

Resolution No. 2008 - 06

**POLICY REGARDING EXISTING SERVICES FOR
AREAS ANNEXED INTO THE CITY OF WAHOO**

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, (City) did commission JEO Consulting Group, Inc., to analyze the potential for annexation of certain properties on the perimeter of the existing corporate limits of the City, and,

WHEREAS, JEO Consulting Group, Inc. did complete said analysis and submit its report, entitled Annexation Study Final Report dated March, 2007, (Report) to the Mayor and Council of City, and,

WHEREAS, said Report did indicate 22 potential annexation areas which the Mayor and Council may consider for annexation to the City, and,

WHEREAS, said Report also identified services which currently exist, whether privately or collectively through a group or agency, which the City will be able to offer residents of these identified areas once annexation is complete, and

WHEREAS, these said services include but are not limited to the following: water (potable and otherwise), sanitary sewer, natural gas, electricity, snow removal, street maintenance, sign maintenance and storm water drainage, and

WHEREAS, residents of the identified areas have made investments in water and sanitary sewer services and it is their desire to receive the greatest benefit possible from their investments, and

WHEREAS, it is necessary for the City to establish a policy for each of these services, to determine how the transition will be made from the existing services to the services provided by City, and,

WHEREAS, the Mayor and Council of City, prior hereto, did adopt Resolution No. 2007-26, dated July 26, 2007, establishing a policy, as aforementioned, and,

WHEREAS, it is the desire of the Mayor and Council of City to repeal Resolution No. 2007-26 and to adopt this Resolution as the policy of the City regarding existing services for areas annexed into the City,

NOW, THEREFORE BE IT RESOLVED THAT THE FOLLOWING BE THE GENERALLY FOLLOWED POLICY AND PLAN FOR EXISTING SERVICES IN AREAS ANNEXED BY THE CITY AND SERVICES TO BE PROVIDED BY THE CITY AFTER ANNEXATION.

1. WATER, Potable and Non-Potable:

A. The City shall prepare a plan within one year of the completion of annexation of the identified area(s) to extend the City's water mains, to the extent that potable water service can be provided to each lot in the annexed areas.

B. The extension of water lines shall be done through a Water Extension District (Water District) as is authorized and allowed by Nebraska Revised Statutes, §19-2402 through §19-2407.

C. The costs of the extension of water lines shall be assessed to the abutting lot owners as specially benefited, and the said assessments shall be paid as set forth in Section 7 of this Policy.

D. Costs associated with the over-sizing of any portion of the water line in the Water District shall be found to be the costs which benefit the entire water system and shall be paid by the City and not assessed to the lot owners within the Water District.

E. Connection to the City's water system shall be mandatory for potable water services when the water line is installed and accepted by the City.

F. If the lot now serviced by City water through the aforementioned Water District has an existing water well, the existing water well may continue to be used by the lot owner, for non-potable purposes, until such time as the water well fails. Failure includes, but shall not be limited to, failure of the water well casing or hole where either the casing must be replaced or the water well has to be re-drilled and relocated. In the event the lot owner owns 0.75 acres or more, the City may grant permission, in accordance with City's Building Regulations and/or the Regulations of the NE Department of Health and Human Services, to the lot owner to repair the casing or re-drill the water well with the water to be used for non-potable purposes only.

G. Any existing water wells which are being used for a well-to-well ground source heat pump will be allowed to remain in service until the system fails. Failure includes, but shall not be limited to, failure of the water well casing or hole where either the casing must be replaced or the water well has to be re-drilled and relocated. Thereafter, said well-to-well ground source heat pump shall not be permitted in the corporate limits of City.

H. In the event the lot owner owns 0.75 acres or more, and if upon said lot there exists a ground source heat pump utilizing a closed-loop system, it will be allowed to remain and be maintained in accordance with City's Building Regulations and/or the Regulations of the NE Department of Health and Human Services, said water to be used for non-potable purposes only.

2. SANITARY SEWER:

A. The City shall prepare a plan within one year of the completion of annexation of the identified area(s) to extend the City's sanitary sewer mains to those areas, or portions of areas, where it is determined by the Mayor and Council of the City to be fiscally prudent.

B. The extension of sanitary sewer lines shall be done through a Sanitary Sewer Extension District (Sewer District) as is authorized and allowed by Nebraska Revised Statutes, §19-2402 through §19-2407.

C. The costs of the extension of sanitary sewer lines shall be assessed to the abutting lot owners as specially benefited and the said assessments shall be paid as set forth in Section 7 of this Policy.

D. Costs associated with the over-sizing of any portion of the sanitary sewer line in the Sewer District shall be costs which benefit the entire sanitary sewer system and shall be paid by the City and not assessed to the lot owners within the Sewer District.

E. Regarding sanitary sewer systems which are in place at the time of annexation, which are in compliance with Nebraska Department of Health Rules and Regulations, City may waive the mandatory hookup requirement of §53.26 of the Wahoo Municipal Code and said sanitary sewer systems may continue to be used by the lot owner until the sanitary sewer system fails. Failure shall mean, but shall not be limited to, either failure of the leaching field or failure of the septic tank. Once the sanitary sewer system fails, the sanitary sewer system must be properly abandoned and the lot must be connected to the City's sanitary sewer system pursuant to §53.26 of the Wahoo Municipal Code.

F. If at any time the City is made aware or knows that an existing sanitary sewer system has failed and been replaced with a like system, or that an unsanitary sewer system is in use, the City shall provide notice to the lot owner of mandatory connection, and shall, after providing the statutorily required notice, connect the lot to the City's sanitary sewer system and shall assess the costs of said connection to the lot owner pursuant to §53.26 of the Wahoo Municipal Code.

G. The City reserves the right to, at any time, in order to preserve the health and safety of the community and surrounding lots, require connection to the City sanitary sewer system pursuant to §53.26 of the Wahoo Municipal Code. This would be a decision by the City supported by either state mandates or evidence that unsanitary and unsafe conditions exist.

3. NATURAL GAS and PROPANE:

A. The City shall prepare a plan within one year of the completion of annexation of the identified area(s) regarding installation of natural gas mains to all developed lots.

B. The costs of the installation of the gas mains shall be paid by the City.

C. Propane fueled heating systems in service at the time of annexation may continue to be used by the lot owners until the heating system fails and must be replaced. At that time, the lot owner will be required to remove the propane tank from the lot and replace the heating system with a system that does not use a propane tank or require storage of combustible materials which cause a threat to the health and safety of the community.

4. STREETS, STREET SIGNS, AND STREET LIGHTING:

A. The City shall maintain the existing streets in the condition they are in at the time of annexation. For gravel/rock streets, the City shall continue to maintain the roads with gravel and rock. For streets which are surfaced with armor coating, the City shall maintain the armor coating surfacing with patching.

B. Lot owners may, at any time, submit a petition which has been signed by greater than 50% of the abutting property owners to have the street improved to City standards. Upon receipt of the petition, the City of Wahoo shall create a Street Improvement District, complete the improvements, and assess the costs to the all abutting property owners.

C. The City shall provide all snow removal on publicly dedicated streets as is currently provided to all other City residents.

D. The City shall maintain all street locator signs, shall determine the best location of traffic control signs, and shall have the authority to regulate parking, stopping, etc. along the publicly dedicated streets as authorized by law.

E. The City shall prepare a plan within one (1) year of the completion of annexation of the identified areas regarding installation of street lighting in the annexed areas.

5. STORM WATER DRAINAGE:

A. The City shall maintain the existing storm water drainage system that is in place at the time of annexation of the area. As these systems are primarily above ground systems, done through channels and ditches, maintenance of these channels and ditches will need to be performed from time to time. Currently, lot owners have yards and other landscaping located in the street right-of-way where the drainage channels and ditches are located. The City shall work with lot owners individually to determine how the yards and landscaping will be handled at the time of the maintenance of the channels and ditches.

B. Storm water drainage improvements shall be addressed at the time a Street Improvement District is created.

6. ELECTRICITY:

A. For those lots which are not in the City's electrical service area as defined by the Nebraska Public Service Commission, the City shall, within one year of annexation, file the necessary documents with the Public Service Commission to have said area(s) included in the City's service area for electricity.

B. For those lots which are in the City's electrical service area but are presently served by another power company, the City will file a request with the Nebraska Public Service Commission for acquisition of those lots.

7. ASSESSMENTS/INCENTIVES:

A. The City will assess costs associated with the extension of water and sanitary sewer services, pursuant to Water Districts and/or Sewer Districts at the completion of each respective project pursuant to Neb. Rev. Stat. §19-2404 and on a per lot basis. Any costs associated with over-sizing the lines will be paid by the City. Once the final assessments for water and the final assessments for sanitary sewer are determined by the City, taking into consideration the potential credit as established by subparagraph B. (3) hereof, payment will be as follows:

- (1.) Payment in full within 50 days of the assessment, with no interest.
- (2.) One twentieth, or less at the discretion of City, being due each year along with the accrued interest on the unpaid principal balance. The first installment will be due fifty days from the date of assessment. Subsequent installments, plus accrued interest, will be due on the annual anniversary of date of assessment. The annual interest rate shall be set by City very near the average borrowing rate of City for the improvement. The delinquent interest rate is 14% as per state statute. If the lot is sold at any time during the assessment period, the assessment will be paid in full at the time of the sale of the lot.

B. As additional incentives:

- (1.) City shall waive its current tap fee, at the time of construction, for connection to the City water system which is mandatory pursuant to paragraph 1. E. hereof;

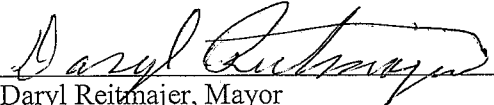
- (2.) City shall waive its current tap fee, at the time of construction, for connection to the City sanitary sewer system which is not mandatory pursuant to paragraph 2. E. hereof; future tap fees greater than the tap fee at the time of connection shall be collected by City prior to connection to the City sewer system;
- (3.) If the Water District and/or the Sewer District has not been created by the Petition method, the City agrees to give each lot upon which is located an existing and functional water well and sanitary sewer system a credit to reduce the assessment for water and sanitary sewer as follows:
 - (a) City shall establish a cost of the water well and sanitary sewer at \$11,000.00;
 - (b) Utilizing the Saunders County Assessors Records, City shall determine the year that the residence upon the lot was constructed;
 - (c) Subparagraph (a). shall be divided by 20;
 - (d) The year in which the residence upon the lot was constructed shall be subtracted from the year in which City determines the assessment as set forth in subparagraph A. hereof;
 - (e) The remainder of subparagraph (d) shall be multiplied by the quotient of subparagraph (c);
 - (f) The product of subparagraph (e) shall be subtracted from the cost estimate of subparagraph (a);
 - (g) The remainder of subparagraph (f) shall be the credit given by the City pursuant to subparagraph A. hereof.
- (4) The City, for good cause shown, may modify and deviate from the aforementioned procedure of determining the credit for a lot upon which is located an existing and functional water well and/or an existing and functional sanitary sewer system.

8. ALL OTHER SERVICES:


The City realizes that there may be other services not addressed in this Policy document. It is the intent of the City that these services be addressed either through an amendment to this Policy, or addressed through the required "Plan to Extend Services" document is required to be adopted within one year of annexation.

DATED this 28th of February, 2008.

CITY OF WAHOO, Nebraska


Daryl Reitmajer, Mayor

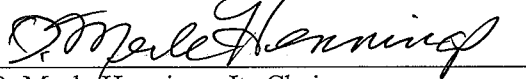
ATTEST:



Melissa M. Harrell,
City Administrator/Clerk/Treasurer

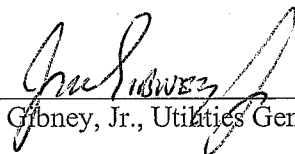
APPROVED AS TO FORM AND CONTENT:

WAHOO BOARD OF PUBLIC WORKS



O. Merle Hennings, Its Chair
Dated: February 20, 2008

ATTEST:



J. M. Gibney, Jr., Utilities General Manager