

(Published in the Topeka Metro News December 25, 2017)

**ORDINANCE NO. 20107**

AN ORDINANCE introduced by City Manager Brent Trout, concerning utility rates amending City of Topeka Code § 13.05.020 through § 13.05.060 and repealing original sections.

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

Section 1. That section 13.05.020 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Retail water service rates.**

The following are hereby established as the monthly retail water service rates, effective on the dates specified, which the consumer shall pay for water services.

(a) Base Charge. A customer who has a city service line connected to the city water main shall pay a monthly base charge that is based upon the size of the water meter. This base charge shall apply regardless whether water has passed from the city water main through the city service line during the billing period. The rates for properties inside the city and outside the city are as follows:

**Property Inside City**

|              | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u> | <del>Jan. 1, 2017</del> <u>2020</u> |
|--------------|--|-------------------------------------|-------------------------------------|
| 1" and below | <del>9.83</del> <u>11.49</u>                       | <del>10.32</del> <u>12.06</u>       | <del>10.84</del> <u>12.66</u>       |
| 1 1/2"       | <del>19.65</del> <u>22.96</u>                      | <del>20.63</del> <u>24.11</u>       | <del>21.66</del> <u>25.32</u>       |
| 2"           | <del>31.45</del> <u>36.75</u>                      | <del>33.02</del> <u>38.59</u>       | <del>34.67</del> <u>40.52</u>       |
| 3"           | <del>58.96</del> <u>68.91</u>                      | <del>61.91</del> <u>72.36</u>       | <del>65.01</del> <u>75.98</u>       |
| 4"           | <del>98.27</del> <u>114.84</u>                     | <del>103.18</del> <u>120.58</u>     | <del>108.34</del> <u>126.61</u>     |
| 6"           | <del>196.55</del> <u>229.70</u>                    | <del>206.38</del> <u>241.19</u>     | <del>216.70</del> <u>253.25</u>     |
| 8"           | <del>314.47</del> <u>367.50</u>                    | <del>330.19</del> <u>385.88</u>     | <del>346.70</del> <u>405.17</u>     |

**Property Inside City**

|     | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u> | <del>Jan. 1, 2017</del> <u>2020</u> |
|-----|--|-------------------------------------|-------------------------------------|
| 10" | <del>452.06</del> <u>528.29</u>                    | <del>474.66</del> <u>554.70</u>     | <del>498.39</del> <u>582.44</u>     |

**Property Outside City**

|              | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u> | <del>Jan. 1, 2017</del> <u>2020</u> |
|--------------|--|-------------------------------------|-------------------------------------|
| 1" and below | <del>17.20</del> <u>20.11</u>                      | <del>18.06</del> <u>21.11</u>       | <del>18.97</del> <u>22.16</u>       |
| 1 1/2"       | <del>34.39</del> <u>40.18</u>                      | <del>36.10</del> <u>42.19</u>       | <del>37.91</del> <u>44.31</u>       |
| 2"           | <del>55.04</del> <u>64.31</u>                      | <del>57.79</del> <u>67.53</u>       | <del>60.67</del> <u>70.91</u>       |
| 3"           | <del>103.18</del> <u>120.59</u>                    | <del>108.34</del> <u>126.63</u>     | <del>113.77</del> <u>132.97</u>     |
| 4"           | <del>171.97</del> <u>200.97</u>                    | <del>180.57</del> <u>211.02</u>     | <del>189.60</del> <u>221.57</u>     |
| 6"           | <del>343.96</del> <u>401.98</u>                    | <del>361.17</del> <u>422.08</u>     | <del>379.23</del> <u>443.19</u>     |
| 8"           | <del>550.32</del> <u>643.13</u>                    | <del>577.83</del> <u>675.29</u>     | <del>606.73</del> <u>709.05</u>     |
| 10"          | <del>791.11</del> <u>924.51</u>                    | <del>830.66</del> <u>970.73</u>     | <del>872.18</del> <u>1019.27</u>    |

(b) Water Volume Charge. The customer shall pay on a monthly basis for the water passing from the city water main to the property. The rates for properties inside the city and outside the city are as follows:

