

PUBLIC RESPONSE – PROPOSED INCORPORATION OF GOLDEN, KANSAS
06.10.2021 E-MAIL RECEIPT – SOETAERT

From: Allan Soetaert <asoetaert@water7.com>
Sent: Thursday, June 10, 2021 10:33 AM
To: clerk <clerk@miamicountyks.org>
Subject: W7 Comments - City of Golden

****This email originated from outside of County of Miami****

Please find attached the prepared comments requested by Miami County.
Let me know if you have any questions.
Thanks,
Allan

ALLAN SOETAERT, MANAGER
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June 10, 2021

Board of County Commissioners
Miami County, Kansas
201 S. Pearl, Suite 200
Paola, KS 66071

VIA EMAIL: (countyclerk@miamicountyks.org)

RE: Public Hearing Regarding the Petition for Incorporation of the City of Golden

Dear Commissioners:

As you may know, Rural Water District No. 7, Johnson County serves as a portion of its territory the northern parts of Miami County close to Hillsdale Reservoir. Our review of the documents provided in regards to the incorporation of the City of Golden indicates that the City would be incorporated almost entirely within the territory of RWD No. 7. We would note from review of the recent letter sent by the County regarding the standards under K.S.A. § 15-121, that none of the factors indicated were specific about utility service to residents of the potential city. However, RWD No. 7 would like to note several matters that the Commission may wish to consider in taking action on the Petition.

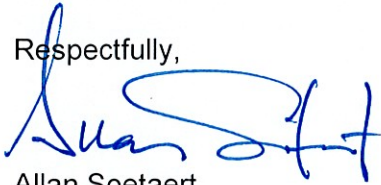
The annexation of rural water district territory by cities can be a complex legal and political issue. Obviously, this case does not involve annexation, and no Kansas law that we are aware of details what is to occur when a city is incorporated in rural water district territory. However, we believe it is inherent in the process, that upon incorporation, the City will have to designate a water service provider for its residents. Considering the fact that the nature of the incorporation is a broad area with a somewhat widely spaced series of residential properties, the only economical and feasible choice for water service in this regard would be Rural Water District No. 7, Johnson County. As the City will not have water transportation facilities, treatment capacity and the other necessary facilities to deliver water to its citizens, service by the RWD No. 7 is a practical necessity. It is stated in the incorporation Petition that the City intends to maintain the relationship with RWD No. 7, with no loss of revenue from service. It is the intent of RWD No. 7 to continue serving all existing customers and property regardless of the incorporation status. However, the incorporation will not serve as a transfer of the assets of the District to the City for any use, nor can they be used under law for the purposes of service as a city utility. The Water District has had no communications with the incorporators of Golden about this subject, but makes it known by this communication that this is the assumption it has reached because of the nature of the proceedings.

While it is certainly the case that none of the residents will be disadvantaged in regards to water service by RWD No. 7, the Commission may wish to consider the issue of utility services in the

area, as it appears that Golden has no intention of creating a separate water utility or providing services in that regard. It would certainly be helpful if it is intended that Golden proceed, beyond what is assumed here by RWD No. 7, that the incorporators present some type of utility service plan to make known their position on these vital matters.

Thank you for the Commission's time and consideration of these important issues.

Respectfully,

A handwritten signature in blue ink, appearing to read "Allan Soetaert", with a large, stylized flourish at the end.

Allan Soetaert
District Manager