

CITY OF DERBY RESPONSE TO PREHEARING QUESTIONNAIRE
(Derby Ordinance No. 2006)
December 18, 2014

- 1) **Services provided by City of Derby** in accordance with the proposed plan for extension of major municipal services:

Fire protection	Provided
Police protection	Provided
Code enforcement	Provided
Parks; Library	Available
Public streets maintenance	Provided
Traffic signage	Provided
“No Outlet sign” at Nancy off Patriot Stop sign at Jackson and Nancy	Installed Installed
Solid waste collection	Franchised trash service available
Stream maintenance	Provided
Streetlights	Provided
Street improvements	No petitions received
Water Service	No petitions received
Sewer Service	No petitions received

- 2) **General Services to be Provided:** Following annexation of the properties described in Derby Ordinance No. 2006, the City of Derby has provided and continues to provide a full range of municipal services to the included properties. Below is a summary of the major municipal services which have been provided within the annexation area since annexation in January 2010:

- a. **Fire Protection:** Derby Fire & Rescue has responded to 41 calls for assistance within the annexation area. The general nature of calls were primarily medical emergencies (31) but also included 1 building fire and 3 brush or grass fires, among other call types. Average response time for all calls was 5 minutes and 16 seconds. A report of all calls including type and response time is attached as Exhibit A.
- b. **Police Protection:** The area annexed is now included in routine patrol beats as assigned by the Derby Police Department. Derby Police responded to 9 incidents within the annexation area since 2010. Animal control service is also a function of the Derby Police Department and is available to the annexation area.
- c. **Building and Code Enforcement:** The annexation area is now included in routine patrol routes by the City’s Code Enforcement Division. Code Enforcement Officers

documented 43 cases within the annexation area since annexed in 2010. Cases involved violations of environmental health (primarily tall grass and weeds), inoperable vehicles, bulky waste and failure to obtain building permits.

The City of Derby also permits and inspects residential building additions and remodels. Since annexation, Derby staff has reviewed plans for and inspected 26 residential building permits within the annexation area. As nearly all lots were already developed at the time of annexation, building permits have been primarily for utility/mechanical change-outs (9), re-roofing/re-siding (8), and remodels (4). There have also been additions of new accessory structures (5).

- d. Parks: Derby has over 335 acres of parks which are open to the public. In addition to parks, Derby also has an extensive network (more than 25 miles) of hike and bike paths throughout the city. The path system connects many of the city's parks, schools and other destinations. A portion of the city's hike and bike path system is located along the south side of Patriot Ave. (63rd St. So.) adjacent to the annexation area.
- e. Library: A new Derby public library was constructed and opened in 2009. The facility includes more than 37,000 square feet of space and functions as a regional library and community meeting facility. There are 26 active Derby library card holders within the annexation area.
- f. Public Streets Maintenance: The City routinely inspects and rates pavement condition of streets and operates based upon a pavement management plan that includes typical street pavement maintenance work such as crack sealing, surface treatments, milling and overlays and total pavement replacement if needed. Specific street maintenance activities provided within the annexation area since 2010 have included crack sealing in 2011, pothole repairs in 2011 and 2013, and crack sealing large cracks in 2014. Additionally, small cracks identified in 2014 are being prepared for future crack sealing.

In addition to street pavement maintenance, the City also performed earth grading and ditch grading along the north side of Maurine Dr. in 2012 to address ditch maintenance concerns identified in the plan for extension of services.
- g. Street Sign Installation and Maintenance: The plan for municipal services prepared at the time of annexation identified a "No Outlet" sign to be located at Nancy Ln. off of Patriot Ave. and a "Stop" sign to be located at Jackson Blvd. and Nancy Ln. Both signs identified in the City's plan for services have been installed at the proposed locations. In addition to the new signs installed, all existing signs located within the annexation area have been inventoried and added to the City's sign maintenance program.
- h. Solid Waste Collection: Residents within the annexation area have trash service through the City's contract with Waste Connections, Inc. The franchised trash service offers residents within the annexation area curbside trash and recycling services with 3 rate options based upon the size of trash cart selected. Typical trash pick-up is once per week, thus reducing trash truck traffic within the annexation area which reduces noise and air pollution and also increases the longevity of the streets.

- i. Stream Maintenance and Stormwater Services: The City of Derby provides stream maintenance activities on an as-needed or complaint basis. Since being annexed, the City has conducted surveys of the stream segment within the annexation area, from Patriot Ave. north to the north city limit. Surveys were conducted in 2012, 2013 and 2014 to identify if illegal dumping in the stream was present. No illegal dumping was found.

Some stream blockages were identified on private property as a result of downed tree debris, but the blockages posed no immediate threat to structures. Property owners later removed the debris.

Derby staff also performs inspections of water wells and septic tank replacements as needed within the annexation area.

- j. Streetlights: The City coordinated with Westar Energy to provide streetlights along Nancy Ln., Maurine Dr. and Jackson Blvd. Installation of the streetlights was done in accordance with the plan prepared by Westar Energy and installation cost paid by the City. The ongoing cost of operating the streetlights is paid by the city-at-large.

3) Status of Petitions for Street Improvements and Water and Sanitary Sewer Services

Since annexation into the City of Derby in January 2010, the City has received no petitions for street, water or sanitary sewer improvements from owners within the annexed area.

4 properties within the annexation area are currently connected to a portion of the city's sanitary sewer system that was made available as a result of development adjacent to the annexation area.

Property owners within the annexation area have chosen to retain their Rural Water District No. 3 service or private wells. No properties within the annexation area currently have water service accounts with the City of Derby.

4) City Response to Property Owner Prehearing Questionnaire Responses

Mr. Hanson Letter (Exhibit B): The City of Derby generally agrees with Mr. Hanson's response – The City has provided all services identified in the plan for extension of major municipal services in a manner which is equal to or better than the services provided to the area prior to annexation.

Mr. Newberry Letter (Exhibit C): City has provided street maintenance in the form of crack sealing and pothole repairs in 2011, 2013 and as recently as 2014. In addition, further need for crack sealing has been identified and prepped for maintenance in 2015.

Mr. Newberry's primary concern identified in his letter is a large tree which has become uprooted and is at risk of falling onto Mr. Newberry's property. City of Derby has sent a certified arborist to the location to assess the condition of the tree (Exhibit D). Although there may be multiple existing conditions that have caused the tree to lean, the City is taking appropriate action to assist Mr. Newberry to remove the hazard tree at the City's expense.

Derby Fire and Rescue Department

EXHIBIT A

Report Generated: November 26, 2014

DATE	REPORT #	# UNITS	TYPE OF CALL	RESPONSE TIME
8/12/2010	10-1099	1	MED. EMER.	2:55
9/14/2010	10-1272	1	Gas Leak	9:36
9/25/2010	10-1338	1	CITIZENS ASSIST.	7:00
10/10/2010	10-1428	1	MED. EMER.	9:00
1/24/2011	11-0145	1	MED. EMER.	4:26
3/1/2011	11-0335	2	GRASS/BRUSH FIRE	5:56
3/6/2011	11-0374	1	MED. EMER.	4:00
3/7/2011	11-0375	1	MED. EMER.	0:00
3/14/2011	11-426	1	MED. EMER.	2:00
3/28/2011	11-0529	1	MED. EMER.	4:14
3/30/2011	11-0541	1	MED. EMER.	7:00
5/10/2011	11-805	1	MED. EMER.	5:00
6/29/2011	11-1099	2	GRASS/BRUSH FIRE	3:09
7/12/2011	11-1189	1	MED. EMER.	7:21
7/29/2011	11-1281	1	CO CHECK	14:09
9/7/2011	11-1495	1	MED. EMER.	6:38
12/2/2011	11-01942	1	MED. EMER.	1:16
12/19/2011	11-02022	1	MED. EMER.	5:00
1/28/2012	12-0136	1	MED. EMER.	4:34
3/22/2012	12-0399	1	MED. EMER.	3:39
6/12/2012	12-0873	1	MED. EMER.	6:11
8/26/2012	12-1363	1	MED. EMER.	3:44
9/3/2012	12-1408	1	MED. EMER.	4:57
9/3/2012	12-1415	1	MED. EMER.	5:59
9/21/2012	12-1517	1	WATER PROBLEM	6:37
10/13/2012	12-1661	1	MED. EMER.	4:45
10/20/2012	12-1713	1	MED. EMER.	4:00
10/22/2012	12-1720	1	MED. EMER.	3:52
11/8/2012	12-1799	2	POWER LINE DOWN	8:49
1/5/2013	13-0025	4	BUILDING FIRE	2:02
3/27/2013	13-0392	1	MED. EMER.	7:34
4/8/2013	13-0451	2	FALSE ALARM	4:57
4/16/2013	13-0488	1	MED. EMER.	4:04
7/1/2013	13-0938	1	MED. EMER.	5:00
7/5/2013	13-0984	3	BRUSH/GRASS FIRE	2:07
10/6/2013	13-1531	1	MED. EMER.	7:03
4/10/2014	14-0568	1	MED. EMER.	5:00
4/22/2014	14-0638	1	MED. EMER.	5:11
5/24/2014	14-0798	1	MED. EMER.	3:30
5/30/2014	14-0838	1	MED. EMER.	5:00
6/20/2014	14-0963	1	MED. EMER.	8:53
Average Response Time				5:16

Name: Terry W. Hanson
Address: 1506 E. Patriot

EXHIBIT B

PREHEARING QUESTIONNAIRE – LANDOWNERS
(Derby Ordinance No. 2006)

- 1) Did you own this property at the time of the annexation (the date of the annexation is provided in the cover letter)? Yes ☒ No ☐

If not, how long have you owned this property? 16 yr.

- 2) The service plan prepared by the city at the time of annexation described the following planned extension of services:

Fire protection Upon annexation

Police protection Upon annexation

Code Enforcement Upon annexation

Parks; Library Upon annexation

Public streets maintenance Upon annexation

Traffic signage Upon annexation

“No Outlet” sign – Nancy off of Patriot
Stop sign – at Jackson and Nancy

Solid waste collection Upon annexation (enrollment required)

Stormwater improvements On as-needed or complaint basis

Streetlights After poll of residents; and majority support

Street improvements Upon petition

Water Service Upon petition

Sewer Service Upon Petition

- 3) Please provide any comments regarding the above services, included but not limited to:

Have you received fire and police protection services? yes

Have you petitioned for water service or sewer service? No

There has been no change in services I have received since annexation except for change of my street name & address.

