



CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

FAX: (907) 373-0788

COUNCIL MEMORANDUM NO. 92-69

From: Mayor Stein

Date: July 2, 1992

Re: Motion to Introduce Ordinance No. 92-24 and Set for Public Hearing July 13, 1992: "Repeal of Mandatory Sewer Hook-Up", Council Meeting of June 22, 1992

I hereby veto the above action of the Council under authority of Alaska Statute 29.20.270. My reasons follow:

- (1) The fundamental purposes of a public sewer utility is to protect the health and natural environment of a community. That purpose is not accomplished if the sewer utility is not utilized. Ground water pollution and pollution of lakes and streams must be controlled with a common effort. Use cannot rely on strictly individual economic decisions. Public health is at stake.
- (2) The original sewer grant from E.P.A. required that a mandatory connection policy be enacted.
- (3) The Borough's Wasilla Development Code MSB 17.43.885 has a provision similar to the City's mandatory hook-up code: "Where public sewer facilities are available within five hundred feet of the boundary of a proposed major development the developer shall install collectors and laterals as required by the engineer." In my judgement it is very unlikely that a policy change of this nature would be approved by the Borough.
- (4) The ordinance also repeals WMC 5.20.020(b) which requires private waste water disposal systems and that they comply with state D.E.C. regulations. While this requirement is redundant with state law it serves to call to a developer or builder's attention the need for D.E.C. approval.
- (5) Finally, the motion to introduce Ordinance No. 92-24 was made by Councilman Carson. The Councilman owns the only presently active land development project which would benefit by reduced sewer system costs if the ordinance was approved.

*Motion to override the Mayor's
Veto passed 7/13/92, Hjellen +
Smith dissenting*

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On inquiry from the Mayor, Mr. Carson denied a conflict of interest. On a motion to override the chair, the developer participated in the vote.

The plat of Southview Terrace is an active development project with plat approval pending at the Borough and an application for major development permit (requested to be withdrawn June 4, 1992) on file at the Borough Code Enforcement Office.

On its face, this ordinance is designed to save the developer money on this specific project by eliminating the mandatory sewer hook-up requirement.

A conflict of interest exists. The developer improperly voted on the motion to override the Mayor's determination of a conflict (4-1). Motion to override would have failed otherwise (3-1). The developer improperly participated in Council discussion of the motion to introduce and improperly voted on that motion.

The administration has offered to work with the developer to help him meet the requirements of the code. There are several alternatives available. The Public Works Department is ready to sit down with the developer and attempt to develop a feasible approach.

Alaska statutes provide that Council may vote to override this veto "within 21 days following exercise of the veto or at the next regular meeting, whichever is later."


John C. Stein, Mayor

Date July 2, 1992

cc: Council
Planning Commission
D.E.C.
MSB Platting
MSB Code Enforcement



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MEMORANDUM

To: City Clerk
From: Mayor Stein
Date: July 2, 1992
Subject: Ordinance 92-24

I am vetoing the introduction of Ordinance 92-24. Do not advertise the public hearing for July 13.

John C. Stein, Mayor



CITY OF WASILLA

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WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
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Code Ordinance

Requested By: Councilman
Carson

Prepared By: Clerk's Office

ORDINANCE SERIAL NO. 92-24

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA REPEALING SECTION 5.20.020, USE OF PUBLIC SEWER REQUIRED, FROM THE WASILLA MUNICIPAL CODE.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This ordinance is of a general and permanent nature and shall become a part of the Wasilla Municipal Code.

SECTION II. Purpose. To repeal the use of public sewer required from the Wasilla Municipal Code.

SECTION III. Repeal. Section 5.20.020 (A) and (B) and that section of Ordinance Serial No. 89-01 are hereby repealed.

SECTION IV. Effective Date. This ordinance becomes effective upon adoption by the Wasilla City Council.

Introduction: 06/22/92

Public Hearing: 07/13/92

ADOPTED by the Council of the City of Wasilla on this _____ day of _____, 1992.

JOHN C. STEIN, Mayor

ATTEST:

ERLING P. NELSON, CMC
City Clerk

the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions.

AH. "Wastewater Facilities" means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent. Wastewater facilities include the interceptor tanks, pumping facilities, service lines, system piping and control panels. May be used interchangeably with "Sewer Facilities".

AI. "Wastewater Treatment Works" means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant", or "Sewage treatment plant".

AJ. "Water Course" means a natural or artificial channel for the passage of water either continuously or intermittently.

AK. "Duplex" means a residential building(s) containing two (2) separate living units. Each living unit shall be as an individual residential sewer customer.

AL. "Triplex" means a residential building(s) containing three (3) separate living units. Each living unit shall be as an individual residential sewer customer. (Ord. 89-01 §3 1989)

5.20.020 Use of Public Sewer Required.

A. The wastewater plumbing of any structure constructed after March 1, 1989 must be connected to the City public sewer system in accordance with the provisions of this chapter unless the structure is more than one hundred fifty (150) feet from any portion of the sewer system as measured in a straight line from the sewer system piping to the nearest exterior lot line on which the structure is located.

B. Where the City public sewer system is not available under the provisions of paragraph A, above, the building sewer shall be connected to a private wastewater disposal system complying with the subsurface sewage disposal provisions of the State of Alaska, Department of Environmental Conservation. (Ord. 89-01 §3 1989)

5.20.030 General Conditions of Construction of Sewer Connections.

A. All materials used in the construction of a Sewer Connection from and including the interceptor tank to the sewer lateral or main line shall be the property of the City whether purchased and/or installed by the applicant or by the City.

... initiate procurement action for building all significant elements of the project within 12 months of the Step 3 (construction) award. Will diligently pursue completion of the project. For Step 2/3 (design/construction) projects, will meet the date for design submittal to be established as a special grant condition (40 CFR 35.2212(b)).

13. Will assure the treatment works for which this application is requesting funds are made operational according to the project schedule submitted herewith regardless of whether additional Federal funding is received.

14. Will pay the applicant's share of project costs and obtain the necessary non-EPA project funds.

15. Will assure that, if assistance is for a new collection system which is grant eligible under 40 CFR 35.2116, the existing population will connect to the collection system within a reasonable time after project completion.

16. Will assure that, if assistance is to build privately owned treatment works serving one or more principal residences or small commercial establishments, such residence or establishment was constructed before December 27, 1977, and inhabited or in use before that date, that public ownership of such works is not feasible, and that such works will be properly operated and maintained and will comply with all other requirements of Section 204 of the Act (see 40 CFR 35.2034).

Statutory Requirements

17. Will comply with the provisions of Executive Order 11988 relating to evaluation of potential effects of any actions in a floodplain and Executive Order 11990 relating to minimizing harm to wetlands.

18. Will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352).

19. Will comply, or have already complied, with the requirements of Titles II and III of the Uniform

... provides for fair and equitable treatment of persons displaced or whose property is acquired as result of Federal and federally assisted programs (see 40 CFR Part 4). These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation purchases.

20. Will comply with the provisions of the Hatch Act which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

21. Will comply with the provisions of the Davis Bacon Act, the Copeland Act, the Contract Work Hours and Safety Standards Act regarding standards for federally assisted construction agreements.

22. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires grantees in a special flood hazard area as a grant condition, to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$100,000 or more. (See 40 CFR 30.600(b) and 44 CFR 59 through 79.)

23. Will assist EPA or the delegated State to assure compliance with Section 106 of the National Historic Preservation Act of 1966 (amended (16 U.S.C. 470), Executive Order 11651 and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

24. Will comply with Section 13 of the Federal Water Pollution Control Act of 1972, which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program under the Act.

25. Will comply with all applicable requirements of all other Federal laws, executive orders, policies and regulations governing this program including 40 CFR Part 30, Subpart F.

Certification

I certify that I am a duly authorized representative of the within-named legal entity, and that I have read and understand these requirements and assurances.

Name of legal entity City of Wasilla, Alaska	Name and Title of Duly Authorized Representative Harold Newcomb
Signature <i>Harold Newcomb</i>	Date 5 Dec '86

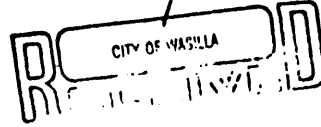
Note: A copy of your governing body's authorization for you to sign this application as a representative must be on file in the applicant's office.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

Telephone: (907) 274-2533
Address: 437 "E" Street
Suite 200
Anchorage, AK
99501



January 13, 1984

JAN 18 1984

Mr. Robert Harris
City Administrator
City of Wasilla
P.O. Box 870430
Wasilla, AK 99687-0430

RE: Snider Subdivision - Wasilla
Sewer Service Option

Dear Mr. Harris:

At the last City Council meeting, January 9, 1984, the Council directed the sewer design engineer, CH₂M Hill, to stop any further study on a sewer force main through the middle lots of the referenced subdivision. This was largely due to the voiced opposition from a few owners within the subdivision. The opposition favors having the sewer line near their back lot line (away from lake and near the Alaska Railroad property). With much discussion, the Council advised the engineer to further develop this back lot line alternative. According to the design engineer, substantial savings could be made if the line ran through the middle of the Snider Subdivision lots, but if all easements were not granted, circumventing these properties will likely reduce the savings.

