

# Memo

To: City Commission  
From: Toby Dougherty, City Manager  
Date: 11-13-15  
Re: November 19, 2015 Work Session

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Please find the attached agenda and supporting documentation for the November 19, 2015 Work Session.

Item 2 – Rezoning of Proposed Blue Sky Acres Addition from Agricultural (A-L) to Residential Suburban District (R-S)

Please refer to the attached memorandum from Jesse Rohr, Planning, Inspection and Enforcement Division Superintendent, regarding the proposed rezoning of Blue Sky Acres Addition. This item is the result of a request by a property owner outside of the city limits but within the three-mile planning jurisdiction to rezone and replat a parcel of property currently zoned A-L. It is the intent of the property owner to create six large lot parcels. As you will see in Jesse's memo, City staff, as well as Ellis County personnel, had several concerns about the proposed development and recommend that the Planning Commission deny the rezoning request as well as the plat request. The Planning Commission did deny the rezoning request; therefore, it comes to you to either uphold or overturn the decision.

Items 3 & 4 – 1517 Commerce Parkway – Rezoning from Agricultural (A-L) to Light Industrial District (I-1) and Annexation

Items 3 and 4 regarding 1517 Commerce Parkway are pretty straightforward. The property owner at 1517 Commerce Parkway would like to have the property rezoned to Light Industrial and annexed into the city limits. City staff feels that this is positive as it allows for further development along Commerce Parkway in an appropriate manner.

Item 5 – Development Policy Update

Please refer to the attached memorandum from John Braun, Assistant Public Works Director, regarding the Development Policy update. This update is the result and compilation of many suggested changes by City staff and the Commission to the Development Policy over the past

year and a half. Attached to John's memorandum is a redlined version of the Development Policy that clearly delineates the suggested changes.

Item 6 – 2016 Water Rate Adjustment

Please refer to the attached memorandum from Kim Rupp, Finance Director, regarding a water rate adjustment. Several months ago, the City Commission modified the sewer rates to pay for the anticipated \$30,000,000 of improvements to the wastewater treatment facility and also to fund a capital maintenance program. At that time, it was pointed out that the water production and distribution system capital maintenance program was also underfunded. City staff is recommending a one-time 17% adjustment in water rates to fund the capital maintenance program. The Finance Director has been working with the City Attorney to make sure all appropriate sections of the Code are modified to accomplish the correct adjustments. This is the reason there are several ordinances included with this item.

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**CITY OF HAYS**  
**CITY COMMISSION WORK SESSION**  
**THURSDAY, NOVEMBER 19, 2015 – 6:30 P.M.**  
**AGENDA**

1. **ITEM FOR REVIEW: [November 5, 2015 Work Session Notes \(PAGE 1\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [Rezoning of Proposed Blue Sky Acres Addition from Agricultural \(A-L\) to Residential Suburban District \(R-S\) \(PAGE 7\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Greg Sund, Director of Public Works
3. **ITEM FOR REVIEW: [Rezoning of 1517 Commerce Parkway from Agricultural \(A-L\) to Light Industrial District \(I-1\) \(PAGE 17\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Greg Sund, Director of Public Works
4. **ITEM FOR REVIEW: [Annexation of 1517 Commerce Parkway \(PAGE 29\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Greg Sund, Director of Public Works
5. **ITEM FOR REVIEW: [Development Policy Update \(PAGE 39\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Greg Sund, Director of Public Works
6. **ITEM FOR REVIEW: [2016 Water Rate Adjustment \(PAGE 89\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
7. **OTHER ITEMS FOR DISCUSSION**
8. **EXECUTIVE SESSION (IF REQUIRED)**
9. **ADJOURNMENT**

**ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.**



City of Hays  
City Commission  
Work Session Notes

Thursday, November 5, 2015 – 6:30 p.m.

Present: Eber Phelps, Shaun Musil, James Meier, Henry Schwaller IV, John Bird,  
Toby Dougherty and Kim Rupp

Absent: Lance Jones

**October 15, 2015 Work Session Notes**

There were no corrections or additions to the minutes of the work session held on October 15, 2015; the minutes stand approved as presented.

**2016 Pay Plan and Job Classification**

Erin Giebler, Director of Human Resources, reported that in 2015 the City provided employees with a 2% bonus that will sunset with the end of the 2015 payroll year. Each year city ordinance requires the City Commission adopt a pay plan and job classification by resolution.

For 2016 City staff recommends adopting a pay plan and job classification with a \$2,050 pay increase for all employees with an increase of \$1,500 for the minimum of the pay ranges. Staff recommends the maximum of the pay ranges remain the same. A dollar amount increase is being recommended in place of the typical percentage in order to provide a higher percent increase to the City's frontline employees.

At the November 12, 2015 Commission meeting, Commissioners will be asked to adopt the 2016 pay plan and job classification resolution that includes a \$2,050 annual pay increase while increasing the minimum of the pay grade by \$1,500 annually and keeping the maximum of the pay grade the same.

### **City of Hays Employee Health Insurance for 2016**

Erin Giebler, Director of Human Resources, reported that City staff requested bids for employee health insurance for fiscal year 2016. After twenty-four plan designs were reviewed; City staff, with the approval of the Wage and Benefit Committee, recommended providing employees with a dual option plan through Aetna. Aetna, which was formerly called Coventry, is the City's current insurance provider. The Base Plan would be provided to our employees and their families with no premium cost, but comes with a higher deductible and out-of-pocket max. Employees enrolling in the Premium Plan would pay 8.31% of the total premium. This recommendation stays within the budget cap of \$9,500 per employee set by the City Commission in 2010.

At the November 12, 2015 Commission meeting, Commissioners will be asked to authorize the City Manager to sign an agreement with Aetna to provide employees with a dual option health insurance plan in the amount of \$1,719,500 to be paid from the Employee Benefit Levy Fund.

### **Vacate of a Portion of a Drainage Dedication in the Golden Belt Estates 3<sup>rd</sup> Addition**

Jesse Rohr, Planning, Inspection and Enforcement Superintendent, stated a request has been made by the owner of Lot 1, Block 1 of the 46<sup>th</sup> Street 2<sup>nd</sup> Addition, known as 4500 Van Buren Dr., to vacate a portion of the drainage dedication that abuts said lot and lies within the Golden Belt Estates 3<sup>rd</sup> Addition. The area being requested to be vacated, while being a part of the actual drainage dedication, is not part of the actual drainage area. The area proposed to be vacated is of no use to the City; however, must be maintained by the City. The City of Hays Parks Department mows the entire drainage area, including the area being requested to be vacated. The Parks Department staff has no issue with this vacate request and has actually endorsed the request to further reduce areas to be maintained, even though the area is quite small.

City staff can see no problem in vacating this portion of drainage dedication. Staff has determined that the area of drainage dedication being requested to be vacated will have no impact on the remaining drainage dedication or the ability to maintain the remainder of the drainage area. Assuming no protests at the public hearing, staff recommends approval of the ordinance vacating a portion of the drainage dedication at a cost of \$500 to cover administrative expenses.

Commissioners requested City staff research the value of the property and report back at the November 12, 2015 Commission meeting, at which time a public hearing will be held.

### **2016 Street Maintenance Program**

Each year staff evaluates the condition of city streets and develops a maintenance program that is brought forward for Commission consideration. Staff utilizes the most recent street condition data, traffic counts, and available dollars in developing the program.

The 2016 Special Highway Budget, combined with funds from City Commission Capital Reserve identified in the 2016 Capital Improvement Plan (CIP), provides approximately \$2.5 million for street maintenance and rehabilitation projects. The plan presented by staff includes chip seal, seal coat, polypatch, curb and brick repair, concrete patching, diamond grinding, micro-surfacing, asphalt overlay, sidewalk improvements, and updating the pavement condition assessment.

In addition to a multitude of street maintenance projects, City staff is recommending a few high-profile maintenance projects. This includes the mill and overlay of Hall Street from 27th Street to 41st Street, 27th Street from Englewood Drive to Hall Street, and 27th Street from Sherman Avenue to Canterbury Drive. These are very heavily traveled areas where normal maintenance applications will not bring these streets up to standard. Therefore, staff is recommending a mill and overlay. City staff is also recommending a

substantial brick repair project for a two-block section of Ash Street between 17th Street and 19th Street.

In 2016, staff proposes to allocate an additional \$20,000 to allow for construction of sidewalk improvements along Canterbury Drive south of 13<sup>th</sup> Street to the Hays Recreation Center (HRC) and along the west side of Vine Street in the 2300 block where no sidewalk currently exists.

Commissioner Meier suggested changing the markings to three lanes on Canterbury from 13<sup>th</sup> Street to the HRC building to create the bike path and put in a regular sidewalk rather than an eight foot bike path.

John Braun, Assistant Director of Public Works, stated that City staff will look into that.

City staff will solicit bids for work to be accomplished in the 2016 construction season, and bring bids back to the City Commission for final approval after the first of the year.

### **Auditing Services Request for Proposals**

The City of Hays Comprehensive Financial Management Policy requires that the City select a firm for auditing services through the Request for Proposal (RFP) process every five years. Five RFP's were solicited with one of those five responding. The incumbent, Adams, Brown, Beran and Ball submitted a responsive and responsible bid. It is the recommendation of staff that the City Commission accept the bid from Adams, Brown, Beran and Ball for auditing services for the next five years.

At the November 12, 2015 Commission meeting, Commissioners will be asked to authorize the City Manager to enter into a contract for auditing services with Adams, Brown, Beran and Ball for the 2015 audit year in an amount not to exceed \$41,346 with the option to renew the four subsequent fiscal years to be funded from the Intergovernmental Professional Services budget.

Melissa Romme, CPA and Partner of Adams, Brown, Beran and Ball, commented there is a good working relationship with the City of Hays staff and together work to be proactive rather than reactive.

**Other Items for Discussion**

City Manager, Toby Dougherty, welcomed Jeff Crispin who has recently been appointed as the new Assistant Director of Utilities.

The work session was adjourned at 7:53 p.m.

Submitted by: \_\_\_\_\_

Brenda Kitchen – City Clerk



# Commission Work Session Agenda

## Memo

**From:** Jesse Rohr, PIE Superintendent

**Work Session:** November 19, 2015

**Subject:** Rezoning of the Proposed Blue Sky Acres from A-L (Agricultural) to R-S (Residential Suburban District)

**Person(s) Responsible:** Greg Sund, Director of Public Works

### Summary

The owner of the proposed Blue Sky Acres, a proposed subdivision of 6 large residential lots, has submitted a request to rezone the property from A-L (Agricultural District) to R-S (Residential Suburban District). Many concerns have been raised about this possible development. A public hearing was conducted on October 19, 2015 at the regular meeting of the Planning Commission. Several adjacent property owners spoke in opposition to this rezoning request and mostly had concerns of water, stormwater drainage, and road/access issues. After much discussion and debate, the rezoning request was denied by a vote of 6-1 and a recommendation was made by the Planning Commission to the City Commission to deny the rezoning, primarily due to the request not being in line with the Comprehensive Plan.

Staff, as well as the Planning Commission, recommends denying this rezoning request from A-L to R-S as submitted due to the request not being in line with the Comprehensive Plan.

### Background

The subject property abuts 7 lots of existing Residential Suburban (R-S) zoning (*zoned and platted in 1977*) known as the Vonfeldt Addition. The applicant has intended to plat the property into 6 residential lots ranging from 2.5 to 3 acres in size.

### Discussion

The owner of the proposed Blue Sky Acres, a proposed subdivision of 6 large residential lots, has submitted a request to rezone the property from A-L (Agricultural District) to R-S (Residential Suburban District).

Many concerns have been raised about this possible development. Although the development is adjacent to existing R-S zoning (Vonfeldt Addition, zoned and platted in 1977), it is in staff's opinion that expanding the existing development further is not in the best interest of both the City and County for various reasons. Those reasons include:

- There is no public water available, including rural water. The developer intends on serving all the residential lots with private well only (although extension of rural water service has been discussed with Trego Co. Rural Water). There are

concerns from existing and abutting property owners who are served by water well what additional wells may do to current water levels. Small, private water wells should not be considered a reliable water source long term, especially considering the number of wells that have been removed from service due to lack of ground water in the past 4-6 years.

- Ellis Co. Public Works staff has indicated a strong resistance to accepting additional County roads that will require ongoing maintenance. The developer has stated that the roads could remain private. This raises other concerns about the future of private roads that will be expected to be maintained to a high standard and maintenance may get pushed on to the County in the future. Expectations of homeowners along these types of County roads are often high and create a burden on the PW Department and County officials.
- Staff with Ellis County rural fire has expressed general concerns about development of this type outside of the City limits where adequate structure fire protection is not available.
- There are conflicts with the proposed development access (Randall Lane) including a new power pole structure directly in the center of the drive. KDOT has also raised concerns about the existing drive entrances into the existing development and how adding additional development may impact US 183 Highway.
- In accordance with the Comprehensive Plan and sound planning practices hamlet/ranchette developments of this style are to be avoided. In addition to the previously mentioned reasons, Hays should not allow its limits to be surrounded with these types of developments as it is very difficult and expensive to incorporate them into the city in the future.
- **The Comprehensive Plan states this area:**
  - Should be generally used for agriculture
  - Extension of urban services is unlikely
  - Extremely low residential densities (below one unit per 20 acres) may be permitted
  - Should remain as open space or agriculture – urban encroachment should be discouraged.

The Comprehensive Plan also states “New development should generally be contiguous to existing development or take advantage of under-utilized ‘infill’ areas to produce a unified and economically efficient, and attractive city.”

Residential development on this site and other similar sites within the 3-mile area designated as “AP” is discouraged by the Comprehensive Plan and the draft zoning regulations. (*See Agricultural Production (AP) section on page 91 of the 2012 Comprehensive Plan*)

A public hearing was conducted on October 19, 2015 at the regular meeting of the Planning Commission. All property owners within the required notification area of the subject property were notified of the public hearing. Several adjacent property owners spoke in opposition to this rezoning request. Most of those who testified expressed concerns of potable water, stormwater drainage, and road/access issues.

After much discussion and debate, the rezoning request was denied by a vote of 6-1 and a recommendation was made by the Planning Commission to the City Commission to deny the rezoning, primarily due to the request not being in line with the Comprehensive Plan.

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City staff.

### **Financial Consideration**

None identified at this time.

### **Options**

The City Commission has the following options:

- Deny the rezoning request from A-L to R-S as recommended by the Planning Commission and City staff
- Send the request back to the Planning Commission for further consideration with specific basis for further review
- Approve the rezoning request from A-L to R-S (Requires a 2/3 majority vote to overturn the P.C. recommendation)

### **Recommendation**

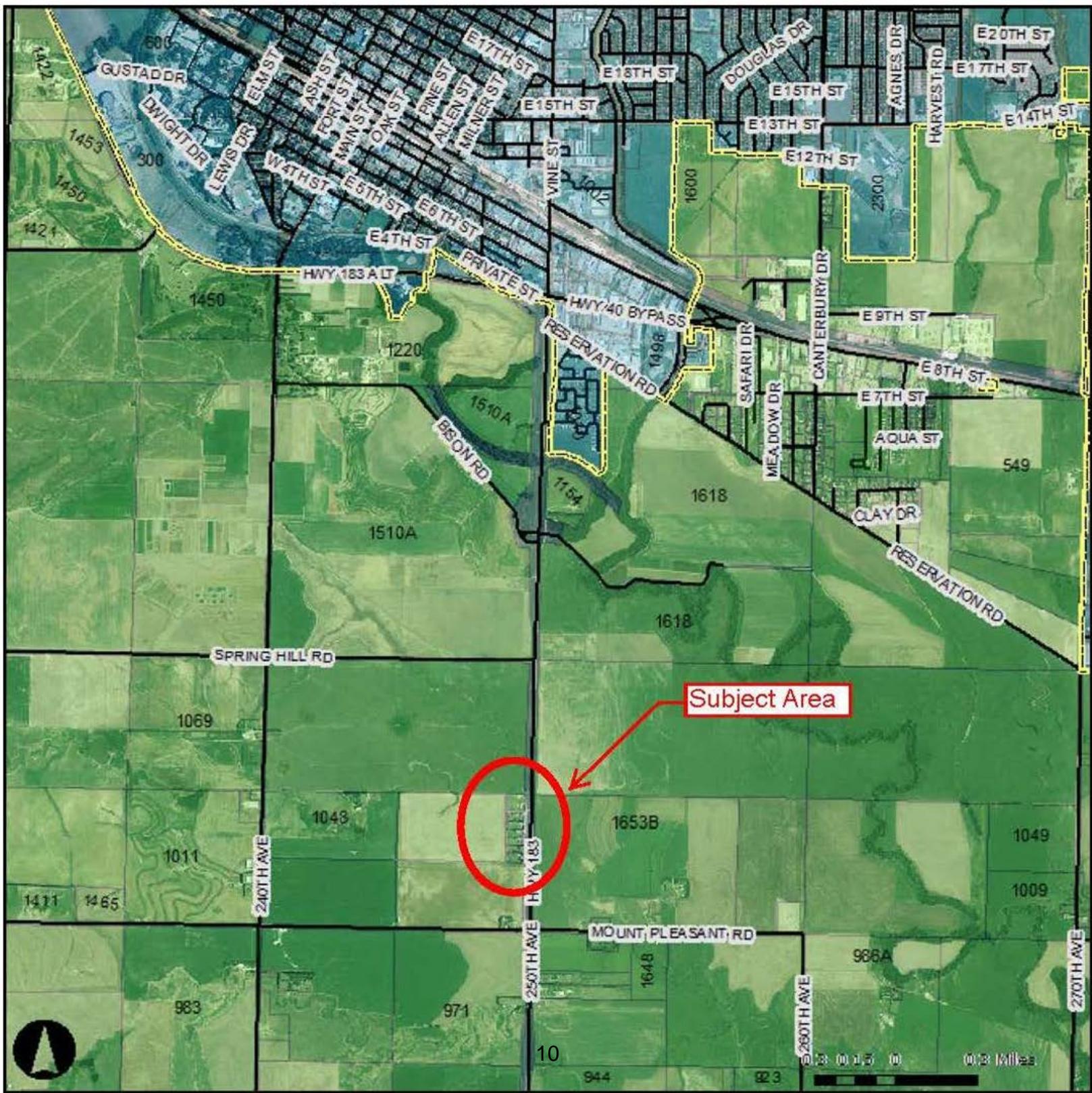
Staff, as well as the Planning Commission, recommends denying this rezoning request from A-L to R-S as submitted due to the request not being in line with the Comprehensive Plan.

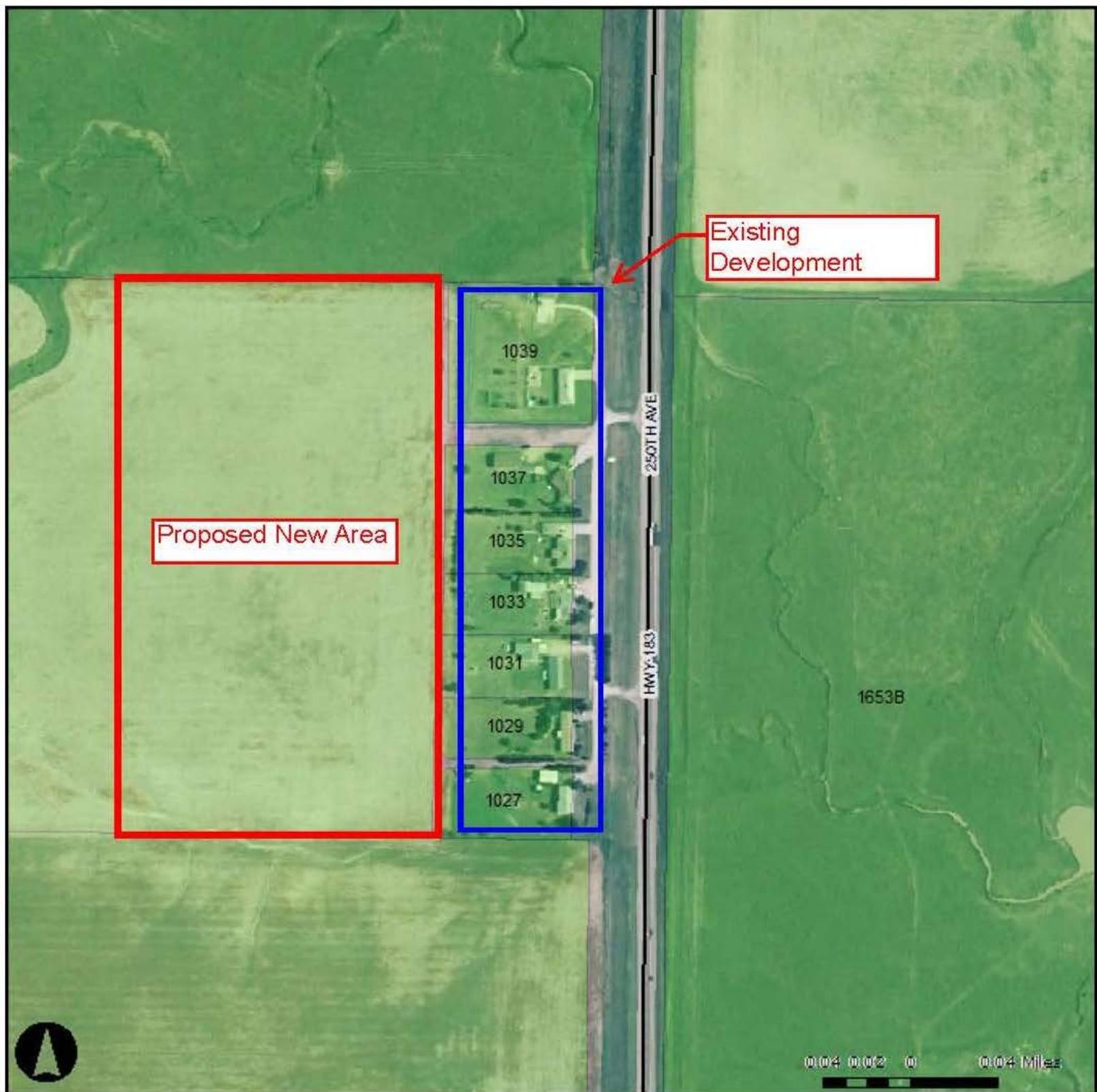
### **Action Requested**

Deny the request for rezoning of the proposed Blue Sky Acres from A-L to R-S.

