

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 6, 2004
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Rev. P. Henderson Little, Brotherhood Presbyterian Church, gave the invocation.

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

The Minutes of the regular meeting of December 30, 2003, were approved 7 to 0.

AWARDS AND PRESENTATIONS

There were no proclamations or presentations.

PUBLIC AGENDA

Loren Mumma

Loren Mumma-Victim Impact Statement

Mr. Mumma stated that he has been trying for several months to speak to the City Council regarding sewer damage to his home. Stated that the City has shown him a lack of concern for his damages and that his freedom of right to speak has also been taken away from him several different times.

Dorman Blake-Coming to the rescue.

Mr. Blake was not present.

UNFINISHED BUSINESS

CON2003-38

CON2003-38 - CONDITIONAL USE FOR CAR SALES ON PROPERTY ZONED LIMITED COMMERCIAL, GENERALLY LOCATED AT THE NORTHEAST CORNER OF PIATT AND CENTRAL. DISTRICT I)

(Deferred from 11-18-2003)

Agenda Report No. 03-1266A

John Schlegel

Planning Director reviewed the item.

The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a 0.50-acre platted tract located at the northeast corner of Central and Piatt; 2014 East Central, Lots 76-88, even, Stilies Brothers 2nd Addition. The subject property is zoned "LC" Limited Commercial and is developed with 5 bay door garage/office, used for vehicle repair, and a paved parking area with a chain link fence around the perimeter of the site. The vehicle repair shop, permitted by right, is leaving the site. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" Limited Commercial zoning district. The applicant has submitted a site plan.

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The character of the neighborhood is that of local serving commercial uses along the Central corridor with residential uses located both north and south of the Central commercial corridor. The zoning of the properties to the south and east is "LC" Limited Commercial. The properties to the south across Central are developed with retail businesses, office, a vehicle repair shop and a vehicle body repair shop. The property abutting to the east is developed as office, with retail and office further east across Ash Street. There is a Conditional Use for a car lot, CON03-01, 1 ½ blocks east of the site. This site has never developed as a car lot. Zoning of the properties to the north is "TF-3" Two-Family and "B" Multi-family. These properties to the north across the paved alley are developed with single-family residences. The properties to the west across Piatt are zoned "GC" General Commercial and "B" Multi-family. The Westar Electrical Utility office/contractor yard complex, dominates this area, extending north from Central, past the next block to the railroad tracks and west from Piatt, over a vacated block of Minnesota Avenue to IH-135. The complex wraps around an isolated single-family residence on Central.

The site plan shows a 344 square foot sales office, a 4,032 square foot garage/storage area and 11,857 square feet of vehicle display area. Included in this display area is a proposed outdoor storage yard. The site plan shows 11 employee/customer parking spaces, which appears to meet the Unified Zoning Code parking requirement. The site plan proposes landscaped street yard primarily in the Central and Piatt ROW, as well as an undetermined amount within the site along Central, within the interior and on the north side. The site plan proposes a six-foot high semi-solid fencing along the north property line merging with the wall of the garage wall. The semi-solid screening does not meet the Unified Zoning Code screening requirement. The site plan shows no lights, no trash receptacle and no proposed or existing signage.

The site currently has 5 existing entrances/exits (entrances); 2 on Piatt and 3 on Central. The site plan shows the 3 entrances that are closest to the Piatt – Central intersection as being closed, leaving the two farthest entrances from the intersection open. The site plan shows the closed entrances to be seeded with grass within the ROWs. The applicant shares the eastern entrance with the abutting office and proposes improvements to it including an island/median splitting the current uninterrupted 62-foot wide entrance.

At the October 23, 2003 MAPC meeting, one citizen spoke in opposition to the requested Conditional Use. The speaker was concerned with the long-term effects of a car lot on this location, expressing concern over maintenance of the property and the site being used for the dumping of old cars. There has been one written protest to the request, from the citizen who spoke in opposition at the MAPC. The protester is located northeast of the subject site, separated from the site by a paved 15-foot alley. The MAPC recommended approval (12-1) subject to the following conditions, but deleted the condition; "Dedicate 2-½ feet of ROW to the alley and any needed ROW for Central and Piatt, per the recommendation of the Public Works Engineer." At the November 3, 2003 DAB I meeting, the same citizen who protested the Conditional Use at the October 23 MAPC meeting protested the use to DAB I, stating the same concerns about the use on the subject site. DAB I approved (5-2) the Conditional Use with the conditions recommended by the MAPC.

At the November 18, 2003 Wichita City Council meeting, the Council considered the request and took the action to send the Conditional Use request back to the MAPC for reconsideration. The MAPC reconsidered the Conditional Use at their December 11, 2003 meeting and voted to approve (9-1) the Conditional Use with the previous conditions as listed 1-14. No one spoke against the request at the MAPC meeting.

The MAPC recommended conditions of the Conditional Use.

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.
2. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.

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3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards. The site will be developed according to the revised site plan.
4. The applicant shall install and maintain landscaping in accordance with the revised landscape plan submitted with the revised site plan. The current landscape plan does not take full advantage of landscaping opportunities on the site. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.
5. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
6. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair or detail must be on an approved all weather surface.
8. No amplification system shall be permitted.
9. No outside storage of salvaged vehicles, vehicles waiting for repair, or parts shall be permitted in association with this use.
10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
11. The applicant shall erect and maintain solid six-foot screening along the northern property lines that is adjacent to residential zoning and the existing residential development. The applicant shall be allowed to use the solid north wall of the garage as screening as long as no doors or windows open up onto the residential property across the alley, north of the site.
12. The applicant shall guarantee the closure of the Central and Piatt entrances that are closest to the intersection and continue the curb and gutter according to City standards. Dedication of access control closing the Central and Piatt entrances that are closest to the intersection by separate instrument shall be submitted to Staff for recording.
13. The applicant shall obtain all permits necessary to make the required site and landscaping improvements; all improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable. No selling of cars shall be allowed until all permits and improvements to the site have been made.
14. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

There has been a protest received on this Conditional Use request, thus the Wichita City Council (governing body) must consider and take action on this request. The protest represent 4.32% of the net protest area, which does not activate the $\frac{3}{4}$ vote of all the members of the governing body to approve the Conditional Use; a simple majority can approve the Conditional Use.

Motion--

-- carried

Brewer moved that the City Council concur with the findings of the MAPC and that the Conditional Use to permit a used car sales lot, subject to the recommended conditions be approved; and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 04-019

A Resolution authorizing a condition use for outdoor vehicle and equipment sales on 0.50 acres zoned "LC" Limited Commercial, located at the northeast corner of Central and Piatt in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Brewer moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY ARTS

CHANGE ORDER: CITY ARTS FACILITY. (DISTRICT VI) (Deferred from 12-30-2003)

Agenda Report No. 03-1399A

Kelly Carpenter

Kelly Carpenter reviewed the item.

On June 3, 2003, the City Council approved increasing the construction budget by \$110,000 for structural modifications to allow the addition of a roof top development in the future.

The new City Arts facility currently under construction was designed to be a facility that encourages use by citizens for arts and cultural activities. It is centrally located in the Core Area and will be a visible, attractive structure easily accessible by all individuals. As the project has progressed certain features have been identified that were not originally included in the budget. These include security issues and exterior signage. In addition, no provision was made in the construction budget for the telecommunication system, and relocating and re-installing the glass kiln from its current location at City Arts.

To meet the current City Security Plan, Staff is now placing a stronger emphasis on building security in all new projects to ensure citizen safety and security concerns. Additionally, exterior modifications which include definable signage along with exterior treatments, will complement the design of the building and are needed to complete the exterior of the structure. None of these adjustments (security, signage, telecommunications, and kiln relocation) were included in the original building construction plan, as approved by the Council.

It is proposed to fund this Change Order #2 with available funding contained in the Enhanced Building Maintenance (EBM) fund.. Equipment for the building will be funded through IT Replacement funds (\$91,481), and the kiln through G.O. funding (\$35,000).

A list of components that are required to complete the new City Arts project have been separated into two lists: (1) those that need to be provided by Change Order to the contract; and (2) those that would be provided directly by the City. Following is a listing of those costs.

Change Order No. 2	\$ 131,495
Funding for Equipment	<u>126,481</u>
Total increase in the Project Budget	\$ 257,976

The Change Order amount equals the 10% limit set by City Council policy.

