

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 23, 2012
	Agenda Item No. 32 Roll Call No. [_____] Communication No. <u>12-032</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 118-159, regarding county designations.

SYNOPSIS:

Recommend the City Council amend Section 118-159 of the Municipal Code to remove specific reference to Polk County, and to provide for collection and placement of liens for sewer, solid waste and/or stormwater bills in both Polk and Warren Counties, including first reading of the ordinance and waiving of the second and third readings.

FISCAL IMPACT:

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The City has a 28E Agreement with Des Moines Water Works by which Des Moines Water Works provides collection services to the City for sewer service charges, solid waste collection charges, and stormwater management charges. When charges are unpaid, Des Moines Water Works prepares and certifies a schedule of assessments and files the same with the County Treasurer, pursuant to authority granted by House File 454 and by Ordinance No. 15,034.

Des Moines Water Works staff has contacted City staff regarding lien placement for stormwater and other applicable service charges in Warren County, in addition to the current collection and lien placement that Des Moines Water Works performs on behalf of the City in Polk County. Des Moines Water Works is to commence placing liens for water and sewer collection for other political subdivisions in January 2012.

Section 118-159 of the City Code currently refers to “Polk County” and the “county” in reference to the billing and lien placement processes that Des Moines Water Works performs on behalf of the City. This proposed amendment will revise the Code to remove specific reference to Polk County.

PREVIOUS COUNCIL ACTION(S):

Date: November 7, 2011

Roll Call Number: [11-1893](#)

Action: [Final](#) consideration of ordinance above (waiver requested by the Engineering Department), requires six votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,061, Motion Carried 7-0.

Date: November 7, 2011

Roll Call Number: [11-1892](#)

Action: [Amending](#) Chapter 118 of the Municipal Code delegating authority to the Treasurer of Des Moines Water Works to correct sewer, solid waste and/or stormwater liens and assessment schedules. ([Council Communication No. 11-688](#)) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

Date: August 8, 2011

Roll Call Number: [11-1385](#)

Action: Final consideration of ordinance above, (waiver requested by the Engineering Department), requires 6 votes. Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,034. Motion Carried 7-0.

Date: August 8, 2011

<http://www.dmgov.org/Government/CityCouncil/Communications//07-680.pdf>

Roll Call Number: [11-1384](#)

Action: [Amending](#) Chapter 118 of the Municipal Code, regarding collection procedures and preparation of assessment schedule for wastewater collection and treatment services and to delegate to the Treasurer of the Des Moines Water Works authority to forward unpaid charges to the County Treasurer. ([Council Communication No. 11-507](#)) Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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