

ITEM J

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 5, 2017 AGENDA**

Subject:	Type:	Submitted By:
SANITARY SEWER EXTENSION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

SYNOPSIS

A resolution has been prepared approving the construction of an extension of a sanitary sewer to serve proposed development in the vicinity of 144th & Giles Road intersection.

FISCAL IMPACT

No impact.

RECOMMENDATION

Approval.

BACKGROUND

The proposed development of the Woodhouse Place and the Heimes subdivisions require that sanitary sewer extensions be provided to serve said developments and other property in the vicinity of the intersection of 144th and Giles Road. Such development constitutes growth of commerce and industry. The proposed development properties are located in the City's extraterritorial zoning jurisdiction and, therefore; the County Industrial Sewer Construction Act Section 23-3602(2) requires that the City approve of the proposed sanitary sewer extension by Sarpy County. Sarpy County will be responsible to own, operate and maintain the sanitary sewer until such time as the developments are annexed into the City of La Vista.

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING SARPY COUNTY SEWER DISPOSAL SYSTEM PROJECT FOR EXTENSION OR IMPROVEMENT OF EXISTING SANITARY SEWER SYSTEM TO MEET FUTURE NEEDS OF PLANNED COMMERCIAL OR INDUSTRIAL USERS WITHIN CITY OF LA VISTA EXTRATERRITORIAL ZONING JURISDICTION PURSUANT TO SECTION 23-3604(2) OF NEBRASKA STATUTES

WHEREAS, Sarpy County has constructed an outfall sewer pursuant to the County Industrial Sewer Construction Act, (the Act) found at Neb. Rev. Stat. Sect 23-3601, *et seq.*; and,

WHEREAS, anticipated growth of commerce and industry require the extension of the existing sewerage disposal system; and,

WHEREAS, the future needs of planned commercial or industrial users of the sewer system require the availability and extension of an outfall sewer to serve the area generally located at Highway 50 and Giles Road, which area is not presently served by sanitary sewer; and,

WHEREAS, the Board of County Commissioners has determined by Resolution dated June 20, 2017 ("County Resolution") that the County is prepared to proceed with an order for development of the sewer extension ("Proposed Sewer Project") as shown on the "Proposed Sewer" map, attached or presented with this Resolution or the County Resolution, which area is in the City's extraterritorial zoning jurisdiction ("ETJ"), and to proceed with related engineering studies, plans and specifications, subject to approvals required under the Act; and

WHEREAS, Section 23-3604(2) of the Act requires City Council approval before proceeding with the Proposed Sewer Project in the City's ETJ.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby finds and approves as follows:

- 1 Recitals and referenced documents above are incorporated into this resolution by this reference.
- 2 The Proposed Sewer Project within the City's ETJ is approved and the County at its cost, and/or the developer of such area using private funds and not public financing or funds, shall be authorized to construct some or all of the Proposed Sewer Project within the City's ETJ.
- 3 The Mayor, City Administrator, City Clerk, or City Engineer, or the designee of any such person, shall be authorized to provide a copy of this Resolution to the County and to take all actions on behalf of the City as he or she determines necessary or appropriate to carry out the actions approved in this Resolution.

PASSED AND APPROVED THIS 5TH DAY OF JULY, 2017

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Sarpy County Board of Commissioners

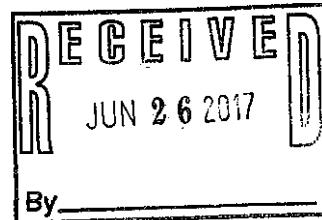
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ADMINISTRATOR Mark Wayne
DEPUTY ADMINISTRATOR Scott Bovick
FISCAL ADMIN./PURCHASING AGT. Brian Hanson



<u>COMMISSIONERS</u>
Don Kelly District 1
Jim Thompson District 2
Brian Zuger District 3
Gary Mixan District 4
Jim Warren District 5

June 23, 2017

Pam Buethe
City Clerk, City of La Vista
8116 Park View Boulevard
La Vista, NE 68128



RE: Sarpy County sewer extension intent to proceed

Dear La Vista City Council,

Recent development of properties in the area of Highway 50 and Giles Road require Sarpy County to extend its industrial sewer to serve those properties adjacent to Highway 50 and Giles Road. On June 20, 2017, the Sarpy County Board of Commissioners approved Resolution 2017-208, which makes an official determination that Sarpy County is prepared to proceed with an order for the development of the proposed Sarpy County Industrial sewer system extension. A portion of the proposed sewer extension is located within the City of La Vista's designated extraterritorial jurisdiction.

Because more than 50% of the linear length of the proposed sewer extension is located with the City of La Vista's designated extraterritorial jurisdiction, the County Industrial Sewer Construction Act (Neb. Rev. Stat. Sect. 23-3604) requires the City of La Vista to approve Sarpy County's proposed sewer extension. I ask that you review the attached documents and schedule the matter with the La Vista City Council as soon as possible so that Sarpy County may get started with the proposed sewer extension. I have included the following documents for the city's review:

1. Resolution 2015-208: Sewer extension – June 20, 2017
2. Proposed Final Plat – Woodhouse Place

Please contact me with any questions.

Regards,

Mark Wayne
Sarpy County Administrator

EXHIBIT B

BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA

RESOLUTION: SEWER EXTENSION
(144th & Giles area)

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 has constructed an outfall sewer pursuant to the County Industrial Sewer Construction Act, (the Act) found at Neb. Rev. Stat. Sect 23-3601, *et seq.*; and,

WHEREAS, anticipated growth of commerce and industry require the County to consider the extension of the existing sewerage disposal system; and,

WHEREAS, the future needs of planned commercial or industrial users of the sewer system require the availability of an outfall sewer to serve the area generally located at Highway 50 and Giles Road, which is not presently served by sanitary sewer; and,

WHEREAS, the County Board has determined that it is prepared to proceed with an order for development of the sewer extension as shown on the "Proposed Sewer" map, attached hereto, subject to the approvals as required under the Act.

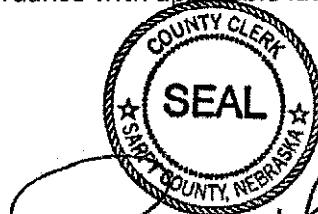
NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS
that:

1. Pursuant to Neb. Rev. Stat. Sect. 23-3605, the County Board of Commissioners hereby indicates its intent to proceed with engineering studies and plans and specifications in order to extend the existing sewer system of Sarpy County, as constructed under the Act, to serve the area generally located at Highway 50 and Giles Road as shown in the attached map.
2. The sewer needs of those commercial and industrial users with present plans for development generally located at Highway 50 and Giles Road and the sewer needs of those future users of areas adjacent thereto, will be served by the extension and expansion of the existing sewer service to the area of Highway 50 and Giles Road.
3. The proposed sewer extension will ultimately connect to the Papillion Interceptor Sewer which connects to the Missouri River Treatment Plant, owned and operated by the City of Omaha.
4. The proposed sewer extension is located within the extraterritorial jurisdiction of the City of La Vista. Notice of this Resolution shall be given to the City of La Vista as required by Neb. Rev. Stat. Sect. 23-3604.

5. The County Administrator and/or the County Engineer shall have appropriate engineering studies and plans and specifications prepared as needed, in order to expand and extend the existing sewerage disposal system.
6. The County Administrator is directed to send formal notice of this Resolution as required by law.

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 20th day of June 2017.

Attest
SEAL




David R. Kelly
Sarpy County Board Chairman


Lance Lousman
County Clerk Chief Deputy

Proposed Sewer

Sarpy Industrial Sewer

30"

24" RCP

Gretna Parallel Sewer

impact point

proposed County sewer

Giles Rd

145th St

50
Hwy 50

42" RCP

Virginia St.

50
Hwy 50

Jennifer Rd