### **Supporting Documentation**

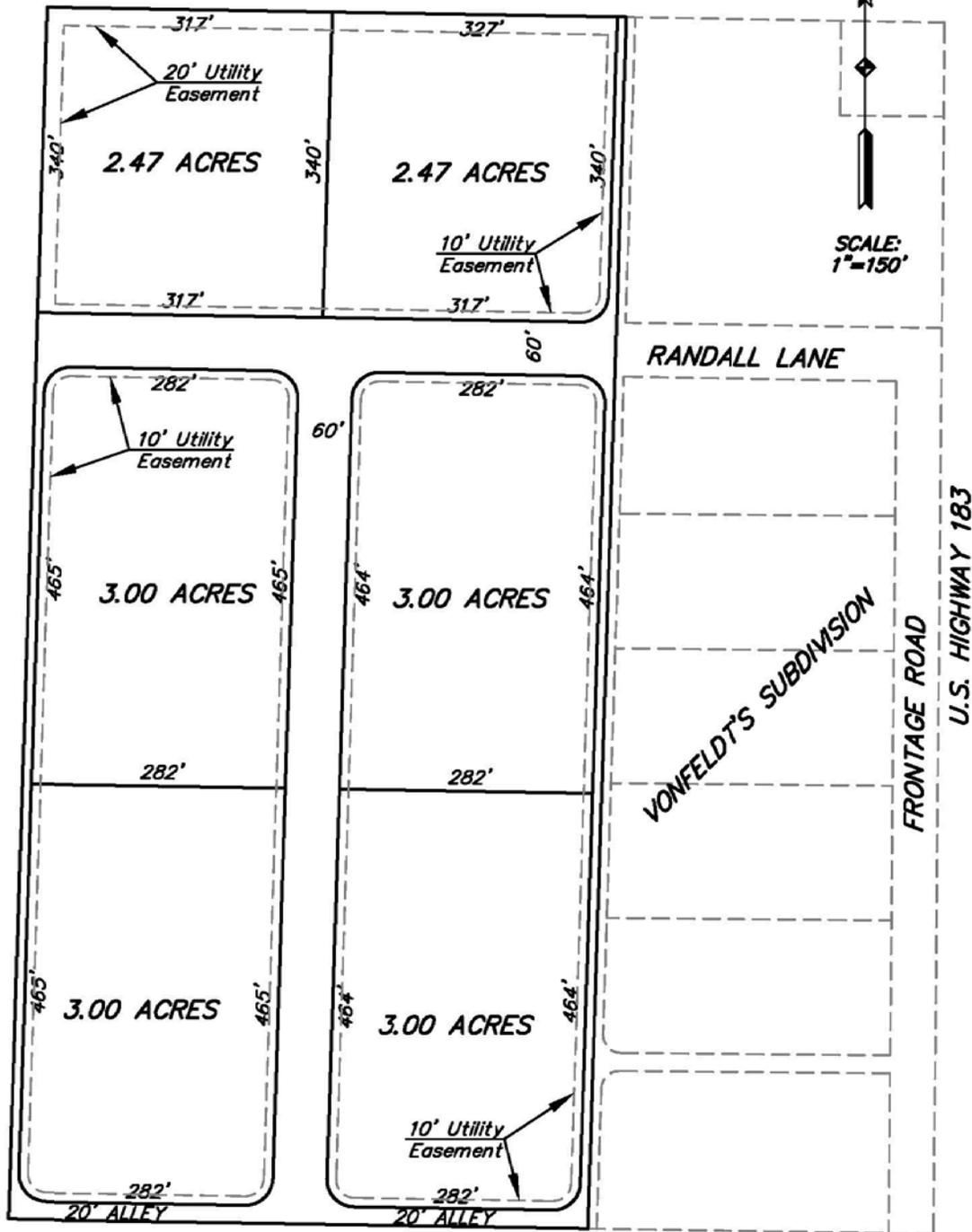
Map(s)  
Planning Commission Findings of Fact





# PROPOSED UNREIN PLAT

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**RUDER ENGINEERING  
& SURVEYING, LLC**  
1376 Butterfield Trail Rd.  
Hays, Kansas 67601  
785-259-1382

**STAFF FINDING OF FACT**

1. CASE NO.: **15-05Z** FILING FEE PAID: **\$200.00**
  2. DATE FILED: **09/17/2015**
  3. DATE ADVERTISED FOR HEARING: **09/27/2015 and 09/28/2015**
  4. PUBLIC HEARING DATE: **10/19/2015**
  5. APPLICANT'S NAME: **MARY ALICE UNREIN**
  6. LOCATION OF PROPERTY: **South U.S. 183/250<sup>th</sup> Ave west of Von Feldt's Addition**
  7. DESCRIPTION OF PROPERTY: **Tract in the N/2 of SE/4 of Section 16-T14S-R18W (currently farm ground)**
  8. PRESENT USE OF PROPERTY: **Agriculture**
  9. PRESENT ZONING: **"A-L"** REQUESTED ZONING: **"R-S"**
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1. CHARACTER OF THE NEIGHBORHOOD:  
DIRECTION  
  
NORTH: **Agriculture**  
  
SOUTH: **Agriculture**  
  
EAST: **Suburban Residential (7 lots)**  
  
WEST: **Agriculture**
2. THE ZONING OF SURROUNDING PROPERTY:  
DIRECTION  
  
NORTH: **"A-L" Agriculture**  
  
SOUTH: **"A-L" Agriculture**  
  
EAST: **"R-S" Residential Suburban**  
  
WEST: **"A-L" Agriculture**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF: The property abuts an existing residential suburban area to the east surrounded by agriculture properties in all other directions. The subject property, as well as surrounding properties, is designated as "Agriculture" on the Future Land Use Map and Comprehensive Plan. Residential development is discouraged in areas denoted as "Agricultural Production" in the Comprehensive Plan.
  
4. DEDICATION OR RESERVATION NEEDED FOR:
  1. DRAINAGE: **Yes**
  2. STREETS: **Yes**
  3. UTILITY EASEMENTS:
    - a. ELECTRICITY: **Yes**
    - b. GAS: **Yes**
    - c. SEWERS: **Yes**
    - d. WATER: **Yes**
  4. SHOULD PLATTING BE REQUIRED: **Platting is in process**
  
- A. TRAFFIC CONDITIONS:
  1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: **Local/State Highway**
  2. RIGHT-OF-WAY WIDTH: **60' ROW**
  3. SIGHT DISTANCE: **OK**
  4. TURNING MOVEMENTS: **OK**
  5. COMMENTS ON TRAFFIC: **Local/Highway**
  
4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: **The existing zoning (Agriculture) is very suitable for the subject property. Other zoning districts and development is discouraged.**
  
5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **Changing the zoning classification from "A-L" Agriculture Zoning District "R-S" Residential Suburban could impact existing residential development and also could impact existing agricultural properties as Ag land preservation is undermined.**
  
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **The property has been used for agricultural production or natural land preservation for as far back as records are available.**
  
7. THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS COMPARED TO THE HARDSHIP IMPOSED ON THE INDIVIDUAL LANDOWNER: **There is no known gain to the public health, safety, or welfare that will occur if this property is developed as a residential use. There is also no**

foreseen hardship on the subject property landowner if the property were to remain as agriculture.

8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY: **The subject property is surrounded by agriculture uses except to the east is the “R-S” Residential Suburban Zoning District. The Comprehensive Plan designates this area as agriculture.**

The request for the “R-S” Residential Suburban zoning classification is contrary to that of the Comprehensive Plan.

**The Comprehensive Plan states this area:**

- Should be generally used for agriculture
- Extension of urban services is unlikely
- Extremely low residential densities (below one unit per 20 acres) may be permitted
- Should remain as open space or agriculture – urban encroachment should be discouraged

**Based on these considerations, Staff does not recommend the change of zoning from “A-L” Agriculture to “R-S” Residential Suburban Zoning Classification.**



# **Commission Work Session Agenda**

## **Memo**

**From:** Jesse Rohr, PIE Superintendent

**Work Session:** November 19, 2015

**Subject:** Rezoning of 1517 Commerce Parkway from A-L (Agricultural) to I-1 (Light Industrial District)

**Person(s) Responsible:** Greg Sund, Director of Public Works

### **Summary**

The owner of 1517 Commerce Parkway has submitted a request to rezone the property from A-L (Agricultural District) to I-1 (Light Industrial District).

A public hearing was conducted on October 19, 2015 at the regular meeting of the Planning Commission and it was recommended by a vote of 7-0 that the rezoning be approved. The zoning change from A-L to I-1 would allow the owners to use the property for other commercial ventures that are not currently allowed in the A-L district. All of the uses allowed in I-1 must be taken into consideration. Staff, as well as the Planning Commission, recommends approving this rezoning request from A-L to I-1 as submitted to encourage redevelopment of this property and allow for more uses than those allowed in the A-L district.

### **Background**

The subject property abuts existing Business Park (B-P) zoning with other districts (C-2 and R-1) nearby. The plan for redevelopment/infill development on this site is encouraged by staff as well as the Comprehensive Plan and follows the Strong Towns concept. A lot split was approved by the City on July 1, 2015 splitting off 1.18 acres from the parent tract, which is the subject of the rezoning case.

### **Discussion**

The owner of 1517 Commerce Parkway has submitted a request to rezone the property from A-L (Agricultural District) to I-1 (Light Industrial District).

The zoning change from A-L to I-1 would allow the owners to use the property for other commercial ventures that are not currently allowed in the A-L district, which would hopefully allow for increased profit off of the property. The applicant is asked to not be specific as to the exact use to prevent a biased decision from being made. All of the uses allowed in I-1 must be taken into consideration.

A public hearing was conducted on October 19, 2015 at the regular meeting of the Planning Commission. All property owners within the required notification area of the subject property were notified of the public hearing. No public comments were presented at the hearing.

The subject property, as well as surrounding properties, is designated as “Business Park” on the Future Land Use Map and Comprehensive Plan. This area, per the Comprehensive Plan and the B-P designation, is designated for limited industrial, office and research uses. The plan for redevelopment/infill development on this site is encouraged by staff as well as the Comprehensive Plan and follows the Strong Towns concept.

This zoning is compatible to the adjacent B-P zoning. The reason for the I-1 recommendation (rather than B-P) is due to the pending zoning changes that will occur as part of the rewrite of the zoning and subdivision regulations. Under the new draft, the B-P designation no longer exists and has been “absorbed” into the I-1 district designation as a blend of the two districts. Business Park and Light Industrial are very compatible districts.

A petition has been submitted requesting this property to be annexed as part of the development process, and development will require connection to City utilities. All public utilities are in place allowing for any future redevelopment of this property including public water and sewer.

The item was approved by a vote of 7-0 and a favorable recommendation was made by the Planning Commission to the City Commission to approve the rezoning, primarily due to the existing uses and compatibility with the Comprehensive Plan.

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City staff.

### **Financial Consideration**

None identified at this time.

### **Options**

The City Commission has the following options:

- Approve the rezoning request from A-L to I-1 as recommended by the Planning Commission and City staff
- Send the request back to the Planning Commission for further consideration with specific basis for further review
- Deny the rezoning request from A-L to I-1 (Requires a 2/3 majority vote to overturn the P.C. recommendation)

### **Recommendation**

Staff, as well as the Planning Commission, recommends approving this rezoning request from A-L to I-1 as submitted to encourage redevelopment of this property and allow for more uses than those allowed in the A-L district.

### **Action Requested**

Approve an ordinance rezoning the property of 1517 Commerce Parkway from A-L to I-1.

### **Supporting Documentation**

Map(s)  
Planning Commission Findings of Fact  
Ordinance







**PLANNING COMMISSION FINDING OF FACT**

1. CASE NO.: **15-04Z**      FILING FEE PAID: **\$140.00**
  2. DATE FILED: **08/27/2015**
  3. DATE ADVERTISED FOR HEARING: **09/27/2015 and 09/28/2015**
  4. PUBLIC HEARING DATE: **10/19/2015**
  5. APPLICANT'S NAME: **Terry and Kelly Schmidt**
  6. LOCATION OF PROPERTY: **1517 Commerce Parkway**
  7. DESCRIPTION OF PROPERTY: **Tract in the SE/4 of Section 35-T13S-R18W of 6<sup>th</sup> p.m.**
  8. PRESENT USE OF PROPERTY: **Agriculture**
  9. PRESENT ZONING: **"A-L"**                      REQUESTED ZONING: **"I-1"**
- 

1. CHARACTER OF THE NEIGHBORHOOD:  
DIRECTION  
  
NORTH: **Commercial (Bruckner's Trucks and Sales) and Agriculture (with residence)**  
  
SOUTH: **Business Park District – Industrial Business**  
  
EAST: **Agriculture**  
  
WEST: **Residential and Agriculture**
2. THE ZONING OF SURROUNDING PROPERTY:  
DIRECTION  
  
NORTH: **"A-L" Agriculture**  
  
SOUTH: **"B-P" Business Park District**  
  
EAST: **"A-L" Agriculture**  
  
WEST: **"A-L" Agriculture**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF: This zoning is compatible to the adjacent "B-P" Business Park zoning district. The reason for the "I-1" recommendation is due to the pending rewrite of the zoning and subdivision regulations where the "B-P" designation will be absorbed into the "I-1" zoning district. This area is designated as a Business Park per the Comprehensive Plan and Future Land Use Map as the Commerce Parkway area is intended for business/commercial/industrial development.
4. DEDICATION OR RESERVATION NEEDED FOR:
  1. DRAINAGE: **Existing**
  2. STREETS: **Existing**
  3. UTILITY EASEMENTS:
    - a. ELECTRICITY: **Existing**
    - b. GAS: **Existing**
    - c. SEWERS: **Existing**
    - d. WATER: **Existing**
  4. SHOULD PLATTING BE REQUIRED: **N/A**
  - A. TRAFFIC CONDITIONS:
    1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: **Arterial**
    2. RIGHT-OF-WAY WIDTH: **70' ROW**
    3. SIGHT DISTANCE: **OK**
    4. TURNING MOVEMENTS: **OK**
    5. COMMENTS ON TRAFFIC: **Local/Business/Pass-through traffic**
4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: **The existing zoning is suitable for the property, however, expanding to a broader zoning district will still keep the area compatible with the surrounding areas, the future plans for the area, and allow for a broader range of uses along Commerce Parkway.**
5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **Changing the zoning classification from "A-L" Agriculture Zoning District "I-1" Light Industrial should not detrimentally affect nearby properties as the area is intended for commercial/industrial development.**
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **The property has been used for grazing farm animals. The property has always been in its current zoning status.**
7. THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS

COMPARED TO THE HARDSHIP IMPOSED ON THE INDIVIDUAL LANDOWNER: The proposed rezoning presents more options for the use of the property, therefore expanding the possibilities of the owner to utilize the property for a wider variety of uses. The limited number of uses allowed currently may be considered a hardship to the owner and may outweigh any possible (but unlikely) destruction of value of neighboring properties.

8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY: The subject property is designated as "Business Park" on the Future Land Use Map and Comprehensive Plan. Per the pending rewrite of the zoning regulations this will be "absorbed" into the "I-1" Light Industrial Zoning District. A zoning designation of "Business Park" would also allow for the intended uses on the property.

The request for the "I-1" Light Industrial Zoning District classification does blend with the overall scheme of the surrounding properties and does meet the intent of the Comprehensive Plan.

**Based on these considerations, the Planning Commission does recommend the change of zoning from "A-L" Agriculture to "I-1" Light Industrial Zoning Classification.**

ORDINANCE NO.

**AN ORDINANCE REZONING A TRACT OF LAND SITUATED IN SECTION THIRTY FIVE (35), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6<sup>TH</sup> P.M. IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 05 MINUTES 37 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 75.46 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 31 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 55.77 FEET TO THE INTERSECTION OF THE NORTH LINE OF 13TH STREET AND THE WEST LINE OF COMMERCE PARKWAY; THENCE CONTINUING NORTH 01 DEGREES 28 MINUTES 31 SECONDS EAST ALONG THE WEST LINE OF COMMERCE PARKWAY AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 500.00 FEET TO THE NORTHEAST CORNER OF A TRACT DESCRIBED IN BOOK 766, PAGE 53 AND THE POINT OF BEGINNING. THENCE CONTINUING NORTH 01 DEGREES 28 MINUTES 31 SECONDS EAST ALONG THE WEST LINE OF COMMERCE PARKWAY AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 166.36 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 33 SECONDS WEST A DISTANCE OF 310.00 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 31 SECONDS WEST PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 166.37 FEET TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN BOOK 766, PAGE 53. THENCE SOUTH 89 DEGREES 05 MINUTES 37 SECONDS EAST ALONG THE NORTH LINE OF A TRACT DESCRIBED IN BOOK 766, PAGE 53 A DISTANCE OF 310.00 FEET TO THE POINT OF BEGINNING.**

**FROM "A-L" AGRICULTURAL DISTRICT TO "I-1" LIGHT INDUSTRIAL DISTRICT.**

**WHEREAS**, the Hays Area Planning Commission, after due and legal notice published in the Hays Daily News, the official city newspaper, on September 27 and September 28, 2015, and after a public hearing held in conformity with such notice on October 19, 2015, did, on the last mentioned date, recommend to the Governing Body of the City of Hays, Kansas, the rezoning of the following-described real estate:

**SECTION THIRTY FIVE (35), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6<sup>TH</sup> P.M. IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 05 MINUTES 37 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 75.46 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 31**

SECONDS EAST PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 55.77 FEET TO THE INTERSECTION OF THE NORTH LINE OF 13TH STREET AND THE WEST LINE OF COMMERCE PARKWAY; THENCE CONTINUING NORTH 01 DEGREES 28 MINUTES 31 SECONDS EAST ALONG THE WEST LINE OF COMMERCE PARKWAY AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 500.00 FEET TO THE NORTHEAST CORNER OF A TRACT DESCRIBED IN BOOK 766, PAGE 53 AND THE POINT OF BEGINNING. THENCE CONTINUING NORTH 01 DEGREES 28 MINUTES 31 SECONDS EAST ALONG THE WEST LINE OF COMMERCE PARKWAY AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 166.36 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 33 SECONDS WEST A DISTANCE OF 310.00 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 31 SECONDS WEST PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 166.37 FEET TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN BOOK 766, PAGE 53. THENCE SOUTH 89 DEGREES 05 MINUTES 37 SECONDS EAST ALONG THE NORTH LINE OF A TRACT DESCRIBED IN BOOK 766, PAGE 53 A DISTANCE OF 310.00 FEET TO THE POINT OF BEGINNING;

from "A-L" AGRICULTURAL DISTRICT TO "I-1" LIGHT INDUSTRIAL DISTRICT;

**WHEREAS**, upon due consideration, it appears that the best interests of the City of Hays, Kansas, will be subserved by the following recommendation of the Hays Area Planning Commission,

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:**

Section 1. That the following-described real estate, to-wit:

SECTION THIRTY FIVE (35), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6<sup>TH</sup> P.M. IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 05 MINUTES 37 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 75.46 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 31 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 55.77 FEET TO THE INTERSECTION OF THE NORTH LINE OF 13TH STREET AND THE WEST LINE OF COMMERCE PARKWAY; THENCE CONTINUING NORTH 01 DEGREES 28 MINUTES 31 SECONDS EAST ALONG THE WEST LINE OF COMMERCE PARKWAY AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 500.00 FEET TO THE NORTHEAST CORNER OF A TRACT DESCRIBED IN BOOK 766, PAGE 53 AND THE POINT OF BEGINNING. THENCE CONTINUING NORTH 01 DEGREES 28 MINUTES 31 SECONDS

EAST ALONG THE WEST LINE OF COMMERCE PARKWAY AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 166.36 FEET; THENCE NORTH 89 DEGREES 05 MINUTES 33 SECONDS WEST A DISTANCE OF 310.00 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 31 SECONDS WEST PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 166.37 FEET TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN BOOK 766, PAGE 53. THENCE SOUTH 89 DEGREES 05 MINUTES 37 SECONDS EAST ALONG THE NORTH LINE OF A TRACT DESCRIBED IN BOOK 766, PAGE 53 A DISTANCE OF 310.00 FEET TO THE POINT OF BEGINNING,

be rezoned from "A-L" AGRICULTURAL DISTRICT TO "I-1" LIGHT INDUSTRIAL DISTRICT.

Section 2. This ordinance shall take effect upon its publication in the Hays Daily News, the official city newspaper.

PASSED by the Governing Body on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Eber Phelps, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Kitchen, City Clerk

(SEAL)



# Commission Work Session Agenda

## Memo

**From:** Jesse Rohr, PIE Superintendent

**Work Session:** November 19, 2015 Work Session

**Subject:** Annexation of 1517 Commerce Parkway

**Person(s) Responsible:** Greg Sund, Director of Public Works

### Summary

The current owners of the property at 1517 Commerce Parkway have submitted a signed consent to annex the property under K.S.A. 12-520a and desire the annexation to allow for development of the property, including connection to City utilities. The land is contiguous with the present City limits. Staff recommends annexing this property due to its contiguous nature and the immediate availability of City services necessary to serve this property.

### Background

This tract, until recently, was part of a larger 10 acre tract lying outside the City limits. A lot split was approved by the City on July 1, 2015 splitting off 1.18 acres from the parent tract, which is the subject of the rezoning case.

### Discussion

The current owners of the property at 1517 Commerce Parkway have submitted a signed consent to annex the property under K.S.A. 12-520a and desire the annexation to allow for development of the property, including connection to City utilities. The land is contiguous with the present City limits. Approval of the annexation will allow the property owner to receive full benefits of City services, including utilities and fire/police protection. No additional infrastructure will be necessary because of this proposed annexation since all City infrastructure and utilities are already in place.

### Legal Consideration

Annexation requires the City to extend services to the area annexed within a reasonable time. There are no known legal obstacles to proceeding as recommended by City staff.

### Financial Consideration

Annexing this property and allowing for its development will increase the property tax base for the City of Hays.

There are no known direct costs to the City if this property is annexed.

## **Options**

Options include the following:

- Annex the property as requested
- Do not annex the property

## **Recommendation**

Staff recommends annexing this property due to its contiguous nature and the immediate availability of City services necessary to serve this property.

## **Action Requested**

Approve an ordinance annexing 1517 Commerce Parkway (See full legal description) to the City of Hays.

## **Supporting Documentation**

Map of area being annexed  
Signed Consent to Annex  
Annexation Ordinance

## CONSENT TO ANNEXATION

Terrance S. and Kelly A. Schmidt, husband and wife, are the owners of the real estate hereinafter described as follows, to-wit:

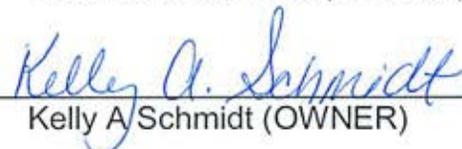
A tract of land located in the Southeast Quarter of Section 35, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of Section 35, Township 13 South, Range 18 West; Thence on an assumed bearing of North 89 degrees 05 minutes 37 seconds West along the South line of the Southeast Quarter a distance of 75.46 feet; Thence North 01 degrees 28 minutes 31 seconds East parallel with the East line of the Southeast Quarter a distance of 55.77 feet to the intersection of the North line of 13th Street and the West line of Commerce Parkway; Thence continuing North 01 degrees 28 minutes 31 seconds East along the West line of Commerce Parkway and parallel with the East line of the Southeast Quarter a distance of 500.00 feet to the Northeast corner of a tract described in Book 766, Page 53 and the Point of Beginning. Thence continuing North 01 degrees 28 minutes 31 seconds East along the West line of Commerce Parkway and parallel with the East line of the Southeast Quarter a distance of 166.36 feet; Thence North 89 degrees 05 minutes 33 seconds West a distance of 310.00 feet; Thence South 01 degrees 28 minutes 31 seconds West parallel with the East line of the Southeast Quarter a distance of 166.37 feet to the Northwest corner of a tract described in Book 766, Page 53. Thence South 89 degrees 05 minutes 37 seconds East along the North line of a tract described in Book 766, Page 53 a distance of 310.00 feet to the Point of Beginning. Said Tract 1 contains 1.18 acres more or less and is subject to any easements or rights-of-way of record.

And hereby consents to the annexation of such land by the City of Hays, Kansas,

Dated: 8-27, 2015.

BY:   
Terrance S Schmidt (OWNER)

BY:   
Kelly A Schmidt (OWNER)

**ACKNOWLEDGMENTS**

STATE OF KANSAS, COUNTY OF ELLIS, ss:

BE IT REMEMBERED, That on this 27th day of August, 2015, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Terrance S Schmidt, who is personally known to me to be the same person who executed the foregoing Consent to Annexation, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Linda K. Bixenman  
NOTARY PUBLIC

My Commission Expires 11/21/2015



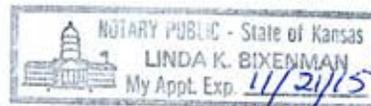
STATE OF KANSAS, COUNTY OF ELLIS, ss:

BE IT REMEMBERED, That on this 27th day of August, 2015, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Kelly A Schmidt, who is personally known to me to be the same person who executed the foregoing Consent to Annexation, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Linda K. Bixenman  
NOTARY PUBLIC

My Commission Expires 11/21/2015









**ORDINANCE NO.**

**AN ORDINANCE ANNEXING LAND TO THE CITY OF  
HAYS, KANSAS.**

**WHEREAS**, the following described land adjoins the City of Hays, Kansas,

**WHEREAS**, written consent for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Hays, Kansas, pursuant to K.S.A. 12-520; and

**WHEREAS**, the governing body of the City of Hays, Kansas finds it advisable to annex such land.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE  
CITY OF HAYS, KANSAS:**

**Section 1.** Pursuant to K.S.A. 12-520(a)(7) the following described land is hereby annexed and made part of the City of Hays, Kansas:

A tract of land located in the Southeast Quarter of Section 35, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of Section 35, Township 13 South, Range 18 West; Thence on an assumed bearing of North 89 degrees 05 minutes 37 seconds West along the South line of the Southeast Quarter a distance of 75.46 feet; Thence North 01 degrees 28 minutes 31 seconds East parallel with the East line of the Southeast Quarter a distance of 55.77 feet to the intersection of the North line of 13th Street and the West line of Commerce Parkway; Thence continuing North 01 degrees 28 minutes 31 seconds East along the West line of Commerce Parkway and parallel with the East line of the Southeast Quarter a distance of 500.00 feet to the Northeast corner of a tract described in Book 766, Page 53 and the Point of Beginning. Thence continuing North 01 degrees 28 minutes 31 seconds East along the West line of Commerce Parkway and parallel with the East line of the Southeast Quarter a distance of 166.36 feet; Thence North 89 degrees 05 minutes 33 seconds West a distance of 310.00 feet; Thence South 01 degrees 28 minutes 31 seconds West parallel with the East line of the Southeast Quarter a distance of 166.37 feet to the Northwest corner of a tract described in Book 766, Page 53. Thence South 89 degrees 05 minutes 37 seconds East along the North line of a tract described in Book 766, Page 53 a distance of 310.00 feet to the Point of Beginning.;

**Section 2.** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Hays, Kansas, this 24<sup>th</sup> day of November, 2015.

