



City of Grand Island

Tuesday, February 14, 2017

Council Session

Item D-1

#2017-BE-1 - Consideration of Determining Benefits for Sanitary Sewer District No. 528

Council action will take place under Resolutions item I-7.

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

Council Agenda Memo

From: Terry Brown PE, Assistant Public Works Director

Meeting: February 14, 2017

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. Staff intended to create this as an assessment; however paragraph number 4 in Ordinance No. 9299, approved by City Council on July 12, 2011, contains language that created a connection district (a.k.a. tap). It is recognized that this was a mistake on the part of the City, and staff will work with property owners to address any resulting issues. A notice has been sent to all affected property owners explaining that costs will now be collected in full prior to connection to the City's sanitary sewer system via a tap district.

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

Tap connection fees 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 | \$ 66,009.11 |
| Rich and Sons Camper Sales of GI | 5112 Antelope Dr | \$ 5,936.25 |
| Total Previous Fees Paid | | \$ 71,945.36 |

The attached resolution gives credit to the two (2) property owners currently connected to the sanitary sewer main in this district and notes amount due from each property, in the total amount of \$893,054.64.

A connection fee in the amount of the benefit accruing to each property in the district shall be paid to the City of Grand Island prior to the time such property becomes connected to the sanitary sewer. Because of the urgent need, and the misunderstanding that this was an assessment district, some properties were allowed to connect. With the new understanding that this is a connection district, no additional properties benefited as determined by the attached resolution shall be connected to the sanitary sewer main until the connection fee is paid.

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 a Special Tap Fee 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 tap 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 January 31, 2017, 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 January 31, 2017, 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

*Robco LLC, c/o Cody Wray
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

*American 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.
5018 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: January 31, 2017



RaNae Edwards, City Clerk

Subscribed and sworn to before me this 31st date January, 2017.





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 February 14, 2017 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 connection fees should not be made.

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

RaNae Edwards, City Clerk
31-7-14

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 February 14, 2017 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 connection fees should not be made.

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

RaNae Edwards, City Clerk

Publication Dates:

January 31, 2017

February 7, 2017

February 14, 2017

RESOLUTION 2017

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 connection fee 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 -

| Parcel # | Owner | Legal | Totals | Conn Amt Prev Paid | Grand Totals Per Owner |
|---|--|---|---------------------|-----------------------|---------------------------|
| 400215985 | Robin Stauffer Trustee | Alda Twp PT SE 1/4 NE 1/4 & PT E 1/2 SE 1/4 1-10-10 87.48 ac | \$142,268.77 | \$ - | \$142,268.77 |
| 400215977 | Daniel P & Susan M Springer | Stauffer Sub Lot 1 5.03 ac | \$ 42,157.68 | \$ - | \$ 42,157.68 |
| 400219298 400219433 400219441 | Robco LLC, c/o Cody Wray | Lots 1, 2, 3, 14, 15 Wildwood Sub | \$131,989.15 | \$ 2,003.13 | \$129,986.02 |
| 400219336 400219360 400219417 400219425 400219352 | Rich & Sons Camper Sales of GI | Lot 4, 7, 12, 13 Wildwood Sub & Lot 1 Hiser Sub | \$132,115.43 | \$ 5,936.25 | \$126,179.18 |
| 400219379 400219387 400219395 400219409 | BBRE Partnership | Lot 8, 9, 10, 11 Wildwood Sub | \$ 96,707.89 | | \$ 96,707.89 |
| 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 400219492 400219506 | Central Cooperatives Nonstock Transport Co. | Lot 18, 19, 20 Wildwood Sub | \$ 67,611.60 | \$ - | \$ 67,611.60 |
| 400219522 | Nebraska Transport Co., Inc. | Lot 21, 22 Wildwood Sub | \$ 91,696.51 | \$ - | \$ 91,696.51 |
| 400219530 | American Freightways, Inc. | Lot 23, 24, 25 Wildwood Sub | \$ 71,157.73 | \$ - | \$ 71,157.73 |
| 400219549 400219557 400289377 400217171 | Man Properties, LLC | Lot 26, 27 Wildwood Sub & Misc Tracts 12-10-10 PT NE ¼, NE ¼ & 12-10-10 PT NE ¼, NE 1/4 | \$ 99,146.44 | \$ - | \$ 99,146.44 |
| TOTALS: | | | \$965,000.00 | \$ 7,939.38 | \$957,060.62 |

Approved as to Form ☐ _____
January 31, 2017 ☐ City Attorney

BE IT FURTHER RESOLVED that the special benefits as determined by this resolution shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103, R.R.S. 1943. A connection fee in the amount of the above benefit accruing to each property in the district shall be paid to the City of Grand Island prior to the time such property becomes connected to the sanitary sewer. No property benefited as determined by this resolution shall be connected to the sanitary sewer main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

Adopted by the City Council of the City of Grand Island, Nebraska, February 14, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

RESOLUTION NO. 2017-

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the special benefits as determined by Resolution No. 2017-BE-x shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103 R.R.S. 1943. A connection fee in the amount of the benefit identified below accruing to each property in the district shall be paid to the City of Grand Island prior to the time such property becomes connected to the sanitary sewer main. No property benefited as determined by this resolution shall be connected to the sanitary sewer main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

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

Sanitary Sewer District No. 528 -

| Parcel # | Owner | Legal | Totals | Conn Amt Prev Paid | Grand Totals Per Owner |
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Approved as to Form ☐ _____
January 31, 2017 ☐ City Attorney

RESOLUTION NO. _____ (Cont.)