**Volume Charge (per 1,000 gallons) – Property Inside City**

|                      | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u> | <del>Jan. 1, 2017</del> <u>2020</u> |
|----------------------|--|-------------------------------------|-------------------------------------|
| Single-Family        | <del>3.79</del> <u>4.43</u>                        | <del>3.98</del> <u>4.65</u>         | <del>4.18</del> <u>4.88</u>         |
| Multifamily          | <del>3.08</del> <u>3.59</u>                        | <del>3.23</del> <u>3.77</u>         | <del>3.39</del> <u>3.96</u>         |
| Commercial           | <del>2.80</del> <u>3.28</u>                        | <del>2.94</del> <u>3.44</u>         | <del>3.09</del> <u>3.61</u>         |
| Industrial           | <del>2.39</del> <u>2.80</u>                        | <del>2.51</del> <u>2.94</u>         | <del>2.64</del> <u>3.09</u>         |
| <u>Industrial II</u> | <u>2.64</u>  | <u>2.77</u>                         | <u>2.91</u>                         |
| Irrigation           | <del>3.22</del> <u>5.32</u>                        | <del>4.10</del> <u>5.59</u>         | <del>5.02</del> <u>5.87</u>         |

**Volume Charge (per 1,000 gallons) – Property Outside City**

|                      | <del>Jan. 1, 2015</del><br><b>February 1, 2018</b> | <del>Jan. 1, 2016</del> <b>2019</b> | <del>Jan. 1, 2017</del> <b>2020</b> |
|----------------------|--|-------------------------------------|-------------------------------------|
| Single-Family        | <del>6.63</del> <u>7.75</u>                        | <del>6.97</del> <u>8.14</u>         | <del>7.32</del> <u>8.54</u>         |
| Multifamily          | <del>5.39</del> <u>6.28</u>                        | <del>5.65</del> <u>6.60</u>         | <del>5.93</del> <u>6.93</u>         |
| Commercial           | <del>4.90</del> <u>5.74</u>                        | <del>5.15</del> <u>6.02</u>         | <del>5.41</del> <u>6.32</u>         |
| Industrial           | <del>4.18</del> <u>4.90</u>                        | <del>4.39</del> <u>5.15</u>         | <del>4.62</del> <u>5.41</u>         |
| <u>Industrial II</u> | <u>4.62</u>  | <u>4.85</u>                         | <u>5.09</u>                         |
| Irrigation           | <del>5.64</del> <u>9.31</u>                        | <del>7.18</del> <u>9.78</u>         | <del>8.79</del> <u>10.27</u>        |

Section 2. That section 13.05.030, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Wholesale water rates.**

The following are hereby established as the monthly wholesale water rates, effective on the dates specified, which wholesale customers shall pay for water services:

(a) Rural Water Districts.

|     |   | <del>Jan. 1, 2015</del><br><b>February 1, 2018</b> | <del>Jan. 1, 2016</del> <b>2019</b>        | <del>Jan. 1, 2017</del> <b>2020</b>        |
|-----|---|--|--|--|
| (1) | Jackson Co. No. 1 – First 2,748,000 gallons – Minimum charge per month  | <del>\$11,019.00</del><br><u>12,888.12</u>         | <del>\$11,569.00</del>                     | <del>\$12,146.00</del>                     |
|     | Over 2,748,000 gallons per month  | <del>\$4.01</del> <u>4.69</u>                      | <del>\$4.21</del> <u>4.92</u>              | <del>\$4.42</del> <u>5.17</u>              |
| (2) | Shawnee CRWD No. 1 – First 2,992,000 gallons – Minimum charge per month | <del>\$11,998.00</del><br><u>14,032.48</u>         | <del>\$12,596.00</del><br><u>14,720.64</u> | <del>\$13,225.00</del><br><u>15,468.64</u> |
|     | Over 2,992,000 gallons per month  | <del>\$4.01</del> <u>4.69</u>                      | <del>\$4.21</del> <u>4.92</u>              | <del>\$4.42</del> <u>5.17</u>              |

|      |  |  |  |  |
|------|--|--|--|--|
| (3)  | Shawnee CRWD No. 3<br>(formerly RWD No. 6) –<br>First <del>1,820,000</del> <u>2,598,000</u><br>gallons – Minimum charge<br>per month | <del>\$7,298.00</del><br><u>12,184.62</u>  | <del>\$7,662.00</del><br><u>12,782.16</u>  | <del>\$8,044.00</del><br><u>13,431.66</u>  |
|      | Over <del>1,820,000</del> <u>2,598,000</u><br>gallons per month  | <del>\$4.01</del> <u>4.69</u>              | <del>\$4.21</del> <u>4.92</u>              | <del>\$4.42</del> <u>5.17</u>              |
| (4)  | <del>Shawnee CRWD No. 3<br/>(formerly RWD No. 7) –<br/>First 778,000 gallons –<br/>Minimum charge per month</del>                    | <del>\$3,120.00</del>                      | <del>\$3,275.00</del>                      | <del>\$3,439.00</del>                      |
|      | <del>Over 778,000 gallons per<br/>month</del>  | <del>\$4.01</del>                          | <del>\$4.21</del>                          | <del>\$4.42</del>                          |
| (54) | Shawnee CRWD No. 4 –<br>First 995,000 gallons –<br>Minimum charge per month  | <del>\$3,990.00</del><br><u>4,666.55</u>   | <del>\$4,189.00</del><br><u>4895.40</u>    | <del>\$4,398.00</del><br><u>5144.15</u>    |
|      | Over 995,000 gallons per<br>month  | <del>\$4.01</del> <u>4.69</u>              | <del>\$4.21</del> <u>4.92</u>              | <del>\$4.42</del> <u>5.17</u>              |
| (65) | Shawnee Co. No. 8 – First<br>5,402,000 gallons –<br>Minimum charge per month   | <del>\$21,662.00</del><br><u>25,335.38</u> | <del>\$22,742.00</del><br><u>26,577.84</u> | <del>\$23,877.00</del><br><u>27,928.34</u> |
|      | Over 5,402,000 gallons per<br>month  | <del>\$4.01</del> <u>4.69</u>              | <del>\$4.21</del> <u>4.92</u>              | <del>\$4.42</del> <u>5.17</u>              |
| (76) | Douglas Co. No. 3 – First<br>623,000 gallons – Minimum<br>charge per month   | <del>\$2,498.00</del><br><u>2,921.87</u>   | <del>\$2,623.00</del><br><u>3065.16</u>    | <del>\$2,754.00</del><br><u>3220.91</u>    |
|      | Over 623,000 gallons per<br>month  | <del>\$4.01</del> <u>4.69</u>              | <del>\$4.21</del> <u>4.92</u>              | <del>\$4.42</del> <u>5.17</u>              |

32 (b) Other. Other contractual rates shall be as follows:

|   | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u>      | <del>Jan. 1, 2017</del> <u>2020</u>     |
|---|--|--|---|
| Metro. Topeka Airport<br>Authority – First 1,139,000<br>gallons |  |  |   |
| Minimum charge per month  | <del>\$4,567.00</del><br><u>5,341.91</u>           | <del>\$4,795.00</del><br><u>5,603.88</u> | <del>\$5,034.00</del><br><u>5888.63</u> |
| Over 1,139,000 gallons per<br>month                             | <del>\$4.01</del> <u>4.69</u>                      | <del>\$4.21</del> <u>4.92</u>            | <del>\$4.42</del> <u>5.17</u>           |

Section 3. That section 13.05.040, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Fire protection rates.**

(a) Monthly fire protection rates for fire lines or fire connections, effective on the dates specified, shall be as follows:

(1) Property Inside City.

| Size of Connection (Inches) | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u> | <del>Jan. 1, 2017</del> <u>2020</u> |
|-----------------------------|--|-------------------------------------|-------------------------------------|
| 4" or less                  | <del>\$9.87</del> <u>11.53</u>                     | <del>\$10.36</del> <u>12.11</u>     | <del>\$10.88</del> <u>12.72</u>     |
| 6"                          | <del>\$28.61</del> <u>33.43</u>                    | <del>\$30.04</del> <u>35.10</u>     | <del>\$31.54</del> <u>36.86</u>     |
| 8"                          | <del>\$60.84</del> <u>71.09</u>                    | <del>\$63.88</del> <u>74.64</u>     | <del>\$67.07</del> <u>78.37</u>     |
| 10"                         | <del>\$109.29</del> <u>127.72</u>                  | <del>\$114.75</del> <u>134.11</u>   | <del>\$120.49</del> <u>140.82</u>   |
| 12"                         | <del>\$177.77</del> <u>207.75</u>                  | <del>\$186.66</del> <u>218.14</u>   | <del>\$195.99</del> <u>229.05</u>   |

(2) Property Outside City.

