

ORDINANCE NO. 13-5

AN ORDINANCE ESTABLISHING A STORM WATER UTILITY, PROVIDING FOR A USER FEE, ESTABLISHING A FUND FOR RECEIPT OF FEES, MAINTAINING OF A RESERVE BALANCE, AND PROVIDING FOR AN ADDITIONAL AND ALTERNATE MEANS OF MAINTAINING AND FINANCING THE STORM WATER COLLECTION SYSTEM.

WHEREAS, the Governing Body believes it to be in the best interest of the city of Andale, Kansas, to establish an additional and alternate means of maintaining and financing the construction, operation, maintenance and improvement of its overall storm water collection system.

WHEREAS, Andale has a need for storm water utility in order to have funds available to keep the city's flood control dam safe and effective, to keep the city's flood ditches clean and functioning properly, and to alleviate drainage issues that exist in the city and that may arise in the future.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDALE, KANSAS:

SECTION 1. PURPOSE.

The governing body finds that there is a need to establish an additional and alternate means of maintaining and financing the construction, operation, maintenance and improvement of its flood control dam, flood ditches and overall storm water collection system.

SECTION 2. STORM WATER UTILITY; ESTABLISHMENT; PURPOSE.

There is hereby created a storm water utility for the city. The purpose of said utility shall be for the establishment of an additional and alternate source of revenue for maintaining and financing the construction, operation, maintenance and improvement of the city's storm water collection system, including, as necessary, new construction.

SECTION 3. FEES; COLLECTION; REVIEW; EXEMPTION.

a. A monthly storm water fee of \$2.00 per connection shall be collected on every connection to the city sewer system.

b. The governing body shall review the storm water utility fee from time to time as necessary to ensure adequate revenues and fund balances are maintained for the purposes set forth in this article and may change fees by resolution.

c. Only those sewer connections that have been physically disconnected and removed shall be exempt from the payment of the storm water utility fee.

SECTION 4. CREATION OF STORM WATER UTILITY FUND; PURPOSE.

a. There is hereby created a storm water utility fund. Said fund shall be a separate and non-lapsing fund to be maintained by the City Clerk or other financial officer of the city. All revenue from the storm water utility fee shall be credited to said fund in the month of collection.

b. The revenue credited to said fund shall be used as an additional and alternate source of funding of:

(1) Costs of operating and maintaining the existing storm water collection system and any additions thereto, including, but not limited to, storm water sewers, catch boxes, drains, ditches, and the like;

(2) Costs incurred for the construction, improvement or expansion of the existing storm water collection system and additions thereto; said costs to include, but not limited to, costs of engineering studies and design, feasibility studies, grant applications, acquisition of real estate rights, construction, and the like;

(3) Costs incurred for the testing for and remediation of storm water contamination which may be required by reason of existing or future local, county, state or federal rules, regulations or laws relating to same;

(4) Costs associated with debt retirement of bonded indebtedness associated with the storm water collection system, as the governing body may designate be paid from said fund, whether said indebtedness currently exists or is subsequently incurred; and,

(5) Costs of operating, maintaining, repairing or replacing the flood control dam; and,

(6) Costs of maintaining, repairing, cleaning and constructing flood and drainage ditches and other drainage-related improvements within the city.

c. Revenues collected and deposited in said fund shall not be used for purposes other than those designated in this article. However, if this fund is terminated by the governing body then any balance remaining in the fund at the time of termination shall be transferred to the general fund of the city and may be used for any purpose.

SECTION 5. STORM WATER UTILITY FUND; BALANCE.

At the end of any fiscal year, the balance, if any, of the storm water utility fund shall be carried forward to the subsequent fiscal year as a reserve for future uses as provided in this article.

SECTION 6. EFFECTIVE DATE.

The storm water utility fee provided for herein shall become effective on the 1st day of November, 2013, and be reflected on the utility bill sent to consumers for the November utility billings and all billings thereafter.

SECTION 7. AUTHORITY.

This ordinance is adopted by authority of and under the provisions of Article 12, Section 5, of the Kansas Constitution.

SECTION 8. PUBLICATION.

This ordinance shall be published once in the official city newspaper, and shall take effect and be in force from and after said publication.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF ANDALE, KANSAS, on the 24th day of September, 2013.

CITY OF ANDALE

By:

Gary L. Sigg, Mayor

ATTEST:

Virginia Swanson, City Clerk