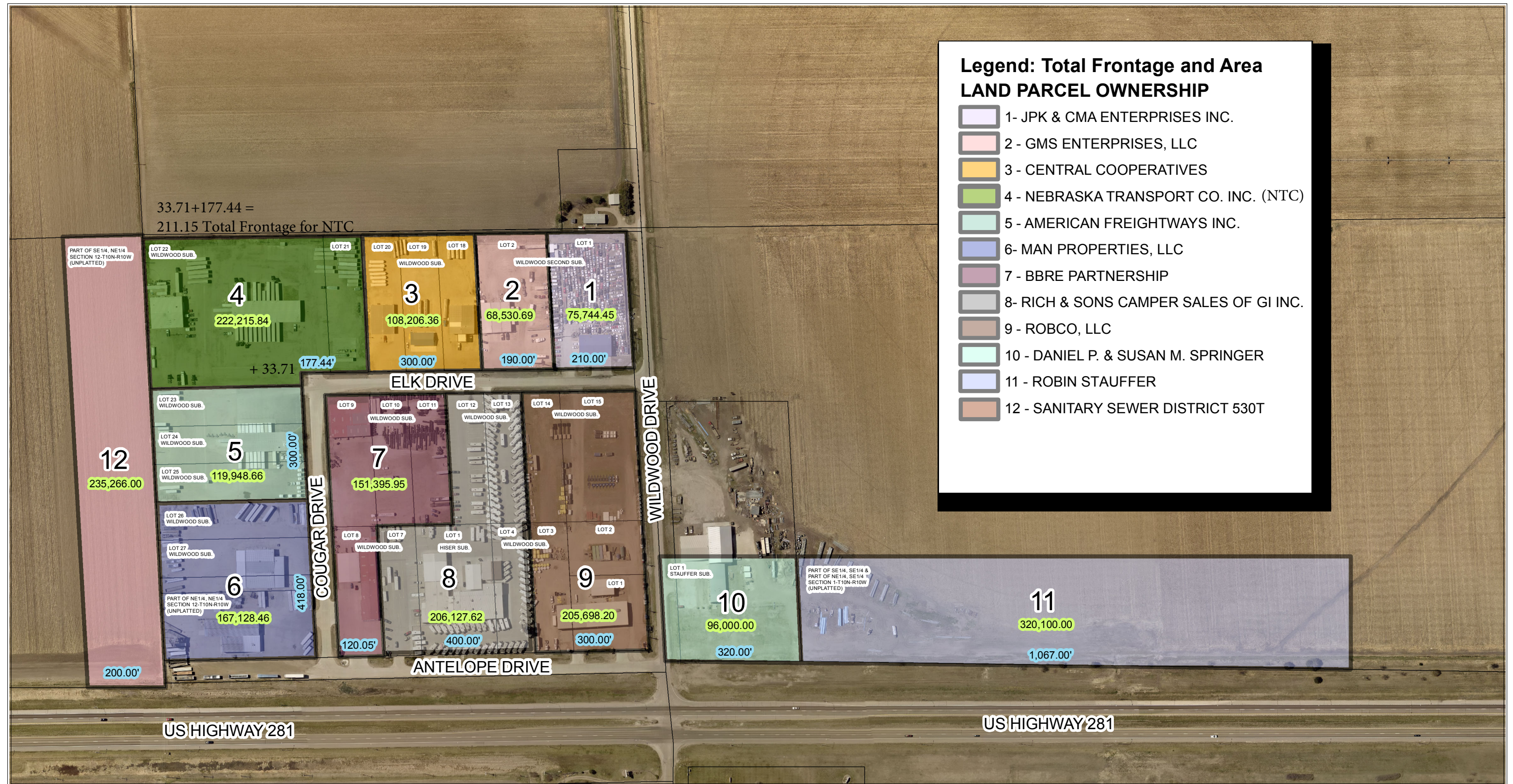
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| TOTALS: | | | \$965,000.00 | \$ 7,939.38 | \$957,060.62 |

Adopted by the City Council of the City of Grand Island, Nebraska, February 14, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk



SANITARY SEWER DISTRICT 528(T)



RESOLUTION NO. 2017-BE-1

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the special benefits as determined by Resolution No. 2017-BE-1 shall not be levied as special assessments but shall be certified by this resolution to the Register of Deeds, Hall County, Nebraska, pursuant to Section 16-6,103 R.R.S. 1943. A connection fee in the amount of the benefit identified below accruing to each property in the district shall be paid to the City of Grand Island prior to the time such property becomes connected to the sanitary sewer main. No property benefited as determined by this resolution shall be connected to the sanitary sewer main until the connection fee is paid. The connection fees collected shall be paid into the fund from which construction costs were made to replenish such fund for the construction costs.

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Approved as to Form ☐ _____
February 8, 2017 ☐ City Attorney

RESOLUTION NO. 2017-BE-1 (Cont.)

| | | | | | |
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| TOTALS: | | | \$965,000.00 | \$71,945.36 | \$893,054.64 |

Adopted by the City Council of the City of Grand Island, Nebraska, February 14, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk