

**GOVERNING BODY WORKSHOP AGENDA  
ROELAND PARK  
Roeland Park City Hall, 4600 W 51st Street  
Tuesday, January 3, 2023 6:00 PM**

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|--|---|--|
| <ul style="list-style-type: none"><li>• Mike Kelly, Mayor</li><li>• Trisha Brauer, Council Member</li><li>• Benjamin Dickens, Council Member</li><li>• Jan Faidley, Council Member</li><li>• Jennifer Hill, Council Member</li></ul> | <ul style="list-style-type: none"><li>• Michael Poppa, Council Member</li><li>• Tom Madigan, Council Member</li><li>• Kate Raglow, Council Member</li><li>• Michael Rebne, Council Member</li></ul> | <ul style="list-style-type: none"><li>• Keith Moody, City Administrator</li><li>• Erin Winn, Asst. Admin.</li><li>• Kelley Nielsen, City Clerk</li><li>• John Morris, Police Chief</li><li>• Donnie Scharff, Public Works Director</li></ul> |
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Admin	Finance	Safety	Public Works
Raglow	Rebne	Poppa	Brauer
Dickens	Hill	Madigan	Faidley

**I. APPROVAL OF MINUTES**

- A. Governing Body Workshop Meeting Minutes December 5, 2022

**II. DISCUSSION ITEMS:**

1. Continued Discussion on Storm Water Utility Policy (10 min)

**III. NON-ACTION ITEMS:**

**IV. ADJOURN**

**Welcome to this meeting of the Committee of the Whole of Roeland Park.**

**Below are the Procedural Rules of the Committee**

*The governing body encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of business during the meeting. Please take a moment to review these rules before the meeting begins.*

- A. **Audience Decorum.** Members of the audience shall not engage in disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise

render the orderly conduct of the Committee of the Whole meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. **Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.**

- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the Committee of the Whole during Public Comments and/or before consideration of any agenda item; however, no person shall address the Committee of the Whole without first being recognized by the Chair or Committee Chair. Any person wishing to speak at the beginning of an agenda topic, shall first complete a Request to Speak form and submit this form to the City Clerk before discussion begins on that topic.
- C. **Purpose.** The purpose of addressing the Committee of the Whole is to communicate formally with the governing body with a question or comment regarding matters that are on the Committee's agenda.
- D. **Speaker Decorum.** Each person addressing the Committee of the Whole, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the committee meeting. Any person, who so disrupts the meeting shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or be subject to removal from that meeting.
- E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Committee of the Whole, each speaker shall limit comments to two minutes per agenda item. If a large number of people wish to speak, this time may be shortened by the Chair so that the number of persons wishing to speak may be accommodated within the time available.
- F. **Speak Only Once Per Agenda Item.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.
- G. **Addressing the Committee of the Whole.** Comment and testimony are to be directed to the Chair. Dialogue between and inquiries from citizens and individual Committee Members, members of staff, or the seated

audience is not permitted. Only one speaker shall have the floor at one time. Before addressing Committee speakers shall state their full name, address and/or resident/non-resident group affiliation, if any, before delivering any remarks.

- H. **Agendas and minutes** can be accessed at [www.roelandpark.org](http://www.roelandpark.org) or by contacting the City Clerk

***The governing body welcomes your participation and appreciates your cooperation. If you would like additional information about the Committee of the Whole or its proceedings, please contact the City Clerk at (913) 722.2600.***

Item Number:       **APPROVAL OF MINUTES- I.-A.**  
Committee           **1/3/2023**  
Meeting Date:



**City of Roeland Park**  
Action Item Summary

Date:  
Submitted By:  
Committee/Department:  
Title:                       **Governing Body Workshop Meeting Minutes December 5, 2022**  
Item Type:

Recommendation:

**Details:**

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

**ATTACHMENTS:**

Description	Type
 Governing Body Workshop Meeting Minutes December 5, 2022	Cover Memo

**GOVERNING BODY WORKSHOP MINUTES**  
**Roeland Park City Hall**  
**4600 W 51st Street, Roeland Park, KS 66205**  
**Monday, December 5, 2022, 6:00 P.M.**

- Mike Kelly, Mayor
- Trisha Brauer, Council Member
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Jennifer Hill, Council Member

- Tom Madigan, Council Member
- Michael Poppa, Council Member
- Kate Raglow, Council Member
- Michael Rebne, Council Member

- Keith Moody, City Administrator
- Erin Winn, Asst. Admin.
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

**Admin**  
Raglow  
Dickens

**Finance**  
Rebne  
Hill

**Safety**  
Poppa  
Madigan

**Public Works**  
Brauer  
Faidley

(Governing Body Workshop Called to Order at 6:46 p.m.)

## **ROLL CALL**

CMBR Dickens called the meeting to order. CMBR Dickens appeared virtually. CMBR Brauer was absent, and all other Governing Body were present.

## **I. MINUTES**

### **1. Governing Body Workshop Meeting Minutes November 21, 2022**

The minutes were approved as submitted.

## **II. DISCUSSION ITEMS**

### **1. Review Development Agreement with EPC**

City Attorney Mauer provided a high level review of the development agreement with EPC. He stated that the actual document itself is protected under attorney-client privilege. The item will be presented at the December 19<sup>th</sup> City Council meeting. They are still negotiating the deal and do not have the final version at this time.

Mr. Maurer reviewed the various tax incentives to be a part of the projects that include IRBs, CID, and a TIF. He also went over the number of units and the requirements for a sit-down restaurant. The project will also include 5 percent (14 units) of affordable/attainable housing that will be a mixture of layouts and spread throughout the building. There are also sustainability standards to meet through LEED certification and/or Green Globes certification. They will hire a consultant to make certain those qualifications are met. The biggest part of sustainability is in the construction and there will be an annual report provided that reflects what has been done to maintain that sustainability standard.

Mr. Mauer said this is a \$75 million project with 25 percent of the project is a \$19 million TIF with a 20-year lifespan. He also noted there would be a \$10,000 annual administrative cost. There are also enforcement and remedy options which are still being discussed and will be in the agreement once those discussions are complete.

City Administrator Moody said there will also be a repurchase option, which he referred to as a “Mission Gateway Clause” to avoid a similar situation. Once the agreement is complete, the developer will have certain benchmarks they need to meet, and will need to ensure that they have secured construction financing. If they fail to meet the benchmarks, the City can repurchase the property for the original price of what it was sold for.

CMBR Hill asked for further information on the City fee and its length of time. Mr. Mauer said that City staff will have an ongoing review of the entire project as they administer the taxing and incentive programs for the development.

City Administrator Moody noted if construction begins and then stops halfway, the City probably won’t have a provision to buy the site back. He did note that lenders would not provide a loan under those terms as what has been built will be the collateral for the loan. They are in a position, unlike Mission, that as the landowner to consider repurchase of the land. There is also a provision, the same as was done with the Sunflower site, requiring the property to remain taxable and unable to become tax exempt. Mr. Moody said they are doing all that they can to ensure there is not a false start to the development.

CMBR Madigan asked for clarification if when repurchasing the property it would be at today’s price or the improved price. City Administrator Moody said it would be for the price they paid to the City.

CMBR Hill asked to see a rendering from the east side of the proposed garage that faces toward their neighborhood. Mr. Mauer said they will get to see all sides at the final design stage. One issue that has not been settled on is the 1 percent for art adding that art might be incorporated into the screening along the façade of the parking structure. That is another item they are still discussing.

Mr. Mauer said under the City’s resolution the 1 percent for art would be \$750,000, which is a significant amount. There are discussions of a smaller contribution, possibly a structure and artwork, or art at another site or spread throughout the community.

CMBR Faidley asked if it was possible to use those funds for the major entryway sculpture they’re contemplating, and asked when they would see the final development plan.

Mr. Mauer said they will see the final development plan in February. At their next meeting will be the approval of TIF, CID, IRBs, and the development agreement. Nothing will happen until the final development plan and the Governing Body will get to see the entire structure and appearance.

City Administrator Moody said, regarding the art, they have shared the concept with the developer that some investment and payment in lieu of contribution that could be used for the gateway piece contemplated by Arts Committee. They are continuing to work through this.

Mayor Kelly recognized that representatives from EPC were present at their meeting and let them know how much they appreciate their partnership. He thanked them for their dedication and consideration during the process. He noted that they have been working on that site for several decades, so this project means a lot to them. He said it has been a good negotiation and looks forward to their continued relationship.

CMBR Dickens said this is one of the reasons why he ran for Council was to encourage development of the City.

CMBR Hill asked about the timeline of the 2 percent sales tax. City Administrator Moody said it would start when a retailer was open to receive sales tax. CMBR Hill asked where that puts them with their other taxing districts. City Administrator Moody said the CID tax on the Walmart site expired in 2019, a two TDD sales taxes on Lowe's and Price Chopper are set to expire in either 2024 or 2025.

CMBR Dickens concluded the discussion stating he appreciates everything that has been put together for them and is excited about this development.

## **2. Discuss Vision and Values Development Facilitation Services with KU Public Administration**

Hannes Zacharias from the University of Kansas said that City Administrator Moody requested he speak to the Governing Body about a visioning and values proposal.

CMBR Poppa asked if the Governing Body did one previously with Ms. Gentrup and City Clerk Nielsen said that was done in 2016.

CMBR Faidley had a question about the concept of the mission statement. Mr. Zacharias said it is for staff to develop the mission statement as it is to provide clarity to the responsibilities of those who for the City, and what their purpose is. The visioning statement and the values will be for the Governing Body to discuss the direction where you want the community to go and what you want them to be, and ultimately the values structures which would be how you value and want to govern yourselves. They would be "rules of the road" for how the City conducts business.

CMBR Faidley said this process would not involve the community. Mr. Zacharias said as elected officials, they have a finger on the pulse of the community which can help clarify their approach.

City Administrator Moody asked for a preference of the Council for two evening sessions versus a weekend. Mr. Zacharias said this is a chance for the Governing Body to talk openly amongst themselves.

CMBR Dickens said he would prefer evening sessions.

City Administrator Moody said he anticipates the meetings sometime in February when they expect to have a full Council, with the process to be completed by the end of March. He added that the schedule is flexible.

CMBR Faidley suggested it might be beneficial to let the new Councilmember have a meeting or two under their belt before undertaking the visioning and values process. The majority of Councilmembers agreed with that sentiment.

## **3. Discuss Tree Preservation Policy**

Public Works Director Scharff said this is a continuation of a discussion regarding a tree preservation policy in the City that would apply to either public right-of-way of trees or a policy that includes public and private property trees. Their tree inventory is complete and there are over 3,700 trees that have a

diameter of 12 inches or larger. He asked for a recommendation from the Council which ordinance they would like to proceed with.

City Administrator Moody clarified the second option is preservation of public trees and private front yard trees.

CMBR Faidley suggested they again review the tree survey done by Wiregrass Ecological. She added she supports protecting all of the trees in Roeland Park noting that in a three block area around her house, she has seen four mature front yard trees removed for no viable reason. She stated one case was so the homeowner could grow turf grass.

Mayor Kelly asked for clarification that the yard trees inventoried apply only to front yard trees. Public Works Director Scharff said that is correct. Mayor Kelly said there are 1,205 public right-of-way trees 1,205 and the ordinance protecting is a good ordinance. There are 2,568 front yard trees and the ordinance protecting them is a better ordinance. He would publicly support these ordinances noting that either is better than nothing and is a start in the right direction. He said that trees are a hallmark of their community, and they are known as a City of Trees and have been so for almost three decades. The trees help protect their infrastructure which is incredibly important. And if they lose some, it maybe decades if not centuries to get that back. He said they also have stormwater, public health, and environmental value.

CMBR Madigan said they used the City of Fairway as an example of their tree policy, and asked if it only applied to public trees. City Administrator Moody said Fairway's tree policy is applicable to private and public. Prairie Village also has both protected. CMBR Madigan said he did not see any education in the ordinance. He also added that he is a firm believer in property rights. CMBR Madigan also did not understand the paying of a fee for cutting down a tree with the money going into a bucket to put more trees on public property. He said the policy is too vague; however, he would support protecting the public trees. CMBR Madigan asked about the interactive site so homeowners can see which trees are included. Public Works Director Scharff said the site is almost complete. CMBR Madigan said he lives on corner and would all his trees be included in the ordinance.

CMBR Hill stated she is in favor of covering all front yards. She acknowledged that tensions run high when people feel they are losing control over something, but they need to realize that the trees affect more than just the property owner. Their impacts affect animal life, provide shade for neighbors, and are larger than just being on the land you paid for a house on. She also said the protection applies to mature healthy trees and they are not talking about diseased or dangerous trees.

CMBR Poppa said he would go along with CMBR Madigan and Hill in support of the public trees but is not ready to include private trees just yet. He said if they are looking at trees as infrastructure, it would take decades to rebuild, and they are an important part of City and the ecosystem. He asked about the citation process, whether it would be complaint-based or someone driving around checking the inventory.

City Administrator Moody said having an inventory gives them the opportunity to actively monitor when trees are removed. Since the trees they are talking about are mature based upon their definition, it would be a considerable effort to remove a tree and generally someone would take notice. They would then follow-up based upon that observation.



CMBR Poppa spoke about the education around the ordinance adding that if approved, he would like to see a long lead time before the ordinance is enacted as he said there is a lot of misinformation out there now. He also asked if they could include development/redevelopment on private property.

City Administrator Moody said the discussions they've had has led to focusing on right-of-way trees or right-of-way and front yard trees. Prairie Village's regulations looks at trees on the whole lot. Fairway's regulations only address right-of-way public trees. He said it gets more complicated if they are trying to make redevelopment contingent on the trees.

CMBR Hill asked to clarify for the record that she was in favor of the protection of front yards and right-of-way because a majority of the trees are not in the right-of-way, and it would defeat the purpose if they do not include them.

CMBR Faidley thanked CMBR Hill for the clarification and said that is where her stance is also. She is not saying the ordinance holds no value, but is saying it holds little value to only protect right-of-way trees when two-thirds of the trees inventoried are in front yards. She said they could not call it tree preservation if they leave out the front yard trees. She also stated she understands the idea of ownership and property, but believes it is short-sighted. She has gone more to the Native American stance that they do not own the property and should be more responsible to the nature they have entrusted to them.

CMBR Rebne said he is in favor of the preservation ordinance that protects right-of-way and front yard trees. If they are only protecting right-of-way trees, they are not doing as much service as we can.

Mayor Kelly asked everyone to look at the map on page 3 and the red and green dots. He too wants to protect the canopy and their streetscape, and said it would look quite differently without those front yard trees.

CMBR Poppa said one of the reasons they can remove a tree is for health reasons. He asked if there is anything in the ordinance for those that cannot physically or financially care for a tree on their property. He also noted their Neighbors Helping Neighbors program. City Administrator Moody said nothing is in the ordinance and it would be difficult to incorporate. They have talked about the resources generated from the fees to be able to help those who need to remove a tree that are unable to do it. He said he didn't know if it needed to be in the policy, but it could be a possibility.

An informal poll of the Council showed that three supported public only trees and four Councilmembers supported both public right-of-way and private front yard tree protection.

City Administrator Moody asked for a timeline for when adoption of the ordinance should take effect.

CMBR Dickens said he agreed with CMBR Poppa that there needs to be a lot of education and would be in favor of at least six months.

CMBR Hill said she would be in favor of sooner rather than later. The longer they wait, the more trees will come down from angry people since some have threatened to cut down all their front yard trees out of spite.

CMBR Poppa said he would be comfortable with six months.

CMBR Faidley reiterated that in her neighborhood four significant front yard trees have been removed and agreed more along the lines with CMBR Hill. She agreed that the education component is important and should be done, but she does not want to wait.

CMBR Hill asked why that once they approve an ordinance, they would wait to implement it.

CMBR Raglow said that someone may already have construction plans.

CMBR Poppa asked if there would be a grandfather clause. Mayor Kelly said that once someone has applied for a building permit and a tree removal is involved, then they would already know that and would be part of their agreement.

CMBR Madigan agreed with CMBR Poppa. He also said that he believes people cutting down trees would be at a minimum. He also added that education is always important. He asked for clarification on whether the homeowner is responsible for trees in the right-of-way. City Administrator Moody said they currently hold homeowners responsible for trees in the right-of-way adjacent to their property.

CMBR Poppa asked if a three-month education period would be enough. City Administrator Moody thought that was a short time, and believed the opportunity to raise a level of awareness in a six-month period is reasonable.

Mayor Kelly said a robust education program is needed regardless of the timeline. He also said it is not inexpensive to take out a mature tree. He also said he agreed that people say they will take down their trees, but is not certain how many of 2,500-plus trees would be at risk when it costs about \$3,000 to remove a mature tree. He added that need an education first component and show that they are working in good faith with their community members.

CMBR Dickens asked staff to put together an ordinance for both public and public/private front yard trees for review at their next Council meeting. He also wanted to see as part of the ordinance a three-month rollout with an education grace period and a standard six-month rollout without a grace period. CMBR Dickens also thanked everyone for the amount of work that staff has put into this.

#### **4. Discuss Stormwater Utility Policy**

City Administrator Moody said this effort began during the 2023 budget process and was an objective for 2022. From the direction they have had, the plan should be implemented in 2024. This will give them a good opportunity for education, which has already begun with information in their newsletter. They have gathered information on impervious surface in the City have set a fixed per resident fee of \$70 based on that impervious surface. The rollout time will give property owners not currently subjected to the fee time to process it. With the reduction of the mill levy and the stormwater fee applied to everyone including commercial and non-exempt properties, single-family residences will see a net decrease total of \$50,000. Commercial properties will have a net impact increase in \$20,000 overall with non-exempt properties seeing a net increase of \$30,000. This does not generate any new revenue to the City. City Administrator Moody added that schools, churches, and government entities will pay a fee not normally felt by a not-for-profit. If they remained exempt, then he is unsure how they would make the program work.

Mayor Kelly said if they would continue the apples to apples comparison for the mill levy trade off the stormwater fee would have to increase to match the property value increase. City Administrator Moody said they have discussed the relation. They would need to increase the stormwater fee on an annual basis based on the assessed value. He said they do not normally roll back the mill levy, and they rely on that increase to adjust for inflation.

CMBR Faidley said in looking at the numbers for someone that is not paying taxes, these organizations will now be paying for what they're putting into the stormwater system. She said that everyone else pays for their use of that service at this time. City Administrator Moody added that all of their services are funded by property tax and any business or entity that benefits from those services that does not pay taxes are being subsidized by other taxing entities.

CMBR Madigan said they take pride in their property tax rebate program, but every time they remove something off the property tax, then that person does not get the rebate such for Ripple and now stormwater.

Mayor Kelly said there is a concern if they standardize the fee charge to all lots regardless of size, and could see it as possibly a regressive tax to smaller lots and the more vulnerable of their community.

CMBR Hill asked if this would come directly out of the school's budget or from the district. City Administrator Moody said that schools are probably a department within the district's larger budget, but he will find out for certain. He anticipated that the Shawnee Mission School District would add the stormwater fee as a line item to that school's budget.

CMBR Madigan said he would hate to see them lose teachers or resources because of this fee.

The Governing Body will discuss this further at a future Workshop.

### **III. NON-ACTION ITEMS:**

*No items were presented.*

### **IV. ADJOURN**

CMBR Dickens adjourned the meeting.

(Roeland Park Governing Body Workshop Adjourned at 8:26 p.m.)

**Item Number:** DISCUSSION ITEMS- II.-1.  
**Committee** 1/3/2023  
**Meeting Date:**



## **City of Roeland Park**

### Action Item Summary

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**Date:** 12/1/2022  
**Submitted By:** Keith Moody  
**Committee/Department:** Admin.  
**Title:** **Continued Discussion on Storm Water Utility Policy (10 min)**  
**Item Type:** Discussion

#### **Recommendation:**

**Staff is looking for direction from Council on the draft stormwater utility policy.**

#### **Details:**

##### **Report for 1/3/23 Workshop:**

During the 12/5/22 workshop discussion staff was asked to inquire what impact implementing the storm water fee would have on Roesland Elementary's budget. Per David Smith (SMSD Communications Officer) "there would be no impact on Roesland's budget, staffing, etc. Stormwater fees are paid from the district's Special Assessment Fund."

The estimated storm water utility fee for the Roesland properties is \$4,888 based upon 169,138 sf of impervious area consisting of playgrounds, roofs, parking, sidewalks, and drives.

Staff is looking for Council to confirm support of the \$.0289/sf storm water rate and move forward an ordinance adopting the storm water utility policy. These steps establish clear direction as well as firm fee estimates for 2024. This information will be provided to each commercial property owner with an impervious area map for their site along with the fee calculation as part of the education effort planned to occur well in advance of the 2024 storm water fee implementation. This extended lead time will provide property owners an extended period to plan for the fiscal impacts that the storm water fee may hold for them.

The attached Utility Fee by Property Owner list reflects the impervious area per lot as well as the storm water utility fee per lot. Properties with a storm water utility fee greater than \$2,000 have been highlighted in green. Some sites contain multiple lots under common ownership, a subtotal is provided for those.

A question was also raised as to why actual impervious area per single family lot is not used vs the

estimation approach recommended. In short the impervious area for single family homes captured in the AIMS GIS system we are using only includes the building outline. Decks, patios, sidewalks, pools, sheds and driveways are not reflected and all of these are impervious. In order to include these elements the City would have to pay for a survey of each lot (2,850). Keeping this data up to date would also be a fiscal burden as these site elements do change regularly. The additional cost associated with gathering and maintaining impervious data per single family lot is prohibitive. In addition, the detail would not amount to a significant difference in the utility fee. For example, if a home has a 300 sf pool or 300 sf larger than average home the fee would in theory be \$8.67 more than the \$70.00 on an average lot.

### **Report for 12/5/22 Workshop:**

Council discussed and provided direction on a 2022 Objective concerning implementing a storm water utility. Those discussions occurred as the Council was also working on the 2023 budget. Ultimately the Council's direction was to plan for implementing a stormwater utility with the 2024 budget/calendar year. Council also provided direction that a robust education campaign be implemented early to ensure ample time for property owners to plan for the new fee. The education program has begun.

Developing the policy which will govern the Storm Water Utility is the next step. The assumptions used during council discussions of the topic in 2022 have been incorporated into the attached draft code section. The City Attorney and City Engineer has developed the policy based upon the policies in place with other Johnson County cities.

Council also provided direction that all properties will be subject to the storm water utility fee. That includes government owned property, schools, churches and utilities. A storm water rate of \$.0289/sf of impervious surface was used during Council's initial discussion, this equated to a \$70 annual storm water utility fee for a single-family lot. The stormwater fee per property list attached is based upon the \$.0289/sf assumed rate. As part of the education efforts staff intends to provide each property owner with an estimate of the storm water fee that would be included on their property tax bill. Before providing that information, staff would like Council to confirm the rate will be \$.0289/sf of impervious area. Confirming the rate and establishing the stormwater utility code section are actions that should be coordinated to ensure accuracy. If the Council wants to achieve a larger reduction in the property tax mill they may elect a higher storm water utility rate. If Council prefers a lower storm water utility rate, then the mill levy reduction will be correspondingly smaller. A reminder that the implementation of a storm water fee as discussed will provide for an equal offsetting reduction in property tax revenue through a planned series of mill levy reductions. Council's direction is to begin implementing the storm water utility in 2024 however properties subject to an existing storm drainage improvement assessment would not be subject to the storm water utility fee until their improvement assessment expires. It will take 3 years to fully implement the storm water utility fee on all properties.

The impervious area data has been updated and reviewed for accuracy by Larkin and staff. Based upon this information staff estimates a 2-mill reduction in the property tax rate would be possible for 2024 if the \$.0289/sf storm water rate is employed. 2025 is estimated to see a .10 mill reduction and 2026 would see an estimated .20 mill reduction as the storm water utility fee is implemented (for a total mill reduction of 2.30 at full implementation). Staff estimates that a 2.30 mill reduction in 2026 will result in \$65,000 less in property taxes from Commercial and Multifamily properties that are subject to property tax with the storm water fees from those properties totaling \$85,000. This results in a net increase of expense to these properties of \$20,000. Properties not subject to property tax (governmental, churches, schools, utilities) would see an increase in expense of

\$30,000. Residential Properties should see a reduction in property tax of \$250,000 and an increase of storm water fee of \$200,000 for a net decrease of expense to residential properties of \$50,000.

Please review the list of estimated storm water utility fees attached for commercial, multifamily, governmental, schools, and churches, it is important that Council understand the amount to be paid by these entities.

The assumed method of applying the storm water fee is based upon impervious area (the primary element contributing to storm water run-off) which is consistent with the approach employed by the other JOCO cities with a storm water fee. For single family homes and duplexes a standard fee is calculated based on an average size lot with an average amount of impervious area. This simplifies the administrative process and addresses the limited impervious area information available for single family and two family lots via the AIMS mapping system. Maps reflecting the impervious area on commercial, multifamily, governmental, schools and churches will be sent along with the notice of estimated fee to those properties.

A storm water utility fee can be used to maintain, replace and operate the components of the storm water collection and conveyance system including, curbs, inlets, piping, open drainage ways along with staff, supplies and contractual services dedicated to storm sewer services. Street sweeping, catch basin cleaning, and brush/debris removal from drainage ways are examples of routine maintenance items that would also be eligible for funding through the storm water fee.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: Not until 2024 Budget
Line Item Code/Description:	

Additional Information

Council discussed this topic at their 1/3/22 workshop and indicated that they would like some time to consider and then continue the discussion. No additional information was requested by Council on 1/3/22. Council discussed the topic again on 3/21/22 where council requested a summary indicating how other communities with a storm water utility fee apply the fee to schools, churches, not for profits or other government agencies. Attached is that comparison; only a couple of cities provide exemption opportunities. Also attached are the documents from the 1/3/22 initial workshop discussion item.

#### ATTACHMENTS:

Description

Type

❏	Draft Storm Water Utility Code Section	Cover Memo
❏	Storm Water Fee Per Property	Cover Memo
❏	Example of Impervious Area Map	Cover Memo
❏	Storm Water Utility Options Presentation	Cover Memo
❏	Comparison of Exemptions Allowed	Cover Memo

## **CHAPTER XV, ARTICLE 6. STORMWATER UTILITY**

### **15-601. PURPOSE AND FINDINGS.**

- (a) Pursuant to K.S.A. 12-3101, et seq., as modified by city Charter Ordinance No. \_\_, the City does hereby create a stormwater management program and does hereby establish a stormwater utility and declares its intention to operate the same.
- (b) A stormwater management program will provide both general and specific benefits to all property within the city and will include the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvement in general health and welfare through reduction of undesirable stormwater conditions; improvement of water quality in the stormwater system and its receiving waters; the provision of a planned and orderly system for managing and mitigating the effects of new development on stormwater and appropriate balancing between development and preservation of the natural environment.
- (c) The stormwater management program will also initiate innovative and proactive approaches to stormwater management within the city to address problems in areas of the city that currently are prone to frequent major flooding, protect property in the city from stream bank erosion and the attendant loss of natural resources and the reduction of property values, conserve natural stream assets within the city, enhance water quality, and assist in complying with the mandates of the National Pollutant Discharge Elimination System as created under the Federal Clean Water Act and associated state and federal laws and their supporting regulations.
- (d) Both standard and innovative stormwater management is necessary in the interest of the public health, safety and general welfare of the residents, businesses and visitors of the city.
- (e) Implementation of the stormwater management program will require the expenditure of significant amounts of public money.
- (f) All developed property in the city will benefit from the stormwater management program.
- (g) The city desires to distribute fairly costs of the stormwater management program implementation among all developed property.
- (h) The city has determined that the establishment of a stormwater utility is an appropriate method of funding the costs of implementing the stormwater management program.
- (i) The city has adopted Charter Ordinance No. \_\_, which grants to the city the authority to adopt, by ordinance, rules and regulations providing for the management and operation of a stormwater utility, fixing a stormwater service fee, requiring security for the payment thereof, providing methods and rules relating to the calculation and collection of the fees and for credits against the fees, and providing for the disposition of the revenues derived therefrom.
- (j) The stormwater service fee imposed by this article, is calculated by calculating the impervious area on the property multiplied by square footage rate, and such fee is neither a tax nor a special assessment, but a charge (in the nature of tolls, fees or rents) for services rendered or available.



- (k) The city has researched collection options and hereby determines that in order to promote efficiency, eliminate duplication of services, and utilize the most economically feasible method of fee collection, the stormwater service fee should be included on City of Roeland Park ad valorem real property tax bills issued by Johnson County, in accordance with an agreement to be negotiated with the County, which will be placed on file in the office of the city clerk.

## **15-602. DEFINITIONS.**

- (a) In addition to the words, terms and phrases elsewhere defined in this Code, the following words, terms and phrases, as used in this article, shall have the following meanings:
- a. *Bonds* means obligations of the city, for which the principal of and the interest on is paid in whole or in part from special assessments, service fees, sales tax, general ad valorem taxes, or any available city or stormwater utility fund revenues heretofore or hereafter issued to finance the costs of capital improvements.
  - b. *Building permit* means a permit issued by the building official of the City of Roeland Park that permits structure construction.
  - c. *Certificate of occupancy* means a certificate issued by the building official of the City of Roeland Park that permits a newly constructed or a new addition to real property to be occupied.
  - d. *City* means the City of Roeland Park, Kansas.
  - e. *Costs of capital improvements* means costs incurred by the stormwater utility in providing capital improvements as part of the stormwater management program, including, without limitation, alteration, enlargement, extension, improvement, construction, reconstruction, and development of the stormwater system, professional services and studies connected therewith; principal and interest on bonds heretofore or hereafter issued, including payment of any delinquencies; studies related to the operation of the system; costs related to water quality enhancements, costs related to complying with federal, state or local regulations; acquisition of real and personal property by purchase, lease, donation, condemnation or otherwise; and for the costs associated with purchasing equipment, computers, furniture and all other items necessary or convenient for the operations of the stormwater utility.
  - f. *Debt service means* an amount equal to the sum of all issuance costs, any interest payable on bonds during any fiscal year or years, and any principal installments payable on the bonds during such fiscal year or years.
  - g. *Developed property* means real property, other than undeveloped land.
  - h. *Director* means the director of public works department of the City of Roeland Park or the director's designee.
  - i. *Extension and replacement* means cost of extensions, additions and capital improvements in, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the stormwater management program, or land acquisition for the stormwater management program and any related costs thereto, or paying

- extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.
- j. *Fiscal year* means a twelve-month period commencing on the first day of January of any year.
  - k. *Governing body* means the governing body of the City of Roeland Park, Kansas.
  - l. *Impervious area* means the total number of square feet of hard surface on a given property that either prevents or retards the entry of water into the soil matrix, and/or causes water to run off the surface in greater quantities or at an increased rate of flow, than it would enter under conditions similar to those on undeveloped land. Impervious area includes but is not limited to, roofs, roof extensions, driveways, pavement, swimming pools, sidewalks, porches, decks, patios and athletic courts.
  - m. *Non-single family residential property* means all property that is not classified as single family residential property by the Johnson County, Kansas Appraiser's Office.
  - n. *Operating budget* means the annual budget established for the stormwater utility for the succeeding fiscal year.
  - o. *Operations and maintenance* means, without limitation, the current expenses, paid or secured, of operation, maintenance and repair and replacement of the stormwater management program or for implementing the stormwater management program as calculated in accordance with generally accepted accounting practices, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including professional services, equipment costs, labor costs, and the cost of materials and supplies used for current operations.
  - p. *Person* shall mean any person, firm, corporation, association, partnership, political unit, or organization.
  - q. *Revenues* means all rates, fees, assessments, rentals, or other charges or other income received by the stormwater utility in connection with the management and operation of the stormwater management program, including amounts received from investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practices.
  - r. *Service fee rate* means the fee rate per square foot of impervious area as established in the Fee Resolution adopted and periodically updated by the governing body.
  - s. *Sewer, sewer system* shall mean surface water and storm sewers that exist at the time this Charter Ordinance is adopted or that are hereafter established and all appurtenances necessary in the maintenance, operation, regulation, and improvements of the same, including, but not limited to, pumping stations; enclosed sewer systems; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; other Stormwater conveyances; detentions and retention facilities; and other flood control facilities and works for the collection, conveyance, pumping, treating, controlling, managing and disposing of water carried pollutants or storm or surface water.

- t. *Single family residential property* means property used primarily for one-family intended for occupancy as separate living quarters for one family, with a kitchen plus sleeping and sanitary facilities in single family detached residential unit or a two family attached residential unit located thereon within the city limits, as established by the governing body of the city.
- u. *Stormwater management program* means all aspects of work necessary to perform and provide storm and surface water services in the city, including but not limited to administration, planning, engineering, operations, maintenance, best management practices, control measures, public education, citizen participation, regulation and enforcement, protection, and capital improvements, plus such non-operating expenses as reserves and bond debt service coverage as are associated with provision of the stormwater management program.
- v. *Stormwater service fee* means a fee authorized by Charter Ordinance No. \_\_\_\_ and this article, charged to owners of property served and benefited by the stormwater utility and shall be the product of multiplying the impervious area by the service fee rate.
- w. *Stormwater system* means surface water and storm sewers and all appurtenances necessary in the maintenance, operation, regulation, and improvement of the same, including, but not limited to, pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; detention and retention of facilities; and other flood control facilities and works for the collection, conveyance, pumping, infiltration, treating, controlling, managing and disposing of water carried pollutants or storm or surface water.
- x. *Stormwater utility* means the utility created by this article for the purpose of implementing and funding the stormwater management program.
- y. *Undeveloped land* means land that has not been built upon or altered from its natural condition in a manner that disturbed or altered the topography or soils on the property to the degree that the entrance of water into the soil matrix is prevented or retarded.

### **15-603. ADMINISTRATION.**

- (a) The public works director shall manage the stormwater utility. Public works director shall be responsible for developing and implementing stormwater management plans and solely managing facilities, stormwater systems and storm sewers. This utility shall charge a stormwater service fee based on individual contribution of runoff to the system, benefits enjoyed and service received. The stormwater utility shall be administered by Director under the direction and supervision of the City Administrator and shall have the power to undertake the following activities to implement the stormwater management program:
  - a. Advise the governing body on matters relating to the stormwater management program and to make recommendations to the governing body concerning the adoption of ordinances, resolutions, policies, guidelines and regulations in furtherance of the objectives of the stormwater management program.
  - b. Undertake studies, acquire data, prepare master plans, analyze policies or undertake such other planning and analyses as may be needed to address concerns related to stormwater

with the city and to further the objectives of the stormwater management program, and to undertake activities designed to communicate, educate and involve the public and citizens in addressing these issues or in understanding and abiding by the elements of the stormwater management program.

- c. Acquire, design, construct, operate, maintain, expand, or replace any element or elements of the stormwater system, including funding the acquisition of easements by eminent domain, and obtaining title or easements (or real property) other than by eminent domain, over any real or personal property that is part of, will become part of or will protect the stormwater system, or is necessary or convenient for the implementation of the stormwater management program.
- d. Regulate, establish standards, review, and inspect the design, construction or operation and maintenance of any stormwater system that is under the control of private owners, whether or not such systems are required or intended for dedication to the public storm sewer system, when such systems have the potential to impact, enhance, damage, obstruct or affect the operation and maintenance of the stormwater system or the implementation of the stormwater management program.
- e. Regulate, establish standards, review and inspect land use or property owner activities when such activities have the potential to affect the quantity, timing, velocity, erosive forces, quality, environmental value or other characteristics of stormwater which would flow into the stormwater system or in any way effect the implementation of the stormwater management program.
- f. Undertake any activities related to stormwater management when such activities are recommended by applicable federal, state or local agencies or when such activities are required by any permit, regulation, ordinance, or statute governing stormwater or water quality concerns.
- g. Analyze the cost of services and benefits provided by the stormwater utility and the structure of fees, service charges, credits, and other revenues on an annual basis and make recommendations to the governing body regarding the same.
- h. Undertake expenditures as required to implement these activities, including all costs of capital improvements, operations and maintenance, debt service, and other costs as required.

#### **15-604. BUDGET.**

The city shall, as part of its annual budget process, adopt capital and operating budget for the stormwater utility. The operating budget shall conform to state law, city policy and generally accepted accounting practices. The initial operating budget will commence January 1, 2024.

## **15-605. STORMWATER SERVICE FEE.**

- (a) Subject to the provisions of this article, a stormwater service fee is imposed on all real property located within the city. City owned property and city maintained property that is constructed and/or located on public right-of-way, public trails, public streets, public alleys, and public sidewalks will be exempt from the imposition of the stormwater utility fee. The governing body, upon recommendation of the director, shall, from time to time, by resolution establish the service fee rate for each square foot of impervious area consistent with the benefits to be provided.
- (b) The stormwater service fee for single family residential property shall be the product of the service fee rate multiplied by an assumed average single family lot size of 7,700 square feet with an assumed average impervious area of 30% or 2,310 square feet. The stormwater service fee for a duplex to be 150% of the single-family fee.
- (c) Stormwater service fee for non-single family residential property shall be the product of the service fee rate multiplied by the number of impervious square feet calculated by the sum of the building roofs, roof extensions, driveways, parking lots, swimming pools, athletic courts and other impervious area(s).
- (d) In the event of a newly constructed unit, the charge for the stormwater service fee attributable to that unit shall commence upon the issuance of the building permit for that unit, or additional development to property that is already developed, or if construction is at least 50 percent complete and is halted for period of three months, then that unit shall be deemed complete and the stormwater service fee shall commence at the end of the three month period.
- (e) Any increase or decrease in the impervious square feet associated with new or remodeling construction shall commence upon the issuance of the certificate of occupancy. The stormwater service fee shall be based on the status of the property on May 31 of each year.
- (f) In performing this calculation, the numerical factor for the impervious square feet shall be rounded to the nearest hundred square feet.
- (g) For common property, the director shall calculate and allocate the stormwater service fee pro-rata among the owners of record of the common property.
- (h) The director shall make initial calculations in accordance with the methods established in this section to determine the number of impervious square feet is located on all property and may from time to time change this calculation from the information and data deemed pertinent. With respect to new construction, the director may require that the applicant for development approval submit square footage impervious area calculations.
- (i) A property subject to an existing storm drainage improvement assessment will not be subject to the stormwater utility fee until the storm drainage improvement assessment has expired.
- (j) If the owner of property, for which a stormwater service fee has been imposed, disagrees with the calculation of the stormwater service fee imposed upon such owner's property, the owner may request a recalculation of the fee to the director.
- (k) The fee for single and two family residential properties and the rate per square foot of impervious surface shall be established in the Fee Resolution adopted by Council.

#### **15-606. APPEAL PROCEDURE.**

- (a) Owners of property other than single and two family homes, for which a stormwater service fee has been imposed, who disagree with the calculation of the stormwater service fee may appeal the calculation or finding to the city administrator or his or her designee.
- (b) The appellant, who must be the property owner, must file a written notice of appeal, including the basis of the appeal, with the city clerk within 30 days following distribution of Johnson County ad valorem tax bills. The appellant shall provide information including a land survey prepared by a surveyor registered in the State of Kansas showing total property square foot area, type of surface material, and impervious square foot area. Based on the information provided, the city administrator shall make a determination as to whether the stormwater service fee should be adjusted or eliminated for the subject property. The city administrator shall notify the appellant in writing of the decision.
- (c) A person shall have the right to appeal the decision of the city administrator to the Public Works Committee. Such appeal shall be made within ten days of the date of the city administrator's written decision and shall be presented in the same manner as the original appeal. The Public Works Committee shall consider the appeal and issue a written decision on the appeal within 30 days of the receipt of the presented appeal.
- (d) The burden of proof shall be on the appellant to demonstrate, by clear and convincing evidence, that the determination of the stormwater service fee is erroneous.
- (e) The filing on a notice of appeal shall not stay the imposition, calculation or duty to pay the fee. The appellant shall pay the stormwater service fee to Johnson County as stated in the billing. If either the city administrator or the Public Works Committee determines that the appellant should pay a fee, pay a fee amount less than the amount appealed, or receive a credit, the city shall issue a check to the appealing party in the appropriate amount within ten days of the date of the applicable written decision.
- (f) The decision of the Public Works Committee shall be final, and any further appeal of this decision shall be to the Tenth Judicial Court of the State of Kansas by way of the K.S.A. 60-201 et seq.

#### **15-607. STORMWATER SERVICE FEE COLLECTION.**

- (a) The stormwater service fee shall be billed by the Johnson County Clerk and collected by the Johnson County Treasurer. The stormwater service fee shall be shown as a separate item on the county's annual ad valorem real property tax statement, in accordance with the procedures established in an agreement, pursuant to K.S.A. 12-2908, between the city and the county, as hereby authorized. The payment of stormwater service fee bills for any given property shall be the responsibility of the owner of the property.
- (b) To the extent permitted by applicable law, a stormwater service fee shall be subject to interest for late payment at a rate that is the same as the rate prescribed in K.S.A. 79-2004, as amended and K.S.A. 79-2968, as amended, shall constitute a lien on the applicable property, and shall be collected in the same manner as ad valorem real property taxes collected by the county,

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regardless of whether the stormwater service fee was incurred when a property owner was in possession of the property or a non-owner was in possession of the property.

**15-608. STORMWATER UTILITY FUND.**

Stormwater service fees, dedicated ad valorem taxes and other available revenues shall be paid into a fund that is hereby created and shall be known as the Stormwater Utility Fund. This fund shall be used for the purpose of paying the costs of capital improvements, extension and replacement, operations and maintenance, debt service and any other costs associated with the implementation and operation of the stormwater management program.

**15-609. FLOODING LIABILITY.**

Floods from stormwater runoff may occur which exceed the capacity of the storm drainage facilities constructed, operated, or maintained by funds made available under this chapter. This chapter shall not be construed or interpreted to mean that property subject to the fees and charges established herein will always (or at any time) be free from stormwater flooding or flood damage, or the stormwater systems capable of handling all storm events can be cost-effectively constructed, operated, or maintained. Nor shall this chapter create any liability on the part of, or cause of action against, the city, or any official or employee thereof, for any flood damage that may result from such storms or stormwater runoff. Nor does this chapter purport to reduce the need of the necessity for obtaining flood insurance by individual property owners.

**15-610. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

## **Stormwater Utility Fee Data Used & Methodology**

### Data:

- Parcel Data from JoCoAIMS – dated 10.11.2022
- 2022 Aerial Imaging from JoCoAims was used to draw in the impervious areas
- Impervious Area Data – Buildings, Recreation and Pavement Data from JoCoAIMS acquired 9-29-2022. This data was modified to capture all impervious surfaces within all Non-Residential Lots.

### Methodology Notes:

- Non-Residential Lots – Lots that are not classified as Single Family, Duplex or Multifamily and public right-of-way.
- Residential Lots – Single Family, Duplex, Multifamily (regardless if structure used for renting or owning).
- Impervious Areas Updated using Construction Plans – R Park Phase 3, Community Center, Sunflower Development
- Sidewalks were not added towards the impervious area on commercial parcels with a dedicated sidewalk easement / dedicated ROW.
- Playgrounds, football fields, packed gravel driveways are considered impervious as they are designed to not grow vegetation and contribute to runoff into the storm sewer system.
- No credit provided for sites with detention basins as the collected runoff continues to use the City stormwater system to drain.

### Round 2 Modifications – November 2022:

- City comments for impervious areas and non-residential lots were addressed.
- Impervious Areas were rechecked, and some modifications were made to a handful of lots due to cleaning up lines, removing islands, adding sidewalk.
- As a QC, the impervious areas were merged to ensure no overlapping sub areas existed. The Summarize Within tool was used in ArcPro to calculate the impervious areas within each non-residential lot. The merged areas were back checked against the areas calculated using the tool Summarize within to ensure accuracy.



## ROELAND PARK'S STORMWATER UTILITY FEE SUMMARY

	# of Lots -or- Sq Ft	Rate	2024	2025	2026
<b><u>Lots Outside of Benefit District</u></b>					
Residential Lots Outside of the Benefit Districts (2892 SFR Lots minus RC-12 lots)	1,804	\$70 /Lot	\$126,280	\$126,280	\$126,280
Non-Residential Impervious Square Footage	4,036,996	\$0.0289 /sq ft	\$116,669	\$116,669	\$116,669
City of Roeland Park Impervious Square Footage	457,011	\$0.0289 /sq ft	\$13,208	\$13,208	\$13,208
<b><u>Benefit District (RC-12) Lots</u></b>					
RC-12-012 Breakdown (# of Lots = 427) (Expires 12/31/2024)					
Residential Lots (425 Lots)	425	\$70 /Lot		\$29,750	\$29,750
Non-Residential Impervious Square Footage in RC-12-012 (2 Lots)	28,519	\$0.0289 /sq ft		\$824	\$824
RC-12-014 Breakdown (# of Lots = 664) (Expires 12/31/2025)					
Residential Lots (663 Lots)	663	\$70 /Lot			\$46,410
Non-Residential Impervious Square Footage in RC-12-014 (1 Lot)	24,403	\$0.0289 /sq ft			\$705

RESIDENTIAL FEES	\$126,280	\$156,030	\$202,440
NON-RESIDENTIAL FEES	\$129,877	\$130,701	\$131,406

<b>GRAND TOTAL STORMWATER UTILITY FEES</b>	<b>\$256,157</b>	<b>\$286,731</b>	<b>\$333,846</b>
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**Notes:**

*Residential Assumption Used: 70'x110' with 30% impervious area, rounded up.*

*2922 Lots with SFR or Duplex as landuse (minus split lots etc). This number is as close as we can get without having to review each parcel having no situs address or vacant designation and comparing owner names etc.*

*In 2023 1 mill equals roughly \$120,000 in tax revenue to the City.*

Value of 1 mill	\$	128,400	\$	136,104	\$	144,270
Estimated Mill Reduction		\$1.99		\$2.11		\$2.31



ROELAND PARK'S STORMWATER UTILITY FEE BREAKDOWN

	Situs Address (No Address for Lots without a Building					# of Lots -or- Sq Ft	Rate	Subtotal for			
	Tax Property ID	Footprint)	Owner Name	Mailing Name	Address			City State Zip	Owners with Multiple Lots	2024	2025
LOTS OUTSIDE OF THE BENEFIT DISTRICT											
Residential Lots	RESIDENTIAL TOTAL					1,804	\$70 /Lot		\$126,280	\$126,280	\$126,280
City of Roeland Park Impervious Areas	PP59000000 0002	5150 GRANADA ST	CITY OF ROELAND PARK			10,833	\$0.0289 /sq ft		\$313	\$313	\$313
	PF251204-3014	4800 ROE PKWY	CITY OF ROELAND PARK			68,517	\$0.0289 /sq ft		\$1,980	\$1,980	\$1,980
	PF251209-1001	5535 JUNIPER ST	CITY OF ROELAND PARK			81,852	\$0.0289 /sq ft		\$2,366	\$2,366	\$2,366
	PF251209-1003	0 NS NT	CITY OF ROELAND PARK			1,306	\$0.0289 /sq ft		\$38	\$38	\$38
	PP50000000 0001	4801 NALL AVE	CITY OF ROELAND PARK			40,904	\$0.0289 /sq ft		\$1,182	\$1,182	\$1,182
	PP50000000 0002	4850 ROSEWOOD DR	CITY OF ROELAND PARK			199,331	\$0.0289 /sq ft		\$5,761	\$5,761	\$5,761
	PP63000017 0030A	0 NS NT	CITY OF ROELAND PARK			763	\$0.0289 /sq ft		\$22	\$22	\$22
	PP63000017 0031	4812 JOHNSON DR	CITY OF ROELAND PARK			8,219	\$0.0289 /sq ft		\$238	\$238	\$238
	PP63000017 0032	4800 JOHNSON DR	CITY OF ROELAND PARK			9,195	\$0.0289 /sq ft		\$266	\$266	\$266
	PP66000022 0009	0 NS NT	CITY OF ROELAND PARK			4,614	\$0.0289 /sq ft		\$133	\$133	\$133
	PP67010000 0U01	0 NS NT	CITY OF ROELAND PARK			26,129	\$0.0289 /sq ft		\$755	\$755	\$755
	PP67010000 0U03	0 NS NT	CITY OF ROELAND PARK			5,349	\$0.0289 /sq ft		\$155	\$155	\$155
	CITY TOTAL					457,011	\$0.0289 /sq ft		\$13,208	\$13,208	\$13,208
Non-Residential Impervious Areas	PP63000017 0024	5000 JOHNSON DR	5000 JOHNSON DRIVE PROPERTIES LLC		13613 S HWY 71	GRANDVIEW, MO 64030	13,793	\$0.0289 /sq ft	\$399	\$399	\$399
	PP67250000 0002	4960 ROE BLVD	AGREE LIMITED PARTNERSHIP		RYAN LLC PO BOX 460389	HOUSTON, TX 77056	322,024	\$0.0289 /sq ft	\$9,306	\$9,306	\$9,306
	PP67250000 0002A	0 NS NT	AGREE LIMITED PARTNERSHIP		RYAN LLC PO BOX 460389	HOUSTON, TX 77056	103,774	\$0.0289 /sq ft	\$2,999	\$2,999	\$2,999
								\$12,306			
	PP62000000 0004	0 NS NT	ALDI INC.		RYAN TAX COMPLIANCE SERVICES, LLC F	HOUSTON, TX 77056	26,621	\$0.0289 /sq ft	\$769	\$769	\$769
	PP62000000 0005	4801 ROE BLVD	ALDI INC.	STORE #59	RYAN TAX COMPLIANCE SERVICES, LLC F	HOUSTON, TX 77056	49,505	\$0.0289 /sq ft	\$1,431	\$1,431	\$1,431
								\$2,200			
	PP78000000 0003	4710 MISSION RD	ALH ENTERPRISES, LLC		4710 MISSION RD	ROELAND PARK, KS 66205	8,833	\$0.0289 /sq ft	\$255	\$255	\$255
	PF251204-1020	4700 ROE PKWY	ALLIED CONSTRUCTION, INC.		PO BOX 937	DES MOINES, IA 50304	66,834	\$0.0289 /sq ft	\$1,932	\$1,932	\$1,932
	PP63000017 0025	4926 JOHNSON DR	AMOS FAMILY, INC.		10901 JOHNSON DR	SHAWNEE, KS 66203	8,650	\$0.0289 /sq ft	\$250	\$250	\$250
	PP63000017 0029	4900 JOHNSON DR	ASSET COMBINER, LLC		4900 JOHNSON DR	ROELAND PARK, KS 66205	9,488	\$0.0289 /sq ft	\$274	\$274	\$274
	PP67250000 0001	4950 ROE BLVD	BELLA ROE LOTS 1 AND 4 07 A, LLC,		12411 VENTURA BLVD	STUDIO CITY, CA 91604	209,001	\$0.0289 /sq ft	\$6,040	\$6,040	\$6,040
	PP67250000 0004	4980 ROE BLVD	BELLA ROE LOTS 1 AND 4 07 A, LLC,		12411 VENTURA BLVD	STUDIO CITY, CA 91604	36,518	\$0.0289 /sq ft	\$1,055	\$1,055	\$1,055
	PP67250000 0004A	0 NS NT	BELLA ROE LOTS 1 AND 4 07 A, LLC,		12411 VENTURA BLVD	STUDIO CITY, CA 91604	2,224	\$0.0289 /sq ft	\$64	\$64	\$64
	PP67250000 0003	4990 ROE BLVD	BELLA ROE LOTS 2 3 AND 6 07 A LLC	ACF PROPERTY MANAGEMENT	12411 VENTURA BLVD	STUDIO CITY, CA 91604	28,278	\$0.0289 /sq ft	\$817	\$817	\$817
	PP67250000 0T0A	0 NS NT	BELLA ROE LOTS 2 3 AND 6 07 A LLC	ACF PROPERTY MANAGEMENT	12411 VENTURA BLVD	STUDIO CITY, CA 91604	41,282	\$0.0289 /sq ft	\$1,193	\$1,193	\$1,193
	PP67250000 0T0A2	0 NS NT	BELLA ROE LOTS 2 3 AND 6 07 A LLC	ACF PROPERTY MANAGEMENT	12411 VENTURA BLVD	STUDIO CITY, CA 91604	1,525	\$0.0289 /sq ft	\$44	\$44	\$44
	PP67250000 0T0A1	0 NS NT	BELLA ROE LOTS 2 3 AND 6 07 A LLC	ACF PROPERTY MANAGEMENT	12411 VENTURA BLVD	STUDIO CITY, CA 91604	7,632	\$0.0289 /sq ft	\$221	\$221	\$221
	PP67250000 0003A	0 NS NT	BELLA ROE LOTS 2 3 AND 6 19 B LLC		12411 VENTURA BLVD	STUDIO CITY, CA 91604	14,360	\$0.0289 /sq ft	\$415	\$415	\$415
	PP67250000 0003B	0 NS NT	BELLA ROE LOTS 2 3 AND 6 19 B LLC		12411 VENTURA BLVD	STUDIO CITY, CA 91604	1,854	\$0.0289 /sq ft	\$54	\$54	\$54
								\$9,903			
	PF251204-1019	4710 ROE PKWY	B-H ACQUISITION, LLC	SHROPSHIRE, D. GARRETT	4710 ROE PKWY	ROELAND PARK, KS 66205	49,679	\$0.0289 /sq ft	\$1,436	\$1,436	\$1,436
	PP81000019 0018A	5201 ROE BLVD	BINK'M COMPANY LLC		2540 KIPLING ST	LAKEWOOD, CO 80215	7,690	\$0.0289 /sq ft	\$222	\$222	\$222
	PP64000000 0000	4800 SKYLINE DR	BOULEVARD APARTMENTS, LLC	NOLAN REAL ESTATE SERVICES INC	2020 W 89TH ST # 320	LEAWOOD, KS 66206	582,699	\$0.0289 /sq ft	\$16,840	\$16,840	\$16,840
	PF251204-1005	4717 ROE PKWY	CITY OF FAIRWAY		FAIRWAY CITY HALL 5240 BELINDER RD	FAIRWAY, KS 66205	43,267	\$0.0289 /sq ft	\$1,250	\$1,250	\$1,250
	PP09150000 0002	4700 JOHNSON DR	COMMERCE BANK		8000 FORSYTH BLVD APT 1300	ST. LOUIS, MO 63105	25,056	\$0.0289 /sq ft	\$724	\$724	\$724
	PP63000017 0030	4818 JOHNSON DR	D & G BUILDING PARTNERSHIP		4818 JOHNSON DR	ROELAND PARK, KS 66205	7,898	\$0.0289 /sq ft	\$228	\$228	\$228
	PP06000000 0009	4101 W 54TH TER	G & A RENTAL PROPERTIES LLC		5420 PAWNEE LN	FAIRWAY, KS 66205	19,342	\$0.0289 /sq ft	\$559	\$559	\$559
	PP66000009 0006A	0 NS NT	HAINEN PARTNERS LLC		13501 ABERDEEN PKWY	LEAWOOD, KS 66224	483	\$0.0289 /sq ft	\$14	\$14	\$14
	PP06000000 0010A	5500 BUENA VISTA ST	HOEDL PROPERTIES LLC		PO BOX 7016	KANSAS CITY, MO 64113	4,632	\$0.0289 /sq ft	\$134	\$134	\$134



ROELAND PARK'S STORMWATER UTILITY FEE BREAKDOWN

Situs Address (No Address for Lots without a Building)							# of Lots -or- Sq Ft	Rate	Subtotal for Owners with Multiple Lots		
Tax Property ID	Footprint)	Owner Name	Mailing Name	Address	City State Zip				2024	2025	2026
PP66000027 0027	5204 ROE BLVD	IMAGINE ENTERPRISES LLC		5204 ROE BLVD	ROELAND PARK, KS 66205		3,291	\$0.0289 /sq ft	\$95	\$95	\$95
PP81500000 0001	5015 BUENA VISTA ST	INDIAN HILLS DEVELOPMENT LLC		6436 ENSLEY LN	MISSION HILLS, KS 66208		25,119	\$0.0289 /sq ft	\$726	\$726	\$726
PP62000000 0003	4811 ROE BLVD	JL GROUP HOLDINGS I, LLC		3000 EXECUTIVE PKWY APT 515	SAN RAMON, CA 94583		35,313	\$0.0289 /sq ft	\$1,021	\$1,021	\$1,021
PF251204-4001	4050 SHAWNEE MISSION PKWY	JWH PROPERTIES, LLC		2651 N 231ST ST W	ANDALE, KS 67001		13,521	\$0.0289 /sq ft	\$391	\$391	\$391
PF251204-1001	4702 ROE PKWY	K C POWER & LIGHT CO.	SHANNON L. GREEN JR. TAX DEPARTMEN	PO BOX 418679	KANSAS CITY, MO 64141		123,100	\$0.0289 /sq ft	\$3,558	\$3,558	\$3,558
PP03000000 0001B	4700 FONTANA ST	K C POWER & LIGHT CO.	SHANNON L. GREEN JR. TAX DEPARTMEN	PO BOX 418679	KANSAS CITY, MO 64141		21,728	\$0.0289 /sq ft	\$628	\$628	\$628
\$4,186											
PP66000009 0014	5812 ROELAND DR	KELLERMAN, RYAN		5812 ROELAND DR	ROELAND PARK, KS 66205		8,554	\$0.0289 /sq ft	\$247	\$247	\$247
PP66000009 0015	5100 JOHNSON DR	KHETANI, INC.		211 E FLAMING RD	OLATHE, KS 66061		13,763	\$0.0289 /sq ft	\$398	\$398	\$398
PP63000017 0026	4920 JOHNSON DR	LIEMEN, MILDRED N. TRUSTEE		4107 HOMESTEAD DR	PRAIRIE VILLAGE, KS 66208		8,336	\$0.0289 /sq ft	\$241	\$241	\$241
PP63000017 0027	4914 JOHNSON DR	LIEMEN, MILDRED N. TRUSTEE		4107 HOMESTEAD DR	PRAIRIE VILLAGE, KS 66208		8,675	\$0.0289 /sq ft	\$251	\$251	\$251
PP81000009 0015	5023 GRANADA ST	LILLY PAD DAYCARE LLC		5023 GRANADA ST	ROELAND PARK, KS 66205		10,934	\$0.0289 /sq ft	\$316	\$316	\$316
PP83000000 0001	5675 ROE BLVD	LIPT ROE BOULEVARD LLC		333 W WACKER DR FL 23	CHICAGO, IL 60606		59,635	\$0.0289 /sq ft	\$1,723	\$1,723	\$1,723
PP83000000 001A	0 NS NT	LIPT ROE BOULEVARD LLC		333 W WACKER DR FL 23	CHICAGO, IL 60606		16,799	\$0.0289 /sq ft	\$485	\$485	\$485
\$2,209											
PP59000000 0001	5103 ROE BLVD	MCDONALDS CORPORATION		16332 MONROVIA ST	OVERLAND PARK, KS 66221		31,370	\$0.0289 /sq ft	\$907	\$907	\$907
PP62000000 0002	4815 ROE BLVD	MINIT MART LLC		165 FLANDERS RD	WESTBOROUGH, MA 01581		35,046	\$0.0289 /sq ft	\$1,013	\$1,013	\$1,013
PP63500000 0001	5115 ROE BLVD	MISSION BANK (THE)		5201 JOHNSON DR	MISSION, KS 66205		48,382	\$0.0289 /sq ft	\$1,398	\$1,398	\$1,398
PP09150000 0001	4720 JOHNSON DR	MPT OF ST LUKE'S ROELAND PARK LLC		1000 URBAN CENTER DR STE 501	BIRMINGHAM, AL 35242		44,166	\$0.0289 /sq ft	\$1,276	\$1,276	\$1,276
PF251204-1021	4715 ROE PKWY	NEW CASTLE ENTERPRISE LLC		9739 SUNSET CIR	LENEXA, KS 66220		40,772	\$0.0289 /sq ft	\$1,178	\$1,178	\$1,178
PP63350000 0002	4707 ROE PKWY	PI REAL ESTATE LLC		PO BOX 6821	LEAWOOD, KS 66206		10,778	\$0.0289 /sq ft	\$311	\$311	\$311
PP58000001 0T0I	0 NS NT	QUIKTRIP CORPORATION		4705 S 129TH AVE E	TULSA, OK 74134		17,137	\$0.0289 /sq ft	\$495	\$495	\$495
PP58000001 0T0II	5055 ROE BLVD	QUIKTRIP CORPORATION		4705 S 129TH AVE E	TULSA, OK 74134		12,933	\$0.0289 /sq ft	\$374	\$374	\$374
PP58000001 0T0III	0 NS NT	QUIKTRIP CORPORATION		4705 S 129TH AVE E	TULSA, OK 74134		20,924	\$0.0289 /sq ft	\$605	\$605	\$605
PP81000010 0001	5031 ROE BLVD	QUIKTRIP CORPORATION		PO BOX 3475	TULSA, OK 74101		7,009	\$0.0289 /sq ft	\$203	\$203	\$203
\$1,676											
PP63500000 0002	5125 ROE BLVD	ROE MARKETPLACE, LLC		11228 DELMAR ST	LEAWOOD, KS 66211		36,190	\$0.0289 /sq ft	\$1,046	\$1,046	\$1,046
PP78000000 0001	4702 MISSION RD	ROELAND PARK SERIES I LLC		3002 W 47TH AVE	KANSAS CITY, KS 66103		2,072	\$0.0289 /sq ft	\$60	\$60	\$60
PP78000000 0002	4706 MISSION RD	ROELAND PARK SERIES I LLC		3002 W 47TH AVE	KANSAS CITY, KS 66103		184	\$0.0289 /sq ft	\$5	\$5	\$5
\$65											
PP66000014 000A1	5110 CEDAR ST	ROELAND PARK UNITED METHODIST CHURCH		5110 CEDAR ST	ROELAND PARK, KS 66205		15,410	\$0.0289 /sq ft	\$445	\$445	\$445
PP66000014 0029	4910 W 51ST TER	ROELAND PARK UNITED METHODIST CHURCH		5110 CEDAR ST	ROELAND PARK, KS 66205		4,526	\$0.0289 /sq ft	\$131	\$131	\$131
PP66000014 000A1	5110 CEDAR ST	ROELAND PARK UNITED METHODIST CHURCH		5110 CEDAR ST	ROELAND PARK, KS 66205		3,342	\$0.0289 /sq ft	\$97	\$97	\$97
\$673											
PP82000000 0001	5041 REINHARDT DR	ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY IN KANSAS		12615 PARALLEL PKWY	KANSAS CITY, KS 66109		730,670	\$0.0289 /sq ft	\$21,116	\$21,116	\$21,116
PP82000000 0002	3224 W 53RD ST	ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY IN KANSAS		12615 PARALLEL PKWY	KANSAS CITY, KS 66109		1,354	\$0.0289 /sq ft	\$39	\$39	\$39
PP82000000 0003	0 NS NT	ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY IN KANSAS		12615 PARALLEL PKWY	KANSAS CITY, KS 66109		21,265	\$0.0289 /sq ft	\$615	\$615	\$615
PP82000000 0004	4901 REINHARDT DR	ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY IN KANSAS		12615 PARALLEL PKWY	KANSAS CITY, KS 66109-3748		93,614	\$0.0289 /sq ft	\$2,705	\$2,705	\$2,705
\$24,475											
PF251204-3001	4900 PARISH DR	ROSELAND SCHOOL DISTRICT 92	UNIFIED SCHOOL DIST #512, ROESLAND I	4900 PARISH DR	ROELAND PARK, KS 66205		169,138	\$0.0289 /sq ft	\$4,888	\$4,888	\$4,888
PP81000013 0022	4301 W 51ST ST	SWEENEY, ELLEN F. TRUSTEE		10123 PAWNEE LN	LEAWOOD, KS 66206		4,745	\$0.0289 /sq ft	\$137	\$137	\$137
PP74000000 0001	5150 ROE BLVD	TMM ROELAND PARK CENTER, LLC	KESSINGER/HUNTER & COMPANY, LC	2600 GRAND BLVD APT 700	KANSAS CITY, MO 64108		402,804	\$0.0289 /sq ft	\$11,641	\$11,641	\$11,641
PP74000000 0001A	0 NS NT	TMM ROELAND PARK CENTER, LLC	KESSINGER/HUNTER & COMPANY, LC	2600 GRAND BLVD APT 700	KANSAS CITY, MO 64108		11,932	\$0.0289 /sq ft	\$345	\$345	\$345
PP74000000 0002	4701 SYCAMORE DR	TMM ROELAND PARK CENTER, LLC	KESSINGER/HUNTER & COMPANY, LC	2600 GRAND BLVD APT 700	KANSAS CITY, MO 64108		50,943	\$0.0289 /sq ft	\$1,472	\$1,472	\$1,472
PP74000000 0003	5000 ROE BLVD	TMM ROELAND PARK CENTER, LLC	KESSINGER/HUNTER & COMPANY, LC	2600 GRAND BLVD APT 700	KANSAS CITY, MO 64108		25,153	\$0.0289 /sq ft	\$727	\$727	\$727
PP74000000 0004	5010 ROE BLVD	TMM ROELAND PARK CENTER, LLC	KESSINGER/HUNTER & COMPANY, LC	2600 GRAND BLVD APT 700	KANSAS CITY, MO 64108		25,196	\$0.0289 /sq ft	\$728	\$728	\$728
\$14,913											
PP63000017 0028	4908 JOHNSON DR	TOLLIE INVESTMENTS LLC		4908 JOHNSON DR	ROELAND PARK, KS 66205		8,760	\$0.0289 /sq ft	\$253	\$253	\$253
PP67250000 0005	4970 ROE BLVD	U S BANK NATIONAL ASSOCIATION	U S BANK CORP REAL ESTATE TAX DEPAR	RYAN PTS DEPT 908 PO BOX 460169	HOUSTON, TX 77056		16,547	\$0.0289 /sq ft	\$478	\$478	\$478
PP67250000 0005A	0 NS NT	U S BANK NATIONAL ASSOCIATION	CRE TAX DEPARTMENT	RYAN PTS DEPT 908 PO BOX 460169	HOUSTON, TX 77056		1,160	\$0.0289 /sq ft	\$34	\$34	\$34
\$512											
PP62000000 0001	4951 ROE BLVD	WG DST 1		PO BOX 1159	DEERFIELD, IL 60015		91,664	\$0.0289 /sq ft	\$2,649	\$2,649	\$2,649
PP63350000 0001	4705 ROE PKWY	XTIERRA PROPERTIES LLC		4705 ROE PKWY	ROELAND PARK, KS 66205		10,103	\$0.0289 /sq ft	\$292	\$292	\$292
NON-RESIDENTIAL TOTAL									\$116,669	\$116,669	\$116,669
Commercial Only											\$87,621
TOTAL FEE FOR ALL LOTS OUTSIDE OF BENEFIT DISTRICT AREA									\$256,157	\$256,157	\$256,157

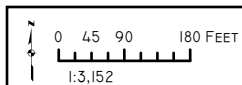
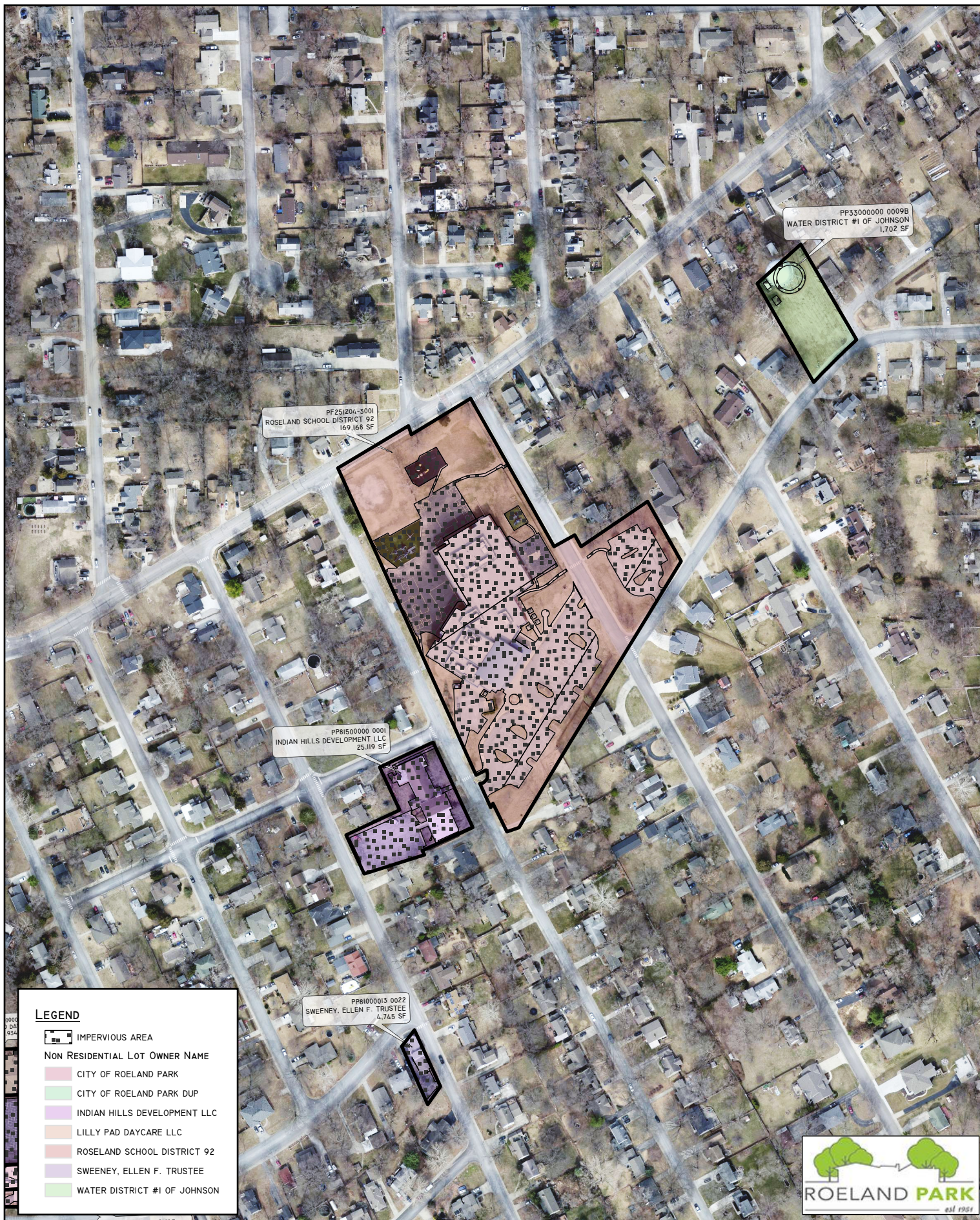


ROELAND PARK'S STORMWATER UTILITY FEE BREAKDOWN

Situs Address (No Address for Lots without a Building)							# of Lots -or- Sq Ft	Rate	Subtotal for Owners with Multiple Lots		
Tax Property ID	Footprint	Owner Name	Mailing Name	Address	City State Zip				2024	2025	2026
RC-12-012 Breakdown (Expires 12/31/2024)											
Residential Lots (425 Lots)		RESIDENTIAL TOTAL					425	\$70 /Lot		\$29,750	\$29,750
Non-Residential Impervious Areas											
PP45000000 0068A	4740 MOHAWK DR	OAK GROVE ASSEMBLY		4740 MOHAWK DR	ROELAND PARK, KS 66205		26,816	\$0.0289 /sq ft		\$775	\$775
PP33000000 0009B	4104 W 48TH ST	WATER DISTRICT #1 OF JOHNSON	ATTN: ACCOUNTING	10747 RENNER BLVD	LENEXA, KS 66219		1,702	\$0.0289 /sq ft		\$49	\$49
BENEFIT DISTRICT RC-12-012 NON-RESIDENTIAL TOTAL							28,519	\$0.0289 /sq ft		\$824	\$824
RC-12-014 Breakdown (Expires 12/31/2025)											
Residential Lots (663 Lots)		RESIDENTIAL TOTAL					663	\$70 /Lot			\$46,410
Non-Residential Impervious Areas											
PP66000015 000A	5120 CEDAR ST	BD DIR JO CO LIBRARY		PO BOX 2933	SHAWNEE MISSION, KS 66201		24,403	\$0.0289 /sq ft			\$705
BENEFIT DISTRICT RC-12-014 NON-RESIDENTIAL TOTAL							24,403	\$0.0289 /sq ft			\$705
TOTAL FEE FOR ALL LOTS INSIDE OF BENEFIT DISTRICT AREA										\$30,574	\$77,689
TOTAL RESIDENTIAL FEES									\$126,280	\$156,030	\$202,440
TOTAL NON-RESIDENTIAL FEES									\$129,877	\$130,701	\$131,406
GRAND TOTAL OF STORMWATER UTILITY FEE FOR EACH YEAR									\$256,157	\$286,731	\$333,846







## ROELAND PARK STORMWATER UTILITY FEE ASSESSMENT

LAMP  
RYNEARSON



# STORM WATER UTILITY DISCUSSION

1/5/22

## STORM WATER UTILITY ASSUMPTIONS & OVERVIEW

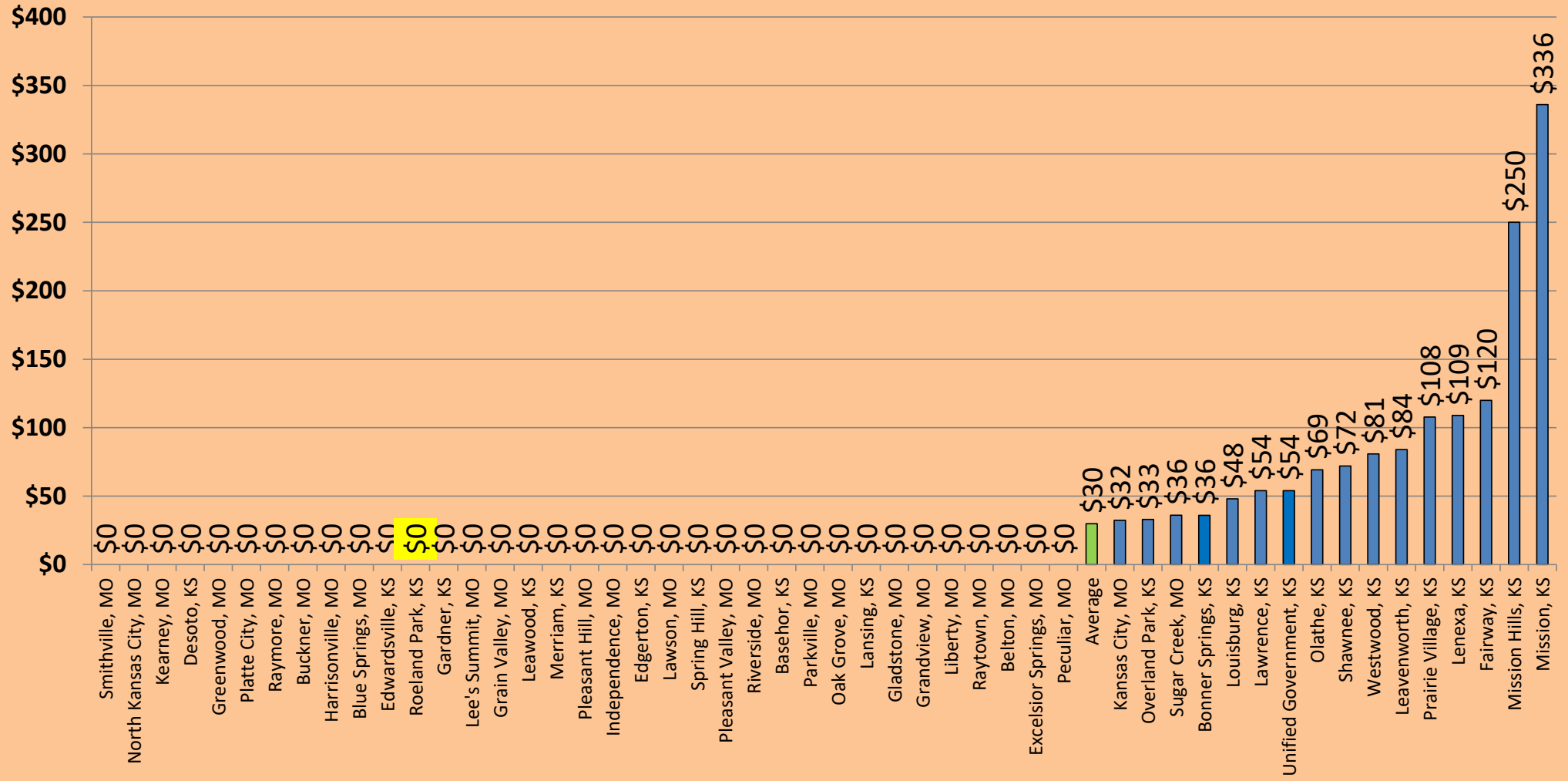
- Presumed fee of \$.0289/ impervious square foot.
- Presumed average \$70/yr. fee per single family lot.
- Utility fee would not be applied to lots currently subject to storm water improvement assessment. (Average Assessment for RC12= \$224, RC13= \$245, RC14= \$150; assessment lasts for 10 years, 1,339 lots currently pay an assessment, roughly half of the single family lots)
- Fee applied to all types of uses. The total fees by type of land use:
  - Single Family Lots= \$199,500
  - Multifamily/Commercial/Office/Industrial Sites= \$72,600
  - Churches and Schools= \$21,000
  - City Owned Facilities= \$12,500
- Total Estimated Annual Utility Fee Revenues Based Upon these Assumptions= \$305,600

## PROPERTY TAX AND STORM WATER ASSESSMENT INFORMATION

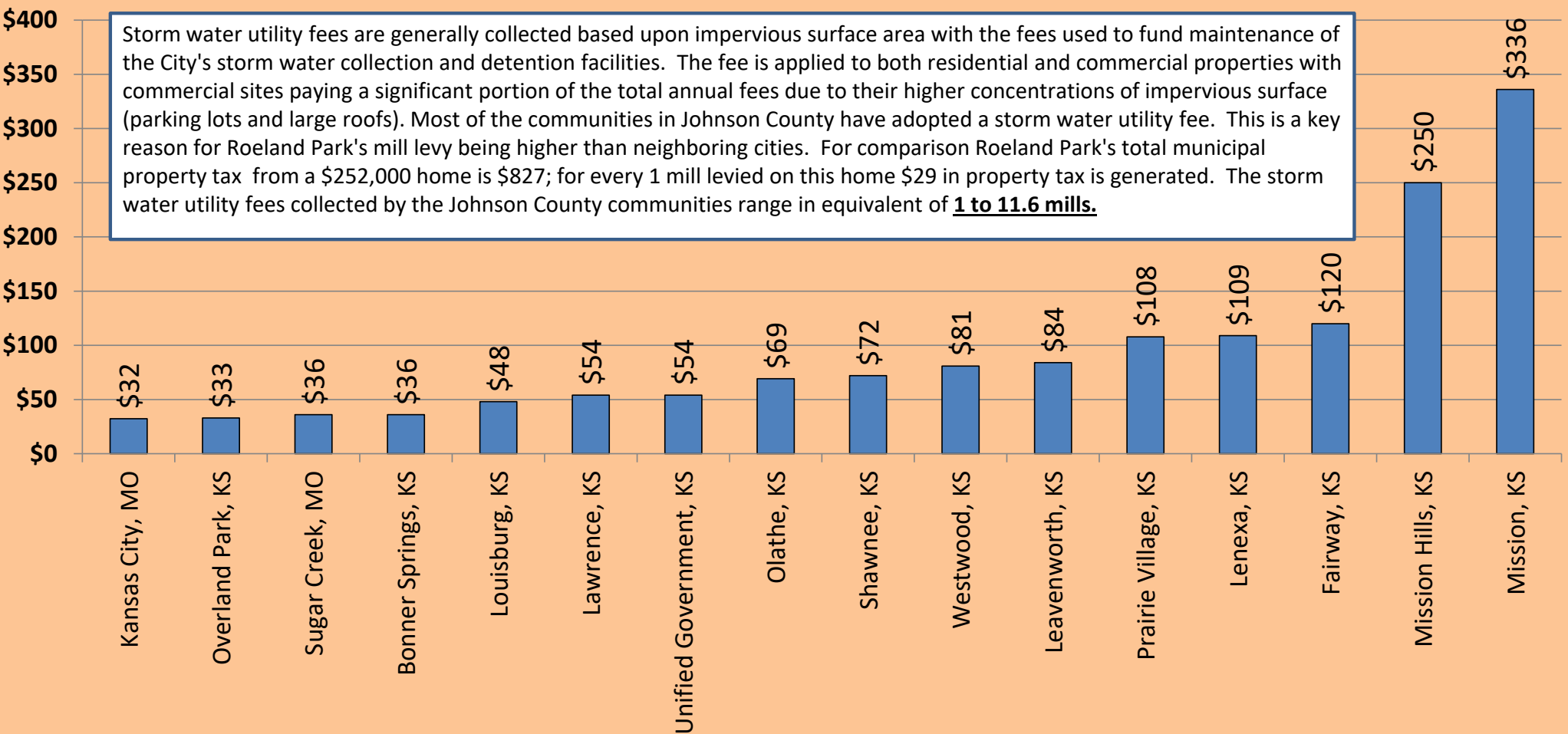
- 18% of property tax revenues come from commercial and 82% comes from residential properties.
- Each 1 mill equals \$103,000 in tax revenue, \$18.5k from commercial property and \$84.5k from residential property.
- Cities with a storm water utility in JOCO have fees that range from \$33 to \$336 per single-family lot, the average is \$131/yr./lot.
- The assumed \$70/yr./lot fee is less than half of the lowest current storm water improvement assessment in Roeland Park and 53% of the average storm water utility fee collected in JOCO per single family lot.



# Storm Water Utility Cost for a Single Family- 2020



## Storm Water Utility Cost for a Single Family- 2020



## INITIAL IMPLEMENTATION

- Schools, churches, the City, and the Library do not pay property taxes but would generally be subject to a storm water utility fee imposed by a City.
- RC12 has 427 lots (equal to \$30k in utility fees), RC13 has 248 (equal to \$17k in utility fees) and RC 14 has 664 (equal to \$46k in utility fees) for a total of 1,339 lots currently subject to a storm water improvement assessment which would reduce the utility revenue by \$93k from the \$305,600 estimate; roughly 1/3 of the total.
- The initial implementation could generate around \$200k in storm water fees.
- Initial implementation could entail around a 2-mill reduction in the tax levy netting the budget impact to zero.

## FULL IMPLEMENTATION

- Once all of the single family lots are paying the utility fee (2027) the mill could be reduced by 3 (from the current levy) and the net impact would be around a \$12 savings to an average home based upon the 2022 average home value of \$236,800.
- A 3-mill reduction would reduce property taxes paid by commercial property \$55.5k and reduce residential property taxes paid by \$253.5k.
- Commercial Property would see a net increase in taxes/fees paid of \$17,100 (\$72,600 in new storm sewer fees - \$55,500 in fewer property taxes).
- Residential Property would see a net decrease in taxes/fees paid of \$54,000 (\$199,500 in new storm sewer fees - \$253.,500 in fewer property taxes).
- Schools, Government Entities and Churches would see an increase in fees paid of \$33,500
- Net change in taxes and fees to the City of -\$3,400.

## STEP IMPLEMENTATION ALTERNATIVES

- 6-year Implementation- If implementation occurred in 2022 initially excluding the lots subject to the storm improvement assessment but adding the utility fee to them as those assessments retire a six-year implementation could be planned where the mill is reduced by .5 each year from 2022 through 2027 with a total mill reduction of 3 over this period.
- 3-year Implementation- If implementation occurred in 2025 where the fee is applied to all lots and the storm improvement assessments would not be collected and instead most of the utility fees collected would be used to make the remaining three years of related debt service payments. This scenario could include a 1 mill reduction in 2025, 2026 and 2027 for a total reduction of 3 mill.
- If schools, churches and other tax-exempt entities were exempted, either the mill reduction would need to be smaller or the storm water fee larger.

## ADDITIONAL CONSIDERATIONS

- If the storm water utility fee is not increased annually by the amount that property taxes would have increased on the presumed 3 mill reduction, the net decline in taxes and fees will grow from the initial -\$3,400. Future Councils will need to act on an annual basis to manage this delta.
- The Storm water utility revenue is restricted for use on maintenance and operation of the storm water system including street sweeping, curbs, inlets, piping, detention facilities, and drainage courses. For comparison, property taxes are not restricted to a specific use.
- If property taxes are reduced in an amount equal to storm water utility fees there is no change in service level provided.
- It can be argued that the cost of storm water services are accounted for with greater transparency through implementation of a storm water fee.

## TAX VS FEE BURDEN COMPARISON

- Commercial properties have a higher property tax burden than residential properties. 25% of each \$1 of taxable commercial property is subject to the property tax mill, where only 11.5% of each \$1 of taxable residential property is subject to property tax. Commercial property pays 2.17 times the tax that residential property does on the same \$1 of property value.
- Land uses other than single family lots average 42% of impervious area per lot compared to single family lots which average 25% of impervious area. Based upon the averages per land use category the commercial properties would pay on average 1.68 times more storm water utility fees per square foot than single family properties.
- Based upon this comparison a property tax is a greater burden to commercial properties than a storm water fee.



## PROS OF A STORM WATER FEE

- Pro- Implementing a storm water fee and reducing the mill rate will bring Roeland Park's mill rate down.
- Pro- A storm water fee would make Roeland Park comparable to other JOCO cities.
- Pro- A storm water fee diversifies the city's revenue sources.
- Pro- A storm water fee can stabilize revenues compared to property taxes (although property taxes are historically stable).
- Pro- A storm water fee arguably creates improved accuracy in accounting for the cost of the storm water system.



## CONS OF A STORM WATER FEE

- Con- A storm water fee does not represent as great of a fee burden to commercial properties as the property tax it would be replacing (it is more of a burden to commercial than residential, just not as much of a burden as property tax).
- Con- If future councils choose not to increase the storm water fee to keep pace with increases in taxable value, this will result in less revenue. Consequently, the tax/fee burden will shift from commercial to residential properties.
- Con- Implementation could take years, potentially up to six years. This long runway poses a challenge because residents, newly elected officials and new staff will lack history and potentially question/debate/challenge full implementation.
- Con- A storm water fee has restrictive uses compared to property taxes.
- Con- Applying the storm water fee to uses that are currently exempt from property tax could bring objection from schools, churches, and other tax-exempt entities.

## QUESTIONS AND DIRECTION

- Questions?
- Is implementing a storm water utility fee something Council would like to consider further?
- If so, would you like to consider initial implementation with only those properties currently not subject to a storm water improvement assessment?
- If so, would you want to employ an approach that results in a neutral impact upon revenues?



## Stormwater Fee Program Comparisons Schools, Churches, and Other Governmental Agencies

Kansas & Missouri Communities	SWU Fee?	Exemption Policy?	Comments
Bonner Springs, KS	YES	NO	Bonner Springs currently collects \$3 for all residential property and \$5.50 for non-residential property, <u>including schools, churches, governments, and non-profits</u> . However, these fees and procedures will be reviewed during the 2022 budget session.
Fairway, KS	YES	NO	Fairway <u>collects SWUF from their only church in town</u> . In addition, they also collect SWUF for two buildings owned by the KS Board of Regents (KU research facilities).
Kansas City, MO	<a href="#">YES</a>	YES	Nearly every property within the City limits is charged a Stormwater fee, which is based upon the amount of impervious surface area on the property. Stormwater fees are not applied to properties that do not have impervious surfaces. In order to receive an exemption from the fee, a customer must complete our Stormwater Utility Impervious Surface Fee Exemption form and provide a copy of the State of Missouri tax exemption letter/documentation and <u>include the use of the exemption, i.e. church school, etc.</u> The Missouri State tax exemption is one of the criteria used to determine if a customer can be exempt from paying Stormwater fees. The other criteria are- ownership of the property, use of the property for tax exemption purpose and if the customer was paying Stormwater fees. There are no taxes associated with Stormwater accounts (the Stormwater fee has been called taxes).
Lawrence, KS	YES	NO	The City of Lawrence charges SWU Fee on their utility bill, therefore anyone who has a water account pays the fee. <u>There are no exemptions for non-profits or governments</u> . The City of Lawrence pays the fee as well on the City's properties in order to help support stormwater control.
Leavenworth, KS	<a href="#">YES</a>	YES	Leavenworth charges schools, churches and non-profits. They also charge county facilities; however, <u>they do not charge state or federal properties</u> .
Lenexa, KS	<a href="#">YES</a>	NO	
Louisburg, KS	YES	NO	Louisburg charges every utility account a flat \$4 fee on each bill. Utility customers include their gas, water, and sewer customers. Regardless of whether the customer is served gas, water or sewer, or any combination of the three, the \$4 fee applies. <u>There are no variances or exceptions to for any organizational/property type</u> .
Mission Hills, KS	<a href="#">YES</a>	NO	



## Stormwater Fee Program Comparisons Schools, Churches, and Other Governmental Agencies

Kansas & Missouri Communities	SWU Fee?	Exemption Policy?	Comments
Mission, KS	<a href="#">YES</a>	NO	Revenue consists of an annual fee collected from each property in the City as an assessment on the property tax bill. The fee is set as a dollar amount per equivalent residential unit (ERU), which equals 2,600 sq. ft., the amount of impervious surface that an average single-family residential parcel is estimated to have. For FY 2022, the annual fee remains at \$28 per ERU/per month. A single-family parcel of property pays a storm water utility fee of \$336 per year. A larger parcel of property will pay a higher amount, determined by taking the total impervious surface for the parcel and dividing by 2,600 sq. ft. to determine the appropriate ERU multiplier. <u>The City collects the fee on all property – residential, commercial, non-profit, and government (including city owned property).</u>
Olathe, KS**	<a href="#">YES</a>	YES	<u>Charitable, nonprofit organizations located in Olathe may qualify for a monthly discount on City non-residential stormwater service charges.</u> Any nonprofit organization located in Olathe and exempt from taxation under § 501(c)(3) of the Internal Revenue Code (IRS) are encouraged to apply. Upon receipt of needed information and approval of the discount, future monthly bills will be based on the nonprofit rate as stated in the most current Comprehensive Listing of Fees and Charges.
Overland Park, KS	YES	NO	Overland Park has a hybrid revenue structure in their Stormwater Utility Fund to address this issue. They use both a property tax component of about one mill, which tax-exempt properties are not subject to. They also have <u>a user fee component, which tax-exempt properties are subject to.</u>
Prairie Village, KS	YES	NO	Prairie Village uses a 0.100% stormwater utility fee, and <u>all properties are subject to it, including schools, churches, nonprofits, and other government organizations.</u> For residential properties, the City counts roof area and driveway area for the calculations. On commercial properties, (anything non-residential) the City counts all impervious surfaces.
Shawnee, KS	YES	YES	Shawnee charges all organizations, including internal departments, for their impervious area. <u>At times, the City has issued refunds (very few), only if the owner removes significant impervious area since the last calculation.</u>
Unified Government, KS	YES	NO	Currently, all property owners, from single -family units to schools and nonprofits, pays a flat \$6.00 monthly fee. However, the Unified Government is looking to revise their procedures. Two proposals are listed on their <a href="#">website</a> .
Westwood, KS	YES	NO	

\*\*Information obtained from City website