Name: LEE & MARVA NEWBERRY

EXHIBIT C

Address: 3041 N. NANCY LN.

PREHEARING QUESTIONNAIRE – LANDOWNERS

(Derby Ordinance No. 2006)

- 1) Did you own this property at the time of the annexation (the date of the annexation is provided in the cover letter)? Yes X No

If not, how long have you owned this property?

- 2) The service plan prepared by the city at the time of annexation described the following planned extension of services:

Fire protection Upon annexation HAD PROTECTION WITH
SEDWICH COUNTY

Police protection Upon annexation
SAME AS ABOVE

Code Enforcement Upon annexation

Parks; Library Upon annexation

Public streets maintenance Upon annexation THE TOWNSHIP FILLED IN THE
CRACKS EVERY FALL, CITY OF NANCY LN & MARINE DID NOT FILL IN

Traffic signage Upon annexation THE JACKSON WITH THE WORST
CRACKS 1 TIME IN 4 1/2 YRS

“No Outlet” sign – Nancy off of Patriot

Stop sign – at Jackson and Nancy

Solid waste collection Upon annexation (enrollment required)
HAD GOOD SERVICE

Stormwater improvements On as-needed or complaint basis
NONE

Streetlights After poll of residents; and majority support

Street improvements Upon petition NONE
SEE ABOVE NOTE

Water Service Upon petition NONE

Sewer Service Upon Petition I CONNECTED TO THE SEWER

- 3) Please provide any comments regarding the above services, included but not limited to:

STREET MAINTENANCE IS TERRIBLE

Have you received fire and police protection services?

Have you petitioned for water service or sewer service?

SEE BACK SIDE

I'M LATE RETURNING THIS BUT I WAS
UNAWARE OF THE TREE PROBLEM UNTIL
JUST BEFORE THANKSGIVING

I HAVE BEEN LAID UP WITH PNEUMONIA AND A
HEART ATTACK SINCE EASTER OF THIS YEAR
& HAD NOT BEEN IN MY BACK YARD. SINCE THIS
TIME MY NEIGHBOR FROM BEHIND CAME TO MY
DOOR & ASKED ABOUT THIS HUGE TREE THAT
IS "LEANING TOWARD MY PROPERTY & ASKED IF
I HAD SEEN IT. IT IS IN THE EASEMENT ON HIS
SIDE. I WENT AND OBSERVED IT. THIS TREE IS
HUGE 20" IN DIAMETER. WHEN THE SEWER WAS
PUT IN THE MAIN ROOT WAS SEVERED & HE
STATED WHEN WE GOT THE HEAVY RAIN IN
MAY IT TIPPED TOWARDS MY HOME
FROM THE RAIN & STRONG WIND. I AM GOING
TO TAKE PICTURES & TAKE THEM TO THE CITY
& SEE IF THEM OR THE CONTRACTOR WILL
REMOVE THIS HUGE TREE. IF IT FALLS
IT WILL CAUSE LOTS OF DAMAGE TO MY PROPERTY
NOW ABOUT HALF OF THE ROOT SYSTEM IS
EXPOSED

Lee Newberry



Date: 5 December 2014

From: Michael W. Day, Parks Superintendent

Ref: Tree Assessment for 3041 N. Nancy Ln.

I was contacted by Cody Bird, City Planner to examine an Osage Orange tree (*Maclura Pomifera*) behind the property located at 3041 N. Nancy Lane. Mr. Lee Newberry, the owner of the property, has stated that the tree has begun to lean toward his fence toward the east, and has severed roots on the west side of the tree line.

After an on-site examination, I have discovered that the tree does indeed have damaged roots, which were severed approximately three feet from the base of the tree. These roots have been cut for some time based on the decomposition of the woody root material, and the age/decomposition of the wound itself. Additionally, the air-exposed portion of the large anchoring root has epicormic growth suckers, which are usually associated with wounding.

There are additional factors that need to be considered at this site. One is the fact that numerous trees inside the tree line have also uprooted and are heavily leaning to the east. Up to three of these trees are at least six feet to the east of the named tree in this report, and would have not been subject to the same root severing process of this reported tree. One of the trees that is leaning of these three, has already been cut and removed approximately five feet above the ground, with only the main trunk and root system remaining. There may be a more underlying cause of the failures of these trees at this site, such as poor soil conditions in and about the tree row, excessive irrigation by the neighbors to the west on the fescue lawn, and new home construction practices not conducive to tree health.

In conclusion, I would classify this examined tree as a "Hazard Tree," defined as a defective tree that could cause damage to person or property. I would recommend having the tree removed by a licensed, insured tree company that has the ability to access private property from the adjacent homeowners.

Michael W. Day
Parks Superintendent
City of Derby Public Works
Kansas Arborist Association Certified Municipal Arborist