

From: [Jacob Patterson](#)
To: [City Clerk](#)
Subject: Public Comment -- 10/23/2023 CC Mtg., Item No. 7A, Impact Fees Hearing
Date: Friday, October 20, 2023 2:11:14 PM

City Council,

I have to commend the City team on a process that worked correctly and am happy to endorse the staff recommendation that you update our three existing fees. Despite my reputation to the contrary, I also want to point out that I cooperatively and proactively reached out to staff to share a couple of legal concerns and they were able to make necessary adjustments (e.g., moving the potential new fees to a separate public hearing with a longer notice period) so the recommendations for this public hearing tonight are on solid legal grounds and following the correct process. I appreciate this collaborative approach, particularly that staff were open to my suggestions and were able to run them by Keith and make the changes (literally within a few hours on publication day).

I would like to point out a typo that is significant and requires correction. Exhibit A to the draft resolution includes the wrong proposed amount for the sewer capacity fee. The impact study shows the new sewer capacity fee is supposed to be \$2916 but Exhibit A hasn't been updated and includes the old amount of \$3462. The Council (or staff between now and Monday's meeting) should amend that line to read \$2916.

For background, the new impact fee amount originally included the future expansion costs for the water and sewer line extensions north of Pudding Creek and were therefore higher amounts, although still reduced compared to the existing fees on the books now. After the earlier public meetings, I raised concerns about the nexus requirements and staff and the consultant agreed so they removed that particular capital project from the calculations, further reducing those two fees to the new proposed amounts of \$3280 for water capacity and \$2916 for sewer capacity.

Again, I am happy that the public review process worked as intended, particularly because of staff's openness to taking the public's expressed concerns seriously. Tonight's public hearing is the result of lots of analysis and a robust public process and I appreciate it a lot. The Council can feel confident in the recommendations, which is not something I have said for prior fee schedule updates.

However, I am concerned that our legal counsel's lack of local factual knowledge is apparently hampering effective legal review of agenda items like this. In this case, his team didn't necessarily understand that the area of town north of Pudding Creek is geographically separate from the rest of the City so an expansion project there only benefits and has a nexus with property in that particular area. Staff don't know all the legal requirements but the lawyers don't know all the facts. I really think you need to consider having legal counsel with local knowledge and local connections--I am not referring to me, btw. More troubling because it doesn't rely on local knowledge and is simply a statutory requirement was our legal team not flagging the issue of completely new non-water or sewer impact fees requiring a longer and more robust notice period along with the need to formally adopt/approve the nexus study itself prior to adopting a resolution to impose these potential new fees.

Anyway, enough griping about how we receive our arguably less-than-effective legal advice. I

am happy with these recommendations and proud of our City staff for their good work on this item, particularly Isaac who has my complete trust and confidence.

Regards,

--Jacob