| Size of Connection (Inches) | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u> | <del>Jan. 1, 2017</del> <u>2020</u> |
|-----------------------------|--|-------------------------------------|-------------------------------------|
| 4" or less                  | <del>\$17.27</del> <u>20.18</u>                    | <del>\$18.13</del> <u>21.19</u>     | <del>\$19.04</del> <u>22.26</u>     |
| 6"                          | <del>\$50.07</del> <u>58.50</u>                    | <del>\$52.57</del> <u>61.43</u>     | <del>\$55.20</del> <u>64.51</u>     |
| 8"                          | <del>\$106.47</del> <u>124.41</u>                  | <del>\$111.79</del> <u>130.62</u>   | <del>\$117.37</del> <u>137.15</u>   |
| 10"                         | <del>\$191.26</del> <u>223.51</u>                  | <del>\$200.81</del> <u>234.69</u>   | <del>\$210.86</del> <u>246.44</u>   |
| 12"                         | <del>\$311.10</del> <u>363.56</u>                  | <del>\$326.66</del> <u>381.75</u>   | <del>\$342.98</del> <u>400.84</u>   |

(b) Fire Hydrants Outside City. There shall be a fee paid each month to the water division by outside city customers for the maintenance of fire hydrants; such fee charged per month per customer, effective on the dates specified, as follows:

|                 | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u> | <del>Jan. 1, 2017</del> <u>2020</u> |
|-----------------|--|-------------------------------------|-------------------------------------|
| Maintenance fee | <del>\$5.23</del> <u>6.11</u>                      | <del>\$5.49</del> <u>6.42</u>       | <del>\$5.76</del> <u>6.74</u>       |

Section 4. That section 13.05.050, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Sanitary sewer service rates.**

The following are established as the monthly sewer service rates, effective on the dates specified, for discharging wastewater into the sanitary sewer system.

(a) Base Charge. A customer who has a private sewer line that is connected to the city wastewater system, as determined by the utilities director or designee, shall pay a monthly base charge that is based upon the size of the water meter. This base charge shall apply regardless whether wastewater has passed from the private sewer line to the city wastewater system during the billing period. The rates for properties inside and outside the city are as follows:

**Base Charge (Property Inside City)**

|              | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u> | <del>Jan. 1, 2017</del> <u>2020</u> |
|--------------|--|-------------------------------------|-------------------------------------|
| 1" and below | <del>\$9.12</del> <u>10.66</u>                     | <del>\$9.58</del> <u>11.19</u>      | <del>\$10.06</del> <u>11.75</u>     |
| 1 1/2"       | <del>\$18.24</del> <u>21.32</u>                    | <del>\$19.15</del> <u>22.39</u>     | <del>\$20.11</del> <u>23.51</u>     |
| 2"           | <del>\$29.19</del> <u>34.11</u>                    | <del>\$30.65</del> <u>35.82</u>     | <del>\$32.18</del> <u>37.61</u>     |
| 3"           | <del>\$54.73</del> <u>63.96</u>                    | <del>\$57.47</del> <u>67.16</u>     | <del>\$60.34</del> <u>70.52</u>     |
| 4"           | <del>\$91.22</del> <u>106.60</u>                   | <del>\$95.78</del> <u>111.93</u>    | <del>\$100.57</del> <u>117.53</u>   |
| 6"           | <del>\$182.44</del> <u>213.21</u>                  | <del>\$191.56</del> <u>223.87</u>   | <del>\$201.14</del> <u>235.06</u>   |
| 8"           | <del>\$291.91</del> <u>341.15</u>                  | <del>\$306.51</del> <u>358.21</u>   | <del>\$321.84</del> <u>376.12</u>   |
| 10"          | <del>\$419.62</del> <u>490.39</u>                  | <del>\$440.60</del> <u>514.91</u>   | <del>\$462.63</del> <u>540.66</u>   |

**Base Charge (Property Outside City)**

|              | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del> <u>2019</u> | <del>Jan. 1, 2017</del> <u>2020</u> |
|--------------|--|-------------------------------------|-------------------------------------|
| 1" and below | <del>\$15.96</del> <u>18.66</u>                    | <del>\$16.77</del> <u>19.58</u>     | <del>\$17.61</del> <u>20.56</u>     |
| 1 1/2"       | <del>\$31.92</del> <u>37.31</u>                    | <del>\$33.51</del> <u>39.18</u>     | <del>\$35.19</del> <u>41.14</u>     |

|     |                                   |                                   |                                   |
|-----|-----------------------------------|-----------------------------------|-----------------------------------|
| 2"  | <del>\$51.08</del> <u>59.69</u>   | <del>\$53.64</del> <u>62.69</u>   | <del>\$56.32</del> <u>65.82</u>   |
| 3"  | <del>\$95.78</del> <u>111.93</u>  | <del>\$100.57</del> <u>117.53</u> | <del>\$105.60</del> <u>123.41</u> |
| 4"  | <del>\$159.64</del> <u>186.55</u> | <del>\$167.62</del> <u>195.88</u> | <del>\$176.00</del> <u>205.68</u> |
| 6"  | <del>\$319.27</del> <u>373.12</u> | <del>\$335.23</del> <u>391.77</u> | <del>\$352.00</del> <u>411.36</u> |
| 8"  | <del>\$510.84</del> <u>597.01</u> | <del>\$536.39</del> <u>626.87</u> | <del>\$563.22</del> <u>658.21</u> |
| 10" | <del>\$734.34</del> <u>858.18</u> | <del>\$771.05</del> <u>901.09</u> | <del>\$809.60</del> <u>946.16</u> |

