

RESOLUTION NUMBER 2018-55

A RESOLUTION ADOPTING THE BLUE TOWNSHIP SEWER DISTRICT MASTER PLAN AND ESTABLISHING FEES AND POLICIES FOR THE BLUE TOWNSHIP SANITARY SEWER DISTRICT.

WHEREAS; The Pottawatomie County Board of County Commissioners ("the Commission") acting as the Governing Body for the Blue Township Sanitary Sewer District ("the District") and,

WHEREAS; The Commission acting as the Governing Body for the District finds it necessary to approve the Blue Township Sewer District Master Plan (Master Plan) as prepared by BG Consultants, Inc. dated August 2018, and

WHEREAS; The Commission acting as the Governing Body for the District finds it necessary to review and revise as needed the fees and policies for the District,

THEREFORE BE IT RESOLVED; That the Pottawatomie County Board of County Commissioners acting as the Governing Body for the District hereby adopts the following Master Plan and sewer fees and policies for sanitary sewer services provided by the District. This resolution shall become effective September, 2018 following its publication in the official county paper. Resolution 2007-9 & Resolution 2010-23 are now rescinded.

SECTION 1. FEES

A. MONTHLY USAGE FEES

Monthly usage fees are established by considering average monthly water usage, type of structure served and loading to the system. It is expected that the City of Manhattan will increase their base charge for accepting/treating the wastewater from Blue Township Sewer District on an annual basis. Any increases in charges from the City of Manhattan will be added to the Monthly Usage fees provided below, after being informed of such increases and providing a 30-day notice to all District Users. Other District monthly usage fee increases, not pertaining to City of Manhattan fees, shall be made on an annual basis on January 1st, unless otherwise noted, after providing a 30-day notice to all District Users. The following is a listing of monthly rates for those structures served by the District:

RESIDENTIAL

Single Family Residence	\$59.14
Multi-Family Residential Structures	\$59.14 per living unit
Manufactured Home Parks	\$59.14 per pad / living unit

COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OFFICE, EDUCATIONAL, and similar uses.

Single Business Unit, Churches, Schools, Day Care or other non-residential uses	
Less than 8,000 gallons average monthly water usage	\$63.27
8,000 to 15,000 gallons average monthly water usage	\$99.01

15,001 to 30,000 gallons average monthly water usage	\$167.83
30,001 to 50,000 gallons average monthly water usage	\$267.10
50,001 to 100,000 gallons average monthly water usage	\$492.10

Multi-Business Unit Building (non-residential) using;

Less than 8,000 gallons average monthly water usage	\$63.27 per unit
8,000 to 15,000 gallons average monthly water usage	\$99.01 per unit
15,001 to 30,000 gallons average monthly water usage	\$167.83 per unit
30,001 to 50,000 gallons average monthly water usage	\$267.10 per unit
50,001 to 100,000 gallons average monthly water usage	\$492.10 per unit

- Usage greater than 100,000 gallons average per unit per month for non-residential use shall be charged the 50,000 to 100,000 gallons average monthly water usage per unit rate plus \$66.18* plus \$53.00* for each additional 10,000 gallons, (or fraction thereof) average monthly usage per unit. (*) units will be based upon City of Manhattan Charges and will include future increases retroactively.

Industrial use - fees shall be established upon an individual basis following the County's evaluation of a system impact analysis. The cost of this analysis shall be paid for by the Customer requesting services.

B. CONNECTION FEES

The following Connection Fee Schedule applies to all newly requested service in the District. Customers requesting service by the District shall complete an application for new service through the Pottawatomie County Planning and Zoning Department. It is expected that the City of Manhattan will increase their base connection charge for the Blue Township Sewer District on an annual basis. Any increases in charges from the City of Manhattan will be added to the Connection fees provided below, after being informed of such increases and providing a 30-day notice to all District Users. Other District connection fee increases, not pertaining to City of Manhattan fees, shall be made on an annual basis on January 1st, unless otherwise noted, after providing a 30-day notice to all District Users. All Connection Fees shall be paid to the Pottawatomie County Planning and Zoning Department prior to the issuance of a building permit and in accordance with the following fee schedule:

RESIDENTIAL

One, Two and Three-Family Residence-

\$2,502.50 per Living Unit

Multi Family Residence Consisting of Four or More Living Units-

\$5,005.00 base charge, plus **\$1,000** per Living Unit

Condominium Projects-

\$2,502.50 per Living Unit.

