

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 234

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 5, 2001
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Martz, Pisciotte, present. (Council Member Lambke absent)

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. David McCann, Westwood Presbyterian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The minutes of the regular meeting of May 22, 2001, were approved 6 to 0. (Lambke absent)

AWARDS AND PRESENTATIONS

RECOGNITION McConnell Air Force Base was recognized for its contribution to the community.

RECOGNITION Doug Mahin was presented a medallion.

PROCLAMATIONS Proclamations previously approved were presented.

UNFINISHED BUSINESS

CONDEMNATIONS REPAIR OF DANGEROUS AND UNSAFE STRUCTURES – 637 SOUTH OSAGE AND 804 WEST HENDRYX. (District IV)

Agenda Report No. 01-0572A.

The dangerous and unsafe properties at 637 South Osage and 804 West Hendryx were first before City Council on May 1, 2001. No one appeared; the City Council adopted a resolution giving 10 days to start repairs or 10 days to complete demolition.

On May 15, 2001, these properties changed ownership. The new owners have contacted Council Member Gale to request a re-hearing of the condemnation cases against the properties.

On May 22nd, staff inspected the properties with the owners. The premises of both properties had been mowed and the properties were secure. Work was in progress on the exterior of 637 South Osage. As of May 24, 2001, the property taxes on both addresses were still delinquent.

Pursuant to State Statute, required resolutions for the May 1, 2001 hearing were published twice, on March 24, 2001, and on March 31, 2001.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 235

Motion --

Gale moved that the Resolutions declaring the buildings as dangerous and unsafe, but allowing 60 days (from June 5, 2001) to have the exterior of the buildings brought into Code compliance, be adopted. Such extension would be conditioned on the following: (1) all real estate taxes have been paid to date as of June 5, 2001; (2) the structures have been fully secured and will continue to be kept secured; and (3) the exterior premise is mowed and kept free of debris and is maintained during renovation. Failing any of the above, the City will proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structures be adopted. Motion carried 6 to 0. (Lambke absent)

-- carried

RESOLUTION NO. 01-218

A Resolution finding that the structure located on Lots one and three on Osage Avenue, Glendale Addition to Wichita, Sedgwick County, Kansas, commonly known as 627 South Osage, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight

RESOLUTION NO. 01-219

A Resolution finding that the structure located on Lots one and three on Osage Avenue, Glendale Addition to Wichita, Sedgwick County, Kansas, commonly known as 804 West Hendryx, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight

NEW BUSINESS

VIA CHRISTI IRB

ISSUANCE OF HOSPITAL FACILITIES IMPROVEMENT AND REFUNDING REVENUE BONDS – VIA CHRISTI. (Districts II, III, and VI)

Lisa Jones

Industrial Analyst reviewed the Item.

Agenda Report 01-0689.

On April 17, 2001, the City Council approved a Letter of Intent to issue its Hospital Facilities Improvements and Refunding Revenue Bonds to Via Christi in the amount not-to-exceed \$166 million. The proceeds of the proposed Bonds will be used to refinance the City's outstanding Hospital Facilities Improvements and Refunding Revenue Bonds, issued to refinance improvements to St. Francis Regional Medical Center in 1992 and to finance new construction and equipment at Via Christi's facilities in Wichita and in Pittsburg, KS. Via Christi is asking to increase the not-to-exceed amount in the Letter of Intent by an additional \$17,000,000 in order to allow additional funds in the refinancing. The proposed amended amount is not-to-exceed \$183,000,000. Via Christi is requesting the issuance of IRBs at this time.

Via Christi Health System was formed in October of 1995 through the consolidation of the St. Francis Ministry Corporation of the Sisters of Sorrowful Mothers and the CSJ Health System of Wichita of the Sisters of St. Joseph of Wichita. During that same period, St. Francis Regional Medical Center and St. Joseph Medical Center were consolidated to form Via Christi Regional Medical Center. Via Christi Health System headquarters is located in Wichita at 929 N. St. Francis. Via Christi Health System now operates and manages five hospitals on six campuses, a rehabilitation center, five senior care facilities and 18 physician practices in three states.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 236

Bond proceeds will be used to refinance outstanding Hospital Facilities Improvement and Refunding Revenue Bonds and in addition to finance the cost of purchasing, acquiring, constructing, furnishing, and equipping improvements to certain hospital facilities owned by Via Christi Health Systems located in Wichita and Pittsburg, Kansas. The City of Pittsburg and Crawford County have consented to the issuance of the bonds by the City of Wichita. Via Christi wishes to have all of their financings consolidated under one master bonding arrangement.

An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

Advance Refunding of 1992 Refunded Bonds	\$95,000,000
Construction of Hospital Improvements	
St. Francis Campus	20,000,000
St. Joseph Campus	15,000,000
Mt. Carmel	<u>16,600,000</u>
Total Refunded Bonds	\$146,600,000
Furnishings, Machinery & Equipment	
St. Francis Campus	\$15,000,000
St. Joseph Campus	9,500,000
Mt. Carmel	8,100,000
Cost of Issuance	<u>3,800,000</u>
Total Improvements	\$ 36,400,000
Total cost of Project	\$183,000,000

The firm of Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction. Solomon Smith Bamey, Inc. has agreed to underwrite the bonds. Via Christi agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Via Christi agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Via Christi does not request a property tax abatement in conjunction with the IRBs.

The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA Hearing requirement in the federal tax code for tax exempt bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the public hearing be closed; the amendment to the Letter of Intent for Hospital Facilities Improvement and Refunding Revenue Bonds to Via Christi Health System in an amount not-to-exceed \$183,000,000, subject to the Standard Letter of Intent Conditions, and the Agreement be approved; and the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

-- carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas to issue its hospital facilities improvement and refunding revenue bonds (Via Christi Health System, Inc.) in the aggregate principal amount of not to exceed \$183,000,000 for the purposes of refunding certain outstanding Hospital Revenue Bonds and constructing and equipping certain additions to existing hospital facilities; prescribing the form and authorizing execution of a bond indenture by and between the city and Intrust Bank, N.A., as Bond Trustee; prescribing the form and authorizing the execution of a Second Supplemental Restated and Amended Lease by and between Via Christi Regional Medical Center, Inc. and the City; prescribing the form and authorizing the execution of a Second Supplemental Sublease and Obligation No. 3A by and between the City and Via Christi Regional Medical Center, Inc.; prescribing the form and authorizing the execution of a First Supplemental Lease by and between the City and Mt. Carmel Medical Center,

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 237

Inc.; prescribing the form and authorizing the execution of a First Supplemental Sublease and Obligation No. 3B by and between the City and Mt. Carmel Medical Center, Inc.; prescribing the form and authorizing the execution of an Escrow Deposit Agreement by and among the City, Via Christi Health System, Inc., Via Christi Regional Medical Center, Inc. and Intrust Bank, N.A.; approving the form of Guaranty Agreement and Obligation No. 3AA by and between Via Christi Regional Medical Center, Inc. and the Bond Trustee; approving the form of Guaranty Agreement and Obligation No. 3BB by and between Mt. Carmel Medical Center, Inc. and the Bond Trustee; authorizing execution of a Tax Compliance Agreement by and among the Issuer, the Bond Trustee and Via Christi Health System, Inc.; prescribing the form and authorizing the execution of a Bond Purchase Agreement by and among the City, Via Christi Health System, Inc. and Salomon Smith Barney Inc., as purchaser of the 2001 Bonds, introduced and under the rules laid over.

ENVISION IRB

ISSUANCE OF INDUSTRIAL REVENUE BONDS – ENVISION, INC. (District III)

Lisa Jones

Industrial Analyst reviewed the Item.

Agenda Report No. 01-0690.

On November 17, 1998, City Council approved a three-year month Letter of Intent to issue Industrial Revenue Bonds in the amount not-to-exceed \$6 million to Envision, Inc. The funds were used for the acquisition of 10.5 acres of land at Pawnee and Water and the construction of a new training and employment facility designed specifically for people with low vision or no vision. On March 16, 1999, City Council approved issuance of \$4 million to Envision, Inc. The company is now requesting the City to issue its Industrial Revenue Bonds in the amount of \$ 2,000,000.

Envision's current Wichita facility serves as corporate headquarters and manufactures a variety of products including paper towels, seal-closure plastic bags, tee-shirt plastic bags, specialty bags, plastic sheeting, high visibility belts, gun slings, and gun sling adapter kits (for U.S. Department of Defense). These products are manufactured by individuals who are blind or developmentally disabled and may otherwise not be main-streamed into the Wichita community. Envision also has facilities in Pittsburgh, KS and Kansas City. Envision will employ 95 blind or low vision individuals in the new IRB financed facility.

The uses of bond proceeds are as follows:

USES OF FUNDS

Construction Costs	\$1,426,733
Equipment and Furnishings	<u>573,267</u>
Total cost of Project	\$2,000,000

The tax-exempt Bonds will be purchased by Davidson Securities and publicly reoffered to investors. The firm of Hinkle Elkouri Law Firm, L.L.C., serves as bond counsel in the transaction. Envision, Inc., has complied with the City's Letter of Intent Conditions.

Envision, Inc., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Envision, Inc., does not request a tax exemption in conjunction with the expansion project. As a tax-exempt not-for-profit organization, property acquired by Envision is generally exempt from ad valorem taxation.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that public hearing be closed; the Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount of \$2,000,000 be placed on first

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 238

-- carried

reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance authorizing the city of Wichita, Kansas to issue its Industrial Revenue Bonds, Series V, 2001 (Envision, Inc.) in the aggregate principal amount of \$2,000,000 for the purpose of providing funds to construct and equip additions to certain existing manufacturing, administrative, and technological facilities for the blind/visually impaired; prescribing the form and authorizing execution of a first supplemental trust indenture between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing execution of a First Supplemental Lease Agreement by and between the City and Envision, Inc.; approving the form of a Guaranty Agreement between Envision, Inc., as Guarantor, and Intrust Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing the execution of a Bond Purchase Agreement between the City, Envision, Inc., and Davidson Securities, a division of Gold Capital Management, Inc. as purchaser of the Series V, 2001 Bonds, introduced and under the rules laid over.

FEIST IRB

LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – FEIST PUBLICATIONS, INC. (District II)

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 01-0691.

Feist Publications, Inc., is a successful publisher of telephone directories in Kansas, Oklahoma and Texas. Feist Publications started in Spearville, Kansas in 1978, and opened its first branch office in Wichita in 1985, and is currently located at 118 South Main. Feist Publications is requesting a Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$5,500,000 for the purpose of financing the cost of acquiring, constructing and equipping a two-story corporate headquarter office building to be located at 3020 N. Cypress in northeast Wichita, near Webb Road and 29th Street North. Feist Publications is also requesting a 10-year property tax abatement for its new headquarters facility.

There are nineteen directories covering trade area and metropolitan areas including Wichita, Oklahoma City, Lubbock, and Kansas City. These directories include white page and yellow page information. The directories are delivered free to each household and business in the area served. Revenues are generated from the sale of advertising in the yellow pages. Office are located in the metropolitan areas listed and also Spearville, KS. Feist currently employs approximately 270 people in those offices and plans to add 200 new jobs over a 10-year period.

CITY COUNCIL PROCEEDINGS

USES OF FUNDS

Land	\$ 600,000
Building	3,000,000
Remodeling Costs	1,500,000
Equipment	300,000
Cost of Issuance	<u>100,000</u>
Total cost of Project	\$5,500,000

The proposed bond issue will finance the construction of a 48,000 sq. ft. building which will be constructed by local developer Casey Backrodt and leased to Feist Publications. Feist will initially occupy approximately 15,000 sq. ft. as its corporate headquarters and sublease the balance of the building to other non-retail, office tenants. It is Feist's intention to gradually take over the entire building by moving customer-service and marketing functions to Wichita from other Feist offices, over a ten-year period.

City staff and Feist Publications have negotiated the terms of a property tax abatement designed to abate the taxes only on property actually occupied by Feist. Under this arrangement, all bond-financed improvements will be subject to a 100% five-year abatement, plus a second five years subject to Council review and approval. Each year of the abatement period, Feist will pay the City a "payment-in-lieu-of-taxes" equal to the prorated amount of taxes that would have been due on the portion of the building not occupied by Feist, based on current appraised value and current tax rates.

Wichita State University's Center for Economic Development and Business Research is conducting a cost-benefit analysis of the impact the proposed project will have on state and local government revenues. The cost-benefit analysis is required by state law whenever a property tax exemption is being considered. The ratios of benefits-to-costs are as follows:

State of Kansas	3.88 to 1
City of Wichita	2.25 to 1
Sedgwick County	1.80 to 1
USD 375	1.46 to 1

The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the transaction. Froggatte & Company has agreed to underwrite the bonds. Feist Publication agrees to comply with the Standard Conditions contained in the City's IRB Policy with the exception of the requirement that the IRB recipient use procedures for selection of contractors, subcontractors, engineers, architects and suppliers that do not exclude minority and women-owned businesses. The construction work had already begun before Feist approached the City to discuss IRBs and tax abatement.

Feist Publication agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. It is estimated that the proposed property tax abatement will save Feist Publications \$37,600 per year.

The City's Attorney's Office will review and approved the form of all bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Pisciotte moved that the public hearing be closed; the Letter on Intent to Feist Publications, Inc., for Industrial Revenue Bonds in an amount not-to-exceed \$5,500,000, for a term of six-months, subject to the Standard Letter of Intent Conditions, and 100% five-plus-five year tax abatement with payment-in-lieu-of taxes be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 240

PARK WEST PLAZA **LETTER OF INTENT FOR ASSISTED CARE AND INDEPENDENT LIVING FACILITY
REFUNDING REVENUE BONDS – PARK WEST PLAZA, L.L.C.** (District V)

Ray Trail Director of Finance reviewed the Item.

Agenda Report No. 01-0692.

On September 19, 1995, the City Council approved issuance of Assisted Care Facility Revenue Bonds in the amount of \$4.2 million to Park West Plaza, L.L.C. On September 9, 1997, City Council also approved issuance for Elderly Housing Revenue Bonds, in an amount not to exceed \$3.5 million. Bond proceeds were used to construct and equip a 60-unit assisted living facility, a 24-unit special care assisted living facility, and 18 independent living units. Park West Plaza, L.L.C., wishes to refinance its outstanding bonds and is requesting City Council approval of a Letter of Intent to issue its Assisted Care & Independent Living Facility Refunding Revenue Bonds in an approximate amount of \$7,000,000.

Park West Plaza, L.L.C., is an assisted care facility, on an approximate 6-acre tract of land located at 505 N. Maize Road in west Wichita. The units range from 562 to 635 square feet and accommodate single or double occupancy. Park West Plaza provides dining services, housekeeping and linen service, security and safety features, numerous in-house social activities, and scheduled transportation. The special care assisted living section is staffed by a registered nurse to oversee the individualized care of each patient, including dressing, bathing, blood pressure monitoring, medication, supervision and assistance with mobility. The independent residential living consists of independent living apartments within a secured setting that is offered to the senior population. Units are available to either single individuals or married couples. As a compliment to the units, private carport for parking and access to a private clubhouse is provided.

Bond proceeds will be used to refinance currently existing debt and pay costs of issuance.

An estimated analysis of the uses of project funds is:

USES OF FUNDS

Redemption of Refunded Bonds	\$7,280,000
Costs of Issuance	210,000
Miscellaneous	<u>210,000</u>
Total cost of Project	\$7,700,000

The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the transaction. Froggatte & Company has agreed to underwrite the bonds. Park West Plaza is in compliance with the Standard Conditions contained in the City's IRB Policy.

Park West Plaza agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Park West Plaza does not request a property tax abatement in conjunction with the IRBs.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel. The City's Attorney's Office will review and approved the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA hearing requirement in the federal tax code for tax exempt bonds.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Martz moved that the public hearing be closed; the Letter of Intent for Assisted Care & Independent Living Facility Refunding Revenue Bonds to Park West Plaza, L.L.C. in an amount of approximately \$7,000,000, subject to the Standard Letter of Intent Conditions be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 241

STERLING POINTE LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – STERLING POINTE APARTMENTS. (District IV)

Ray Trail

Director of Finance reviewed.

Agenda Report No. 01-0693.

Fore Properties, L.L.C., a Michigan - based apartment developer, is requesting City Council approval of a six-month Letter of Intent for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$6,100,000. The proceeds of the proposed bonds will be used to finance the cost of acquiring land, constructing and equipping a 120 unit Residential Housing Project for Wichita senior citizens, to be known as Sterling Pointe Apartments. The new senior housing complex will be located near Douglas Avenue and Mt. Carmel Street in west Wichita.

Sterling Pointe Apartments will be a three-story, elevator equipped apartment building containing 120 independent rental-housing units, of which 60 units will be one-bedroom apartments and 60 units will be two-bedroom apartments. The proposed project is designed for active elderly persons. In addition to the resident's own fully equipped apartment, the project will also contain common space such as a community room, hair salon, exercise room, arts and craft room, lounge areas, library, non-commercial kitchen with dining room and a big screen television/activity room. Sterling Pointe will also have a mail and laundry room as well. Sterling Pointe plans to hire four individuals to operate the facility.

An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

Land	\$ 679,250
Constructions Costs	5,008,430
Contingency and Fees	<u>412,320</u>
Total cost of Project	\$6,100,000

The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the transaction. The Bonds will be privately placed with an institutional investor. Sterling Pointe agrees to comply with the Standard Conditions contained in the City's IRB Policy.

Sterling Pointe agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel for the project. The City's Attorney's Office will review and approved the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item satisfies the TEFRA Hearing requirement in the federal tax code for tax-exempt bonds.

It is recommended City Council close the public hearing and approve a Letter on Intent to Sterling Pointe Apartments for Industrial Revenue Bonds in an amount not-to-exceed \$6,100,000, subject to the Standard Letter of Intent Conditions.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Gale moved that the public hearing be closed; the Letter of Intent be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 242

PAVING PETITION **PETITION TO PAVE THE EAST-WEST ALLEY BETWEEN MARTINSON AND ELIZABETH, MCCORMICK AND IRVING.** (District IV)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 01-0694.

The signature on the Petition represents 1 of 3 owners and 76.19% of the improvement district area. A May 2, 2001, meeting of District IV Advisory Board was held to discuss the Petition. The Board recommended approval of the project.

The alley provides access to a new church building and a small house.

The estimated project cost is \$28,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated rate of assessment is \$00.95 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0.
-- carried (Lambke absent)

RESOLUTION NO. 01-220

Resolution of findings of advisability and Resolution authorizing improving of the E-W alley between Martinson and Elizabeth, McCormick and Irving, from the west line of Martinson to 160' west of Martinson, 472-83388, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

DERBY WATER **CITY OF DERBY (EL PASO) WHOLESALE WATER PURCHASE AGREEMENT.**

David Warren Director of Water and Sewer reviewed the Item.

Agenda Report No. 01-0695.

Staff has negotiated an Agreement with El Paso Water Co. (serving the City of Derby) for a wholesale water source. Derby is a growing community with a current population of 19,811. The community is served by the El Paso Water Co., a private firm; however, the City of Derby purchased all outstanding stock of the El Paso Water Co. in 1999.

Derby's source of supply is through water wells. The water from these well sources is safe, but is of less than desirable quality in terms of hardness. There are also long-term issues relating to the adequacy of its current water supply in terms of quantity. Accordingly, Derby examined several options for serving its water supply needs. Evaluation indicated that the preferred alternative was to pursue a Wholesale Water Purchase Agreement with Wichita.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 243

The terms of the Agreement negotiated with Derby contain the following provisions in accordance with City Council Policy #32:

1. Service Area Boundaries. The service area boundaries have been determined to be compatible with the long-term development and growth concerns of the City of Wichita. The Metropolitan Area Planning Department has confirmed that the service area boundaries are compatible with the Comprehensive Plan.
2. Maximum Water Use Schedule.
3. Terms for Rates to be Charged. The Agreement indicates that the rates charged shall be in accordance with those charged to similar classes of customers (the wholesale rate as currently enacted, and as it may be amended by City Council action from time-to-time). Also stated are terms for the payment of a plant equity fee, based on meter size at the connection point.
4. Use Restrictions. The Agreement prohibits sale of water to customers outside the City of Derby, outside the designated service boundaries, or to other incorporated cities or improvement districts.
5. General Terms Regarding Contract Length, Renegotiation, and Termination. The term of the Agreement is for twenty years through 2022. Provisions are contained relating to renegotiation for noncompliance for connection of unauthorized customers and for exceeding the Agreement volume limitations. Provisions are also included for a surcharge for consumption volumes in excess of the yearly contracted volumes.
6. Provision for Adoption and Enforcement of Conservation Measures Equivalent to Wichita. Provisions governing these requirements are contained in Article 5.

In addition to the above terms, the Agreement allows Derby an opportunity to retain its current water rights through the sale of water to customers not in Wichita's designated service area provided, that service is not to be provided for through the existing distribution system, or any extension thereof (meaning that a separate distribution system completely isolated from the current distribution system would have to be constructed). This does not compromise the obligation of Derby to "take and pay" for one-hundred percent of the volume contracted for in any given year, whether that volume is used or not.

Provision of water service to Derby is fully compatible with the adopted Water Supply Plan. Large expenditures will be necessary for the aquifer recharge project, as outlined in the Plan. An expanded customer base, of which wholesale service to Derby would be part, will help spread the cost of these expenditures.

The primary consideration in negotiating the Agreement was the protection of existing Wichita rate-payers from adverse financial impact.

A unique consideration related to the Derby Agreement is the need for significant improvements required for the provision of service. Estimates are that \$8.5 million is required to make overall system improvements necessary to supply water to Derby. This includes \$5.7 million to provide service to Derby via a 30" supply line (from Dayton Street to the point of connection at 63rd St. South).

Prior City wholesale Agreements have provided that a customer pay the entire cost of the transmission line directly and that the transmission line be the property of the wholesale customer. In Derby's case, the geographic distance that the transmission line traverses makes it desirable for Wichita to retain ownership. In addition, Derby's wishes were to have Wichita finance all related system improvements.

The Agreement contains a 100% "take-or-pay" provision as a financing mechanism for the system improvements. The obligation of Derby to take, or pay for 100% of the annual contracted volumes as specified in the Schedule of Projected Water Usage, is unconditional throughout the twenty-year term of the Agreement. Staff analysis indicates that the cash flow projection tied to this revenue stream is adequate to fund the amortization of debt associated with the system improvements.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Knight moved that Agreement for the sale of treated water to El Paso Water Co. (Derby) at wholesale rates be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 244

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 01-0696.

On April 24, 2001 a report was submitted with respect to the dangerous and unsafe conditions on two (2) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 10:30 a.m. on June 5, 2001.

On April 2, 2001, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
1) 1632 North Ash	I
2) 3121 South Yale	III

Pursuant to State Statute the Resolutions were duly published twice on April 28, 2001 and May 4, 2001. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

1) 1632 North Ash

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the public hearing be closed; the Resolution declaring 1632 North Ash as dangerous and unsafe structures be adopted; and the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of June 5, 2001; (2) the structure(s) has/have been secured as June 5, 2001, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of June 5, 2001, and will be so maintained during renovation. Motion carried 6 to 0. (Lambke absent)

-- carried

RESOLUTION NO. 01-221

A Resolution finding that the structure located on Lots 64 and 66, Strong now Ash street, Logan Addition to Wichita, Sedgwick County, Kansas, commonly known as 1632 North Ash, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight

2) 3121 South Yale

Kurt Schroeder

Superintendent of Central Inspection reviewed 3121 South Yale and recommended 60 days be given to complete exterior repairs subject to the taxes being paid immediately.

Vernon Turner

Vernon Turner, Estate Administrator and son-in-law of deceased property owner, said he would greatly appreciate 60 days to complete exterior repairs.

Motion --

Knight moved that Knight moved that the public hearing be closed; the Resolution declaring the structure as dangerous and unsafe structures be adopted; and the Staff recommendation allowing 60 days to complete exterior repairs; be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of June 5, 2001; (2) the structure(s) has/have been secured as June 5, 2001, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of June 5, 2001, and will be so maintained during renovation. Motion carried 6 to 0. (Lambke absent)

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 245

RESOLUTION NO. 01-222

A Resolution finding that the structure located on Lot 43, Block F, in Planeview Subdivision No. 2, in Section 2T, 28S, R1E, of the 6th Principal Meridian in Sedgwick County, Kansas, commonly known as 3121 South Yale, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS.

- Motion -- Fearey appointed Rosalie Bradley (Alternative Correctional Housing); Dorathea Sloan (Codes Standards); Janet Miller (Park); Bickley Foster (Zoning); Tony Rangel (Housing); Gerald Layman and Cathy Landwehr (Library); Elizabeth Bishop (MAPC); James Faith (Police & Fire Retirement.); Dr. Kathy. Dittmer (Health); and moved that the appointments be approved. Motion carried 6-0. (Lambke absent)
- carried
- Motion -- Martz appointed Ruth Wetta-Hall (Health); Joe Todd (Park); Randy Phillips (Zoning); Kent Voth and Ronda Limon-Louderman (Library); Ron Marnell (MAPC); Jack Graham (Police & Fire Retirement); Ann Brooks (Sister Cities); Charles Bouilly (Airport); Marvin Fisher (WER); Bill Haggar (Public Building); Terry Irwin – plumbing contractor, Patrick Johnson – mech. engineer, Robert Lavelle – master plumber, and Darrell Bunch – public at-large (Appeals of Plumbers and Gas Fitters); Ed Murabito (Code Standards and Appeals); Larry Hackney – public at-large, David Kratz (mobile home tech., Robert McFadden – journeyman electrician, Roy Meinhardt – master electrician, John Whittit – master electrician, and Larry Cook - journeyman electrician (Electrical Appeals); Blair Thorp – refrig. contractor, Dave Finley – public at-large, Dave Hughes – mechanical engineer, Bud East – AC WAR contractor (Appeals Mechanical); and Fran Hoggatt, Bob Sorenson, Mo Ediger, Vince Miller, Sean Cash, Andy Johnson, Margarita Hunt, Dave Almes, Dave Dennis, Bob Buhlman, and Terri Schmidt (DAB V); and moved that the appointments be approved. Motion carried 6-0. (Lambke absent)
- carried
- Motion -- Pisciotte appointed Don Deckert (Alternative Correctional Housing); Trix Niernberger (Park); Jim Ruane (Zoning); Keith Lawing (Historic Preservation); Alan Huffman – property management (Housing); Lois Ruby (Library); Jerry Michaelis (MAPC); Peggy Brown (Sister Cities); Harold Schlechtweg (WER); Bart Hildreth (Public Building); and Donna Sweet (Health); and Mike Jones, Tim Goodpasture, Martha Bruce Fair, Kathy Webner, and Kevin Bright (DAB II); and moved that the appointments be approved. Motion carried 6-0. (Lambke absent)
- carried
- Motion -- Knight appointed Don Anderson (MAPC), M.S Mitchell (Park); Tim Moore and Gillard Cohen (Library); Barbara McKee (Sister Cities); and Jim Guy (Historic Preservation); and moved that the appointments be approved. Motion carried 6-0. (Lambke absent)
- carried

CONSENT AGENDA

Knight moved that the Consent Agenda, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 246

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 4, 2001.

Bids were opened May 25, and June 1, 2001,2001, pursuant to advertisements published on:

2001 contract maintenance pedestrian bridge replacement at 9th Street North and Lawrence Lane over the West Branch Gypsum Creek - 9th Street North and Lawrence Lane. (472-83345/131532/) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Dondlinger & Sons - \$63,050.00 (Base bid)
\$ 1,950.00 (Additional base bid sidewalk construction)

2001 park sidewalk repairs - north of 47th Street South and east of 135th Street West. (472-83351/785021/391153) Traffic to be maintained during construction using flagpersons and barricades. (District)

Kansas Paving Company - \$20,000.00 (Engineer's estimate)

2001 sanitary sewer reconstruction program Phase 4 - south of McLean, west of Seneca. (468-83245/620319/661443) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

WB Carter Construction - \$193,646.00

2001 Planeview Sanitary Sewer Reconstruction Phase 2 to serve Planeview Addition - south of Pawnee, east of Hillside. (468-83263/622234/641342) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$66,000.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Demolition and Off Site Removal of 9000 West Kellogg. (702186)

H.D. Mills & Sons - \$15,000.00 (Group 1/City to Pay Contractor)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Lawrence-Dumont Stadium Concourse Improvements. (706556)

Hahner Foreman & Harness, Inc. \$422,510.00 (Lump sum total)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Liquid Sulfur Dioxide. (184754)

HCI Advance Chemical - \$ 480.00 (Cost per ton)
\$1,200.00 (Refundable cylinder deposit)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Potassium Permanganate. (183632)

Carus Chemical Company - \$443.205 (Cost per drum)

VARIOUS DEPARTMENTS: Blue Prints, Direct Lines, Sepias, Etc. (037200)

City Blue Print, Inc. - \$.034 (Group 1 base bid/total item 1 per sf)
\$.034 (Group 1 base bid/total item 2 per sf)
\$.12 (Group 1 base bid/total item 3 per sf)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 247

\$.45 (Group 1 base bid/total item 4 per sf)
\$.12 (Group 1 base bid/total item 5 per sf)
\$.039 (Group 1 base bid/total item 6 per sf)
\$.10 (Group 1 base bid/total Item 7 per each)
\$.16 (Group 1 base bid/total item 8 per sf)
\$.39 (Group 1 base bid/total item 9 per each)
\$.034 (Group 2 Option A/Alternate #1-total item 1 per sf)
\$.025 (Group 2 Option A/Alternate #1-total item 2 per each)
\$.025 (Group 2 Option A/Alternate #1-total item 3 per each)
\$.025 (Group 2 Option A/Alternate #1-total item 4 per each)
\$.034 (Group 3 Option A/Alternate #2-total item 1 per sf)
\$.034 (Group 3 Option A/Alternate #2-total item 2 per sf)
\$.025 (Group 3 Option A/Alternate #2-total item 3 per each)
\$.025 (Group 3 Option A/Alternate #2-total item 4 per each)
\$.025 (Group 3 Option A/Alternate #2-total item 5 per each)
\$.039 (Group 4 Option B/Alternate #1-total item 1 per sf)
\$.025 (Group 4 Option B/Alternate #1-total item 2 per each)
\$.025 (Group 4 Option B/Alternate #1-total item 3 per each)
\$.025 (Group 4 Option B/Alternate #1-total item 4 per each)
\$.039 (Group 5 Option B/Alternate #2 -total item 1 per sf)
\$.039 (Group 5 Option B/Alternate #2 -total item 2 per sf)
\$.025 (Group 5 Option B/Alternate #2 -total item 3 per each)
\$.025 (Group 5 Option B/Alternate #2 -total item 4 per each)
\$.025 (Group 5 Option B/Alternate #2 -total item 5 per each)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: South Lakes Park Improvement. (785766)

Simpson & Associates Inc. - \$915,463.67 (Group 1/total base bid)
\$ 84,483.12 (Group 4/lump sum total-add alternate 3)
\$ 25,630.00 (Group 6/lump sum total-add alternate 5)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Roof Removal and Replacement at Scattered Sites. (127804)

Larry Booze Roofing Inc. - \$25,354.23 (Group 1/lump sum total)
Industrial Roofing - \$29,010.00 (Group 2/lump sum total)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Woodchuck Drainage. (600463)

Dondlinger & Sons - \$21,660.00 (Negotiated total net bid)

LIBRARY DEPARTMENT: Janitorial Services for Branch Libraries. (101030)

A&O Building Maintenance - \$555.00 (Base bid/item 1 per month)
\$140.00 (Base bid/item 2 per month)
\$200.00 (Base bid/item 3 per month)
\$150.00 (Base bid/item 4 per month)
\$555.00 (Base bid/item 5 per month)
\$220.00 (Base bid/item 6 per month)
\$ 0.125 (Option 1/per sq ft)
\$ 0.15 (Option 2/per sq ft)
\$100.00 (Option 3/lump sum)
\$ 50.00 (Option 4/lump sum)
\$ 50.00 (Option 5/lump sum)
\$ 50.00 (Option 6/lump sum)
\$100.00 (Option 7/lump sum)
\$ 50.00 (Option 8/lump sum)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 248

\$ 14.80 (Option 9/per man/per hour)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Adult Entertainment

Robert Floyd	Armour Gift Shop Inc. dba Pricilla's	7500 East Kellogg Suite 300
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Motion --
-- carried

Knight moved that the license be approved subject to Staff approval. Motion carried 6 to 0. (Lambke absent)

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
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June Galindo	Maria's Mexican Restaurant*	1611 South Broadway
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(Consumption off Premises)

Joe Gregory	Quiktrip #313	3164 South Hillside
Joe Gregory	Quiktrip #320	1021 West 31st Street South
Joe Gregory	Quiktrip #321	6011 West Central
Joe Gregory	Quiktrip #325	1414 North Oliver
Joe Gregory	Quiktrip #326	2010 South Broadway
Joe Gregory	Quiktrip #328	2801 South Hydraulic
Joe Gregory	Quiktrip #329	5602 East Harry
Joe Gregory	Quiktrip #343	242 South Tyler
Joe Gregory	Quiktrip #345	4020 South Meridian
Joe Gregory	Quiktrip #347	1532 South Seneca
Joe Gregory	Quiktrip #349	1112 West Douglas
Joe Gregory	Quiktrip #353	110 South Rock Road
Joe Gregory	Quiktrip #356	4808 South Hydraulic
Joe Gregory	Quiktrip #358	7120 West 21st Street South
Joe Gregory	Quiktrip #360	3933 West 13th Street
Joe Gregory	Quiktrip #366	1620 South Webb Road
Joe Gregory	Quiktrip #368	626 West 21st Street North
Joe Gregory	Quiktrip #369	3216 East Harry
Joe Gregory	Quiktrip #372	3106 East Pawnee
Joe Gregory	Quiktrip #373	1610 East Lincoln
Joe Gregory	Quiktrip #374	10315 West 13th Street
Joe Gregory	Quiktrip #376	2106 South Rock Road
Joe Gregory	Quiktrip #378	5611 South Broadway
Joe Gregory	Quiktrip #383	11223 East Central
Joe Gregory	Quiktrip #384	2510 West Pawnee
Joe Gregory	Quiktrip #386	1010 East Douglas
Joe Gregory	Quiktrip #388	7991 East 37th Street North
Joe Gregory	Quiktrip #389	4730 East Central
Joe Gregory	Quiktrip #391	730 North Broadway
Joe Gregory	Quiktrip #396	333 South West Street

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 249

New Establishment 2001 Consumption off Premises

Rick W. Brazile Wal-Mart Supercenter #3283 10600 West 21st Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the licenses be approved subject to Staff approval. Motion carried 6 to 0. (Lambke
-- carried absent)

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES :

a) Lateral 305, Four Mile Creek Sewer to serve Tara Falls Addition and Tara Falls Second Addition - south of Harry, east of Greenwich. (468-83244/743869/480557) Does not affect existing traffic. (District II) - \$115,000.00

b) Water distribution system to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (448-89549/735011/470681) Does not affect existing traffic. (District V) - \$76,000.00

c) Water distribution system to serve Tara Falls Addition and Tara Falls Second Addition - south of Harry, east of Greenwich. (448-89565/735012/470682) Does not affect existing traffic. (District II) - \$57,000.00

Motion -- Knight moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Lambke
-- carried absent)

PETITIONS PETITIONS FOR STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE ANGEL FIRE ADDITION – NORTH OF 47TH STREET SOUTH, EAST OF WEST STREET. (District IV)

Agenda Report No. 01-0697.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and water service to a new residential development, located at the northeast corner of 47th Street South and West Street.

The Petitions total \$701,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 6 to 0.
-- carried (Lambke absent)

RESOLUTION NO. 01-223

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89517, (north of 47th Street South, east of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 250

RESOLUTION NO. 01-224

Resolution of findings of advisability and Resolution authorizing Lateral 463, SWI, (north of 47th Street South, east of West Street), 468-83182, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-225

Resolution of findings of advisability and Resolution authorizing improving of Leonine from the south line of the Plat, north to the north line of Lot 18, Block C, and on Angel, from the east line of Leonine, east to the east line of the Plat. On Leonine Court (Lots 1-5, Block C) from the west line of Leonine, west to and including the cul-de-sac; on Leonine Court (Lots 4-10, Block A) from the south line of Leonine South to and including the cul-de-sac; and on Leonine Court (Lots 11-20, Block A) from the south line of Leonine, south to and including the cul-de-sac. Sidewalk along the west side of Leonine from the south line of the Plat north and east to the north line of Lot 18, Block C, and on Angel from the east line of Leonine, east to the east line of the Plat, (north of 47th Street South, east of West Street) 472-83292, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT SANITARY SEWER TO SERVE SHELLY'S ORCHARD ADDITION – EAST OF MAIZE, NORTH OF PAWNEE. (District V)

Agenda Report No. 01-0698.

On March 27, 2001, the City Council approved a Petition to construct a sanitary sewer to serve Shelly's Orchard Addition. The developer has submitted a new Petition that modifies the improvement district to accommodate the current home sales rate. The signature on the Petition represents 100% of the improvement district.

Shelly's Orchard is a new residential development on the east side of Maize Road, 1/3 mile north of Pawnee.

The Petition budget remains at the original amount of \$184,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. 01-226

A Resolution amending Resolution No. R-01-118 of the City of Wichita, Kansas, authorizing construction of Lateral 467, SWI, (east of Maize, north of Pawnee) 468-83218, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 251

WATERLINE

PETITION TO CONSTRUCT WATERLINE ALONG ROCK ROAD TO SERVE SAWMILL CREEK ADDITION – EAST OF ROCK ROAD, NORTH OF 45TH STREET NORTH.

(District II)

Agenda Report No. 01-0699.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide water service to a new residential development at the northeast corner of Rock and 45th Street North.

The Petition totals \$107,000 with \$66,500 assessed to the improvement district and \$40,500 paid by the Water Utility. The Utility share is for the cost of over-sizing the pipe to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. 01-227

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89567, (east of Rock, north of 45th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT SANITARY SEWER TO SERVE TIMMERMEYER GARDENS ADDITION - EAST OF HOOD, NORTH OF 31ST STREET NORTH. (District VI)

Agenda Report No. 01-0700.

The Petition has been signed by five owners, representing 100% of the improvement district.

This project will provide sanitary sewer service to residential properties along the east side of Hood, north of 31st Street North.

The Petition totals \$18,000. The funding source is special assessments. The method of assessment is the fractional basis, with each of three tracts paying an estimated \$6,000.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or signatures representing the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. 01-228

Resolution of findings of advisability and Resolution authorizing construction of Lateral 140, Main 4, Sanitary Sewer Number 23, (east of Hood, north of 31st Street North) 468-83267, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 252

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District Advisory Board V, 4-2-01
District Advisory Board VI, 4-2-01 and 4-18-01
Design Council, 4-19-01
Board of Park Commissioners, 4-9-01
Wichita-Sedgwick County Board of Health, 4-30-01
Wichita-Sedgwick County Board of Health, Emergency Medical Services Committee, 5-3-01
Wichita Airport Advisory Board, 4-2-01
Housing Advisory Board, 4-02-01
Board of Electrical Appeals, 3-13-01
Board of Code Standards and Appeals, 4-02-01
Metropolitan Area Planning Commission, 4-5-01
Metropolitan Area Planning Commission, 4-19-01

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Lambke absent)

STREET CLOSURES

STREET CLOSURE: ROCK ISLAND BETWEEN 1ST STREET AND THE EAST/WEST ALLEY APPROXIMATELY 300' SOUTH OF 1ST STREET. (District VI)

Agenda Report 01-0701.

The Farm and Art Market is requesting the approval of the closure of a section of Rock Island Street on Saturday mornings between June 9 and October 27, 2001. The closure is requested to allow overflow space for booths if the existing area on the plaza is not sufficient to accommodate requests.

The closure request has been approved by the adjacent property owners and the Merchants of Old Town Association. A representative of the Farm & Art Market will be responsible to advise 911 both before the closure and when the street is reopened on each Saturday when the closure is required. The Farm & Art Market will also be required to install and remove barricades at the street closure points at the appropriate times.

Motion -- carried Knight moved that the street closure be approved. Motion carried 6 to 0. (Lambke absent)

STREET CLOSURES - SPECIAL EVENTS.

Agenda Report No. 01-0702.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

1. The Senseney Music Foundation "Sharing the Power of Music" Concert
Tuesday, June 12, 2001, 6:00 p.m. to 8:30 p.m.
Grove Drive from Morris south (not a through street)
2. Stars and Stripes Walk/Run
Sunday, June 10, 2001, 7:00 a.m. to 10:00 a.m.
Topeka from First Street to Douglas
North side of Douglas (west-bound lanes) from Topeka to Spruce
First Street from Spruce to Madison

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 253

Motion --

Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 6 to 0. (Lambke absent)

-- carried

PARKING

PARKING MANAGEMENT SERVICE EXTENSION OF CONTRACT.

Agenda Report No. 01-0703.

On October 1, 1996, the City of Wichita and AMPCO System Parking (AMPCO) entered into a contract for management of the City Hall Parking complex, the State Office Building Parking Garage and various City-owned surface lots. All allowable extensions have been exercised on the contract. Under the contract, AMPCO manages 10 surface lots and three garages totaling approximately 2,500 spaces.

A request for proposal for parking management has been prepared and distributed to parking management companies nationwide. Proposals have been received and are being reviewed. An extension until July 31, 2001 is requested to allow time to evaluate the proposals and negotiate a new contract.

The monthly fee will not change from the current contract amount. Current operating budgets have sufficient funds budgeted for the management costs.

Motion --

Knight moved that the extension be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

-- carried

KECHI

AMENDMENT TO KECHI WHOLESALE WATER SERVICE CONTRACT.

Agenda Report No. 01-0704.

The City of Wichita and the City of Kechi entered into a water purchase contract in 1985 providing for the purchase of water at wholesale rates from Wichita. The agreement was amended in 1997 to include an expansion of Kechi's service area boundaries.

In March of 2001, Wichita and Kechi entered into an Agreement providing for wholesale sewage treatment service to Kechi. A separate, slightly different service area was incorporated in the sewer agreement.

Upon review, the Service Area Boundaries incorporated into the Water and Sewer Agreement were noted to be somewhat different in regard to the inclusion of an area to the southeast of the area in the Contract for sewer service. Conceptually, it is more efficient to have both services provide for the same legal boundaries.

There will be no financial impact associated with the Contract Amendment.

Motion -- carried

Knight moved that the amendment be approved. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 254

SETTLEMENT

SETTLEMENT AND RELEASE AGREEMENT – GILBERT AND MOSLEY PROJECT.

Agenda Report No. 01-0705.

On October 7, 1998, the City of Wichita filed a lawsuit against twenty-six parties in City of Wichita v. Aero Holdings, et al., No. 98-1360-MLB. The City alleged that these parties were responsible for the groundwater contamination in the Gilbert & Mosley site and sought to recover the costs of investigating and cleaning up the site. Several of the defendants have already settled the City's claims and additional parties now propose to settle.

Under the proposed Settlement and Release Agreement with Automotive Fleet Services, Inc., the City would dismiss its claims against the company for response costs in the Gilbert & Mosley Site. In return, the company would pay the City the sum of \$175,000.

Under the proposed Settlement and Release Agreement with Aero Holdings, Inc., and Aero Electric, Inc., the City would dismiss its claims against the companies for response costs in the Gilbert & Mosley Site. In return, the companies would pay the City the sum of \$100,000.

The parties will seek Court approval of the settlements.

The settlement sum will be paid into the Gilbert & Mosley TIF fund and be used for the expenses of the Project.

Motion --
-- carried

Knight moved that the settlement and release Agreements be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

KDOT

PAWNEE BRIDGE OVER DRY CREEK. (District III)

Agenda Report No. 01-0706.

The 2002 Capital Improvement Program includes a project to rehabilitate the Pawnee Bridge over Dry Creek (B-242006). The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared.

The current sufficiency rating of this bridge indicates that major repairs will be required to help preserve the structural integrity of the existing bridge. Construction is expected to begin next spring.

The estimated project cost is \$1,080,000. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

HEADSTART

ARTS AND CRAFTS CENTER – DESIGN AND SPECIFICATIONS FOR LIBRARY.

(District VI)

Agenda Report No. 01-0707.

The building located at 2601 North Arkansas that previously housed the Arts and Crafts Center has been approved for the relocation of the Library and location for the HeadStart program. Community Development Block Grant Funds in the amount of \$75,000 have been established to perform repairs and renovations to the building at 2601 N. Arkansas. When the building was leased to SER Corporation (SER), Randal Steiner Architect, P.A. (Steiner) was selected to provide architectural services.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 255

With the building being designated for use for the Library and HeadStart usage, the need exists to expand the contract to prepare design and specifications for the library and for classrooms. To prepare concepts, revised preliminary plans, construction estimates, and similar work, the architectural contract is being revised to authorize Randal Steiner proceed with the design and bidding services. Extensive work will be needed to prepare the property for use by the Library and Wichita HeadStart programs.

The initial funding source is a Community Development Block Grant in the amount of \$75,000. However, these funds will not be adequate to carry out the new proposed uses for this facility. This remodeling will be contained in the upcoming budget and revised Capital Improvement Program.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

ELECTRIC

PROFESSIONAL SERVICES – ELECTRICAL.

Agenda Report No. 01-0708.

The City has undertaken a number of strategies to pursue the goal of reduction of electrical rates. The City is actively participating in cases before the Kansas Corporation Commission and the Federal Energy Regulatory Commission. The City has used the services of the law firms of Duncan & Allen and Triplett, Woolf & Garretson, LLC (Timothy McKee) to provide legal advice and assistance in electrical strategies and electrical rate proceedings under prior contracts for legal services.

These Supplemental Agreements provide the continued authority for the services of the firms of Duncan & Allen and Triplett, Woolf & Garretson for electrical power advice and representation in electrical proceedings, including the Western Resources rate case. The agreements also cover the cost of services of expert witnesses and related expenses necessary for these proceedings.

The Supplemental Agreement for Duncan and Allen is for a not-to-exceed sum of \$225,000. The Supplement Agreement for Triplett, Woolf & Garretson is for a not-to-exceed sum of \$75,000. Payment for these services will come from 2001 General Fund Appropriated Reserves.

Motion --
-- carried

Knight moved that the Agreements/Contracts be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

DESIGN SERVICE

DESIGN SERVICE – SUPPLEMENTAL AGREEMENT FOR 21ST STREET NORTH FROM HILLSIDE TO OLIVER. (District I)

Agenda Report No. 01-0709.

On December 14, 1999, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing 21st Street North from Hillside to Oliver. The fee was \$60,000.

MKEC has been asked to design a 12" water line in 21st Street North from Hillside to Oliver. Supplemental Agreement No. 1 has been prepared.

Payment to MKEC for the Supplemental Agreement will be made on a lump sum basis of \$3,000, and will be paid by Water Utility Funds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 256

ZOO BOULEVARD

CHANGE ORDER AND AMENDING ORDINANCE – ZOO BOULEVARD IMPROVEMENT FROM 13TH STREET TO I-235. (District VI)

Agenda Report No. 01-0710.

On June 16, 1998, the City Council approved a construction Contract to improve Zoo Boulevard from 13th Street to I-235. The project is funded by a combination of General Obligation Bonds and State Grants. In order to allow the work to progress during unusually wet weather, fly ash subgrade treatment was needed. Fly ash, a byproduct of coal fired generators, can be mixed with wet soil to ensure proper compaction before the pavement is installed.

A change order has been prepared that authorizes the additional work.

The total cost of the additional work is \$15,042. The funding source is a combination of General Obligation Bonds and State Grants administered by the Kansas Department of Transportation. Based on current financial projections, the local share of the project budget can be reduced from \$2,100,000 to \$2,000,000. An additional \$200,000 of State Grants is available to increase that portion of the budget to \$1,200,000.

The change order amount is within 25% of the construction Contract cost limit set by the City Council policy. An Amending Ordinance has been prepared to adjust the project budget.

Motion --
-- carried

Knight moved that the change order and the amended preliminary estimate be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance amending Ordinance No. 43-907 of the City of Wichita, Kansas, declaring Zoo Boulevard, from 12th Street North to Windmill Road (472-82945) to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over

REGENCY PARK

CHANGE ORDER – SANITARY SEWER TO SERVE REGENCY PARK ADDITION – NORTH OF 21ST STREET NORTH, WEST OF GREENWICH. (District II)

Agenda Report No. 01-0711.

On February 15, 2000, the City Council approved a construction Contract to extend lateral sanitary sewer service to Regency Park Addition, a new commercial development. The developer has requested that the project be expanded to include additional lots.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$17,370. The funding source is special assessments.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 257

BUDGET

DEFERRED LOAN PROGRAM BUDGET TRANSFER.

Agenda Report No. 01-0712.

In 1974, the City Council authorized a CDBG-funded Direct Housing Revolving Loan program and a Deferred Housing Loan program. These programs are operated by the Housing Services Department and provide deferred and direct housing rehabilitation loans for low and moderate-income residents within Local Investment Areas. Both programs continue to operate utilizing loan repayments for new loans.

Recently, the Housing Services Department initiated a major marketing campaign for all housing programs during the Heart of Wichita campaign. The Heart of Wichita marketing campaign produced an over-whelming demand for the Deferred Loan Program which exceeded the available funding. Housing Services Department has requested unexpended funds from the Direct Loan Program be transferred to the Deferred Loan program to accommodate the demand.

The current balance in the Direct Revolving Loan Program is \$164,107. Program income in the amount of \$105,000 will be transferred from the Direct Revolving Loan Program to the Deferred Revolving Loan Program.

Any budget transfer of \$10,000 or more requires City Council approval.

Motion -- carried

Knight moved that the budget transfer be approved. Motion carried 6 to 0. (Lambke absent)

STREET REHAB.

2001 CAPITAL IMPROVEMENT PROGRAM STREET REHABILITATION PROJECT.

(Districts IV, V, and VI)

Agenda Report No. 01-0713.

The 2001 Capital Improvement Program includes a Street Rehabilitation project to rehabilitate major street segments.

The Street Rehabilitation Project is part of an ongoing major maintenance program. The 2001 locations are: 119th Street West, between Kellogg and Maple; MacArthur, between Meridian and Seneca; and 33rd Street North, between Broadway and Mead.

The project budget is \$600,000. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the project be approved and the Ordinances be placed on first reading. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance declaring 119th Street West, between Kellogg and Maple; MacArthur, between Meridian and Seneca; and 33rd Street North between Broadway and Mead (472-83366) - 20001 Street Rehabilitation Program, to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 258

EQUIPMENT

PURCHASE OF BELT FILTER PRESS EXTENSION – WATER AND SEWER DEPARTMENT.

Agenda Report No. 01-0714.

The Solids Handling Facility at Sewage Treatment has four (4) Ashbrook Belt Filter Presses. Because of the volume of solids being produced in the treatment process, Staff has been compelled to maximize production, which typically reduces the percent solids of the product. A consequence of this is an increase in the volume of biosolids to be transported to agricultural land application sites, with a corresponding increase in transportation costs. There is additional time required by Staff in applying the biosolids, fuel consumption, and equipment wear and tear.

Due to building constraints, there is no option to add additional, stand-alone units without extensive modifications. Based on results in other municipalities, Staff believes the belt filter press extension would increase production, thus reducing overtime, transportation and application costs. Staff recommends that one belt filter extension be purchased, installed, and evaluated. Based on the evaluation, Staff could recommend that the remaining presses be retrofitted with extensions.

The cost of one extension installed is \$88,875. Funds are available in CIP S-500, Biosolids Management Plan, for the purchase of the equipment.

Purchasing Ordinance No. 35-856, Section 2 (b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids. The purchase would be made from Fluid Equipment Company.

Motion --
-- carried

Knight moved that the purchase from sole source vendor be approved and the Purchasing Manager be authorized to proceed. Motion carried 6 to 0. (Lambke absent)

PROPERTY ACQ.

ACQUISITION OF 532 SOUTH EDGEMOOR FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 01-0715.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. One of the properties to be acquired is 532 South Edgemoor, owned by Goldie Coberley. The site contains 6,900 square feet and is improved with a 758 square foot frame single-family residence. The property has two bedrooms and one bath. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was valued at \$39,000. This amount was offered to the owner and accepted. The property is presently vacant. The site will be processed for immediate demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$46,500 is requested. This includes \$39,000 for the acquisition, \$6,000 for demolition and \$1,500 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 259

PROPERTY ACQ. ACQUISITION OF 13130 WEST 37TH STREET NORTH FOR THE NORTHWEST SEWER FACILITY (District I)

Agenda Report No. 01-0716.

In May 1999, the City Council approved the acquisition of approximately 145 acres for the Northwest Sewer Treatment Plant. The site is in the northeast quadrant 37th Street North and 135th Street West. There is a single family residence located on an 8.1 acre site locate on the south boundary of the site. The owners of this tract were approached at the time of acquisition about selling their tract but they declined the City's offer. They are now interested in selling. The property is improved with a 2,310 square foot residence with three bedrooms and 2.5 baths.

The property has been appraised for \$200,000. The owners have accepted an offer of this amount. If suitable, the improvements will be incorporated into the overall project development.

The budget of \$205,000 includes \$200,000 for the acquisition and \$5,000 for closing and title work. The acquisition will be funded by sewer utility funds.

Motion --

-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

PROPERTY DISP. SALE OF PROPERTY AT 201-221 EAST KELLOGG. (District I)

Agenda Report No. 01-0717.

As part of the Kellogg Flyover project, the City acquired the seven-story transient lodging facility at 221 East Kellogg commonly known as the Family Inn. It also acquired the former Budget Rent-a-Car site at 201 East Kellogg. Both properties are currently vacant. These have been listed for sale since September 1999. Prior to that, the properties were included in a Request for Proposal that was mailed to several hundred potential buyers. This process has produced several potential purchasers, one of which is Tushar Patel. During the last seven years, Mr. Patel and his firm have built or renovated more than 25 motels for themselves and others. All of the properties have operated under a national franchise.

Mr. Patel has offered \$1,000,000 for the Family Inns and Budget facilities. The buyer is required to renovate and reopen the facility as a franchised lodging facility within two years of acquisition. Redevelopment plans and franchise affiliation are subject to review and approval by the City. The City will work with the buyer to develop a deceleration lane at the entrance to the hotel and to acquire the two privately held parcels west of the hotel. The buyer and seller will split closing and title costs. The City will be responsible for a six- percent sales commission.

The City will receive cash consideration from the transaction. After the sale, the property will remain on the tax rolls.

Motion --

-- carried

Knight moved that budget and Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 260

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 22, 2001)

- a) Charter Ordinance – Mayor position compensation.

CHARTER ORDINANCE NO. 188

A Charter Ordinance of the City of Wichita, Kansas, pertaining to the salary of the Mayor; amending Section 2 of Charter Ordinance No. 187; and repealing the original section thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

- b) Acquisition by eminent domain – tracts for the East Kellogg/Woodlawn Improvement Project (District II)

ORDINANCE NO. 44- 979

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick county, Kansas; designating the lands required for such purposes and directing the City Attorney to file a Petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight

- c) Assessments for sidewalk repair.

ORDINANCE NO. 44-980

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight

- d) Assessments for building condemnations.

ORDINANCE NO. 44-981

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

- e) A01-10 – Northeast of 119th Street West and Pawnee. (District V)

ORDINANCE NO. 44-982

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight. A01-10

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 261

SPECIALS

LOT CLEANUP.

Motion -- carried

Knight moved that the Ordinance be placed on first Reading.

ORDINANCE

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7:40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the Governing Body of the City of Wichita, Kansas, introduced and under the rules laid over.

PLANNING AGENDA

Marvin Krout

Director of Planning stated that all Items, except Item No. 35, could be considered as consensus Items unless the Council desired to withhold other Items.

Motion -- carried

Knight moved that the Planning Agenda Items, except Item No. 35, be approved as consensus Items. Motion carried 6 to 0. (Lambke absent)

VAC2001-00016

VAC2001-00016 – VACATE 50-FOOT TAXIWAY EASEMENT; SOUTHWEST OF HARRY STREET AND EISENHOWER. (District V)

Agenda Report No. 01-0718.

Staff Recommendation: Approve vacation of 50-foot taxiway easement.

MAPC Recommendation: Approve vacation of 50-foot taxiway easement. (unanimous)

The applicant is requesting consideration to vacate a 50-foot taxiway easement that is not utilized for this purpose. The applicant proposes to utilize the property occupied by The taxiway easement, along with two other taxiway easements adjacent to other property, is shown on the plat of Airport Industrial Park, but is not mentioned in the dedication notes on the face of the plat.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

-- carried

VAC2001-00017

VAC2001-00017 – VACATE PORTION OF DRAINAGE EASEMENT; LEGION AND BELLA ROAD. (District VI)

Agenda Report No. 01-0719.

Staff Recommendation: Approve vacation of part of drainage easement.

MAPC Recommendation: Approve vacation of part of drainage easement. (unanimous)

The applicant is requesting consideration to vacate a portion of a 20-foot drainage easement. The easement was not dedicated or shown on the plat, but was recorded on a separate instrument. Approximately 3-4 feet of the north end of the applicant's house currently encroaches on the easement. The south 6-ft the applicant is requesting to be vacated would leave the house clear of the easement by 2-3 feet, and 4-5 feet from the edge of an existing 4-foot diameter drainpipe.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 262

City Engineering did not oppose the vacation request, no one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion -- Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried -- carried 6 to 0. (Lambke absent)

VAC2001-00019 **VAC2001-00019 – VACATE UTILITY EASEMENTS, DRAINAGE EASEMENT, AND RESERVE; NORTH OF 29TH STREET NORTH, WEST OF RIDGE ROAD.** (District V)

Agenda Report No. 01-0720.

Staff Recommendation: Approve vacation of utility easements, drainage easement and reserve.
MAPC Recommendation: Approve vacation of utility easements, drainage easement and reserve (unanimous)

The applicant is requesting consideration to vacate two 10-foot side yard utility easements a 15-foot drainage easement and a portion of Reserve "E", all in the Forest Lakes Addition. Reserve "E" is platted for irrigation systems, landscaping, lakes (retention & detention), drainage structures, walks, docks and utilities confined to easements. The lots affected are not developed. The south section of this subdivision is developed with single-family houses. The applicant proposes to create fewer, larger lots if the vacations are approved.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, subject to the dedication of substitute utility easements, and adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

The instrument dedicating the substitute utility easements and a certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion -- Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved; the dedication of the substitute utility easements be accepted; and the necessary signatures be authorized. Motion carried -- carried 6 to 0. (Lambke absent)

SUB2000-122 **SUB2000-122 – REPLAT OF PORTION OF SPENCER GARDENS ADDITION; SOUTH OF PAWNEE, WEST OF OLIVER.** (District III)

Agenda Report 01-0721.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

A zone change (ZON 2000-60) from MF-29, Multi-Family Residential to LC, Limited Commercial (Lots 1, 2, 3 and 7), GC, General Commercial (Lots 4, 5 and 6), and LI, Limited Industrial (Lot 8) has been approved for this site subject to platting. The site is also subject to the Spencer Gardens Residential Community Unit Plan (CUP 2000-50, DP-53, Amendment #1).

Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. A Certificate of Petitions have also been submitted. As required by the drainage plan for this site, a cross-lot drainage agreement was provided. A temporary drainage easement was also provided to cover an existing stormwater sewer until its relocation. To provide for shared access between Lots 1 and 2, and between Lots 3 and 4, a joint access easement was provided. In order to assure internal access among the lots of this Addition, a cross-lot circulation agreement has been provided.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 263

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. The site is within the noise impact area of McConnell Air Force Base and an avigational easement and restrictive covenant were required. A Community Unit Plan Certificate was provided identifying the approved C.U.P.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, avigational easement, restrictive covenant, cross-lot drainage agreement, temporary drainage easement, CUP Certificate, cross-lot circulation agreement, joint access easement, avigational easement and noise covenant will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance . (ZON 2000-60) be placed on first reading; and the Resolutions be adopted. Motion carried 6 to 0. (Lambke absent)

-- carried

RESOLUTION NO. 01-229

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System, Number 448-89586, (south of Pawnee, west of Oliver) in the City of Wichita, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-230

Resolution of findings of advisability and Resolution authorizing construction of Lateral 152, War Industries Sewer (south of Pawnee, west of Oliver), 468-83273, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-231

Resolution of findings of advisability and Resolution authorizing construction of storm Water Sewer No. 552 (south of Pawnee, west of Oliver) 468-83274, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-232

Resolution of findings of advisability and Resolution authorizing improving of Pawnee Avenue, 472-83391 (south of Pawnee, west of Oliver), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. (ZON 2000-60)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 264

SUB2001-28

SUB2001-28 – PLAT OF FLAT CREEK ADDITION; EAST SIDE OF 119TH STREET WEST, NORTH SIDE OF PAWNEE. (District V)

Agenda Report No. 01-0722.

Staff Recommendation: Approve the plat.

MAPC Recommendation: approve the plat. (9-0)

This site was annexed into the City on June 1, 2001.

Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. 01-233

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89580, (east of 119th Street West, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-234

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89581, (east of 119th Street West, north of Pawnee) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-235

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89582, (east of 119th Street West, north of Pawnee) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-236

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89583, (east of 119th Street West, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 265

RESOLUTION NO. 01-237

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89584, (east of 119th Street West, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-238

Resolution of findings of advisability and Resolution authorizing construction of Lateral 468, Southwest Interceptor Sewer (east of 119th Street West, north of Pawnee), 468-83260, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-239

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 168- (east of 119th Street West, north of Pawnee) 468-83261, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-240

Resolution of findings of advisability and Resolution authorizing improving of Jewell from the west line of the Plat, east to the east line of the Plat, on Milstead from the south line of Jewell, south to the east line of Lot 24, Block B, and on Golden Hills from the south line of Jewell, south to the south line of Lot 2, Block F. Jewell Ct. from the North line of Jewell, north to and including the cul-de-sac. Sidewalk along one side of Jewell from the west line of the Plat to the east line of the Plat, along one side of Milstead from the south line of Jewell, south to the east line of Lot 24, Block B, and on Golden Hills from the south line of Jewell, south to the south line of Lot 2, Block F, (east of 119th Street West, north of Pawnee) 472-83383, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-241

Resolution of findings of advisability and Resolution authorizing improving of Golden Hills from the south line of Lot 2, Block F, south to the east line of Milstead, on Milstead, from the east line of Lot 24, Block B, east to the east line of Lot 17, Block D, and on Grant from the west line of the Plat east to the east line of Milstead. Grant Ct. (Lots 20 through 30, Block C) from the north line of grant, north to and including the cul-de-sac, on Grant Ct. (Lots 8 through 14, Block D) from the south line of Grant, south to and including the cul-de-sac, and on Golden Hills Ct. from the east line of Golden Hills, east to and including the cul-de-sac. Sidewalk along one side of Golden Hills from the west line of the Plat to the west line of Milstead, along one side of Milstead from the east line of Lot 24, Block B to the east line of Lot 17, Block, D, and on one side of Golden Hills from the south line of Lot 2, Block F, to the east line of Milstead (east of 119th Street West, north of Pawnee), 472-83384, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 266

RESOLUTION NO.-01-242

Resolution of findings of advisability and Resolution authorizing improving of Milstead from the east line of Lot 17, Block D, south to the south line of the Plat and on Lotus from the East line of Milstead, east to the east line of the Plat. Milstead Ct. (Lots 26 through 34, Block D) from the west line of Milstead, west to and including the cul-de-sac, on Milstead Ct. (Lots 35 through 43, Block D) from the line of Milstead; west to and including the cul-de-sac, and on Milstead Ct., (Lots 44 through 53, Block D) from the west line of Milstead, west to and including the cul-de-sac. Sidewalk along one side of Milstead from the east line of Lot 17, Block D, south to the south line of the Plat and on one side of Lotus from the east line of Milstead to the East Line of the Plat, (east of 119th Street West, north of Pawnee), 472-83385, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

(Agenda Item No. 35)
CON2001-00026

CON2001-00026 – CONDITIONAL USE TO ALLOW HOUSEHOLD HAZARDOUS WASTE TRANSFER STATION; SOUTH OF STILLWELL, WEST OF OSAGE – 1203 SOUTH OSAGE.
(District IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0723.

MAPC Recommendation: Approve, subject to conditions (10-3).

Staff Recommendation: Approves, subject to conditions.

DAB Recommendation: Approve, subject to conditions (5-2).

Sedgwick County has obtained the application area, located at the southwest corner of Osage Street and Stillwell Avenue, with the intention of developing a household hazardous waste (HHW) transfer station. The site is currently zoned "LI" Limited Industrial and is developed with two buildings and old railroad cars.

Based upon site plan, an 8,160 square foot building is proposed. The proposed building would be a combination aggregate concrete foundation and stemwall with metal on the upper elevations. The metal would match other existing buildings located in the County's complex. The buildings interior will be specifically designed for the storage of recyclable material. The concrete floor is sealed and storage containers are provided with secondary containment devices. There will be a lab to test unknown materials to ensure proper processing. A space will be set aside for a drop and swap area where HHW that is still useable, such as paints, can be picked up for use. Generally, most HHW received can be divided into 1/3 paint, 1/3 used oils and 1/3 household materials such as antifreeze, cleaners, and aerosols. Roll-off containers are to be located on the south side of the proposed building. The roll-off containers would be used to consolidate non household hazardous waste material that may come in with the HHW and which would then be hauled off to an approved disposal site. The HHW is currently hauled to a disposal site in Texas. Frequency of removal will be dictated by the quantity of material received, but material cannot be stored in excess of three months. The volume of material the facility can have at any one time and the frequency of removal is regulated by the Fire Department and KDHE.

The facility is expected to be open to accept recyclables Tuesday through Saturday. Hours of operations will vary in an attempt to provide citizens with the most convenient drop off opportunities. One schedule being considered is 4:00 P.M. to 8:00 P.M. Tuesday and Thursday, 7:00 A.M. to 6:00 P.M. Wednesday and Friday and 10:00 A.M. to 6:00 P.M. on Saturday. At the current facility located at the City's waste water treatment plant, an average of 30 participates a day visited the site. They have had as high as 107 vehicles an hour utilize the site during special promotions. These rates may change since the County anticipates different hours of operation than those offered by the City.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 267

Promotional materials will direct people to access the site via Seneca and Stillwell. The applicant expects to locate a sign on Seneca directing people down Stillwell as well. The entrance is to be off of Stillwell with the exit drive onto Osage. Osage Street dead ends at the railroad tracks located along the south end of the application area. Parking areas are to be located along the north and east side property lines. A canopy covered drive is to be located along the east side of the building to provide a protected drop off area. Twenty parking spaces are shown; fourteen are required. Landscaping will be installed along Stillwell, across from residential property.

Nearby properties are zoned "B" Multi-family Residential, "GO" General Office and "LI" Limited Industrial. Surrounding land uses include: single-family residences, West High School athletic field, industrial and Sedgwick County service facilities. The closest homes are located on the ½ block located north of the application area, across Stillwell, fronting Osage. The homes located to the south, across the railroad tracks and Walker Avenue, are nonconforming uses. County Public Works uses located to the west include: public works storage buildings, sign shop, survey crew shop, sheriff's department property and evidence storage and voting machine storage.

The District Advisory Board heard this proposal on May 2, 2001, and recommended approval (5-2). Four neighbors spoke in opposition citing the following concerns: the site is too close to West High School facilities and to residences; it will be difficult for patrons to find the facility and the traffic volumes will be too high for Stillwell and Osage; poor drainage causes local flooding which could cause the potential for pollution of neighboring properties; sparks from the railroad may create a fire hazard and after hours dumping may be an attractive nuisance resulting in the increased likelihood of pollution in the neighborhood. The MAPC heard this request on May 10, 2001. The Commission recommended approval (10-3) subject to conditions. The conditions require: development and maintenance of the site in conformance with the approved site plan; acquisition of all applicable permits prior to beginning operations; operations have to commence within one year of governing body approval; and the Conditional Use can be rendered null and void if the site is not operated in conformance with approved conditions. Concerns similar to those cited at the DAB meeting were expressed at the MAPC meeting. Petitions representing 9.8% of the eligible protest area have been received.

Council Member Gale

Council Member Gale said this may not be a perfect location, but it is a good location.

Motion --

Gale moved that the City Council concur with the findings of the MAPC and approve the Conditional Use to permit a household hazardous waste transfer station, subject to the recommended conditions; and the Resolution be adopted. Motion carried 6 to 0. (Lambke absent)

-- carried

RESOLUTION NO. 01-243

A Resolution authorizing a Conditional Use to allow a Hazardous Waste Transfer Station on 1.2 acres zoned "LI" Limited Industrial located south of Stillwell and west of Osage (1203 South Osage), in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-d, as adopted by Ordinance No. 44-427, as amended, presented. Gale moved that Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 268

ZON2001-00023

**ZON2001-00023 – ZONE CHANGE FROM MULTI-FAMILY TO LIMITED COMMERCIAL;
NORTHWEST OF CENTRAL AVENUE/PENNSYLVANIA AVENUE INTERSECTION.**

(District I)

Agenda Report 01-0724.

MAPC Recommendation: Approve (13-0).

Staff Recommendation: Approve.

The applicant is requesting consideration for a zoning change from “B” Multi-Family to “LC” Limited Commercial, on Lots 43, 45, 47 & 49, Shirk’s 3rd Addition, for an automotive detail shop/car wash. The applicant is in the process of building a 30-ft x 45-ft (1350 sq-ft) building for the proposed business, on Lots 43 & 45. Staff advised the applicant that construction of the building before the zoning request was considered/approved was premature. There is a vacant, existing residential structure on Lots 47 & 49. The applicant is uncertain as to what he will do with the existing residential structure. Access to the proposed business will be through the existing curb cut. The requested zoning to “LC” Limited Commercial will permit the applicant to run an automotive detail shop/car wash. The shop’s staff will wash, wax, shampoo, and vacuum non-commercial vehicles in the previously mentioned 1350 sq-ft building. The customers who bring their vehicles for this service will not service their vehicles, the business’s staff will. The applicant has stated that there are no automatic washers involved or blow dryers. An automotive detail shop/car wash is a permitted use in “LC” Limited Commercial zoning. There is an automotive detail shop, Zieberts, located northeast of the Douglas – Washington intersection, in “LI” Limited Industrial zoning. Zieberts washes, waxes, shampoos, vacuums and installs windshields, sunroofs and alarm systems in vehicles. This activity is classified as vehicle repair limited and a permitted use in “LC” Limited Commercial zoning.

The site has single family residential abutting it on the north (vacant) and south (occupied) sides. Next to the vacant house on the north side is a parking lot for the church on the southwest corner of the Pennsylvania – Central intersection. There are two other occupied single-family residences north of the abutting residence south of the site. Across the unpaved alley (single family residence facing New York Av), on the west side, there is an occupied residence with a stockade fence. All of New York (the next street west) is single-family residences (zoned “B” Multifamily), from the railroad ROW to the 2nd or 3rd property off of Central. Contemporary Communications, Inc dominates the northwest, northeast and southeast section of Pennsylvania, from the railroad ROW and past Elm. This business is a complex of large buildings that appear to be used for warehouse – shipping – receiving – assembly. There are several vacant lots on Pennsylvania. There are six single-family residences on this stretch of Pennsylvania.

There have been three zoning changes on Pennsylvania (from Central on the south to immediately north of the St Louis & San Francisco RR ROW, a 2 ½ block run) since 1984:

- (a) Z-2540 - From “B” Multifamily to “C” Commercial (now “GC” General Commercial), Lots A & B, Darling Add, on the east and west sides of Pennsylvania, between Elm & Central, approved WCC 10-04-83
- (b) Z-3009 – From “B” Multifamily to “E” Light Industrial (now LI Limited Industrial), Lots 1-15 (odd), Shirk’s 3rd Add & 34 & 36, Stites Bros 3rd Add, east and west sides of Pennsylvania, south of the St Louis & San Francisco RR ROW and south of Elm, approved WCC 12-21-90.
- (c) Z-3286 – From “B” Multifamily to “LI” Limited Industrial, on the east side of Pennsylvania, north of St Louis & San Francisco RR ROW, approved 09-22-98.

In these three cases the change has been from “B” Multifamily to a heavy commercial or limited industrial zoning. The uses for these zoning changes have added outside storage/contractors yards, manufacturing and warehouse facilities to this section of Pennsylvania, which has eroded the residential uses on this street. This is an area (Murdock Av on the north – Cleveland Av on the west – Central Av on the south – and I-135 on the east) where the residential uses (all “B” Multifamily zoning) are

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 269

surrounded or have been penetrated by either "GC" General Commercial or "LI" Limited Industrial zoning. Pennsylvania Av is the foremost example of this area being in transition from residential use to heavy commercial or industrial zoning and uses.

The proposed development will trigger required landscaping (per approval by the Planning Director) and screening along the east, north and south sides of the property. Dumpster needs to be screened.

The MAPC considered the zoning change request at their May 10, 2001 meeting. There was no one other than the applicant to testify. The MAPC voted to recommend the zoning change request 13-0.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, and the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00023

ZON2001-00025

ZON2001-00025 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL; WEST OF HYDRAULIC, SOUTH OF THIRD STREET. (District I)

Agenda Report No. 01-0725.

MAPC Recommendation: Approve, subject to staff comments (13-0).

Staff Recommendation: Approve, subject to the dedication of complete access control and 20 feet of right-of-way.

DAB Recommendation: DAB #1 will hear case on May 21, 2001.

The applicant is seeking "GC" General Commercial zoning for a platted vacant lot that is currently zoned "B" Multi-Family Residential. The site is located west of Hydraulic and south of 34d Street and is less than one acre in size. The applicant owns Frontier Electronics that is located just north of the application area, and indicates the reason for the request is to expand his Frontier Electronics business. Frontier Electronics repairs electronic devices such as televisions and microwave ovens. An unpaved alley exists to the rear of the application area. Since the request is to expand an existing business that currently has access to Hydraulic, the application area should grant complete access control to Hydraulic.

Nearby property is zoned "GC" General Commercial or "B" Multi-Family Residential. Adjoining land is developed with commercial or residential uses.

The Landscape Ordinance will be triggered with new construction on the site. A landscape plan will need to be submitted for approval prior to the issuance of building permits. Zoning Code screening will be required along the south and west property lines.

MAPC heard this request on May 10, 2001, and recommended approval (13-0) subject to the dedication of complete access control and 20 feet of right-of-way. No one spoke in opposition.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, and the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 270

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00025

ZON2001-00026

ZON2001-00026 – ZONE CHANGE FROM GENERAL OFFICE TO LIMITED COMMERCIAL; NORTH OF CENTRAL, WEST OF BOYD. (District V)

Agenda Report No. 01-0726.

MAPC Recommendation: Approve, subject to the conditions of a (P-O) Protective Overlay (13-0).

Staff Recommendation: Approve, subject to the conditions of a (P-O) Protective Overlay.

The applicant is seeking a zone change from “GO” General Office to “LC” Limited Commercial. The application area is a platted lot located at the northwest corner of west Central Avenue and Boyd Avenue. The site is .32 acre in size. A vacant office building with garage door openings to the north and south exists on the site today (the building was previously occupied by an insurance claims office). The applicant has a windshield replacement business that is interested in locating on this site. Curb cuts exist on Arapaho and on Boyd Avenue. A screening fence exists along the west property line.

Nearby properties are zoned “SF-6” Single-family Residential or “LC” Limited Commercial. These properties are developed with retail commercial, office or single-family residential uses. Between the Wichita-Valley Center Floodway and I-235 there are only two lots having frontage on Central, other than the application area, that are not zoned “LC”.

The landscape ordinance will not be triggered by this zone change application so street, parking lot and buffer landscaping normally obtained with new construction will not be required unless significant remodeling or parking lot improvements are made. A 25-foot compatibility setback would be required along the west property line if this were new construction. The site appears to be nonconforming for this requirement unless an adjustment is obtained as it does not appear that there is currently a sufficient compatibility setback today.

MAPC heard this request on May 10, 2001, and recommended approval (13-0), subject to conditions contained in (P-O) Protective Overlay #96. Conditions contained in PO #96 address access control to Central Avenue and Arapaho, and a requirement that the overhead doors facing north are to be closed except when needed to provide access. No one spoke in opposition.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC, subject to provisions of Protective Overlay #96, be approved, and the Ordinance be placed on first reading.

-- carried

Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00026

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 271

ZON2001-00027

ZON2001-00027 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL; NORTHWEST CORNER OF CENTRAL AND ELDER. (District VI)

Agenda Report No. 01-0727.

MAPC Recommendation: Deny “LC”; Approve “NR”, subject to platting within 1 year (13-0).

DAB Recommendation: Deny “LC”; Approve “NR”, subject to platting within 1 year (8-0).

Staff Recommendation: Deny “LC”; Approve “NR”, subject to platting within 1 year.

The applicant requests a zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial on a 0.75 acre unplatted tract located at the northwest corner of Central and Elder. The site is currently developed with a single-family residence, and the applicant proposes to redevelop the site with small limited commercial uses.

The surrounding area is characterized by a mixture of uses with commercial uses to the west, southwest, and southeast; residential uses to the northwest, north, and east, and institutional uses to the south. The property west of the site is zoned “LC” Limited Commercial and is developed with a furniture store. The property north of the site is zoned “SF-5” Single-Family Residential and is developed with a single-family residence. The properties east of the site across Elder are zoned “SF-5” Single Family Residential and are developed with single-family residences. The property south of the site across Central is zoned “LC” Limited Commercial and “TF-3” Two-Family Residential and is developed with a police and fire station.

While the subject property is appropriate for commercial development, the types of uses permitted by the “LC” Limited Commercial zoning district (i.e., drive-through restaurants, convenience stores, auto-related uses) are too intense given the limited size of the site and the site’s location removed from an arterial intersection, near existing residential development, and across the street from a police and fire station. Intense commercial development of the site would likely lead to adverse impacts from lighting, noise, and trash on surrounding residential land uses and conflict more with emergency response. To mitigate these impacts, the subject property should be developed with small, neighborhood serving commercial development such as specialty retail, service businesses, and small, sit-down restaurants. These types of uses are permitted by the “NR” Neighborhood Retail zoning district.

At the MAPC hearing on May 10, 2001, there were no speakers, other than the applicant, for or against the request. The applicant spoke in support of the recommendation of staff and the DAB to deny “LC” Limited Commercial and instead approved “NR” Neighborhood Retail. The MAPC voted (13-0) to deny the request for “LC” Limited Commercial and instead to approve “NR” Neighborhood Retail subject to platting the property within one year.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, to concur with the findings of the MAPC and deny the request for “LC” Limited Commercial and instead approve the zone change to “NR” Neighborhood Retail, subject to the condition of platting within one year; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council.

-- carried

Motion carried 6 to 0. (Lambke absent)

ZON2001-00029

ZON2001-00029 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND LIMITED COMMERCIAL TO LIMITED COMMERCIAL AND SINGLE-FAMILY RESIDENTIAL; SOUTHWEST CORNER OF 45TH STREET NORTH AND OLIVER. (District I)

Agenda Report No. 01-0728.

MAPC Recommendation: Approve, subject to platting within 1 year (13-0).

DAB Recommendation: Approve, subject to platting within 1 year (7-0).

Staff Recommendation: Approve, subject to platting within 1 year.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 272

The applicant requests a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on a 3.1 acre unplatted tract and from "LC" Limited Commercial to "SF-5" Single-Family Residential on an adjoining 4.5 acre unplatted tract. Both tracts are located at the southwest corner of 45th Street North and Oliver. A plat (SUB2000-00109: Eagles Landing at North Oliver) that includes the property requested for rezoning is scheduled to heard by the MAPC at the same hearing as the rezoning request.

The southwest corner of 45th Street North and Oliver contains a 7.5 acre tract of "LC" Limited Commercial zoning; however, an east-west drainage way bisects the existing commercial tract. The applicant is proposing to locate commercial uses north of the drainage way and single-family residences south of the drainage way; therefore, the applicant is proposing to "down zone" 4.5 acres to "SF-5" Single-Family Residential for use as a drainage reserve and single-family lots. In exchange, the applicant is requesting 3.1 acres of "LC" Limited Commercial zoning north of the drainage way along the site's frontage to 45th Street North.

The surrounding area is located on the urban fringe of the Wichita metropolitan area, with most of the land in the area still used for agriculture. With the exception of a 6.3 acre undeveloped tract at northwest corner of 45th Street North and Oliver that is zoned "LC" Limited Commercial, the properties north, south, and west of the site are zoned "SF-5" Single-Family Residential and are undeveloped. The properties east of the site are located within the City of Bel Aire and are developed with single-family residences.

At the MAPC hearing on May 10, 2001, there were no speakers, other than the applicant, for or against the request. The MAPC voted (13-0) to approve the request subject to platting the property within one year.

Motion -- Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC, subject to condition of platting within one year, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0. (Lambke absent)

-- carried

ZON2001-00031 **ZON2001-00031 – ZONE CHANGE FROM MULTI-FAMILY TO OFFICE WAREHOUSE; SOUTHWEST CORNER OF ENGLISH AND KANSAS.** (District I)

Agenda Report No. 01-0729.

MAPC Recommendation: Approve, subject to the provisions of a (P-O) Protective Overlay (13-0).

Staff Recommendation: Approve, subject to the provisions of a (P-O) Protective Overlay.

DAB Recommendation: Approve, subject to the provisions of a (P-O) Protective Overlay (7-0).

This is an application to rezone the southwest corner of Kansas and English in order to expand an existing building located at the southeast corner of Hydraulic and English. The existing building has three to four offices. The applicant would like to expand the main building eastward by approximately 60 feet to add more warehouse space for an HVAC contractor. This requires rezoning of the property from its current "B" Multi-Family zoning.

