BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA

RESOLUTION REVISING SEWER CONNECTION FEE REGULATIONS AND SEWER CONNECTION FEE SCHEDULE

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, Sarpy County owns and operates sanitary sewers located within the County and charges and collects certain connection fees for construction, acquisition, retirement of debt, and other costs related to said sanitary sewers; and,

WHEREAS, a Resolution revising the Sewer Connection Fee Regulations and the Sewer Connection Fees was previously approved by the County Board via Resolution 2013-259; and,

WHEREAS, said Sewer Connection Fee Regulations and Sewer Connection Fees require modification from time to time to ensure that policies are clear and updated; and,

WHEREAS, the Sarpy County Planning and Building Department has proposed that Sarpy County amend the Sewer Connection Fee Regulations and the Sewer Connection Fees as specifically outlined in the Planning Department report, which is attached hereto and includes a red-line version in legislative format to specifically show the proposed changes, said Planning Department report and all attachments to same are attached hereto and known as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board after due deliberation and consideration, adopts the proposed amendments to the Sarpy County Sewer Connection Fee Regulations and the Sarpy County Sewer Connection Fees and directs the Planning Department to amend the same, which amended documents are attached hereto as Exhibit “B” and that the same have full force and effect of law, the effective date of the aforementioned Sewer Connection Regulations and the Sewer Connection Fees shall be the 26th day of July, 2016.

FURTHER BE IT RESOLVED THAT the regulations enacted by this Resolution are intended to be a complete revision of the existing Sarpy County Sewer Connection Fee Regulations and the Sarpy County Sewer Connection Fees, and all previous Resolutions or parts of Resolutions of the Sarpy County Board of Commissioners on said subjects or in conflict with the provisions of this Resolution are hereby repealed.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 26th day of July, 2016.

Sarpy County Board Chairman

County Clerk
MEMORANDUM
July 21, 2016

TO: Sarpy County Board of Commissioners & Sarpy County Clerk

FROM: Nicole O’Keefe, Deputy Sarpy County Attorney

RE: Proposed Text Amendments to the Sarpy County Sewer Connection Fee Regulations

There are proposed text amendments to the Sarpy County Sewer Connection Fee Regulations on the July 26, 2016 County Board agenda. The Resolution for the text amendments references an “Exhibit B”. Should the County Board approve any text amendments to the Sarpy County Sewer Connection Fee Regulations, Exhibit B shall be the Sarpy County Sewer Connection Fee Regulations as amended. Thus Exhibit B is not currently attached to the Resolution, but will be the complete Sarpy County Sewer Connection Fee Regulations with any and all amendments made by the County Board at the July 26, 2016 meeting. Please contact me with any questions.
Background and Analysis:

Staff is recommending an amendment to the Sarpy County Sewer Connection Fee Regulations in order to implement a fee structure for sewer connections within the southern Sarpy County in the Platte River Watershed. The amendment provides a separate fee chart for this area based on the recommendations in the Southern Ridge Wastewater Treatment Study Phases 1A and 1B completed by HDR. These fees would be assessed to any developments taking place south of the ridgeline as of the effective date of this Resolution.

Redlined copies of the regulations are attached to the proposed Resolution. If approved, the amended Sewer Connection Fee Regulations would become part of the Sarpy County Planning and Building Department Master Fee Schedule.

Please Note: The proposed changes include striking a sentence within regulation #4. The removal of the sentence was approved at Resolution 2013-259, but due to an editing error, it was mistakenly added back into the official document. It appears there were no complications due to the editing error, however, it will now be removed.

Staff Recommendation:

Staff believes that the proposed amendment is necessary in order to begin collecting sewer connection fees from development south of the ridgeline. These fees will be required in order to begin design and construction of future sanitary sewer systems to serve the area.

Therefore, staff recommends APPROVAL of the amendment to the Sarpy County Sewer Connection Fee Regulations as proposed.
The attached fee schedule shall apply for the issuance of a permit to connect to the Sarpy County Interceptor Sewer, subject to the following rules of interpretations.

1. A structure or parcel of property acquires the right to connect to the Sarpy County Interceptor Sewer upon payment of the applicable fee, and the signing and approval of applicable agreements with the appropriate governmental entities. This right is subject to any specific conditions of the permit for such connection. The right to connect runs with the realty and/or the structure for which the permit is issued and fee paid. Fees may be due prior to the filing of the final plat, prior to issuance of the building permit, prior to physically connecting to the sewer, or any combination of these three events, as detailed in the attached schedules.

2. An additional fee shall be required for the expansion of existing facilities requiring a building permit for commercial, industrial and institutional properties if the expansion will take place outside the area that the original building permit connection fees were paid for, even if additional sewer connection is not required.

3. For existing development with existing structures, fees are payable only for actual connection with the Sarpy County Interceptor Sewer.

4. All payments shall be made through the Planning and Building Department of Sarpy County.

5. Commercial, industrial and institutional fees are paid on a per acre basis for the entire parcel. If applicant does not desire to pay a sewer fee on the entire parcel, said area may be replatted into smaller parcels, if done in a manner which complies with the then existing and applicable zoning and subdivision regulations. For parcels that are not platted, the entire sewer connection fee shall be due at the time of issuance of the permit.

6. Physical connection to the Sarpy County Interceptor Sewer, or to any sewer line that drains into the Sarpy County Interceptor Sewer, will not be allowed until: 1) the payment of any fees due to Sarpy County and/or any other governmental entity have been paid, and; 2) any and all required connection agreements have been signed by all parties. The required connection agreements may include waste water sewer agreements with Sarpy County, the City of Omaha, and other applicable governmental entities. Any connection that violates this provision shall be subject to a penalty of 10% of the applicable fee, and will be disconnected until brought into compliance.

7. Connection to the Sarpy County Interceptor Sewer obligates the connecting party to pay ongoing flow charges for the treatment of the sewage entering the sewer, and for the ongoing maintenance of the Sarpy County Interceptor Sewer. Failure to pay flow charges on a timely basis shall subject the offending party to disconnection, as well as any other lawful remedies necessary to recover past due charges.
### SEWER CONNECTION FEES
**PAPIO-MISSOURI RIVER WATERSHED**
(NORTHERN SARPY CO.)
**JULY 26, 2016**

<table>
<thead>
<tr>
<th>Description</th>
<th>Plat Fee</th>
<th>Building Permit Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><em><em>A. Residential: Single, Duplex</em>, Mobile Home</em>*</td>
<td>$800</td>
<td>$800 if platted and plat fee has been paid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,600 if property has not been platted</td>
</tr>
<tr>
<td><strong>B. All other residential (per living unit)</strong></td>
<td>$540</td>
<td>$540 if platted and plat fee has been paid</td>
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<tr>
<td></td>
<td></td>
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<td><strong>C. Commercial, Industrial, Institutional (per acre)</strong></td>
<td>$5,500</td>
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*Fee is for each living unit

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### SEWER CONNECTION FEES
**PLATTE RIVER WATERSHED**
(SOUTHERN SARPY CO.)
**JULY 26, 2016**

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<td></td>
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<td>$2,980 if property has not been platted</td>
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<tr>
<td><strong>C. Commercial, Industrial, Institutional (per acre)</strong></td>
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### SEWER CONNECTION FEES

**PAPIO-MISSOURI RIVER WATERSHED**

(NORTHERN SARPY CO.)

**AUGUST 6, JULY 26, 2013**

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*Fee is for each living unit

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### SEWER CONNECTION FEES

**PLATTE RIVER WATERSHED**

(SOUTHERN SARPY CO.)

**JULY 26, 2016**

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