	\$ 42,820.68	\$ -	\$ 42,820.68
400219484	Central Cooperatives Nonstock Transport Co.	Lot 18, Wildwood Sub	\$ 22,537.20	\$ -	\$ 22,537.20
400219492	Central Cooperatives Nonstock Transport Co.	Lot 19, Wildwood Sub	\$ 22,537.20	\$ -	\$ 22,537.20
400219506	Central Cooperatives Nonstock Transport Co.	Lot 20, Wildwood Sub	\$ 22,537.20	\$ -	\$ 22,537.20
400219522	Nebraska Transport Co., Inc.	Lot 21, Wildwood Sub	\$ 22,537.20	\$ -	\$ 22,537.20
400219522	Nebraska Transport Co., Inc.	Lot 22, Wildwood Sub	\$ 69,159.31	\$ -	\$ 69,159.31
400219530	Amercian Freightways, Inc.	Lot 23, Wildwood Sub	\$ 23,719.25	\$ -	\$ 23,719.25
400219530	American Freightways, Inc.	Lot 24, Wildwood Sub	\$ 23,719.25	\$ -	\$ 23,719.25
400219530	American Freightways, Inc.	Lot 25, Wildwood Sub	\$ 23,719.25	\$ -	\$ 23,719.25
400219549	Man Properties, LLC	Lot 26, Wildwood Sub	\$ 23,719.25	\$ -	\$ 23,719.25
400219549	Man Properties, LLC	Lot 27, Wildwood Sub	\$ 23,719.25	\$ -	\$ 23,719.25
400219549	Man Properties, LLC	Misc Tracts 12-10-10 PT NE 1/4, NE 1/4 1.63 ac	\$ 51,707.94	\$ -	\$ 51,707.94
Totals			\$ 965,000.00	\$ 7,939.38	\$ 957,060.62

SECTION 2. The special tax shall become delinquent as follows: one-tenth of the total amount shall become delinquent in fifty (50) days; one-tenth in one year; one-tenth in two years; one-tenth in three years; one-tenth in four years; one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; one-tenth in nine years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within fifty days from the date of the levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at rate of fourteen percent (14%) per annum shall be paid thereof, until the same is collected and paid.

RESOLUTION NO. _____ (Cont.)

SECTION 3. The Treasurer of the City of Grand Island, Nebraska is hereby directed to collect the amount of said taxes herein set forth as provide by law.

SECTION 4. Such special assessments shall be paid into a fund to be designated as the "Sanitary Sewer District No. 528".

SECTION 6. Any ordinance or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 7. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen (15) days in one issue of the Grand Island Independent as provided by law.

Enacted: December 27, 2016.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

RESOLUTION 2016

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for Sanitary Sewer District No. 528, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district 528 to be the total sum of \$1,900,546.70, with credits of \$943,486.08, for a revised assessment total of \$957,060.62; and

Such benefits are equal and uniform; and

According to the area of the respective lots, tracts, and real estate within such Sanitary Sewer District No. 528, such benefits are the sums set opposite the several descriptions as follows:

Sanitary Sewer District No. 528 - Assessments

Parcel #	Owner	Legal	Totals	Connection Fee Previously Paid	Assessment Owed
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Totals			\$ 965,000.00	\$ 7,939.38	\$ 957,060.62

Adopted by the City Council of the City of Grand Island, Nebraska, December 27, 2016.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

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December 23, 2016 ☐ City Attorney

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Totals			\$ 965,000.00	\$ 7,939.38	\$ 957,060.62

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, December 27, 2016.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

- 2 -