The property is currently used as a parking lot for the existing building. Prior to 1988, parking for adjacent commercial uses was allowed "by-right" in the "B" district. Also, it appears to be used as shared parking for the nearby church, Metropolitan Community Church.

Most of the surrounding land is developed with multi-family residential uses. There are duplexes and some small apartment buildings across the street to the east, and four-plexes on the south to Waterman. The block south of Waterman is in single-family use. It was developed as McNight Place in the 1930s and is a well-maintained single-family enclave.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 273

The block to the north has a variety of residential uses (single-family, multi-family) and the church that was originally built as a Jewish synagogue. It is an undesignated potential historic site. The land west of the application area fronts onto Hydraulic. Hydraulic is developed with a mix of commercial/office/residential uses.

At the MAPC meeting held May 14, 2001, staff discussed the proposed protective overlay designed to soften the impact of a building expansion on nearby residential uses, and also suggested a modification of the proposed setback from Kansas Avenue and allowing a small outdoor storage area that would be screened from view of residential areas. MAPC voted (13-0) to approve subject to staff comments as revised.

At the DAB #1 meeting held May 21, 2001, the DAB voted (7-0) to approve subject to MAPC recommendations.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to additional provision of Protective Overlay District; and the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00031

A01-09

A01-09 – REQUEST TO ANNEX LAND GENERALLY LOCATED NORTH OF THE STARWEST ADDITION ON RIDGE ROAD. (District V)

Agenda Report No. 01-0730.

The City has received a request to annex approximately 24 acres situated north of 37th Street North and west of Ridge Road. The site abuts the City of Wichita to the south. The property owner is planning to develop the site, along with the Starwest Addition south of the site and portions of adjacent parcels already within the City limits, under the title of the Northridge Center Commercial Community Unit Plan. The site will contain a 257,000 sq/ft commercial building, and the staging of development has been planned over multiple years with 100% of development projected to occur within 5 years.

Land Use and Zoning: The annexation site is presently in agricultural use and consists of five (5) tracts of land zoned "SF-20" Single Family Residential. Land north and east of the site is either vacant or in agricultural use with residential structures and is zoned "SF-20" Single Family Residential. Land west is in agricultural use and zoned "SF-20" and "SF-5" Single Family Residential. Land south is also in agricultural use and is zoned "LC" Limited Commercial. Upon annexation, the "SF-20" Single Family Residential zoning of the subject property will convert to "SF-5" Single Family Residential. Upon annexation, the applicant will request that the City Council grant a zoning change to "LC" Limited Commercial, as recommended by the Planning Commission.

Public Services: The City Public Works Department indicates that the subject property proposed for annexation will likely connect to existing water and sewer lines located at 37th Street North and Ridge Road. The applicant has already submitted petitions of guarantees to extend water and sewer to the north line of Starwest Addition. The applicant should also guarantee the extension of lateral sewer lines and water to serve each parcel (100% cost to the property owner). The applicant should also guarantee extension of an 8" equivalent of the 20" water supply line across their frontage along Ridge Road. The total cost for the 20" water line is estimated at \$55,000, of which the City would pay 50%.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 274

Street System: The property proposed for annexation will have access to Ridge Road (4-lane arterial), which serves the area as the nearest major north-south road, and 37th Street North (2-lane gravel), which serves the area as the nearest east-west road. There are no plans to further improve these sections of road in either the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2001-2005 Sedgwick County Capital Improvement Program (C.I.P.). However, the 2030 Transportation Plan (Map 11) shows 37th Street North to be improved to a 2-lane arterial in the future.

Public Safety: Fire services to this site can be provided most readily, within an eleven (11) to twelve (12) minute approximate response time, from City Station #16 located at 1632 N. Tyler. However, the Fire Department indicates that a new fire station will be completed in 2001 or 2002 near 42nd Street North and Meridian, which would provide a shorter response time in the future. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: Brooks Park, currently a landfill, is located approximately 2 ½ miles northeast of the site proposed for annexation. Jones Rice Foster PA are currently developing the future plans for this park.

School District: The property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the Wichita 2030 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted last year by the City Council.

The property proposed for annexation has not yet been platted. The approximate assessed value of the property is \$20,844. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$23,640,025 when development is completed, resulting in an assessed value of \$5,910,006. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$185,610 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that annexation be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A01-09

A01-12

A01-12 – REQUEST TO ANNEX LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF MACARTHUR AND HOOVER ROAD. (District V)

Agenda Report 01-0731.

The City has received a request to annex approximately five acres situated at the southwest corner of MacArthur and Hoover Road. The site abuts the City of Wichita to the north, west, and south. The property owner is planning to develop the site with a 50,000 sq/ft commercial building. The staging of development has been planned over multiple years, with 100% of development projected to occur within 4 years.

Land Use and Zoning: The annexation site is presently in agricultural use and consists of one (1) undeveloped tract of land zoned “LC” Limited Commercial, which will remain unchanged after annexation. Land north, south and west of the site is developed with residential properties and is zoned “SF-6” Single Family Residential. A final plat for the area was approved by the Metropolitan Area Planning Commission on April 5, 2001, and is currently pending approval by the City Council.

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 275

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will likely connect to an 12" water main to be extended east along MacArthur from Hoover Road in 2003. In addition, the proposed annexation area will be able to connect to a 14" water main located along Hoover Road if necessary. For sewer, it is anticipated that an existing line extended from Hoover and MacArthur west to the adjacent residential area will be utilized.

Street System: The property proposed for annexation will have access to Hoover Road, which serves the area as the nearest major north-south road, and MacArthur, which serves the area as the nearest major east-west road. Hoover Road is a two-lane arterial, while MacArthur is a four-lane arterial. There are no plans to further improve these sections of road in either the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2001-2005 Sedgwick County Capital Improvement Program (C.I.P.).

Public Safety: The Wichita Fire Department can serve this site within an eight (8) to ten (10) minute approximate response time from City Station #19 located at 600 W. MacArthur. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Osage and Southview Parks are located approximately two miles east of the property proposed for annexation, beyond the service area of either park.

School District: The property is located in Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the Wichita 2010 and 2030 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted last year by the City Council.

The property proposed for annexation has not yet been platted. The total assessed value of the property is \$1,990. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$4,683,456 when development is completed, resulting in an assessed value of \$1,170,864. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$36,722 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that annexation be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A01-12

A01-11

A01-11 – RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH OF 21ST STREET NORTH, AND EAST AND WEST OF HOOVER. (District V)

Agenda Report No. 01-0732.

A resolution establishing a future public hearing date of August 7, 2001, 7:00 p.m., at the Sedgwick County Extension Office, 7001 West 21st Street North, for consideration of a unilateral annexation was approved. The properties proposed for annexation are located north of 21st Street North and east and west of Hoover.

This is the fourth phase of a six phase annexation initiative that began in the spring of 2000. The first phase, which brought 611 acres and 47 properties into the City, was approved on July 18th, 2000. The second phase was approved on November 21st, 2000, and brought 92 acres and 42 properties into the

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 276

City. The third phase was approved on April 17, 2001, bringing 56 acres and 36 properties into the City of Wichita.

The subject area for this fourth phase consists of approximately 21 acres and 29 properties (all are unplatted). The land-use pattern consists of 23 residential tracts, one (1) commercial tracts, and five (5) vacant tracts in a mix of residential and agricultural uses, with some commercial and industrial uses concentrated along Hoover Road. The majority of the subject property is zoned "SF-20" Single-Family Residential, with several nearby areas zoned "LC" Limited Commercial and "LI" Limited Industrial.. Those areas zoned "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation ("SF-10" if requested by property owner and approved by the governing body), while other properties will retain their existing zoning.

The majority of the land proposed for annexation is located within the area identified as "low-density residential", with some "commercial" and "industrial" areas intermixed, according to the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map. Additionally, the proposed annexation area is located within the "2010 Urban Service Area" boundaries found in the Comprehensive Plan amendments. The land use pattern within the annexation area is generally consistent with its land use designation in the updated Plan.

The proposed annexation will allow for the continuation of the City's growth in the northwest part of Wichita. All properties in the proposed annexation area are currently being served by private systems. According to the City Water and Sewer Department, there are City of Wichita water mains located within portions of 29th Street, Hoover Road, and Ridge Road, from which service could be extended

As for sewer, all of the properties in the proposed annexation area are currently being served by private sanitary sewer systems. Sewer lines are being brought into newer developments surrounding the annexation area from which service could be extended. Much of the area proposed for annexation lies within Sanitary Sewer Basin 4 (bounded generally by the Wichita-Valley Center Flood Control Project, 21st Street North, Maize Road, and 45th Street North). A study was completed in February 2000 to show how sanitary sewer service can be extended to serve Basin 4. Construction of sewer mains has not been scheduled at this time.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$1,129,810 resulting in an annual City Ad Valorem tax revenue of approximately \$4,102. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --

-- carried

Knight moved that the service plan be approved and the Resolution setting the hearing date on August 7, 2001, 7:00 p.m., at the Sedgwick County Extension Office, 7001 West 21st Street North, be adopted. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 277

RESOLUTION NO. 01-244

A Resolution declaring an interest in, and establishing a public hearing date for considering the unilateral annexation of property located north of 21st Street, and east and west of Hoover, to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight. A-00-11

AIRPORT AGENDA

AIRPORT

AIRFIELD PAVEMENT – TAXIWAY “AAAA” CONSTRUCTION.

Agenda Report No. 01-0733.

On January 9, 2001 City Council authorized the Staff Screening and Selection Committee to select a consultant for the design of Taxiway “AAAA”. This project will accommodate potential development on the east side of the airfield.

The Staff Screening and Selection Committee interviewed four firms and selected Professional Engineering Consultants to provide professional services.

The cost for design and bid phase services is \$335,168 and is expected to be funded by AIP grant funds and Passenger Facility Charge collections. Airport revenues will provide interim funding. The cost is within the project budget.

The contract has been approved by the Law Department and is being reviewed by the Federal Aviation Administration.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

AIRPORT

HIGH VOLTAGE CABLE SYSTEM IMPROVEMENTS.

Agenda Report No. 01-0734.

On March 27, 2001 the City Council authorized the Staff Screening and Selection Committee to select a consultant to provide professional services associated with the upgrading and expansion of the utility infrastructure on Mid-Continent Airport.

The Staff Screening and Selection Committee reviewed two proposals and selected Johnson Engineering to provide professional services for the upgrade of the high-voltage electrical system.

The cost is \$37,750 and will be funded with General Obligation Bonds paid by airport revenues. The cost is within the project budget.

The Law Department will review the contract.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 173

JUNE 5, 2001

PAGE 278

AIRPORT

GRANT OFFER AIP 3-20-0088-34 – STUDY AND DESIGN PHASE I TAXILANE “AAA”.

Agenda Report No. 01-0735.

On April 17, 2001 the City Council approved a grant application for the study, design, and phase 1 construction of Taxilane “AAA”.

The Federal Aviation Administration has made a grant offer for the project.

The grant offer is for 90% of the \$921,600 project cost. The matching funds will be applied for through the Passenger Facility Charge Program.

The Law Department will certify that the sponsor’s acceptance of the Grant Offer complies with state and local laws after the date of execution.

Motion --
-- carried

Knight moved that the grant offer be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the Council recess and move to executive session at 11:00 a.m. to consider consultation with legal counsel on matters relating to legal advice; preliminary discussions relating to acquisition of real property for public purposes; confidential data relating to financial affairs or trade secrets of a business; matters relating to security of public bodies or agencies, public buildings or facilities, or information systems; and return no later than 11:40 a.m. Motion carried 6 to 0. (Lambke absent)

RECESS

The City Council recessed at 10:47 a.m. and returned at 11:40 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 11:40 a.m.

Pat Burnett CMC
City Clerk