Manufactured Homes Park-

\$5,005.00 base charge, plus **\$1,000** per Pad Site

- Base fee includes City of Manhattan charge for a single 3/4" water meter. If residential connection utilizes a water meter larger than the base an additional fee will be charged corresponding to the additional fees from the City of Manhattan.

**COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OFFICE, EDUCATIONAL, and similar uses.
(Non-Residential)**

Single Unit Building-

\$6,610.00

Multi-Unit Building-

Base Charge of **\$3,400 plus \$3,210** per Business Unit

Hotel, Motel, Congregate Living Facility and other similar places of public or private accommodations-

\$6,610.00 base charge, plus **\$200** per Living or Rental Unit

- Base Acreage for Non-Residential development will be 1.0 acre. Non-residential developments greater than 1.0 acre in size will be charged a \$500 per acre above (or fraction thereof) the base acreage in addition to the above stated fees.
- Base fee includes City of Manhattan charge for a single 1.5" water meter. If non-residential connection utilizes a water meter(s) larger than the base an additional fee will be charged corresponding to the additional fees from the City of Manhattan.

No individual, business, entity, partnership or corporation requesting service from the District shall be granted a connection to the District if they have outstanding payments to the District in excess of 60 days or if they owe any payments to Pottawatomie County, including delinquent taxes.

CONNECTION FEE WAIVER: A Connection Fee shall not be imposed if

- a. A structure within the District existed at the time the District was created but did not connect to the sewer and if the owner has been paying the monthly sewer fee since that time for that structure.
- b. The new structure being constructed is utilizing a pre-existing connection from a structure that is no longer on the property. Both of the following must also be true;
 1. The monthly debt retirement and reserve portion of the total monthly fee must be paid continuously during the time the land was vacant and,
 2. The building replacing the previous one is of the same classification.

REPLACEMENT STRUCTURES: If the new structure is of greater classification the owner shall pay the difference in Connection Fee Charge to the Pottawatomie County Planning and Zoning Department prior to the issuance of a building permit. If the structure is of lesser classification there is no additional fee and no reimbursement of fees.

MIXED USE FACILITIES: A Mixed-Use Facility is defined as having a Residential and Business component as identified above. The connection fee for Mixed Use Facilities is the same fee as those provided above for each segment of the facility.

ACCESSORY BUILDING: An accessory building is identified as a structure that is constructed on the same lot as the primary building. The Accessory Building serves as a support unit for the primary building and when separated from the primary building **does not** meet the requirements for a sewer connection fee as determined above.

- a. Residential Accessory Building w/ plumbing -**\$500**
- b. Commercial, Business, Office Building, Educational, Institutional Operation, Manufacturing, Fabrication, Industrial Operations, Accessory Building w/ plumbing - **\$1,000**
- c. Miscellaneous or other category Accessory Building w/ plumbing, not previously described - **\$500**

ADDITIONS TO BUILDINGS and REMODELING: Additions, Improvements or Remodeling to Residential and Non-Residential Buildings that increase the original classification of the structure will be charged the increased connection fee charge for the difference between the original use of the building and the new use.

IMPACT ANALYSIS: The County or their representative may require any commercial, industrial, institutional, office or educational applicant to perform an independent analysis of the total impact their facility will have on (for example, biological demand, average flow or other impact category) the District's system. If the County determines, as a result of the impact analysis or by other means, that the proposed or current use of the structure requiring the analysis has a significant impact upon the District's facilities, the applicant shall be required to install and maintain a pre-treatment system and/or pay an increased connection and/or monthly usage fee based upon the anticipated added impact to the collection and treatment system or other remedy deemed necessary by the district to minimize the impact to the system. Failure to comply on the part of the applicant constitutes grounds for refusal to allow a sewer connection. Nothing in this section shall be deemed to modify any requirements for pre-treatment set out in Resolution Number 2014-34, and the provisions of Resolution Number 2014-34 shall remain in full force and effect.

SECTION 2. BILLING

A. MONTHLY BILLING

All District services shall be billed on a monthly basis on the first working day of each determined by formal written agreement approved by the County. All monthly billings are sent to the property owner of record. Tenants are not billed for charges. New users are billed the first working day of the month following the connection to water service after the building(s) is connected to the sewer and ready for use.

B. DELINQUENT PAYMENTS

Payments to the District are due on the 25th of each month unless otherwise agreed upon in writing and approved by the County. Payments not received by the 25th are assessed a late fee of three (3) percent of all past due amounts per month (including past due sewer charges and late fees). Payment on an account shall be applied first to accrued late fees, then past due sewer charges, and lastly to current sewer charges. All past due payments, including an accrued late fees, shall be a lien upon the real estate until paid, all pursuant to K.S.A. 19-27a09. The District may pursue collection of delinquent payments, including any accrued late fees, as permitted by law, and the District, with the approval of the County Administrator or his/her designee, may authorize a settlement of any outstanding delinquent account. As a part of any settlement of an outstanding account, the County Administrator may reduce any outstanding accrued late fees which are in excess of five thousand dollars (\$5,000.00) to a sum not less than five thousand dollars (\$5,000.00). Suit and/or judgement against a delinquent obligor shall not constitute a waiver by the District of any lien upon the real estate.

C. BILLING VARIANCES (REQUEST FOR)

A customer may request the District's consideration for adjustment to their monthly billing for the following reasons:

I. Manufactured Home Parks

- a. Newly constructed parks or existing parks may apply for a billing variance during the construction of additional living unit site pad(s). If a variance is granted, the Manufactured Home Park may receive an adjustment in billing until the time a living unit is in place upon the new site pad.
- b. Manufactured Home Parks that have pads without structures for a minimum of four (4) consecutive months may apply for a variance in billing for those pads. If a variance is granted, the Applicant may receive an adjustment in billing until a structure is placed on the vacant site pad.

NOTE: It is the responsibility of the Manufactured Home Park owner to inform the District once a pad site has been filled. Failure to inform the District shall result in the assessment of past due billings and penalties by the District.

II. Modification of Structure - Customer may request an adjustment in billing when any of the following applies:

- a. Demolition of structure and water service is no longer provided,
- b. Structure becomes uninhabitable and water service is no longer provided or,
- c. When there is a reduction in the number of units in a structure

NOTE: It is the responsibility of the owner to keep the District informed of any changes in status once a variance has been granted. Failure to inform the District once service has resumed or there is an increase in the number of units in a structure shall result in the assessment of past due billings and penalties by the District.

- III. System Impact – Non-residential Customers may apply for a variance when:
 - a. The average water usage by the customer does not significantly reflect actual impact to the system.
 - b. Changes in effluent from the structure changes the impact to the District's system.

SECTION 3. DISTRICT RESPONSIBILITIES

A. CURRENT SUBDIVISIONS

The District shall be responsible for the maintenance, inspection and repair of all sanitary sewer lines, manholes, pumps and appurtenances dedicated to the District on public property, public rights-of-way and easements. Exceptions to the District maintenance responsibilities shall be private sewer service lines and personal (private) pumping systems.

B. NEW SUBDIVISIONS

The District shall be responsible for the maintenance, inspection and repair of all sanitary sewer lines, manholes, pumps and appurtenances dedicated to the District on public property and utility easements in subdivisions following inspection of the sewer infrastructure for compliance to District standards and annexation to the district. Such inspection cost shall be paid by the new subdivision. Exceptions to the District maintenance responsibilities shall be private sewer service lines and personal (private) pumping systems not identified within the Master Plan.

The District shall be responsible for the additional construction costs of trunk mains for upsizing from the base 8" diameter sanitary sewer line to the size as identified within the Master Plan.

The District shall be responsible for costs associated with the design and construction associated with all sanitary sewer pump stations and associated appurtenances that have been identified in the Master Plan. Exceptions to the District responsibilities will be for any temporary sanitary sewer lift station, forcemain and appurtenances that are proposed by property owner and/or subdivision developer.

SECTION 4. CUSTOMER RESPONSIBILITIES

A. EASEMENTS

The property owner and/or subdivision developer shall be responsible for acquiring, creating and transferring all utility easements for public use.

B. CHARGES AND PERMITS

All property owners requesting service by the District shall complete an application for service. Once the property owner's application has been approved for service by the District, the property owner shall be responsible for acquiring all permits and paying all fees and charges as

established in this resolution. The owner is responsible for notifying the District of all changes in billing address. It is the property owner's responsibility to notify the District in writing of a change in ownership for the applied service.

C. SANITARY SEWER INFRASTRUCTURE (PUBLIC TRUNK MAINS)

The property owner and/or subdivision developer shall be responsible for costs associated with the design and inspection for all sanitary sewer trunk main, manholes and appurtenances that have been identified in the Master Plan across the entirety of the property. The property owner and/or subdivision developer shall be responsible for the costs of the base 8" diameter sanitary sewer main size at the identified depth and along the approximate alignment as identified in the Master Plan.

The property owner and/or subdivision developer shall be responsible for trunk mains, manholes and appurtenances from location of the existing downstream trunk main, upon the approval of this Resolution, to and through the entirety of the property (upstream). The responsibility of such trunk main, manhole and appurtenances shall not be lessened if said property owner and/or subdivision developer chooses to install trunk main across the entirety of the property initially or if future development upstream requires the continuation of said trunk main across the remaining (upstream) portions of the property at a future date.

All trunk main, manholes and appurtenances shall be designed and constructed according to existing District requirements and said Master Plan.

All mobilization, site clearing, excavation, granular bedding, backfill and associated costs of such trunk main construction shall be the responsibility of said property owner and/or subdivision developer. The District will participate in upsizing costs of the sanitary sewer trunk main as identified in Section 3.

Property owner and/or subdivision developer shall not allow private sanitary sewer service lines to be directly connected to any trunk main as identified within the Master Plan without prior approval of the District.

D. INTERNAL LINES

The property owner and/or subdivision developer shall be responsible for all costs associated with the design, construction and inspection for all sanitary sewer internal collector mains, manholes and appurtenances that are required to serve the property and dedicated to the District on public property, public rights-of-way and easements. The property owner and/or subdivision developer shall be responsible for installing and maintaining all private sanitary sewer service lines on the owner's property. Any blockage to private sanitary sewer service lines on the customer's property shall be the responsibility of the property owner.

E. GRINDER PUMPS

The purchase, maintenance and operation of all grinder pumps, when permitted and approved by the District, is the responsibility of the property owner.

SECTION 5. DISTRIBUTION OF FEES

A. USAGE FEES

The monthly usage fee consists of four (4) components:

1. Replacement Fund
 - a. Residential and manufactured home parks \$6.36 per unit/pad
 - b. All other Units \$6.36 per unit

2. Operations & Maintenance
 - a. Residential and manufactured home parks \$11.75 per unit/pad
 - b. All other units \$11.75 per unit

3. Debt Repayment
 - a. Residential and manufactured home parks \$10.75 per unit/pad
 - b. All other units \$10.75 per unit

4. Contractual Treatment Services (City of Manhattan Treatment Charge)
 - a. Residential and manufactured home parks \$30.28 per unit/pad
 - b. All other units under 8,000 gallons per month \$34.41 per unit
 - c. All other units 8,001 to 15,000 gallons per month \$70.15 per unit
 - d. All other units 15,001 to 30,000 gallons per month \$138.97 per unit
 - e. All other units 30,001 to 50,000 gallons per month \$238.24 per unit
 - f. All other units 50,001 to 100,000 gallons per month \$463.24 per unit
 - g. All other units in excess of 100,000 gallons per month shall be charged as detailed in Section 1A.
 - h. It is expected that the City of Manhattan will increase their base charge for accepting the wastewater from Blue Township Sewer District on an annual basis. Any increases in charges from the City of Manhattan will be added to the above fees (Section 5.A.4) starting in January 2020 and should be reflected in the distribution of fees for Contractual Treatment Services accordingly.

B. CONNECTION FEES

The Connection Fee consists of two (2) components:

1. Base Fee (Infrastructure) shall be deposited into the District's Capital Reserve Fund for utilization of future expansion of sewer infrastructure within the District and identified within the Master Plan.
 - a. Residential Base Fee = \$1,700.00
 - b. Non-Residential Base Fee = \$3,400.00
2. City of Manhattan Connection Fee shall be utilized for payment to fees from the City for new connections. The fee paid by the District to the City shall be based upon water meter size as included in City of Manhattan Ordinances.

SECTION 6. DISTRICT ANNEXATION POLICIES


Both contiguous and non-contiguous property owners may petition the Commission for annexation to the District.

PETITIONER REQUEST: A formal written petition shall be submitted to the Commission requesting annexation into the District and signed by no less than 51% of the land owners to be served. The petitioner must supply the following:


- a. Legal description of the property to be annexed,
- b. Number and classification of anticipated buildings,
- c. Unit use or connections and a feasibility study to determine the cost to serve the proposed area,
- d. Impact analysis.

All costs of annexation preparation and studies shall be paid by the petitioner(s). The petitioner(s) shall submit a signed formal request for annexation and payment in the amount of \$2,000 for the cost of review. If an established subdivision requests annexation, the District will require an inspection of the infrastructure to be annexed to determine the subdivision's conformance to District standards.

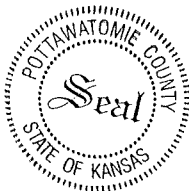
Adopted this 10 day of Sept, 2018

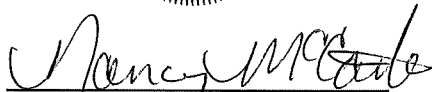

Chairperson


Commissioner


Commissioner

Attest:




County Clerk