It is recommended that the City Council approve the revised project budget, approve the amended Bonding Resolution, approve the Change Order, and authorize the necessary signatures.

Summary of Additions to City Arts Project

Change Order #2	
Exterior Architectural Features – West Wall	
Revisions to match design previously presented to Council	\$137,858
Modify window wall and make small windows operable.	

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·	Add cast stone base and metal cornice at top of wall	
·	Add building signage and entrance canopy	
	Interior Architectural Features	28,830
·	Add office walls to allow use of existing furniture (*)	
·	Add railing at 2nd floor opening to below	
·	Install solid folding panel classroom divider	
	IT/IS & Telecommunications Systems - minor rough-in	1,035
	Plumbing – added water heater and hose bib	925
	HVAC – Connect controls to central monitoring in City Hall	1,500
	Building Security – Security system and modifications	7,520
	Contingency reduce from \$81,127 to \$23,000	(58,127)
	Changes as listed above	\$119,541
	Overhead & profit at 10%	11,954
	Total Change Order #2	\$131,495
	Funding from Enhanced Building Maintenance	(131,495)
	Equipment	
	IT/IS & Telecommunications Systems	\$91,481
·	Telephone System to compatible to City Hall system	
·	Wire building for telephone & data	
·	Wire building for computers & internet access	
·	Install building-wide paging and sound system	
·	Purchase and install security systems	
	Relocate- Re-install glass kiln and move critical equipment	35,000
	Total Equipment Requirements	\$126,481
	 Total IT Replacement Funds	 \$ 91,481
	Total G.O. Funding	35,000
	Funding from Enhanced Building Maintenance	131,495
	Total Increased Spending Authorization	\$257,97
	(*) Optional: Utilize modular furniture and reduce offices/walls.	

Council Member Gray Council Member Gray stated that he and Council Member Fearey met with the contractors, Staff and project managers yesterday and that he feels that the changes requested are acceptable and that they were not items forgotten in the bidding process but items that typically come out of funds different from the fund that the total building would be paid out of. They were put off from being approved at a later date and the problem with this is that in the future the Council needs to know up front when approving a project, all of the cost. Stated that he feels that Staff understands that the current policy needs to change to where the total estimated cost of the project is presented to the Council up front.

Council Member Fearey Council Member Fearey stated that she would like to see future projects presented to the Council after a review by the Public Works Department. Stated that it would go along with the policy that is currently in place with the change orders and would like to make a recommendation that the Council work on this and review it at a workshop session.

Motion-- Fearey moved that the revised project budget, the amended Bonding Resolution and the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.
--carried

RESOLUTION NO. 04-020

A Resolution authorizing Change Order for City Arts Building, presented. Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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NEW BUSINESS

IRB-BIG DOG

AMENDMENT OF INDUSTRIAL REVENUE BOND DOCUMENTS, BIG DOG MOTORCYCLES, L.L.C. (DISTRICT I)

Agenda Report No. 04-0001

Allen Bell

Director of Economic Development reviewed the item.

The City has previously issued Industrial Revenue Bonds, Series V, 2000 in the amount of \$2 million; Series III, 2002 in the amount of \$800,000; and Series IV 2003 in the amount of \$1,100,000, to finance facilities for the benefit of Big Dog Motorcycles, L.L.C. Proceeds from the bonds were used to acquire, refurbish and equip an existing commercial facility at 1520 East Douglas in central Wichita. The company was also granted a five-plus-five-year 100% tax exemption on all bond-financed property. Big Dog Motorcycles is requesting amendments to the bond documents to change the terms and features of the bonds, in connection with a repurchase of the bonds, by Intrust Bank.

Waterview Realty L.L.C. was the original purchaser of the bonds and wishes to sell the bonds to Intrust Bank. The Trust Indenture provides that the Bondholder has the right to request the Issuer to modify any terms or provision of the Indenture. In connection with the change in ownership of the bonds, the Tenant and the Bondholder have requested that the interest rate and amortization of the bonds be changed, and the definition of an "Event of Default" be adjusted, to reflect the terms negotiated with the new bondholder.

The bond certificates for each Series will be replaced with new certificates reflecting the changed terms, conforming changes will be made to the Lease and Sublease, and certain additional Guaranty Agreements requested by Intrust Bank will be executed by the subtenants and certain related parties.

There is no financial impact to the City a result of the amendment.

The City Attorney's Office has reviewed and approved the Ordinance and amended documents as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the document amendments needed to execute the change in the bond structure be approved; the Ordinances be placed on first reading be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance prescribing the form and authorizing execution of a Supplemental and Amending Trust Indenture by and between the City and BNY trust company of Missouri, St. Louis, Missouri, as Trustee with respect to the City of Wichita, Kansas Taxable Industrial Revenue Bonds, Series V, 2000 (Big Dog motorcycles project), taxable industrial revenue bonds, series iii, 2002 (big dog motorcycles project), and Taxable Industrial Revenue Bonds, Series IV, 2003 (Big Dog Motorcycles Project); prescribing the form and authorizing the execution of a Supplemental and Amending Lease by and between the City and Waterview Realty, LLC; approving the forms of guaranty agreements; approving the form of a Limited Individual Guaranty Agreement by and between Sheldon E. Coleman as Limited Individual Guarantor, and the Trustee; approving the Supplemental and Amending Sublease between Waterview Realty, LLC and Big Dog Motorcycles, LLC; and authorizing other documents necessary to comply with the provisions of this ordinance, introduced and under the rules laid over.

Mayor Mayans

Mayor Mayans recognized former City Council Member Joe Pisciotte.

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IRB-SHEET METAL PUBLIC HEARING AND REQUEST FOR LETTER OF INDUSTRIAL REVENUE BONDS, WICHITA SHEET METAL SUPPLY, INC. (DISTRICT IV)

Agenda Report No. 04-0002

Allen Bell

Director of Economic Development reviewed the item.

On May 12, 1998, the City Council approved the issuance of Industrial Revenue Bonds in an amount of \$2.9 million to Wichita Sheet Metal Supply, Inc. The bond proceeds were used to finance the acquisition and renovation of an existing manufacturing facility located at 1601 South Sheridan in southwest Wichita. Wichita Sheet Metal ("WSM") was granted a 85% property tax abatement for a five-year term with a second 5 years based on Council review. WSM is planning to purchase additional machinery and is now requesting a six-month Letter of Intent for the issuance of Industrial Revenue Refunding and Improvement Bonds in the amount not-to-exceed \$2,625,000. The company also requests a five-year 51.5% property tax exemption on the new IRB-financed property. In addition, WSM requests City Council extend the tax exemption on the 1998 bond-financed property to include the second five years.

Wichita Sheet Metal Supply has branches located in Omaha, Denver and Lenexa. Its trade territory includes the states of Kansas, Nebraska, South Dakota, Colorado, Wyoming, Iowa, Missouri, Arkansas, Oklahoma and New Mexico. WSM distributes products such as registers and grills, venting products, duct liner, duct board, duct wrap and various other supplies for the heating and air conditioning trade. The company also manufactures sheet metal products such as pipe, elbows, boots, duct and other stock fittings. It also manufactures system components such as spiral pipe and fittings; custom duct and fittings for residential and commercial use, cut to length sheet metal and some proprietary machinery.

Proceeds from the bonds will be used to refund the outstanding Series VII A & B 1998 IRBs and to purchase additional machinery and equipment to be located at 1601 South Sheridan.

The sources and uses of funds for the project are as follows:

SOURCES OF FUNDS

Bond Proceeds (Series 2004-I)	\$1,825,000
Bond Proceeds (Series 2004-II)	800,000

Total Sources of Funds: \$2,625,000

USES OF FUNDS

Principal of Series VII-A 1998	\$ 1,440,000
Principal of Series VII-B 1998	715,000
New Equipment	300,000
Bond Reserve	50,000
Cost of Issuance	<u>120,000</u>
Total Uses of Funds:	\$2,625,000

Wichita Sheet Metal Supply currently employs 100 people, which exceeds the 1998 projection by 20 employees. Current expansion plans forecast an employment increase of approximately 3 people over the next five years. The company exports 75% of its product outside the state.

Wichita Sheet Metal Supply has a current approved EEO/AA Plan with the City's Purchasing Department. The bonds will be underwritten by Froggatte & Company Investment Bankers. The firm of Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction. WSM agrees to comply with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research conducted a cost-benefit analysis to determine the fiscal and economic impact and the results are as follow:

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City of Wichita	7.48 to one
Sedgwick County	11.16 to one
USD 259	N/A
State of Kansas	48.65 to one

In 1998, WSM was granted an abatement of 85% of new ad valorem taxes on the property financed with bond proceeds for a 5-year term with a second 5 years based on Council review. As a condition of the bond issue and tax exemption, WSM committed to renovate an existing manufacturing facility and to construct a 72,000 sq.ft. manufacturing building addition, an investment of \$1,595,000; to purchase additional machinery and equipment worth \$705,000; and, to create 20 new jobs within five years. The company has fulfilled its commitments with the appropriate use of bonds and has exceeded its employment projection by creating 40 new jobs.

Wichita Sheet Metal Supply agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The estimated first year's taxes on Wichita Sheet Metal's proposed \$300,000 expansion would be \$7,324, on personal property, based on the 2002 mill levy. Using the allowable tax exemption of 51.5 percent, the City would be exempting (for the first year) \$3,772 of new taxes from the personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$1,054; County/State - \$1,002; and USD 259 - \$1,716.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Law Department will review and approve all final bond documents prior to the issuance of the bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the six-month Letter of Intent to Wichita Sheet Metal Supply, Inc. for issuance of Industrial Revenue and Improvement Bonds in the amount not to exceed \$2,625,000 and a 51.5 percent five-year property tax exemption on the new bond-financed property be granted; the tax exemption on the 1998 IRB-financed real and personal property for a second five-year period subject to Standard Letter of Intent conditions be extended; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 04-0003

Kurt Schroeder

Central Inspection Superintendent reviewed the item.

On November 3, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 4460 East Boston	III
b. 1137 North Indiana	I
c. 1334 North Hydraulic	I

Pursuant to State Statute the Resolutions were duly published twice on November 19, 2003 and November 26, 2003. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of January 6, 2004; (2) the structure(s) has/have been secured as

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January 6, 2004 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of January 6, 2004 and will be so maintained during renovation.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings.

- Kurt Schroeder Kurt Schroeder recommended that the Council take the Boards action to proceed with condemnation and removal of the property and structures on item b. 1137 North Indiana and c. 1334 North Hydraulic and that there is someone present for item a. 4460 East Boston.
- Motion-- Brewer moved that the resolutions declaring the buildings dangerous and unsafe structures be adopted and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted on items b. 1137 North Indiana and c. 1334 North Hydraulic. Motion carried 7 to 0.
- carried
- Kurt Schroeder Kurt Schroeder reported that item a. 4460 East Boston is in the Hilltop Neighborhood and the property owner had some problems with an identity theft issue and has gotten a clear title a couple of months ago. Reported that the Hilltop Neighborhood Alliance has gotten the deed to this property and have been in touch with several individuals who are interested in buying this property to rehab it and they are hopeful that it will be an owner occupant. Stated that the property is clean and secure and is recommended that the City Council defer action on this item for 60 days, which should give them enough time to finalize a sale and come back in 60 days to take final action at that time.
- Motion-- Lambke moved to defer action on item a 4460 East Boston for 60 days and return to Council for review and final action at that time. Motion carried 7 to 0.
- carried

RESOLUTION NO. 04-001

Resolution finding that the structure described as: Lots Lot 43, Block D, Hilltop Manor Subdivision, a Replat of part of Hilltop Manor and Hilltop Manor Second Addition, being a Subdivision in Section 26, Township 27 South, Range 1 east of the 6th P.M., Wichita, Sedgwick County, Kansas, commonly known 4460 East Boston, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-002

Resolution finding that the structure described as: Lots S. 50 ft. Res. A Exc. E. 30 ft., Read & Oonk's Addition, Wichita, Sedgwick County, Kansas, commonly known as 1137 North Indiana Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-003

Resolution finding that the structure described as: Lots 9, 10, 11, AND 12, Rosenthal's Second Addition, Wichita, Sedgwick County, Kansas, commonly known as 1334 South Hydraulic, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0.

CUL-DE-SAC

PETITION TO CONSTRUCT A CUL-DE-SAC ON MOSLEY, SOUTH OF PAWNEE. (DISTRICT III)

Agenda Report No. 04-0004

Neil Cable

City Engineer reviewed the item.

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The signatures on the Petition represent 37 of 72 (51.39%) resident owners and 44.28% of the improvement district area. District III Advisory Board sponsored a December 3, 2003, neighborhood hearing on the project. The Board expressed its support of the improvement.

Mosley south of Pawnee is a paved street that serves a residential area. It is near the Pawnee viaduct that will be built as part of the Pawnee/UP Railroad improvements. Property owners have submitted the cul-de-sac petition in order to eliminate the through traffic expected to occur with the construction of the viaduct.

The estimated cost of the project is \$34,000 with the \$25,840 assessed to the improvement district and \$8,160 paid by the City. The City share is for the arterial paving expense that would be required if Mosley were not closed at Pawnee. The funding source for the City share is General Obligation Bonds. The proposed method of assessment is the fractional basis. The estimated assessment to individual properties is \$446 per lot.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district. State Statutes also authorize the City Council to order in street paving projects.

The signatures on the Petition represent 37 of 72 (51.39%) resident owners and 44.28% of the improvement district area. District III Advisory Board sponsored a December 3, 2003, neighborhood hearing on the project.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Lambke moved that the Petition be approved; the resolution adopted; and the Staff Screening and Selection Committee to select a design engineer be authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-004

Resolution of findings of advisability and Resolution authorizing improving a cul-de-sac on Mosley Street south of Pawnee, 472-83891, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

LULU/45TH STREET

**PETITION TO PAVE LULU, FROM 45TH STREET SOUTH TO 44TH STREET SOUTH.
(DISTRICT III)**

Agenda Report No. 04-0005

Neil Cable

City Engineer reviewed the item.

The signatures on the Petition represent 1 of 7 (14.29%) resident owners and 50.27% of the improvement district area. The property owner signing the Petition is platting a vacant tract on the east side of Lulu into residential lots. On November 4, 2003, District III Advisory Board sponsored a neighborhood hearing on the project. The Board voted 8-1 to oppose the Petition due to opposition from homeowners on the west side of Lulu. The developer of the unplatted tract on the east side of Lulu has subsequently agreed to his property being assessed at twice the rate as the lots on the west side of Lulu.

Lulu, between 45th Street South and 44th Street South is a sand road that provides access to an area comprised of single-family homes and the proposed new residential development. The proposed improvement consists of a two-lane asphalt road with curb and gutter.

The estimated cost of the project is \$125,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated assessment to individual

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properties, as petitioned, is \$00.73 per square foot of ownership. The estimated assessment to individual properties, if modified as proposed by the developer of the unplatted tract, is \$00.49 per square foot on the west side of Lulu and \$00.97 per square foot for the unplatted tract east of Lulu. As an infill project, the improvement will qualify for 20-year bonds.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district. State Statutes also authorize the City Council to reapportion assessments within the improvement district.

Council Member Gray Council Member Gray stated that he has read a couple of statements from properties owners who are opposed to the paving and that some of these people could possibly qualify for hardship deferral on this matter and asked if they were made aware of this option.

Neil Cable Neil Cable stated that they were made aware of this option in the letter that was sent to them.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Terry Smith Mr. Smith stated that he is with Baughman Engineering and is here in behalf of the developer. Reported that when they were platting the Hidden Glens area, the requirements were to pave Lulu and 45th and that they are trying to get this done so that they can get their infill plat taken care of as well.

Council Member Lambke Council Member Lambke stated that this project has undergone several changes in the platting process and that the developer has attempted to satisfy the residents in this area by revising the plat. Stated that all the residents on Lulu are opposed to the paving. Stated that he thinks the proper thing to do is to defer this item for another week and see if the Council could possibly get one more plat revision and that it has been suggested that the houses along Lulu be turned around and faced inward so that Lulu does not have to be paved.

Motion--carried Lambke moved to defer this item one week. Motion carried 7 to 0.

45th STREET/S. LULU PETITION TO PAVE 45TH STREET SOUTH, FROM LULU TO HYDRAULIC. (DISTRICT III)

Agenda Report No. 04-0028

Neil Cable City Engineer reviewed the item.

The signatures on the Petition represent 13 of 24 (54.17%) resident owners and 75.29% of the improvement district area. District III Advisory Board sponsored a November 5, 2003, neighborhood hearing on the project. The Board voted 9-0 to recommend approval.

45th Street South between Lulu and Hydraulic is a sand road that provides access to an area comprised of single-family homes and a proposed new residential development. The proposed improvement consists of a two-lane asphalt road with curb and gutter. Due to the small lot sizes and the existing drainage conditions, a storm water sewer will be built with the paving.

The estimated cost of the project is \$266,000 with the \$207,000 assessed to the improvement district and \$59,000 paid by the City. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds. Because it is an infill project, the improvement will qualify for 20-year bonds. The proposed method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.33 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district. State Statutes also authorize the City Council to order in street paving projects.

Motion--carried Lambke moved to defer this item one week. Motion carried 7 to 0.

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EMS/FIRE ENHAN. EMERGENCY MEDICAL SERVICE SYSTEM AND FIRE ENHANCEMENTS.

Agenda Report No. 04-0006

Larry Garcia

Wichita Fire Chief reviewed the item.

On November 4, 2003, the City Council approved a new Emergency Medical Services System agreement with Sedgwick County. The agreement creates a new framework for providing the best available medical services to citizens. An integral part of the agreement is the new Emergency Medical Services Board (EMSB). This body will play a pivotal role in developing policies to improve the system in the future. Now that the EMSS agreement has been approved, staff has evaluated the impact it will have on Fire Department operations and how Fire Department operations and personnel can be restructured to ensure that the City is in position to be an active participant in, and supporter of, the new Emergency Medical Services System and the EMSB.

In addition, the 2004 Adopted budget includes two significant enhancements for fire suppression: staffing to supplement east Wichita protection and staffing for aerial trucks. Newly annexed areas of east Wichita have stretched response areas; additional staff were added to re-balance station staffing to enhance response capability in east Wichita. Aerial truck crews are an integral part of the fire suppression plan, particularly for major fires. Staffing the aerial trucks will improve response times, enhancing firefighter safety and suppression efforts.

To fully realize the opportunities presented by the EMSS agreement, staff has identified two critical needs: a quality assurance structure that ensures performance standards are met and medical protocols are followed, and a management structure that allows enhanced planning, training and organization of medical response activities. These are the two key components of the implementation plan for the Emergency Medical Services System.

Quality Management Structure: The Medical Society of Sedgwick County establishes medical protocols that participants in the EMSS must adhere to. These protocols will ensure standardized and clinically sound medical care for victims, regardless of the entity providing service. Quality Assurance is the process that verifies adherence to medical protocols, and ensures that field interventions include, at a minimum, measurements for quantity and quality of services delivered.

Staff proposes the addition of one Deputy Chief – Administration, one Quality Assurance Manager, and three Fire Captain Medical Officer positions to form a Quality Assurance Unit. The three Medical Officer Captains will provide one position per 24 hour shift, and the Quality Assurance Manager will work as one 40 hour per week position. These positions will review every medical response by Fire staff (currently over 30,000 annually) to verify that the appropriate protocols were followed. These positions will also provide field observations and will recommend additional training when appropriate so that patient care will be enhanced. It is anticipated that these structural improvements will meet with endorsement from the Medical Society and will further demonstrate the City's commitment to improved emergency medical service. The Deputy Chief position will be utilized to provide research and development for improved staffing and deployment strategies, to coordinate Quality Assurance and EMSS efforts, as well as interface with the EMSS Performance Board.

Improved Staffing Procedures: To implement the Council directives of aerial staffing and supplemental east side staffing, as well as to control overtime expenditures, staff proposes two initiatives: flex-staffing and overfilling. In the past, the Fire Department has relied heavily on "constant staffing" which ensured that every station was staffed identically regardless of call volume. Currently, this method of staffing results in inefficient management of Fire resources.

Fire response requirements can be categorized simplistically into geographic response, and call demand. To provide a geographic response time that is adequate, it is necessary to have stations appropriately placed throughout the City with at least one responding unit (which is now the case). To provide appropriate resources to respond to the call demand or call volume, it is necessary for Fire management staff to flexibly reallocate staff resources among stations. Deployment strategies must be based on the following: response standards; continual research and evaluation of staffing needs; matching call

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demand with response unit availability to assure quick and efficient deployment. This flex-staffing initiative will not compromise response efforts for any City residents; however, it will provide Fire management staff the flexibility to allocate staff resources to best meet anticipated call demand, maximizing response and suppression efforts city-wide.

In the past, Fire recruit classes were filled and trained only after veteran Fire staff had separated from service. This also creates inherent inefficiencies by raising overtime costs to fill vacant slots while recruits are being trained. Staff believes a more cost-effective approach is to anticipate vacancies, and hire recruit classes based on projected turnover. This will increase base wage costs, but dramatically lower overtime cost, for a net savings, in addition to providing (at least for short durations) additional staff. Staff is requesting authorization for up to 12 overfills on a permanent basis.

With flex staffing and recruit overfilling, adequate firefighters can be hired and trained to supplement east Wichita staffing and to implement aerial staffing initiatives in 2004. Given the current level of vacancies (5), the length of time required to recruit and train a class (12 weeks at a minimum), and the desire to aggressively control overtime in 2004, east side staffing would be expected by mid-Summer 2004, and aerial staffing by Fall 2004. Any acceleration of that timetable would be possible, but it would result in increased overtime costs.

The cost of adding the positions identified by staff is \$414,780. However, by implementing overfilling of recruits and flex-staffing initiative, staff is confident that the positions can be funded within the existing level of the 2004 Adopted budget for the Fire Department.

- Joe Couey Battalion Chief Couey reported on Quality Assurance.
- Mayor Mayans Mayor Mayans stated that the board has not yet selected a Medical Director and the clinical protocols have not been set up and asked Mr. Garcia what would be measured.
- Larry Garcia Chief Garcia explained that even though the board has not been established, the Fire Department has protocols that are in place that have been reviewed by the Medical Society.
- Mayor Mayans Mayor Mayans stated that his understanding is that new protocols will be set up and implemented once a new Medical Director is on board and at that time this issue would be of some benefit. Stated that he has a problem with approving this when there is a shortage of paramedics and there is nothing to measure.
- Larry Garcia Chief Garcia stated that right now the Fire Department has protocols but they have not assured themselves that they are doing the very best that they can.
- Council Member Martz Council Member Martz inquired if there was any reason the Council could not hold off approving the quality assurance structure of this agreement and approve the improved staffing procedures, which would add more fire fighters to the floor.
- Council Member Schlapp Council Member Schlapp stated that she would hate to see a system put in place and then when the new Medical Director comes on board, we would have to change it again and would prefer to separate the two issues at this time.
- Council Member Brewer Council Member Brewer stated that it is very important to have a quality assurance team but that there are still some unknown questions that the Council does not have or the Chief and his team does not understand what the needs are of the Council and what they are expecting. Stated that he feels it is important to approve the additional positions that the Chief is requesting and to defer the quality assurance portion to allow the Council the opportunity to sit down and review.
- Council Member Gray Council Member Gray stated that he also agrees with the other Council Members in deferring the quality assurance portion of this agreement for a few months.
- Council Member Fearey Council Member Fearey stated that she was ready to support this today and that it concerns her that the Council is saying to bring forth a vision and a plan for 20 years, when this is what they have done. The

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Fire Chief is saying that this is what they need and they need it now. Stated that she would support a deferral rather than have this item die today.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Doug Pickard

Mr. Pickard stated that he is the President of the International Association of Firefighters and that he has great concerns about the accuracy and the appropriateness of significant portions of this plan. Stated that there is no implication that quality assurance is needed or provided for independently in any of the entities involved. Stated that the proposed staff additions, Deputy Chief-Administration, one quality assurance manager and three fire captain medical officer positions to form a quality assurance unit is a duplication of service. Stated that the flex staffing issue is not an enhancement but an endangerment to the citizens. Asking the Council to approve the positions and defer the quality assurance portion of this agreement.

Motion--

Brewer moved that the Fire Chief be allowed to hire the necessary 20 positions needed to address the overtime issue and defer the quality assurance portion for further discussion. Motion carried 7 to 0.

--carried

BASE CLOSURES

STATEWIDE INITIATIVE TO PREVENT BASE CLOSURES.

Agenda Report No. 04-0007

Cathy Holdeman

Interim City Manager reviewed the item.