Keeping in mind the "back of lot" routing through Snider Subdivision and the recently adopted Sewer Ordinance which states that all owners within the sewer district to connect the wastewater plumbing of any house, building or structure now existing or later developed to the sewer system when any is located within 600 feet along the practical route to such house, building or structure, there will be owners of structures in the subdivision not required to connect to the system. Also, it is known that the Wasilla Sewer System Boundary Map 83-S-1 depicts that area of the City identified (through facility planning) in need of meeting water quality and/or public health requirements. Snider Subdivision is in the sewer service district and near a body of water (Lake Lucille). It is suspected that many of the existing septic tanks in the subdivision are in or very near the groundwater and are likely contributing excess nutrients and other not wanted pollutants to the lake. As it stands now, giving the owner the option to connect to the proposed pressurized sewer system when the property's on-site sewer system is suspected of contaminating the lake, goes against the intent of the Clean Water Act and its program, Construction Grants.

Mr. Robert Harris
Snider Subdivision
January 13, 1984
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Therefore, the City will need to insure this office that those owners of Snider Subdivision or others of similar cases in the sewer service district be required to connect to the sewer system to abate water pollution and protect public health.

This could be done by amending the ordinance to extend the connection distances, eliminating the specific distance requirement and requiring all property owners within the service district to connect or specifically requiring such connections near lakes in another section of the ordinance. Eliminating the specific distance requirement and requiring ALL property owners within the service district to connect would be preferred method of correcting the situation. If not, there is a possibility of non-compliance with grant regulations and subsequently the withholding of funds.

Sincerely,



Greg Magee
Construction Grants Engineer

GM/djf

cc: Loren Leman, CH₂M Hill
Tony Medrano, EPA Alaska Operations Office, Juneau
Dale Merrell, Bepps, Epps & Potts

increased capacity necessary to serve the existing users and the new development at the same level as is being provided to the existing users. (Ord. 86-23 § 12 (part), 1986)

17.43.879 Community water systems.

A. If an adequate public water system is not available, the developer shall construct a community water system unless he has clearly demonstrated that individual wells will provide an adequate source of safe drinking water.

B. All community water systems must be approved by the Alaska Department of Environmental Conservation or other state agency which has prescribed standards of quality or quantity for domestic water supplies.

C. Prior to approval of a subdivision or development permit for which a community water system is required, the developer must submit evidence showing that there is available a satisfactory source of water for the development. A source of water is satisfactory only if it can be shown that the proposed source will produce water sufficient in quality and quantity to supply the development and that the developer has obtained or can obtain a water appropriation permit or certificate for the water from the state.

D. The developer shall, through formation of a homeowners' association, utility company or by other means, provide for the operation and continued maintenance of the community water system in a manner satisfactory to and approved by the Commission. (Ord. 86-23 § 12 (part), 1986)

17.43.880 Fire flows.

For all water distribution systems within a development, the system itself and the connection between such distribution systems and the source must be sized and constructed to meet fire flow and hydrant requirements for fire protection, without regard to the capacity of the proposed source. (Ord. 86-23 § 12 (part), 1986)

17.43.882 Oversizing.

When the developer is required to install connecting lines, to increase the size of existing public lines or to install a distribution system within the development, the Engineer may require any or all parts of such installation to be oversized if he reasonably believes that within the expected life of the new construction an increase in capacity will be required to serve other areas. The installation, compensation and other relevant matters will be accomplished in the same manner as provided for oversized sewers under Section 17.43.886.

Notwithstanding the requirement that the developer construct improvements to existing systems, the Engineer may elect to accomplish the design or construction, or both, of improvements to be made to existing public systems. In such a case, he may require advance payment to the City of the estimated cost of work to be accomplished by the City. The developer shall reimburse the City for all expenses of such design or construction not paid in advance. (Ord. 86-23 § 12 (part), 1986)

XXXII. Sanitary Waste

17.43.885 Public sewer.

Where public sewer facilities are available within five hundred feet of the boundary of a proposed major development the developer shall install collectors and laterals as required by the Engineer. (Ord. 86-23 § 12 (part), 1986)

17.43.886 Oversizing.

When installation of oversized sewer pipelines is required by the City Engineer, the developer shall install such sewer pipeline at his own expense. The developer shall be reimbursed the amount determined by the City Engineer to be the difference in cost between the installed cost of the oversized sewer lines and the installed cost of the sewer lines adequate to serve both the development concerned and all other land to be served by the sewer lines which is owned or under the