

ORDINANCE 1057C

AMENDING IMPACT FEE ADMINISTRATION

THE CITY COUNCIL OF THE CITY OF LAKE MILLS, JEFFERSON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Section 7-11-4 of the Lake Mills Municipal Code is amended as follows:

7-11-4: **IMPACT FEE REVENUE ADMINISTRATION:** All revenues from impact fees that have been or will be imposed or collected under this ~~impact fee chapter, and any future amendments thereto,~~ shall be collected, ~~and expended and refunded as specified in Wis. Stats. § 66.0617 and this section.~~

- A. Revenues from impact fees shall be placed in one or more separate segregated, interest-bearing accounts and shall be accounted for separately from other City general and utility funds. Impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed and in accordance with this section.
- B. ~~For impact fee revenues collected after April 140, 2006, but which are not used within seven years after collection to pay the capital costs for which they were imposed, shall be refunded, with interest, to the then existing property owner on the date of the refund. if those fees are collected within seven years of the effective date of the ordinance that imposed the fee, then all such fees shall be used within 10 years after the effective date of the ordinance that imposed the fees. If not so used within 10 years, and if no resolution is adopted in accordance with paragraph C of this section, then all such fees not expended within ten years of collection shall be refunded to the current owner of the property with respect to which the impact fees were imposed, along with interest that has accumulated. For purposes of determining when the ordinance that imposed each impact fee became effective, see paragraph D.~~
- C. The ~~seven~~ ten-year time limit for using impact fees under paragraph B may be extended for three additional years if the City Council adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the ~~seven~~ ten-year limit, the City needs an additional three years in which to use the impact fees that were collected after April 140, 2006. The resolution shall include detailed written findings that specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this paragraph.
- D. The sewer impact fee imposed under this ordinance was created when Ordinance 709A became effective on June 15, 1995. The water impact fee imposed under this ordinance was created when Ordinance 709A became effective on June 15, 1995. The park facilities impact fee imposed under this ordinance was created when Ordinance 709A became effective on June 15, 1995. The community center impact fee imposed under this ordinance was created when Ordinance 738 became effective on April 25, 1996.
- E. With regard to an impact fee that is collected after April 10, 2006, and that is collected more than seven years after the effective date of the ordinance that imposed the fee, such impact fees shall be used within a reasonable period of time after they are collected to pay the capital costs for which they were imposed, or they shall be refunded to the current owner of the property with respect to which the impact fees were imposed, along with interest that has accumulated. For purposes of determining when the ordinance became effective that imposed each impact fee, see paragraph D.
- F. With regard to impact fees that were collected after December 31, 2002, and before April 11, 2006, such impact fees must be used for the purpose for which they were imposed not later than

the first day of the 120th month beginning after the date on which the fees were collected. Any such fee that is not used by that date shall be refunded to the current owner of the property with respect to which the impact fee was imposed, along with interest that has accumulated.

- G. With regard to impact fees that were collected before January 1, 2003, such impact fees must be used for the purpose for which they were imposed not later than December 31, 2012. Any such fee that is not used by that date shall be refunded to the current owner of the property with respect to which the impact fee was imposed, along with interest that has accumulated.

Section 2. Section 7-11-7, Appeals, is amended as follows:

7-11-7: **APPEALS:**

- A. The developer or property owner upon whom an impact fee is imposed may contest the amount, collection, or use of an impact fee as specified herein. An appeal to contest either the amount or collection of any impact fee imposed on a developer shall be commenced at any time prior to endorsement of the approval certificate on any subdivision plat or certified survey map by the City Clerk, but not later than thirty (30) days from the date of notification of final action approving such plat or survey. An appeal to contest the amount or collection of an impact fee may be commenced within thirty (30) days of application for a building or plumbing permit, if applicable to the particular impact fee. An appeal to contest the use of an impact fee shall be commenced not later than thirty (30) days prior to the award of any public contract for expenditure of the collected fee revenues.
- B. An appeal is commenced by filing a complaint with the City Clerk-Treasurer, which complaint shall specify the impact fee ~~use, amount or collection that is the subject of the appeal objected to~~ and the basis for the ~~objection-appeal~~. The appeal shall be scheduled for a hearing before the ~~Public Works Board~~ City Council at its next regular meeting. The ~~Board Council~~ may ~~shall~~ take additional evidence and testimony on the matter, including reports from City staff, ~~and shall make its recommendation to the City Council~~, based upon the standards set forth in § 66.550617(6), Wis. Stats. The decision of the City Council is final.
- C. An appeal regarding any refund due to a failure to expend the impact fee within a specified period of time may be filed within 30 days of any decision by the City Clerk-Treasurer not to refund the fee.**

Section 3. Section 7-11-8 and paragraphs D and -F, Sewer Impact Fees, are amended or created as follows:

7-11-8: **SEWER IMPACT FEES:**

- D. These impact fees shall be collected until all capital costs associated with specified projects in the "Wastewater Treatment and Sanitary Sewer Facilities Needs Assessment" report have been incurred and satisfied, unless such time period for collection or expenditure has been varied through section 7-11-4 and Wis. Statutes § 66.0617.
- F. In determining the time periods for expending sewer impact fees collected for capital costs for which the fees have been imposed, the City Council has considered and determined the appropriate planning and financing periods to be as follows:
1. For the expansion of the Wastewater Treatment Plant through the construction of an oxidation ditch and clarifier, appropriate time periods for construction shall be by such time that the DNR will approve the expansion, based on the design capacity of the plant, but the City Council intends to construct these facilities by April 10, 2026. Sewer impact fees may continue to be collected to

service the debt incurred by the facilities so constructed until such time that sufficient fees have been collected to pay the associated debt in full. DNR regulations may delay the construction beyond the control of the City, in which case, the collection of impact fees shall be for a reasonable period of time after DNR approval to enable these facilities to be constructed and the debt to be paid through the use of impact fees has been incurred.

2. Those sewer impact fees collected before April 11, 2006, shall be subject to the time constraints for expenditure or refund in accordance with section 7-11-4-F, -G and -H.

3. For the purchase of land for use as sites for sludge disposal, a reasonable time period for such expenditure from impact fees shall be by no later than December 31, 2012.

4. For all other capital costs for which sewer impact fees have been imposed in accordance with the "Wastewater Treatment and Sanitary Sewer Facilities Needs Assessment" report, a reasonable time period for any such expenditures from impact fees shall be by no later than December 31, 2012.

Section 4. Section 7-11-9 and paragraphs -D and -E, Water Impact Fees, are amended or created as follows:

7-11-9: **WATER IMPACT FEES:** The basis for the imposition of water impact fees is the facilities needs assessment report and its attachments, "Water Facilities Needs Assessment," which is on file in the office of the City Clerk. The water impact fees, where were originally imposed ~~in 1996~~ on June 15, 1995, and which are subject to annual adjustments based on the consumer price index, are to be paid in accordance with section 7-11-6. The original, unadjusted ~~sewer~~ water impact fees are shown in paragraph A, and are updated each July by resolution of the Council.

D. These impact fees shall be collected until all capital costs associated with specified projects in the "Water Facilities Needs Assessment" report have been incurred and satisfied, unless such time period for collection or expenditure has been varied through section 7-11-4 and Wis. Statutes § 66.0617.

E. In determining the time periods for expending water impact fees collected for capital costs for which the impact fees have been imposed, the City Council has considered and determined the appropriate planning and financing periods to be as follows:

1. For the construction of the water tower (elevated tank) and well #6, and the water mains associated therewith, the appropriate period of time for continued collection of water impact fees shall be until the financing of these projects has been fully paid. The construction of all water impact fee-related projects have been fully completed prior to 2008.

2. It is estimated that the bond and loans to fund these projects should be fully satisfied by no later than April 10, 2026.

Section 5. Sections 7-11-10-A, -C and -D, Park Facilities Impact Fees, are amended or created as follows:

A. In the third line of the paragraph, "originally computed in 1996 to be \$453" should be amended to read "originally imposed and computed on July 15, 1995, to be \$453."

C. These impact fees shall be collected until all capital costs associated with specified projects in the "Parks Facilities Needs Assessment" report have been incurred and satisfied, unless such time period for collection or expenditure of individual fees has been varied by section 7-11-4 and Wis. Statutes § 66.0617.

D. In determining the length of the time periods for expending park facility impact fees collected for capital costs for which the impact fees have been imposed, the City Council has considered and determined the appropriate planning and financing periods to be as follows:

1. The construction of two soccer fields, one parking lot, two softball fields, and the equipping of one playground at what has become known as Wallace Park are the remaining projects to be funded by impact fees in the Park Facilities Needs Assessment, and as of 2006, these projects had not yet been completed.

2. It is estimated that the costs and loans to fund these projects from park impact fees should be fully satisfied by no later than April 11, 2021.

Section 6. Sections 7-11-11-B, Community Center Impact Fee, is amended as follows:

B. This impact fee shall be collected until all capital costs associated with specified projects in the "Facilities Assessment" report have been satisfied. The Community Center was constructed in 1998 and was substantially complete in 1999, and the fees may be collected no later than December 31, 2018, to pay for the financing of the portion of capital costs of the construction of the community center which were attributable to development.

Section 7. This ordinance was sponsored by Council President Ed Grunden.

Section 8. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Section 9. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Adopted this _____ day of _____, 2010.

Ed Grunden, Council President

Attest:

James E. Heilman, City Clerk