The Lieutenant Governor invited representatives from the City of Wichita, Sedgwick County, the City of Derby, Friends of McConnell and the Wichita Chamber of Commerce staff to hear a presentation regarding a statewide initiative to prevent base closures in Kansas. Between now and May, 2005 Congress will consider the closure of military bases throughout the United States. It is anticipated that in September of 2005 the President will approve recommendations for base closures.

The State of Kansas has four military bases: McConnell, Fort Riley, Fort Leavenworth and Forbes Field. The total economic impact of McConnell Air Force Base is estimated at \$633 million. In recognition of the substantial economic contribution of military facilities, the Governor's office is proposing that communities affected by base closures join together and hire a professional lobbyist to communicate the need to not only preserve but to enhance such operations.

Communities throughout the nation that are the home to military bases are concerned about the recent national initiative to evaluate and make recommendations regarding base closures. It is estimated that the domestic base infrastructure is twenty-five percent too large and efforts are underway to reduce the number of facilities nationwide. Representatives from the Wichita/Sedgwick County community have recognized the potential threat to McConnell Air Force Base and have already initiated dialogue with community leaders to preserve the base. This effort is in addition to the local initiative.

Other communities with military bases, along with the State of Kansas, are concerned about the possibility of base closures. The State of Kansas has allocated \$500,000 to an effort to preserve and enhance the four military bases and is requesting contributions from the affected communities. Each community is being asked to contribute \$125,000. For the Wichita/Sedgwick County community it is proposed that the City of Derby contribute \$25,000, and Wichita and Sedgwick County each contribute \$50,000. This amount can be spread over a two-year period.

The City is being requested to contribute \$50,000 (over a two-year period) to a statewide effort to preserve and enhance the four military bases in Kansas. Funds are available from savings resulting from the Public Building Commission State Office Building Refunding issue. The total budget for preserving existing bases is estimated at one million dollars with half of the funding contributed by the State and the remainder is being requested from local communities with military bases.

The City Council must approve expenditures in excess of \$10,000.

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- Mayor Mayans Mayor Mayans stated that this is an issue that the City has been working on with the Friends of McConnell and the County and that the Lieutenant Governor has asked that we join ranks with the other communities that could be affected and that we need to keep McConnell here
- Council Member Lambke Council Member Lambke inquired why only Derby and Wichita in Sedgwick County are being asked to contribute money.
- Mayor Mayans Mayor Mayans explained that the other communities such as Fort Riley, Topeka and Leavenworth are contributing a lot more than the City of Wichita and that the people that are being asked to contribute are the people that will be directly affected.
- Council Member Lambke Council Member Lambke stated that he has his doubts that this effort will be effective and also does not want to lose the base but thinks that this will be a waste of money to contribute to.
- Council Member Brewer Council Member Brewer stated that this is the only way that the City of Wichita will be able to survive economically and that the base has a big economic impact.
- Council Member Martz Council Member Martz stated that it is important that we do support this and suggest that the Council should also formulate some kind of a letter from the Council and send it to everybody that needs to be informed of this issue.
- Mayor Mayans Mayor Mayans stated that one thing that the Council could do is to approve a resolution in support of McConnell.
- Council Member Schlapp Council Member Schlapp stated that other cities and other bases are going to also lobby regarding this and if the City of Wichita does not send its best to do this for us it could be a problem for our City and that we need to make sure that the City of Wichita is part of the lobbying action.
- Council Member Gray Council Member Gray stated that he also strongly encourages the Council to be in support of this.
- Council Member Lambke Council Member Lambke stated that he is going to support the motion but does not think that the amount of money we spend is going to change the results. Stated that he thinks a resolution is just as effective as contributing the money.
- Motion--
--carried Brewer moved that the participation in the statewide initiative be approved and funding not to exceed \$50,000 be authorized. Motion carried 7 to 0.

CITY COUNCIL AGENDA

BOARD APPTS.

BOARD APPOINTMENTS.

There were no appointments made.

CONSENT AGENDA

Motion--carried

Mayans moved that the consent agenda be approved as presented. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS:

Bids were opened October 24, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

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Old Town parking lot improvements/132 North Mosley. (472-83846/792393 /435363) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Cornejo & Sons Construction - \$175,650.75* (Total Base Bid with Add Alternate #3)
*Subject to City Council Approval 01-06-2004

Motion -- Mayans moved that the contract be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

CMB

APPLICATION FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>New Establishment</u>	2004	<u>(Consumption off Premises)</u>
John M. Vo	Discount Cigarettes #2	3448 West Douglas

Motion Mayans moved that the license, subject to Staff review and approval, be approved. Motion carried 7 to 0.
--carried

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a) Traffic Signalization - Phase II, at Gold & MacArthur (472-83609/710216/231078) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$180,000.00
- b) Water Line Relocation for Harry and McLean Intersection (448-89830/636127/773523) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$51,302.24

Motion--carried Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

GATEWAY CNTR.

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE GATEWAY CENTER AND KISER WEST ADDITIONS, SOUTH OF 13TH STREET, EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 04-0008

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

The project will provide sanitary sewer improvements in a new commercial development located south of 13th, east of Greenwich.

The Petition totals \$331,000. The funding source is special assessments.

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

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-007

Resolution of findings of advisability and Resolution authorizing construction of Lateral 361, Four Mile Creek Sewer (south of 13th Street, east of Greenwich) 468-83747, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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BRIGHTON CT.

PETITION TO CONSTRUCT A STORM WATER SEWER IN BRIGHTON COURT ADDITION, SOUTH OF 21ST STREET, WEST OF WEBB. (DISTRICT II)

Agenda Report No. 04-0009

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

The project will provide drainage improvements in a new residential development located south of 21st, west of Webb.

The Petition totals \$53,000. The funding source is special assessments.

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

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-008

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 603 (south of 21st Street, west of Webb), 468-83749 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WEST CENTRAL GARDENS

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE PART OF WEST CENTRAL GARDENS ADDITION, NORTH OF CENTRAL, WEST OF I-235 EXPRESSWAY. (DISTRICT V)

Agenda Report No. 04-0010

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

The project will provide water service to a new development located north of Central, west of I-235 Expressway.

The Petition totals \$19,000. The funding source is special assessments.

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

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-009

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89909 (north of Central west of I-235 Expressway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Alternative Correctional Housing Advisory Board, September 25, 2003

Special Joint Investment Committee/Police & Fire Retirement Board, October 27, 2003

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Special Joint Investment Committee/Police & Fire Retirement Board, October 28, 2003
Wichita Public Library Monthly Report, November 2003
Wichita Airport Advisory Board, November 3, 2003
Board of Code Standards and Appeals, November 3, 2003
Special Joint Investment Committee/Police & Fire Retirement Board, November 6, 2003
Board of Park Commissioners, November 10, 2003
Wichita Public Library Board of Directors, November 18, 2003
Special Joint Investment Committee/Police Fire Retirement Board, November 19, 2003
Design Council/ Special Meeting, December 10, 2003

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

STREET CLOSURES RIVER FESTIVAL STREET CLOSURES.

Agenda Report No 04-0011

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

The following street closure requests have been submitted:

River Festival Street Closures

--Douglass Avenue from Waco to Water - May 12-14, from 3 p.m. to midnight

--Parking Lane on Century II Drive from Main to Douglas – April 29- May 17

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period.

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

Motion-- Mayans moved that the street closure requests be approved, subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

--carried

EASEMENT ENCR. EASEMENT ENCROACHMENT AGREEMENT. (DISTRICT II)

Agenda Report No. 04-0012

The Agreement allows Beech Lake Investments, LLC, to occupy and construct improvements on, over, and across a utility easement 25 feet in width described as the southerly 25 feet of Lot 1, Block 2, Waterford Addition, 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 a 10 ft. x 20 ft. "L" shaped brick and concrete entry monument with the southeast corner of the monument located approximately 10 feet north and 31.22 feet east of the southwest corner of Lot 1, Block 2, Waterfront Addition and entirely encroaching into above described easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of a City water main lying within Tract "A" and from claims resulting from replacement or upgrade of lines and/or other Department property in the easement.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

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LANDSCAPING

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING FOR LANDSCAPING ON 29TH STREET NORTH FROM ROCK ROAD TO WEBB ROAD. (DISTRICTS I & III)

Agenda Report No. 04-0013

On March 27, 2001, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering for the landscaping. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$10,000 and will be paid by General Obligation Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

HYDRAULIC/ MCARTHUR

SUPPLEMENTAL AGREEMENT FOR HYDRAULIC FROM MACARTHUR TO THE CITY LIMITS. (DISTRICT III & IV)

Agenda Report No. 03-0014

On December 7, 1999, the City entered into an Agreement with Baughman Company, P.A. to design street and drainage improvements to Hydraulic from MacArthur to the City limits. The fee was \$428,000. On September 25, 2001, the City Council approved Supplemental Agreement No. 1, which required Baughman to extend sanitary sewer lines under Hydraulic. The fee was \$7,500.

Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. Baughman has been asked to convert the plans in KDOT format in order to conform to KDOT Standard requirement. Supplemental Agreement has been prepared.

Payment will be on a lump sum basis of \$28,185 and will be paid by General Obligation Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

HAWTHORNE ADD.

SUPPLEMENTAL AGREEMENT FOR HAWTHORNE ADDITION, NORTH OF 21ST, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 04-0015

The City Council approved the project on October 22, 2002. On January 7, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements.

The proposed Supplemental Agreement between the City and MKEC provides for the additional engineering and permitting fees associated with obtaining both the necessary Wetlands and FEMA permits required for construction work to be undertaken in existing wetlands and floodplain areas.

Payment will be on a lump sum basis of \$21,900 and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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REED'S COVE

SUPPLEMENTAL AGREEMENT FOR REED'S COVE AND REED COMMERCIAL ADDITIONS, SOUTH OF 21ST STREET, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 04-0016

The City Council approved the project on January 7, 2003. On January 14, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements.

The proposed Supplemental Agreement between the City and MKEC provides for the additional engineering and permitting fees associated with obtaining both the necessary Wetlands and FEMA permits required for construction work to be undertaken in existing wetlands and floodplain areas.

Payment will be on a lump sum basis of \$21,900 and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

WATERFRONT ADD

SUPPLEMENTAL AGREEMENT FOR THE WATERFRONT ADDITION AND BEECH LAKE DEVELOPMENT, EAST OF WEBB, NORTH OF 13TH STREET. (DISTRICT II)

Agenda Report No. 04-0017

The City Council approved the project on October 1, 2002. On January 7, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements.

The proposed Supplemental Agreement between the City and MKEC provides for the additional engineering and permitting fees associated with obtaining both the necessary Wetlands and FEMA permits required for construction work to be undertaken in existing wetlands and floodplain areas.

Payment will be on a lump sum basis of \$21,900 and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

KANSAS PAINT

AGREEMENT FOR PAYMENT BY PROPERTY OWNER OF COST OF BRICK PAVERS FOR PEDESTRIAN WAY ON SOUTH SIDE OF KANSAS PAINT PARKING LOT. (DISTRICT VI)

Agenda Report No. 04-0018

Earlier this year the City acquired the Kansas Paint Building at 128-132 N. Mosley in Old Town. The City has solicited bids for the demolition of the structures on this property and for the construction of a parking lot. The bids have been received for this work and there is not enough money budgeted for selection of one of the alternates, which would provide brick pavers along the pedestrian way on the south side of the parking lot. The owner of the property immediately south of 128-132 N. Mosley has offered to pay the City for the additional costs associated with the installation of these brick pavers.

The property owners to the south have agreed that they will pay 100% of the costs of the additional work for installing brick pavers along the pedestrian way. This payment will be made upon completion of the work. In the event that the demolition project and the parking lot construction project are completed within the budgeted amounts for the project, any savings will be paid to the property owners to reimburse them for their contribution towards the brick pavers up to a maximum amount of the payment that they make to the City. If there are no savings the property owners have agreed to pay 100% of the costs of the brick pavers

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The property owner will make a financial contribution to the City in the amount of the total costs of the additional work necessary to install brick pavers along the pedestrian way on the south side of the parking lot.

Motion-- Mayans moved that the agreement be approved and the necessary signatures authorized. Motion
--carried 7 to 0.

WFD REIMB.

REIMBURSEMENT OF OVERTIME SALARY COSTS AND OTHER COSTS INCLUDING BUT NOT LIMITED TO TRAVEL, FUEL, TRAINING AND EQUIPMENT, INCURRED BY THE WICHITA FIRE DEPARTMENT IN PROVIDING RESOURCES TO ASSIST THE BATF WITH THE ARSON RESPONSE GROUP.

Agenda Report No. 04-0019

In 2001, the Wichita Fire Department was invited by the Bureau of Alcohol, Tobacco, and Firearms (BATF) to participate in the accelerant detection canine program. To facilitate participation, it was agreed that the BATF would provide and train the canine and handler at no cost to the participating jurisdiction. In return, the canine and handler would be available to respond to large loss fires as directed by the BATF. Yearly re-certification of the canine and handler will be the responsibility of the City of Wichita. The BATF will incur all travel related, lodging, and per diem expenses if the Handler is requested to respond to a National Response Team incident involving a large loss fire incident.

Yearly re-certification of the canine and handler at a cost of \$1500.00

Motion-- Mayans moved that the Accelerant Detecting Canine Agreement with the Bureau of Alcohol, Tobacco,
--carried and Firearms be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RAILROAD PERMITS **RAILROAD PERMITS FOR MAIN 19, PHASE 4, SOUTHWEST INTERCEPTOR SEWER LOCATED NORTH OF 21ST STREET, AND EAST OF TYLER ROAD IN BASIN 4. (DISTRICT V)**

Agenda Report No. 04-0020

The City Council approved the Basin 4 sanitary sewer projects on November 28, 2000. The sanitary sewer projects include the construction of a main sanitary sewer system to serve the drainage basin roughly bounded by Tyler Road, 45th Street, Arkansas River, and 21st Street. Railroad permits were required for previous phases of the project and went to Council on August 17, 2003 for signature.

Permits from the Kansas and Oklahoma Railroad are required due to the alignment of the Main 19, Phase 4 sanitary sewer system project. The permits will go into effect upon countersigning by the railroad. The executed documents will be returned to the City of Wichita.

Motion-- Mayans moved that the railroad permits be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

ORDINANCES

FIRST READING ORDINANCES. (FIRST READ DECEMBER 30, 2003)

a) Health nuisance – lot clean up.

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time, introduced and under the rules laid over.

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b) Weed mowing.

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

Motion--carried Mayans moved that the Ordinances be placed on first reading. Motion carried 7 to 0.

PLANNING AGENDA

John Schlegel Planning Director report that item 25 should be deferred due to the fact that earlier items 9 and 10 were deferred which were petitions relating to the streets in conjunction with this plat and that all of the other items remain as consent items.

Motion--
--carried Mayans moved that the Planning Agenda accept item 25 which will be deferred, be approved as presented. Motion carried 7 to 0.

ZON 2003-00059 **ZON2003-00059 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “NR” NEIGHBORHOOD RETAIL. GENERALLY LOCATED APPROXIMATELY 1/4 MILE EAST OF THE MAPLE STREET – 135TH STREET WEST INTERSECTION, ON THE SOUTH SIDE OF MAPLE STREET. (DISTRICT V)**

Agenda Report No. 04-0021

The applicant requests a zone change from “SF-5” Single-family Residential to “NR” Neighborhood Retail on 4.6 acres of unplatted, undeveloped land located on the south side of Maple Street, approximately one-fourth mile east of the 135th Street West and Maple Street intersection. The subject site has frontage on Maple Street. The northern approximately one-third of this tract is currently being excavated to create a drainage detention pond. Storm water from both the subject site and the abutting DP-219 Auburn Hills Commercial Community Unit Plan area on the subject site’s west side will go into this drainage detention pond on the subject site’s Maple Street frontage.

The application area is located between an established single-family residential subdivision located to the east, and a developing commercial center, DP-219 Auburn Hills C.U.P., located to the west. Property to the north, across Maple, is zoned “SF-5” Single-family Residential and developed with single-family residences. Property to the northwest is zoned “LC” Limited Commercial and subject to development restrictions, Protective Overlay #17, that limits uses, building signage and access points. The property to the south is undeveloped and zoned “MF-29” Multi-family Residential, and is covered by Protective Overlay #38 that addresses architectural compatibility and density.

This site, along with the other corners of the Maple and 135th Street intersection are covered by the Far West Side Commercial Development Policy which limits this intersection to 24 acres of nonresidential development and indicates that signage should be low, small and monument style, and that there be architectural compatibility within developments and that commercial developments should be compatible with surrounding residential uses. The intersection currently has 28 acres of commercial zoning approved, and has development guidelines that comply with the west side development policy.

At the December 11, 2003 MAPC meeting, no one spoke in opposition to the requested zoning change, although one speaker did express concerns regarding when the screening wall for this development as well as an adjacent development west of the subject site would be constructed. The speaker lived in the single-family residential area abutting the east side of the subject site and wanted the screening in place as soon as possible. The MAPC recommended approval (9-0-1) subject to platting within a year and the following conditions of Protective Overlay #130. DAB V will consider this case at their January 5, 2003 meeting. There has been no written protest to this zoning change request.

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Protective Overlay #130:

- (1) 35-foot setbacks along the site's south, north and east sides.
- (2) Monument sign with a maximum sign face of 48 square-feet and a height of 8-feet. No flashing, rotating, moving signs or portable signs. Window display is limited to 25% of the window area. No signs allowed on the rear or any side facing the residential zoning to the east or the south of the site.
- (3) A plan for a pedestrian walk system linking proposed buildings to the sidewalk along Maple and the sidewalks on the abutting eastern DP-219 AUBURN HILLS C.U.P. shall be submitted for review and approval by the Planning Director.
- (4) Shared internal access and shared access onto Maple Street with Parcel #4 of DP-219 AUBURN HILLS C.U.P.
- (5) All exterior lighting shall be shielded to prevent light disbursement in a southerly or eastern direction. Lighting shall be similar to DP-219 AUBURN HILLS C.U.P. lighting elements, shall be no higher than 14-foot when within 100-feet of abutting residential zoned properties, behind the 35-foot setback along the south and east sides of the property and 20-feet high on the remainder of the site. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- (6) All utilities installed underground.
- (7) Landscaping plan shall show location, type and specifications of all plant material, to be reviewed and approved by the Planning Department. Landscaping shall be calculated at 1.5 times the minimum ordinance requirements along the sides of the site abutting residential zoning and the street side. Parking lot landscaping shall be per the ordinance. Landscaping shall be required prior to the issuance of any occupancy permit.
- (8) A 6-foot masonry wall, constructed of similar materials to the masonry wall on DP-219 AUBURN HILLS C.U.P. shall be constructed along the site's east and south sides.
- (9) Trash receptacles shall be appropriately screened to hide them from ground view.
- (10) Rooftop mechanical equipment shall be screened from ground level view per the Code of Wichita.
- (11) All buildings shall share uniform architectural character, color, texture and the same predominate exterior building materials.
- (12) 20-foot landscape and wall easement along the south and east sides of the tract
- (13) Prohibited uses include group residences, correctional placement residences, group homes, multifamily, asphalt and concrete plant, limited.

Motion--

Mayans moved that the Council concur with the findings of the MAPC and the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting within one year be approved and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

ZON 2003-00061

ZON 2003-00061 – ZONE CHANGE FROM “GC” GENERAL COMMERCIAL TO “SF-5” SINGLE-FAMILY RESIDENTIAL. GENERALLY LOCATED NORTH OF KELLOGG, 1/4 MILE WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-0022

The application area is located north of Kellogg approximately 330 feet, and ¼ mile west of 135th Street West. It is a 2.8 acre tract that is part of the proposed Auburn Hills 15th Addition. Based on that plat, the application area will be developed with four platted single-family lots. However, the property is currently zoned “GC” General Commercial. Since the property is intended for single-family use, one of the conditions of plat approval is to downzone the property to “SF-5” to match the intended use. The site is undeveloped today. Access to the site is via a new street that will connect the application area to Kellogg Drive, a frontage road to be constructed along the north side of US Highway 54 or from a new street that will be an extension of a street running south from an existing portion of Auburn Hills.

Surrounding property is a mix of undeveloped, vacant or developing residential, church or farm ground uses. Zoning for these adjacent properties is either “GC” General Commercial or “SF-5” Single-family residential.

The Metropolitan Area Planning Commission (MAPC) reviewed this case on December 11, 2003, and recommended approval (9-0-1), subject to platting within one year. One MAPC member has ownership

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interests within the area and abstained. No one spoke in opposition, and no protest petitions have been filed.

Motion--

Mayans moved that the City Council concur with the findings of the MAPC, the zone change subject to the condition of platting within a year be approved and to instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

SUB 2003-73

SUB 2003-73-PLAT OF HIDDEN GLEN ADDITION, LOCATED ON THE WEST SIDE OF HYDRAULIC, BETWEEN 44TH STREET AND 45TH STREET SOUTH.

Agenda Report No. 04-0023

This unplatted site, consisting of 61 lots (13.97 acres), is located within the City and is zoned "SF-5" Single-Family Residential District.

Petitions have been submitted for sewer, water, paving and drainage improvements. The paving petitions for Lulu and 45th Street South are not 100%. A Certificate of Petitions has been submitted. Restrictive Covenants (2) were submitted to create a homeowner's association to provide for the ownership and maintenance of the reserves and provide four (4) off-street spaces per dwelling on each lot that abuts a 32-foot street. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements.

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

The Certificate of Petitions and Restrictive Covenants (3) will be recorded with the Register of Deeds.

Motion--carried

Mayans moved to defer this item until the next Council Meeting. Motion carried 7 to 0.

SUB 2003-122

SUB 2003-122 SUB 2003-122-PLAT OF AUBURN HILLS 15TH ADDITION, LOCATED WEST OF 135TH STREET WEST, ON THE NORTH SIDE OF KELLOGG. (DISTRICT V)

Agenda Report No. 04-0024

This unplatted site consists of 83 lots (45.82 acres) and is located within Wichita's city limits. A Restrictive Covenant for Zoning Restriction was submitted limiting a portion of the site to uses permitted in the "SF-5" single-family residential zoning district.

Petitions (100%) and a Certificate of Petitions have been submitted for clubhouse, paving, sewer and water improvements. Restrictive Covenants were submitted to: a) provide four (4) off-street spaces be provided for each lot that abuts a 58-foot street; and b) create a homeowner's association to provide for the ownership and maintenance of the reserves.

Subsequent to the MAPC meeting, City Engineering has requested a permit application from the Kansas Department of Transportation (KDOT) for a frontage road extension along west Kellogg to 135th Street West to accommodate this plat. An agreement with the developer is needed to fund the City's share of this frontage road cost. The approval of this plat is contingent upon this agreement to fund the frontage road extension.

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

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--

Mayans moved that the plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

--carried

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RESOLUTION NO. 04-012

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89910, 448-89910 (west of 135th Street West, north of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-013

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-8991, 448-89911 (west of 135th Street West, north of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-014

Resolution of findings of advisability and Resolution authorizing construction of Lateral 9, Main 2, Cowskin Interceptor Sewer, 468-83757 (west of 135th Street West, north of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-015

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, Main 2, Cowskin Interceptor Sewer, 468-83758 (west of 135th Street West, north of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-016

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 223, 468-83759 (west of 135th Street West) north of Kellogg, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-017

Resolution of findings of advisability and Resolution authorizing improving Auburn hills, from the west line of Lot 10, Block D, north to the north line of the Plat, on Monterey, from the west line of Lot 37, Block B, east to Auburn Hills, on Torrey Pines, from the west line of Lot 2, Block B, east to Auburn Hills, on Auburn Hills Ct., from Auburn Hills, west to and including the cul-de-sac (Lots 1 through 4, Block A, and Lots 1 through 6, Block B). Sidewalk be constructed along one side of Monterey, Auburn Hills and Torrey Pines, 472-83930 (west of 135th Street West, north of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-018

Resolution of findings of advisability and Resolution improving Monterey, from the west line of Lot 37, Block B, north to the south line of Lot 19, Block B, on Torrey Pines, from the south line of Lot 19, Block B, north to the west line of Lot 12, Block B, on Auburn Hills, from Kellogg Drive, north to the west line of Lot 10, Block D. Torrey Pines Ct., from the west line of Monterey, west to and including the cul-de-sac, on Auburn Hills Ct., from the south line of Auburn Hills to and including the cul-de-sac (Lots 43 through 50, Block B), on Auburn Hills Ct., from the north line of Auburn Hills, to and including the cul-de-sac (Lots 10 through 13, Block D). Sidewalk be constructed along one side of Monterey, Torrey Pines, and Auburn Hills, 472-83931 (west of 135th Street West, north of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

A03-26

A03-26-REQUEST TO ANNEX LAND, GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 21ST STREET NORTH AND 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 04-0025

The City has received a request to annex 156.04 acres of land situated at the northwest corner of the intersection of 21st Street North and 143rd Street East. The annexation area abuts the City of Wichita to the west of the property. The property owner seeks to develop the property as 217 single-family residential lots and five commercial units. The applicant has initiated the process for a replatting of the property. It is anticipated that the site will be fully developed for residential use during the fifth year of development and fully developed for commercial use in 20 years. The applicant plans to request Limited Commercial "LC" and Single Family "SF-5" zoning for the proposed annexation.

Land Use and Zoning: The annexation areas are currently in agricultural use and zoned "SF-20" Single Family Residential. The property adjoining the proposed annexation areas to the west has been platted and is zoned "SF-5" Single Family Residential. The properties north and south of the proposed annexation are in agricultural use and are zoned "SF-20" Single Family. The properties across 143rd to the east of the proposed annexation properties are zoned Rural Residential "RR" and in agricultural use.

Public Services: Public water is available to the properties by way of a water transmission main along 21st Street. The City Water and Sewer Department is currently working with the property owner to develop sanitary sewer options. Significant work must be completed downstream before public sanitary sewer will be available to the property.

Street System: The subject property has frontage along 21st Street North, a two lane paved county maintained road, and 143rd Street East, a two lane dirt road. The 2004/2013 City of Wichita Capital Improvements Program shows a project to expand 21st Street to a four lane paved road slated for 2012.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a nine (9) to ten (10) minute approximate response time from City Fire Station #18 located at 2808 North Webb Road. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: Three parks are located within seven miles of the proposed annexation: Eastview, Redbud, and Chisholm Creek Park. Together these parks total 390 acres, with Chisholm Creek Park comprising a significant portion (282 acres). A pathway is located a mile and a half west of the proposed annexation, along K96. An east-west greenway is also proposed between 13th and 21st, extending from 143rd in to I-135 (1996 Parks and Open Space Plan).

School District: The annexation property is part of the Unified School District 385 (Andover School District). Annexation will not change the school district.

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Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation properties is \$18,870 with a total assessed value of \$5,661. Using the current City levy (\$31.406/\$1,000 x assessed valuation), this roughly yields \$178 in City annual tax revenues for the properties. The future assessed value of the properties will depend on the type and timing of any redevelopment and the current mill levy. However when development is completed, the property owner projects an overall appraised value of \$19,096,000 for residential use and \$10,430,000 for commercial use, resulting in a combined assessed valuation of \$4,803,540. Assuming the current City levy remains about the same, this would roughly yield \$150,860 in City annual tax revenues.

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

Motion--
--carried

Mayans moved that 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. A03-26

A04-01

**A04-01-REQUEST BY PROPERTY MANAGEMENT CORPORATION TO ANNEX LAND
GENERALLY LOCATED AT THE NORTHEAST CORNER OF 143RD STREET EAST AND
KELLOGG. (DISTRICT II)**

Agenda Report No.04-0026

The City has received a request to annex 7.15 acres of land situated at the northeast corner of the intersection of 143rd Street West and East Kellogg. The annexation area abuts the City of Wichita to the north and west of the property. A prior attempt to annex this property into the City of Wichita was made in 1999, but did not proceed due to the property's inclusion in a benefit district. In 2003 Sedgwick County determined that the proposed annexation property had been inaccurately depicted in a benefit district and corrected the error, thus making it eligible for annexation by the City of Wichita. The property owner seeks to rezone the property as Limited Commercial "LC" and to develop the subject property as office and or commercial. At this time the property owner has not determined the specific use or size of the office/commercial development(s). It is anticipated that the site will be fully developed for office/commercial use in five years.

Land Use and Zoning: The annexation area is currently in agricultural use and zoned "SF-20" Single Family Residential. The properties directly to the west of the proposed annexation are platted and zoned for Limited Commercial "LC." The property directly to the north of the proposed annexation is in agricultural use and zoned "SF-5" Single Family Residential. The property to the east is zoned Single Family "SF-20" and in agricultural use. To the south of the proposed annexation is a residential subdivision zoned Single Family "SF-20."

Public Services: Public water service is available to the property by way of a water lines running along Kellogg and 143rd. Sanitary sewer will require a significant extension of public sewer facilities but capacity does not appear to be an issue at this location.

Street System: The subject property has frontage along 143rd Street East, a two lane paved county road, and East Kellogg, a four-lane expressway. According to the 2004/2013 City of Wichita Capital Improvements Program, 143rd Street is slated to be expanded to a four lane paved street in 2010.

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Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a ten (10) to eleven (11) minute approximate response time from City Fire Station #15 located at 7123 E Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: W.B. Harrison Park, a 40.15 acre park, is located approximately 3.5 miles to the southwest of the proposed annexation. Greenways are proposed approximately one mile to the south and one mile to the east of the proposed annexation, along Harry Road and 159th Street East (Wichita-Sedgwick County Park and Open Space Master Plan 1996).

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation properties is \$410 with a total assessed value of \$123. Using the current City levy (\$31.406/\$1,000 x assessed valuation), this roughly yields \$4 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any redevelopment and the current mill levy. However when development is completed, the property owner projects an overall appraised value of \$4,200,000 for commercial use, resulting in an assessed valuation of \$1,050,000. Assuming the current City levy remains about the same, this would roughly yield \$32,976 in City annual tax revenues.

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

Motion--
--carried

Mayans moved that 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. A04-01

A04-02

A04-02-REQUEST BY RITCHIE INVESTMENT COMPANY TO ANNEX LAND GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF K-96 AND RIDGE ROAD. (DISTRICT V)

Agenda Report No. 04-0027

The City has received a request to annex 4.58 acres of land situated near the southwest corner of the intersection of K96 and Ridge Road. The annexation area abuts the City of Wichita to the south and east of the property. The property is currently a reserve in the Northridge Plaza Addition. The property owner is not seeking to rezone the property at this time and has no immediate plans for development.

Land Use and Zoning: The annexation area is currently in agricultural use and zoned "SF-20" Single Family Residential. The property directly to the east of the proposed annexation is under ownership by the same company, zoned Single Family "SF-5," and in agricultural use. The properties to the north and west of the proposed annexation are in agricultural use and zoned "SF-20" Single Family. The tracts to the south of the proposed annexation are zoned Single Family "SF-5" and in agricultural use.

Public Services: Currently the nearest available water & sewer facilities are just south of the intersection of 37th Street North and Ridge Rd. There is sewer under construction just to the south and to the west of the property but neither will be adjacent, a public sewer extension will be needed to serve the property.

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There is water being designed to go in 37th Street North, west from Ridge and into two new housing subdivisions along 37th Street North. No current plans would bring water to this land locked property. There would need to be a review of the plan to serve the properties of Northridge Plaza Addition and appropriate easements and access would be required for water main extension.

Street System: The subject property does not have frontage on any public streets.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a nine (9) to ten (10) minute approximate response time from City Fire Station #16 located at 1632 N. Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: Sedgwick County Park, a 645 acre park, is located approximately 2.5 miles to the south of the proposed annexation. An urban arterial is proposed approximately 2.5 miles to the south, connecting Sedgwick County Park to other park and trail facilities (Wichita-Sedgwick County Park and Open Space Master Plan 1996).

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation properties is \$390 with a total assessed value of \$117. Using the current City levy (\$31.406/\$1,000 x assessed valuation), this roughly yields \$4 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any redevelopment and the current mill levy. However when development is completed, the property owner projects an overall appraised value of \$390 with an assessed valuation of \$47. Assuming the current City levy remains about the same, this would roughly yield \$1 in City annual tax revenues.

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

Motion--
--carried

Mayans moved that 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. A04-02.

EXECUTIVE SESSION EXECUTIVE SESSION

Motion--

Mayans moved that the City Council recess to the cafeteria for lunch and a working session until 11:10 a.m. and at 11:10 a.m. go into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice, and personnel matters of non-elected personnel and that the Council return from Executive Session no earlier than 11:30 a.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.

--carried

RECONVENE

The City Council reconvened in the City Council Chambers at 11:31 a.m.

Mayans announced that no action was necessary as a result of the Executive Session.

Motion--carried

Mayans moved to adjourn from Executive Session. Motion carried 7 to 0.

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Motion--carried

Fearey moved to adjourn the Regular Meeting. Motion carried 7 to 0.

ADJOURNMENT

The City Council Meeting adjourned at 11:32 a.m.

Karen Schofield
City Clerk