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Eber Phelps  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk

(seal)



# Commission Work Session Agenda

## Memo

**From:** John Braun, Assistant Director of Public Works

**Work Session:** November 19, 2015

**Subject:** Development Policy Update

**Person(s) Responsible:** Greg Sund, Director of Public Works

### Summary

The Development Policy, Infrastructure Guidelines for New Development supplements the regulations set forth in the City Municipal Code; in particular, the Zoning and Subdivision Regulations. City staff has developed revisions to this policy and reviewed them with various stakeholders over the last 3-4 months. The Hays Area Planning Commission recommended approving the revised Development Policy at their October 19, 2015 meeting.

### Background

The Development Policy Infrastructure Guidelines for New Development was last updated October 8, 2009. City staff proposes several changes and additions to the policy based on changes in practice and the direction the City is headed in line with the Strong Towns initiative. It should be noted that the proposed changes are all compliant with current City code, and the changes proposed in the draft Unified Development Code are not considered in this document.

The revised policy was discussed at the Utility Advisory Committee and the Hays Area Planning Commission meetings in August, September and October. Excerpts of Meeting Minutes are attached.

The proposed changes were also made available to developers, realtors, and other stakeholders, many of which met with City Staff and contributed to the formulation of the final draft.

### Discussion

Both red-line and clean copies of the proposed policy are attached. A summary of proposed changes and additions are listed below:

1. City will not pay for over sizing of infrastructure to include water, sanitary sewer, stormwater, and street, which includes intersections.

2. Developer to pay the equivalent cost of an 8" line to tap into existing water or sewer mains.
3. Waterlines less than 8" may be allowed by Director of Utilities
4. Waterlines at the end of cul de sacs shall be looped.
5. Alleys shall be concrete if they convey stormwater. No cost share by the City.
6. Street pavement width requirements would be:
  - Residential (no curb & no parking) – two 12' lanes = 24'
  - Residential (with curb & parking) - 30' BOC to BOC (back of curb)
  - Collector (no curb & no parking) – two 12' lanes = 24' (plus 3' minimum width gravel shoulders)
  - Collector (with curb and parking) – 40' BOC to BOC
  - Arterial Streets – Based on Engineering Study
7. Street Pavement Subgrade Requirements – clarification between rock base and fly ash treated subgrade.
8. Collector/Industrial/Commercial Pavement thickness = 8" minimum (previously 7")
9. Arterial Street Details based on Engineering Study
10. Traffic Impact Study – required at discretion of Public Works Director
11. Allowance for road ditches in lieu of curb and gutter
12. Sidewalks:
  - a. Allowance for alternate means of pedestrian transportation in new development.
  - b. Installed as houses are constructed or 36 months after 50% developed.
13. Preference toward overland stormwater conveyance – less underground pipe.
14. Allow for Special Assessment up to 20 years.
15. Reworked Annexation Section
16. Removed provisions for Pre-Annexation Agreements
17. Added Section on Hike and Bike Trails
18. Referenced City's Bike and Pedestrian System
19. Requires new development to provide multi-modal features.
20. Added Section on Project Closeout

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City Staff

### **Financial Consideration**

n/a

### **Options**

The City Commission has the following options:

1. Approve revisions to the Development Policy as presented.
2. Provide alternate direction.

### **Recommendation**

The Hays Area Planning Commission recommends approving the revised Development Policy as presented by City Staff

### **Action Requested**

Approve the revised Development Policy Infrastructure Guidelines for New Development.

### **Supporting Documentation**

Redline Version of Development Policy  
Clean Final Draft of Revised Development Policy  
Excerpts of Planning Commission meeting minutes

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
<b>DEVELOPMENT POLICY INFRASTRUCTURE GUIDELINES FOR NEW DEVELOPMENT</b>	City Commission	June 10, 2004	<del>October 8, 2009</del> <u>November 24, 2015</u>

POLICY STATEMENT:

The City of Hays encourages the orderly development of the City in a manner that promotes financial strength and resiliency. In order to ensure that developing areas of the City are provided with adequate streets, alleys, parks, utility easements, water, sewer, storm sewer systems and/or other franchised utility services, the following policies are necessary to guide City staff and developers in the development process. The policies contained herein are in addition to any state or federal regulations and are intended to complement the City's Subdivision Regulations, Code of Ordinances, KDOT Corridor Management Policy, and City of Hays Standard Details and Specifications for Public Works Construction Projects. Disputes between City staff and interested parties regarding applications and interpretation of these policies, after consideration by the City Manager, may be appealed to the Planning Commission for recommendation to the City Commission for final approval.

The following categories are outlined indicating developer responsibilities as well as those responsibilities assumed by the City of Hays. It is the City's desire to make this document as user friendly as possible.

Guidelines:

1) Sanitary Sewer Lines:

- a. The developer will be required to pay for 100% of the costs for the installation of all ~~8-inch~~ sanitary sewer lines, manholes and appurtenances. ~~If the City requires a line larger than 8 inches, the City will pay the difference in cost between the larger line and an 8-inch line.~~ At the discretion of the City Commission, the City ~~will~~ may pay 100% of participate in the cost for installation of major sanitary sewer trunk lines.

~~Major sanitary sewer trunk lines are designed and intended to carry a large volume of sewage, which is generated by those sewer mains which are connected to it.~~

~~Individual private service tap(s) into major sanitary sewer trunk lines are allowed for properties within the city limits or with an approved pre-annexation~~

~~agreement as long as all appropriate permits have been granted and fees paid.~~

- b. If a developer anticipates the use of an existing major sanitary sewer trunk line for individual taps to serve a properly recorded plat, ~~the developer will be required to pay for the cost of an eight (8) inch line, with the City paying for the difference in the cost between the eight (8) inch line and the larger line. If and~~ the development will occur along both sides of the trunk line, the developer will be required to pay to the City cash for 100% of the cost of an equivalent eight (8) inch sewer main ~~cost~~. If the development is only on one side of the trunk line, the developer will be responsible required to pay to the City cash for 50% of the cost of an equivalent eight (8) inch sewer main ~~cost~~. ~~Individual private service tap(s) into major sanitary sewer trunk lines are allowed for properties within the city limits or with an approved pre-annexation agreement as long as all appropriate permits have been granted and fees paid.~~
- c. All manholes and sanitary sewer lines shall be placed in existing or potential street right-of-way unless alleys are dedicated within the developing area, in which case the sewer lines may be placed in the alleys. At the discretion of the Director of Public WorksUtilities, sewer lines may be placed in easements; however, all manholes shall be placed in street or alley right of way. The maximum distance between manholes shall be 600 feet. (See Section 13 for Backfill Requirements)
- d. When sewer lines are placed in the street or alley right-of-way, service laterals (taps) to service lots shall be installed prior to the final surfacing of the street or alley and shall extend a minimum of five (5) feet beyond all rights-of-way and/or franchise utility easements into the lots.
- e. Service laterals (risers) shall be installed to within ten (10) feet of the surface of the ground (See Section 13 for Backfill Requirements and the Service Lateral Detail in the Standard Details and Specifications for Public Works Construction Projects.)
- f. As a minimum, Sanitary Sewer Mains shall be 8" diameter, SDR 35 PVC solid wall gravity pipe in accordance with the City of Hays Standard Details and Specifications for Public Works Construction Projects. The Director of Public WorksUtilities shall review plans and specifications submitted by the developer, and make the final determination as to the location and sizing of sewer lines, and shall approve sanitary sewer line ~~pipng~~ material, manholes and appurtenances.
- g. All sewer lines shall end at a manhole, or in certain instances, a cleanout upon approval from the City and KDHE.

- h. Sewer lines serving a development shall be extended to the far side of the development so that the improvement will be positioned for the next development to extend the service in an orderly progression, unless otherwise determined by the Director of Public Works and Director of Utilities that the extension is not warranted.
- i. Other requirements for the installation of sewer lines beyond those listed above will be specified by the Director of ~~Public Works~~Utilities.

2) Water Lines

- a. The developer will be required to pay for 100% of the costs for the installation of all ~~8-inch~~ water lines, valves, hydrants, service lines, meters, and appurtenances. ~~If the City requires a line larger than 8 inches, the City will pay the difference in cost between the larger line and an 8-inch line.~~ At the discretion of the City Commission, the City ~~will~~may ~~pay 100% of~~participate in the cost for installation of major water distribution trunk lines.
- ~~b. Major water distribution trunk lines are designed and intended to carry a large volume of water to water mains connected to it.~~

~~Individual private service tap(s) into major water distribution lines are allowed for properties within the city limits or with an approved pre-annexation agreement as long as all appropriate permits have been granted and fees paid.~~

~~Cb.-~~ If a developer anticipates the use of an existing major water distribution main for individual taps to serve a properly recorded plat, ~~then the developer will be required to pay for the cost of an eight (8) inch line with the City paying for the difference in the cost between the eight (8) inch line and the larger line. and if~~ the development will occur along both sides of the main, the developer will be required to pay to the City, in cash, 100% of the cost of an equivalent eight (8) inch main. If the development is only on one side of the major transmission main, the developer will be required to pay to the City in cash 50% of the cost of an equivalent eight (8) inch main. ~~Individual private service tap(s) into major water distribution lines are allowed for properties within the city limits or with an approved pre-annexation agreement as long as all appropriate permits have been granted and fees paid.~~

- ~~dc.~~ All water lines shall be placed in existing or potential street right-of-way. At the discretion of the Director of ~~Public Works~~Utilities, water lines may be placed in easements. (See Section 13 for Backfill Requirements)

- ed. The Director of ~~Public Works~~Utilities shall make the final determination as to the location and sizing of water lines. By mutual agreement of the developer and the Director of ~~Public Works~~Utilities, water service taps, meter setters, and service lines shall be installed in conjunction with street, storm sewer, sanitary sewer and water improvements. When installed, water service lines shall extend a minimum of five (5) feet beyond all rights-of-way and/or franchise utility easements into the lots.
- fe. ~~As a minimum, water mains shall be 8" diameter in accordance with the City of Hays Standard Details and Specifications for Public Works Construction Projects. The Director of Utilities must approve all pipe materials and appurtenances. All water mains shall be Class 50 cement lined ductile iron, HDPE or C-900 PVC, unless the Director of Public Works Utilities approves other materials. Water mains smaller than 8" diameter may be allowed in cul-de-sacs and other dead-end runs after the last fire hydrant when no potential for future expansion exists. Use of smaller mains will be approved or denied by the Director of Utilities in the development review process.~~
- gf. Developers shall be required to loop water ~~lines~~mains within a development, as specified by the Director of ~~Public Works~~Utilities. ~~Dead-end lines may be allowed if engineering study determines that minimum fire flow and water quality requirements are met. The maximum distance of a dead-end line is 1,320 feet, or as determined by the engineer to meet or exceed minimum fire flow requirements for the planned development. Dead-end water mains at the end of cul-de-sacs shall be looped to adjacent dead-end mains utilizing a minimum of 2" HDPE pipe unless an alternate is specified by the Director of Utilities.~~
- hg. ~~Six inch (6") water lines may be allowed in cul-de-sacs and other dead-end runs after the last fire hydrant when no potential for future expansion exists. Use of 6" lines will be approved or denied by the Director of Public Works in the review process.~~
- ih. Water ~~lines~~mains serving a development shall be extended to the far side of the development so that the improvement will be positioned for the next development to extend the service in an orderly progression, unless otherwise determined by the Director of Public Works and Director of Utilities that the extension is not warranted.
- ki. Other requirements for the installation of water lines beyond those listed above will be specified by the Director of ~~Public Works~~Utilities.

3) Alleys and Utility Easements:

Alleys:

Where alleys are platted, all franchised or public utilities, with the exception of storm sewer and water lines, are to be installed in the alleys. As part of the development improvements, alleys designed and constructed to not convey stormwater shall be ~~graded for proper drainage and paved with rock (4" of compacted native limestone crushed rock/concrete or other approved material)~~ or 6" concrete pavement. ~~Alleys shall not be designed or constructed as a means to convey stormwater shall be inverted and constructed of concrete with a minimum thickness of 7 inches.~~ Grading plans and materials shall be approved by the Director of Public Works. For a typical 20' alley as required by the Subdivision Regulations, the improved surface shall be 16' in width. ~~The developer and City will share the cost equally for construction of the rock alley.~~ The developer may include his/her cost in the special assessment, if so created. Service laterals (taps) to service lots shall be installed prior to the final surfacing of the alley.

In subdivisions where alleys are not platted, all public utilities shall be placed in the street right-of-way and franchised utilities shall be placed in a 10' easement on each side of the street right-of-way. Service lines and crossings of franchised utilities shall be allowed in street right-of-way as required.

#### Utility Easements:

Utility easements shall be provided where necessary, ~~and shall normally be centered on lot lines.~~ Easements along rear lot lines shall be twenty (20) feet in width and street light easements along side lot lines shall be ten (10) feet in width. Side lot easements, when needed for other than street lighting purposes, may exceed ten (10) feet. All easements shall be shown on the plat. Permanent easements shall not be obstructed by buildings or permanent, woody vegetation. No fences may be placed in storm drain easements. A property owner who erects fences and landscape on the easement does so at his or her own risk of loss.

#### 4) Streets, Curb and Gutter and Sidewalks:

##### Streets:

- a. The developer shall pay for 100% of street construction costs including curb and gutter, and ADA accessible ramps at intersections, ~~but excluding intersections, which will be paid by the City at Large. The City at Large will pay the cost of any over sizing requirements, i.e. collector streets where paving greater than 40 feet in width and in excess of 6 inches in depth.~~

~~Arterial streets typically will be paid for by the City of Hays. Every effort will be made to apply for and receive approval for funding from the Federal Highway Surface Transportation Program administered through the Kansas Department of Transportation (KDOT) 5-Year Plan or other grant sources.~~

- b. The following street right-of-way requirements shall apply to all new development:

Residential streets -- 60 feet

~~Reverse Access Roads — 60 feet~~

Collector streets -- 70 feet

Industrial and Commercial (Business) streets -- 80 feet

Arterial streets -- 100 feet

- c. The following minimum street pavement width requirements shall apply to all new development, ~~unless otherwise approved by the Planning Commission; and shall be measured from back-of-curb to back-of-curb~~

~~Residential streets — 40 feet (see note below)~~

~~Reverse Access Roads — 33 feet~~

~~Collector streets — 45 feet~~

~~Industrial and Commercial (Business) streets -- 45 feet~~

~~Arterial streets -- 53 feet~~

~~Residential (no curb & no parking) – two 12' lanes = 24'~~

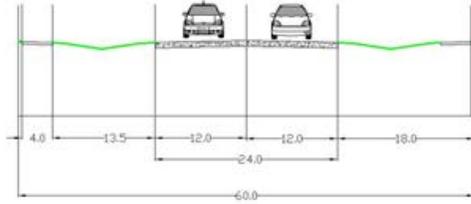
~~Residential (with curb & parking) - 30' BOC to BOC~~

~~Collector (no curb & no parking) – two 12' lanes = 24' (plus 3' minimum width gravel shoulders)~~

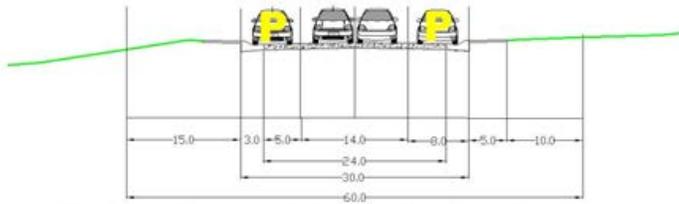
~~Collector (with curb and parking) – 40' BOC to BOC~~

~~Arterial Streets – Based on Engineering Study~~

**Typical Section for Local/Residential  
Two-lane Roadway**

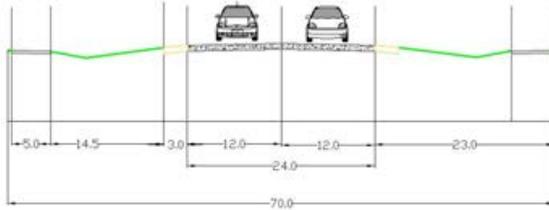


**Ditch Section 60' ROW  
with 4' setback sidewalk  
(NO PARKING)**

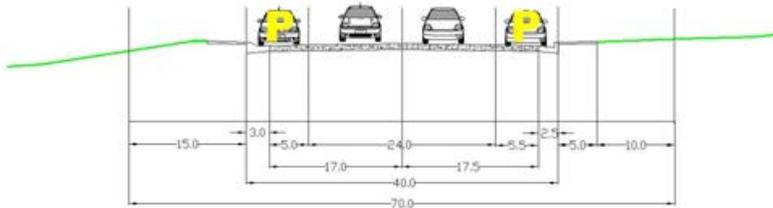


**Standard Curb and Gutter Section 60' ROW  
30' BOC to BOC with 5' curbside sidewalk**

**Typical Section for Collector Street  
Two-lane Roadway**



**Ditch Section 70' ROW  
with shoulders Setback sidewalk  
(NO PARKING)**



**Standard Curb and Gutter Section 70' ROW  
with 5' curbside sidewalk  
(PARKING ALLOWED)**

~~Note: The residential street width may be reduced to 31 feet following a detailed request by the developer, recommendation by the Planning Commission, and a majority vote approving the request from the City Commission.~~

~~On approved 31-foot streets, builders shall provide for two (2) off-street parking spaces for each dwelling unit. For example, for a single family dwelling unit, a double car driveway is considered two (2) off-street parking spaces. Reference Zoning Regulations.~~

- d. The City of Hays requires a Soils Investigation Report prior to any new street being designed. Based on the soils report, the engineer will design the street calling out the proper specifications for street construction materials. If soil stabilization is required, Kansas Department of Transportation (KDOT) standards will be used for approved stabilization materials. The developer is responsible for the cost of the Soils Investigation Report.

In lieu of a Soils Investigation and subsequent subgrade and pavement design, the Director of Public Works may approve the construction of All streets in new developments shall be constructed to the following minimum specifications:

Residential – 6” non-reinforced concrete on 12” fly ash treated subgrade,  
~~or OR~~ 6” asphalt on 4” rock base with geogrid reinforcing fabric.

~~Reverse access roads – 7” non-reinforced dowelled joint concrete or  
7” asphalt w/4” rock base~~

Collector/Industrial and Commercial (Business) – 78” non-reinforced dowelled joint concrete on 12” stabilized subgrade, ~~or OR~~ 78” asphalt on 4” rock base with geogrid reinforcing fabric.

~~Major Arterial Streets – 9” non-reinforced dowelled joint concrete~~Per Pavement Design Analysis

- e. Construction specifications shall be in accordance with the City of Hays Standard Details and Specifications for Public Works Construction Projects.
- f. Pavement markings where warranted shall be installed during initial construction and shall be paid for by the developer.
- g. Access Management shall be exercised with the goal of: 1) obtaining reasonable access to property while maintaining safe and efficient movement of traffic on arterial and collector streets, or 2) improving traffic flow by controlling/limiting access to arterial and collector streets. The Kansas De-

partment of Transportation Corridor Management Policy as revised from time to time shall serve as the guide in determining access control requirements. At the discretion of the Director of Public Works, a traffic Impact study, at the expense of the developer, may be required to determine the development's impact on traffic flow in the area.

As a general rule, the following considerations shall apply:

- Access management principles should be applied.
- Direct access to arterial streets should be limited to intervals of 660 feet.
- Access should be gained to an arterial street from a public street.
- Access drives at major intersections (arterial-arterial, arterial-collector) should be located outside the influence of the intersection, generally 330 feet.
- Drives adjacent to arterials and collectors on local streets should be limited to intervals of 100 feet.
- Left turns should be planned for and accommodated in the design of the street.
- Arterial rights-of-way should ultimately accommodate the appropriate street section with traffic lanes and sidewalks on either side of the street. A right-of-way width of approximately 100 feet will accommodate a five-lane roadway with sidewalks.
- Direct access to collectors should be limited to intervals of 330 feet.
- Turning movements should be accommodated. A continuous turn lane (3-lane configuration) is an excellent technique that should be considered on arterial and collector streets.
- Collector rights-of-way should ultimately accommodate the appropriate street section with traffic lanes and sidewalks on both sides of the street.
- Parking setbacks along arterials and collectors will help to insure sight distance problems are not encountered.
- ~~○ Drives adjacent to collectors on local streets should be limited to intervals of 100 feet.~~
- Offset Streets and drives shall be prohibited, unless approved by the Director of Public Works when warranted due to existing or unique environmental/topographical conditions. ~~should be avoided.~~

Curb and Gutters:

- a. The developer shall ~~pay be responsible~~ for the construction of curb and gutters in new developments as part of the street construction. As an alternative to curb and gutter, vegetative water conveyance systems (ditches or swales) may be utilized if conditions allow for such design and approved by the Planning Commission.
- b. When curb and gutter is installed, Infor areas zoned industrial and commercial, and along arterial streets, standard barrier curbs shall be installed. In areas zoned residential, layback curbs shall be installed in accordance with the City of Hays Standard Detail and Specifications for Public Works Construction Projects.

Sidewalks:

~~Sidewalks are required in all new developments unless a planned development with alternate means of multi-modal transportation is provided and approved by the Planning Commission. Sidewalks are required in all new development. In residential subdivisions, sidewalks may be installed as houses are constructed within the development. In residential areas, curbside sidewalks (at least 5-feet wide) shall be installed. Set-back sidewalks may be allowed where warranted with the approval of the Director of Public Works. In residential subdivisions, sidewalks shall be installed as houses are constructed within the development. Once at least 50% of the current phase of development is built upon, sidewalk construction on all remaining lots shall be completed within 36 months and shall be the full responsibility of the lot owner at that time.~~

On arterial streets, collector streets, reverse access roads, and other streets where the driving lane is immediately adjacent to the curb (no on-street parking), curbside sidewalks shall be at least 6-feet in width or the sidewalk shall be set back from the curb. ~~In residential areas, curbside sidewalks (at least 5-feet wide) shall be installed. Set-back sidewalks may be allowed where warranted with the approval of the Director of Public Works. Construction of sidewalks for commercial property may be temporarily waived with a signed "Letter of Exception" from the Director of Public Works where sidewalk may not be warranted or practical at the time.~~

5) Parks: (reserved)

6) Street Lights:

Street lighting within the City of Hays is operated and maintained by Midwest Energy. The City pays a monthly fee to Midwest Energy for each City Street Light operated and maintained by Midwest Energy.

Street lighting for vehicular and pedestrian traffic safety will be installed at intersections, around curves and in other hazard areas, as determined by the Director of Public Works, and will be paid for ~~by the City through the City Street Light lease agreement with Midwest Energy.~~ The developer shall pay for any additional lighting. Street lighting approved by the City will be on wooden poles. Other types of poles (metal, decorative, etc.) may be installed at the developer's expense, with the approval of the Director of Public Works. The Director of Public Works must approve all street lighting plans and installations.

~~Street lighting within the City of Hays is operated and maintained by Midwest Energy. The City pays a monthly fee to Midwest Energy for each City Street Light operated and maintained by Midwest Energy.~~

7) Storm Sewers/Storm Water Management:

- a. The intent of this section is to require developers ~~either to pay or finance the cost of through special assessments (Section 11, Option 2) the placement-construction~~ of storm water management improvements that are needed to accommodate storm water runoff generated by ~~a five-year storm in~~ the area to be developed. ~~Storm water improvements that are needed to transport storm water once deposited off the property, as well as any improvements to mitigate the effects of storm water on downstream users (i.e. additional storm water retainage or detainage, over sizing storm water pipes, etc.) will be evaluated and may be cost shared between the city-at-large and the developer. Storm sewer mains may be paid 100% by the city-at-large under K.S.A. 12-619, if it is determined by the City Commission that the benefit is to the community in general and not specifically to meet the sole needs of the proposed development. The City prefers the use of overland storm water conveyance versus underground piping unless overland conveyance is proven infeasible.~~
- b. The developer must comply with storm water management requirements as set forth in the City's Storm Water Management Ordinance (Chapter 53 of the City Code of Ordinances).
- c. Storm water management plans shall be established in conjunction with the Platting and Subdivision process. The platting process shall include the dedication of drainage easements as required by the City's Subdivision Regulations. The developer shall submit a Storm Water Management Plan for the development to the Public Works Department for approval at the time of preliminary platting. The Storm Water Management Plan must be

approved prior to any permits being issued. In the event the original property changes ownership, the current owner retains responsibility for storm water management.

- d. The Director of Public Works shall review plans and specifications submitted by the developer, and make the final determination ~~as to the location and sizing of storm sewer lines, and shall approve storm sewer line piping material~~ regarding the proposed storm water management plan.

8) Fire Protection Requirements:

Fire Department Access

Roads for fire truck access, water mains and fire hydrants are to be installed and operational during construction as specified in the city fire code.

Buildings that are set back more than 150' from city streets are required to have private fire lanes as specified in the city fire code.

Water Supplies for Firefighting

All water mains and fire hydrants are to be installed as specified by the city fire code and in accordance with city utility requirements and shall be paid for by the developer. Two-way fire hydrants are not permitted. The spacing of fire hydrants is to be as specified in the Kansas Department of Health and Environment Minimum Design Standards ~~and current adopted Fire Code, and as approved by the City of Hays Fire Chief.~~

Water mains and fire hydrants to be installed in the city rights-of-way shall become the responsibility of the city after proper inspection, testing and acceptance.

Private water mains and fire hydrants are to be installed to supply ~~automatic fire sprinkler fire protection~~ systems or to protect buildings where adequate public fire hydrants are not accessible as specified in the city fire code. Prior to providing water service from the public supply, private water mains are to be inspected and approved by the city. Future inspection, testing and maintenance of private water mains and fire hydrants are the responsibility of the property owner.

Fire Hydrants and other appurtenances shall be designed and constructed according to the City of Hays Standard Details and Specifications for Public Works Construction Projects.

9) Utility Plans for Public Improvements

Prior to final approval of a plat for new development or replat of an existing subdivision, a general plan and preliminary cost estimate for street, storm water, sanitary sewage disposal, water supply, and other utility improvements to serve the subdivision shall be submitted to the Director of Public Works and Director of Utilities for review and approval. Along with the plan and cost estimate, and in lieu of Section 10 of this policy, the developer ~~shall~~may prepare and submit a petition, signed by all property owners within the development, agreeing to participate in the cost of said future public improvements through the formation of a special benefit district, as authorized by K.S.A. 12-6a01et seq., for the purpose of financing the construction of public streets, storm sewerwater management systems, sanitary sewer, ~~installation of public~~-water-mains, and/or park improvements for the proposed development. The petition shall be properly recorded, and the property owners shall inform each and every future purchaser that this petition is binding upon all owners and successors in interest.

10) Developer Agreement for Public Improvements

When improvements to public infrastructure are proposed without the establishment of a Special Benefit District, the developer shall submit a properly executed written agreement to undertake and complete, to the satisfaction of the City, all public improvements required. The Developer's Agreement for public improvements should include:

- the public improvements required,
- the name and address of engineer performing design and inspection work,
- include or incorporate by appropriate reference the plans and specifications for said improvements,
- detail any costs to be born by the City,
- identification of required permits, bid tabs, construction documents, material submittals and test results, construction observation and final inspection notes, as-built plans, and one-year warranty.
- set out the schedule and time limit for the completion of the work,
- the amount of bond or other acceptable surety to be posted as security for the satisfactory completion of the work, and
- the rights of the City, in the event the required work is not completed in a proper or timely manner, to perform or complete the work and recover the actual cost thereof from developer or developer's sureties.

The developer's agreement and bond for required public improvements shall be reviewed and approved as to the form and content by the Director of Public Works and the City Attorney. The developer's agreement shall be filed with the Ellis County Register of Deeds.

11) Special Assessment:

The City, at its discretion, will permit developers to finance improvements through special assessments in one of the following ways: NOTE: Engineering services to be a part of the special assessment costs associated with a project shall be performed by an engineer acceptable to the City.

OPTION 1

- a. The City will allow developers to use special assessments to finance 100% of the cost of construction of streets, curbs and gutters, park improvements, and the acquisition of property for public use through special assessments as provided by K.S.A. 12-6a01, et. seq. These special assessments shall be for a ten (10) year period.
- b. Developers will not be allowed to use special assessment Option #1 to finance the installation of water, sewer lines, storm water, or street lighting.
- c. No single developer can establish a special assessment district as herein provided while holding title to 25 or more unsold lots under an existing special assessment district unless approved by the City Commission.

OPTION 2

- a. The City will allow developers to use special assessment to finance the installation of streets, curb and gutter, water lines, sanitary sewer lines, storm sewer lines, park improvements, and the acquisition of property for public use. Prior to award of bid for construction, the developer shall be required to pay to the City in cash, 30% of the total ~~specialy assessed~~ cost of the improvements ~~less the City at large contributions provided for elsewhere within this development policy.~~ The remaining cost shall be assessed to the property owners through special assessments payable over a period not to exceed 15-20 years
- b. No single developer can establish a special assessment district as herein provided while holding title to 25 or more unsold lots under an existing special assessment district unless approved by the City Commission.:-

~~In certain cases, the City provides funds to encourage economic activity and stimulate business growth. The City's procedures for granting such incentives are detailed in the Economic Development Policy.~~

12) Underground Franchised Utilities:

- a. Electrical and Gas Utilities

1. All electrical distribution lines less than or equal to 34,500 volts, excepting substation tie lines, shall be installed below ground, according to utility company specifications, in developments with no alleys. ~~In developments with alleys provided, the decision on placement of utilities below ground or above ground is at the option of the developer.~~
  
2. Developments with no alleys shall follow the guidelines presented in this section. An easement of 10 feet on each side of all streets, running parallel to the street, shall be required. Additional easements may be necessary for looping of electric and gas lines. Said easement shall be used for electric and gas installations and may also be used by telecommunications. A common trench may be used by the electric and gas utilities and may also be available for use by telecommunications. Electric and gas meters shall be installed at the house and on the same side of the house. The side of the house to be used shall be determined by the location of the utility equipment, (e.g., transformers, secondary pedestals, valve boxes, etc.). Contact the utility company for aid on providing for the utility equipment locations.
  
3. Developments with alleys shall follow the guidelines presented in this section. If the development utilizes overhead electric lines, certain easements may be necessary. Underground electrical service shall require minimum 10' by 10' easements being placed in some lots for transformer placement. In either case, the electric service to the house shall be installed underground. ~~with electric and gas meters being placed in the alley.~~ A common trench may be used for primary electric lines and gas mains in developments with underground utilities at the discretion of the utility provider. The trench may also be available for use by telecommunications and Cable TV. Easements 5 feet wide may be required occasionally to provide a route for street light wiresconductors.

b. Telecommunications

1. All telecommunication distribution lines shall be installed below ground, according to utility company specifications, in developments with no alleys. ~~All telecommunication distribution lines shall be installed below or above ground at the option of the telecommunication company according to the telecommunication company specifications, in developments with no alleys or with alleys.~~
  
2. Developments with no alleys shall follow the guidelines presented in this section. An easement of 10 feet on each side of all streets, running parallel to the street, shall be required. Additional easements

may be necessary for looping of utilities. Said easement shall be used for utility installation and may utilize a common trench for all utilities. Contact the utility companies for aid in providing for the utility equipment locations.

3. A common trench may be made available for use for all utility installation in developments with underground utilities. Service taps to the house may be installed in separate trenches.
4. Developments with alleys shall follow the guidelines presented in this section. Buried cables will be placed at the edge of the traveled way. Pedestals and poles will be placed at property lines. ~~If alley is being served by aerial cable, service will be provided by aerial wires from poles to house.~~

#### 5.c. Permanent Utility Easements

Permanent utility easements shall not be obstructed by buildings or permanent, woody vegetation. A property owner who erects fences and landscape on the easement does so at his or her own risk of loss.

#### 13) Backfill Requirements for All Trenched Utility Lines, Water, Sewer, Gas, Electricity, Cable TV, Telecommunication, etc.

- a. When installing utility lines within the street or alley right-of-way:
  1. Ninety-five (95%) compaction of backfill is required if tamped backfill is used.
  2. The contractor shall certify ~~(if special assessment of said improvement is being used to pay for such improvements)~~ that 95% compaction has been achieved.
  - ~~3. If special assessment is not used to pay for the improvement or the utility improvement is performed by utility company forces, the developer or owner of said utility shall certify that 95% compaction has been achieved.~~
  4. Results of tests performed shall be submitted to the City of Hays Public Works Department, indicating that 95% compaction has been achieved.
- b. When installing utility lines that are not within the street or alley right-of-way but in an open field area, 90% compaction shall be achieved. No certification is required, but verification will-shall be provided, via engineering contract inspections, or city inspector.

- c. In instances where boring is performed in place of trenching to install utility lines, the backfilling requirements are not applicable except in the areas where excavation has taken place to construct boring and receiving pits.
- d. If flowable fill is used for the entire depth, it shall be accepted in place of the 95% or 90% compaction requirements, respectively.
- e. If settlement occurs, the City will not be responsible for repairs to private property, driveways, sidewalks, etc. Corrective action related to settlement on private property should be directed to the contractor hired to do the work. It is understood that, by the above requirements, the City has taken reasonable steps to safeguard the interests of both public and private improvements.

14) Annexation:

a. The City of Hays recognizes that a prudent annexation policy will provide adequate land for the continued growth and balanced development of the City, maintain logical planning and governmental service units in accordance with the Comprehensive Plan, encourage quality development, integrate new growth into the existing urban fabric of the City, minimize negative fiscal impacts on existing residents, and equitably distribute the costs of local government services over the areas that enjoy the benefits of such services.

b. Annexation shall be required prior to extension of City utility services to property outside the corporate limits. The development of all property annexed into the City shall be in compliance with the City's Development Policy and Infrastructure Guidelines, and requirements for dedication of right-of-way as provided in any applicable corridor and or transportation plans. In order to prevent the premature development of land which might pose a threat to the health, safety or general welfare of the community at large, or the occupants of land in the particular area of the City, it is the policy of the City that no application for special use permit, preliminary or final development plan or preliminary or final plat shall be approved unless public facilities and services are available, or will be provided as a condition of the application, which are adequate to serve the development.

c. The City may initiate annexation of areas that the Governing Body determines will promote the general welfare of the community. The City shall use annexation as a tool to join incorporated islands and eliminate unincorporated enclaves. The City shall avoid creating any new enclaves of County property within the City through new annexations. The City considers new enclaves to be areas that are surrounded completely by the City, other incorporated cities, and/or public parks. The City shall also avoid creating incorporated islands of City property surrounded completely by unincorporated property.

d. All annexations considered by the City shall be in conformance with the Comprehensive Plan, shall respect annexation agreements with other entities, and be in compliance with Kansas annexation statutes.

e. As a general policy, the City encourages landowner annexation petitions pursuant to K.S.A. 12-520 as the preferred method of annexation. The request must meet the applicable regulations contained within this policy prior to further consideration and approval by the City Commission. A request for connection to City water and/or sewer services requires an annexation petition to be filed with the City. The following shall be considered prior to the City accepting a petition to annexation:

1. The City shall require, prior to the adoption of the annexation ordinance, that any costs associated with compensation to a Rural Water District, pursuant to K.S.A. 12-539, be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed. The requirement for property owner payment may be waived by the City in circumstances where the City is requesting annexation of the property to eliminate unincorporated enclaves of property.
2. In areas of the community where City boundaries nearly or completely surround unincorporated parcels, the City shall encourage property owners to consent to annexation. The City may initiate procedures to unilaterally annex these parcels. The policy intent of this requirement is to provide for generally uniform city boundaries, avoid confusion over service delivery due to irregular jurisdiction boundaries, and avoid unincorporated enclaves of property.
3. In reviewing annexation requests, the City shall encourage property owners to consent to the annexation of all portions of property under their ownership which should logically be included within City boundaries. To this end, annexations should not create enclaves of partially or completely surrounded unincorporated property, nor create City boundaries with irregular shapes or dimensions.

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f. The requesting property owner must file a Petition for Annexation, which allows the City to annex the property in accordance with State Statute. The Petition for Annexation must be approved by the City Commission through adoption of City Ordinance.

g. If the property under consideration for annexation is not part of an approved and properly recorded Subdivision Plat, the application must be accompanied by proof of survey completed by a land surveyor licensed by the State of Kansas and must contain the following information or documents:

1. Lot or tract dimensions and the relationship of the property to dedicated public right-of-way and the relationship of the property to two known Quarter Section Corners, provided further that if the property in question is adjacent to a Quarter

Section Corner, a monument must be set in accordance with the current City standards as part of the survey.

2. Dimensions of all permanent structures located on the lot/tract and their relationship to property lines.
3. The location of all public or private easements existing on the lot or tract.
4. The relationship of the property to the recognized FEMA Flood Insurance Rate Map (FIRM) with the panel number and effective date of that panel.
5. Signature and registration number of the person completing the survey.
6. One (1) copy of the completed survey along with an electronic copy that is compatible with City software must accompany the application.

h. The requesting individual or business must agree to participate in any Benefit District which might be formed for the purpose of paving roads/street, and or extending public water mains or sanitary sewer lines to the property.

i. A non-refundable fee of \$200.00 shall be collected for the purpose of administering each application for connection.

~~a. An individual or business located outside the city limits may submit a written application to the Planning, Inspection, Enforcement Superintendent asking for permission to connect a legally recorded lot or tract to a sanitary sewer line or water main.~~

~~b. The requesting individual or business must file a Petition for Annexation or agree to enter into a Pre-annexation Agreement, which either annexes the property to be served with sanitary sewer and/or water service immediately or provides for the point in time when annexation will take place. The Petition for Annexation or Pre-annexation Agreement must be approved by the City Commission.~~

~~Once a property is connected to both public water and sewer services and/or property is contiguous with the City Limit on at least 3 sides, the City will consider annexing the property.~~

~~c. The requesting individual or business must agree to comply with all zoning regulations, subdivision regulations and building codes, building permits, building inspections, and building and inspection fees now in force or as may be amended in the City of Hays for all improvements commenced after annexation or adoption of the Pre-annexation Agreement.~~

~~If the property under consideration for annexation is not part of an approved and properly recorded Subdivision Plat, the application~~

~~must be accompanied by proof of survey completed by a land surveyor licensed by the State of Kansas and must contain the following information or documents:~~

- ~~1. Lot or tract dimensions and the relationship of the property to dedicated public right-of-way and the relationship of the property to two known Quarter Section Corners. Provided further that if the property in question is adjacent to a Quarter Section Corner, a monument must be set in accordance with the current City standards as part of the survey.~~
  - ~~2. Dimensions of all permanent structures located on the lot/tract and their relationship to property lines.~~
  - ~~3. The location of all public or private easements existing on the lot or tract.~~
  - ~~4. The relationship of the property to the recognized FEMA Flood Insurance Rate Map (FIRM) with the panel number and effective date of that panel.~~
  - ~~5. Signature and registration number of the person completing the survey.~~
  - ~~6. Six (6) copies of the completed survey along with an electronic copy that is compatible with City software must accompany the application.~~
- ~~d. The requesting individual or business must agree to participate in any Special Assessment District, which might be formed for the purpose of paving roads/street, and or extending public water mains or sanitary sewer lines to the property.~~
- ~~e. The above conditions, as well as any conditions, which might be imposed by the City Commission at the time of application, shall apply to subsequent owners of the property for which the request is being made.~~
- ~~f. Water and sewer service charges, as provided through ordinance and as amended from time to time, shall be assessed against properties, that connect to the public utility infrastructure.~~
- ~~g. A non-refundable fee of \$200.00 shall be collected for the purpose of administering each application for connection.~~

15) Hike and Bike Trails - (Reserved)

~~The City is establishing a comprehensive bicycle and pedestrian system integrated with the city's street network to allow for easy movement of multi-modal transportation throughout the city. This can be realized through bet-~~

ter coordination between land use and transportation, improving connectivity within the street network and developing multi-modal (or complete) streets that accommodate all forms of transportation while improving access to the city's features. Street design should include reasonable accommodations for non-motorized users.

For individual developments, this will require:

- a. Providing multimodal features that include sidewalks, multi-purpose trails, and bike lanes as appropriate to the street's design.
- b. Providing connections to the major street system, the existing trail/path system, and to adjoining developments along local streets, avoiding isolated enclaves.
- c. Provide adequate connections to recreation features, neighborhoods, and community destinations.
- d. Providing public access to trails and pathways through dedicated easements, particularly ones located at mid-block crossings and in cul-de-sacs.
- e. Preserving environmentally sensitive areas including drainage ways, green ways, and natural streams corridors, while providing access along and utilizing these features as extensions of the trail/path system.

16) Project Acceptance and Final Closeout

- a. A set of approved plans shall be on file with the owner at all times. Before construction starts, all plans and specifications of the developer and his engineer shall have been approved by the owner to meet these minimum specifications. Any changes or revisions shall be accomplished with approval of the owner and copies of such changes or revisions furnished to the owner.
- b. As soon as practicable, after the completion of the entire work, it will be examined by the owner. The developer, contractor, and the engineer will be notified when the inspection will be made, and he, or his representative, shall be present. When the work is found satisfactory by the owner, it will be accepted as part of the public works of the city, and the contractor's year of guarantee shall begin.
- c. If the inspection reveals any defects, or if any defects show up within the year's guarantee, such defects shall be repaired and/or replaced as the owner may require. The cost of such repairs and replacements shall be borne by the contractor with no cost to the owner.

d. Prior to final acceptance of the improvements, as-built drawings, in both paper and electronic copy that is compatible with City computer software must be provided to the City.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
<b>DEVELOPMENT POLICY INFRASTRUCTURE GUIDELINES FOR NEW DEVELOPMENT</b>	City Commission	June 10, 2004	November 24, 2015

POLICY STATEMENT:

The City of Hays encourages the orderly development of the City in a manner that promotes financial strength and resiliency. In order to ensure that developing areas of the City are provided with adequate streets, alleys, parks, utility easements, water, sewer, storm sewer systems and/or other franchised utility services, the following policies are necessary to guide City staff and developers in the development process. The policies contained herein are in addition to any state or federal regulations and are intended to complement the City's Subdivision Regulations, Code of Ordinances, KDOT Corridor Management Policy, and City of Hays Standard Details and Specifications for Public Works Construction Projects. Disputes between City staff and interested parties regarding applications and interpretation of these policies, after consideration by the City Manager, may be appealed to the Planning Commission for recommendation to the City Commission for final approval.

The following categories are outlined indicating developer responsibilities as well as those responsibilities assumed by the City of Hays. It is the City's desire to make this document as user friendly as possible.

Guidelines:

- 1) Sanitary Sewer Lines:
  - a. The developer will be required to pay for 100% of the costs for the installation of all sanitary sewer lines, manholes and appurtenances. At the discretion of the City Commission, the City may participate in the cost for installation of major sanitary sewer trunk lines.
  - b. If a developer anticipates the use of an existing major sanitary sewer trunk line for individual taps to serve a properly recorded plat, and the development will occur along both sides of the trunk line, the developer will be required to pay to the City cash for 100% of the cost of an equivalent eight (8) inch sewer main. If the development is only on one side of the trunk line, the developer will be responsible required to pay to the City cash for 50% of the cost of an equivalent eight (8) inch sewer main.

- c. All manholes and sanitary sewer lines shall be placed in existing or potential street right-of-way unless alleys are dedicated within the developing area, in which case the sewer lines may be placed in the alleys. At the discretion of the Director of Utilities, sewer lines may be placed in easements; however, all manholes shall be placed in street or alley right of way. The maximum distance between manholes shall be 600 feet. (See Section 13 for Backfill Requirements)
- d. When sewer lines are placed in the street or alley right-of-way, service laterals (taps) to service lots shall be installed prior to the final surfacing of the street or alley and shall extend a minimum of five (5) feet beyond all rights-of-way and/or franchise utility easements into the lots.
- e. Service laterals (risers) shall be installed to within ten (10) feet of the surface of the ground (See Section 13 for Backfill Requirements and the Service Lateral Detail in the Standard Details and Specifications for Public Works Construction Projects.)
- f. As a minimum, Sanitary Sewer Mains shall be 8" diameter, SDR 35 PVC solid wall gravity pipe in accordance with the City of Hays Standard Details and Specifications for Public Works Construction Projects. The Director of Utilities shall review plans and specifications submitted by the developer, and make the final determination as to the location and sizing of sewer lines, and shall approve sanitary sewer line material, manholes and appurtenances.
- g. All sewer lines shall end at a manhole, or in certain instances, a cleanout upon approval from the City and KDHE.
- h. Sewer lines serving a development shall be extended to the far side of the development so that the improvement will be positioned for the next development to extend the service in an orderly progression, unless otherwise determined by the Director of Public Works and Director of Utilities that the extension is not warranted.
- i. Other requirements for the installation of sewer lines beyond those listed above will be specified by the Director of Utilities.

## 2) Water Lines

- a. The developer will be required to pay for 100% of the costs for the installation of all water lines, valves, hydrants, service lines, meters, and appurtenances. At the discretion of the City Commission, the City may participate in the cost for installation of major water distribution trunk lines.

- b. If a developer anticipates the use of an existing major water distribution main for individual taps to serve a properly recorded plat, and if the development will occur along both sides of the main, the developer will be required to pay to the City, in cash, 100% of the cost of an equivalent eight (8) inch water main. If the development is only on one side of the major transmission main, the developer will be required to pay to the City in cash 50% of the cost of an equivalent eight (8) inch water main.
- c. All water lines shall be placed in existing or potential street right-of-way. At the discretion of the Director of Utilities, water lines may be placed in easements. (See Section 13 for Backfill Requirements)
- d. The Director of Utilities shall make the final determination as to the location and sizing of water lines. By mutual agreement of the developer and the Director of Utilities, water service taps, meter setters, and service lines shall be installed in conjunction with street, storm sewer, sanitary sewer and water improvements. When installed, water service lines shall extend a minimum of five (5) feet beyond all rights-of-way and/or franchise utility easements into the lots.
- e. As a minimum, water mains shall be 8" diameter in accordance with the City of Hays Standard Details and Specifications for Public Works Construction Projects. The Director of Utilities must approve all pipe materials and appurtenances. Water mains smaller than 8" diameter may be allowed in cul-de-sacs and other dead-end runs after the last fire hydrant when no potential for future expansion exists. Use of smaller mains will be approved or denied by the Director of Utilities in the development review process.
- f. Developers shall be required to loop water mains within a development, as specified by the Director of Utilities. Dead-end lines may be allowed if engineering study determines that minimum fire flow and water quality requirements are met. Dead-end water mains at the end of cul-de-sacs shall be looped to adjacent dead-end mains utilizing a minimum of 2" HDPE pipe unless an alternate is specified by the Director of Utilities.
- g. Water mains serving a development shall be extended to the far side of the development so that the improvement will be positioned for the next development to extend the service in an orderly progression, unless otherwise determined by the Director of Public Works and Director of Utilities that the extension is not warranted.
- h. Other requirements for the installation of water lines beyond those listed above will be specified by the Director of Utilities.

3) Alleys and Utility Easements:

## Alleys:

Where alleys are platted, all franchised or public utilities, with the exception of storm sewer and water lines, are to be installed in the alleys. As part of the development improvements, alleys designed and constructed to not convey stormwater shall be paved with 4" of compacted crushed rock/concrete or other approved material. Alleys designed or constructed as a means to convey stormwater shall be inverted and constructed of concrete with a minimum thickness of 7 inches. Grading plans and materials shall be approved by the Director of Public Works. For a typical 20' alley as required by the Subdivision Regulations, the improved surface shall be 16' in width. The developer may include his/her cost in the special assessment, if so created. Service laterals (taps) to service lots shall be installed prior to the final surfacing of the alley.

In subdivisions where alleys are not platted, all public utilities shall be placed in the street right-of-way and franchised utilities shall be placed in a 10' easement on each side of the street right-of-way. Service lines and crossings of franchised utilities shall be allowed in street right-of-way as required.

## Utility Easements:

Utility easements shall be provided where necessary. Easements along rear lot lines shall be twenty (20) feet in width and street light easements along side lot lines shall be ten (10) feet in width. Side lot easements, when needed for other than street lighting purposes, may exceed ten (10) feet. All easements shall be shown on the plat. Permanent easements shall not be obstructed by buildings or permanent, woody vegetation. No fences may be placed in storm drain easements. A property owner who erects fences and landscape on the easement does so at his or her own risk of loss.

## 4) Streets, Curb and Gutter and Sidewalks:

### Streets:

- a. The developer shall pay for 100% of street construction costs including curb and gutter, and ADA accessible ramps at intersections.
- b. The following street right-of-way requirements shall apply to all new development:

Residential streets -- 60 feet

Collector streets -- 70 feet

Industrial and Commercial (Business) streets -- 80 feet  
 Arterial streets -- 100 feet

c. The following minimum street pavement width requirements shall apply to all new development unless otherwise approved by the Planning Commission:

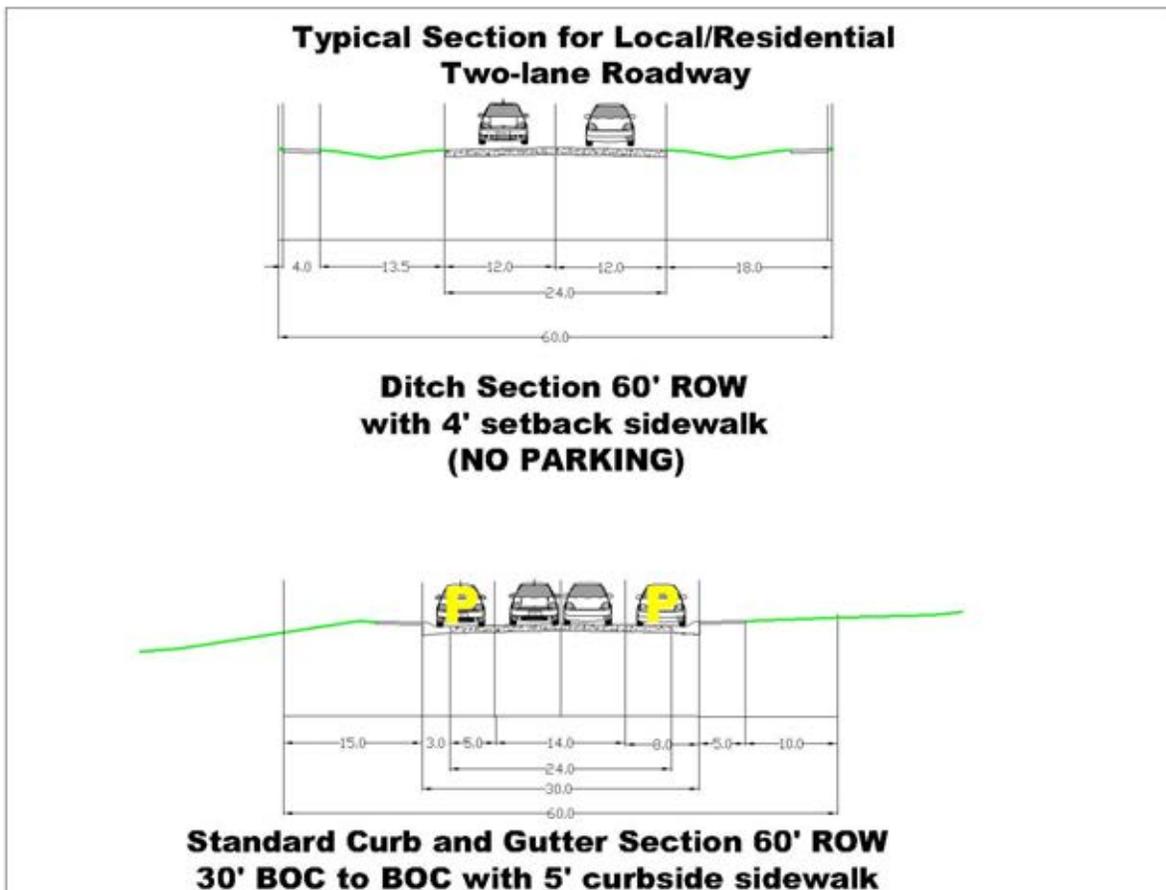
Residential (no curb & no parking) – two 12' lanes = 24'

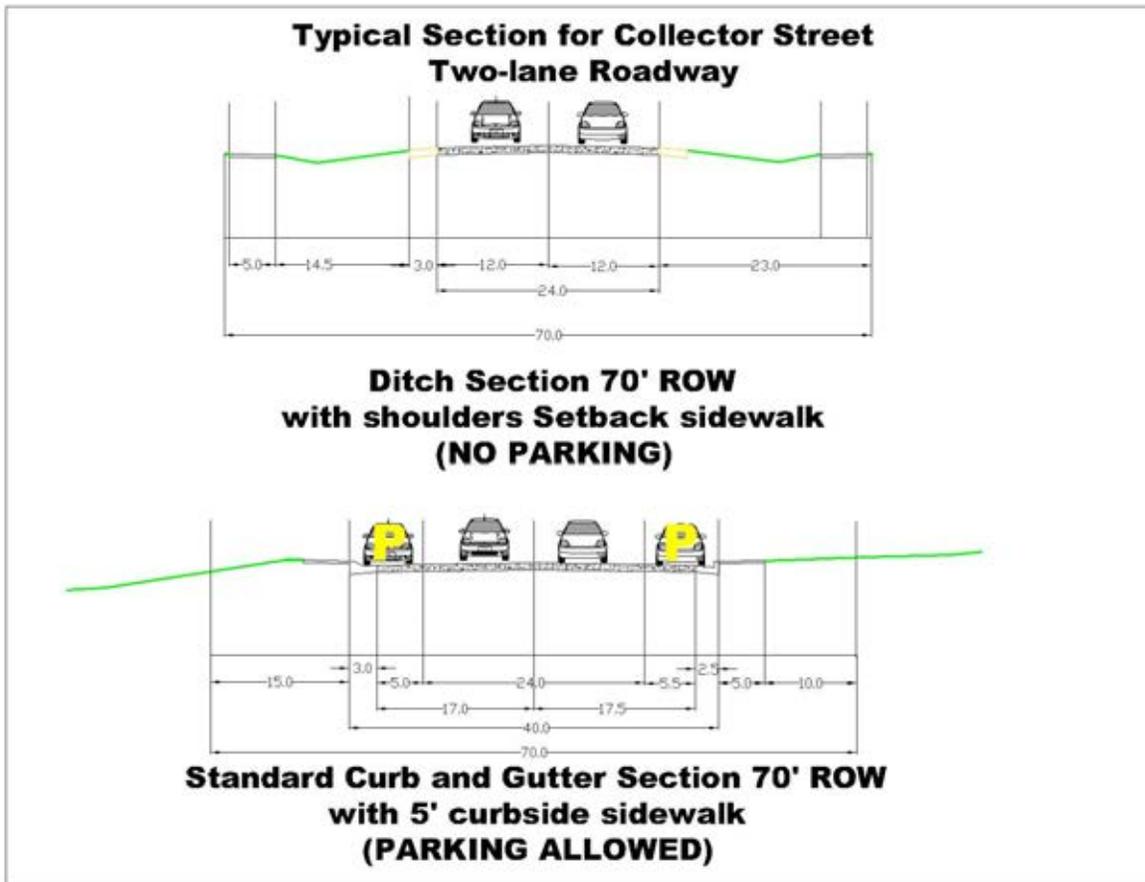
Residential (with curb & parking) - 30' BOC to BOC

Collector (no curb & no parking) – two 12' lanes = 24' (plus 3' minimum width gravel shoulders)

Collector (with curb and parking) – 40' BOC to BOC

Arterial Streets – Based on Engineering Study





- d. The City of Hays requires a Soils Investigation Report prior to any new street being designed. Based on the soils report, the engineer will design the street calling out the proper specifications for street construction materials. If soil stabilization is required, Kansas Department of Transportation (KDOT) standards will be used for approved stabilization materials. The developer is responsible for the cost of the Soils Investigation Report.

In lieu of a Soils Investigation and subsequent subgrade and pavement design, the Director of Public Works may approve the construction of streets to the following minimum specifications:

Residential – 6” non-reinforced concrete on 12” fly ash treated subgrade, OR 6” asphalt on 4” rock base with geogrid reinforcing fabric.

Collector/Industrial and Commercial (Business) – 8” non-reinforced doweled joint concrete on 12” stabilized subgrade, OR 8” asphalt on 4” rock base with geogrid reinforcing fabric.

## Arterial Streets – Per Pavement Design Analysis

- e. Construction specifications shall be in accordance with the City of Hays Standard Details and Specifications for Public Works Construction Projects.
- f. Pavement markings where warranted shall be installed during initial construction and shall be paid for by the developer.
- g. Access Management shall be exercised with the goal of: 1) obtaining reasonable access to property while maintaining safe and efficient movement of traffic on arterial and collector streets, or 2) improving traffic flow by controlling/limiting access to arterial and collector streets. The Kansas Department of Transportation Corridor Management Policy as revised from time to time shall serve as the guide in determining access control requirements. At the discretion of the Director of Public Works, a traffic Impact study, at the expense of the developer, may be required to determine the development's impact on traffic flow in the area.

As a general rule, the following considerations shall apply:

- Access management principles should be applied.
- Direct access to arterial streets should be limited to intervals of 660 feet.
- Access should be gained to an arterial street from a public street.
- Access drives at major intersections (arterial-arterial, arterial-collector) should be located outside the influence of the intersection, generally 330 feet.
- Drives adjacent to arterials and collectors on local streets should be limited to intervals of 100 feet.
- Left turns should be planned for and accommodated in the design of the street.
- Arterial rights-of-way should ultimately accommodate the appropriate street section with traffic lanes and sidewalks on either side of the street. A right-of-way width of approximately 100 feet will accommodate a five-lane roadway with sidewalks.
- Direct access to collectors should be limited to intervals of 330 feet.
- Turning movements should be accommodated. A continuous turn lane (3-lane configuration) is an excellent technique that should be considered on arterials and collector streets.

- Collector rights-of-way should ultimately accommodate the appropriate street section with traffic lanes and sidewalks on both sides of the street.
- Parking setbacks along arterials and collectors will help to insure sight distance problems are not encountered.
- Offset Streets and drives shall be prohibited, unless approved by the Director of Public Works when warranted due to existing or unique environmental/topographical conditions.

Curb and Gutters:

- a. The developer shall be responsible for the construction of curb and gutters in new developments as part of the street construction. As an alternative to curb and gutter, vegetative water conveyance systems (ditches or swales) may be utilized if conditions allow for such design and approved by the Planning Commission.
- b. When curb and gutter is installed, for areas zoned industrial and commercial, and along arterial streets, standard barrier curbs shall be installed. In areas zoned residential, layback curbs shall be installed in accordance with the City of Hays Standard Detail and Specifications for Public Works Construction Projects.

Sidewalks:

- a. Sidewalks are required in all new developments unless a planned development with alternate means of multi-modal transportation is provided and approved by the Planning Commission. In residential areas, curbside sidewalks (at least 5-feet wide) shall be installed. Set-back sidewalks may be allowed where warranted with the approval of the Director of Public Works. In residential subdivisions, sidewalks shall be installed as houses are constructed within the development. Once at least 50% of the current phase of development is built upon, sidewalk construction on all remaining lots shall be completed within 36 months and shall be the full responsibility of the lot owner at that time.
- b. On arterial streets, collector streets, reverse access roads, and other streets where the driving lane is immediately adjacent to the curb (no on-street parking), curbside sidewalks shall be at least 6-feet in width or the sidewalk shall be set back from the curb.

5) Parks: (reserved)

6) Street Lights:

Street lighting within the City of Hays is operated and maintained by Midwest Energy. The City pays a monthly fee to Midwest Energy for each City Street Light operated and maintained by Midwest Energy.

Street lighting for vehicular and pedestrian traffic safety will be installed at intersections, around curves and in other hazard areas, as determined by the Director of Public Works, and will be paid for through the City Street Light lease agreement with Midwest Energy. The developer shall pay for any additional lighting. Street lighting approved by the City will be on wooden poles. Other types of poles (metal, decorative, etc.) may be installed at the developer's expense, with the approval of the Director of Public Works. The Director of Public Works must approve all street lighting plans and installations.

7) Storm Sewers/Storm Water Management:

- a. The intent of this section is to require developers to pay the cost of construction of storm water management improvements that are needed to accommodate storm water runoff generated by the area to be developed. The City prefers the use of overland storm water conveyance versus underground piping unless overland conveyance is proven infeasible.
- b. The developer must comply with storm water management requirements as set forth in the City's Storm Water Management Ordinance (Chapter 53 of the City Code of Ordinances).
- c. Storm water management plans shall be established in conjunction with the Platting and Subdivision process. The platting process shall include the dedication of drainage easements as required by the City's Subdivision Regulations. The developer shall submit a Storm Water Management Plan for the development to the Public Works Department for approval at the time of preliminary platting. The Storm Water Management Plan must be approved prior to any permits being issued. In the event the original property changes ownership, the current owner retains responsibility for storm water management.
- d. The Director of Public Works shall review plans and specifications submitted by the developer, and make the final determination regarding the proposed storm water management plan.

8) Fire Protection Requirements:

Fire Department Access

Roads for fire truck access, water mains and fire hydrants are to be installed and operational during construction as specified in the city fire code.

Buildings that are set back more than 150' from city streets are required to have private fire lanes as specified in the city fire code.

#### Water Supplies for Firefighting

All water mains and fire hydrants are to be installed as specified by the city fire code and in accordance with city utility requirements and shall be paid for by the developer. Two-way fire hydrants are not permitted. The spacing of fire hydrants is to be as specified in the Kansas Department of Health and Environment Minimum Design Standards and current adopted Fire Code, and as approved by the City of Hays Fire Chief.

Water mains and fire hydrants to be installed in the city rights-of-way shall become the responsibility of the city after proper inspection, testing and acceptance.

Private water mains and fire hydrants are to be installed to supply fire protection systems or to protect buildings where adequate public fire hydrants are not accessible as specified in the city fire code. Prior to providing water service from the public supply, private water mains are to be inspected and approved by the city. Future inspection, testing and maintenance of private water mains and fire hydrants are the responsibility of the property owner.

Fire Hydrants and other appurtenances shall be designed and constructed according to the City of Hays Standard Details and Specifications for Public Works Construction Projects.

#### 9) Utility Plans for Public Improvements

Prior to final approval of a plat for new development or replat of an existing subdivision, a general plan and preliminary cost estimate for street, storm water, sanitary sewage disposal, water supply, and other utility improvements to serve the subdivision shall be submitted to the Director of Public Works and Director of Utilities for review and approval. Along with the plan and cost estimate, and in lieu of Section 10 of this policy, the developer may prepare and submit a petition, signed by all property owners within the development, agreeing to participate in the cost of said future public improvements through the formation of a special benefit district, as authorized by K.S.A. 12-6a01 et seq., for the purpose of financing the construction of public streets, storm water management systems, sanitary sewer, water, and/or park improvements for the proposed development. The petition shall be properly recorded, and the property owners shall inform each and

every future purchaser that this petition is binding upon all owners and successors in interest.

10) Developer Agreement for Public Improvements

When improvements to public infrastructure are proposed without the establishment of a Special Benefit District, the developer shall submit a properly executed written agreement to undertake and complete, to the satisfaction of the City, all public improvements required. The Developer's Agreement for public improvements should include:

- the public improvements required,
- the name and address of engineer performing design and inspection work,
- include or incorporate by appropriate reference the plans and specifications for said improvements,
- detail any costs to be born by the City,
- identification of required permits, bid tabs, construction documents, material submittals and test results, construction observation and final inspection notes, as-built plans, and one-year warranty.
- set out the schedule and time limit for the completion of the work,
- the amount of bond or other acceptable surety to be posted as security for the satisfactory completion of the work, and
- the rights of the City, in the event the required work is not completed in a proper or timely manner, to perform or complete the work and recover the actual cost thereof from developer or developer's sureties.

The developer's agreement and bond for required public improvements shall be reviewed and approved as to the form and content by the Director of Public Works and the City Attorney. The developer's agreement shall be filed with the Ellis County Register of Deeds.

11) Special Assessment:

The City, at its discretion, will permit developers to finance improvements through special assessments in one of the following ways: NOTE: Engineering services to be a part of the special assessment costs associated with a project shall be performed by an engineer acceptable to the City.

OPTION 1

- a. The City will allow developers to use special assessments to finance 100% of the cost of construction of streets, curbs and gutters, park improvements, and the acquisition of property for public use through special assessments as provided by K.S.A. 12-6a01, et. seq. These special assessments shall be for a ten (10) year period.

- b. Developers will not be allowed to use special assessment Option #1 to finance the installation of water, sewer lines, storm water, or street lighting.
- c. No single developer can establish a special assessment district as herein provided while holding title to 25 or more unsold lots under an existing special assessment district unless approved by the City Commission.

## OPTION 2

- a. The City will allow developers to use special assessment to finance the installation of streets, curb and gutter, water lines, sanitary sewer lines, storm sewer lines, park improvements, and the acquisition of property for public use. Prior to award of bid for construction, the developer shall be required to pay to the City in cash, 30% of the total cost of the improvements. The remaining cost shall be assessed to the property owners through special assessments payable over a period not to exceed 20 years.
- b. No single developer can establish a special assessment district as herein provided while holding title to 25 or more unsold lots under an existing special assessment district unless approved by the City Commission.

## 12) Franchised Utilities:

### a. Electrical and Gas Utilities

1. All electrical distribution lines less than or equal to 34,500 volts, excepting substation tie lines, shall be installed below ground, according to utility company specifications, in developments with no alleys.
2. Developments with no alleys shall follow the guidelines presented in this section. An easement of 10 feet on each side of all streets, running parallel to the street, shall be required. Additional easements may be necessary for looping of electric and gas lines. Said easement shall be used for electric and gas installations and may also be used by telecommunications. A common trench may be used by the electric and gas utilities and may also be available for use by telecommunications. Electric and gas meters shall be installed at the house and on the same side of the house. The side of the house to be used shall be determined by the location of the utility equipment, (e.g., transformers, secondary pedestals, valve boxes, etc.). Contact the utility company for aid on providing for the utility equipment locations.

3. Developments with alleys shall follow the guidelines presented in this section. If the development utilizes overhead electric lines, certain easements may be necessary. Underground electrical service shall require minimum 10' by 10' easements being placed in some lots for transformer placement. In either case, the electric service to the house shall be installed underground. A common trench may be used for primary electric lines and gas mains in developments with underground utilities at the discretion of the utility provider. The trench may also be available for use by telecommunications and Cable TV. Easements 5 feet wide may be required occasionally to provide a route for street light conductors.

b. Telecommunications

1. All telecommunication distribution lines shall be installed below ground, according to utility company specifications, in developments with no alleys.
2. Developments with no alleys shall follow the guidelines presented in this section. An easement of 10 feet on each side of all streets, running parallel to the street, shall be required. Additional easements may be necessary for looping of utilities. Said easement shall be used for utility installation and may utilize a common trench for all utilities. Contact the utility companies for aid in providing for the utility equipment locations.
3. A common trench may be made available for use for all utility installation in developments with underground utilities. Service taps to the house may be installed in separate trenches.
4. Developments with alleys shall follow the guidelines presented in this section. Buried cables will be placed at the edge of the traveled way. Pedestals and poles will be placed at property lines.

c. Permanent Utility Easements

Permanent utility easements shall not be obstructed by buildings or permanent, woody vegetation. A property owner who erects fences and landscape on the easement does so at his or her own risk of loss.

13) Backfill Requirements for All Trenched Utility Lines, Water, Sewer, Gas, Electricity, Cable TV, Telecommunication, etc.

- a. When installing utility lines within the street or alley right-of-way:

1. Ninety-five (95%) compaction of backfill is required if tamped backfill is used.
  2. The contractor shall certify that 95% compaction has been achieved.
  3. Results of tests performed shall be submitted to the City of Hays Public Works Department, indicating that 95% compaction has been achieved.
- b. When installing utility lines that are not within the street or alley right-of-way but in an open field area, 90% compaction shall be achieved. No certification is required, but verification will be provided via engineering contract inspections or city inspector.
  - c. In instances where boring is performed in place of trenching to install utility lines, the backfilling requirements are not applicable except in the areas where excavation has taken place to construct boring and receiving pits.
  - d. If flowable fill is used for the entire depth, it shall be accepted in place of the 95% or 90% compaction requirements, respectively.
  - e. If settlement occurs, the City will not be responsible for repairs to private property, driveways, sidewalks, etc. Corrective action related to settlement on private property should be directed to the contractor hired to do the work. It is understood that, by the above requirements, the City has taken reasonable steps to safeguard the interests of both public and private improvements.

14) Annexation:

- a. The City of Hays recognizes that a prudent annexation policy will provide adequate land for the continued growth and balanced development of the City, maintain logical planning and governmental service units in accordance with the Comprehensive Plan, encourage quality development, integrate new growth into the existing urban fabric of the City, minimize negative fiscal impacts on existing residents, and equitably distribute the costs of local government services over the areas that enjoy the benefits of such services.
- b. Annexation shall be required prior to extension of City utility services to property outside the corporate limits. The development of all property annexed into the City shall be in compliance with the City's Development Policy and Infrastructure Guidelines, and requirements for dedication of right-of-way as provided in any applicable corridor and or transportation plans. In order to prevent the premature development of land which might pose a threat to the health, safety or general welfare of the community at large, or the occupants of

land in the particular area of the City, it is the policy of the City that no application for special use permit, preliminary or final development plan or preliminary or final plat shall be approved unless public facilities and services are available, or will be provided as a condition of the application, which are adequate to serve the development.

c. The City may initiate annexation of areas that the Governing Body determines will promote the general welfare of the community. The City shall use annexation as a tool to join incorporated islands and eliminate unincorporated enclaves. The City shall avoid creating any new enclaves of County property within the City through new annexations. The City considers new enclaves to be areas that are surrounded completely by the City, other incorporated cities, and/or public parks. The City shall also avoid creating incorporated islands of City property surrounded completely by unincorporated property.

d. All annexations considered by the City shall be in conformance with the Comprehensive Plan, shall respect annexation agreements with other entities, and be in compliance with Kansas annexation statutes.

e. As a general policy, the City encourages landowner annexation petitions pursuant to K.S.A. 12-520 as the preferred method of annexation. The request must meet the applicable regulations contained within this policy prior to further consideration and approval by the City Commission. A request for connection to City water and/or sewer services requires an annexation petition to be filed with the City. The following shall be considered prior to the City accepting a petition to annex:

1. The City shall require, prior to the adoption of the annexation ordinance, that any costs associated with compensation to a Rural Water District, pursuant to K.S.A. 12-539, be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed. The requirement for property owner payment may be waived by the City in circumstances where the City is requesting annexation of the property to eliminate unincorporated enclaves of property.
2. In areas of the community where City boundaries nearly or completely surround unincorporated parcels, the City shall encourage property owners to consent to annexation. The City may initiate procedures to unilaterally annex these parcels. The policy intent of this requirement is to provide for generally uniform city boundaries, avoid confusion over service delivery due to irregular jurisdiction boundaries, and avoid unincorporated enclaves of property.
3. In reviewing annexation requests, the City shall encourage property owners to consent to the annexation of all portions of property under their ownership

which should logically be included within City boundaries. To this end, annexations should not create enclaves of partially or completely surrounded unincorporated property, nor create City boundaries with irregular shapes or dimensions.

f. The requesting property owner must file a Petition for Annexation, which allows the City to annex the property in accordance with State Statute. The Petition for Annexation must be approved by the City Commission through adoption of City Ordinance.

g. If the property under consideration for annexation is not part of an approved and properly recorded Subdivision Plat, the application must be accompanied by proof of survey completed by a land surveyor licensed by the State of Kansas and must contain the following information or documents:

1. Lot or tract dimensions and the relationship of the property to dedicated public right-of-way and the relationship of the property to two known Quarter Section Corners, provided further that if the property in question is adjacent to a Quarter Section Corner, a monument must be set in accordance with the current City standards as part of the survey.
2. Dimensions of all permanent structures located on the lot/tract and their relationship to property lines.
3. The location of all public or private easements existing on the lot or tract.
4. The relationship of the property to the recognized FEMA Flood Insurance Rate Map (FIRM) with the panel number and effective date of that panel.
5. Signature and registration number of the person completing the survey.
6. One (1) copy of the completed survey along with an electronic copy that is compatible with City software must accompany the application.

h. The requesting individual or business must agree to participate in any Benefit District which might be formed for the purpose of paving roads/street, and or extending public water mains or sanitary sewer lines to the property.

i. A non-refundable fee of \$200.00 shall be collected for the purpose of administrating each application for connection.

#### 15) Hike and Bike Trails -

The City is establishing a comprehensive bicycle and pedestrian system integrated with the city's street network to allow for easy movement of multi-modal transportation throughout the city. This can be realized through better coordina-

tion between land use and transportation, improving connectivity within the street network and developing multi-modal (or complete) streets that accommodate all forms of transportation while improving access to the city's features. Street design should include reasonable accommodations for non-motorized users.

For individual developments, this will require:

- a. Providing multimodal features that include sidewalks, multi-purpose trails, and bike lanes as appropriate to the street's design.
- b. Providing connections to the major street system, the existing trail/path system, and to adjoining developments along local streets, avoiding isolated enclaves.
- c. Provide adequate connections to recreation features, neighborhoods, and community destinations.
- d. Providing public access to trails and pathways through dedicated easements, particularly ones located at mid-block crossings and in cul-de-sacs.
- e. Preserving environmentally sensitive areas including drainage ways, green ways, and natural streams corridors, while providing access along and utilizing these features as extensions of the trail/path system.

#### 16) Project Acceptance and Final Closeout

- a. A set of approved plans shall be on file with the owner at all times. Before construction starts, all plans and specifications of the developer and his engineer shall have been approved by the owner to meet these minimum specifications. Any changes or revisions shall be accomplished with approval of the owner and copies of such changes or revisions furnished to the owner.
- b. As soon as practicable, after the completion of the entire work, it will be examined by the owner. The developer, contractor, and the engineer will be notified when the inspection will be made, and he, or his representative, shall be present. When the work is found satisfactory by the owner, it will be accepted as part of the public works of the city, and the contractor's year of guarantee shall begin.
- c. If the inspection reveals any defects, or if any defects show up within the year's guarantee, such defects shall be repaired and/or replaced as the owner may require. The cost of such repairs and replacements shall be borne by the contractor with no cost to the owner.

d. Prior to final acceptance of the improvements, as-built drawings, in both paper and electronic copy that is compatible with City computer software must be provided to the City.

DRAFT

AUG 17, 2015

PLANNING COMMISSION  
MINUTES

South - "C-O" Office and Institution District & "R-4" Multiple family  
West - "R-4" Multiple family

To the east is the Hadley Redevelopment building; to the north is the Commerce Bank Drive-Thru and County Administrative Building. There are multi-family units and commercial uses to the west. There is the High Plains Mental Health Center to the south and multi-family units.

Based on this information staff recommends that the Planning Commission set a public hearing for the September 21, 2015 Planning Commission meeting.

Paul Phillips asked if any of the uses that are seen less than desirable for that property. Jesse Rohr answered that most of the commercial properties are zoned "C-2". He explained that the list of the uses would be read at the public hearing.

Chris Crawford asked what would be the restrictions of "C-O" District. Jesse Rohr read the uses of that district.

Phillips asked if there was a reason they did not apply for the "C-3" Central Business District. Jesse Rohr answered that per the matrix chart in the comprehensive plan both the "C-2" and "C-3" were compatible for this area. The decision was left up to the owner.

Robert Readle moved, Darrell Hamlin seconded the motion to set the public hearing for September 21, 2015 to hear the rezoning request of the property at 117 E 7<sup>th</sup> Street from "C-O" Office Institution District to "C-2" General Commercial & Service District of fact.

**Vote: AYES**

Paul Phillips  
Lou Caplan  
Robert Readle  
Darrell Hamlin  
Chris Crawford

Jesse Rohr explained about the publication process and notification of the property owners within 200 feet will receive the publication notice.

**B. Discussion of Potential Changes to the Development Policy Infrastructure**

**Guidelines:** John Braun presented a red-lined copy of the proposed changes to the development policy. Because this document works parallel to the zoning and subdivision regulations, it is being updated in conjunction with the rewrite of them.

This will go before the Utility Advisory Committee in September to give them the opportunity for input since they play an important role in the development process. It is scheduled to come back to the Planning Commission in September and to the City Commission in October. It will be submitted for adoption after the

adoption of the Zoning and Subdivision Regulations.

He presented the highlights of the proposed changes to the development policy.

1. The City would not pay for over sizing of infrastructure. The developer would pay for over sizing if required (street, sanitary sewer, water section)
2. Take out the option of a pre-annexation agreement for water and/or sewer. The property would be required to be annexed if they connect to city water and/or sewer.
3. All water mains shall meet the type of material requirements mandated for new developments.
4. Developer required looping water mains within a development specified by the Director of Utilities. The number of feet of the water main to meet minimum fire code and water quality requirements.
5. Any alleys designed as a mean to convey stormwater should be made of concrete rather than a rock alley.
6. No over sizing the curb and gutter
7. The street and right of way width subject to what will be written in the zoning and subdivision regulations
8. A traffic impact study at the expense of the developer may be required to determine the development's impact on traffic flow in the area.
9. As an alternative to curb and gutter there is the option of vegetative water conveyance systems (ditches or swales)
10. Sidewalks (curbside or setback) required on all new developments unless a alternative means of multi-modal transportation is provided and approved.
11. It is to be determined at what stage of the development it will call for all sidewalks to be constructed within the development.
12. Recommend Use of overlay conveyance of stormwater rather than stormwater pipes because it is better for the water quality for requirements of EPA and KDHE. This would eliminate the second life and maintenance cost of pipes. Paul Phillips asked if that would suggest there would be deep dips in the streets at the intersections. John Braun answered that it would depend on the design. It could be valley gutters or culverts.
13. Assessment of the cost of pavement is for 10 years. It has been recommended that the assessment of the cost of water and sewer be changed from 15 years to 20 years reducing the annual specials on property taxes.
14. New Language on annexations
15. It is the intent of the city to establish Hike and Bike trails that could be the form of multi-modal transportation that will be spelled out in the rewrite of the zoning and subdivision regulations.
16. The process of a project will include the acceptance and final close out. The engineer will be required to provide the as-built drawing compatible to the city software.

**C. Discussion on the Zoning and Subdivision Regulations Rewrite:** Jesse Rohr explained about the review of the different sections in process of the rewrite of the

SEPT. 21, 2015

PLANNING COMMISSION  
MINUTES

~~Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch  
Justin McClung~~

**E. Review Proposed Changes to the Development Policy:** John Braun, Assistant Director of Public Works, handed out a red-lined copy of the proposed changes to the development policy. Because this document works parallel to the development code, the development policy is being reviewed for update in conjunction with the rewrite.

1. The developer would pay for installation of all sanitary sewer lines and manholes and appurtenances. The city will not pay for over sizing of the street, sanitary sewer lines, water lines or curb and gutter.
2. Take out the option of a pre-annexation agreement for water and/or sewer. The property would be required to be annexed if they connect to city water and/or sewer.
3. There is new language on annexation.
4. Developer required looping water mains within a development specified by the Director of Utilities. The number of feet of the water main is to meet minimum fire code and water quality requirements.
5. Alleys designed as a means to convey stormwater should be made of concrete rather than a rock alley.
6. The street and right of way width subject to what will be written in the development code.
7. As an alternative to curb and gutter there is the option of vegetative water conveyance systems (ditches or swales)
8. Sidewalks (curbside or setback) required on all new developments unless a alternative means of multi-modal transportation is provided and approved. It is to be determined at what stage of the development it will call for all sidewalks to be constructed within the development.
9. Recommend use of overlay conveyance of stormwater rather than stormwater pipes because it is better for the water quality for requirements of EPA and KDHE.
10. Add another option for assessment of development cost from 15 years to 20 years.

11. It is the intent of the city to establish Hike and Bike trails that could be the form of multi-modal transportation that will be spelled out in the rewrite of the zoning and subdivision regulations.
12. The process of a project will include the acceptance and final close out. The engineer will be required to provide the as-built drawing compatible to the city software.

He asked for input from the commission to determine what the minimum requirements should be for street right of way and street pavement. He prepared cross section examples for respective street widths and the difference in cost. The question is should the minimum allowed street width be changed from 31 feet to 29 feet.

Tom Denning asked if there would be required specifications of the concrete used in the alleys that convey stormwater. John Braun answered there are specifications.

He also asked who would be responsible to for maintenance of those that have swales. John Braun answered that the property owners would maintain them.

He also asked what determines the sidewalk width. John Braun explained that if there is parking along the street, the sidewalk width would be 5 feet next to the curb; if there is no parking along the street, there would be a setback sidewalk of 4 feet with 1 foot of green space. A six foot sidewalk could be constructed where warranted by the Public Works Director.

He pointed out that the developed properties north of Vine do not have sidewalks. John Braun answered that they have a sidewalk plan with certain triggers that dictate when the sidewalks are required.

Matthew Wheeler asked if the city encourages ditches to benefit the rainwater runoff and no parking along them. He asked if any future developments would be developed like Prairie Acres. John Braun answered that there could not be any developments like Prairie Acres with the gravel roads. The option with the swales provides another option to the developer particularly for a suburban setting.

There was discussion on pros and cons of cul-de-sacs.

Kris Munsch asked if the local developers have been asked for their input. He sees this input being huge. John Braun answered that they are asking for their input.

**F. Discussion of the Zoning and Subdivision Regulations Rewrite:** Jesse Rohr explained that changes to the draft regulations are being done. He directed them to the on-line version that would reflect those changes and will inform the Planning Commission when those changes and comments are complete.

OCT. 19, 2015

DRAFT MINUTES OF  
PLANNING COMMISSION MEETING

A. Preliminary Plat of Blue Sky Acres Addition located on a tract of land in the SE/4 of Section 16, Township 14S, Range 18W (250<sup>th</sup> Street west of VonFeldt's Addition): This agenda item was tabled by consensus subject to the outcome of the rezoning.

B. Review Proposed changes to the Development Policy: John Braun, Assistant Director of Public Works, presented a power point presentation on the final draft form o the Development Policy. The intention is to take this to the November 19<sup>th</sup> City Commission work session if it is recommended for approval by the Planning Commission.

1. The City would not share for the over sizing of the infrastructure (water, sanitary sewer, stormwater, street and intersections).
2. Developer to pay equivalent cost of 8" line to tap into existing water or sewer mains.
3. Water lines less than 8" may be allowed by approval of Director of Utilities.
4. Waterlines at the end of cul de sacs shall be looped for water quality purposes
5. Alley shall be concrete if convey stormwater – No cost share by City
6. Listed the street pavement width requirements that includes the minimum street construction standards
7. Street Pavement subgrade requirements
8. Allowance for ditches in lieu of curb and gutter
9. Alleys designed as a means to convey stormwater should be made of concrete rather than a rock alley
10. Take out the option of a pre-annexation agreement for water and/or sewer. The property would be required to be annexed if they connect to city water and/or sewer and there is new language on annexation.
11. Added section on Hike and Bike Trails.
12. Sidewalks
14. An option to allow special assessment up to 20 years for benefit districts.
15. Project Closeout

*Matthew Wheeler asked if it would be retroactive for those past developments to complete the sidewalks. John Braun answered that it would not be retroactive; although they are working on a way to address this.*

Tom Denning voiced concern about the option of allowance for ditches in lieu of curb and gutter on how to enforce against parking along them, otherwise the road would not hold up and it would have a bad appearance. John Braun answered that it would be conducive to a particular type of development that would have to be approved by the Planning Commission.

Paul Phillips asked for the definition between a standard curb and layback curb. John Braun provided the information.

Chris Crawford asked if this would be required to go before a public hearing. He asked if this has been communicated to the developers, engineers etc. He asked how it was received by them. It was asked if it would come back before the commission at the time of adoption of the rewrite of the zoning and subdivision regulations.

John Braun answered that they have made it available to the developers, engineers etc and it has gone before the Utility Advisory Committee. The final draft will be available to them also.

It is not required to go before a public hearing. Staff solicited a recommendation from the Planning Commission to the City Commission. It will come back again before the commission at the time of the adoption of the rewrite of the zoning and subdivision regulations.

Paul Phillips entertained a motion to approve or disapprove the final form of the development policy.

Matthew Wheeler moved, Lou Caplan seconded the motion to recommend to the City Commission to approve the final draft of the Development Policy.

**AYES:**

Paul Phillips  
Lou Caplan  
Tom Denning  
Robert Readle  
Darrell Hamlin  
Chris Crawford  
Matthew Wheeler  
Kris Munsch

C. Discussion of the Zoning and Subdivision Regulations: There was no discussion at this meeting.

**3. STRONG TOWN PRESENTATION** Toby Dougherty, City Manager, came before



# Commission Work Session Agenda

## Memo

**From:** Kim Rupp, Director of Finance

**Work Session:** November 19, 2015

**Subject:** Water Rate Adjustment

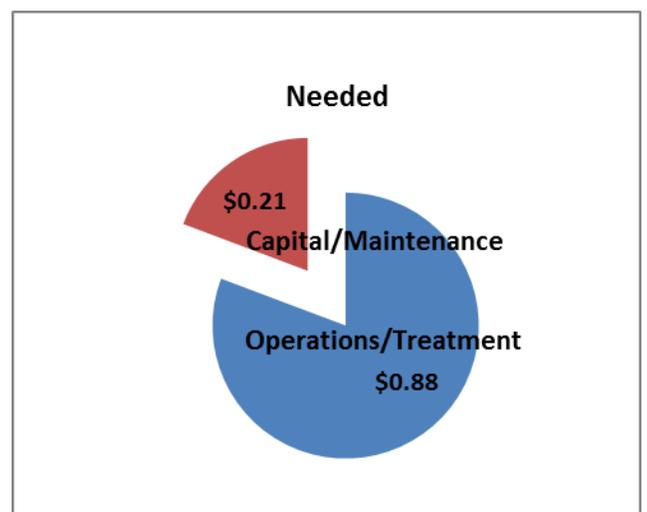
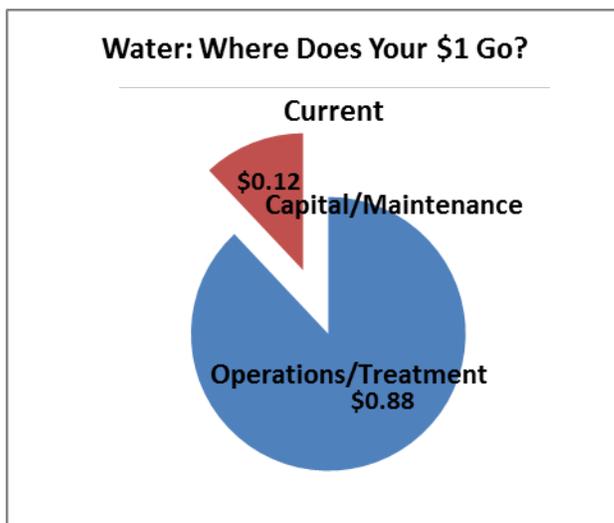
**Person(s) Responsible:** Kim Rupp, Director of Finance

### Summary

Recent work on the Strong Towns initiative revealed a lack of funding for maintenance and replacement of production and distribution infrastructure. This aging infrastructure and lack of funding for annual water capital maintenance repairs and rehabilitation and the insufficient user rates to fund such requirements prompted the need for a Water Rate Study. Springsted Inc was contracted to conduct a comprehensive study to determine the rate increases needed to support the above needs. Based on the study's findings and the Strong Towns initiative, City staff and Springsted are recommending the monthly water base and volumetric user rates, conservation tiers, taps and connection fees all be increased 17% January 1, 2016. This is a one-time increase outside the normal framework of adjustments.

### Background

Through an extensive research project using the Strong Towns initiative, city staff has discovered that the current water distribution and treatment infrastructure is underfunded. It was determined that the city should be spending approximately \$895,000 per year for annual water capital maintenance and repairs however on average only \$445,000 has been dedicated to that purpose. The charts below illustrate where \$1 goes from fees collected on base and volumetric charges versus what should be collected pushing that \$1 to \$1.09.



The current base and volumetric charges for the water utility is one of the lowest in the state and is insufficient to fund the needed maintenance and repair. Therefore, city staff contracted with Springsted Inc to conduct a water rate study.

### **Discussion**

Springsted Inc has become a top municipal advisor in Kansas. They have served Kansas communities for over 25 years including Wichita, Sedgwick County, Johnson County, Lawrence, Manhattan, Pittsburg, Newton and Baldwin City. Their approach in the rate study included:

- a projection of revenues and expenditures through 2026 (incorporating the City's plans for capital improvements); and
- a determination of the rates and charges necessary to fund estimated future capital and operational costs

The result of the study was a recommendation to increase all water rates (minimum charges, volumetric charges, tap fees, connection fees and conservation tiers) be increased 17% on January 1, 2016, and 3% annually thereafter. The larger increase in 2016 is needed to maintain a positive cash position while funding capital outlay, operations and transfers out to the General Fund.

This action will require passage of four separate ordinances and an accompanying resolution to affect these rate changes on the City code.

### **Legal Consideration**

There are no known legal obstacles to moving forward as staff has recommended.

### **Financial Consideration**

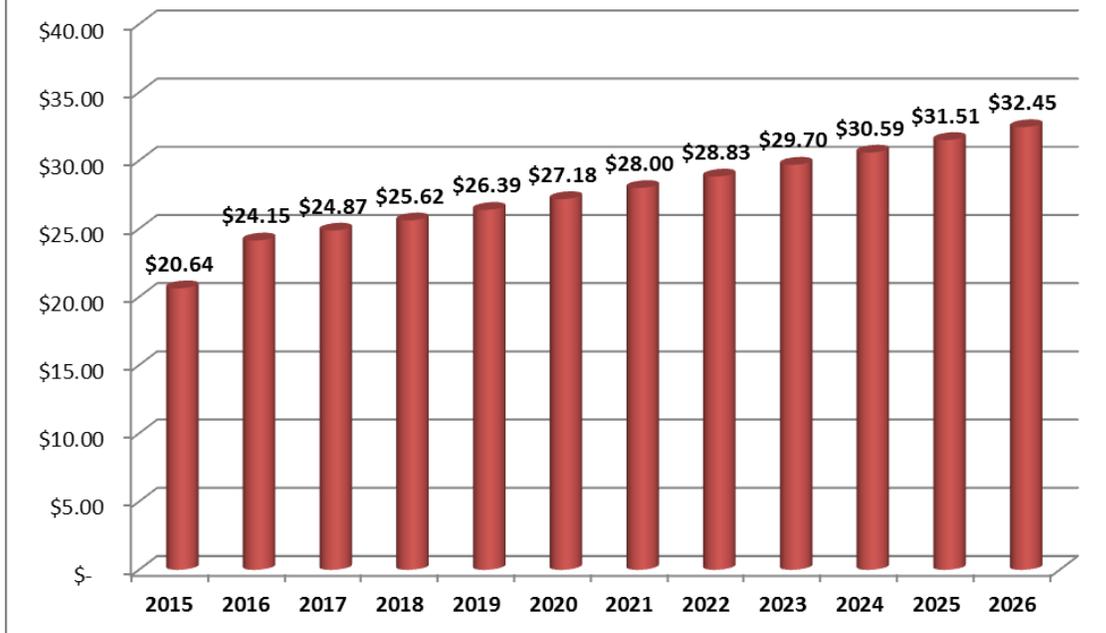
The purpose of this report was to review and analyze the City of Hays' Water Fund to determine the appropriate rate structure and other revenue sources needed for its operation and financing of capital assets. The rate structure and other revenue in each fund must provide sufficient revenue to cover:

- Anticipated operating and maintenance expenses;
- Debt service including principal and interest;
- Capital improvements;
- Replacements; and
- Cash reserves

The total revenue collected should reflect not only recent cost experience, but should recognize anticipated future costs during the period for which rates are being established.

Below are charts illustrating the projected average residential bill over the period of increases as well as a comparison to cities in Kansas.

## Projected Average Residential Water Bill 700 cubic feet/month



### Average Residential Monthly Charges

DODGE CITY	19.44
MANHATTAN	20.43
GARDEN CITY	20.64
HAYS	20.64
EMPORIA	22.76
WICHITA	23.93
HAYS 2016	24.15
HUTCHINSON	25.11
OLATHE	27.71
LAWRENCE	28.76
TOPEKA	29.81
JUNCTION CITY	30.07
LEAVENWORTH	31.23
LEAWOOD/LENEXA/PV	31.65
HAYS 2026	32.45
SALINA	36.35
2015 Avg of all Cities	26.32

Review of the sufficiency of the rates on an annual basis concurrent with the development of each year's budget will be conducted based upon actual performance and on the final construction costs of the anticipated capital improvements.

## **Options**

The City Commission has the following options:

- Do nothing
- Implement base and volumetric water charges, conservation tiers, taps and connection fees based on the Springsted rate study
- Provide other direction

## **Recommendation**

City staff recommends the monthly water base and volumetric user rates, conservation tiers, taps and connection fees all be increased 17% January 1, 2016 with 3% increases each January 1 thereafter until 2026 or unless otherwise modified by resolution.

## **Action Requested**

1. Move that the following Ordinances be adopted:

Ordinance amending Chapter 65, Article IV, Section 65-219, of the City of Hays, Kansas, Municipal Code to provide for modification of any new or different costs by Resolution and modifying the fee by Resolution adopted contemporaneously with the Ordinance; and Ordinance amending Chapter 65, Article IV, Section 65-225, of the City of Hays, Kansas, Municipal Code to provide for modification of any new or different charges or fees by Resolution and modifying the charges and fees by Resolution adopted contemporaneously with the Ordinance; and Ordinance amending Chapter 65, Article IV, Section 65-228, of the City of Hays, Kansas, Municipal Code to provide for modification of any new or different fee by Resolution and modifying the fee by Resolution adopted contemporaneously with the Ordinance; and Ordinance amending Chapter 65, Article IV, Section 65-229, of the City of Hays, Kansas, Municipal Code to provide for modification of any new or different fee by Resolution and modifying the fee by Resolution adopted contemporaneously with the Ordinance, all as presented.

2. Move that a Resolution modifying the costs, meter rates, services charges and fees in the City of Hays, Kansas, pursuant to Ordinances passed contemporaneously herewith which modify Municipal Code Sections 65-219, 65-225, 65-228, and 65-229, for consumers of water from the municipal water system of the City of Hays, Kansas, be adopted by the Commission of the City of Hays, Kansas, as presented.

## **Supporting Documentation**

Springsted Inc Sewer Rate Study – Final Report

Ordinances amending Municipal Code Sections 65-219, 65-225, 65-228, 65-229

Resolution



# Final Report

**City of Hays, Kansas**

Water Rate Study

November 4, 2015

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9229 Ward Parkway, Suite 104  
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Fax: 816-333-6899  
www.springsted.com

## LETTER OF TRANSMITTAL

November 4, 2015

Mr. Kim Rupp, Director of Finance  
Mr. Johnny O’Conner, Director of Utilities  
City of Hays  
P.O. Box 490  
Hays, KS 67601

Re: **Summary of Water Rate Study**

Dear Mr. Rupp and Mr. O’Conner:

Springsted Incorporated was hired to perform a Sewer and Water utility rate study for the City of Hays. We recently completed the Sewer Rate Study. Therefore, this report addresses only water operations. This Study includes a review of the past performance of the Water Utility, determines the adequacy of water revenues, and provides rate recommendations which reflects recent cost experience as well as anticipated capital improvement costs of the Water Utility.

We appreciate the opportunity to conduct the Water Rate Study for the City of Hays.

Respectfully submitted,

*Tom Kaleko*

Tom Kaleko, Senior Vice President  
Client Representative

*Patty Kettles*

Patty Kettles, Vice President  
Consultant

## 1. Executive Summary

This report was prepared to review the financial performance of the City of Hays's current Water Utility and determine the appropriate rate structure and other revenue needed to adequately fund operations through 2026. The process involved the projection of Water revenues and expenditures and included incorporating the Utilities' plans for capital improvements into the financial projections.

The financial projections began with the Water Fund expenditures; subsequently, revenues were adjusted to provide the recommended income, cash flow, and level of ending cash balances. We recommend the City strive to meet the following minimum cash reserve goals in the Water Fund:

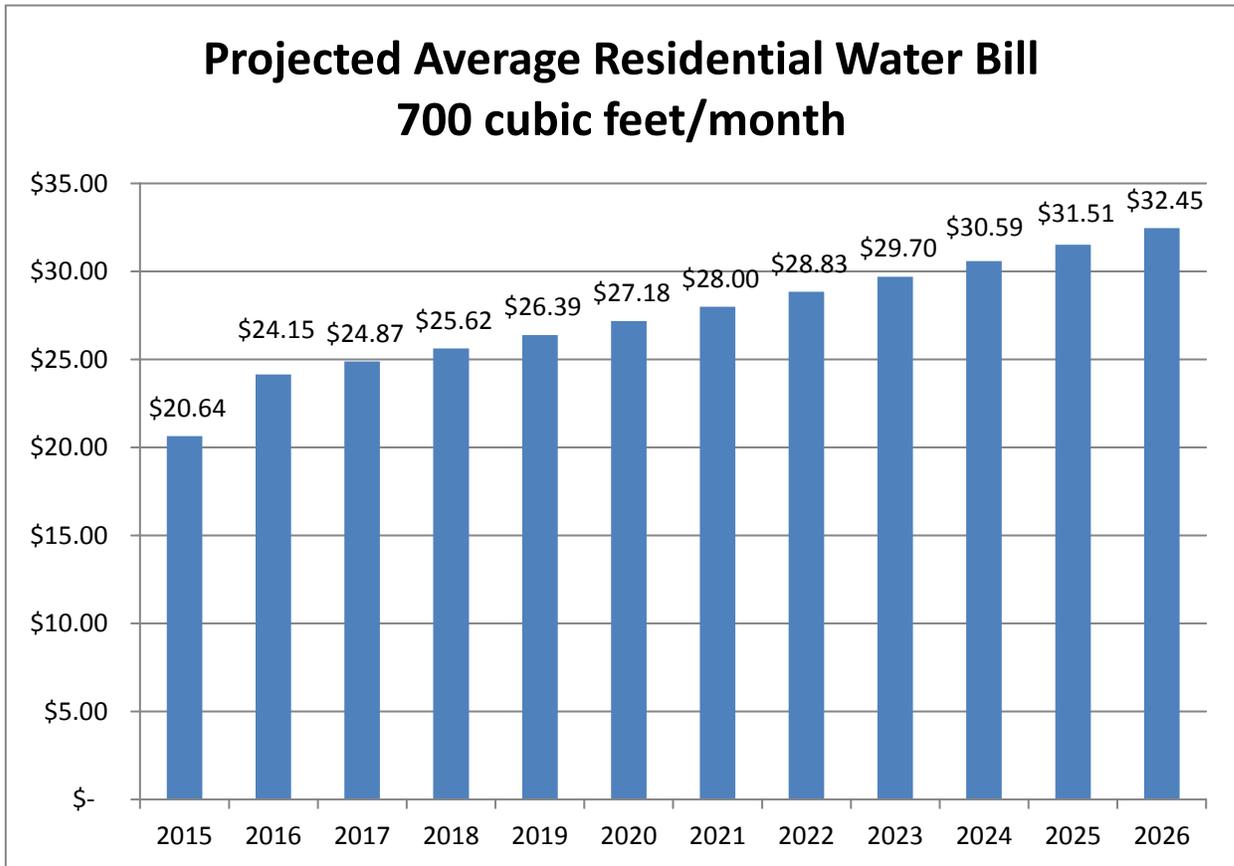
- at least three months of anticipated operating expenses and
- one year's debt service

Upon discussions with City staff, they expressed a smaller reserve of \$250,000 would be sufficient and would allow the City to minimize the impacts on Water rates (the recommended reserve would be approximately \$900,000). The City is projected to meet their reserve target over the entire 10-year planning period with the rates recommended in this report. Once the City separates the Sewer and Water Fund, they should ensure the cash does not fall below the restricted cash balance in any given year.

With the proposed \$6.9 million in projected capital outlay through 2026, funded solely with retained earnings of the Water Utility, the City will need to increase Water rates. We believe the City is among a small minority of communities that are taking a proactive approach to addressing aging infrastructure and extensive replacement costs through the Strong Towns initiative. By doing so the City will incur rate increases, but is preparing for a stable future for Hays' rate payers.

We recommend the City increase all Water rates (minimum charges, volumetric charges, tap fees, etc.) 17% on January 1, 2016, and 3.0% annually thereafter. The larger increase in 2016 is needed to maintain a positive cash position while funding capital outlay, operations and transfers out to the General Fund.

Cities often compare their Water rates with surrounding cities or cities with similar community characteristics. The comparison reflects a residential user, using 700 cubic feet per month. As shown in the table on the following page, the City's current rates are lowest of the group. If the City increases rates 17% January 1, 2016, an average residential user would see an increase of \$3.51 per month. In 2026, the end of the planning period, the City of Hays would be in the middle of the group; assuming none of the comparison communities raises rates between now and 2026. When the other communities begin to address asset replacement needs, it is highly likely they will move to the higher end of the list.



**Average Residential Monthly Charges**

<i>cubic ft</i>	<i>700</i>
Hays-2015	\$ 20.64
<b>Hays-2016</b>	<b>\$ 24.15</b>
Emporia	\$ 22.66
Junction City	\$ 30.07
<b>Hays-2026</b>	<b>\$ 32.45</b>
Pittsburg	\$ 34.30
Prairie Village	\$ 38.38
Newton	\$ 47.40

All recommendations are based on information provided to us and on the assumptions given for the financial projections. The City will need to monitor the performance of the Water Fund and make any necessary adjustments based upon actual performance and on the actual construction costs of the anticipated capital improvements.

## 2. Introduction

The purpose of this report is to review and analyze the City of Hays's Water Fund to determine the appropriate rate structure and other revenue sources needed for its operation and financing of capital assets. The rate structure and other revenue in each fund must provide sufficient revenue to cover:

- Anticipated operating and maintenance expenses;
- Debt service including principal and interest;
- Capital improvements;
- Replacements; and
- Cash reserves.

The total revenue collected should reflect not only recent cost experience, but should recognize anticipated future costs during the period for which rates are being established.

This report includes:

- A projection of revenues and expenditures through 2026 (incorporating the City's plans for capital improvements); and
- A determination of the rates and charges necessary to fund estimated future capital and operational costs.

### 3. Background

The City of Hays, which is located in Ellis County, in northwest Kansas at the crossroads of Interstate 70 and US Highway 183, provides approximately 8,038 residential commercial accounts with water service. The City encompasses approximately 8.0 square miles and had a 2010 Census population of 20,510 persons. The Census estimates the 2014 population to have grown to 21,044.

The City of Hays currently owns and operates a water production and distribution plant. Water is obtained from 37 wells and distributed through over 128 miles of water distribution mains.

## Current Water Rate Schedule

### Water Minimum Charge

Meter Size	Inside City Limits	Outside City Limits
5/8"	\$9.18	\$15.60
3/4"	16.66	\$28.32
1"	\$24.14	\$41.03
1 1/2"	\$39.10	\$66.47
2"	\$76.50	\$130.05
3"	\$113.90	\$193.63
4"	\$188.70	\$320.79
6"	\$375.70	\$638.69

### Water Volume Charges (per 100 cubic feet)

Rates Effective January 2015 Billing	Inside City Limits	Outside City Limits
First 100	Included in Minimum	Included in Minimum
101 – 500	\$1.91	\$3.24
501 – 1,500	\$3.82	\$6.49
>1,500	\$7.64	\$12.99
>1,500 – water warning	\$10.61	\$18.04

## Cash Reserves

Springsted's clients often ask about the amount of cash that should be available in their Utility funds. Utility funds need sufficient cash to pay current expenses, together with principal and interest on outstanding bonds. This would typically require each Utility fund to have a minimum of three months of anticipated operating expenses and one year's total debt service in cash at the end of each year. However, this does not provide a significant level of cash reserves for unforeseen expenses, emergencies, or to cover any shortfalls in the budget. The amount of cash reserves that the Water Fund should maintain is dependent on a number of factors, including:

- Reserves that are legally required
- Variability of the annual revenue stream
- Variability in annual expenditures
- Variability in rainfall
- Age and condition of fixed assets
- Anticipated future capital needs
  - Capital improvement plan
  - Regulatory compliance
- Tolerance for risk
- Number of relatively large customers

Unfortunately, there are no prescribed formulas, and the amount of reserves varies considerably between utilities. We encourage the City to maintain a minimum end of year operating cash balance in the Water Fund of at least three months of anticipated operating expenses and one year's debt service. However, the City provided a directive whereby ending operating cash will not fall below \$250,000 in addition to the Capital Reserves.

## Depreciation

Costs incurred in the operation of each Utility are either recorded as operating expenses or capitalized as assets. Whether the cost is expensed immediately or capitalized, the City actually pays for the asset at the time it is acquired. Generally, anything that is used up during the period in which it is acquired is treated as an operating expense. Personnel, supplies, and repairs and maintenance are typical examples of costs that are treated as operating expenses. These costs are shown on the income statement each year in the total amount of the expenditure for each category. The cost incurred in the acquisition or construction of assets such as buildings and major pieces of equipment are capitalized. That means their cost does not show up as an expense on the income statement in the year in which the expenditure occurs, rather the cost of these assets are depreciated. Depreciation is the process of allocating the cost of an asset over its useful life in a systematic and rational manner.

The City currently includes depreciation in its annual budget.

**Assumptions**

The City provided Springsted with a variety of material including:

- 2012-2013 Financial Reports
- 2015 and 2016 water operating budgets
- 2016-2020 capital improvement plan
- No projected new growth in Water usage over the planning period
- Expenditures in the Water Fund are expected to increase annually between 2.0%-5.0% based on line items
- 2009A Water and Sewage System Revenue Bonds amortization schedule
- January and July 2015 Utility Billing Charge Proof/Registers
- Sample bills for various utility customers
- The City will finance capital improvements with cash held in the Water Capital Reserves

We have used this information, as well as discussions with City personnel, as the basis for our projections.

## 4. Water Utility

### Water Utility Revenue Requirements

Revenue requirements indicate the amount of revenue needed for the City to continue efficient operations as well as maintain an adequate cash balance in the utility. The following pages show the projected operating statement and annual cash balance in the Water Utility, assuming no rate increases, over the planning period 2016-2026.

Operating income is projected to become negative in 2023 and remain negative over the planning period. The forecasted ending cash balance is projected to decline from \$196,155 at the beginning of 2016 to (\$10,085,869) in 2026. Water utility projections through 2026 without any rate increases are shown on the following page.

**Water Utility Financial Projections – NO RATE INCREASES**

Projected Rate Adjustment	Projected Change 2017-2026	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
		2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
<b>Operating Revenues</b>												
Charges for Services	0.00%	2,842,445	2,842,445	2,842,445	2,842,445	2,842,445	2,842,445	2,842,445	2,842,445	2,842,445	2,842,445	2,842,445
Other Revenue	0.00%	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000
<b>Total Operating Revenue</b>		<b>2,849,445</b>										
<b>Operating Expenses</b>												
Salaries	3.00%	627,262	646,080	665,462	685,426	705,989	727,169	748,984	771,453	794,597	818,435	842,988
Professional Services	5.00%	15,540	16,317	17,133	17,989	18,889	19,833	20,825	21,866	22,960	24,108	25,313
Other Contractual Services	2.00%	53,178	54,242	55,326	56,433	57,562	58,713	59,887	61,085	62,307	63,553	64,824
Uniforms	3.00%	5,000	5,150	5,305	5,464	5,628	5,796	5,970	6,149	6,334	6,524	6,720
Equipment Expense	5.00%	99,424	104,395	109,615	109,615	109,615	109,615	109,615	109,615	109,615	109,615	109,615
Contingency	4.00%	25,000	26,000	27,040	27,040	27,040	27,040	27,040	27,040	27,040	27,040	27,040
Communication	5.00%	7,490	7,865	8,258	8,671	9,104	9,559	10,037	10,539	11,066	11,619	12,200
Travel and Training	2.00%	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743	5,858	5,975	6,095
Office Supplies	2.00%	1,150	1,173	1,196	1,220	1,245	1,270	1,295	1,321	1,347	1,374	1,402
General Supplies & Materials	2.00%	42,000	42,840	43,697	44,571	45,462	46,371	47,299	48,245	49,210	50,194	51,198
Utilities	3.00%	299,303	308,282	317,531	327,056	336,868	346,974	357,383	368,105	379,148	390,523	402,238
Chemicals	2.00%	525,213	535,717	546,432	557,360	568,507	579,878	591,475	603,305	615,371	627,678	640,232
Repair & Maintenance	5.00%	4,775	5,014	5,264	5,528	5,804	6,094	6,399	6,719	7,055	7,408	7,778
Water Taps, Hydrants, Meters	5.00%	150,000	157,500	165,375	173,644	182,326	191,442	201,014	211,065	221,618	232,699	244,334
Projects	4.00%	10,000	10,400	10,816	11,249	11,699	12,167	12,653	13,159	13,686	14,233	14,802
Interest on Meter Deposits	2.00%	250	255	260	265	271	276	282	287	293	299	305
Clean Drinking Water Fee	3.00%	20,000	20,600	21,218	21,855	22,510	23,185	23,881	24,597	25,335	26,095	26,878
Existing Depreciation		535,500	524,790	514,294	504,008	493,928	484,050	474,369	464,881	455,584	446,472	437,542
New Depreciation		-	15,625	41,625	56,625	71,625	86,625	101,625	116,625	131,625	146,625	161,625
<b>Total Operating Expenses</b>		<b>2,426,085</b>	<b>2,487,344</b>	<b>2,561,049</b>	<b>2,619,325</b>	<b>2,679,483</b>	<b>2,741,578</b>	<b>2,805,664</b>	<b>2,871,801</b>	<b>2,940,048</b>	<b>3,010,469</b>	<b>3,083,129</b>
<b>Operating Income (Loss)</b>		<b>423,360</b>	<b>362,101</b>	<b>288,396</b>	<b>230,120</b>	<b>169,962</b>	<b>107,867</b>	<b>43,781</b>	<b>(22,356)</b>	<b>(90,603)</b>	<b>(161,023)</b>	<b>(233,684)</b>
<b>Non Operating Revenues (Expenses)</b>												
State or Federal Grants		-	-	-	-	-	-	-	-	-	-	-
Investment Income	0.50%	10,500	-	-	-	-	-	-	-	-	-	-
Interest Expense Existing Debt		(84,767)	(78,257)	(71,211)	(63,273)	(54,495)	(44,975)	(34,787)	(23,909)	(12,320)	-	-
Interest Expense New Debt		-	-	-	-	-	-	-	-	-	-	-
<b>Total Non Operating Revenues (Expenses)</b>		<b>(74,267)</b>	<b>(78,257)</b>	<b>(71,211)</b>	<b>(63,273)</b>	<b>(54,495)</b>	<b>(44,975)</b>	<b>(34,787)</b>	<b>(23,909)</b>	<b>(12,320)</b>	<b>-</b>	<b>-</b>
<b>Net Income (Loss) Before Transfers</b>		<b>349,093</b>	<b>283,844</b>	<b>217,185</b>	<b>166,847</b>	<b>115,467</b>	<b>62,892</b>	<b>8,994</b>	<b>(46,264)</b>	<b>(102,923)</b>	<b>(161,023)</b>	<b>(233,684)</b>
<b>Operating Transfers</b>												
Transfers In		-	-	-	-	-	-	-	-	-	-	-
Transfers (Out) - To Capital Reserve		(400,000)	(250,000)	(250,000)	(300,000)	(400,000)	(500,000)	(500,000)	(550,000)	(600,000)	(600,000)	(600,000)
Transfers (Out)		(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)
<b>Total Operating Transfers</b>		<b>(1,317,102)</b>	<b>(1,167,102)</b>	<b>(1,167,102)</b>	<b>(1,217,102)</b>	<b>(1,317,102)</b>	<b>(1,417,102)</b>	<b>(1,417,102)</b>	<b>(1,467,102)</b>	<b>(1,517,102)</b>	<b>(1,517,102)</b>	<b>(1,517,102)</b>
<b>Net Income (Loss)</b>		<b>(968,009)</b>	<b>(883,258)</b>	<b>(949,917)</b>	<b>(1,050,255)</b>	<b>(1,201,635)</b>	<b>(1,354,210)</b>	<b>(1,408,108)</b>	<b>(1,513,366)</b>	<b>(1,620,025)</b>	<b>(1,678,125)</b>	<b>(1,750,786)</b>
<b>Beginning Cash &amp; Investments</b>		<b>196,155</b>	<b>(446,354)</b>	<b>(1,002,696)</b>	<b>(1,617,194)</b>	<b>(2,337,815)</b>	<b>(3,211,897)</b>	<b>(4,243,932)</b>	<b>(5,335,046)</b>	<b>(6,536,406)</b>	<b>(7,849,222)</b>	<b>(8,934,251)</b>
Net Income		(968,009)	(883,258)	(949,917)	(1,050,255)	(1,201,635)	(1,354,210)	(1,408,108)	(1,513,366)	(1,620,025)	(1,678,125)	(1,750,786)
Depreciation		535,500	540,415	555,919	560,633	565,553	570,675	575,994	581,506	587,209	593,097	599,167
Proceeds from New Long-Term Debt		-	-	-	-	-	-	-	-	-	-	-
Payments on New Long-Term Debt		-	-	-	-	-	-	-	-	-	-	-
Payments on Existing Long-Term Debt		(210,000)	(213,500)	(220,500)	(231,000)	(238,000)	(248,500)	(259,000)	(269,500)	(280,000)	-	-
<b>Ending Cash Balance</b>		<b>(446,354)</b>	<b>(1,002,696)</b>	<b>(1,617,194)</b>	<b>(2,337,815)</b>	<b>(3,211,897)</b>	<b>(4,243,932)</b>	<b>(5,335,046)</b>	<b>(6,536,406)</b>	<b>(7,849,222)</b>	<b>(8,934,251)</b>	<b>(10,085,869)</b>

## Capital Outlay

To determine the appropriate fees and rates needed for the operation of the Water Fund over the planning period, we have projected future revenue and expenditures and we have incorporated the anticipated future capital outlay needs provided by the City. These capital costs and their projected source of funding are shown in the table below.

	Utility Fund	G.O. Revenue Bonds	Totals
<b>2016</b>	625,000	-	625,000
<b>2017</b>	920,000	-	920,000
<b>2018</b>	600,000	-	600,000
<b>2019</b>	600,000	-	600,000
<b>2020</b>	600,000	-	600,000
<b>2021</b>	600,000	-	600,000
<b>2022</b>	600,000	-	600,000
<b>2023</b>	600,000	-	600,000
<b>2024</b>	600,000	-	600,000
<b>2025</b>	600,000	-	600,000
<b>2026</b>	600,000	-	600,000
<b>Total</b>	<b>6,945,000</b>	-	<b>6,945,000</b>

The detailed capital projects and their assumed financing sources are shown in the table below.

Year	Project	Totals
2016	Sandblast and Paint East Primary	75,000
2016	Waterline Upgrades	550,000
2017	Paint outside of north water tower	120,000
2017	Paint outside of 1MG (main) water tower	300,000
2017	Waterline Replacement Projects	500,000
2018	Waterline Replacement Projects	600,000
2019	Waterline Replacement Projects	600,000
2020	Waterline Replacement Projects	600,000
2021	Waterline Replacement Projects	600,000
2022	Waterline Replacement Projects	600,000
2023	Waterline Replacement Projects	600,000
2024	Waterline Replacement Projects	600,000
2025	Waterline Replacement Projects	600,000
2026	Waterline Replacement Projects	600,000

## **Water Utility Financial Projections**

The financial projections assumed the City would maintain a minimum operating cash balance in the Water Fund of \$250,000 or the prior years restricted cash balance shown in the audited financial reports.

To determine the appropriate user rates needed for the repayment of debt service and operation of the Water Fund, we have projected future revenue and expenditures and have incorporated the anticipated future capital outlay needs for the time period covered by this study.

The financial projections began with the Water Fund expenditures; subsequently, revenues were adjusted to provide the recommended income, cash flow, and level of ending cash balances. Our expenditure projections are generally based on an analysis of past trends, anticipated changes in operations, and our significant experience in preparing Water rate studies.

Increases for the expenditure projections were developed based on City Staff projections while adjusting for exceptions for specific line items.

In order to have sufficient revenue for the operation of the Water Fund, we determined the City's Water rates should be increased 17% January 1, 2016 and 3.0% annually thereafter. The January 2016 proposed increases would increase the average residential user's Water bill approximately \$3.51 per month.

The financial projection, assuming the projected rates are adopted January 1, 2016 is shown on the following pages. The operating cash balance in the Water Fund is projected to go from \$196,155 projected at the beginning of 2016 to \$1,623,302 at the end of 2026. However, transfers out to the Capital Reserve will need to increase in order to fund the shortfall projected. In the early years, this may not be possible due to cash levels, but internal borrowing could be utilized.

We recommend the City establish Water rates on a three to five year basis. The rates should be reviewed on an annual basis concurrent with the development of following year's budget. In particular, once the City has further defined the capital and operating costs associated with the new wastewater treatment plant, rates should be reviewed.

### Water Utility Financial Projections

Projected Rate Adjustment	Projected Change	17.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
	2017-2026	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
<b>Operating Revenues</b>												
Charges for Services	0.00%	3,353,759	3,454,372	3,558,003	3,664,743	3,774,686	3,887,926	4,004,564	4,124,701	4,248,442	4,375,895	4,507,172
Other Revenue	0.00%	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000
<b>Total Operating Revenue</b>		<b>3,360,759</b>	<b>3,461,372</b>	<b>3,565,003</b>	<b>3,671,743</b>	<b>3,781,686</b>	<b>3,894,926</b>	<b>4,011,564</b>	<b>4,131,701</b>	<b>4,255,442</b>	<b>4,382,895</b>	<b>4,514,172</b>
<b>Operating Expenses</b>												
Salaries	3.00%	627,262	646,080	665,462	685,426	705,989	727,169	748,984	771,453	794,597	818,435	842,988
Professional Services	5.00%	15,540	16,317	17,133	17,989	18,889	19,833	20,825	21,866	22,960	24,108	25,313
Other Contractual Services	2.00%	53,178	54,242	55,326	56,433	57,562	58,713	59,887	61,085	62,307	63,553	64,824
Uniforms	3.00%	5,000	5,150	5,305	5,464	5,628	5,796	5,970	6,149	6,334	6,524	6,720
Equipment Expense	5.00%	99,424	104,395	109,615	109,615	109,615	109,615	109,615	109,615	109,615	109,615	109,615
Contingency	4.00%	25,000	26,000	27,040	27,040	27,040	27,040	27,040	27,040	27,040	27,040	27,040
Communication	5.00%	7,490	7,865	8,258	8,671	9,104	9,559	10,037	10,539	11,066	11,619	12,200
Travel and Training	2.00%	5,000	5,100	5,202	5,306	5,412	5,520	5,631	5,743	5,858	5,975	6,095
Office Supplies	2.00%	1,150	1,173	1,196	1,220	1,245	1,270	1,295	1,321	1,347	1,374	1,402
General Supplies & Materials	2.00%	42,000	42,840	43,697	44,571	45,462	46,371	47,299	48,245	49,210	50,194	51,198
Utilities	3.00%	299,303	308,282	317,531	327,056	336,868	346,974	357,383	368,105	379,148	390,523	402,238
Chemicals	2.00%	525,213	535,717	546,432	557,360	568,507	579,878	591,475	603,305	615,371	627,678	640,232
Repair & Maintenance	5.00%	4,775	5,014	5,264	5,528	5,804	6,094	6,399	6,719	7,055	7,408	7,778
Water Taps, Hydrants, Meters	5.00%	150,000	157,500	165,375	173,644	182,326	191,442	201,014	211,065	221,618	232,699	244,334
Projects	4.00%	10,000	10,400	10,816	11,249	11,699	12,167	12,653	13,159	13,686	14,233	14,802
Interest on Meter Deposits	2.00%	250	255	260	265	271	276	282	287	293	299	305
Clean Drinking Water Fee	3.00%	20,000	20,600	21,218	21,855	22,510	23,185	23,881	24,597	25,335	26,095	26,878
Existing Depreciation		535,500	524,790	514,294	504,008	493,928	484,050	474,369	464,881	455,584	446,472	437,542
New Depreciation		-	15,625	41,625	56,625	71,625	86,625	101,625	116,625	131,625	146,625	161,625
<b>Total Operating Expenses</b>		<b>2,426,085</b>	<b>2,487,344</b>	<b>2,561,049</b>	<b>2,619,325</b>	<b>2,679,483</b>	<b>2,741,578</b>	<b>2,805,664</b>	<b>2,871,801</b>	<b>2,940,048</b>	<b>3,010,469</b>	<b>3,083,129</b>
<b>Operating Income (Loss)</b>		<b>934,674</b>	<b>974,028</b>	<b>1,003,954</b>	<b>1,052,419</b>	<b>1,102,202</b>	<b>1,153,348</b>	<b>1,205,900</b>	<b>1,259,900</b>	<b>1,315,394</b>	<b>1,372,427</b>	<b>1,431,043</b>
<b>Non Operating Revenues (Expenses)</b>												
State or Federal Grants		-	-	-	-	-	-	-	-	-	-	-
Investment Income	0.50%	10,500	325	604	1,113	1,627	1,926	2,002	2,367	2,784	3,264	5,522
Interest Expense Existing Debt		(84,767)	(78,257)	(71,211)	(63,273)	(54,495)	(44,975)	(34,787)	(23,909)	(12,320)	-	-
Interest Expense New Debt		-	-	-	-	-	-	-	-	-	-	-
<b>Total Non Operating Revenues (Expenses)</b>		<b>(74,267)</b>	<b>(77,932)</b>	<b>(70,607)</b>	<b>(62,160)</b>	<b>(52,868)</b>	<b>(43,049)</b>	<b>(32,784)</b>	<b>(21,541)</b>	<b>(9,536)</b>	<b>3,264</b>	<b>5,522</b>
<b>Net Income (Loss) Before Transfers</b>		<b>860,407</b>	<b>896,096</b>	<b>933,348</b>	<b>990,258</b>	<b>1,049,334</b>	<b>1,110,299</b>	<b>1,173,116</b>	<b>1,238,359</b>	<b>1,305,858</b>	<b>1,375,690</b>	<b>1,436,565</b>
<b>Operating Transfers</b>												
Transfers In		-	-	-	-	-	-	-	-	-	-	-
Transfers (Out) - To Capital Reserve		(400,000)	(250,000)	(250,000)	(300,000)	(400,000)	(500,000)	(500,000)	(550,000)	(600,000)	(600,000)	(600,000)
Transfers (Out)		(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)	(917,102)
<b>Total Operating Transfers</b>		<b>(1,317,102)</b>	<b>(1,167,102)</b>	<b>(1,167,102)</b>	<b>(1,217,102)</b>	<b>(1,317,102)</b>	<b>(1,417,102)</b>	<b>(1,417,102)</b>	<b>(1,467,102)</b>	<b>(1,517,102)</b>	<b>(1,517,102)</b>	<b>(1,517,102)</b>
<b>Net Income (Loss)</b>		<b>(456,695)</b>	<b>(271,006)</b>	<b>(233,754)</b>	<b>(226,844)</b>	<b>(267,768)</b>	<b>(306,803)</b>	<b>(243,986)</b>	<b>(228,743)</b>	<b>(211,244)</b>	<b>(141,412)</b>	<b>(80,537)</b>

**Water Utility Financial Projections (cont.)**

**Projected Operating Cash Balance in the Water Fund & Capital Reserves**

Projected Rate Adjustment	Projected Change 2017-2026	17.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%
		2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
<b>Beginning Cash &amp; Investments</b>		196,155	64,960	120,870	222,535	325,324	385,109	400,481	473,488	556,752	652,716	1,104,401
Net Income		(456,695)	(271,006)	(233,754)	(226,844)	(267,768)	(306,803)	(243,986)	(228,743)	(211,244)	(141,412)	(80,537)
Depreciation		535,500	540,415	555,919	560,633	565,553	570,675	575,994	581,506	587,209	593,097	599,167
Proceeds from New Long-Term Debt		-	-	-	-	-	-	-	-	-	-	-
Payments on New Long-Term Debt		-	-	-	-	-	-	-	-	-	-	-
Payments on Existing Long-Term Debt		(210,000)	(213,500)	(220,500)	(231,000)	(238,000)	(248,500)	(259,000)	(269,500)	(280,000)	-	-
<b>Ending Cash Balance</b>		<b>64,960</b>	<b>120,870</b>	<b>222,535</b>	<b>325,324</b>	<b>385,109</b>	<b>400,481</b>	<b>473,488</b>	<b>556,752</b>	<b>652,716</b>	<b>1,104,401</b>	<b>1,623,032</b>
<b>Minimum Cash Balance</b>												
For ongoing operations	\$ 250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000	250,000
<b>Minimum Cash Balance Target</b>		<b>250,000</b>	<b>250,000</b>									
Amount Over (Under) Target		(185,040)	(129,130)	(27,465)	75,324	135,109	150,481	223,488	306,752	402,716	854,401	1,373,032
<b>Capital Reserves - Restricted</b>												
<b>Beginning Balance</b>	\$ 873,809	996,201	771,201	101,201	(248,799)	(548,799)	(748,799)	(848,799)	(948,799)	(998,799)	(998,799)	(998,799)
Transfer from Water Operating	681,545	400,000	250,000	250,000	300,000	400,000	500,000	500,000	550,000	600,000	600,000	600,000
Acquisition and Construction of Assets	(559,153)	(625,000)	(920,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)
<b>Ending Balance - Restricted</b>	\$ 996,201	\$ 771,201	\$ 101,201	\$ (248,799)	\$ (548,799)	\$ (748,799)	\$ (848,799)	\$ (948,799)	\$ (998,799)	\$ (998,799)	\$ (998,799)	\$ (998,799)

## 5. Rate Comparisons

Cities often compare their Water rates with surrounding cities or cities with similar community characteristics. The comparison reflects a residential user, using 700 cubic feet per month. As shown in the table on the following page, the City's current rates are lowest of the group. If the City increases rates 17% January 1, 2016, an average residential user would see an increase of \$3.51 per month. In 2026, the end of the planning period, the City of Hays would be in the middle of the group; assuming none of the comparison communities raises rates between now and 2026. When the other communities begin to address asset replacement needs, it is highly likely they will move to the higher end of the list.

### Average Residential Monthly Charges

<i>cubic ft</i>	<i>700</i>
Hays-2015	\$ 20.64
<b>Hays-2016</b>	<b>\$ 24.15</b>
Emporia	\$ 22.66
Junction City	\$ 30.07
<b>Hays-2026</b>	<b>\$ 32.45</b>
Pittsburg	\$ 34.30
Prairie Village	\$ 38.38
Newton	\$ 47.40

## 6. Conclusions and Recommendations

This study was undertaken to review and analyze the City’s Water Utility to determine the appropriate rate structure needed to pay for anticipated operating expenditures, to provide for anticipated capital improvements, to provide operating cash flow, and to ensure an adequate level of cash reserves.

The following conclusions were determined as a result of this study and the financial projections prepared:

1. The City should maintain a minimum cash balance in the Water Fund. The City’s indicated the minimum operating cash position in any given year shall be \$250,000. This amount should not go below the restricted cash levels in the prior years’ audited financial statements once the Water and Sewer Fund is split into separate funds.
2. Monthly Water rates and tap fees should be increased 17% January 1, 2016 and 3.0% annually thereafter. Recommended user rates through 2020 are:

<b>Water Minimum Charge</b>					
<b>Meter Size: (inside City Limits)</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
5/8"	\$ 10.74	\$ 11.06	\$ 11.39	\$ 11.74	\$ 12.09
3/4"	\$ 19.49	\$ 20.08	\$ 20.68	\$ 21.30	\$ 21.94
1"	\$ 28.24	\$ 29.09	\$ 29.96	\$ 30.86	\$ 31.79
1 1/2"	\$ 45.75	\$ 47.12	\$ 48.53	\$ 49.99	\$ 51.49
2"	\$ 89.51	\$ 92.19	\$ 94.96	\$ 97.80	\$ 100.74
3"	\$ 133.26	\$137.26	\$ 141.38	\$145.62	\$ 149.99
4"	\$ 220.78	\$227.40	\$ 234.22	\$241.25	\$ 248.49
6"	\$ 439.57	\$452.76	\$ 466.34	\$480.33	\$ 494.74
<b>Meter Size: (outside City Limits)</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
5/8"	\$ 18.25	\$ 18.80	\$ 19.36	\$ 19.94	\$ 20.54
3/4"	\$ 33.13	\$ 34.13	\$ 35.15	\$ 36.21	\$ 37.29
1"	\$ 48.01	\$ 49.45	\$ 50.93	\$ 52.46	\$ 54.03
1 1/2"	\$ 77.77	\$ 80.10	\$ 82.51	\$ 84.98	\$ 87.53
2"	\$ 152.16	\$156.72	\$ 161.42	\$166.27	\$ 171.26
3"	\$ 226.55	\$233.34	\$ 240.34	\$247.55	\$ 254.98
4"	\$ 375.32	\$386.58	\$ 398.18	\$410.13	\$ 422.43
6"	\$ 747.27	\$769.69	\$ 792.78	\$816.56	\$ 841.06

<b>Cubic Feet of Water Used:</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Inside City Limits					
	Incl. in Minimum				
First 100 cf					
101 cf - 500 cf	\$ 2.23	\$ 2.30	\$ 2.37	\$ 2.44	\$ 2.52
501 cf - 1,500 cf	\$ 4.47	\$ 4.60	\$ 4.74	\$ 4.88	\$ 5.03
>1,500 cf	\$ 8.94	\$ 9.21	\$ 9.48	\$ 9.77	\$ 10.06
>1,500 cf - Water Warning/Emergency	\$ 12.41	\$ 12.79	\$ 13.17	\$ 13.56	\$ 13.97
<b>Cubic Feet of Water Used:</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Outside City Limits					
	Incl. in Minimum				
First 100 cf					
101 cf - 500 cf	\$ 3.79	\$ 3.90	\$ 4.02	\$ 4.14	\$ 4.27
501 cf - 1,500 cf	\$ 7.59	\$ 7.82	\$ 8.06	\$ 8.30	\$ 8.55
>1,500 cf	\$ 15.20	\$ 15.65	\$ 16.12	\$ 16.61	\$ 17.11
>1,500 cf - Water Warning/Emergency	\$ 21.11	\$ 21.74	\$ 22.39	\$ 23.06	\$ 23.76
<i>Based on average winter billing (Jan, Feb and March of current year)</i>					

These rate increases are needed to fund anticipated cash needs, including:

- Operating and maintenance expenses;
- Debt service including principal and interest
- Capital improvements; and
- Cash reserves for future operations and capital improvements.

3. The City should establish the user rates for the Water fund for a three to five-year period, reviewing the sufficiency of the rates on an annual basis concurrent with the development of each year’s budget. Particular attention should be paid to rates upon further definition of the new wastewater treatment plant capital and operating costs.

As noted earlier, these recommendations are based on information provided to us by City of Hays. The City will need to monitor the performance of the Water Fund and make any necessary adjustments based upon actual performance and on the final construction costs of the anticipated capital improvements.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 65 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING CHAPTER 65, UTILITIES, ARTICLE IV, WATER RATES AND CHARGES, SECTION 65-219, TAP-IN FEES.**

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

**Section 1.** Chapter 65, Article IV, Section 65-219 of the City of Hays, Kansas Municipal Code is hereby amended to read as follows:

**CHAPTER 65**

**UTILITIES**

**ARTICLE IV. WATER RATES AND CHARGES**

**Sec. 65-219. - Tap-in fees.**

For connecting property of the consumer with the municipal water system, the costs for the consumer and the effective date of such costs, shall be determined by the governing body and shall be specified in a resolution authorizing the same, and may be amended by resolution of the governing body as established by resolution of the governing body. The following costs are currently in effect at the time of passage of the ordinance from which this section is derived and shall continue in full force and effect until the new or different costs go into effect as provided in the resolution adopted contemporaneously with this Ordinance.

- (1) For installing a five-eighths-inch meter by tapping a main with a one-inch tap, and installing a one-inch service line not to exceed ten feet, the cost shall be \$1,500.00;
- (2) For installing a three-fourths-inch meter by tapping a main with a one-inch tap, and installing a one-inch service line not to exceed ten feet, the cost shall be \$1,520.00;
- (3) For installing a one-inch meter by tapping a main with a one-inch tap, and installing a one-inch service line not to exceed ten feet, the cost shall be \$1,560.00;
- (4) For installing a one and one-half-inch meter by tapping a main with a two-inch tap, and installing a two-inch service line not to exceed ten feet, the cost shall be \$3,980.00;
- (5) For installing a two-inch meter by tapping a main with a two-inch tap, and installing a two-inch service line not to exceed ten feet, the cost shall be \$4,250.00.
- (6) For installing a meter by tapping a main with larger than a two-inch tap, the cost shall be the actual cost of material and labor.

- (7) The cost of service lines in excess of the included ten feet shall be \$14.00 per additional foot of one-inch line and \$15.00 per foot of additional two-inch line.

**Section 2.** This Ordinance shall take effect and be in force from and after its passage and publication in the *Hays Daily News*, the official city newspaper.

PASSED by the Commission on the 24th day of November, 2015.

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EBER PHELPS  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 65 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING CHAPTER 65, UTILITIES, ARTICLE IV, WATER RATES AND CHARGES, SECTION 65-225, DUE DATE FOR WATER BILLS; DELINQUENT ACCOUNTS.**

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

**Section 1.** Chapter 65, Article IV, Section 65-225 of the City of Hays, Kansas Municipal Code is hereby amended to read as follows:

**CHAPTER 65**

**UTILITIES**

**ARTICLE IV. WATER RATES AND CHARGES**

**Sec. 65-225. - Due date for water bills; delinquent accounts.**

- (a) The city clerk shall cause each customer to be furnished monthly, by mail, a statement of services of such customer's service account. Failure to receive a bill shall not excuse a customer from the obligation to pay within the time specified.
- (b) Water, sewer and other services furnished by the city shall be furnished in accordance with the rates, rules and regulations established therefor by the commission. The charges for all such services shall be computed and collected monthly. The statement or bill for service rendered shall have designated thereon the bill due date. Such date shall be 23 days from the bill date indicated on the statement. There will be a four-day grace period before late penalties will be applied. The customer shall be allowed to make payment at the office of the city clerk during regular business hours and on or before the close of business hours for the due date so designated; provided that when the due date shall fall on any observed holiday in the city, payment may be made without penalty on the next succeeding business day during regular office hours.
- (c) If the statement or bill for service shall not be paid within the time so designated in subsection (b) of this section, the city clerk or manager of collections and accounts shall declare the account to be past due and cause to be added to the statement or bill for services a late payment penalty fee of five percent of the amount of the current charges, which shall be collected at the time of payment of such statement or bill for service. The statement or bill for service rendered shall show the amount to be paid before the designated due date.
- (d) The delinquent bill plus the five percent penalty shall be added to the next month's bill, with notification to the customer that the account is delinquent. If payment with the late

payment penalty fee is not received at the office of the city clerk by the close of regular business hours within six days after the notification, a notice shall be sent that service will be cut off and discontinued if full payment, plus late fees and charges, is not paid by the close of regular business hours for the date specified on the delinquent notice.

- (e) No service so disconnected shall be reconnected until all bills, late payment fees and charges are paid in full, and a service charge of \$20.00 plus appropriate taxes shall have been paid for reconnection of the service meter. The request for resumed service shall be made during the regular business hours of the city. For reconnection after regular business hours, or on Saturdays, Sundays or holidays, there shall be charged a fee of \$30.00 plus appropriate taxes.
- (f) The city manager or the city clerk is authorized to waive the procedures listed in subsection (e) of this section regarding disconnection and reconnection and set specific times of the day for service reconnections as deemed necessary.
- (g) The service charges and fees set out in Section 65-225 shall be determined by the governing body and shall be specified in a resolution authorizing the same, and may be amended by resolution of the governing body as established by resolution of the governing body. The service charges and fees as set out in Section 65-225 shall remain in full force and effect until any new or different service charges and fees go into effect as provided in the resolution modifying the service charges and fees adopted contemporaneously with this Ordinance.

**Section 2.** This Ordinance shall take effect and be in force from and after its passage and publication in the *Hays Daily News*, the official city newspaper.

PASSED by the Commission on the 24th day of November, 2015.

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EBER PHELPS  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 65 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING CHAPTER 65, UTILITIES, ARTICLE IV, WATER RATES AND CHARGES, SECTION 65-228, PRIVATE WATER WELLS; METER REMOVAL; RECONNECTION FEE.**

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

**Section 1.** Chapter 65, Article IV, Section 65-228 of the City of Hays, Kansas Municipal Code is hereby amended to read as follows:

**CHAPTER 65**

**UTILITIES**

**ARTICLE IV. WATER RATES AND CHARGES**

**Sec. 65-228. - Private water wells; meter removal; reconnection fee.**

Any water meter removed by the city for the purposes previously set out in this division, shall not be reinstalled and no reconnection shall be made by the city until an application is made by the person desiring such reconnection, together with proof that such reconnection will not be in violation of any ordinances of the city, and upon the payment of a fee to be determined by the governing body and specified in a resolution authorizing the same and which fee may be amended by resolution of the governing body as established by resolution of the governing body, the reinstallation and reconnection of such meter shall be made. The fee currently in effect at the time of passage of the ordinance from which this section is derived is \$10.00 and shall continue in full force and effect until any new or different fee goes into effect as provided in the resolution modifying the fee adopted contemporaneously with this Ordinance.

**Section 2.** This Ordinance shall take effect and be in force from and after its passage and publication in the *Hays Daily News*, the official city newspaper.

PASSED by the Commission on the 24th day of November, 2015.

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EBER PHELPS  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 65 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING CHAPTER 65, UTILITIES, ARTICLE IV, WATER RATES AND CHARGES, SECTION 65-229, REQUESTS TO CONNECT TO CITY SERVICES.**

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

**Section 1.** Chapter 65, Article IV, Section 65-229 of the City of Hays, Kansas Municipal Code is hereby amended to read as follows:

**CHAPTER 65**

**UTILITIES**

**ARTICLE IV. WATER RATES AND CHARGES**

**Sec. 65-229. - Requests to connect to city services.**

Requests to connect to city services shall be made 24 hours in advance of initiating services. Service orders will be done between hours determined by the city manager. Any requests for services made after 2:00 p.m. will be charged a fee to be determined by the governing body and specified in a resolution authorizing the same and may be amended by resolution of the governing body as established by resolution of the governing body, if same day service is requested. The fee currently in effect at the time of passage of the ordinance from which this section is derived is \$30.00 and shall continue in full force and effect until any new or different fee goes into effect as provided in the resolution modifying the fee adopted contemporaneously with this Ordinance.

**Section 2.** This Ordinance shall take effect and be in force from and after its passage and publication in the *Hays Daily News*, the official city newspaper.

PASSED by the Commission on the 24th day of November, 2015.

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EBER PHELPS  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION MODIFYING THE COSTS, METER RATES, SERVICE CHARGES, AND FEES IN THE CITY OF HAYS, KANSAS, MUNICIPAL CODE SECTIONS 65-219, 65-224, 65-225, 65-228, AND 65-229, FOR CONSUMERS OF WATER FROM THE MUNICIPAL WATER SYSTEM OF THE CITY OF HAYS, KANSAS, IN THE CITY OF HAYS.**

WHEREAS, the Governing Body of the City of Hays, Kansas, pursuant to Ordinance No. \_\_\_\_\_, as passed on November 24, 2015, is to determine by resolution the costs in the City of Hays, Kansas, Municipal Code Section 65-219 for the consumer and the effective date of such costs for connecting property of the consumer with the municipal water system;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, pursuant to Ordinance No. 3884, as passed on March 27, 2014, is to set by resolution meter rates in the City of Hays, Kansas, Municipal Code Section 65-224 for the furnishing of water by the municipal water system of the City to consumers of such municipal water system;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, pursuant to Ordinance No. \_\_\_\_\_, as passed on November 24, 2015, is to determine by resolution the service charges and fees in the City of Hays, Kansas, Municipal Code Section 65-225 for reconnection of service meter after services have been disconnected and the effective date of such services charges;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, pursuant to Ordinance No. \_\_\_\_\_, as passed on November 24, 2015, is to determine by resolution the fee in the City of Hays, Kansas, Municipal Code Section 65-228 for reconnection of water meters removed by the City and the effective date of such fee for reconnection;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, pursuant to Ordinance No. \_\_\_\_\_, as passed on November 24, 2015, is to determine by resolution the fee in the City of Hays, Kansas, Municipal Code Section 65-229 for connection of City services made after 2:00 p.m. if same day service is requested.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

(A) That that it is necessary to modify the costs in the City of Hays, Kansas, Municipal Code Section 65-219 for connecting property of the consumer with the City of Hays, Kansas, municipal water system, and the City hereby sets those costs, on or after January 1, 2016, as follows:

- (1) For installing a five-eighths-inch meter by tapping a main with a one-inch tap, and installing a one-inch service line not to exceed ten feet, the cost shall be \$1,755.00;
- (2) For installing a three-fourths-inch meter by tapping a main with a one-inch tap, and installing a one-inch service line not to exceed ten feet, the cost shall be \$1,778.40;

- (3) For installing a one-inch meter by tapping a main with a one-inch tap, and installing a one-inch service line not to exceed ten feet, the cost shall be \$1,825.20;
- (4) For installing a one and one-half-inch meter by tapping a main with a two-inch tap, and installing a two-inch service line not to exceed ten feet, the cost shall be \$4,656.60;
- (5) For installing a two-inch meter by tapping a main with a two-inch tap, and installing a two-inch service line not to exceed ten feet, the cost shall be \$4,972.50.
- (6) For installing a meter by tapping a main with larger than a two-inch tap, the cost shall be the actual cost of material and labor.
- (7) The cost of service lines in excess of the included ten feet shall be \$16.38 per additional foot of one-inch line and \$17.55 per foot of additional two-inch line.

(B) That it is necessary to modify the meter rates in the City of Hays, Kansas, Municipal Code Section 65-224 for the furnishing of water by the municipal water system of the City of Hays to consumers of such municipal water system, and the City hereby sets those rates, commencing with billings generated on or after January 1, 2016, as follows:

(1) *Monthly Usage Minimum Service Charge.*

a. Water usage as shown on the January, February and March billing is averaged to determine a water use average for both residential and business accounts. Usage that falls within this average will be billed at the base tier rate as established by resolution. Any usage that exceeds the water use average by up to 1,000 cubic feet will be billed at the conservation tier 1 rate as established by resolution, for both residential and business accounts. The water use average shall be a minimum of 500 cubic feet. Any customer without an established water use average will be allotted 500 cubic feet until a new water use average is established if more than 500 cubic feet. The water use average shall be recalculated annually after the March billing date.

b. All residential, business mixed use and multi-family meters with usage exceeding the water use average in excess of 1,000 cubic feet will be billed at the conservation tier 2 rate, as established by resolution.

c. All residential, business mixed use and multi-family meters with usage exceeding the water use average in excess of 1,000 cubic feet during times of official "water warning" or "water emergency" periods, as defined by the City of Hays Drought Response Plan, will be billed at the conservation tier 2 rate during water warning or water emergency, as established by resolution.

d. All irrigation meters with usage exceeding 1,000 cubic feet during times of official "water warning" or "water emergency" periods, as defined by the City of Hays Drought Response Plan, will be billed at the conservation tier 2 rate during water warning or water emergency then existing.

e. Any premises equipped or built to be occupied as a duplex, apartment house or by other multiple-dwelling units, or occupied in conjunction with a commercial building or other building and which receives water service from a single service shall pay the minimum

water bill as for a domestic customer for each separate unit; provided that a mobile home park shall not be charged the minimum water bill for lots without a mobile home located thereon, as of the date for meter reading.

f. The minimum monthly service charge to be paid regardless of usage shall be as follows:

Meter Size (inches)	Inside City Limits (per month, in dollars)	Outside City Limits (per month, in dollars)
5/8	\$10.74	\$18.25
3/4	\$19.49	\$33.13
1	\$28.24	\$48.01
1½	\$45.75	\$77.77
2	\$89.51	\$152.16
3	\$133.26	\$226.55
4	\$220.78	\$375.32
6	\$439.57	\$747.27

(2) *Water Rates for Residential and Business Meters.* The water rates for residential and business meters, and the effective dates of such rates, shall be determined by the governing body and shall be specified in a resolution authorizing the same, and may be amended by resolution of the governing body. The following rates are currently in effect at the time of passage of the ordinance from which this section is derived, and shall continue in full force and effect until any new or different rate goes into effect:

Cubic Feet of Water Usage	Inside City Limits (per 100 cubic feet, in dollars)	Outside City Limits (per 100 cubic feet, in dollars)
First 100	Included in minimum	Included in minimum
Base tier	\$2.23	\$3.79
Conservation tier 1	\$4.47	\$7.59

Conservation tier 2 (residential only)	\$8.94	\$15.20
Conservation tier 2—During water warning or water emergency (residential only)	\$12.41	\$21.11

(3) *Water Rates for Business Mixed Use and Multi-Family Meters.* The water rates for business mixed use and multi-family meters, and the effective dates of such rates, shall be determined by the governing body and shall be specified in a resolution authorizing the same, and may be amended by resolution of the governing body. The following rates are currently in effect at the time of passage of the ordinance from which this section is derived, and shall continue in full force and effect until any new or different rate goes into effect:

Cubic Feet of Water Usage	Inside City Limits (per 100 cubic feet, in dollars)	Outside City Limits (per 100 cubic feet, in dollars)
First 100	Included in minimum	Included in minimum
Base tier	\$2.23	\$3.79
Conservation tier 1	\$4.47	\$7.59
Conservation tier 2	\$6.50	\$15.20
Conservation tier 2—During water warning or water emergency	\$9.97	\$21.11

(4) *Water Rates for Irrigation Meters.* The water rates for irrigation meters, and the effective dates of such rates, shall be determined by the governing body by resolution, and may be amended by resolution of the governing body. The following rates are currently in effect at the time of the passage of the ordinance from which this section is derived, and shall continue in full force and effect until any new or different rate goes into effect:

Cubic Feet of Water Usage	Inside City Limits (per 100 cubic feet, in dollars)	Outside City Limits (per 100 cubic feet, in dollars)
First 1,000 cubic feet	\$4.47	\$7.59
Conservation tier 2	\$8.94	\$15.20

Conservation tier 2—During water warning or water emergency	\$12.41	\$21.11
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(C) That it is necessary to modify the service charge in the City of Hays, Kansas, Municipal Code Section 65- 225 for reconnection of service meter on disconnected account and the City hereby sets those service charges, commencing on or after January 1, 2016, as follows:

A service charge of \$23.00 plus appropriate taxes shall be paid for reconnection of a service meter for requests made during the regular business hours of the City. For reconnection after regular business hours, or on Saturdays, Sundays or holidays, there shall be charged a fee of \$35.00 plus appropriate taxes.

(D) That it is necessary to modify the fee in the City of Hays, Kansas, Municipal Code Section 65-228 for reconnection of water meters removed by the City. Commencing on or after January 1, 2016, the fee for reconnection of water meters shall be \$12.00.

(E) That it is necessary to modify the fee in the City of Hays, Kansas, Municipal Code Section 65-229 for connection to City services. Commencing on or after January 1, 2016, requests for connection to City services made after 2:00 p.m. will be charged \$35.00 if same day service is requested.

(F) These fees, rates, costs, service charges and charges shall be modified by increasing them by 3% of the rate then existing each successive year on January 1<sup>st</sup>, beginning January 1, 2017 and continuing until the Governing Body, by resolution, determines otherwise. When applying the increase, the rates and costs in the City of Hays, Kansas, Municipal Code Sections 65-219 and 65-224 shall be rounded to the nearest whole cent and the fees and charges in the City of Hays, Kansas, Municipal Code Sections 65-225, 65-228 and 65-229 shall be rounded to the nearest whole dollar.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 24th day of November, 2015.

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EBER PHELPS  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
SEAL)