(b) Wastewater Volume Charge. The customer shall pay on a monthly basis for the volume of wastewater passing from the private sewer line to the city wastewater system according to the rate schedule in subsection (c) of this section.

(1) Residential and Multifamily Residences/Public Water System Supply. The charge shall be based on a calculated average water volume determined in accordance with TMC 13.10.490 and 13.10.510 for water used in the months of December, January and February. The average water volume determined by this method shall be referred to as the three-month winter average. The three-month winter average water volume shall be recalculated each year following the three-month winter period and shall be in effect for the following 12-month period. For a customer who has not established an average, the charge shall be the average of the residential three-month winter average for the applicable meter reading route.

(2) Residential and Multifamily Residences/Well Water Supply. The charge for a customer whose potable water is supplied by a well shall be based on the average of the residential three-month winter average for the applicable meter reading route. Alternatively, the customer may install and maintain, at the customer's cost, a water meter approved by the utilities director or designee. If a

meter is installed, the sewer rates shall be calculated based on the average water volume used in the months of December, January, and February as measured at the meter; provided, that access is granted to the utilities director or designee to read, inspect, test, or repair the meter.\

(3) Commercial and Industrial. The volume shall be based on the lesser of water volumes determined in accordance with TMC 13.10.490 or actual metered sewer discharges. Credit shall be given for those metered flows which do not enter the sewer collection system. Those customers who discharge wastewater with a biological oxygen demand in excess of 300 milligrams per liter and/or suspended solids in excess of 300 milligrams per liter will be assessed the excess strength charge in accordance with the schedule of rates and charges in subsection (c) of this section.

(c) Schedule of Rates and Charges.

(1) Inside City.

|   | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del><br><u>2019</u> | <del>Jan. 1, 2017</del><br><u>2020</u> |
|---|--|--|--|
| <b>Domestic Strength Wastewater:</b>                            |  |  |  |
| Volume Charge per 1,000 gallons                                 | <del>\$4.09</del> <u>4.77</u>                      | <del>\$4.29</del> <u>5.01</u>          | <del>\$4.50</del> <u>5.26</u>          |
| <b><del>Excess Strength Charges:</del></b>                      |  |  |  |
| <del>Biochemical Oxygen Demand per mg/l per 1,000 gallons</del> | <del>\$0.002161</del>                              | <del>\$0.002161</del>                  | <del>\$0.002161</del>                  |
| <del>Suspended Solids per mg/l per 1,000 gallons</del>          | <del>\$0.001371</del>                              | <del>\$0.001371</del>                  | <del>\$0.001371</del>                  |

(2) Outside City.

|  | <del>Jan. 1, 2015</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2016</del><br><u>2019</u> | <del>Jan. 1, 2017</del><br><u>2020</u> |
|--|--|--|--|
|--|--|--|--|



|   |                       |                       |                       |
|---|-----------------------|-----------------------|-----------------------|
| <b>Domestic Strength Wastewater:</b>                            |                       |                       |                       |
| Volume Charge per 1,000 gallons                                 | <del>\$7.168.35</del> | <del>\$7.518.77</del> | <del>\$7.889.21</del> |
| <b><del>Excess Strength Charges:</del></b>                      |                       |                       |                       |
| <del>Biochemical Oxygen Demand per mg/l per 1,000 gallons</del> | <del>\$0.003782</del> | <del>\$0.003782</del> | <del>\$0.003782</del> |
| <del>Suspended Solids per mg/l per 1,000 gallons</del>          | <del>\$0.002399</del> | <del>\$0.002399</del> | <del>\$0.002399</del> |

(d) Adjustment of Bills.

(1) Notwithstanding subsection (b)(3) of this section, in the event a customer's facility bypass system becomes inoperable because of equipment failure or system maintenance, the customer may request a temporary suspension of the imposition of excess strength charges in accordance with the policy established by the utilities director.

