

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2020 AGENDA

Subject:	Type:	Submitted By:
SARPY COUNTY AND CITIES WASTEWATER AGENCY – REVISED SEWER USER RATES AND CONNECTION FEES SCHEDULE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared approving the Sarpy County and Cities Wastewater Agency Revised Sewer User Rates and Connection Fees Schedule.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval

BACKGROUND

The City of La Vista is a party to an agreement entered into pursuant to the Interlocal Cooperation Act set out in Neb. Rev. Stat. §13-801 et. Seq. by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the “Members”), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”).

Pursuant to Section V(A)(3) of the Formation Interlocal, the Agency has the power and authority to “[e]stablish just and equitable rates, fees, or charges for the use of or connection to the Unified SSWs, any property or equipment associate therewith, or any services proved in connection with [the Unified SSWs]”. Which shall be presented to and subject to approval of the individual governing body of each Member. A copy of the Sewer User Rates and Connection Fees Schedule is attached.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A REVISED SEWER USER RATES AND CONNECTION FEES SCHEDULE AND RELATED POLICIES AND PROCEDURES FOR THE UNIFIED SSWs FOR LAND DEVELOPMENT WITHIN CERTAIN PARTS OF THE SARPY COUNTY AND CITIES WASTEWATER AGENCY'S JURISDICTION

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. Section 13-801 et. seq., Sarpy County and the Cities of Papillion, Bellevue, Springfield, Gretna and La Vista (each a "Member") entered into an agreement (as amended, the "Formation Interlocal"), and formed an interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

WHEREAS, pursuant to the Formation Interlocal, the powers of the Agency as a body are exercised by the Agency Board; and

WHEREAS, the Agency Board approved an updated sewer user rates and connection fees schedule, attached as EXHIBIT A (the "2020 Rate and Fee Schedule") and related policies and procedures with respect to payment and collection of such rates and fees, attached as EXHIBIT B (the "2020 Rate and Fee Policies") for land development in parts of the Agency's Jurisdiction, located in southern portions of Sarpy County south of the hydrological ridgeline, and excluding any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista.

WHEREAS, certain actions of the Agency Board require approval of the Members and the Agency Board has submitted the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies to the Members for approval.

NOW, THEREFORE, BE IT RESOLVED by the City of La Vista City Council that the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies are approved.

BE IT FURTHER RESOLVED that neither the 2020 Rate and Fee Schedule nor the 2020 Rate and Fee Policies, nor any part thereof, shall apply to or within the City of La Vista or any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista, as such corporate boundaries or jurisdiction from time to time may be adjusted.

BE IT FURTHER RESOLVED that recitals above and attached exhibits are incorporated into this Resolution by reference.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

EXHIBIT A

Effective: August 26, 2020

2020 Rate and Fee Schedule

USER RATES (per 1,000 gallons¹)

Property Use	FY 2020-2021	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025
Residential	\$8.82	\$9.26	\$9.73	\$10.21	\$10.72
Commercial/Civic	\$8.82	\$9.26	\$9.73	\$10.21	\$10.72
Industrial	\$13.23	\$13.89	\$14.59	\$15.32	\$16.09

CONNECTION FEES

Property Use	FY 2020-2021	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025
Single-family Residential lots located in the Urban Reserve Zone (“URZ”) ² consisting of three acres or less, and approved for development through applicable Member build-through or similar type zoning and/or subdivision regulations	\$4,181.62 per parcel/ tract/lot	\$4,307.48 per parcel/ tract/lot	\$4,437.14 per parcel/ tract/lot	\$4,570.70 per parcel/ tract/lot	\$4,707.36 per parcel/ tract/lot
Single-family Residential parcel/tract/ lots located in the URZ consisting of twenty acres or more, and approved for development through applicable Member large-lot or similar type zoning and/or subdivision regulations	\$4,181.62 per parcel/ tract/lot	\$4,307.48 per parcel/ tract/lot	\$4,437.14 per parcel/ tract/lot	\$4,570.70 per parcel/ tract/lot	\$4,707.36 per parcel/ tract/lot
All other Residential uses that do not fall within the residential uses described in the two rows immediately above	\$20,906.06 per acre	\$21,533.25 per acre	\$22,179.24 per acre	\$22,844.62 per acre	\$23,529.96 per acre
Commercial	\$20,906.06 per acre	\$21,533.25 per acre	\$22,179.24 per acre	\$22,844.62 per acre	\$23,529.96 per acre
Industrial	\$20,906.06 per acre	\$21,533.25 per acre	\$22,179.24 per acre	\$22,844.62 per acre	\$23,529.96 per acre
Civic	\$20,906.06 per acre	\$21,533.25 per acre	\$22,179.24 per acre	\$22,844.62 per acre	\$23,529.96 per acre

* Single-family residential lots located in the URZ consisting of (i) three acres or less and approved for development through applicable Member build-through or similar type zoning and/or subdivision regulations, or (ii) twenty acres or more and approved for development through applicable Member large lot or similar type zoning and/or subdivision regulations shall pay a flat connection fee in accordance with the schedule above.

¹ The User Rates will be computed based on the water consumption calculated and billed by each Member’s water service provider. The Members’ calculation of water consumption may be based on actual consumption, average consumption or a combination thereof.

² As defined pursuant to the Agency’s Growth Management Plan initially adopted by the Agency on June 26, 2019 pursuant to Resolution No. 2019-004, as amended from time to time.

EXHIBIT B

2020 Rate and Fee Policies

Effective: August 26, 2020

All capitalized terms set forth in these Rate and Fee Policies (the “Policies”) shall have the same meanings as set forth in that certain Interlocal Agreement Creating the Sarpy County and Cities Wastewater System by and between the County of Sarpy, Nebraska and the Cities of Papillion, Bellevue, Springfield, La Vista, and Gretna, Nebraska dated September 19, 2017 (as amended, the “Formation Interlocal”).

The Agency has adopted a Growth Management Plan and implementing policies and procedures (collectively, as amended from time to time, the “Growth Management Plan”) which provides the overall framework for the suburban/urban/industrial development of land within the Agency’s Jurisdiction to be served by the Unified SSWs owned and operated by the Agency. The Growth Management Plan identifies areas intended to be served by the Unified SSWs as well as growth zones intended to manage development in phases. All development within the Agency’s jurisdiction shall be in accordance with the Growth Management Plan.

The Agency Board adopted a revised sewer user rates and fee schedule (the “2020 Rate and Fee Schedule”) pursuant to Agency Resolution No. 2020-014. These Policies shall apply to the payment and collection of user rate and connection fees established by the 2020 Rate and Fee Schedule and to any other rates, fees and charges established by the Agency in the future.

Pursuant to Section V(A)(4) of the Formation Interlocal, the Agency has the power and authority to “[m]ake, amend, and repeal such Agency bylaws, rules, and regulations from time to which are not inconsistent with the Act and [the Formation Interlocal] and which are intended to carry out and effectuate the Agency’s powers and purposes”.

These Policies, as adopted by the Agency in accordance with the Formation Interlocal, apply to all land and developments located within the Growth Zones (as defined in the Growth Management Plan) and subject to the Agency’s Jurisdiction. Therefore, except to the extent otherwise agreed to by the Agency in writing, any license, agreement, permit or other approval by the Agency for any Agency Member, owner, developer, sub-divider, sanitary improvement district, or other person or entity to connect any development, tract, parcel or land to any sewer system located within the Agency’s Jurisdiction shall be subject to the following terms, conditions, policies and procedures:

(1) Prior to the date the Agency begins providing wastewater services to users in the Agency’s Jurisdiction, the Agency will conduct a cost of service study to determine whether this 2020 Rate and Fee Schedule is sufficient to support the Agency’s financial obligations and, if necessary, to modify the same accordingly.

(2) Connection to the Unified SSWs or any sewer system located within the Agency’s Jurisdiction or to any sewer line that drains into a sewer system located within the

Agency's Jurisdiction obligates the connecting owner, developer or sub-divider to pay ongoing user charges in accordance with the user rates set forth in the 2020 Rate and Fee Schedule, as the same may be modified or amended from time to time (the "User Rates") for the treatment of the sewage entering such sewer system, and for the ongoing operations and maintenance of the Unified SSWS. The User Rates will be computed based on the water consumption calculated and billed by each Member's water service provider. The Members' calculation of water consumption may be based on actual consumption, average consumption or a combination thereof. Failure to pay the applicable User Rates on a timely basis shall subject such owner, developer or sub-divider to disconnection of water service by the applicable water service provider, as well as any other lawful remedies necessary to recover past due charges. Each Member shall use good faith efforts to collect and pay to the Agency all outstanding and unpaid User Rates.

(3) Each Agency Member shall cause the applicable municipal water provider (either MUD or the Member itself) to collect the User Rates from the owners, developers and sub-dividers of land within such Member's zoning jurisdiction on a monthly basis and shall pay to the Agency within 30 days of the date of each receipt of such collected amounts from said owners, developers and sub-dividers. The Agency shall pay for the reasonable and customary administrative charges and fees related to each water provider's collection and remittance of the User Rates to the Agency pursuant to this section.

(4) The sewer connection fees applied pursuant to these Policies shall be in the applicable amounts set forth in the 2020 Rate and Fee Schedule, as the same may be modified and amended from time to time or in such other amount agreed to by the Agency Board in connection with developments having unique or special circumstances (hereinafter, the "Connection Fee(s)"). The amount of the applicable Connection Fees shall be based on the land use and the number of developable acres shown on the final plat approved by the governing body of the applicable Agency Member having zoning jurisdiction over such land. For purposes this section, the term "developable acres" shall mean the difference between the gross acres reflected on such final plat, less the aggregate acreage attributable to greenspace, outlots, road, utility and other similar easements, and other areas on which development is not permitted under such final plat.

(5) No connection shall be made to the Unified SSWS or any other sewer system within the Agency's Jurisdiction until the applicable portions Connection Fees shall have been paid to the Agency Treasurer.

(6) The Connection Fees shall not create an obligation on behalf of the Agency to provide any services to the applicable development or platted parcels until such time as the applicable Member jurisdiction in which such development or platted parcels are connected to the Unified SSWS.

(7) This section shall only apply to Connection Fees for lots, parcels and tracts located in the Urban Development Zone (as such term is defined in the Agency's Growth Management Plan initially adopted by the Agency on June 26, 2019 pursuant to Resolution No. 2019-004, as amended from time to time (as amended, the "Growth Management Plan")). The Connection Fees shall apply to all final plats which come before the applicable Agency Member's governing body for approval. One-half of the applicable Connection Fee shall be paid prior to the recording of the

final plat with Sarpy County Register of Deeds. The remaining one-half of the applicable Connection Fee shall be paid at the time the owner, developer or sub-divider submits its building permit application to the applicable Agency Member. In the event the subject parcel is not platted, one hundred percent (100%) of the applicable Connection Fee shall be paid at the time the owner, developer or sub-divider submits its building permit application to the Applicable Agency Member. In the event of a lot line adjustment or lot split of a single-family residential lot in which no building permit is required, one hundred percent (100%) of the applicable Connection Fee shall be paid prior to the recording of the replat reflecting such lot line adjustment or lot split with the Sarpy County Register of Deeds. The applicable Agency Member shall collect the portions of the Connection Fees when due from the applicable owner, developer or sub-divider and shall remit the same to the Agency within 30 days of its receipt of such payment.

(8) One hundred percent (100%) of the Connection Fees for lots, parcels and tracts located in the Urban Reserve Zone (as such term is defined in the Agency's Growth Management Plan) shall be paid by the applicable owner, developer or sub-divider prior to the recording of the final plat of the applicable development with the Sarpy County Register of Deeds, unless otherwise agreed to by the Agency in writing. If no plat or rezoning is required, said Connection Fee shall be paid prior to the issuance of the building permit.

(9) The calculation and payment of the Connection Fees pursuant to these Policies only apply to the initial land use, as defined by the applicable Member's zoning regulations, related to the development shown on the final plat.

(10) In the event the total developable acreages is expanded beyond the area for which a final plat was originally approved by the applicable Member, the owner, developer or sub-divider thereof shall pay an additional connection fee as determined by the Agency with respect to such expanded developable area, even if additional sewer connection is not required.

(11) Unless otherwise agreed to by the Agency Board in writing, physical connection to the Unified SSWS or any other sewer system located within the Agency's Jurisdiction, or to any sewer line that drains into the Unified SSWS or any other sewer system located within the Agency's Jurisdiction, is not permitted until: (A) the payment of all fees and charges due to the Agency Member having zoning jurisdiction over such connecting sewer system have been made by the applicable owner, developer or sub-divider; (B) the payment of all Connection Fees then due and payable to the Agency have been remitted by the Agency Member having zoning jurisdiction over the connecting sewer system; and (C) any and all required development, subdivision and/or connection agreements (as applicable, the "Member Agreements"), have been fully-executed by the owner, developer or sub-divider and the applicable Agency Member(s) having jurisdiction over the land to be developed. The required Member Agreements may include wastewater sewer agreements with the Agency Members, the City of Omaha, and other applicable governmental entities. Any sewer connection that violates this provision shall be subject to a service charge of 10% of the applicable connection fee(s) and will be disconnected until brought into compliance.

(12) Each Agency Member shall incorporate these Policies into the applicable Member Agreements.

(13) The Agency reserves the right to assess the applicable owner, developer or subdivider a reasonable administrative fee to offset the Agency's costs and expenses related to any review of any proposed plats, plans, specifications, Member Agreements or other instruments and documents related to a proposed development subject to the Agency's Jurisdiction or connection of the SSWs or other sewer system located within the Agency's Jurisdiction; provided, however, that no such administrative fee shall be assessed unless and until such fee is adopted by the Agency Board.

(14) Notwithstanding anything in these Policies or in Agency Resolution No. 2020-014 to the contrary, the Agency's Growth Management Plan and these Policies do not in any manner apply to the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, or Papillion Sewer Service Area, respectively, as designated pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019 and the sewer systems therein that are not connected to the Agency's System.