

# CITY COUNCIL PROCEEDINGS

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 2, 1999  
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

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

The invocation was given by Rev. Bill Reece.

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 October 26, 1999 were approved 7 to 0.

## AWARDS AND PRESENTATIONS

SERVICE CITATIONS

Distinguished Service Citations were presented.

PROCLAMATIONS

The Proclamations were presented.

YOUTH SERVICE

Wichita's Promise - Youth Community Service Awards were presented.

## UNFINISHED BUSINESS

**LEGISLATIVE PROGRAM**

### 2000 CITY OF WICHITA LEGISLATIVE PROGRAM.

(Continued from October 26, 1999)

Council Member Pisciotte

Council Member Pisciotte said the focus on common, shared values is shown in the 2000 Legislative Agenda.

Mayor Knight

Mayor Knight stated that he hoped the City Council and County Commission would also be effective advocates for the school system.

Mike Taylor

Government Relations Director reviewed the Item.

Agenda Report No. 99-1062.

The process of drafting the 2000 legislative program began in August when requests for proposed legislation were distributed to City Council members, City Departments, Citizen Participation Organization and neighborhood associations. Many of those requests have been included, as well as, a number of issues the 2000 Legislature will likely debate which will impact Wichita. Discussions have also taken place between the City, Sedgwick County, Regional Economic Area Partnership, League of Kansas Municipalities and Kansas Association of Counties in an effort to identify cooperative issues.

To keep the 2000 Legislative Program manageable and as effective as possible, the requests for new legislation are being kept to a minimum. The program includes position statements on a variety of issues. This approach allows the City to establish general goals and positions, giving it the flexibility to react to any number of specific bills during the session.

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The program is divided into the following issue sections and designations:

Priority Positions, Taxes and Finance, Home Rule and Local Control, Public Safety, Health and Environment, Transportation, Joint City/County Issues and Federal Issues. The position statements allow the City to respond to issues and debate within an established framework as specific bills and proposals are drafted. A summary of new issues and positions is attached.

Cooperative Legislative Agendas: If the legislative priorities (attached) are approved by the City Council, it is proposed these issues be discussed with the Regional Economic Area Partnership (REAP), and with Sedgwick County Government and USD 259 for development of joint legislative programs that can be presented and supported before the Sedgwick County and South Central Kansas Legislative Delegation.

Position statements and proposals in the 2000 Legislative Program will provide the City the legal authority to enhance and improve government operations and services for the public.

Any number of legislative actions can impact City finances. The 2000 Legislative Program is designed to help the City maintain or improve its ability to control the financing of local government services to best serve the citizens of Wichita.

## Liquor Industry Regulation

Local regulation and enforcement of liquor establishments is crucial to the public health, safety and welfare. The City of Wichita opposes any recodification of liquor statutes which would erode the existing home rule authority of cities. Any legislation to recodify liquor or cereal malt beverage statutes should explicitly preserve the authority of cities to locally license and regulate the sale of alcoholic liquor and cereal malt beverages. State laws should not prohibit cities from exercising their constitutional home rule powers to license, set license fees, business hours or otherwise regulate the sale of alcoholic liquor and cereal malt beverages.

Cooperative Initiative with Sedgwick County  
League of Kansas Municipalities  
Kansas Association of Counties

## Protection of Sensitive Groundwater

The City of Wichita recognizes its responsibility to be a good steward of the natural resources its citizens use. The City of Wichita accepts its duty and obligation to preserve and protect those natural resources. Protection of the Equus Beds Groundwater Aquifer, which is the primary source of quality water for 500,000 citizens, is crucial for the future of Wichita and South Central Kansas. State laws and administrative procedures should provide for vigorous protection of the Equus Beds from contamination and waste. The City of Wichita supports enhanced water protection measures in sensitive groundwater areas such as the Equus Beds. Those regulations, whether imposed statutorily by the Legislature or administratively by the Kansas Department of Health and Environment should be scientifically based, subject to cost/benefit analysis and not unduly restrictive. New Issue for 2000.

Cooperative Initiative with Sedgwick County  
Regional Economic Area Partnership  
League of Kansas Municipalities  
Kansas Association of Counties

## Full Funding of Revenue Sharing

The City of Wichita strongly supports the progress and partnership shown by the Legislature in restoring full statutory funding of the Local Ad Valorem Tax Reduction Fund. The City of Wichita urges the Legislature to continue this trend of cooperation and fiscal responsibility by also restoring full statutory funding of the City-County Revenue Sharing Fund and Special City-County Highway Fund. The City opposes any reduction in funding and opposes arbitrary caps on the growth of the three demand transfer funds.

Cooperative Initiative with Sedgwick County  
League of Kansas Municipalities  
Kansas Association of Counties

## Tax and Spending Lids

The City of Wichita believes the citizens and the City Council members they elect are capable and responsible to determine local tax and spending policies without mandated limitations imposed by the State Legislature. The City of Wichita believes an arbitrary tax lid infringes on the rights of citizens and their elected City Council members to determine the appropriate level of government services for the community. The City of Wichita opposes re-establishment of the tax lid on local government and opposes spending lids on local government.

Cooperative Initiative with Sedgwick County  
League of Kansas Municipalities  
Kansas Association of Counties

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## Comprehensive Transportation Program

The City of Wichita supports full implementation of the 1999 Comprehensive Transportation Program. The Legislature should continue the funding commitment to the program as it is vital to the continued growth, development and safety of all motorists.

Cooperative Initiative with Sedgwick County  
Wichita Area Chamber of Commerce  
League of Kansas Municipalities  
Kansas Association of Counties

## Electric Rates

The City of Wichita is committed to ending the electric rate disparity imposed by Western Resources and believes there are benefits in allowing a competitive market for electric service. The Kansas Legislature, especially those Senators and Representatives elected by citizens forced to pay the higher rates, the Governor, the Kansas Corporation Commission and executives of Western Resources should make ending the rate disparity a top priority. Competitive electric rates are crucial to the City's economic well being. Western Resources operates as one integrated company, but divides its customers into different service areas, charging its customers in the KGE service area of the company more for electricity than it charges customers in the KPL service area of the company. The rate disparity is unfair because the Wolf Creek Nuclear Generating Station, which is blamed for the higher KGE rates, benefits all Western Resources customers and stockholders and is used to provide electricity to the entire Western Resources system. Charging one set of customers higher rates for something which benefits all customers is unfair and penalizes South Central Kansas.

## Bond Certificates

The City of Wichita requests changing the statutes to allow cancelled coupons and certificates to be immediately destroyed by the trustee or paying agent without return to the city clerk, providing the trustee or paying agent furnishes the City with a certificate of destruction.

## Bond Sales and Auctions

The City of Wichita is requesting the chance to take advantage of technological improvements on two fronts. The first is in the way bond sales and auctions are conducted. The second change involves use of electronic "virtual auctions." The City of Wichita is asking for changes to allow electronic bidding as allowed in other states. New Issue for 2000.

## Water Utility Sales Taxes

The City of Wichita urges the Legislature to acknowledge the public service function of municipal water utilities by treating them the same as other municipal departments and exempt them from paying sales tax on purchases. In 1999, House Bill 2011, which exempts water utility and water district purchases from sales tax, passed the Kansas House by a vote of 124-0.

Cooperative Initiative with League of Kansas Municipalities

## Groundwater Management District Funding

Present land and water assessment rate limits will not generate sufficient revenue to fund the Equus Beds Groundwater Management District 2 water management programs and public services beyond the year 2000. To meet the Equus Beds Groundwater Management District's financial needs into the next decade, the City of Wichita supports updating of the land and water assessment rate limits and creating a two-tiered assessment structure.

Cooperative Initiative with Groundwater Management Districts  
Lower Arkansas Basin Advisory Committee

## Public Library Funding

The City of Wichita supports increased funding for public libraries.

Cooperative Initiative with Kansas Library Association

## Children's Online Education Databases

The City of Wichita supports state funding of online research databases.

Cooperative Initiative with Kansas Library Association

## Municipal Budgeting Timetable

The City of Wichita supports changing the timetables for preparation and certification of city budgets.

Cooperative Initiative with League of Kansas Municipalities

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## Domestic Violence

The City of Wichita supports changes in the domestic violence statutes in an effort to make the law more effective and workable. The City of Wichita supports narrowing the definition of domestic battery to family members or those involved in intimate relationships.

The City of Wichita also supports increasing the penalty for domestic violence to eliminate a disparity in state sentencing laws.

Cooperative Initiative with Wichita Domestic Violence Coalition

## 911 Emergency Tax

The City of Wichita supports extending the 911 Emergency Tax to all telephone customers.

Cooperative Initiative with Sedgwick County

League of Kansas Municipalities

Kansas Association of Counties

## Juvenile Justice

The City of Wichita supports a cooperative approach to juvenile justice issues which involves all levels of local government.

Cooperative Initiative with Sedgwick County

League of Kansas Municipalities

Kansas Association of Counties

## Water Management Agencies

The City of Wichita supports consolidation of all aspects of the state's involvement in water issues into one entity that is autonomous of political pressures. The City of Wichita also supports strong representation of cities on the Basin Advisory Committees.

Cooperative Initiative with Kansas League of Municipalities

## Solid Waste Disposal Tipping Fees

The City of Wichita opposes any increase in the per ton tipping fee imposed on local landfills unless the allocation formula is changed to distribute the money more fairly. The City also opposes any proposal to add a special fee on transfer stations which ship trash to out-of-state landfills.

## Solid Waste Disposal

The Legislature should monitor the state solid waste act as amended in 1995 to ensure the interests of City residents are being met at a reasonable cost.

## Local Environmental Protection Program

The City of Wichita supports removal of the funding cap placed on the Local Environmental Protection Program.

## Waste Reduction and Recycling

The City of Wichita supports statewide efforts to develop markets for recyclable materials and the promotion of waste reduction efforts. The City of Wichita urges the Legislature and Department of Health and Environment to encourage cooperative recycling and waste reduction efforts between the state, cities and counties.

## Consolidation of Local Government

The City of Wichita strongly supports the passage of enabling legislation which will allow the consolidation of local units of government.

Cooperative Initiative with League of Kansas Municipalities

Kansas Association of Counties

## Home Rule

The City of Wichita believes the governing of public affairs should be as close to the people as possible and that home rule is essential to vigorous, effective and responsive local government. Home Rule is crucial to the continued ability of locally elected officials to solve local problems in ways most appropriate to the needs and conditions of the city they represent.

Cooperative Initiative with Sedgwick County

League of Kansas Municipalities

Kansas Association of Counties

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## Local Control

The City of Wichita believes the State Legislature and State agencies should avoid intervention in matters of local affairs and government.

The City of Wichita will generally oppose any attempts to pre-empt local control in favor of uniform statewide regulations or restrictions.

## Unfunded Mandates

The City of Wichita believes the State Legislature should not impose mandated functions, activities, or regulations on local governments without providing financial resources to meet the costs of carrying out those mandates.

## e-Commerce Internet Taxation

The City of Wichita supports development and growth of electronic commerce over the Internet, but not at the expense of Main Street businesses and local government revenues.

## Preemption

The City of Wichita supports a simpler, more rational, and more flexible intergovernmental system to let city leaders develop more innovative and cost effective methods of delivering programs, infrastructure, and services to citizens, and to enhance public involvement and restore public confidence in government.

## Federal Mandates

The City of Wichita opposes the imposition of additional federally-mandated functions or activities on local governments which are not accompanied by financial resources adequate to meet the costs.

## Local Participation

Effective use of the federal system requires the involvement of local government officials in the planning and implementation of federally assisted programs, which may be legally controlled by the state but which vitally affect cities and their residents. In addition, the largest amount of federal aid possible should be "passed through" to local governments, with state administrative costs financed from state funds and not "skimmed off" from grant moneys apportionable to local units.

## Air Quality Standards

The City of Wichita supports legislation that delays more stringent standards for ozone and particulate matter until there is a scientific consensus that such limits will actually protect human health and the environment, and until EPA adequately evaluates the costs and benefits of the standards.

- Council Member Cole      Council Member Cole said exemption from sales tax for remodeling is extremely critical and urged that this matter be placed back in the program.
- Mike Taylor                Government Relations Director explained that the remodeling sales tax exemption was left out because of the low chance of getting it passed this year.
- Mayor Knight              Mayor Knight stated that the remodeling sales tax exemption is very important but, given the financial calculus, it was not put in the Agenda. The highway plan is critical. Transportation has a profound effect on community.
- Mayor Knight said he would rather have fewer items with performance measurement based on how these come out. Other groups are dealing with Council Member Cole's concern.
- The strategy of working with other government entities is very important.
- Council Member Pisciotte      Council Member Pisciotte suggested the Solid Waste Disposal and Consolidation of Local Government items be tabled, at least for this year. These issues might send the wrong signal in the cooperative efforts between the City and Sedgwick County.
- Mayor Knight                Mayor Knight spoke in support of Council Member Pisciotte.
- Council Member Cole        Council Member Cole said she would like the opportunity to look at costs, talk to some people in the region with regard to sales tax exemption for remodeling and, perhaps, to return with the information in one week.
- Mayor Knight                Mayor Knight inquired whether anyone wished to be heard and no one appeared.

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Motion -- Knight moved that the 2000 Legislative Program be approved, with the deletion of Solid Waste Disposal and Consolidation of Local Government items; and presentation to the legislative delegation and other appropriate agencies be authorized. Motion carried 7 to 0.  
-- carried

(Annexation Item A 99-22 was taken up at 7:00 p.m. Action is shown as it occurred.)

## CITY COUNCIL AGENDA

### **APPOINTMENTS**

### **BOARD APPOINTMENTS.**

Motion -- Cole appointed Milt Pollitt (Solid Waste Management) and moved that the appointment be approved. Motion carried 7 to 0.  
-- carried

Motion -- carried Martz appointed Robert Stithe (Mechanical) and moved that the appointment be approved. Motion carried 7 to 0.

### **PROCLAMATIONS**

### **PROCLAMATIONS.**

--Wichita JROTC Leadership Week

Motion -- carried Knight moved that the issuance of the Proclamation be authorized. Motion carried 7 to 0.

## CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

### **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 1, 1999.**

Bids were opened November 1 1999, pursuant to advertisements published on:

Paving 19th Street North, from the east line of Wabash to the west line of Ohio to serve Meekin's, Harvey's and Beacon Addition - east of Broadway, south of 21st Street North. (472-83082/765574/490685) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 3/16/1999. (District VI)

Kansas Paving Company - \$32,036.00

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Fuel Management System, Semi-Automated at the Wichita Transit Bus Maintenance Facility at 777 East Waterman. (629188)

P.B. Hoidale - \$16,179.56 (Total net bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Riprap. (133116)

Couch Construction Materials - \$57,105.00 (Total base bid)  
\$ 12.69 (Total Option 1/per ton)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Liquid Phosphate. (183632)

Calciquest Inc. - \$0.31 (Alternate Bid/per pound)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Vibratory Compactor Roller. (132225)

Paving Maintenance Supply, Inc. - \$49,954.00\* (Total Item 1)

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Victor L. Phillips - \$12,528.00 (Total Item 2)  
\*Rescinded award - Item 1 of 10-25-1999; Reject all bids.

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 7 to 0.

## LICENSES

### APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES.

#### Renewal Adult Entertainment

Ronald H. Groves                      Party Center                      9601 East Kellogg Drive

Motion – carried

Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
William N. Smith	Wichita State University dba Rhatigan Student Center*	1845 North Fairmount Campus Box 56

(Consumption off Premises)

Thomas R. Smith	LC Foods; dba Checkers	1915 East Pawnee
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\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion – carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

## PLANS AND SPECS.

### PLANS AND SPECIFICATIONS:

a. 1999 Contract Maintenance Pedestrian Bridge Replacement at 30th Street South & Glenn and Magill & Lawrence (472-83078/131734/n/a) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 11/24/1998 (District II, IV)

b. 1999 Enhanced maintenance Asphalt Crack sealing (706648-I) and Joint Repair (PolyPatch) (706648-N) (at various locations) (n/a/706648-I&N/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 10/13/1999 (District I, II, III, V)

c. Main 26, War Industries Sewer - Phase 1 (north of 21st, west of Greenwich Road) (468-82990/624501/699001) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 9/28/1999 (District II)

d. Lateral 1, Main 26, War Industries Sewer (west of Greenwich Road, at 29th Street North) (468-83037/624502/699002) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 9/28/1999 (District II)

e. 1999 Enhanced Maintenance INCRETE Systems Spray-Deck Commercial Overlay System at Central and the Canal, 13th and the Canal, and 9th Street North and the Canal (Central, 13th, & 9th Street North & the Canal) (/706648-T/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 11/24/1998 (District I)

f. 1999 KLINK (FY2000) Concrete Base Repairs, Asphalt Mill & Overlay of westbound lanes on Kellogg (US-54/400) from K.T.A. Overpass west of Webb Road to 127th Street East (Kellogg & Webb) (/132373/) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 11/24/1998 (District II)

g. 29th Street North from the west line of Greenwich Road to 855 feet west of the west line of Greenwich Road to serve Regency Park/Soccer Fields/Baseball Fields (29th Street North, west of Greenwich) (472-83069/765588/490669) Does not affect existing traffic. City Council approval date 5/11/1999. (District II)

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h. Northeast Soccer Complex Parking Lot to serve Regency Park (south of 29th Street North, west of Greenwich) (472-83139/785000/339131) Does not affect existing traffic. City Council approval date 5/11/1999 (District II)

i. 1999-2000 CDBG Public Facilities & Improvements (Phase C) Pedestrian Bridge Replacement in Planeview (north of 31st Street South, east of Hillside) (/602302-C/800901) Does not affect existing traffic. City Council approval date 3/16/1999 (District III)

Motion --  
-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., November 12, 1999. Motion carried 7 to 0.

## PRELIMINARY EST.

### PRELIMINARY ESTIMATES:

a. 1999 water main replacement program, Group 1; Broadway from Murdock to 11th Street; St. Francis from 13th Street to 17th Street; St. Francis at St. Francis Hospital; McCormick from St. Clair to Glenn. (448-89418/636089/779169) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (Districts IV and VI) - \$807,716.86

b. 1999 sanitary sewer reconstruction program, Phase VI. (468-83038/620270/669395) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (Districts I, III, IV, V, VI) - \$133,698.50

c. 1999 sanitary sewer reconstruction program, Phase VII. (468-83039/620273/669398) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (Districts IV, V, and VI) - \$128,914.00

d. 27th Street South from the east line of Custer to the west line of St. Paul to serve Wichita Builders Third and Builders Fourteenth Additions - south of Pawnee, west of Meridian. (472-83099/765591/490702) Traffic to be maintained during construction. City Council approval date: 6/8/1999. (District IV) - \$98,000.00

e. Chateau from the north line of Lot 1, Block 1, south to and including the cul-de-sac; Mt. Vernon from the west line of Lot 1, Block 1, to the east line of Lot 26, Block 3; Smithmoor from the south line of Mt. Vernon to the east line of Lot 18, Block 3, and; Leeanne Lane from the east line of Lot 18, Block 3, to the south line of Mt. Vernon to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (472-83107/765599/490710) Does not affect existing traffic. City Council approval date: 6/15/1999. (District II) - \$360,000.00

f. 43rd Street South from the west line of Lot 18, Block 8 to the west line of Meridian; 44th Street South from the west line of Lot 13, Block 11 to the west line of Meridian; Richmond from the north line of 44th Street South to the south line of 43rd Street South; Richmond Court from the west line of Richmond to and including the cul-de-sac; and sidewalk on the south side of 43rd Street South, from the west line of Lot 18, Block 8 to the west line of Meridian and on both sides of 44th Street South from the west line of Lot 13, Block 11 to the west line of Meridian to serve The Legacy Addition - west of Meridian, south of MacArthur. (472-83118/765592/490703) Does not affect existing traffic. City Council approval date: 6/22/1999. (District IV) - \$332,800.00

g. Cherry Hill Circle from the north line of Castle Pines Street to and including the cul-de-sac; Castle Pines Street from the east line of Cherry Hill Circle to the east line of Barton Creek Drive; Castle Pines Branch serving Lots 1 and 2, Block 5 and Lots 3 and 4, Block 4, from the east line of Reserve "B" to the west line of Castle Pines Street serving Lots 1 and 2, Block 4 and Lots 3 and 4, Block 3 from the east line of Reserve "B" to the west line of Castle Pines Street; and sidewalk on the south and west sides of Castle Pines Street from the east line of Cherry Hill Circle to the east line of Barton Creek Drive to serve Willowbend North Estates Addition - west of Rock, south of 45th Street North. (472-83119/765598 /490709) Does not affect existing traffic. City Council approval date: 8/24/1999. (District II) - \$473,000.00

h. Storm Water Drain No. 146 to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (468-82994/751279/485170) Does not affect existing traffic. City Council approval date: 6/15/1999. (District II) - \$50,000.00

i. Lateral 2, Main 18, Southwest Interceptor Sewer to serve Hickory Creek Estates - south of 13th Street, west of 119th Street West. (468-82563/743812/480500) Does not affect existing traffic. City Council approval date: 1/23/1996. (District V) - \$149,000.00

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j. Lateral 387, Southwest Interceptor Sewer to serve Northridge Lakes Addition - east of Tyler, south of 29th Street North. (468-82783/743811/480499) Does not affect existing traffic. City Council approval date: 12/9/1997. (District V) - \$119,312.50

k. Water distribution system to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (448-89387/734938/470608) Does not affect existing traffic. City Council approval date: 6/15/1999. (District II) - \$100,000.00

l. Water distribution system to serve Hickory Creek Estates - south of 13th, west of 119th Street West. (448-88982/734942/470612) Does not affect existing traffic. City Council approval date: 1/23/1996. (District V) - \$72,000.00

m. Water distribution system to serve Northridge Lakes Addition - east of Tyler, south of 29th Street North. (448-89224/734943/470613) Does not affect existing traffic. City Council approval date: 12/9/1997. (District V) - \$68,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

## DEEDS /EASEMENTS

### DEEDS AND EASEMENTS:

a. Utility easement dated September 13, 1999, from John Charles Peters, Trustee of the John Charles Peters Revocable Trust dated October 8, 1988, for a tract of land located in Willowbend North Estates (Lat. 62, Main 9, SS 23, Index Code 743808). No cost to City.

b. Utility easement dated September 13, 1999, from John Charles Peters, Trustee of the John Charles Peters Revocable Trust dated October 8, 1988, for a tract of land located in Willowbend North Estates (Lat. 62, Main 9, SS 23, Index Code 43808). No cost to City.

c. Utility easement dated September 29, 1999, from Via Christi Property Services, Inc., a Kansas corporation, for a tract of land located in the Ridge Port North Addition. (Private Project, Index Code 607861). No cost to City.

d. Utility easement dated September 29, 1999, from R&R Reality, L.L.C., a Kansas Corporation, for a tract of land located in the Ridge Port North Addition (Private Project, Index Code 607861). No cost to City.

Motion -- carried

Knight moved that the documents be received and filed. Motion carried 7 to 0

## WATER SYSTEM

### PETITION FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE AN UNPLATTED TRACT EAST OF WEST STREET - SOUTH OF K-96 HIGHWAY. (District V)

Agenda Report No. 99-1087.

The signature on the Petitions represents one owner that owns 100% of the improvement districts.

The sewer and water line will serve a new industrial area.

The estimated project cost is \$90,500. The funding source is special assessments.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

### RESOLUTION NO. R-99-414

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution system Number 448-89429 (east of West Street, south of K-96), 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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## RESOLUTION NO. R-99-415

Resolution of findings of advisability and Resolution authorizing construction of Lateral 441, Southwest Interceptor Sewer, (east of West Street, south of K-96 Highway), 468-83040, 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### BOARDS MINUTES

#### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Commission on the Status of People with Disabilities, 10-14-99  
CPO Southeast Council 3, 10-14-99  
CPO North Central Council 6, 10-13-99  
Metropolitan Area Planning Commission (MAPC), 8-12-99  
Wichita Public Library, 10-19-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

### STREET CLOSURES

#### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures/uses considered.

### EASEMENT CONSTR.

#### EASEMENT ENCROACHMENT AGREEMENT - 8330 EAST STONERIDGE. (District II)

Agenda Report No. 99-1088.

The agreement allows Clell A. Posey to occupy and construct for 8330 E. Stoneridge improvements on, over and across the aforesaid public easement described as 10 feet in width south of the north property line of Lot 9, Block 1, Brookhollow Third Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be on the east side and west side of the lot for the construction of a concrete masonry wall.

The City will be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

### GILBERT & MOSLEY

#### SUPPLEMENTAL AGREEMENT FOR LEGAL PROFESSIONAL SERVICES – GILBERT & MOSLEY PROJECT.

Agenda Report No. 99-1089.

The City entered into a professional services agreement on November 20, 1990, and subsequent supplemental agreements with Stinson, Mag & Fizzell to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, and particularly David R. Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. Litigation against responsible parties is underway.

This supplemental agreement provides additional authority to continue to use the services of Stinson, Mag & Fizzell on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll which is handling the litigation to recover costs from responsible parties.

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This supplemental agreement provides authority for an additional \$500,000 in legal services. These services are budgeted in and will be paid out of the Gilbert & Mosley TIF.

Motion --  
-- carried

Knight moved that the Supplemental Agreement and budget transfer be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## TRANSPORTATION

### CONTRACT AMENDMENT - TRAVEL DEMAND FORECASTING TO UPDATE THE TRANSPORTATION PLAN.

Agenda Report No. 99-1090.

Federal transportation planning regulations require Metropolitan Planning Organizations to update the Transportation Plan every five years. Mr. Vic C. Shen was awarded a professional service contract to assist MAPD staff with the ongoing update process. The initial contract was for \$40 per hour, with an amount not to exceed \$9,999. Professional services totaling \$9,999 have been provided to date; therefore, the contract needs to be amended so Mr. Shen can continue to work on certain technical functions to complete the Transportation Plan before the federally-mandated deadline.

The proposed contract amendment is for \$40 per hour, with an amount not to exceed \$10,000. The proposed contract amendment will fund technical activities associated with travel demand modeling. The results of these studies will be used as part of the transportation alternatives for the Transportation Plan 2030.

Federal Planning Funds available to the Metropolitan Area Planning Department will be used to fund this contract. No local funds are necessary.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DEFERRAL LEINS.

### RELEASE OF EIGHT HARDSHIP DEFERRAL LEINS.

Agenda Report No. 99-1091.

Various property owners applied for Special Assessment Hardship Deferrals to defer payments of special assessments. Each property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds. Hardship Deferral Program guidelines state that if property ownership changes, the assessment will be put back on the tax roll. Property ownership has changed on 8 properties since filing the hardship deferral liens.

The releases will be filed with the Register of Deeds. The special assessments have been put on the tax roll for 15 years beginning 1999.

There is no cost to the City of Wichita.

Motion --  
-- carried

Knight moved that release of the agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## BROOKS LANDFILL

### REMOVAL OF GROUND WATER CONTAMINATION SOURCE AT BROOKS LANDFILL. (District VI)

Agenda Report No. 99-1092.

Brooks Landfill is permitted by the Kansas Department of Health and Environment (KDHE) to continue operations until October 9, 2001. As part of the conditions of this permit, KDHE requires the City to construct and operate a system for remedial groundwater contamination. The remediation process includes containment of contamination which has left the site and treatment of groundwater at the edge of the Landfill to prevent further migration of the contamination. The containment and treatment phases of the remediation have been completed, and are operating satisfactorily. However, unless the source of the contamination is located and removed, the remediation and treatment will have to continue indefinitely. For this reason, isolating and removing the source is a prudent measure.

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On February 17, 1999, the City Council approved a Contract amendment with Camp Dresser & McKee (CDM) to research, identify, and propose solutions to remove the source of the groundwater contamination at Brooks Landfill. CDM has located the apparent source at the southwestern end of Cell B, a cell that was active in the 1960's. They have recommended a removal and disposal solution which KDHE has reviewed and approved. The cost of the removal is within the remaining budgeted allocation for the remediation project.

As part of this project, the City of Wichita and CDM will enter into a Contract to perform engineering services. CDM will prepare a detailed work plan, project plans and specifications. In addition, CDM will conduct safety training, provide engineering oversight and site safety monitoring during source removal activities, and prepare a final removal report to be submitted to KDHE. The cost to perform these services is \$116,000.

A combination of City of Wichita forces and contracted forces will perform the excavation, transportation, and disposal of material. Installation of additional wells and monitoring for a 10-year project life is also included in the project.

It is estimated to require 4 people approximately 6 weeks to do the work. It is cost effective to do this work with City staff during the winter season when it will not impact service levels on the streets. This also correlates with the season of anticipated low water levels, which is necessary to perform the work.

The total budgeted allocation for the groundwater remediation project was estimated at \$3.5 million, funded through the Landfill budget. To date, approximately \$3.0 million has been spent on the containment and treatment phases. The remaining allocation will be used to fund this project and provide a contingency if higher volumes of unforeseen hazardous material are discovered. Funds are available in the 1999 Landfill budget for this work.

Motion --  
-- carried

Knight moved that the project and Contract be approved; the necessary budget adjustments and signatures be authorized. Motion carried 7 to 0.

## INTERNET

### ELECTRONIC PROCUREMENT.

Agenda Report No. 99-1093.

The City has now established an expanded Internet presence with the launch of a new City web-site last month. The City web-site is a work in progress, and a foundation upon which the City can build. In the coming months and years, the web-site will continue to expand to include more information and services as the needs and interests of the Wichita community change.

Of particular importance, City staff is committed to finding ways and means for the public to conduct their business with the City on the Internet – electronic commerce. Purchasing transactions, business incentive information, job applications, park facility and class registration, court ticket information and payments, and citizen surveys on current issues before the City Council, are among many of the features we expect to see developed on the web-site in the coming months.

Recently, the City also completed installation of a new computer finance system built around software developed by KPMG, a national accounting firm. The KPMG system is now being enhanced with core functionality to expand City procurement services (purchasing, capital project bidding, requests for proposals, etc.) onto the Internet. Wichita has the opportunity, along with Columbus Ohio, to participate in the initial deployment of this Internet component.

The City's new finance computer system is evolving to a near-paperless system for initiating and tracking purchasing activities within the City organization. The portion of the City's procurement activities with vendors, suppliers and contractors, however, remains paper-intensive. It is estimated that in a typical procurement environment, as many as 88% of the vendors, suppliers and contractors already have the capability to conduct business via the Internet, most especially small and medium sized companies. The Internet, then, represents the logical next step in automating the City's procurement processes.

Among the specific benefits available, vendors/suppliers/contractors will be able to:

- (1) Register to do business with the City, including enforcement of compliance and business rules (e.g., EEO compliance) via the Web.
- (2) Identify areas of interest in goods and services (through use of national standard commodity codes) for which the vendor wishes to receive City solicitations.

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- (3) Receive instant notification via e-mail of all solicitations in their area of interest.
- (4) Review all solicitations on-line, including download all bid specifications or other City documents relating to a specific procurement item.
- (5) Receive any addendum if the bid specifications are modified.
- (6) Communicate directly and on-line with City staff on specific procurement issues.
- (7) Submit a bid response on-line (encrypted to ensure it is an electronic "sealed" bid until the actual date and time of the bid opening).

The City will be able to:

- (8) Tabulate electronic bids/responses automatically upon opening.
- (9) Monitor progress in bid receipt prior to opening (aggregate numbers of bids submitted, but not individual bidders and bids).
- (10) Secure more timely and accurate tabulation and reporting on procurement transactions.
- (11) Post bid results on the Internet for bidder review.
- (12) Integrate internal finance operations closely with external finance activities.

Industry analysis of electronic procurement systems indicate prospects for significant time savings: 65-80% savings in "vendor management" (registration, compliance, communication); 35-45% reduction in "competitive bid-to-award" cycle; and 50-70% in "requisition-to-pay" processes for contract and small purchases.

The installation of the City's computer finance system took place in two phases, a requirements definition phase to outline the scope, timeline and cost, and an implementation phase. It is proposed that the City utilize this same procedure. An initial requirements definition phase is projected to cost \$50,000 (including up to \$15,000 for travel and out-of-pocket expenses). Implementation phase costs will be identified as part of the requirements definition.

Funding for the project is available from savings within the 1999 General Fund.

The City Council must approve all contracts and authorize all budget transfers over \$10,000.

Motion --  
-- carried

Knight moved that the Contract be approved; and the budget transfer and necessary signatures be authorized.  
Motion carried 7 to 0.

## LIBRARY GRANT

### GATES LIBRARY INITIATIVE ACCELERATED GRANT PROGRAM.

Agenda Report No. 99-1094.

The (Bill and Melinda) Gates Learning Foundation was founded in 1997 to bridge the "digital divide" between those who have access to computers and the Internet and those who lack such access. The program goal is to provide computers and Internet access to public libraries serving low-income communities in the U.S. and Canada. Since its inception, grants have been awarded to more than 1300 public libraries in 28 states to fund the purchase of computers and hardware to bring Internet access to their patrons. As part of the grants, libraries also receive free training and technical assistance from the Gates Center for Technology Access, as well as gifts of software from Microsoft. The Wichita Public Library has been notified by the Gates Foundation of its eligibility for technology grants for six of its twelve libraries and the addition of a computer training facility to be established at the Central Library.

The Wichita Public Library has offered public Internet access since February, 1997. This access is currently available only from the Central Library and Marina Lakes, Maya Angelou Northeast, Rockwell, Seneca and Westlink branch libraries. Although the library's technology plan has a goal of extending the access into the remaining six facilities, the library has lacked the resources to do so. Receipt of this grant would add public use computers with Internet access and word processing, spreadsheet, database and publishing software to the Aley, Linwood, Minisa and Planeview branches and would add additional workstations to the Central and Maya Angelou Northeast libraries. A ten-seat computer training room funded by the grant would give the library the ability to provide hands-on training in use of the library catalog, the Internet, and a variety of other information tools and resources. Arrangements have been made to partner with Communities in Schools and the Wichita Area Technical College to offer CISCO academies through the Library if the grant is received. When not in use for training, the workstations will be available for public use.

The Library relies heavily on grants and special funding for the addition and maintenance of information technology. The value of the equipment and software to be requested through this grant application is \$98,860, an amount not easily replicated through the city's general fund budget.

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The Library will be responsible for infrastructure costs related to the expansion of service, including remodeling of the Central Library training room workspace and adding computer cabling and electrical capacity in order to operate the equipment. Additional furniture for the workstations will also be required. The Library has developed a plan that identifies a variety of potential partners to help underwrite these expenses.

Motion --  
-- carried

Knight moved that submittal of the application and the necessary signatures be authorized. Motion carried 7 to 0.

**IRB - VIA CHRISTI -  
ST. JOSEPH**

**REDEMPTION OF BONDS AND PURCHASE OPTIONS: ST. JOSEPH HOSPITAL, WICHITA, KANSAS – VIA CHRISTI HEALTH SYSTEM, INC.** (Districts II, III and VI)

Agenda Report No. 99-1095 A.

On January 7, 1997, City Council approved the issuance of a Letter of Intent for Hospital Facilities Improvement and Refunding Revenue Bonds, to Via Christi Health System, Inc. in an amount not-to-exceed \$300 million, for certain capital projects, and to refund current existing debt. On September 21, 1999, Council approved reinstatement of the 1997 Letter of Intent for a six-month term, and an increase in the new money portion of the project from \$27.5 million to \$47.5 million. On October 19, 1999, Council approved the bond issue in amount not-to-exceed \$126 million. A portion of the bond proceeds will refund the Series XXV 1985 and Series X 1991 bonds originally issued to finance facilities for CSJ Health System of Wichita, Inc., including St. Joseph Hospital and related facilities at 3600 E. Harry in Wichita (The St. Joseph Project).

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, Inc. Via Christi Health System operates and manages five hospitals on six campuses, a rehabilitation center, five senior care facilities and 18 physician practices in three states. Via Christi is now requesting title to the St. Joseph Hospital be deeded via purchase option to Via Christi Regional Medical Center, Inc.

Under the provisions of Section 2.01 and 2.05 the Lease Agreement for Series XXV, 1985 Bonds, Via Christi Regional Medical Center, Inc., (successor by merger to St. Joseph Regional Medical Center, Inc.) the Tenant, has the option to purchase the St Joseph Project from the City of Wichita for \$10.

The City of Wichita is in receipt of the \$10 purchase option fee.

Motion --  
-- carried

Knight moved that the Resolution be adopted; the documents be approved; and the necessary signatures be authorized. Motion carried 7 to 0

## RESOLUTION NO. R-99-416

A Resolution of the Governing Body of the City of Wichita, Kansas, authorizing the transfer of title to property purchased and installed with the proceeds of its City of Wichita, Kansas, CSJ Health System of Wichita, Inc., Revenue Bonds, Series XXV 1985, dated as of December 1, 1985, and its City of Wichita, Kansas, CSJ Health System of Wichita, Inc., Revenue Bonds, Series X 1991, dated as of November 1, 1991, to Via Christi Regional Medical Center, Inc.; authorizing execution of a special warranty deed, bill of sale, termination and release of lease, cancellation, discharge and release of indenture and termination of financing statements; and authorizing the execution of all such other documents necessary to convey title in the property to Via Christi Regional Medical Center, Inc., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

**IRB - VIA CHRISTI -  
MT. CARMEL**

**REDEMPTION OF BONDS AND PURCHASE OPTIONS: MT. CARMEL MEDICAL CENTER, PITTSBURG, KANSAS – VIA CHRISTI HEALTH SYSTEM, INC.** (Districts II, III, and VI)

Agenda Report No. 99-1095 B.

On January 7, 1997, City Council approved the issuance of a Letter of Intent for Hospital Facilities Improvement and Refunding Revenue Bonds, to Via Christi Health System, Inc. in an amount not-to-exceed \$300 million, for certain capital projects, and to refund current existing debt. On September 21, 1999, Council approved

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reinstatement of the 1997 Letter of Intent for a six-month term, and an increase in the new money portion of the project from \$27.5 million to \$47.5 million. On October 19, 1999, Council approved the bond issue in amount not-to-exceed \$126 million. A portion of the bond proceeds will refund the Series XXV 1985 and Series X 1991 bonds originally issued to finance facilities for CSJ Health System of Wichita, Inc. and other members of its obligated group, including Mt. Carmel Medical Center, Inc.

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. As part of the process, the members of each system's obligated group joined the other system's obligated group. 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 operates and manages five hospitals on six campuses, a rehabilitation center, five senior care facilities and 18 physician practices in three states. Via Christi is now requesting the City to authorize redemption of the 1985 Bonds and the 1991 Bonds on their respective earliest optional redemption dates and is also requesting title to the Mt. Carmel Medical Center in Pittsburg, Kansas be deeded via purchase option to Mt. Carmel Medical Center, Inc.

Under the provisions of Section 2.01 and 2.05 the Lease Agreement for Series XXV, 1985 Bonds, Mt. Carmel Medical Center, Inc., the Tenant, has the option to purchase the Pittsburg, Kansas hospital facility from the City of Wichita for \$10 and other consideration, including provision for the payment of the refunded bonds.

The City of Wichita is in receipt of the \$10 purchase option fee.

Motion --  
-- carried

Knight moved that the Resolution be adopted; the documents be approved; and the necessary signatures be authorized. Motion carried 7 to 0

## RESOLUTION NO. R-99-417

A Resolution of the Governing Body of the City of Wichita, Kansas, authorizing the transfer of title to property purchased and installed with the proceeds of its City of Wichita, Kansas, CSJ Health System of Wichita, Inc., Revenue Bonds, Series XXV 1985, dated as of December 1, 1985, and its City of Wichita, Kansas, CSJ Health System of Wichita, Inc., Revenue Bonds, Series X 1991, dated as of November 1, 1991, to Mt. Carmel Medical Center, Inc.; authorizing execution of a special warranty deed, bill of sale, termination and release of lease, cancellation, discharge and release of indenture and termination of financing statements; and authorizing the execution of all such other documents necessary to convey title in the property to Mt. Carmel Medical Center, Inc., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## POLICE EQUIPMENT

### DIGITAL DICTATION SYSTEM VENDOR SELECTION.

Agenda Report No. 99-1096.

The Police Department has recorded narrative reports from Police Officers for a number of years. The current equipment for recording the officer's reports was purchased 18 years ago and is a cassette-based recording system using technology that is over twenty-five year old. The Police Records Bureau has not been able to keep up with the current workload because the recording equipment has become unserviceable and the transcriptionists' computers have had numerous major component failures. Heavy demands on the equipment have created constant maintenance problems, complicated by the fact that the manufacturer has quit producing replacement parts. The personal computers in the Records Bureau used for the transcription of the tapes are over ten years old.

In 1996, the Public Safety Initiative was launched, which added 112 commissioned positions. This increase in officers has caused an additional workload in the transcription area. This has contributed to a growing backlog of taped reports in the Wichita Police Department's Records bureau. Typed case reports must be available prior to trial for a number of offenses, including many Municipal Court cases. Locating, retrieving and transcribing tapes before trial dates has strained the limited capabilities of the current antiquated equipment.

New advancements in dictation equipment have been reviewed for possible integration into the Police Department. An analysis reveals that many time and effort savings could be gained with a dictation systems improvement. Proposals were solicited in August of 1999 for a digital dictation system. Two such systems proposals were received and reviewed. Each proposal was evaluated on the basis of qualifications, experience, references, and price. Based on this criteria, Voice Products, Inc. has been selected as the preferred vendor.

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The proposed new equipment is digital, with few mechanical components. Report retrieval and storage capabilities are significantly improved, which will greatly enhance the productivity of transcriptionists. The new technology also allows multiple officers to record cases simultaneously and more reliably, reducing officer time spent on the reporting process.

The 1998 Local Law Enforcement Block Grant (approved by Council on August 17, 1999) includes \$135,000 budgeted to cover initial program costs, including computer equipment (\$78,860), software and supplies (\$37,180), maintenance agreements, training, support and other contractual services (\$18,960). The net increase in annual operating costs (estimated at \$15,100 annually) will be funded from savings and efficiency improvements in the Police Department budget.

Motion --  
-- carried

Knight moved that the selection of Voice Products, Inc. for Digital Dictation system be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## MUNICIPAL COURT

### TRANSLATION AND INTERPRETER SERVICES.

Agenda Report No. 99-1097.

The Municipal Court is required by state statute to provide translation and interpreter services for court proceedings involving persons whose primary language is one other than the English language. The interpreter must be able to readily communicate with the person and be able to accurately, clearly and effectively repeat and translate the statement of such person and/or translate documents presented to the individual. The most frequently required languages have been Spanish and Vietnamese.

A request for proposal for translation and interpreter services was submitted to multiple vendors; however, Translation and Interpreter Services Company was the sole responder. Translation and Interpreter Services Company has provided interpreter services to the Court since 1996 and meets the needs of the Court. The hourly interpreting service rate is \$29.90 per hour.

The amount of Translation and Interpreter Services' proposal is \$29.90 per hour. This expense is budgeted in the Municipal Court's general operating budget.

Motion --  
-- carried

Knight moved that the selection of Translation and Interpreter Services Company as the provider of interpreter services to the Municipal Court be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PUBLIC SAFETY

### SYSTEM MODIFICATION TO THE PUBLIC SAFETY SYSTEM.

Agenda Report No. 99-1098.

The Municipal Court and the Police Department's Imaging Project and the migration to a client/server technology were approved by the City Council in 1998. A modification to the Public Safety System is needed to support the integration between the PRC's Automated Record's Interface Product (ARI) currently being developed and the LaserFiche Imaging application.

PRC Public Safety has provided a quote to provide system modifications to support the City's request for the integration between the PRC's Automated Record's Interface Product and the LaserFiche imaging application. This modification will allow communication between the two systems by creating three radio buttons. The price to implement this enhancement is not to exceed \$13,336.

The cost to implement the enhancement to the PRC Public Safety system is not to exceed \$13,336 and will be funded through the Imaging Project account.

The 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.

Motion --  
-- carried

Knight moved that expenditure not to exceed \$13,336 to PRC Public Safety Sector, Inc. from the Imaging Project account be authorized. Motion carried 7 to 0.

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## **LOT CLEAN UP FUND     TRANSFER FROM ENVIRONMENTAL CONTINGENCY TO NUISANCE LOT CLEAN UP FUND.**

Agenda Report No. 99-1099.

The Environmental Health Division provides clean up of properties found in violation of City environmental standards. This activity involves out-of-state property owners or abandoned properties where Municipal Court prosecution is not possible. Work is performed by a private contractor. Property owners are billed for the work performed and unpaid bills are charged against the property as special tax assessments.

The Environmental Maintenance Contingency fund was created to allow supplemental funding for lot clean up and weed mowing activities. Funds are transferred from the contingency account to the operating account as program activities require. Expenditures for lot clean up have exceeded the amount available in the operating account, requiring the transfer. Seventeen additional contractor work orders await issuance, and staff projects sixty more properties will require clean up prior to year's end. Pending invoices total \$18,200. At a cost of \$800 per property (based on a three year average) work orders awaiting issuance will require \$13,600 and projected work to year's end will require \$48,000.

The funds proposed for transfer are available, and were budgeted specifically for funding lot clean up and mowing activities. The transfer will not adversely impact any other programs.

Budget adjustments in excess of \$ 10,000 require Council approval.

Motion --  
-- carried

Knight moved that the transfer of \$79,800 from the Environmental Maintenance/Contingency fund (OCA 149070) to the Environmental Maintenance/Lot Clean Up (149062) fund be approved. Motion carried 7 to 0.

## **WATSON PARK**

### **WATSON PARK IMPROVEMENT.** (District III)

Agenda Report No. 99-1100.

On October 20, 1998, the City Council approved a CIP project (PB-72) to make improvements to Watson Park, which included repairs to the miniature train tracks. It has since been determined that because of the age of the tracks and their deteriorating condition, the tracks should be totally replaced rather than making repairs. The track replacement will ensure safe operation of the train, will reduce ongoing maintenance expenses, and will allow consistent operations of the train to maintain revenues from this operation - approximately \$29,000 annually.

The miniature train and track was originally installed in 1966 and the railroad ties have been replaced and the tracks turned only once to date. In 1995 City Council approved \$100,000 for the train engine replacement. Funds allocated in the 1998 CIP project for Watson Park included, in addition to track repairs, renovation of sand volleyball courts and surfacing improvements in the playground area. The volleyball court improvements have been completed, as well as surfacing for the playground area to assure handicapped access.

The original project budget for Watson Park improvements was \$100,000, with a current balance of \$72,678. Estimated cost for the train track replacement is \$135,000. We propose utilizing an additional \$74,000, which is available in project (P-92) originally approved for repairs to athletic courts. Court repairs earmarked for these funds would be deferred until 2001.

Motion -- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. R-99-418

A Resolution finding it necessary to make certain improvements to Watson Park, Project No. 472-82933, and authorizing the issuance of bonds by the City of Wichita at large, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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## ORDINANCES

### SECOND READING ORDINANCE: (First read October 19, 1999)

- a. Hospital facilities improvement and refunding revenue bonds – Via Christi Health System, Inc. (Districts II, III, and VI)

#### ORDINANCE NO. 44-420

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 \$126,000,000 for the purposes of refunding certain outstanding hospital revenue bond issues, acquiring certain existing hospital facilities 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 first 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 first supplemental sublease and obligation No. 2A by and between the City and via Christi Regional Medical Center, Inc.; prescribing the form and authorizing the execution of a lease by and between the City and Via Christi rehabilitation Center, Inc.; prescribing the form and authorizing the execution of a sublease and Obligation No. 2B by and between the City and Via Christi Rehabilitation Center, Inc.; prescribing the form and authorizing the execution of a lease by and between the City and Mt. Carmel Medical Center, Inc.; prescribing the form and authorizing the execution of a sublease and Obligation No. 2C 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 between the City, Via Christi Health System, Inc. and Intrust Bank, N.A.; approving the Form of Guaranty Agreement and Obligation No. 2AA by and between Via Christi regional Medical Center, Inc. and the Bonds Trustee; approving the Form of Guaranty Agreement and Obligation No. 2BB by and between Via Christi Rehabilitation Center, Inc. and the Bond Trustee; approving the form of Guaranty Agreement and Obligation No. 2CC by and between Mt. Carmel Medical Center, Inc. and the Bond Trustee; prescribing the from and authorizing the execution of a Bond Purchase Agreement by and between the City, Via Christi Health System, Inc. and Solomon Smith Barney Inc., as Purchaser of the 1999 Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### SECOND READING WATER ASSESSMENT ORDINANCES: (First read October 26, 1999).

#### WATER PROJECTS: (First read October 26, 1999).

- a. (470-502/734244/448-88126)

#### ORDINANCE NO. 44-371

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88126 to serve Lamplighter Mobile Home Park Addition - north of MacArthur, east of Hydraulic, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. (470-583/734913/448-88707)

#### ORDINANCE NO. 44-372

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88707 to serve Forest Lakes Addition - north of 29th Street North, west of Ridge Road, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c. (470-558/734806/448-88785)

#### ORDINANCE NO. 44-373

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88785 to serve

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Pembrook Second Addition- north of 25th Street , east of Oliver, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

d. (470-559/734814/448-89029)

## ORDINANCE NO. 44-374

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89029 to serve Pembrook Second Addition - east of Oliver, south of 29th Street North, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

e. (470-556/734780/448-89065)

## ORDINANCE NO. 44-375

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89065 to serve Aberdeen Second Addition - north of 21st Street, east of 119th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

f. (470-521/734434/448-89113)

## ORDINANCE NO. 44-376

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Works System No. 448-89113 to serve Brentwood Village Addition - south of Harry, East of Webb, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

g. (470-571/734901/448-89229)

## ORDINANCE NO. 44-377

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89229 to serve Lark Sixth Addition - south of Kellogg, east of 119th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

h. (470-548/734707/448-89231)

## ORDINANCE NO. 44-378

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89231 to serve Stonebriar Addition - west of Meridian, south of 47th Street South, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

i. 470-532/734541/448-89234)

## ORDINANCE NO. 44-379

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89234 to serve Auburn Hills Fifth Addition - north of Kellogg, east of 151st Street West, read for the second time. Knight moved

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that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

j. 470-528/734509/448-89238)

## ORDINANCE NO. 44-380

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89238 to serve Reece Farms Estates Addition - south of Maple, west of 151st Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

k. (470-523/734459/448-89251)

## ORDINANCE NO. 44-381

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89251 to serve Junction Town Co. Addition - north of First Street, west of Seneca, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

l. (470-525/734475/448-89254)

## ORDINANCE NO. 44-382

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89254 to serve replats of Interurban Place Additions - south of 53rd Street, north to North of 55th Street North, East of Seneca, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

m. (470-524/734467/448-89255)

## ORDINANCE NO. 44-383

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89255 to serve Riverside Acres, J. B. Muller, Ark Valley Park, Suburban Acres, Jesse E. Edwards, Kopplin Additions and Unplatted Tracts - east of Arkansas Avenue, north of 37th Street North, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

n. (470-572/734902/448-89257)

## ORDINANCE NO. 44-384

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89257 to serve Prairie Woods Second Addition - north of Pawnee, west of Maize, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

o. (470-541/734632/448-89269)

## ORDINANCE NO. 44-385

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89269 to serve Arbor Lakes Estates Addition - south of Harry, west of 159th Street East, read for the second time. Knight moved that the

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Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

p (470-537/734590/448-89270)

## ORDINANCE NO. 44-386

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89270, to serve Tara Falls Addition - south of Harry, west of 127th East, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

q. (470-547/734699/448-89279)

## ORDINANCE NO. 44-387

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89278 to serve Buckhead Third Addition - north of Central, west of 119th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

r. (470-540/734624/448-89281)

## ORDINANCE NO. 44-388

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89281 to serve Clark Estates Addition - south of Central, east of 143rd Street east, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

s. (470-538/734608/448-89289)

## ORDINANCE NO. 44-389

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89289 to serve The Estates at Shadybrook Addition - south of Central, East of 143rd Street East, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

t. (470-555/734772/448-89301)

## ORDINANCE NO. 44-390

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89301 to serve Custer Addition - south of Pawnee, west of Meridian, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

u. (470-570/734900/448-89302)

## ORDINANCE NO. 44-391

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89302 to serve Smithmoor 8th Addition - south of Harry, east of Webb, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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v. 470-550/734723/448-89306)

## ORDINANCE NO. 44-392

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89306 to serve Evergreen Addition - north of 21st, west of Maize, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

w. (470-551/734731/448-89307)

## ORDINANCE NO. 44-393

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89307 to serve Evergreen Addition - north of 21st Street, west of Maize, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

x. (470-567/734897/448-89333)

## ORDINANCE NO. 44-394

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89333 to serve Tallgrass East Commercial Addition - north of 21st, east of Webb, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

y. (470-562/734848/448-89334)

## ORDINANCE NO. 44-395

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89334 to serve Balthrop Addition - north of Central, east of Greenwich, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

z. (470-563/734855/448-89336)

## ORDINANCE NO. 44-396

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89336 to serve Rocky Creek and Rocky Creek Second Additions - north of 13th, east of 127th Street East, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

aa. (470-575/734-905/448-89357)

## ORDINANCE NO. 44-397

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89357 to serve Arbor Lakes Estates Addition - south of Harry, west of 159th Street East, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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bb. (470-574/734904/448-89362)

## ORDINANCE NO. 44-398

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution No. 448-89362 to serve Northridge Lake Patio Homes Addition - north of 21st Street, east of Tyler, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

cc. (470-586/734-916/448-89371)

## ORDINANCE NO. 44-399

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89371 to serve Southwest Industrial Park Addition - along Edwards, south of May, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### SEWER PROJECTS: (First read October 26, 1999).

a. (480-469/743781/468-81946)

## ORDINANCE NO. 44-400

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 17, Main 24, War Industries Sewer to serve Tallgrass East Commercial Addition - north of 21st Street North, east of Webb Road, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

b. (480-478/743790/468-82308)

## ORDINANCE NO. 44-401

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 10, Main 17, Southwest Interceptor Sewer to serve Forest Lakes Addition - north of 29th Street, west of Ridge, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

c. (480-462/743716/468-82370)

## ORDINANCE NO. 44-402

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 66, Main 5, Sanitary Sewer No. 23 to serve Pembroke Second Addition- north of 25th Street, east of Oliver, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

d. (480-435/743443/468-82589)

## ORDINANCE NO. 44-403

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 132, War Industries Sewer to serve Turtle Run Third Addition - south of Pawnee west of Webb, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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e. (480-463/743724/468-82592)

## ORDINANCE NO. 44-404

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 70, Main 5, Sanitary Sewer No. 23 to serve Pembroke Addition - east of Oliver, south of 29th Street North, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

f. (480-459/743682/468-82625)

## ORDINANCE NO. 44-405

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 370, Southwest Interceptor Sewer to serve Aberdeen Second Addition (North of 21st, East of 119th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

g. (480-451/743609/468-82800)

## ORDINANCE NO. 44-406

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 391, Southwest Interceptor Sewer to serve Stonebriar Addition - west of Meridian, south of 47th Street South, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

h. (480-473/743785/468-82822)

## ORDINANCE NO. 44-407

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 397, Southwest Interceptor Sewer to serve Prairie Woods Second Addition - north of Pawnee, west of Maize, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

i. (480-439/743784/468-82830)

## ORDINANCE NO. 44-408

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 17, Cowskin Interceptor Sewer to serve Reece Farms Estates Addition - south of Maple, west of 151st Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

j. (480-449/743583/468-82845)

## ORDINANCE NO. 44-409

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 5, Main 18, Southwest Interceptor Sewer to serve Buckhead Third Addition - north of Central, west of 119th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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k. (480-445/743542/468-82847)

## ORDINANCE NO. 44-410

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 96, Sanitary Sewer No. 23 to serve Harbor Isle Second Addition - east of Meridian, south of 53rd North, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

l. (480-450/743591/468-82852)

## ORDINANCE NO. 44-411

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 51, Main 7, Sanitary Sewer No. 23 and a Fire Hydrant System to serve Comotara Industrial Park Second Addition - south of 34th Street North, west of Webb, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

m. (480-464/743732/468-82855)

## ORDINANCE NO. 44-412

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 75, Main 22, War Industries Sewer to serve Wilson Farms and Wilson Retirement Additions - south of 21st Street, west of Webb, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

n. (480-458/743674/468-82891)

## ORDINANCE NO. 44-413

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 135, Main 4, Sanitary Sewer No. 23 to serve Walnut Grove Addition - north of 35th Street North, west of Arkansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

o. (480-453/743625/468-82900)

## ORDINANCE NO. 44-414

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 412, Southwest Interceptor Sewer to serve Evergreen Addition - north of 21st Street, west of Maize, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

P. (480-465/743740/468-82915)

## ORDINANCE NO. 44-415

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 58, Main 9, Sanitary Sewer No. 23 to serve Cornejo North Addition - east of Woodlawn, north of 29th Street North, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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q. (480-466/734757/468-82917)

## ORDINANCE NO. 44-416

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 74, Main 17, Sanitary Sewer No. 22 to serve an Unplatted Tract in Sec. 31, TWS 26S, RNG 1E - north of 33rd Street North, east of Porter, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

r. (480-474/743786/468-82951)

## ORDINANCE NO. 44-417

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 162, Sanitary Sewer No. 22 to serve Woodlake Addition - south of Second, west of St. Paul, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

s. (480-475/743787/468-82958)

## ORDINANCE NO. 44-418

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 423, Southwest Interceptor Sewer to serve Northridge Lakes Patio Homes Addition - north of 21st Street, east of Tyler, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### STORM WATER SEWER: (First read October 26, 1999).

a. (485-162/751271/468-82948)

## ORDINANCE NO. 44-419

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Storm Water Sewer No. 521 to serve Buckhead Third Addition - north of Central, west of 119th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### PLANNING AGENDA

Motion -- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

V 2199

### V 2199 - REQUEST TO VACATE A UTILITY EASEMENT LOCATED SOUTH OF 39TH STREET NORTH AND WEST OF WEBB ROAD. (District II)

Agenda Report No. 99-1101.

Staff Recommendation: Approve vacation utility easement  
MAPC Recommendation: Approve vacation of utility easement. (unanimous)

The applicant is requesting to vacate the 20-foot utility easement along the rear property lines of four adjacent lots. The applicant wishes to use this area for the construction of buildings.

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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, subject to the applicant dedicating substitute easements. No written protests have been filed.

Motion -- Knight moved that the vacation order be approved; the utility dedication easement be accepted; and the necessary  
-- carried signatures be authorized. Motion carried 7 to 0.

**D 1772**                    **D 1772 - DEDICATION OF UTILITY EASEMENT LOCATED NORTH OF 10TH STREET, ON THE WEST SIDE OF MERIDIAN.** (District VI)

Agenda Report No. 99-1102.

MAPC Recommendation:    Accept the Dedication.

This Dedication is a requirement of associated Lot Split L/S-1017 (Lot 57, Park Vista Addition) and is being made to conform with the 10-foot standard of the Subdivision Regulations.

Motion -- carried    Knight moved that the Dedication be approved. Motion carried 7 to 0.

**D 1773**                    **D 1773 - DEDICATION OF UTILITY EASEMENT LOCATED NORTH OF 10TH STREET, EAST OF SHERIDAN.** (District VI)

Agenda Report No. 99-1103.

MAPC Recommendation:    Accept the Dedication.

This Dedication is a requirement of associated Lot Split L/S-1019 (Lot 61, Valley Acres Addition) and is being made for the purpose of construction and maintenance of public utilities.

Motion -- carried    Knight moved that the Dedication be approved. Motion carried 7 to 0.

**D 1774**                    **D 1774 - DEDICATION OF UTILITY EASEMENT LOCATED SOUTH OF 10TH STREET, EAST OF SHERIDAN.** (District VI)

Agenda Report No. 99-1104.

MAPC Recommendation:    Accept the Dedication.

This Dedication is a requirement of associated Lot Split L/S-1019 (Lot 61, Valley Acres Addition) and is being made for the purpose of construction and maintenance of public utilities.

Motion -- carried    Knight moved that the Dedication be approved. Motion carried 7 to 0.

**D 1775**                    **D 1775 - DEDICATION OF CONTINGENT STREET RIGHT-OF-WAY FOR PROPERTY LOCATED SOUTH OF 10TH STREET, EAST OF SHERIDAN..** (District VI)

Agenda Report No. 99-1105.

This Dedication is a requirement of associated Lot Split L/S-1019 (Lot 61, Valley Acres Addition) and is being dedicated for future street right-of-way.

Motion -- carried    Knight moved that the Dedication be approved. Motion carried 7 to 0.

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**D 1776**

**D 1776 - DEDICATION OF RIGHT-OF-WAY FOR PROPERTY LOCATED SOUTH OF 10TH STREET, EAST OF SHERIDAN.** (District VI)

Agenda Report No. 99-1106.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Lot Split L/S-1019 (Lot 61, Valley Acres Addition) and is being dedicated for additional street right-of-way along 10th Street.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

**D 1777**

**D 1777 - DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF WEBB ROAD AND 39TH STREET NORTH.** (District II)

Agenda Report No. 99-1107.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Lot Split L/S-1017 (Lot 1, Block 1, Toben Third Addition) and is being dedicated for complete access control to said property from or to 39th Street North, across the east 150 feet of the south property line.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

**D 1778**

**D 1778 - DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED SOUTH OF 30TH STREET SOUTH, WEST OF SENECA.** (District IV)

Agenda Report No. 99-1108.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Zone Case Z-3283 and is being dedicated for complete access control to said property from or to 30th Street South, west of Seneca.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

**S/D 99-11**

**S/D 99-11 - PLAT OF ANGEL ACRES ADDITION LOCATED ON THE NORTH SIDE OF 47TH STREET SOUTH, ON THE WEST SIDE OF MERIDIAN.** (District IV)

Agenda Report No. 99-1109.

Staff Recommendation: Approve the plat.

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

This site was annexed into the City of Wichita on April 16, 1999. A zone change (Z-3320) from LC, limited Commercial to SF-6, Single-Family Residential was approved for a portion of this site subject to platting.

Petitions, 100%, have been submitted for sanitary sewer, City water, drainage and paving improvements. A Certificate of Petitions has also been submitted. 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 such lot.

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 and restrictive covenant will be recorded with the Register of Deeds.

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Motion --  
-- carried

Knight moved that the Plat be approved; the necessary signatures be authorized; the Ordinance Z-3320 be placed on first reading; and the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-419

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89430 (west of Meridian, north of 47<sup>th</sup> Street South), 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-420

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89431 (west of Meridian, north of 47<sup>th</sup> Street South), 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-421

Resolution of findings of advisability and Resolution authorizing construction of Lateral 442, Southwest Interceptor Sewer (west of Meridian, north of 47<sup>th</sup> Street South), Project No. 468-83044, 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-422

Resolution of findings of advisability and Resolution authorizing construction of Lateral 443, Southwest Interceptor Sewer (west of Meridian, north of 47<sup>th</sup> Street South), Project No. 468-83045, 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-423

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 150 (west of Meridian, north of 47<sup>th</sup> Street South) Project No. 468-83046, 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-424

Resolution of findings of advisability and Resolution authorizing Construction of Storm Water Sewer No. 529 (west of Meridian, north of 47<sup>th</sup> Street South) Project No. 468-83047, 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-425

Resolution of findings of advisability and Resolution authorizing improving of Angel from the west line of Meridian to the east line of the drainage easement on Lot 1, Block 6; Edwards from the south line of Angel to the south line of Lot 8, Block 4, Edwards Circle from the north line of Angel to and including the cul-de-sac, and; Angel Court from the north line of Angel to and including the cul-de-sac, Project No. 472-83154 (west of Meridian, north of 47<sup>th</sup> Street South), 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-426

Resolution of findings of advisability and Resolution authorizing improving of Richmond, Edwards and Gordon from the north line of 47<sup>th</sup> Street South to the north line of Blocks, 1,2,3 and the north line of Lot 4, Block 4, Project No. 472-83155 (west of Meridian, north of 47<sup>th</sup> Street South), in the City of Wichita, Kansas, pursuant to

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findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, 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. Z-3320

S/D 99-41

### S/D 99-41 - PLAT OF SMITHMOOR COMMERCIAL ADDITION LOCATED ON THE SOUTHWEST CORNER OF HARRY AND GREENWICH. (District II)

Agenda Report No. 99-1110.

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

A zone change (Z-3325) from SF-6, Single-Family Residential and LC, Limited Commercial to GO, General Office (Lot 1) and LC, Limited Commercial (Lots 2-9) was approved for this site subject to platting. A Community Unit Plan (DP-243) was also approved for the site.

Although this site is located in the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for improvements will be handled by the County. An off-site sewer easement was also provided. Other petitions, 100%, have been submitted for City water, paving and drainage improvements. Both a City and County Certificate of Petitions have also been submitted.

As required by the drainage plan for this site, an off-site drainage agreement has been submitted by the Applicant. A CUP Certificate has been provided identifying the approved CUP and its special conditions for development. To provide for shared access between the lots, a joint access agreement has been provided.

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 Certificates of Petitions, off-site drainage easement, off-site sewer easement, joint access agreement and CUP Certificate, will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the Plat be approved; the necessary signatures be authorized; the Ordinance Z-3320 be placed on first reading; and the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-427

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 148 (south of Harry, West of Greenwich) Project No. 468-83031, 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-428

Resolution of findings of advisability and Resolution authorizing improving of left turn lane on Harry Street, from the east line of Lot 2, Block A to 115 feet east of the west line of Lot 7, Block A, and; right turn lane on Harry Street from 185 feet east of the west line of Lot 1, Block A to the east line of Lot 7, Block A, Project No. 472-83157 (south of Harry, west of Greenwich), 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-429

Resolution of findings of advisability and Resolution authorizing improving of left turn lane on Greenwich Road, from the north line of Lot 9, Block A to 115 feet north of the south line of Lot 7, Block A, and; right turn lane on Greenwich Road, from the north line of Lot 9, Block A to the north line of Lot 7, Block A, Project No. 472-83158

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(south of Harry, west of Greenwich), 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-430

Resolution of findings of advisability and Resolution authorizing signalization of Harry and Greenwich intersection (south of Harry, west of Greenwich) Project No. 472-83159, 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 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, 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. Z-3325

A 99-21

### **A 99-21 - ANNEXATION OF PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 37TH STREET NORTH AND 135TH STREET WEST, TO THE CITY OF WICHITA, KANSAS.**

(District V)

Agenda Report No. 99-1111.

This property is located on the north side of 37th Street North, east of 135th Street West, and consists of approximately 145.3 acres. Although the property does not abut the City, it is owned by the City of Wichita and is therefore eligible for annexation under K.S.A. 12-520(a)(2). The City of Wichita acquired the site on June 25, as the chosen location for the Northwest Sanitary Sewer Treatment Facility. Preliminary plans indicate that approximately 10 to 15 acres will be used for the facility, depending on the ultimate plant design, while the remainder of site area will be used for open space, park, wetlands, wildlife habitat, and possibly a water tower. Following the annexation, the Water Department is expected to pursue the platting and rezoning of the property, and the KDHE site-permitting process. The design of the plant and piping is tentatively scheduled to occur from May 2000 through June 2001. Assuming that there are no unexpected problems, the construction of the facility is expected to take 14 to 16 months following the completion of the design.

Land Use and Zoning: The site consists of one (1) large, undeveloped tract of land zoned "RR" Rural Residential. The land surrounding the site is zoned "RR" Rural Residential as well. Upon annexation, the zoning of the site will convert to "SF-6" Single-Family Residential. In order to use this land for the sewer treatment facility, the Water Department will need to apply for a Conditional Use Permit, which would be heard by the Metropolitan Area Planning Commission.

Urban Growth Area & Policy 32: The property is located outside of the Policy 32 urban service area and outside of the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan. However, the draft maps prepared to update the Plan show the future growth areas to include this site. Furthermore, as the plant becomes operational, it will expand the urban service delivery capacity.

Street System: The area proposed for annexation currently has access to 135th Street West and 37th Street North, both two-lane unimproved section line roads. Currently, there are no plans to improve these roads, either in the City of Wichita or Sedgwick County Capital Improvement Programs.

Public Safety: Fire protection can be provided to this site within a twelve (12) to thirteen (13) minute approximate response time from City Station #16, located at 1632 N. Tyler; and, within an eight (8) to nine (9) minute approximate response time from County Station #33, located at 5728 N. 151st Street West. 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.

The property proposed for annexation is currently vacant with no improvements and is owned by the City of Wichita. Therefore, the property is tax exempt.

Motion --  
-- carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 7 to 0.

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## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A99-21

Mayor Knight  
Mayor Knight announced that the Council would be moving to Friends University for an Executive Session and Workshop; and that the Council would reconvene at 7:00 p.m. at the Ascension Lutheran Church, 842 North Tyler Road to hear Annexation Case A 99-22.

## EXECUTIVE SESSION

Motion --  
-- carried  
Knight moved that the Council move to Friends University and recess to executive session at to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation and legal advice and the regular meeting be resumed at 10:50 a.m.. Motion carried 7 to 0.

RECESS  
The City Council recessed at 10:10 a.m. and reconvened at Friends University at 10:40 a.m.

Mayor Knight  
Mayor Knight announced that the Council was going into executive session and would return at 10:50 a.m.

RECESS  
The City Council recessed at 10:40 a.m. and reconvened at 10:50 a.m.

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

RECESS  
The City Council recessed at 10:50 a.m. to a Workshop session on Boards and Commissions, and District Advisory Boards, and returned at 1:30 p.m.

RECESS  
The City Council recessed at 1:30 p.m. and reconvened at 7:00 p.m. at the Ascension Lutheran Church, 842 North Tyler Road.

Wichita, Kansas, November 2, 1999  
Tuesday, 7:00 p.m.

The City Council met in recessed session at the Ascension Lutheran Church, 842 North Tyler Road, at 7:00 p.m. with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

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

A 99-22

**A 99-22 - THE CITY OF WICHITA SEEKS THE ANNEXATION OF PROPERTY DESCRIBED AS VARIOUS UNINCORPORATED ISLANDS WITHIN OR ABUTTING THE WEST NORTH PARTS OF WICHITA, TO THE CITY OF WICHITA, KANSAS.** (Districts V and VI)

Marvin Krout  
Director of Planning reviewed the Item.

Agenda Report No. 99-1086.

On July 23, 1999, the City Council adopted a resolution establishing a public hearing date of September 14, for consideration of a unilateral annexation. However, a scheduling conflict prevented the public hearing from occurring on September 14. Therefore, on August 31, the City Council adopted a resolution amending the previous resolution, establishing a new public hearing date of November 2, for consideration of the unilateral annexation. The properties proposed for annexation are generally located in the west part of Wichita, from near I-135 and Meridian Avenue to the vicinity of Pawnee and Maize Road.

The subject area of this annexation consists of approximately 206 acres that includes a total of 64 properties (22 platted and 42 unplatted properties) developed into 50 residential tracts, eight (8) commercial tracts, four (4) farm related tracts, one (1) vacant tract, and one (1) small, exempt tract (owned by the Board of County Commissioners). The areas to be annexed also include portions of 29th Street North, Tyler Road, and Pawnee. The primary land-use pattern is residential with a mix of commercial, agricultural and undeveloped land. The majority of the area is

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zoned "SF-20" Single-Family Residential and "SF-6" Single-Family Residential, with several areas zoned "LF" Limited Industrial and "LC" Limited Commercial. Properties zoned "SF-20" Single-Family Residential will convert to the "SF-6" Single-Family Residential district or, if requested, to the "SF-10" Single-Family Residential district, upon annexation.

An informational meeting regarding the proposed annexation was held on August 3, 1999 at Ascension Lutheran Church, 842 North Tyler Road. Approximately 40 citizens attended the meeting and asked several questions.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area.

Map No. 2 in the plan shows the properties proposed for annexation. The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements proposed for annexation is \$5,321,150 resulting in an annual City Ad Valorem tax revenue of approximately \$22,896. 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.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on July 29, 1999. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (10-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

- |                  |  |
|------------------|--|
| Mayor Knight     | Mayor Knight inquired whether anyone wished to be heard.   |
| Carl Jacks       | Carl Jacks, owner of 15 acres in the Cowskin flood plain, asked why the City would want the property when there was no possible way for it to be developed. The land will remain agricultural.<br><br>Mr. Jacks said Swanson Park is a terrible fire hazard. He has been keeping the land mowed next to the homes. |
| Karen Becker     | Karen Becker said the area around their home is agricultural and she would like not to be annexed for a while.   |
| Will Phillips    | Will Phillips said he could see no benefit to be annexed. There are barbed wire fences and Mr. Phillips would like to have animals.  |
| Mrs. Phillips    | Mrs. Phillips said they moved to the country and they don't want to tear down the fence. The Phillips do not want to be annexed at this time.  |
| Frank Novy       | Frank Novy said there would be no additional development for many years because there is farm land all around. There is no benefit to being annexed.   |
| Joe Brady        | Joe Brady said he did not understand, at all, why the City wants to annex his property.  |
| Lawrence Woodard | Lawrence Woodard said his uncle is a farmer with equipment and shops. They have no water or sewers and his property has been torn up four times.   |

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Mayor Knight

Mayor Knight this is an equity question. The City of Wichita takes on the responsibilities for the whole region. The City does not rush out to annex or ruin people's lives but there has to be some fairness.

We are all interdependent - no one is totally independent.

Council Member Martz

Council Member Martz said the northwest area is in the heart of the largest growth pattern in the City of Wichita. Over 50 percent of the last year's growth was in northwest Wichita.

Council Member Martz also spoke of understanding the feelings of being in the country as he had also twice purchased homes in the "country" which were rapidly enveloped by a growing community.

Residents in the area are encouraged to call any time with questions or for help.

Motion --  
-- carried

Martz moved that the Public Haring be closed; the annexation request be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-22

ADJOURNMENT

The City Council meeting adjourned at 7:55 p.m.

Pat Burnett CMC  
City Clerk