(2) The monthly rate and charge on a bill may be adjusted administratively by the water pollution control division to the actual or estimated volume or strength, provided a significant change from normal conditions of discharge of waste or strength during the billing period can be demonstrated. In no event shall an adjusted monthly charge be less than the minimum rate as established in this section.

(e) Excess Strength Charges. Excess strength charges may be established by the Utilities Director subject to the approval by the City Manager.

Section 5. That section 13.05.060, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**ERU rate.**

(a) There is hereby established for purposes of calculating the stormwater drainage fee the equivalent residential unit (ERU). The ERU is hereby established to be 2,018 feet of impervious area.

(b) The ERU rate to be charged for stormwater drainage fees for each ERU is hereby established as follows:

| ERU rates per month:            | <del>May 1, 2008</del><br><u>February 1, 2018</u> | <del>Jan. 1, 2009</del><br><u>2019</u> | <del>Jan. 1, 2010</del><br><u>2020</u> | <del>Jan. 1, 2011</del> |
|---------------------------------|---|--|--|-------------------------|
| <b>Single-family residence:</b> |   |  |  |                         |
| Less than 1,500 sq. ft.         | <del>\$2.75</del> <u>2.92</u>                     | <del>\$2.75</del> <u>3.07</u>          | <del>\$2.75</del> <u>3.22</u>          | <del>\$2.75</del>       |
| 1,501 to 3,500 sq. ft.          | <del>\$4.25</del> <u>4.50</u>                     | <del>\$4.25</del> <u>4.75</u>          | <del>\$4.25</del> <u>5.00</u>          | <del>\$4.25</del>       |
| Over 3,500 sq. ft.              | <del>\$6.65</del> <u>7.05</u>                     | <del>\$6.65</del> <u>7.40</u>          | <del>\$6.65</del> <u>7.77</u>          | <del>\$6.65</del>       |
| <b>All other residential</b>    | <del>\$4.25</del> <u>4.50</u>                     | <del>\$4.25</del> <u>4.75</u>          | <del>\$4.25</del> <u>5.00</u>          | <del>\$4.25</del>       |
| <b>All nonresidential</b>       | <del>\$4.25</del> <u>4.50</u>                     | <del>\$4.25</del> <u>4.75</u>          | <del>\$4.25</del> <u>5.00</u>          | <del>\$4.25</del>       |

(c) The following enumerated factors and review process are hereby adopted by the city to evaluate any reductions of stormwater utility fees charged to properties which are located within a duly created drainage district:

(1) Quantify the functional activities and frequency for the activities that are being performed within a drainage district's boundary within the city's service area by the city.

(2) Quantify the functional activities and frequency for the activities that are being performed within a drainage district's boundary within the city's service area by the drainage district.

(3) If an identical function is being performed by the drainage district and is not replicated by the city within the drainage district's service area,

quantify the specific unit of service, including but not limited to length, cross-section area, surface area, number of structures, rehabilitation activities and the frequency for this performance.

(4) Compare the same function and frequency with the costs appropriate for the city staff to perform an identical activity utilizing the city's budget for that specific function.

(5) Utilizing the city's cost for a function and the specific units accomplished in the drainage district's boundary, extend the unit cost times the units accomplished to obtain the total annual cost for all identical functions.

(6) Utilizing the total costs for all functions provided by the drainage district based upon city unit costs, divide this total cost by the ERUs within the drainage district (divided by 12 to obtain monthly) and obtain a "drainage district ERU equivalent cost."

(7) For all parcels within the specific drainage district boundary and within the city limits, subject the "drainage district ERU equivalent cost" from the city's stormwater ERU rate (monthly).

(d) The utilities department is directed to annually review, utilizing the factors and process referenced herein, and determine monetary savings, if any, to the city for stormwater services provided by duly created drainage districts. The utilities department shall report its determination of savings to the stormwater utility, if any, to the governing body by June 15th of each year. Rate reductions for properties within duly created drainage districts shall be adopted by separate ordinance and be based upon savings to the stormwater utility.

(e) Utilizing the enumerated factors and review process adopted herein, the stormwater rate reduction for the following duly created drainage districts is as follows:

|   |        |
|---|--------|
| Shunganunga Drainage District                       | 0      |
| Kaw River Drainage District                         | 0      |
| North Topeka Drainage District (per ERU, per month) | \$0.83 |

Section 6. That original § 13.05.020 through § 13.05.060 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 8. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 9. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on December 19, 2017.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Larry E. Wolgast, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk