Table of Contents

Agenda 3
IV-1. Quarterly Financial Report for the Period Ended December 31, 2015.
Agenda Report No. IV-1 10
IV-2. 2016-2018 Service Employees International Union Contract.
Agenda Report No. IV-2 11
SEIU Contract 13
IV-3. Ordinance Amendments to Sections 1.04.070 and 1.04.075 Relative to Municipal Court Costs and Filing Fees.
Agenda Report No IV- 3 46
Ordinance No. 50-154 47
Delineated Ordinance 54
II-3. Preliminary Estimates.
PEsforCC_02-16-16 61
NTBA Preliminary Estimate 64
NTBA Preliminary Estimate 68
II-4a. Revised Petition for Paving and Drainage Improvements to Serve NewMarket V and Cadillac Lake Additions. (District V)
Agenda Report No. II-4a 72
Supporting Document 73
Resolution No. 16-033 80
II-4b. Funding for Sanitary Sewer Improvements to Serve Pearl Beach Addition. (District V)
Agenda Report No. II-4b 84
Supporting Documents 85
Resolution No. 16-034 95
Resolution No. 16-035 98
NOI 100
II-5a. Supplemental Design Agreement No. 1 for Country Acres Water Main Replacement. (District V)
Agenda Report No. II-5a 101
SA No.1 102
II-7. Change Order Limit Adjustment for Meridian from Pawnee to McCormick. (District IV)
Agenda Report No. II-7 105
Change Order 106
Resolution No. 16- 108
II-8. Cooperative Agreement with Kansas PTAC .
Agenda Report No. II-8 110
Signed SCAA 2016 3rd Party Letter 111
SCAA 2016--3rd Party Letter of Commitment--City of Wichita 112
II-9. Nuisance Abatement Assessments, Lot Clean Up. (Districts I, III, IV, V and VI)

Agenda Report No. II-9, Ordinance No. 50-155, and Property Lists . . . 113

II-10. Swimming Pool Improvements.

Agenda Report No. II-10 . . . 119

Resolution 16-036 . . . 120

II-11. Second Reading Ordinances.

Second Reading Ordinances II-11 . . . 122

II-12. *ZON2015-00046 and CON2015-00034 – City Zone Change from Manufactured Housing to Limited Commercial with a Conditional Use for the Sale of Manufactured Homes on Property Generally Located Midway between 47th and 55th Streets South on the West Side of Meridian Avenue. (District IV)

Agenda Report No. II-12 . . . 124

Ordinance No. 50-156 . . . 128

Resolution No. 16-037 . . . 130

ZON2015-00046 and CON2015-00034 Background Information . . . 133

II-13. *VAC2015-00047 - Request to Vacate a Platted Street Side Yard Setback on Property Generally Located Between East Harry Street and East Mount Vernon Road, West of South Webb Road, on the Southwest Corner of South Cooper and West Skinner Streets. (District II)

Agenda Report No. II-13 . . . 145

Vacation Order . . . 147

II-14. *VAC2015-00049 - Request to Vacate the Plattor's Text to Amend the Dedication and the Uses Permitted in a Platted Reserve on Property Generally Located East of North Amidon Avenue, North of West 29th Street North, on the West Side of Cromwell Drive. (District VI)

Agenda Report No. II-14 . . . 149

Vacation Order . . . 151

Supporting Document . . . 153

II-15. *VAC2015-00050 - Request to Vacate a Portion of a Platted Drainage and Utility Easement on Property Generally Located South of West Kellogg Street, on the Northwest corner of South Oliver Avenue and East Orme Street. (District III)

Agenda Report No. II-15 . . . 154

Vacation Order . . . 156

Drainage and Utility Easement . . . 158

II-16. *VAC2015-00052 - Request to Vacate a Platted Utility Easement on Property Generally Located Southeast of K-96 Highway and North Ridge Road. (District IV)

Agenda Report No. II-16 . . . 161

Vacation Order . . . 163

II-17. *Gateway Frontline Services, Inc. - Amendment No. 1 - Wichita Dwight D. Eisenhower National Airport.

Agenda Report No. II-17 . . . 165

Supplemental Agreement . . . 166

C I T Y C O U N C I L

C I T Y O F W I C H I T A
K A N S A S

City Council Meeting
09:00 a.m. February 16, 2016

City Council Chambers
455 North Main

OPENING OF REGULAR MEETING

-- Call to Order

-- Invocation

-- Pledge of Allegiance

-- Approve the minutes of regular meeting on February 9, 2016

AWARDS AND PROCLAMATIONS

-- Awards:

Kansas Recreation and Parks Association

I. PUBLIC AGENDA

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city clerk prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. Sybil Strum - Victims' Rights.

II. CONSENT AGENDA ITEMS 1 THROUGH 17

NOTICE: Items listed under the "Consent Agendas" will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the "Consent Agendas" and considered separately

*(The Council will be considering the City Council Consent Agenda as well as the Planning, Housing, and Airport Consent Agendas. Please see **"ATTACHMENT 1 – CONSENT AGENDA ITEMS"** for a listing of all Consent Agenda Items.)*

COUNCIL BUSINESS

III. UNFINISHED COUNCIL BUSINESS

None

IV. NEW COUNCIL BUSINESS

1. Quarterly Financial Report for the Period Ended December 31, 2015.

   RECOMMENDED ACTION: Receive and file the Quarterly Financial Report for the period ended December 31, 2015.

2. 2016-2018 Service Employees International Union Contract.

   RECOMMENDED ACTION: Approve the proposed 2016 – 2018 Memorandum of Agreement between the Services Employees International Union Local 513 and the City of Wichita.

3. Ordinance Amendments to Sections 1.04.070 and 1.04.075 Relative to Municipal Court Costs and Filing Fees.

   RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

V. NON-CONSENT PLANNING AGENDA

None

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion. Carole Trapp Housing Member is also seated with the City Council.

Carole Trapp Housing Member is also seated with the City Council.

VI. NON-CONSENT HOUSING AGENDA

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VII. NON-CONSENT AIRPORT AGENDA

None

COUNCIL AGENDA

VIII. COUNCIL MEMBER AGENDA

None

IX. COUNCIL MEMBER APPOINTMENTS AND COMMENTS

1. Board Appointments.

   RECOMMENDED ACTION: Approve the appointments.

Adjournment

(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 17)

II. CITY COUNCIL CONSENT AGENDA ITEMS

1. Report of Board of Bids and Contracts dated February 15, 2016.

   RECOMMENDED ACTION: Receive and file report; approve the contracts; and authorize the necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

Renew	2016	(Consumption on Premises)
Alfred Abdelmaseh	Shesha Lounge**	2106 North Amidon
Renew	2016	(Consumption off Premises)
Mai Huynh Vo	T and T Discount Cigarett***	3448 West Douglas Ave

   **General/Restaurant (need 50% or more gross revenue from sale of food)
   ***Retailer (Grocery stores, convenience stores, etc.)

   RECOMMENDED ACTION: Approve licenses subject to staff review and approval.

3. Preliminary Estimates:
   a. List of Preliminary Estimates.

   RECOMMENDED ACTION: Receive and file.

4. Petitions for Public Improvements:
   a. Revised Petition for Paving and Drainage Improvements to Serve NewMarket V and Cadillac Lake Additions. (District V)
   b. Funding for Sanitary Sewer Improvements to Serve Pearl Beach Addition. (District V)

   RECOMMENDED ACTION: Approve the petitions and adopt the resolutions.

5. Design Services Agreements:
   a. Supplemental Design Agreement No. 1 for Country Acres Water Main Replacement. (District V)

   RECOMMENDED ACTION: Approve agreements/contracts, adopt the resolution and authorize the necessary signatures.

6. Minutes of Advisory Boards/Commissions:

   Board of Building Code Standards and Appeals, January 11, 2016
   Wichita Transit Advisory Board, September 18, 2015
   Police and Fire Retirement System, December 16, 2015
   Joint Investment Committee, January 7, 2016

   RECOMMENDED ACTION: Receive and file.

7. Change Order Limit Adjustment for Meridian from Pawnee to McCormick. (District IV)

   RECOMMENDED ACTION: Approve the change order limit adjustment, authorize the City Manager to approve change orders not to exceed a total of $154,500, adopt the amending resolution and authorize the necessary signatures.

8. Cooperative Agreement with Kansas PTAC.

   RECOMMENDED ACTION: Approve the 2016 Letter of Commitment and acceptance of grant funds and authorize the necessary signatures.

9. Nuisance Abatement Assessments, Lot Clean Up. (Districts I, III, IV, V and VI)

   RECOMMENDED ACTION: Approve the proposed assessments and place the ordinance on first reading.

10. Swimming Pool Improvements.

    RECOMMENDED ACTION: Adopt the bonding resolution, authorize the initiation of the projects, and authorize all necessary signatures.

11. Second Reading Ordinances: (First Read February 9, 2016)

    RECOMMENDED ACTION: Adopt the Ordinances.

II. CONSENT PLANNING AGENDA ITEMS

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

12. *ZON2015-00046 and CON2015-00034 – City Zone Change from Manufactured Housing to Limited Commercial with a Conditional Use for the Sale of Manufactured Homes on Property Generally Located Midway between 47th and 55th Streets South on the West Side of Meridian Avenue. (District IV)

    RECOMMENDED ACTION: Concur with the findings of the MAPC and approve the zoning, subject to platting within a year of approval by the governing body and the DAB's recommendation on the conditional use; instruct the Planning Department to forward the resolution for adoption and ordinance for first reading when the plat is forwarded to the City Council (requires a two-thirds majority of five votes to change the MAPC's recommendation).

13. *VAC2015-00047 - Request to Vacate a Platted Street Side Yard Setback on Property Generally Located Between East Harry Street and East Mount Vernon Road, West of South Webb Road, on the Southwest Corner of South Cooper and West Skinner Streets. (District II)

    RECOMMENDED ACTION: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order (simple majority of four votes required) and authorize the necessary signatures.

14. *VAC2015-00049 - Request to Vacate the Plattor's Text to Amend the Dedication and the Uses Permitted in a Platted Reserve on Property Generally Located East of North Amidon Avenue, North of West 29th Street North, on the West Side of Cromwell Drive. (District VI)

    RECOMMENDED ACTION: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and covenant (simple majority of four votes required) and authorize the necessary signatures.

15. *VAC2015-00050 - Request to Vacate a Portion of a Platted Drainage and Utility Easement on Property Generally Located South of West Kellogg Street, on the Northwest corner of South Oliver Avenue and East Orme Street. (District III)

    RECOMMENDED ACTION: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and the dedication of a drainage-utility easement by separate instrument (simple majority of four votes required) and authorize the necessary signatures.

16. *VAC2015-00052 - Request to Vacate a Platted Utility Easement on Property Generally Located Southeast of K-96 Highway and North Ridge Road. (District IV)

    RECOMMENDED ACTION: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order (simple majority of four votes required) and authorize the necessary signatures.

II. CONSENT HOUSING AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Carole Trapp, Housing Member is also seated with the City Council.

None

II. CONSENT AIRPORT AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

17. *Gateway Frontline Services, Inc. - Amendment No. 1 - Wichita Dwight D. Eisenhower National Airport.

RECOMMENDED ACTION: Approve the amendment and authorize the necessary signatures.

City of Wichita
City Council Meeting
February 16, 2015

TO: Mayor and City Council

SUBJECT: Quarterly Financial Report for the Period Ended December 31, 2015

INITIATED BY: Department of Finance

AGENDA: New Business

Recommendation: Receive and file the Quarterly Financial Report.

Background: The Finance Department prepares quarterly unaudited financial reports to monitor and review the financial activities of the operating and capital funds. The report is presented to provide the City Council and citizens with information that will assist in making informed decisions. The report is available on the City's website. Citizens may obtain a printed copy by contacting the Department of Finance at 268-4651.

Analysis: Comparisons of budgeted amounts to actual revenue and expenditures are provided for each operating fund. In addition, financial statements prepared on an accrual basis are presented for enterprise, internal service and pension trust funds, consistent with generally accepted accounting principles. The Quarterly Financial Report may not reflect all the transactions that relate to activities through December 31, 2015. The 2015 Comprehensive Annual Financial Report will incorporate all transactions and adjustments upon completion of the financial audit.

Financial highlights are summarized beginning on page iii, with financial statements beginning on page 1. Supplementary information, including the performance of invested funds, capital projects currently underway, and a quarterly summary of disadvantaged and emerging business activity is presented in the final section of this report.

Financial Considerations: The Director of Finance will provide a financial overview at the City Council meeting.

Legal Considerations: There are no legal considerations.

Recommendations/Actions: It is recommended that the City Council receive and file the Quarterly Financial Report for the period ended December 31, 2015.

Attachment: Quarterly Financial Report

Agenda Item No. IV-2

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council Members

SUBJECT: 2016-2018 Service Employees International Union Contract

INITATED BY: Human Resources Department

AGENDA: New Business

Recommendation: Approve the 2016-2018 Memorandum of Agreement.

Background: The City's negotiating team and the Service Employees International Union (SEIU) Local 513 have reached a tentative agreement on a Memorandum of Agreement for 2016-2018. SEIU represents 896 employees in various Departments throughout the organization. The union membership approved the contract on February 2, 2016.

Analysis: The agreement has a three-year term and will be in effect from February 16, 2016 through December 14, 2018. Eligible employees will receive merit based step increases and general pay adjustments as follows:

2016: 1.25% GPA (Effective 2/27/16) plus 2.5% merit step for those eligible
2016: 1.00% GPA (Effective 12/31/16) plus 2.5% merit step for those eligible including employees currently at the top of the pay range
2017: 1.00% GPA effective (12/30/17) plus 2.5% merit step for those eligible

Other language changes include the following:

- Ability to create new positions and remove those positions no longer budgeted.
- Reduce employee meeting time with union stewards from 45 minutes to 30 minutes with a confidential location if available.
- Employees called back to work who are on standby and report to duty shall receive two hours of pay at their regular rate. Those employees on standby are required to carry a communication device in their possession.
- Employees working during an emergency and who have worked 16 hours are then required to take an eight-hour break. They will be paid as straight time off if such hours overlap with their regular schedule.
- The union will be represented on the Accident Review Board and have a voice but not vote in any decision.
- Employees assigned to emergency operations are required to maintain a functioning phone.

This is a three-year agreement.

Financial Considerations: The agreement is consistent with the 2016 Adopted Budget. The 2016 cost of the GPA and related increases in salary based benefits is estimated at $1,067,148.

Legal Considerations: The Law Department has approved the agreement as to form.

Recommendation/Action: It is recommended that the City Council approve the proposed 2016-2018 Memorandum of Agreement between the Service Employees International Union Local 513 and the City of Wichita.

Attachment: Memorandum of Agreement

MEMORANDUM OF AGREEMENT

By and Between

The City of Wichita, Kansas

and

Service Employees International Union Local 513 AFL-CIO, CLC
Wichita, Kansas

This Memorandum of Agreement is entered into by and between the City of Wichita, hereinafter referred to as the City or Employer, and Service Employees International Union Local 513 AFL-CIO, CLC, hereinafter referred to as the Union.

Date Effective	February 16, 2016
Date Ending	December 14, 2018

TABLE OF CONTENTS

Article	Page
PREAMBLE	1
RECOGNITION	1
MANAGEMENT RIGHTS	2
EMPLOYEE RIGHTS	2
NO STRIKE – LOCKOUT	2
NONDISCRIMINATION	3
STEWARDS	3
PAYROLL DEDUCTION	4
GRIEVANCE PROCEDURE	5
MONETARY BENEFITS AND ALLOWANCES	7
INSURANCE AND RETIREMENT	9
SENIORITY – DIVISIONAL	10
JOB CLASSIFICATIONS	12
PROBATION	12
TIME OFF FOR EMPLOYEE ORGANIZATION BUSINESS	13
INJURY LEAVE	14
SICK LEAVE WITH PAY	15
LEAVES OF ABSENCES WITHOUT PAY	17
BEREAVEMENT LEAVE	18
VACATION LEAVE	18
HOLIDAYS	19
MILITARY LEAVE	20
EMPLOYEE BREAKS AND LUNCH PERIOD	20
LABOR/MANAGEMENT COMMITTEE	21
BULLETIN BOARDS	21
SAFETY	21
GENERAL PROVISIONS	22
SUBSTANCE TESTING	23
DURATION AND TERMINATION	24

PREAMBLE

1.00. This statement of understanding is made and entered into following meetings as specified in the Kansas Public Employee Relations Act. It is the desire of the parties to develop a harmonious and cooperative relationship that provides for mutual interests and efficient services for the citizens of Wichita.

This agreement has been ratified by the City of Wichita, Kansas, hereinafter called the "City" and Service Employees International Union Local #513 AFL-CIO, hereinafter called "the Union." This agreement shall constitute City policy for employees represented by Service Employees International Union Local #513.

The agreement between the City and the Union is to be for two years. This agreement is for the period beginning February 16, 2016, and ending December 14, 2018. By mutual agreement between the Union and the City, this agreement may be opened as to change or modification. Any subsequent statements of understanding which result from such reopening shall be set forth and made an amendment to this agreement and, when ratified by the Union and the City, shall constitute a change in policy for members represented by the bargaining unit.

RECOGNITION

2.00. The City recognizes the Union as the exclusive representative for the purpose of meeting and conferring and the settlement of grievances for those employees designated in the bargaining unit.

2.10. The bargaining unit consists of all full-time employees of the City of Wichita, as defined by the Act, who are not exempted as confidential, supervisory or professional employees. In accordance with the order of the Public Employees Relations Board of June 14, 1991, as amended and agreed to by Service Employees International Union #513 and the City of Wichita upon annual review, incorporated therein by reference, or who are not further excluded pursuant to the May 14, 1991, PERB order and amendments thereto, because they are employees of one of the following:

Library Board
Art Museum Board
Metropolitan Area Planning Department
Wichita-Valley Center Flood Control Project
Wichita Transit
Employees Represented by FOP, Local #5
Employees Represented by IAFF, Local #135
Employees Represented by Teamsters, Local #795

2.20 The June 14, 1991, PERB Unit Determination order and June 14, 1991, agreement excluding supervisory, confidential and professional employees are hereby incorporated by reference as though fully set out and contained herein. Appendix B reflects the 1991 Unit Determination with agreed to modifications. This list in no way limits the City from creating

new positions throughout the life of the contract and does not prevent removal of positions that are no longer budgeted.

2.30. This Agreement does not apply to part-time and limited employees.

MANAGEMENT RIGHTS

3.00. The Union recognizes that except to the extent abridged by provisions of this Agreement, the City reserves and retains all of its rights to manage its own affairs. The rights of Management which are not abridged by this Agreement shall include, but are not limited to: its right to determine the services and level of services to be offered by the City of Wichita, Kansas, to establish or continue policies, practices and procedures for the conduct of the operation of the City and from time to time change or abolish such policies, practices and procedures; the right to determine and from time to time to re-determine the types of operations, methods, and processes to be employed; to discontinue processes or operation or to discontinue their performance by employees of the City; to determine the number and types of employees required; to assign work to such employees in accordance with requirements determined by the employer; to establish and change work schedules and assignments; to schedule and assign overtime as determined necessary; to transfer, promote or demote employees, or lay off, terminate or otherwise relieve employees for lack of work or other legitimate reasons; to determine the fact of lack of work; to discipline for just cause; and otherwise to take such measures as the employer may determine to be necessary for orderly and efficient operation of the public service.

The above rights, responsibilities and prerogatives are inherent in the City of Wichita and its management and cannot be subject to any grievance or arbitration proceedings except as specifically provided for in this Agreement.

EMPLOYEE RIGHTS

4.00. Public employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing, for the purpose of meeting and conferring with public employers or their designated representative with respect to grievances and conditions of employment. Public employees also shall have the right to refuse to join or participate in the activities of the Union.

NO STRIKE – LOCKOUT

5.00 The Union shall not authorize, cause, aid, ratify, condone nor shall any bargaining unit employees take part in, aid, render assistance to, or support any strike, sit-down, slowdown, stoppage of work, boycott, picketing or other interruption of work at any facilities or in the operation of the City.

5.10. The City shall not institute any lockout as defined by K.S.A. 75-4322(s) during the term of this Agreement.

5.20. If it is necessary for any employee to cross a picket line at any business in the furtherance of the employee's duties, adequate precautions shall be taken by the City to insure the employee's safety when necessary.

NONDISCRIMINATION

6.00. No employee shall be discriminated against because of race, color, national origin, age, sex, religion, ancestry, sexual orientation, disability, marital status, political affiliation or other non-merit factors or because of union activity or non-union activity by either the City or the Union.

If any grievance is filed under this section and any complaint is filed with any other board, agency or court with concurrent jurisdiction concerning the same incident, said grievance and response times shall be held in abeyance until the other board, agency or court has rendered its decision. Regardless of the stage of proceedings in the grievance procedure, any responsive filing must be made within five (5) days of receipt by the employee of the decision of said other board, agency or court.

STEWARDS

7.00. The employer shall recognize only the job stewards and alternates, not to exceed one per 30 employees in the unit, whose names have been submitted to the City in writing by the Union.

7.10. The authority of job stewards and alternates so designated by the employee organization shall be limited to and shall not exceed the following duties and activities while in pay status:

(a) The investigation and presentation of grievances in accordance with the provisions of the collective bargaining agreement.

(b) The transmission of such messages and information which shall originate with, and are authorized by the union or its officers, provided such messages and information:

(1) have been reduced to writing; or

(2) if not reduced to writing, are of a routine nature and do not involve work stoppages, slowdowns, refusal to work or any other interference with the employer's business.

(c) Other duties are specifically provided for in this Agreement.

(d) Upon request, job stewards and/or representatives will be given 30 minutes prior to the end of the regular work shift to meet represented

employees in a work group in order to discuss or investigate grievances or discuss conditions of employment. The date must be scheduled with management in advance and after consideration of operational needs, will not be unreasonably denied. In the event that the meeting is to investigate a grievance or interview witnesses, management may provide space for confidential discussions if available. Nothing in this paragraph is intended to interfere with the right of job stewards or representatives to meet with employees during regular lunch breaks or before or after work.

7.15. The job stewards shall not absent themselves from their place of work to attend to union business and grievance matters without the permission of their immediate supervisor. Requests for time to handle union business and grievance matters, below the level of the Employee Relations Officer, shall be granted at the discretion of the immediate supervisor. Such permission shall not be unreasonably withheld. Stewards shall be granted not to exceed three (3), forty five (45) minute periods per work week to attend to union business and grievance matters at the Division and Department level. The forty five (45) minutes shall be used at the end of the shift unless the immediate supervisor grants another time.

PAYROLL DEDUCTION

8.00. The City agrees that, whenever duly authorized by any employee on a form or forms appropriate for such purpose and consistent with the regulations established by the Human Resources Department, payroll deductions shall be made and paid over in accordance with such form or forms for any or all of the following purposes:

(a) Donations to the Employee Assistance Fund.

(b) Premiums for employee benefits.

(c) Deduction to Wichita Federal Credit Union.

(d) Union dues.

(e) Deferred compensation.

(f) And any other deduction approved by Union and the City.

8.10. Any such authorized deduction shall become effective following the filing of the authorization or revocation card in accordance with procedures established hereunder by the Human Resources Department. An employee's item (d) deduction shall continue until employment is terminated or by providing written notice to the employer during the month of December. The union dues deduction will be discontinued the first pay period following January 1 if possible.

8.20. The union will indemnify, defend and hold the City harmless against any claims made and against any suits instituted against the City due to any action taken or not taken by the

City in good faith under the provisions of this article. In no event shall the City be liable for any damages concerning the Union dues of employees other than the collection and forwarding of dues that are duly authorized by the employee.

GRIEVANCE PROCEDURE

9.00. A grievance is defined as any dispute involving the application or alleged violation of any provision of this Agreement other than as stated herein. The grievance procedure shall not apply to discipline referred to as a letter of counseling or a verbal warning. In situations involving either letters of counseling or verbal warnings, the Employee Relations Officer may be asked to verify the existence of the policy or practice which was the basis for the letter of counseling or verbal warning. A work day is defined as Monday through Friday, excluding holidays.

9.10. Any grievance as defined by Section 9.00 of this article shall be settled in the following manner:

(a) The grievance shall be taken in writing to the employee's division director within ten (10) work days after the grievance occurs or within ten (10) work days after notification of written reprimand, suspension, demotion, or termination by the aggrieved employee and/or union representative. The division director will render a decision within ten (10) work days. A copy of the grievance response will be mailed and faxed or e-mailed to the SEIU office within this ten (10) workday period.

(b) Should the grievance not be resolved by the division director the employee and/or the union representative may take the grievance to the Department Director. The employee and/or the union representative must initiate the grievance in writing to the Department Director with ten (10) workdays from the date of receipt of the action of the division director. The Department Director will render a decision within ten (10) workdays. A copy of the grievance response will be mailed and faxed or e-mailed to the SEIU office within this ten (10) workday period.

(c) Should the grievance not be resolved by the Department Director, the employee may, within ten (10) workdays of the completion of step (b), put the grievance in the form of a signed letter and send it to the Employee Relations Officer. The Employee Relations Officer shall require of the Department Director a letter to the Employee Relations Officer setting forth specific reasons for the decision made by the Department director. This letter must be submitted to the Employee Relations Officer within ten (10) workdays.

(d) The Employee Relations Officer shall, within ten (10) workdays after receipt of the letter from the employee, contact the employee organization, the employee and all supervisory personnel concerned, and attempt to

resolve the grievance. The written results of the findings of the Employee Relations Officer will be given to the employee, the employee organization, and to the Human Resources director within fifteen (15) workdays of the receipt of the employee's original letter. Upon verbal request of the ERO a five (5) day extension of the time limit may be granted. A copy of the ERO's grievance response will be mailed and faxed or e-mailed to the SEIU office within this fifteen (15) workday period.

(e) If the grievant is not satisfied with the Employee Relations Officer's finding, the grievant may within ten (10) work days appeal the grievance to the Grievance Board. The Grievance Board shall consist of two (2) persons selected by the Union and two (2) persons selected by the City. The Employee Relations Officer and the Union Business Agent shall select a fifth person to act as chairperson. Any costs for the services of the chairperson shall be shared equally by the Union and the City.

(1) The purpose of the Grievance Board shall be to:

a. Investigate and determine facts;
b. Recommend settlement of the grievance consistent with the facts and the terms of the contract.

(2) The Employee Relations Officer shall act as secretary to the Board, and shall handle all correspondence. The Board shall draw all necessary rules and regulations for conducting its fact-finding hearings. The rules and regulations shall provide for the grievant and the City to:

– present evidence supporting their position.
– call witnesses.
– cross examine witnesses.
– be represented by counsel at the hearing.
– provide for a record of the hearing.

Said rules and regulations shall be reviewed and approved by the Union and management. The recommendation of the Board shall be forwarded to the City Manager within ten (10) work days of the conclusion of the hearing.

(f) The City Manager shall render a decision within ten (10) work days of receipt of the Grievance Board recommendation and his/her decision is final. In the event the City Manager reverses the recommendation of the Grievance Board, the reason(s) and finding(s) will be provided to the grievant in writing.

(g) In cases of termination, the grievant may proceed directly to step (d) of this procedure within ten (10) days from the employee's receipt of termination notice.

9.15. When a matter subject to the Grievance Procedure has been grieved, and is then the subject of a prohibited practices complaint under the jurisdiction of the Public Employee Relations Board, said grievance and response time shall be held in abeyance until the Public Employee Relations Board has rendered its decision. Regardless of the stage of proceedings of the Grievance Procedure, any responsive filing must be made within five work days of the receipt by the union of the decision of the Public Relations Board. Nothing in this article shall relieve the employer or the Union of its responsibility to make initial filings under the grievance procedure within ten (10) work days of the occurrence of the grievance. Failure to file a grievance within the initial ten (10) work days of occurrence waives the right of the employee and the Union to grieve the matter after the Public Employee Relations Board has rendered its decision.

9.20. Any letter of disciplinary action to be placed in an employee's personnel file shall specify the date when the letter is to be removed from the file (provided no subsequent discipline has been imposed during said period), or if appropriate, specify that the letter is permanent and shall not be removed from the file. Records of discipline involving no loss of pay will remain in an employee's file for one year from the date of the violation and will be removed at the employee's request if no other violations have occurred in that time period. Disciplinary action resulting in a loss of pay, injury to an employee, or damage to City property/ property of the general public/ City equipment/ equipment of the general public becomes part of the employee's personnel record.

9.30. When employees are scheduled by their supervisor and/or any other superior within their department, to attend a meeting concerning disciplinary action, or before a Safety Review Board, the person scheduling them shall advise them that they have the right to have a union representative attend the meeting with them. The employee will be allowed an appropriate amount of time for scheduling a union representative, overnight if necessary.

9.35. Unpaid Suspensions. Employees receiving discipline in the form of unpaid suspensions from one (1) to five (5) days, may choose to continue to work by forfeiting the appropriate number of accrued paid vacation days in lieu of the unpaid suspension, not to exceed ten (10) working days per calendar year.

MONETARY BENEFITS AND ALLOWANCES

10.00. Wages. Wages shall be increased 1.25 as set forth in Appendix A effective February 27, 2016. For the year 2017, wages will be increased 1.00 effective December 31, 2016. For the year 2018, wages will be increased 1.00 effective December 30, 2017.

10.10. Overtime. Nonexempt employees will be paid at the rate of time and one-half for all hours worked in excess of forty (40) hours per week.

Except for holidays (Personal Holiday not included), injury leave and jury duty, leaves of absence will not be included as hours worked when computing eligibility for overtime even though the leave may have been paid leave. However, if an emergency exists as determined by the employee's division director, the employee shall receive overtime pay at the rate of time and one-half of the regular rate of pay, providing that the employee is in pay status for the 40-hour work week. An emergency is defined as any situation that may result in damage or loss of property, injury to the public or endangerment to the public health.

An employee assigned to a ten-hour or twelve-hour day, who takes such work day as a Personal Holiday, shall be paid ten or twelve hours pay for said Personal Holiday, but the Personal Holiday shall not be considered as hours worked for overtime purposes.

10.20. Work Week – Defined. For the purpose of this Agreement, a work week shall be defined as a 7-day period commencing at 12:01 a.m. Saturday, and ending at 12:00 midnight on Friday.

10.30. Standby Pay. An employee who is on standby and is required to be available for duty, is required to have communication device in their possession. If an employee is required to report for duty, standby pay of $1.00 per hour will be continuous and be paid in addition to the hours actually worked.

10.31. Call Back. An employee on standby, who is called back and reports to duty, shall be guaranteed two hours pay at the regular rate. Employees who are not on standby, but who are called back to duty, shall not be subject to discipline if not available.

10.40. Within-Range Salary Increases. Frequency of Increases – Within range increases from A to B step, B to C step, C to D step, D to E step, E to F step, F to G step, G to H step, H to I step, I to J step, J to K step, K to L step, L to M step, M to N step, and N to O step may be granted after 12 months of satisfactory service in step. Effective December 31, 2016, a new P step will be added.

10.45. Merit Pay. The pay plan adopted by the City is a merit system. The union recognizes that merit increases are granted upon satisfactory completion of the required time in grade for each step and for work performance that meets or exceeds expectations of the position. The union recognizes that merit increases may also be deferred for work performance reasons. However, when a merit increase has been approved by the division/department and has not been processed so that the employee receives his/her increase at the scheduled pay period effective date, and where the processing delay was due to no fault of the employee, or circumstances beyond the control of the City, the employee shall be paid retroactively to the scheduled date of the increase. Exceptions must be approved by the Human Resources Director. For any merits that occurred between December 19, 2015 and February 15, 2016, employees will be paid retroactively upon receipt of the performance appraisal.

10.46. Promotion. Employees who are promoted will be placed on the step of their new range on the salary schedule at the step that provides them at least a 3% pay increase.

10.47. Acting Pay. An employee who is temporarily reassigned to perform the duties of a higher pay range for three consecutive months will receive at least a 3% pay increase retroactive to the start date of duties of the higher classification. The employee's pay will revert to the proper pay level in the job classification when reassigned to their former duties. The employee's merit anniversary date will not change as a result of temporary reassignment and the employee will receive all merit increases for job performance that meets expectations.

10.48. Reclassification. Employees who are reclassified to a higher pay range will be placed on the step of their new range on the schedule at the step that provides them at least a 3% pay increase. If a position is reclassified to a lower level, and the incumbent employee's pay is more than the maximum salary in the new range, the pay will be reduced to the maximum for the new pay range. Employees reclassified to a lower pay range whose pay is below the range maximum of the new pay range will be placed on the step with pay closest to their current pay that is not a wage increase.

10.50. Shift Differential. Employees shall receive $.75 per hour for time actually worked between 6:00 p.m. and 6:00 a.m. Payment shall be for time worked in increments of every 6 minutes. If employees work more than half the time between six minutes segments, they are paid at the next highest 6 minute segment. (e.g., If they work 9 minutes they are paid for 6 minutes of shift differential. If they work 10 minutes they receive 12 minutes of shift differential.)

10.60. Longevity Pay. In consideration of long and faithful service, the City shall, in addition to regular salary, pay longevity pay to long-term employees. To receive longevity pay, the employee must have completed 6 years' total accumulative service with the City. The monthly amount of this pay shall be $2.00 per month times the employee's total years accumulative service with the City. For employees who have completed eleven (11) years total accumulative service with the City the amount shall be $5.00 per month times the employee's total accumulative service with the City.

Rehired employees with prior creditable service will earn longevity pay based on their adjusted start-work date after completion of two years of continuous fulltime service after re-employment.

10.70. Date of Pay. Employees will be paid on a biweekly basis. The pay day shall be on the Friday following the regularly-scheduled two-week pay period, and shall include pay for all time worked during the pay period. When the pay day falls on a regularly-established holiday, employees shall receive payment the preceding day. Payments shall be made available to all employees prior to the end of the shift on pay day. Employees who are separated or whose services are terminated may receive their pay only on the next established pay day.

10.80. Allowances – Automobile Expenses. Employees shall be reimbursed for all travel and business expense in accordance with the City's administrative policies and regulations governing reimbursements.

INSURANCE AND RETIREMENT

11.00. Health Benefits. The City will extend to all employee groups the same health insurance plan available to all full-time City Employees. For those participating in the City plan, the City will pay at least 80% of the health insurance premium of any health insurance plan offered by the City. The employee will pay up to 20% of health insurance costs of any health insurance plan offered by the City.

Participation in the health insurance plan is optional with each employee.

11.05. Life Insurance. The City agrees to provide group life insurance in the amount of two times the employee's base annual salary, rounded up to the next higher thousand. The City and employees shall share equally in the cost of the life insurance plan. The life insurance program is optional with each employee.

11.10. Retirement Plan. Full-time employees shall come under the retirement system as set forth by City of Wichita ordinance. Union employees agree to be bound by any and all changes in the retirement system that are approved by the majority vote of all employees covered by the system.

SENIORITY – DIVISIONAL

12.00. Seniority shall be defined as length of continuous service with the City.

12.10. Divisional seniority is the length of time an employee has been in a division.

(a) Divisional seniority shall control in case of shift change, transfer of location within the division, vacation scheduling and overtime rotation. Should realignment of City structure occur where employees would have to transfer from one division to another, divisional seniority will be considered. Seniority will be the determining factor in promotions when all factors considered in determining the best qualified employee are equal.

(b) Layoffs – when a reduction in force becomes necessary because of phase-out of a program, reduction in funds or other similar reason, the following procedure will apply:

(1) The Department Director will identify the specific number and type of job classifications to be reduced.

(2) The Human Resources Department will develop a ranked list of employees in the affected job classification. Employees will be selected on the basis of inverse order of seniority with the City. Performance appraisals may be used if employees have same city seniority.

(3) The list of job classifications and names of employees selected will then be submitted to the Human Resources Director. The Human Resources Director will obtain the approval of the Appointment Authority prior to lay-off. The Union will be provided a copy of the list of any bargaining unit employees selected for lay-off.

(4) An attempt will be made to provide employees selected for layoff with two-weeks' advance notice.

(5) An employee who is to be laid off and who has previously occupied a lower position within the division can displace or "bump" an employee in that lower position with less seniority.

Employees may not "bump" an employee in another division regardless of seniority. If the employee elects to accept the lower position (optional) rather than being laid off, the employee's pay will be at the pay step closest to the previous pay that is not a pay increase.
Any bargaining unit employee whose position is eliminated, and who cannot take advantage of bumping rights, will be allowed to fill any vacant bargaining unit position for which the employee meets the minimum qualifications and which could not be a promotion for the employee whose position is to be eliminated. These employees will not be placed on a recall list.

(6) Recall of employees shall be limited to the division of the City from which they were laid off. Recall shall be in reverse order of layoff (i.e., the first employee laid off will be the last to be recalled). Employees laid off while in probationary status have no rights to recall. Employees laid off shall remain on a recall list for six months, and are required to keep the Human Resources Department informed of their current address. Employees who refuse a recall or accept another position with the City shall be removed from the recall list.

(7) During the recall period, laid off employees will receive first consideration in filling any job vacancies in the same job classification from which the employee was laid off, or any position in another job classification, that may occur and are advertised to the general public provided that the laid off employee makes application and is qualified to perform the job. Employees re-employed under this provision will be treated as rehired employees pursuant to the rehire provisions contained in the City's Human Resources Manual. Any employee who is re-employed under this provision will be removed from the recall list.

12.20. Questions arising concerning divisional seniority of an employee shall be handled in the following manner: the business representative of Service Employees International Union shall contact the Human Resources Director, when a question of divisional seniority of an employee arises. The Human Resources director or the Human Resources Director's appointee, upon request from the Union, shall furnish the available information from the City's records. Personally identifiable confidential information will only be disclosed upon presentation of a signed request of the employee(s) involved.

JOB CLASSIFICATIONS

13.00. The City shall establish an outline of duties for each job classification established by the City. Such job classification shall be of such a nature that insofar as possible, there shall be no overlap of duties. Furthermore, in all instances, each classification shall represent an easily understandable group of job duties.

13.10 The City will give first consideration to filling promotional SEIU job vacancies to qualified fulltime non-probationary employees. Job openings in Range 619 and above **may** be posted for five working days, however, the City reserves the right to reduce the posting to three days if advisable. The job opening shall list salary range, classification, brief job description, department, division and shift/work location if known. Posting of said jobs does not preclude the department or division director from considering employees within the department or division for promotion in keeping with normal career progression. Furthermore, when the intent is to fill said vacancy by internal promotion, the notice of said opening when posted shall state, "Employees within the department or division shall be given first consideration for the above position."

13.20. Management has the right to transfer employees to vacant positions, which are not a promotion, without posting, for ADA or health related reasons.

PROBATION

14.00. Length of Probation. The probationary period shall be 6 months for new employees. An exception to the above may be made for a probationary employee who has:

(a) been injured on the job or off the job and has missed more than two weeks of work; or

(b) had a serious illness, major surgery, etc. and has missed more than two weeks of work.

With the concurrence of the Human Resources Director the probationary period may be extended for the length of the time missed. The extension of a probationary period shall not exceed 60 calendar days, and the employee shall be informed of the decision in writing.

14.10. An employee may be terminated at any time during the employee's probationary period. A probationary employee will not be permitted to grieve his/her release during the probationary period.

TIME OFF FOR EMPLOYEE ORGANIZATION BUSINESS

15.00. The City recognizes the right of the Union to designate employee representatives pursuant to paragraph 7.00 herein. The Union will notify the Employee Relations Officer within ten days of the effective date of this Agreement of the names of the employee representatives. Changes in employee representatives must be reported to the Employee Relations Officer.

(a) Time off with pay for Union business shall be allowed for the following purposes:

(1) Negotiating a successor agreement with the City. This time off will be limited to the actual meeting time on the days when both negotiating teams are in session or caucus. The maximum number of hours of pay the City will provide to Union officers and stewards attending contract negotiations will be limited to 300 hours per contract.

(2) Grievance hearings at the Employee Relations Officer and Grievance Board levels. If requested, and if reasonable, representatives will attend grievance hearings at these two levels. Representation is limited to one representative for the grievant and the two Union members on the grievance board. This time off is limited to actual Grievance Board hearing time and does not include pro or post hearing conferences with the grievant. If an employee representative is not available, a member of the Union office may be requested to attend.

(3) City Labor-Management Committee meetings.

(4) Time off without pay and without loss of seniority rights shall be allowed to three employees designated by the Union to attend labor conventions or serve in any capacity on official business of the Union not covered by subsection (c), provided that no employee shall be entitled to more than 40 work hours off under this provision in any calendar year. The Union shall give one week's written notice of such leave request to the division head involved. The Union agrees that in making such request for time off under this provision, due consideration will be given to the number of employees affected in order that there shall be no disruption of the City's operations because of a lack of available employees.

(b) The representatives shall not absent themselves from their place of work to attend to contract negotiations without the permission of their

immediate supervisor. The request shall be in writing. The request shall be granted at the discretion of the immediate supervisor and shall not be denied unless reasonable work assignments prevent such permission from being granted.

(c) The Union officers and designated stewards shall report the time of their departure to engage in Union business and the time of conclusion thereof. If the time of conclusion comes after the employee's regular shift ends, the end of the shift shall be recorded as the conclusion of the time off.

(d) Union officers and designated stewards who wish to absent themselves from their place of work to attend to other Union business shall, after exhausting time allowed in 7.15, do so by using personal leave (vacation, well day, or personal holiday), with permission of their immediate supervisor.

(e) Union officers and stewards who are permitted to be absent from their regular positions on personal leave and with permission of their immediate supervisor, shall use the time at the beginning or end of the shift unless the immediate supervisor grants another time.

INJURY LEAVE

16.00. Full-time employees injured while performing their assigned duties may receive full salary for the first 90 consecutive days from the date of the injury. Probationary employees will be paid in accordance with provisions set forth by State Statute. In no event will the employee be permitted to receive an amount greater than regular pay.

16.10. Injury leave of more than 90 consecutive days shall be handled in accordance with the provisions of the Workers' Compensation Act. Employees shall use accrued Sick Leave and Vacation Leave to supplement Workers Compensation to allow employees to receive a check equivalent to their normal take-home pay. Benefits are not accrued on the portion of Workers' Compensation received. In the event all Sick Leave and Vacation Leave are taken, the employee will then be paid according to the terms set forth in the Workers' Compensation Act until the employee is released to return to work.

16.20. Employees on long term Injury Leave will not receive merit increases. The advancement date will be adjusted by the length of time the employee is on Injury Leave.

16.30. Heart and lung disease may only be considered as an injury when it can be attributed to an act of duty which cause is in the nature of a traumatic experience. Traumatic experience is defined as an experience above and beyond the normal call of duty that causes the injury resulting in heart or lung disease.

16.40. Recurring Injury Leave. Recurring leave of absence relating to a previous injury shall be considered one and the same injury, if the injury occurs within 365 days, subject to

administrative analysis and diagnosis of the injury reported by the attending physician. However, if recurring leave related to a previous injury is required after one year (365 days) from date of release by the physician and return to work, such leave will be treated as a new injury.

16.50. Official Certified Appointed Physician. The Risk Manager will provide Department Directors, division directors and the Union with names of the doctors appointed to handle cases coming under the Workers' Compensation Act.

An employee who sustains an injury while on the job shall first obtain permission from the employee's supervisor before consulting or obtaining treatment for such injury from a physician. whether such physician is City appointed or the employee's personal physician. Workers' Compensation requires notification of the employer within ten (10) days of the injury.

In the event of a life-threatening injury, 911 should be called to dispatch emergency medical personnel to treat and transport the injured employee to the nearest approved medical facility.

16.60. Use of Unauthorized Physician. The City is not responsible or liable for any physician's bill for consultation or treatment of injuries which an employee sustains while the employee is not on the job.

If an employee on Injury Leave desires a second opinion, the employee may obtain a second opinion subject to the limitations of the Workers' Compensation Act. Prior approval of the Workers' Compensation Administrator is required. If the employee fails to obtain the Workers' Compensation Administrator's permission, the City shall not be liable or responsible to pay the physician's bill.

Nothing herein shall be construed to negate the provisions of the Kansas Workers' Compensation Act.

SICK LEAVE WITH PAY

17.00. Sick Leave.

(a) Accrual. Upon appointment to the position, employees shall accrue Sick Leave at the rate of one-half day per month (6 days per year) for the first five years of creditable service. Beginning year six and through year fifteen of creditable service, Sick Leave will be accrued at the rate of one day per month (12 days per year). Beginning year sixteen of creditable service, Sick Leave will be accrued at the rate of 1.167 days per month (14 days per year).

Employees with prior creditable service are eligible to accrue Sick Leave benefits based on their adjusted start work date after two years of continuous service from the date of rehire.

(b) Sick Leave Use. Sick Leave may be used for personal and immediate family illness, doctor appointments, surgery, disability (including maternity leave), paternity leave, off-the-job injury, on-job injury (when Injury Leave is exhausted), and enforced quarantine or for purpose allowed for Family and Medical Leave to the limits stated.

(1) Dependent Illness. Sick leave may be used for illness of members of the employee's immediate family. Immediate family is defined as spouse, parent, children (including stepchildren). In addition, it includes any relative living in the employee's home.

(2) Enforced Quarantine. Sick Leave is allowed for enforced quarantine in accordance with community health regulations.

(3) A probationary employee will not be paid for accrued Sick Leave used during the first six months of service. Payment for Sick Leave for other than probationary employees is in accordance with established policies previously defined. The accumulation of Sick Leave is unlimited.

(c) When taking Sick Leave, an employee shall give notice to a supervisor by telephone or messenger prior to the employee's time to report for duty that the employee will be absent because of personal or family illness or injury. When an employee has been on Sick Leave for 20 work days, the City may require the employee to be examined by a physician it designates at City expense.

(d) A leave of absence shall be granted for maternity upon request. Such request must be presented in writing to the employee's immediate supervisor, setting forth a date such leave is to begin, as soon as that date can be determined by the employee and the employee's physician. Return to work shall be as soon as reasonable after delivery, as permitted by a signed release by the employee's physician. Maternity leave shall be charged against accrued Sick Leave, and the Department Director or the Human Resources Director may require the employee to be examined by a physician of the City's choice. If maternity leave extends beyond the employee's accrued Sick Leave, leave may be granted in accordance with policies governing sick leave without pay.

(e) A leave of absence shall be granted for paternity leave upon request. Such request must be presented in writing to the employee's immediate supervisor, setting forth a date such leave is to begin, as soon as that date can be determined by the employee and the employee's partner's physician. Return to work shall be as soon as reasonable after delivery, up to a maximum of 12 weeks, as permitted under FMLA. Paternity leave may be charged against accrued sick and/or vacation leave.

17.20. Well Day. An additional day of leave shall be granted to an employee who has completed the payroll year as a full-time employee and who has not used more than 24 hours of Sick Leave in the preceding payroll year. Any employee who completed the previous payroll year as a full-time employee and who did not use any Sick Leave hours during the payroll year will receive one more additional day of leave. Well Day leave must be taken in increments of not less than thirty (30) minutes, or, according to department rules, with prior approval of the employee's supervisor.

Well Day leave may be granted the second pay period of the following payroll year. It is not cumulative and is not charged against any leave accumulation.

17.30. Reporting Sick Leave

(a) Prior to the employee's scheduled time to report for duty, the employee must notify the employee's office or immediate superior by telephone or messenger that the employee will not work that day.

(b) A doctor's release to return to work must be submitted when the leave extends beyond five (5) consecutive calendar days (40 hours) or can be required if an employee has 48 or more undocumented sick leave hours in a calendar year. Employees are required to keep their supervisor appraised of their progress and anticipated return to work.

17.40. Copies of any forms required under this provision or any other provisions of this contract will be furnished to the Union by the City.

17.50. The City and Union agree to comply with the provisions of the Family and Medical Leave Act. The exact provisions are outlined in the Human Resources Manual.

Requests for leave under the Family and Medical Leave Act should be made to the employee's immediate supervisor at least 30 days prior to the commencement of leave, or as soon as practical/possible in the case of unplanned emergencies. Application forms are available in the Human Resources Department.

17.60. Sick Leave Without Pay. If an employee has exhausted all regular Sick Leave and all accrued vacation leave, the employee may be granted Sick Leave without pay, upon approval of the Department Director, for a period not to exceed sixty (60) calendar days. The sixty day period may be extended by the City Manager upon recommendation of the Department Director.

The procedure for reporting Sick Leave without pay is the same as for reporting Sick Leave with pay.

LEAVES OF ABSENCES WITHOUT PAY

18.00. The City may grant leaves of absence without pay of up to sixty (60) calendar days, upon approval of the Department Director. However, this period may be extended by the City Manager on the recommendation of the Department Director. Leave of absence without pay will not be granted until all vacation leave has been exhausted.

Requests for leave of absence without pay shall be submitted in writing to the Department Director, stating reasons for the request, the date the leave shall begin and the probable date of return.

BEREAVEMENT LEAVE

19.00 In the event of a death in an employee's immediate family: spouse, children, (stepchildren), parents, (stepparents), state-approved foster child, or any relative living in the employee's home, the employee may be allowed a leave of absence with pay up to a maximum of five (5) work days to be taken within a two week period following the death of the family member. For the death of a brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, or grandchildren, employees may be allowed up to three (3) workdays to be taken within a two week period following the death of the family member. This leave must be approved by the department or division director, and is not charged against any leave accumulation. Documentation of funeral or death may be required.

19.10. An employee who is unable to work because of a death in the immediate family must, prior to the employee's scheduled time to report, notify the employee's office or immediate supervisor by phone or messenger.

VACATION LEAVE

20.00. City employees earn vacation on the basis of credited service in accordance with the following:

(a) All full-time employees earn vacation benefits.

(b) Vacation Leave will be earned on hours in pay status, exclusive of overtime, and will be calculated at the time the payroll is processed.

(c) Base hours for computing Vacation Leave are 2,080 per year for employees of the unit.

(d) The rate at which Vacation Leave is earned is determined by the start-work date or adjusted start-work date, except:

(e) Employees with prior creditable service are not eligible to earn Vacation Leave based on their adjusted start-work date until after completion of two years of reemployment.

(f) Vacation Leave may not be taken in advance of vacation earned, nor prior to completion of the probationary period. Employees must have satisfactorily completed their probationary appointment and have been removed from probationary status before being eligible to take vacation or being paid for terminal vacation.

(g) The vacation schedule for all employees is as follows:

YEARS OF SERVICE	DAYS OF VACATION
<5	10
5 – 9	15
10 – 15	17
16 – 20	20
21 +	25

(h) An employee who goes on Military Leave for extended active duty, or is terminated will be paid for any unused Vacation Leave. Employees on Military Leave may choose to leave their unused Vacation Leave until they return to work or be paid for the accrued vacation at the time they start Military Leave. Employees must complete their probationary appointment to be eligible to receive terminal vacation pay.

(i) Vacation Leave is scheduled in the department according to the policies established by the Department Director. Vacation may not be taken in excess of the hours appearing on the payroll stub. Vacation Leave may be taken in thirty-minute increments unless precluded by department policy.

(j) Employees are allowed to accumulate and carry forward each year 240 hours of Vacation Leave. Employees will be required to use or lose vacation earned in excess of 240 hours before the end of the pay period in which their anniversary date occurs.

HOLIDAYS

21.00. Employees receive eleven holidays with pay observed by the City of Wichita. The City has adopted the federal long weekend plan, which means that the holiday is the day which is observed by the City.

21.10. Holidays observed shall be New Year's Day, Dr. Martin Luther King Jr.'s Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day, and Personal Holiday. Personal holiday will be individually scheduled by the Department Director. Employees must have been removed from probationary status before being eligible to take a Personal Holiday.

21.15. A 28-day period is established for scheduling an alternate holiday for S.E.I.U. represented employees of the Police Department and Airport Safety Division/Airport Operations Division whose job assignments are in the functions staffed with multiple shifts that are critical to the mission of the Police Department or Airport. The employee shall be granted the actual holiday off when law enforcement activities permit. If an employee is required to work on the holiday, the employee shall be given time off to be taken on a day selected by the employee within the 28-day work period in which the holiday falls, to be taken off as law enforcement or airport activities permit.

If a Police Department or Airport Safety/Airport Operations employee, as described above, cannot take an authorized holiday off within the 28-day work period in which the holiday falls, and is required to work, the employee shall be compensated in addition to his/her regular pay, at time and one-half for the hours worked.

21.20 Working on holidays. If an employee is required to work on the observed holiday, the employee will be paid time and one-half for the hours worked, in addition to holiday pay for the normal number of hours they are scheduled to work.

21.30. Holiday Pay will be disallowed when an employee:

(a) Does not comply with a request to work on a holiday.
(b) Is not in pay status on the working day preceding and the working day following the holiday.

21.40. Holidays while on leave. Holidays that are observed during an approved leave of absence with pay, except Injury Leave, are not charged as days of leave taken.

21.50 Additional holidays. When an additional non-working day is declared by the Appointing Authority, such non-working day shall be treated in accordance with the policy governing holidays.

21.60. Holidays falling on non-work days. When a legal holiday is observed on the first non-work day (employee's Saturday), the preceding work day shall be observed; and when the holiday falls on the second non-work day (employee's Sunday), the following work days shall be observed.

MILITARY LEAVE

22.00. Requests for military leave will be handled in accordance with Title 38, U.S. Code, Section 2021 et seq.

EMPLOYEE BREAKS AND LUNCH PERIOD

23.00. Employee Breaks. The rest break is recognized as a factor which contributes toward efficient employee output. To permit employees the full benefits of a break period and to

avoid any unfavorable impression which may be given when a number of employees congregate in public areas, the following policy shall regulate employee breaks.

(a) Employees will be permitted a maximum fifteen minutes rest break each morning and each afternoon. Rest break time will not be accumulated.

(b) Breaks will not be taken during the first or last hours of the work shift or used to extend lunch periods.

(c) Rest breaks will be taken within the department or division areas or other areas provided by management for such purposes whenever possible.

(d) Employees at a temporary work site will be expected to remain at the work site during their rest periods unless released by their supervisors. Complaints regarding unreasonableness of supervisors in regard to rest breaks may be brought to the attention of the division director by stewards. No grievance can be filed under this provision, however the employee or Union may request an informal review by the Employee Relations Officer.

23.10. Lunch Break. Each employee shall be allowed not less than one-half hour nor more than one hour per day as a lunch break. Said time is the time of the employee to be used in whatever manner the employee desires. However, the employee shall be back on the job by the end of the lunch period. The City will not be required to provide transportation for employees wishing to take their lunch period away from the job site.

LABOR/MANAGEMENT COMMITTEE

24.00. Labor/Management Committee. The City-wide Labor/Management Committee has the support of both the Union and Management. The Labor/Management Committee is limited in its discussion to topics not covered by this Agreement. Furthermore, items under consideration by the parties during negotiations between the Union and the City are not proper subjects for discussion and are therefore prohibited. The operation and membership of the Labor/Management Committee is governed by the bylaws and practices of the Committee.

BULLETIN BOARDS

25.00. The City shall provide space on bulletin boards for the Union to post notices of meetings and notices of other Union business. City job postings shall be placed on said bulletin boards.

SAFETY

26.00. The City shall reimburse or furnish all safety devices which, by virtue of the employee's employment with the City, the employee is required to possess.

26.05. Employees whose duties require that safety boots or other safety footwear be worn will be required to report to work in footwear that meets the City's specifications as developed by the City's Safety Manual. Full-time employees required to purchase such footwear will be reimbursed the cost (not to exceed $150.00 annually) upon presentation of a paid receipt for the boots being utilized.

New employees will also be required to report in the appropriate footwear. Upon successful completion of the probationary period, and presentation of the paid receipt for the boots being utilized, the employee will be reimbursed the cost (not to exceed $150.00).

26.10. If the employee, through willful negligence or abuse, destroys, damages or loses such equipment, uniforms, etc., the employee shall replace the items at the employee's expense.

26.20. The City's Safety Manual will include a provision defining weather conditions during which certain routine outdoor work activities should be curtailed for the safety of its employees and designating those individuals, by position, who have the authority to curtail such work.

26.30. The City shall provide a form on which any employee may, over his/her signature, report safety infractions to the immediate supervisor or directly to the City's Safety Office.

26.50. The Union will be represented on all City Accident Review Boards. The Union's representative will be appointed by the Unit Chair and will have voice but no vote in all deliberations and decisions made by an ARB.

GENERAL PROVISIONS

27.00. In no instance, except in case of emergency, shall the City force any employee to work in excess of 16 hours without at least an 8-hour break. Any employee who works in excess of 16 hours in a 24 hour period will receive a rest break of at least 8 consecutive hours. If any part of the eight consecutive hours of rest is during the employee's scheduled hours, the employee shall receive paid straight time off for such hours as overlap with the employee's regular work schedule hours (such hours shall not be charged to an employee's accumulated vacation or sick leave).

27.05. The City and the Union agree that the use of demeaning, derogatory or belittling language by any employee in the workplace is unacceptable and may be proper cause for discipline.

27.10. Termination correspondence shall be sent directly to the City Human Resources Department.

27.20. The City, whenever possible, shall rotate service calls for employees, so that within a period of time all involved employees shall receive approximately the same number of service calls.

27.30. The City shall provide to the Union a list of all SEIU represented employees including separations upon request twice each calendar year. The list shall include the name, address and department of all employees within the bargaining unit. The Union shall not use the list or allow the list to be used by any other person, organization or company for any purpose other than Union business.

27.40. At least once a year, employees shall have the opportunity to meet with their supervisors to review performance and make known their desires in respect to career changes or promotional advances.

27.50. The City may, as is its right under the law, issue new work rules and other rules to govern the conduct of its employees. Such rules shall be given to the Union fourteen (14) days in advance of their implementation when possible.

27.60. Employees, upon request of their supervisor, will sign any normal department form/document concerning their attendance, payroll, Sick Leave, vacation, accident report, evaluation, or request for service. It is understood that by signing documents pertaining to performance evaluation or disciplinary action, this is an acknowledgment of the employee's awareness of the document and that the employee is not necessarily agreeing or disagreeing with the information it contains.

27.70. If any provision of this Agreement should be held invalid by any court of competent jurisdiction, or if compliance with or enforcement of any provision should be restrained by a tribunal, or where legal restrictions exist and those legal restrictions are removed by law, the remainder of this Agreement shall not be affected thereby and the parties shall, at the request of either, enter into negotiation on that matter only.

27.80. It is expressly understood between the City and the Union that all matters not included in this Agreement are by intention and design specifically excluded and fall within the powers, duties and responsibilities of the City.

27.90. For emergency operations, employees in specified positions will be required to inform their immediate supervisors of their current address and local telephone number, and maintain a functioning phone.

27.95. The City and the Union hereby agree to comply with the Americans with Disabilities Act (ADA).

SUBSTANCE TESTING

28.00. All safety sensitive employees shall be subject to random drug and alcohol testing as agreed upon by the City and the Union in April, 2007.

DURATION AND TERMINATION

29.00. This Agreement shall take effect as of February 16, 2016, and shall continue in full force and effect until December 14, 2018. By mutual agreement between the parties, this Agreement may be opened as to any other change or modification. Any subsequent statements which result from such reopening shall be set forth and made an amendment to this Agreement, and when ratified by the parties shall constitute a change in policy.

IN WITNESS WHEREOF, THE CITY and THE UNION have hereunto set their hands this

_____ day of _____, 2016.

For the City of Wichita

_____
Jeff Longwell, Mayor

_____
Robert Layton, City Manager

_____
Chris Bezruki, Director of HR

For Service Employees International Union
Local 513 AFL-CIO

Harold Schlechtweg
Harold Schlechtweg, Business Representative

Esau Freeman, Business Representative

Jim Bishop, Negotiating Committee

David Forbes, Negotiating Committee

Michelle Schell, Negotiating Committee

Mark Potter, Negotiating Committee

John Godwin, Negotiating Committee

Tim Zorn, Negotiating Committee

APPROVED AS TO FORM:

Jennifer Magana, City Attorney and Director of Law

Attest:

Karen Sublett, City Clerk

APPENDIX A

2016 Range	SEIU Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M	Step N	Step O
609	9.8327	10.0786	10.3306	10.5889	10.8535	11.1249	11.4030	11.6881	11.9804	12.2799	12.5867	12.9014	13.2241	13.5546	13.8935
610	10.2364	10.3644	10.4939	10.6251	10.7579	10.8924	11.0285	11.1664	11.3060	11.4473	11.5904	11.7353	11.8819	12.0305	12.1809
611	10.6450	10.7781	10.9128	11.0492	11.1873	11.3272	11.4687	11.6121	11.7573	11.9042	12.0530	12.2037	12.3562	12.5107	12.6671
612	11.1019	11.3795	11.6638	11.9556	12.2545	12.5607	12.8749	13.1968	13.5266	13.8649	14.2115	14.5668	14.9309	15.3043	15.6868
613	11.5653	11.8544	12.1508	12.4545	12.7659	13.0851	13.4122	13.7476	14.0911	14.4434	14.8045	15.1747	15.5540	15.9429	16.3414
614	12.0675	12.2183	12.3711	12.5257	12.6823	12.8408	13.0013	13.1638	13.3284	13.4950	13.6637	13.8345	14.0074	14.1825	14.3598
615	12.6054	12.9206	13.2435	13.5745	13.9140	14.2618	14.6184	14.9838	15.3586	15.7424	16.1359	16.5392	16.9527	17.3767	17.8111
616	13.1673	13.4966	13.8339	14.1798	14.5342	14.8976	15.2701	15.6519	16.0431	16.4442	16.8552	17.2766	17.7087	18.1512	18.6051
617	13.7652	14.1093	14.4622	14.8238	15.1943	15.5741	15.9635	16.3626	16.7717	17.1909	17.6207	18.0611	18.5127	18.9756	19.4500
618	14.4003	14.7603	15.1293	15.5075	15.8953	16.2926	16.6997	17.1174	17.5454	17.9840	18.4336	18.8944	19.3667	19.8509	20.3473
619	15.0736	15.4504	15.8368	16.2327	16.6386	17.0543	17.4808	17.9178	18.3658	18.8249	19.2955	19.7779	20.2723	20.7792	21.2987
620	15.7701	16.1643	16.5685	16.9827	17.4073	17.8424	18.2884	18.7458	19.2145	19.6948	20.1871	20.6919	21.2091	21.7392	22.2827
621	16.5360	16.9494	17.3730	17.8074	18.2527	18.7088	19.1767	19.6561	20.1475	20.6512	21.1675	21.6967	22.2390	22.7950	23.3648
622	17.3355	17.7689	18.2130	18.6685	19.1352	19.6135	20.1038	20.6065	21.1216	21.6496	22.1909	22.7457	23.3144	23.8972	24.4946
623	18.1761	18.6305	19.0962	19.5737	20.0629	20.5646	21.0788	21.6058	22.1459	22.6995	23.2670	23.8487	24.4448	25.0559	25.6824
624	19.0811	19.5583	20.0472	20.5483	21.0621	21.5886	22.1283	22.6817	23.2486	23.8298	24.4255	25.0361	25.6622	26.3037	26.9612
625	20.0316	20.5323	21.0456	21.5718	22.1110	22.6638	23.2304	23.8111	24.4065	25.0165	25.6420	26.2830	26.9401	27.6137	28.3040
626	21.0400	21.5660	22.1052	22.6578	23.2243	23.8049	24.4001	25.0099	25.6352	26.2761	26.9331	27.6064	28.2965	29.0039	29.7290
626	21.0400	21.5660	22.1052	22.6578	23.2243	23.8049	24.4001	25.0099	25.6352	26.2761	26.9331	27.6064	28.2965	29.0039	29.7290
627	22.1091	22.6619	23.2283	23.8092	24.4042	25.0144	25.6398	26.2808	26.9379	27.6113	28.3017	29.0092	29.7344	30.4778	31.2396
630	25.6142	26.2545	26.9109	27.5837	28.2733	28.9801	29.7047	30.4472	31.2083	31.9886	32.7883	33.6080	34.4482	35.3095	36.1923

APPENDIX A

2017 Range	SEIU Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M	Step N	Step O	new 2017 Step P
609	9.9310	10.1794	10.4339	10.6948	10.9620	11.2361	11.5170	11.8050	12.1002	12.4027	12.7126	13.0304	13.3563	13.6901	14.0324	14.3832
610	10.3388	10.4680	10.5988	10.7313	10.8655	11.0013	11.1388	11.2780	11.4190	11.5618	11.7063	11.8526	12.0008	12.1508	12.3027	12.6102
611	10.7515	10.8858	11.0219	11.1597	11.2992	11.4404	11.5834	11.7282	11.8748	12.0233	12.1736	12.3257	12.4798	12.6358	12.7937	13.1136
612	11.2129	11.4933	11.7804	12.0752	12.3770	12.6863	13.0036	13.3288	13.6619	14.0035	14.3536	14.7125	15.0802	15.4573	15.8437	16.2398
613	11.6810	11.9729	12.2723	12.5790	12.8936	13.2160	13.5463	13.8851	14.2320	14.5878	14.9525	15.3264	15.7095	16.1023	16.5048	16.9174
614	12.1882	12.3405	12.4948	12.6510	12.8091	12.9692	13.1313	13.2955	13.4617	13.6299	13.8003	13.9728	14.1475	14.3243	14.5034	14.8660
615	12.7315	13.0498	13.3759	13.7102	14.0531	14.4044	14.7646	15.1336	15.5122	15.8998	16.2973	16.7046	17.1222	17.5505	17.9892	18.4389
616	13.2990	13.6316	13.9722	14.3216	14.6795	15.0466	15.4228	15.8084	16.2035	16.6086	17.0238	17.4494	17.8858	18.3327	18.7912	19.2609
617	13.9029	14.2504	14.6068	14.9720	15.3462	15.7298	16.1231	16.5262	16.9394	17.3628	17.7969	18.2417	18.6978	19.1654	19.6445	20.1356
618	14.5443	14.9079	15.2806	15.6626	16.0543	16.4555	16.8667	17.2886	17.7209	18.1638	18.6179	19.0833	19.5604	20.0494	20.5508	21.0645
619	15.2243	15.6049	15.9952	16.3950	16.8050	17.2248	17.6556	18.0970	18.5495	19.0131	19.4885	19.9757	20.4750	20.9870	21.5117	22.0495
620	15.9278	16.3259	16.7342	17.1525	17.5814	18.0208	18.4713	18.9333	19.4066	19.8917	20.3890	20.8988	21.4212	21.9566	22.5055	23.0682
621	16.7014	17.1189	17.5467	17.9855	18.4352	18.8959	19.3685	19.8527	20.3490	20.8577	21.3792	21.9137	22.4614	23.0230	23.5984	24.1884
622	17.5089	17.9466	18.3951	18.8552	19.3266	19.8096	20.3048	20.8126	21.3328	21.8661	22.4128	22.9732	23.5475	24.1362	24.7395	25.3580
623	18.3579	18.8168	19.2872	19.7694	20.2635	20.7702	21.2896	21.8219	22.3674	22.9265	23.4997	24.0872	24.6892	25.3065	25.9392	26.5877
624	19.2719	19.7539	20.2477	20.7538	21.2727	21.8045	22.3496	22.9085	23.4811	24.0681	24.6698	25.2865	25.9188	26.5667	27.2308	27.9116
625	20.2319	20.7376	21.2561	21.7875	22.3321	22.8904	23.4627	24.0492	24.6506	25.2667	25.8984	26.5458	27.2095	27.8898	28.5870	29.3017
626	21.2504	21.7817	22.3263	22.8844	23.4565	24.0429	24.6441	25.2600	25.8916	26.5389	27.2024	27.8825	28.5795	29.2939	30.0263	30.7769
626	21.2504	21.7817	22.3263	22.8844	23.4565	24.0429	24.6441	25.2600	25.8916	26.5389	27.2024	27.8825	28.5795	29.2939	30.0263	30.7769
627	22.3302	22.8885	23.4606	24.0473	24.6482	25.2645	25.8962	26.5436	27.2073	27.8874	28.5847	29.2993	30.0317	30.7826	31.5520	32.3408
630	25.8703	26.5170	27.1800	27.8595	28.5560	29.2699	30.0017	30.7517	31.5204	32.3085	33.1162	33.9441	34.7927	35.6626	36.5542	37.4681

APPENDIX A

2018 Range	SEIU Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M	Step N	Step O	new 2017 Step P
609	10.0303	10.2812	10.5382	10.8017	11.0717	11.3485	11.6322	11.9230	12.2212	12.5267	12.8397	13.1607	13.4899	13.8270	14.1728	14.5271
610	10.4422	10.5727	10.7048	10.8386	10.9741	11.1113	11.2502	11.3908	11.5332	11.6774	11.8233	11.9711	12.1208	12.2723	12.4257	12.7363
611	10.8590	10.9947	11.1321	11.2713	11.4122	11.5548	11.6993	11.8455	11.9936	12.1435	12.2953	12.4490	12.6046	12.7621	12.9217	13.2447
612	11.3250	11.6082	11.8982	12.1959	12.5008	12.8132	13.1337	13.4621	13.7985	14.1436	14.4972	14.8596	15.2310	15.6119	16.0021	16.4022
613	11.7978	12.0927	12.3950	12.7048	13.0225	13.3481	13.6818	14.0239	14.3743	14.7337	15.1021	15.4797	15.8666	16.2634	16.6699	17.0866
614	12.3101	12.4639	12.6197	12.7775	12.9372	13.0989	13.2626	13.4284	13.5963	13.7662	13.9383	14.1125	14.2890	14.4676	14.6484	15.0146
615	12.8588	13.1803	13.5097	13.8473	14.1937	14.5485	14.9122	15.2850	15.6673	16.0588	16.4602	16.8716	17.2934	17.7260	18.1691	18.6233
616	13.4320	13.7679	14.1120	14.4648	14.8263	15.1970	15.5770	15.9665	16.3656	16.7747	17.1940	17.6239	18.0646	18.5160	18.9791	19.4535
617	14.0419	14.3929	14.7529	15.1218	15.4997	15.8871	16.2844	16.6915	17.1088	17.5364	17.9749	18.4241	18.8848	19.3570	19.8409	20.3370
618	14.6897	15.0570	15.4334	15.8192	16.2148	16.6201	17.0354	17.4615	17.8981	18.3455	18.8041	19.2742	19.7560	20.2499	20.7563	21.2752
619	15.3766	15.7610	16.1551	16.5590	16.9730	17.3971	17.8322	18.2779	18.7350	19.2033	19.6833	20.1754	20.6798	21.1969	21.7268	22.2700
620	16.0871	16.4892	16.9015	17.3241	17.7572	18.2010	18.6560	19.1226	19.6007	20.0907	20.5929	21.1078	21.6354	22.1762	22.7306	23.2988
621	16.8684	17.2901	17.7222	18.1653	18.6196	19.0848	19.5622	20.0512	20.5525	21.0663	21.5930	22.1328	22.6860	23.2532	23.8344	24.4303
622	17.6839	18.1261	18.5791	19.0437	19.5198	20.0077	20.5079	21.0207	21.5461	22.0848	22.6369	23.2029	23.7830	24.3775	24.9869	25.6116
623	18.5414	19.0050	19.4800	19.9671	20.4662	20.9779	21.5025	22.0401	22.5910	23.1558	23.7347	24.3281	24.9361	25.5595	26.1986	26.8536
624	19.4646	19.9514	20.4501	20.9613	21.4854	22.0225	22.5731	23.1376	23.7159	24.3088	24.9165	25.5393	26.1780	26.8324	27.5031	28.1907
625	20.4342	20.9450	21.4686	22.0054	22.5554	23.1193	23.6973	24.2897	24.8971	25.5193	26.1574	26.8113	27.4816	28.1687	28.8729	29.5947
626	21.4629	21.9995	22.5495	23.1132	23.6911	24.2834	24.8905	25.5126	26.1505	26.8042	27.4745	28.1613	28.8653	29.5869	30.3266	31.0847
626	21.4629	21.9995	22.5495	23.1132	23.6911	24.2834	24.8905	25.5126	26.1505	26.8042	27.4745	28.1613	28.8653	29.5869	30.3266	31.0847
627	22.5535	23.1174	23.6952	24.2878	24.8947	25.5172	26.1552	26.8090	27.4794	28.1663	28.8706	29.5923	30.3321	31.0904	31.8675	32.6642
630	26.1290	26.7822	27.4518	28.1381	28.8416	29.5626	30.3018	31.0592	31.8356	32.6316	33.4473	34.2835	35.1406	36.0192	36.9198	37.8428

Appendix B

1991 Perb Unit Determination with Modifications

Account Clerk I *
Account Clerk II *
Account Clerk III *
Administrative Aide I *
Administrative Secretary *
Airport Operations Officer
Airport Services Officer
Animal Control Officer I
Animal Control Officer II
Animal Display Attendant
Assistant Golf Course Maintenance Supervisor
Body Shop Mechanic I
Body Shop Mechanic II
Building Attendant
Building Permit Examiner
Clerk I *
Clerk II
Clerk III
Combination Inspector
Combination Neighborhood Inspector
Construction Inspector I
Construction Inspector II
Custodial Worker I
Custodial Worker II
Customer Service Clerk I *
Customer Service Clerk II
Docket Clerk
Electrical & Elevator Inspector II
Electrical & Elevator Inspector III
Electrical Inspector
Electrician I
Electrician II
Electronics Technician I
Electronics Technician II
Elevator Inspector I
Engineering Aide I
Engineering Aide II
Engineering Aider III *
Equipment Operator I

Equipment Operator II
Equipment Operator III
Event Worker I
Event Worker II
Gardener I
Gardener II
Gardening Supervisor I
Gardening Supervisor II
General Supervisor II **
Greenskeeper
Grounds Maintenance Supervisor
Guard
Heating & Air Conditioning Mechanic
Helicopter Mechanic
Inspector
Laborer
Labor Supervisor I *
Laboratory Technician
Machinist Mechanic
Maintenance Specialist
Maintenance Worker
Mechanic I
Mechanic II
Mechanic III
Mechanical Inspector I
Neighborhood Inspector I
Neighborhood Inspector II
Neighborhood Inspector III
Parts Clerk
Photo Technician
Photographer
Plant Operator
Plumber
Plumbing & Mechanical Inspector II
Plumbing & Mechanical Inspector III
Plumbing Inspector
Property Clerk
Public Health Sanitation I
Radio Dispatcher
Rehabilitation Specialist I
Rehabilitation Specialist II
Secretary

Security Officer
Security Screener
Senior Building Permit Examiner
Senior Storekeeper
Service Attendant
Service Officer I
Service Officer II
Sewer Line Technician
Sign Painter
Signal Electrician
Special Water Service Representative
Spider Dispatcher
Storekeeper
Street Inspector
Traffic Signal Mechanic
Tree Maintenance Aide
Tree Maintenance Inspector
Tree Maintenance Worker I
Tree Maintenance Worker II
Water Line Technician
Water Meter Reader
Water Utility Worker

***Except occupants of the position who are excluded due to supervisory or confidential responsibilities.**
****Century II Maintenance**

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

SUBJECT: Ordinance Amendments to Sections 1.04.070 and 1.04.075 Relative to Municipal Court Costs and Filing fees

INITIATED BY: Municipal Court

AGENDA: New Business

Recommendation: Place the ordinance on first reading.

Background: Charter Ordinance 224 allows the assessment of court costs in Municipal Court cases as enumerated by Section 1.04.070 of the City Code. Filing fees for post-trial motions are established by Section 1.04.075 of the City Code.

Analysis: K.S.A. 12-4116 and K.S.A. 12-4117 require municipal courts to remit to the State an amount equal to the court costs established by statute. Court costs are currently $65, including State mandated assessments totaling $20.50 and local assessments totaling $44.50. By judicial order, the Kansas Supreme Court recently imposed a court cost increase of $.50 for the judicial education of municipal court judges. The order raises the current judicial education assessment from $.50 to $1. A local court cost increase of $1.50 is recommended to help offset costs associated with adjudicating court cases. The proposed ordinance revisions would increase court costs to $67. The ordinance amendment would allow future State mandated court cost increases to be implemented without action by the City Council. Recommended increases to local court costs will continue to require the approval of the City Council. The ordinance is also amended to change the amount charged for failure to comply with a traffic citation to $20 per citation, rather than $20 per charge.

Section 1.04.075 establishes filing fees for post-trial motions at $75. The ordinance does not specifically address filing fees for expungements. Municipal Court assesses the $75 post-trial motion fee to expungement filings. Expungements are labor intensive, and require multiple copies of expungement documents to be mailed to various agencies. The ordinance amendments increase the expungement filing fee to $90 and will help offset costs associated with processing expungements.

Financial Considerations: Increasing the judicial education fee from $.50 to $1 will generate an estimated $25,000 each year in additional collections that will be forwarded to the State. Local court costs were last increased in 2009. An increase of $1.50 to local court courts will result in an estimated $75,000 in additional court costs collected each year, and help offset increased costs associated with adjudicating court cases. The fee for expungement of Municipal Court cases was last increased in 2009. The costs associated with processing, reviewing, and reporting expungements have increased over the past seven years. Increasing the expungement fee to $90 will generate approximately $3,000 in additional collections and help offset costs associated with the expungement of cases. Revisions to the ordinance pertaining to warrants and failure to comply will have minimal financial impact.

Legal Considerations: The proposed ordinances have been prepared and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council place the ordinance on first reading and authorize the necessary signatures.

Attachment: Ordinance

OCA _____

First Published in The Wichita Eagle on February 26, 2016

2/3/2016

ORDINANCE NO. 50-154

AN ORDINANCE AMENDING SECTIONS 1.04.070 AND 1.04.075 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO COSTS, WITNESS FEES AND MOTION FEES IN CASES BEFORE THE MUNICIPAL COURT AND REPEALING THE ORIGINAL OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 1.04.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Costs and witness fees in cases before the Municipal Court.**

(a) Court costs shall be assessed against each person charged with a violation of any of the ordinances of this city, unless found not guilty. Court costs shall include all costs required by K.S.A. 12-4116 and K.S.A.12-4117, as well as a local court cost of $33.00, a $7.00 domestic violence program fee and a $6.00 public defender fee. However, this subsection shall not apply to persons who make payment to avoid prosecution of a charge that involves either a parking violation as provided in Section 11.92.040 of this Code or failure to use seat belts or child safety restraints.

.

(b) The sum of $2.00 shall be assessed as a court technology fee against each person charged with such a violation of any of the ordinances of this city, unless found not guilty. The court technology fee is to be used by the court to help offset the cost to maintain, utilize and/or purchase technology enhancements and systems, including but not limited to computer systems, computer networks, computer hardware, computer software, imaging systems, electronic kiosks, electronic ticket writers, electronic monitoring systems, and docket management systems for the City of Wichita Municipal Court System. However, this subsection shall not apply to persons who make payment to avoid prosecution of a charge that involves either a parking violation as provided in Section 11.92.040 of this Code or failure to use seat belts or child safety restraint belts.

(c) For each person who is charged with a violation of any of the ordinances of this city and such matter is set for appearance, a charge of ten dollars will be assessed, unless found not guilty.

(d) For each continuance of any pre-trial appearance, trial, sentencing, disposition, or pre-sentence investigation granted at the request of the accused person, a cost of $10.00 shall be assessed against such accused person unless found not guilty.

(e) A cost of $10.00 shall be assessed for each extension of time to pay any fine, penalty or costs granted by the clerk of the municipal court at the request of an accused person.

(f) For each trial date attributable to the accused person for which subpoenas have been issued, and in addition to other costs provided for in this

section, the sum of $25.00 shall be assessed as court costs against such accused person, unless found not guilty by the court.

(g) In addition to other costs provided for in this section, the sum of $10.00 shall be assessed as court costs against each accused person who is found guilty and files a notice of appeal in district court.

(h) In addition to other court costs assessed pursuant to this section, fees and mileage for subpoenaed witnesses shall be assessed at the rate of $10.00 per day and $0.40 per mile actually driven in excess of twenty miles.

(i) A cost of $50.00 shall be assessed against each person for whom a municipal court bench warrant, show cause/probation violation warrant or citation warrant is ordered by the court for either failure to appear or failure to comply.

(j) In addition to other court costs assessed pursuant to this section, the sum of $20.00 shall be assessed as court costs against each accused person who fails to comply with a traffic citation, as set forth in Section 11.42.040(a) of this Code.

(k) In addition to any other court costs assessed pursuant to this section, the sum of $5.00 shall be assessed as court costs against each accused person who fails to comply with a traffic citation as set forth in Section 11.42.040(a) of this Code.

(l) A fee equal to the hourly rate billed to the City of Wichita by Sedgwick County for each hour incarcerated shall be assessed against a defendant in each case in which the defendant is incarcerated pursuant to an order of a municipal court judge.

(m) A processing fee in the amount of $10.00 will be assessed against a defendant in each case in which the defendant is booked into the Sedgwick County Adult Detention Facility pursuant to an arrest for a violation of any ordinances of the City of Wichita or pursuant to an order of a municipal court judge.

(n) Each person placed under supervision of a probation officer shall pay a probation fee of $150.00 for each probation, re-instatement or extension of probation for each case supervised, except that in any case in which there is a determination of indigency, the fee specified may be reduced or waived by the judge.

(o) For those misdemeanor offenses as set out in K.S.A. 21-2501 that require the individual be fingerprinted before final disposition of the case, a $20.00 fingerprint fee will be assessed as costs.

(p) Should the court order urinalysis testing, a fee of $20.00 per test shall be assessed to the defendant as costs.

(q) Should the court order house arrest, or electronic monitoring, in lieu of a period of incarceration or as a condition of probation or bond, and order that the fees for such electronic monitoring be paid by the city directly to the vendor of such technology on behalf of the defendant, the fees paid by the city for such monitoring shall be assessed against the defendant as a court cost owed to the City of Wichita for payment of the technology costs by the City.

(r) Should the court order a presentence or diversion investigation, a fee of $200.00 shall be assessed to the defendant as costs.

(s) The assessment and imposition of the court costs pursuant to this section shall be mandatory and the court shall not waive, remit, suspend, parole, or otherwise excuse the payment thereof.

(t) All court costs assessed and imposed by this section shall be paid no later than 60 days following imposition; provided that the court may extend the time for such payment to 120 days for good cause shown. In no case shall the court order the time for payment of court costs assessed pursuant to this section extended beyond 120 days from the date of initial imposition.

(u) All court costs collected pursuant to this section shall be accounted for by the clerk of the municipal court and deposited to the general fund of the city and special trust fund with the exception of the $2.00 court technology fee, which shall be deposited into the Court Technology Project Account.

(v) All costs and fees shall be assessed as part of the judgment and shall be collected by the court clerk or court administrator of the Municipal Court.

(w) The costs and fees assessed pursuant to this section shall be in addition to the fine imposed."

SECTION 2. Section 1.04.075 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

"Post conviction remedies in cases before the Municipal Court.

There is established the following costs for all post conviction remedies in cases before the Municipal Court.

(a) Whenever any motions or applications for post- conviction remedies are filed, the cost for filing such motion or application shall be seventy-five dollars

and shall be paid by the person filing such motion or application. The filing fee for an expungement motion shall be ninety dollars and shall be paid by the person filing the expungement motion. Provided however, that if it be shown to the Court that the person filing such motion or application is indigent, the Court may, in its discretion, waive the costs provided for herein and the Court shall make a finding of indigency and shall note upon the motion, application or order resulting therefrom that the costs referred to herein have been waived.

(b) The assessment and imposition of the court costs pursuant to this section shall be mandatory and the court shall not waive, remit, suspend, parole, or otherwise excuse the payment thereof except as set forth in subparagraph (s) of Section 1.04.070 of the Code of the City of Wichita.

(c) All court costs assessed and imposed by this section shall be paid no later than sixty days following imposition; provided that the court may extend the time for such payment to one hundred twenty days for good cause shown. In no case shall the court order the time for payment of court costs assessed pursuant to this section extended beyond one hundred twenty days from the date of initial imposition.

(d) All court costs collected pursuant to this section shall be accounted for by the clerk of the municipal court and deposited to the general fund of the city.

SECTION 3. The originals of Section 1.04.070 and 1.04.075 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 23rd day of February, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer L. Magaña
Director of Law

First Published in The Wichita Eagle on _____

DELINEATED 2/3/2016

ORDINANCE NO._____

AN ORDINANCE AMENDING SECTIONS 1.04.070 AND 1.04.075 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO COSTS, WITNESS FEES AND MOTION FEES IN CASES BEFORE THE MUNICIPAL COURT AND REPEALING THE ORIGINAL OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 1.04.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"**Costs and witness fees in cases before the Municipal Court.**

(a) ~~The sum of~~ ~~$65.00~~ ~~shall be assessed as~~ ~~c~~Court costs shall be assessed against each person charged with a violation of any of the ordinances of this city, unless found not guilty. ~~The~~ ~~$65.00 in c~~Court costs shall include all costs required by K.S.A. 12-4116 and K.S.A 12-4117 ~~state statute~~, as well as a local court cost of $33.00, a $7.00 domestic violence program fee and a $6.00 public defender fee. However, this subsection shall not apply to persons who make payment to avoid prosecution of a charge that involves either a parking violation as provided in Section 11.92.040 of this Code or failure to use seat belts or child safety restraints.

(b) The sum of $2.00 shall be assessed as a court technology fee against each person charged with such a violation of any of the ordinances of this city,

unless found not guilty. The court technology fee is to be used by the court to help offset the cost to maintain, utilize and/or purchase technology enhancements and systems, including but not limited to computer systems, computer networks, computer hardware, computer software, imaging systems, electronic kiosks, electronic ticket writers, electronic monitoring systems, and docket management systems for the City of Wichita Municipal Court System. However, this subsection shall not apply to persons who make payment to avoid prosecution of a charge that involves either a parking violation as provided in Section 11.92.040 of this Code or failure to use seat belts or child safety restraint belts.

(c) For each person who is charged with a violation of any of the ordinances of this city and such matter is set for appearance, a charge of ten dollars will be assessed, unless found not guilty.

(d) For each continuance of any pre-trial appearance, trial, sentencing, disposition, or pre-sentence investigation granted at the request of the accused person, a cost of $10.00 shall be assessed against such accused person unless found not guilty.

(e) A cost of $10.00 shall be assessed for each extension of time to pay any fine, penalty or costs granted by the clerk of the municipal court at the request of an accused person.

(f) For each trial date attributable to the accused person for which subpoenas have been issued, and in addition to other costs provided for in this section, the sum of $25.00 shall be assessed as court costs against such accused person, unless found not guilty by the court.

(g) In addition to other costs provided for in this section, the sum of $10.00 shall be assessed as court costs against each accused person who is found guilty and files a notice of appeal in district court.

(h) In addition to other court costs assessed pursuant to this section, fees and mileage for subpoenaed witnesses shall be assessed at the rate of $10.00 per day and $0.40 per mile actually driven in excess of twenty miles.

(i) A cost of $50.00 shall be assessed against each person for whom a municipal court bench warrant, ~~or~~ show cause/probation violation warrant or citation warrant is ordered by the court for either failure to appear or failure to comply.

~~(j) A cost of $50.00 shall be assessed against each person for whom a warrant is issued for failure to pay any fine, penalty or costs as provided in subsection (a) of this section.~~

(j) ~~(k)~~ In addition to other court costs assessed pursuant to this section, the sum of $20.00 shall be assessed as court costs against each accused person who fails to comply with a traffic citation, as set forth in Section 11.42.040(a) of this Code. ~~This assessment shall be in addition to the reinstatement fee collected by the court pursuant to K.S.A. 8-2110(c) as amended, and as set forth in Section 11.42.040(c) of this Code, and shall be retained by the municipal court to be used to reimburse the court for expenses incurred in complying with the procedures required by state law. Such sum shall be assessed for each charge on which the person fails to make satisfaction, regardless of the disposition of the charge for which the citation was originally issued.~~

(k) ~~(l)~~ In addition to any other court costs assessed pursuant to this section, the sum of $5.00 shall be assessed as court costs against each accused person who fails to comply with a traffic citation as set forth in Section 11.42.040(a) of this Code. This assessment shall be in addition to the reinstatement fee collected by the court pursuant to K.S.A. 8-2110(c) and amendments thereto, and as set forth in Section 11.42.040(c) of this Code. This fee shall be retained by the municipal court to be used to reimburse expenses for mailing notice as mandated by Section 11.42.040(b) of this Code, and K.S.A. 8-2110(b), and amendments thereto.

(l) ~~(m)~~ A fee equal to the hourly rate billed to the City of Wichita by Sedgwick County for each hour incarcerated shall be assessed against a defendant in each case in which the defendant is incarcerated pursuant to an order of a municipal court judge.

(m) ~~(n)~~ A processing fee in the amount of $10.00 will be assessed against a defendant in each case in which the defendant is booked into the Sedgwick County Adult Detention Facility pursuant to an arrest for a violation of any ordinances of the City of Wichita or pursuant to an order of a municipal court judge.

(n) ~~(o)~~ Each person placed under supervision of a probation officer shall pay a probation fee of $150.00 for each probation, re-instatement or extension of probation for each case supervised, except that in any case in which there is a determination of indigency, the fee specified may be reduced or waived by the judge.

(o) ~~(p)~~ For those misdemeanor offenses as set out in K.S.A. 21-2501 that require the individual be fingerprinted before final disposition of the case, a $20.00 fingerprint fee will be assessed as costs.

(p) ~~(q)~~ Should the court order urinalysis testing, a fee of $20.00 per test shall be assessed to the defendant as costs.

(q) ~~(r)~~ Should the court order house arrest, or electronic monitoring, in lieu of a period of incarceration or as a condition of probation or bond, and order that the fees for such electronic monitoring be paid by the city directly to the vendor of such technology on behalf of the defendant, the fees paid by the city for such monitoring shall be assessed against the defendant as a court cost owed to the City of Wichita for payment of the technology costs by the City.

(r) ~~(s)~~ Should the court order a presentence or diversion investigation, a fee of $200.00 shall be assessed to the defendant as costs.

(s) ~~(t)~~ The assessment and imposition of the court costs pursuant to this section shall be mandatory and the court shall not waive, remit, suspend, parole, or otherwise excuse the payment thereof.

(t) ~~(u)~~ All court costs assessed and imposed by this section shall be paid no later than 60 days following imposition; provided that the court may extend the time for such payment to 120 days for good cause shown. In no case shall the court order the time for payment of court costs assessed pursuant to this section extended beyond 120 days from the date of initial imposition.

(u) ~~(v)~~ All court costs collected pursuant to this section shall be accounted for by the clerk of the municipal court and deposited to the general fund of the city

and special trust fund with the exception of the $2.00 court technology fee, which shall be deposited into the Court Technology Project Account.

(v) ~~(w)~~ All costs and fees shall be assessed as part of the judgment and shall be collected by the court clerk or court administrator of the Municipal Court.

(w) ~~(x)~~ The costs and fees assessed pursuant to this section shall be in addition to the fine imposed."

SECTION 2. Section 1.04.075 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

"Post conviction remedies in cases before the Municipal Court.

There is established the following costs for all post conviction remedies in cases before the Municipal Court.

(a) Whenever any motions or applications for post conviction remedies are filed, the cost for filing such motion or application shall be seventy-five dollars and shall be paid by the person filing such motion or application. The filing fee for an expungement motion shall be nighty dollars and shall be paid by the person filing the expungement motion. Provided however, that if it be shown to the Court that the person filing such motion or application is indigent, the Court may, in its discretion, waive the costs provided for herein and the Court shall make a finding of indigency and shall note upon the motion, application or order resulting therefrom that the costs referred to herein have been waived.

(b) The assessment and imposition of the court costs pursuant to this section shall be mandatory and the court shall not waive, remit, suspend, parole, or

otherwise excuse the payment thereof except as set forth in subparagraph (s) of Section 1.04.070 of the Code of the City of Wichita.

(c) All court costs assessed and imposed by this section shall be paid no later than sixty days following imposition; provided that the court may extend the time for such payment to one hundred twenty days for good cause shown. In no case shall the court order the time for payment of court costs assessed pursuant to this section extended beyond one hundred twenty days from the date of initial imposition.

(d) All court costs collected pursuant to this section shall be accounted for by the clerk of the municipal court and deposited to the general fund of the city.

SECTION 3. The originals of Section 1.04.070 and 1.04.075 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 4. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer L. Magaña
Director of Law

THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

PRELIMINARY ESTIMATES
FOR CITY COUNCIL FEBRUARY 16, 2016

a. 2016 Wichita Transit Bus Bench & Shelter Pads (Various Locations) (472-85276/716161/716156/160010/) Traffic to be maintained during construction using flagpersons and barricades. (District ALL) - $125,000.00

To be Bid: February 5, 2016

PRELIMINARY ESTIMATE of the cost of:
2016 Wichita Transit Bus Bench & Shelter Pads
at 25 locations throughout the City.

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

	LUMP SUM BID ITEMS (716156)		
1	Traffic Control	1	ea
2	Site Clearing and Restoration	1	LS
3	Sod DO NOT BID	0	LS
	MQ BID ITEMS SE Corner 47th & Victoria - approx. 85' east of Victoria (716156)		
4	Sidewalk Removal	165	sf
5	Concrete Sidewalk 4" (5' wide)	165	sf
6	Concrete Pad 4"	60	sf
7	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS NE Corner GWB & Oliver - approx. 25' northwest of Ross Parkway (716156)		
8	Sidewalk Removal	120	sf
9	Concrete Sidewalk 4" (4' wide)	120	sf
10	Concrete Pad 5" (Reinf)	300	sf
11	Concrete Thickened Edge (8")	20	lf
	MQ BID ITEMS NE Corner Roosevelt & Ross Pkwy - approx. 75' east of Roosevelt (716156)		
12	Concrete Pad 5" (Reinf)	180	sf
	Concrete Thickened Edge (8")	15	lf
13	**MQ BID ITEMS SE Corner Hydraulic & Mt. Vernon - approx. 50' south of Mt. Vernon (716156)**		
14	Concrete Pad 4"	60	sf
15	Concrete Sidewalk 4" (5' wide)	35	sf
16	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS NE Corner Harry & Edgemoor - approx. 20' north of QT driveway (716156)		
17	Sidewalk Removal	80	sf
18	Concrete Pad 4"	60	sf
19	Concrete Sidewalk 4" (4' wide)	80	sf
20	Concrete Thickened Edge (8")	10	lf
	MQ BID ITEMS NE Corner Harry & Rock - approx. 45' north of ent. b/w Spangles and China Go (716156)		
21	Sidewalk Removal	80	sf
22	Concrete Pad 4"	60	sf
23	Concrete Sidewalk 4" (5' wide)	30	sf
24	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS SW Corner Harry & Longfellow - approx. 25' west of Longfellow (716156)		
25	Sidewalk Removal	90	sf
26	Concrete Pad 4"	60	sf
27	Concrete Sidewalk 4" (5' wide)	45	sf
28	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS NW Corner Julia & Taft - approx. 40' north of Taft (160010)		
29	Concrete Pad 4"	60	sf
30	Concrete Sidewalk 4" (5' wide)	300	sf
31	Concrete Thickened Edge (8")	5	lf
32	Wheelchair Ramp	1	ea
	MQ BID ITEMS SE Corner Douglas & Rock - approx. 120' north of QT driveway (160010)		
33	Sidewalk Removal	180	sf
34	Concrete Sidewalk 4" (6' wide)	180	sf
35	Concrete Pad 4"	60	sf
36	Concrete Sidewalk 4" (5' wide)	100	sf
37	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS SW Corner Douglas & Rock - approx. 12' north of Genghis Grill driveway (160010)		
38	Concrete Pad 5" (Reinf)	180	sf
39	Concrete Sidewalk 4" (5' wide)	70	sf
40	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS SW Corner of Rock & Rockhill - approx. 100' south of Rockhill (160010)		
41	Sidewalk Removal	180	sf
42	Concrete Sidewalk 4" (6' wide)	180	sf
43	Concrete Pad 4"	60	sf
44	Concrete Sidewalk 4" (5' wide)	100	sf
45	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS NW Corner 21st & Rock - approx. 200' west of Rock (160010)		
46	Sidewalk Removal	250	sf
47	Concrete Sidewalk 4" (5' wide)	310	sf
48	Protection Curb	50	lf
49	Concrete Pad 4"	60	sf
50	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS SW Corner 29th St N & Rock - approx. 50' south of entrance to Comotara Shopping Center Drive (16		
51	Concrete Pad 4"	60	sf
52	Concrete Sidewalk 4" (5' wide)	50	sf
53	Concrete Thickened Edge (8")	10	lf
	MQ BID ITEMS SW Corner 31st & Seneca - approx. 55' east of main entrance to Dillons (160010)		
54	Concrete Pad 4"	60	sf
55	Concrete Sidewalk 4" (5' wide)	20	sf
56	Concrete Thickened Edge (8")	5	lf

	MQ BID ITEMS NE Corner 31st & Meridian - approx. 90' west of shopping center drive (160010)		
57	Concrete Pad 4"	60	sf
58	Concrete Sidewalk 4" (5' wide)	130	sf
59	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS SE Corner 31st & Meridian - approx. 60' east of western O'Malley's entrance (716156)		
60	Concrete Pad 4"	60	sf
61	Concrete Sidewalk 4" (5' wide)	70	sf
62	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS NE Corner 13th & West - approx. 15' east of Dillons eastern-most entrance (160010)		
63	Sidewalk Removal	100	sf
64	Concrete Pad 5" (Reinf)	250	sf
65	Concrete Sidewalk 4" (4' wide)	100	sf
66	Protection Curb	25	lf
67	Concrete Thickened Edge (8")	25	lf
	MQ BID ITEMS SE Corner 13th & West - approx. 65' east of QT entrance (160010)		
68	Sidewalk Removal	120	sf
69	Concrete Pad 4"	60	sf
70	Concrete Sidewalk 4" (4' wide)	120	sf
71	Protection Curb	30	lf
72	Concrete Thickened Edge (8")	5	lf
	MQ BID ITEMS SW Corner Central & West - approx. 100' south of central ent. to Plaza West Shopping Center (16001		
73	Sidewalk Removal	100	sf
74	Concrete Pad 4"	60	sf
75	Concrete Sidewalk 4" (5' wide)	100	sf
76	Protection Curb	20	lf
77	Concrete Thickened Edge (8")	20	lf
	MQ BID ITEMS NW Corner Central & Ridge - approx. 45' south of northern-most Subway entrance (160010)		
78	Sidewalk Removal	240	sf
79	Concrete Pad 4"	60	sf
80	Concrete Sidewalk 4" (6' wide)	240	sf
81	Protection Curb	40	lf
82	Concrete Thickened Edge (8")	40	lf
	MQ BID ITEMS NE Corner of 13th & Grove - approx. 50' east of Grove (160010)		
83	Concrete Pad 4"	90	sf
84	Concrete Thickened Edge (8")	10	lf
	MQ BID ITEMS SE Corner of 13th & Rock - approx. 60' south of 13th (160010)		
85	Concrete Pad 4"	65	sf
86	Concrete Thickened Edge (8")	5	lf
87	Concrete Sidewalk 4" (6' wide)	400	sf
	MQ BID ITEMS NW Corner Maple & Ridge - approx. 30' south of private drive north of Outback (160010)		
88	Sidewalk Removal	240	sf
89	Concrete Pad 4"	60	sf
90	Concrete Sidewalk 4" (6' wide)	240	sf
91	Protection Curb	40	lf
92	Concrete Thickened Edge (8")	40	lf
	MQ BID ITEMS SE Corner 21st & Tyler - approx. 250' west of Tyler (160010)		
93	Concrete Pad 4"	60	sf
94	Concrete Sidewalk 4" (5' wide)	180	sf
95	Concrete Thickened Edge (8")	5	lf
96	Concrete Sidewalk 4" (6' wide)	1,500	sf
	MQ BID ITEMS Bus Shelters (160010)		
97	Relocated Bus Shelters	4	ea
	MQ BID ITEMS (716156)		
98	Sod	10	sy
	ADD ALTERNATE #1 MQ (160010)		
99	Freestanding Bench Installation	21	ea

Construction Subtotal _____

Design Fee
Engineering & Inspection (716161)
Administration (716161)
Publication (716156)

Total Estimated Cost $125,000.00

CITY OF WICHITA)
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.

Gary Janzen, P.E., City Engineer

Sworn to and subscribed before me this _____.
(DATE)

_____
City Clerk

6161/716156/160010 (716161/716156/160010) 472-85276

Page ___ EXHIBIT ___

THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

NOT TO BE ADVERTISED
PRELIMINARY ESTIMATES
FOR CITY COUNCIL FEBRUARY 9, 2016

PRELIMINARY ESTIMATE of the cost of water distribution improvements to serve Marinita Addition, south of Central, west of 127th Street East. (District II) (448-90690/735542/470-215) – Total Estimated Cost $22,050

To the City Council
Wichita, Kansas

Date of CC	02/16/2016
(OCA/PROJ)	735542/448-90690
(PPN)	470-215

THIS PROJECT IS NOT TO BE ADVERTISED FOR BIDS

PRELIMINARY ESTIMATE of the cost of water distribution improvements to serve Marinita Addition (District II).

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

Total Estimated Cost $22,050

CITY OF WICHITA
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.

Gary Janzen, City Engineer

Sworn to and subscribed before me this _____ day of _____, 2016.

City Clerk

Page _____ Exhibit _____

PRELIMINARY ESTIMATE of the cost of water distribution improvements to serve Marinita Addition, south of Central, west of 127th Street East. (District II) (448-90690/735542/470-215) – Total Estimated Cost $22,050

Page _____ Exhibit _____

THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

NOT TO BE ADVERTISED
PRELIMINARY ESTIMATES
FOR CITY COUNCIL FEBRUARY 16, 2016

PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to serve Marinita Addition, south of Central, west of 127th Street East. (District II) (468-85065/744406/480-098) – Total Estimated Cost $30,450.

To the City Council
Wichita, Kansas

Date of CC	02/16/2016
(OCA/PROJ)	744406/468-85065
(PPN)	480-098

THIS PROJECT IS NOT TO BE ADVERTISED FOR BIDS

PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to serve Marinita Addition (District II).

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

Total Estimated Cost $30,450

CITY OF WICHITA
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.

Gary Janzen, City Engineer

Sworn to and subscribed before me this _____ day of _____, 2016.

City Clerk

Page _____ Exhibit _____

PRELIMINARY ESTIMATE of the cost of sanitary sewer improvements to serve Marinita Addition, south of Central, west of 127th Street East. (District II) (468-85065/744406/480-098) – Total Estimated Cost $30,450.

Page _____ Exhibit _____

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

SUBJECT: Revised Petition for Paving and Drainage Improvements to Serve NewMarket V and Cadillac Lake Additions (District V)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the revised petition.

Background: On May 7, 2013, the City Council approved a petition for paving and drainage improvements to serve NewMarket V Addition. The developer has submitted a revised petition with an increased improvement district to include a newly platted area. The signatures on the revised petition represent 100% of the improvement district. The revised petition is valid per Kansas Statute 12-6a01.

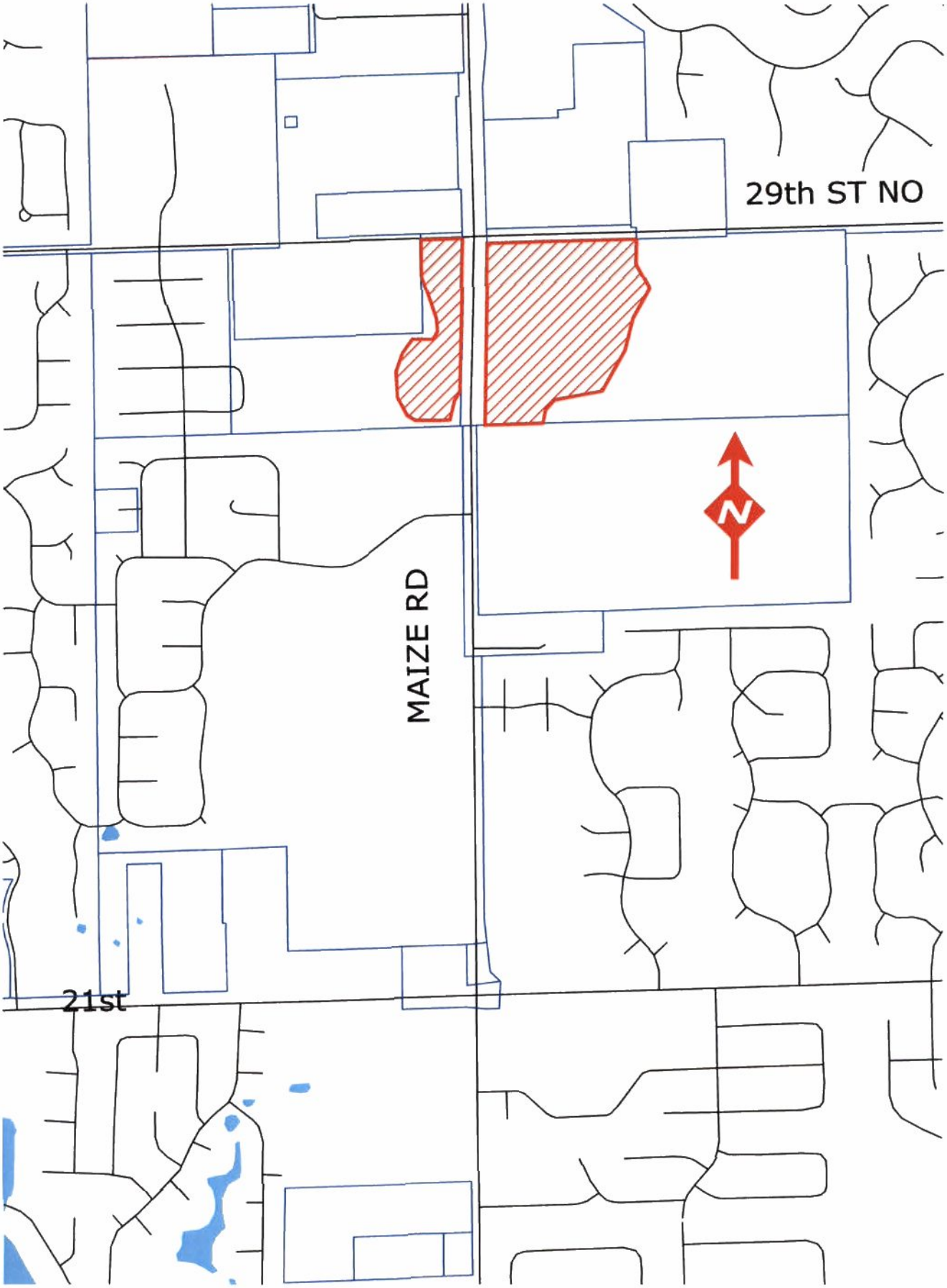
Analysis: The revised petition comprises all of the improvement district for NewMarket V Addition, including a new platted area within the Cadillac Lake Addition. The project will provide paving and drainage improvements required for new commercial developments located south of 29th Street North, west of Maize Road.

Financial Considerations: The revised petition total remains the same as previously approved on May 7, 2013. The cost of the improvements is $1,275,000, with $475,000 being assessed to the improvement district and $800,000 paid by the City at-large. Funding for the City at-large portion was committed in 2013 by deferring the Patrol West Substation project. The funding sources for the project are special assessments and general obligation bonds.

Legal Considerations: The Law Department has reviewed and approved the revised petition and amending resolution as to form.

Recommendations/Actions: It is recommended that the City Council approve the revised petition, adopt the amending resolution, and authorize the necessary signatures.

Attachments: Revised petition, amending resolution and map.


29th ST NO
MAIZE RD
21st
N

RECEIVED

CITY CLERK OFFICE

PETITION
(Paving with Drainage – Newmarket V Addition and Cadillac Lake Addition)

Revises 472-84607

TO: The Mayor and City Council (the "Governing Body")
City of Wichita, Kansas

1. The undersigned, being a majority of the resident owners of record of the property liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq*. (the "Act").

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of paving and drainage improvements along Maize Road, south of 29th Street North.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer

(b) The estimated or probable cost of the proposed Improvements is: **$1,275,000** exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

Newmarket V Addition
Lot 1, Block 1

Cadillac Lake Addition
Lots 1-4, inclusive, Block 1
Lot 8, Block 1

(d) The proposed method of assessment is: on a fractional basis as described below, with each Lot paying a percentage of the cost payable by the improvement district as follows:

Lot 1, Block 1, Newmarket V Addition shall pay 50.00%
Lot 1, Block 1, Cadillac Lake Addition shall pay 6.71%
Lot 2, Block 1, Cadillac Lake Addition shall pay 5.21%
Lot 3, Block 1, Cadillac Lake Addition shall pay 3.70%

Lot 4, Block 1, Cadillac Lake Addition shall pay 3.93%
Lot 8, Block 1, Cadillac Lake Addition shall pay 30.45%

In the event that the driveway approaches and curb cuts are not included within the scope of the Improvements and the estimated cost thereof as set forth in subsection (b) above, the costs of such driveway approaches and curb cuts so constructed shall be directly assessed to the property benefitted thereby in addition to the assessments levied for the Improvements.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **37.25%** to be assessed against the Improvement District and **62.75%** to be paid by the City-at-large.

(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	Dated	Property Owned Within Proposed Improvement District
Newmarket V, LLC Jerry Jones, Vice President KJ	1/13/16	Newmarket V Addition Lot 1, Block 1
Cadillac Lake, LLC Jerry Jones, Vice President KJ	1/13/16	Cadillac Lake Addition Lots 1-4 and 8, Block 1

****

THIS PETITION was filed in my office on January 12, 2016.

Deputy City Clerk

(Published in the ***Wichita Eagle***, on _____)

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING AND DRAINAGE IMPROVEMENTS – NEWMARKET V ADDITION AND CADILLAC LAKE ADDITION/SOUTH OF 29TH STREET NORTH, EAST AND WEST OF MAIZE) (472-84607).

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the "Governing Body") has heretofore by **Resolution No. 13-073 and Resolution No. 08-412** of the City (the "Prior Resolutions) authorized certain internal improvements; and

WHEREAS, petitioners for said improvements have **increased the improvement district to include a new platted area;**

WHEREAS, pursuant to the receipt of a new petition (the "Petition"), it is necessary to authorize the improvements requested therein by the adoption of a new resolution of the City and to repeal the Prior Resolutions; and

WHEREAS, the Petition was filed with the City Clerk proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the "Act"); and

WHEREAS, the Governing Body hereby finds and determines that said Petition was signed by **a majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Repealer. The Prior Resolutions are hereby repealed.

Section 2. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of paving and drainage improvements along Maize Road, south of 29th Street North (the "Improvements").

(b) The estimated or probable cost of the Improvements is **One Million Two Hundred Seventy-Five Thousand Dollars ($1,275,000),** exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

NEWMARKET V ADDITION
Lot 1, Block 1

CADILLAC LAKE ADDITION
Lots 1 through 4, inclusive, Block 1
Lot 8, Block 1

(d) The method of assessment is: on a fractional basis as described below, with each Lot paying a percentage of the cost payable by the Improvement district as follows:

Lot 1, Block 1, NewMarket V Addition shall pay 50.00%
Lot 1, Block 1, Cadillac Lake Addition shall pay 6.71%
Lot 2, Block 1, Cadillac Lake Addition shall pay 5.21%
Lot 3, Block 1, Cadillac Lake Addition shall pay 3.70%
Lot 4, Block 1, Cadillac Lake Addition shall pay 3.93%
Lot 8, Block 1, Cadillac Lake Addition shall pay 30.45%

In the event that the driveway approaches and curb cuts are not included within the scope of the Improvements and the estimated cost thereof as set forth in subsection (b) above, the costs of such driveway approaches and curb cuts so constructed shall be directly assessed to the property benefitted thereby in addition to the assessments levied for the Improvements.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **37.25%** to be assessed against the Improvement District and **62.75%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 3. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 2*** of this Resolution.

Section 4. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 5. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of the Prior Resolutions, and 60 days before the date of adoption of this Resolution, to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation § 1.150-2.

Section 6. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on _____.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
for Jennifer Magaña, City Attorney and Director of Law

(Published in the ***Wichita Eagle***, on February 19, 2016)

RESOLUTION NO. 16-033

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING AND DRAINAGE IMPROVEMENTS – NEWMARKET V ADDITION AND CADILLAC LAKE ADDITION/SOUTH OF 29TH STREET NORTH, EAST AND WEST OF MAIZE) (472-84607).

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the "Governing Body") has heretofore by **Resolution No. 13-073 and Resolution No. 08-412** of the City (the "Prior Resolutions) authorized certain internal improvements; and

WHEREAS, petitioners for said improvements have **increased the improvement district to include a new platted area;**

WHEREAS, pursuant to the receipt of a new petition (the "Petition"), it is necessary to authorize the improvements requested therein by the adoption of a new resolution of the City and to repeal the Prior Resolutions; and

WHEREAS, the Petition was filed with the City Clerk proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq. (*the "Act"); and

WHEREAS, the Governing Body hereby finds and determines that said Petition was signed by **a majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. **Repealer**. The Prior Resolutions are hereby repealed.

Section 2. **Findings of Advisability**. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of paving and drainage improvements along Maize Road, south of 29th Street North (the "Improvements").

(b) The estimated or probable cost of the Improvements is **One Million Two Hundred Seventy-Five Thousand Dollars ($1,275,000),** exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

NEWMARKET V ADDITION
Lot 1, Block 1

CADILLAC LAKE ADDITION
Lots 1 through 4, inclusive, Block 1
Lot 8, Block 1

(d) The method of assessment is: on a fractional basis as described below, with each Lot paying a percentage of the cost payable by the Improvement district as follows:

Lot 1, Block 1, NewMarket V Addition shall pay 50.00%
Lot 1, Block 1, Cadillac Lake Addition shall pay 6.71%
Lot 2, Block 1, Cadillac Lake Addition shall pay 5.21%
Lot 3, Block 1, Cadillac Lake Addition shall pay 3.70%
Lot 4, Block 1, Cadillac Lake Addition shall pay 3.93%
Lot 8, Block 1, Cadillac Lake Addition shall pay 30.45%

In the event that the driveway approaches and curb cuts are not included within the scope of the Improvements and the estimated cost thereof as set forth in subsection (b) above, the costs of such driveway approaches and curb cuts so constructed shall be directly assessed to the property benefitted thereby in addition to the assessments levied for the Improvements.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **37.25%** to be assessed against the Improvement District and **62.75%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 3. **Authorization of Improvements**. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 2*** of this Resolution.

Section 4. **Plans and Specifications**. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 5. **Bond Authority; Reimbursement**. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of the Prior Resolutions, and 60 days before the date of adoption of this Resolution, to the extent of the increased authorization contained herein, all pursuant to Treasury Regulation § 1.150-2.

Section 6. **Effective Date**. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on February 16, 2016.

(SEAL)

_____

Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

SUBJECT: Funding for Sanitary Sewer Improvements to Serve Pearl Beach Addition (District V)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the petition project and budget, and adopt the resolutions.

Background: On December 22, 2015, the City Council approved a plat of the Pearl Beach Addition. The developer has submitted a petition to construct a sanitary sewer main to serve the Pearl Beach Addition. The development will consist of 180 residential sites, many of which will be lake adjacent lots. The proposed project will construct a sanitary sewer main from an existing lift station southeast of the proposed development to serve the requested site, with depth remaining to serve future development within the basin.

Analysis: The proposed project will provide sanitary sewer improvements required for a new residential development located south of 29th Street North, east of Hoover Road.

Financial Considerations: The petition total for the sanitary sewer main improvements is $887,000, with $66,642 being assessed to the improvement district and the remainder to be paid by the City at-large. The City at-large portion will be funded by the Sewer Utility. The Adopted 2015-2024 Capital Improvement Program includes $1,850,000 in 2016 for Sewer Mains for Future Development for projects such as this, and is funded by future revenue bonds or Sewer Utility cash reserves.

An additional $250,000 of the City's share of the $887,000 will be recovered through special assessments based on main benefit fees to the remaining phases of the proposed development.

Legal Considerations: The petition, resolutions and notice of intent have been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the project, petition and budget, adopt the resolutions and notice of intent, and authorize the necessary signatures.

Attachments: Resolutions, notice of intent, petition, and budget sheet.

Project Request

◉ CIP ◯ Non-CIP CIP YEAR: 2016 CIP #: 12 (Pg 94)

☐ NEIGHBORHOOD IMPROVEMENT

DEPARTMENT: 13 Public Works & Utilities DIVISION: Engineering RESOLUTION/ORDINANCE #:

ENGINEERING REFERENCE #:

FUND: 533 Sewer Construction

COUNCIL DISTRICT: 05 Council District 5 DATE COUNCIL APPROVED: REQUEST DATE:

PROJECT # : PROJECT TITLE: Southwest Interceptor Sewer-Pearl Beach Addition 468-85046

PROJECT DETAIL # : PROJECT DETAIL DESCRIPTION: Southwest Interceptor Sewer-Pearl Beach Addition 468-85046

OCA # : OCA TITLE: Southwest Interceptor Sewer-Pearl Beach Addition 468-85046

PERSON COMPLETING FORM: LaShonda Garnes PHONE #: 268-4594

PROJECT MANAGER: Julianne Kallman PHONE #: 268-4236

◉ NEW BUDGET ◯ REVISED BUDGET

REVENUE		EXPENSE	
Object Level 3	**Budget**	**Object Level 3**	**Budget**
9725 Revenue Bonds	$820,358.00	2999 Contractuals	$820,358.00
9730 S.A. Bonds	$66,642.00	2999 Contractuals	$66,642.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
	$0.00		$0.00
REVENUE TOTAL:	$887,000.00	**EXPENSE TOTAL:**	$887,000.00

NOTES:

Print Form

SIGNATURES REQUIRED

DIVISION HEAD: Gary Jarry DATE: 01/14/16

DEPARTMENT HEAD: DATE: 2/4/16

BUDGET OFFICER: Troy Finstrom / C. Busada 1/21/16 DATE: 1/14/16

CITY MANAGER: DATE:

8

PETITION
(SANITARY SEWER MAIN IMPROVEMENTS –PEARL BEACH ADDITION)

Main 25, SWI 468-85046

TO: The Mayor and City Council (the "Governing Body")
City of Wichita, Kansas

1. The undersigned, being the owners of record of more than one-half of the area liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.* (the "Act").

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of a sanitary sewer main and appurtenances to serve the Improvement District defined below.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is **$887,000.00** exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

PEARL BEACH ADDITION
Lots 1 through 33, Block A
Lots 1 through 21, Block B

(d) The proposed method of assessment is: equally per lot (54 lots).

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: $66,642 to be assessed against the Improvement District and the remainder to be paid by the City-at-large.

(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	**Dated**	**Property Owned Within Proposed Improvement District**
Cornejo & Sons, LLC By: Steve Lawler Steve Lawler, Vice-President	11-23-15	Lots 1 through 33, Block A, Lots 1 through 21, Block B Pearl Beach Addition

****

THIS PETITION was filed in my office on November 24, 2015.

Jen Edwards
Deputy City Clerk

PEARL BEACH ADDITION

Wichita, Sedgwick County, Kansas

SANITARY SEWER MAIN IMPROVEMENTS

Benefit District: (54 Lots)
Lots 1 through 33, Block A
Lots 1 through 21, Block B

Cost Estimate:

Item	Quantity	Unit	Unit Price	Amount
18" Pipe	2700	L.F.	$170.00	$459,000.00
Manholes (5' Diameter)	10	EA	$10,000.00	$100,000.00
Outside Drops	4	EA	$3,000.00	$12,000.00
Stubs	2	EA	$500.00	$1,000.00
Easement Grading	1	LS	$15,000.00	$15,000.00
Erosion Control	1	LS	$5,000.00	$5,000.00
Easement Acquisition	1	LS	$30,000.00	$30,000.00
Site Clearing and Restoration	1	LS	$60,000.00	$60,000.00
Subtotal				$682,000.00
+ 30% Design, Inspection, & Administration				$204,600.00
Total				$886,600.00

Petition Amount		**$887,000**	
1332,848 S.F.x $0.05 S.F.			
Benefit District Portion	**($68642/$887,000)**	**$68,642**	**7.51%**
Cost per Lot (54 Lots)		**$1,434**	
City at Large Portion		**$820,358**	**92.49%**

132019

(Published in the *Wichita Eagle*, on _____)

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (MAIN 25, SOUTHWEST INTERCEPTOR SEWER – PEARL BEACH ADDITION/SOUTH OF 37TH STREET NORTH, EAST OF HOOVER) (468-85046).

WHEREAS, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

WHEREAS, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **the owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Findings of Advisability. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a sanitary sewer main and appurtenances to serve the Improvement District defined below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Eight Hundred Eighty-Seven Thousand Dollars ($887,000)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions thereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

PEARL BEACH ADDITION
Lots 1 through 33, Block A
Lots 1 through 21, Block B

(d) The method of assessment is: **equally per lot (54 lots).**

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **$66,642** to be assessed against the Improvement District and **the remainder** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 2. Authorization of Improvements. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 1*** of this Resolution.

Section 3. Plans and Specifications. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 4. Bond Authority; Reimbursement. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

Section 5. Effective Date. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on _____.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
for Jennifer Magaña, City Attorney and Director of Law

RESOLUTION NO. __-___

A RESOLUTION DECLARING IT NECESSARY TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER AND SEWER UTILITY OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the "Governing Body"), has heretofore by Ordinance No. 39-888, passed May 26, 1987 and published in the official newspaper of the City on May 29, 1987, as required by law, authorized the combining of the City-owned and operated municipal water utility and municipal sewer utility thereby creating the City of Wichita, Kansas Water and Sewer Utility (the "Utility"); and

WHEREAS, the City is authorized under the Constitution and laws of the State of Kansas, including K.S.A. 10-1201 *et seq.*, as amended and supplemented by Charter Ordinance No. 211 of the City (collectively, the "Act"), to issue revenue bonds to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility;

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility in the following manner:

Southwest Interceptor Sewer – Pearl Beach Addition 468-85046

(the "Project") and to provide for the payment of all or a portion of the costs thereof by the issuance of revenue bonds of the City pursuant to the Act; said bonds to be payable from the revenues of the Utility.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Authorization. It is hereby authorized, ordered and directed that the Project be acquired, constructed and/or installed in accordance with plans and specifications therefor prepared under the direction of the City Engineer or designate and approved by the Governing Body; said plans and specifications to be placed on file in the offices of the Utility. The estimated cost of the Project, including related design and engineering expenses is $887,000 with 7.5 percent being payable from the special district and 92.5 percent payable from Wichita Water. The Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

Section 2. Project Financing. It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City under the authority of the Act, in an aggregate principal amount not to exceed $957,960 in order to pay all or a portion of the costs of the Project and related reserves, interest on financing and administrative and financing costs (the "Bonds"). The Bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of

the Utility. Costs of the Project in excess of the proceeds of the Bonds, if any, shall be paid from unencumbered moneys of the Utility which will be available for that purpose. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 3. Notice. Before issuing the Bonds, there shall be published one (1) time in the official newspaper of the City, a notice of the intention of the Governing Body to undertake the Project and to issue the Bonds (the "Notice"); and if within fifteen (15) days after the publication of such Notice, there shall be filed with the City Clerk, a written protest against the Project or the issuance of the Bonds, signed by not less than twenty per cent (20%) of the qualified electors of the City, the Governing Body shall thereupon submit such proposed Project and the Bonds to the electors of the City at a special election to be called for that purpose as provided by the Act. If no sufficient protest is filed with the City Clerk within the period of time hereinbefore stated, then the Governing Body shall have the authority to proceed with the Project and issuance of the Bonds.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, by not less than two-thirds of the members voting in favor thereof, on _____.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
for Jennifer Magana, Director of Law

(Published in ***The Wichita Eagle***, on _____.)

NOTICE

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You are hereby notified that the City Council (the "Governing Body") of the City of Wichita, Kansas (the "City"), by Resolution No. __-____, duly adopted _____, 2016, has found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility, which is owned and operated by the City (the "Utility"), in the following manner:

Southwest Interceptor Sewer – Pearl Beach Addition 468-85046

(the "Project") at an estimated cost, including related design and engineering expenses of $887,000 with 7.5 percent being payable from the special district and 92.5 percent payable from Wichita Water.

In order to finance all or a portion of the costs of the Project and related reserves, interest on financing and administrative and financing costs, the Governing Body has further found and determined it to be necessary and declared its intention to issue revenue bonds an aggregate principal amount not to exceed $957,960 under the authority of K.S.A. 10-1201 *et seq.*, as amended and supplemented by Charter Ordinance No. 211 of the City (the "Bonds"). The Bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of the Bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.

This Notice shall be published one time in the official newspaper of the City; and if, within fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the Bonds, which protest is signed by not less than twenty percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the Bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the Bonds is filed within said period, then the Governing Body shall have the authority to proceed with the Project and issuance of the Bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on _____.

/s/ JEFF LONGWELL, Mayor

ATTEST:
/s/ Karen Sublett, City Clerk

132019

(Published in the ***Wichita Eagle***, on February 19, 2016)

RESOLUTION NO. 16-034

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (MAIN 25, SOUTHWEST INTERCEPTOR SEWER – PEARL BEACH ADDITION/SOUTH OF 37TH STREET NORTH, EAST OF HOOVER) (468-85046).

WHEREAS, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

WHEREAS, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **the owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. **Findings of Advisability**. The Governing Body hereby finds and determines that:

(a) It is advisable to make the following improvements:

Construction of a sanitary sewer main and appurtenances to serve the Improvement District defined below (the "Improvements").

(b) The estimated or probable cost of the Improvements is **Eight Hundred Eighty-Seven Thousand Dollars ($887,000)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions thereof.

(c) The extent of the improvement district (the "Improvement District") to be assessed for the cost of the Improvements is:

PEARL BEACH ADDITION
Lots 1 through 33, Block A
Lots 1 through 21, Block B

(d) The method of assessment is: **equally per lot (54 lots).**

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **$66,642** to be assessed against the Improvement District and **the remainder** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

Section 2. **Authorization of Improvements**. The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in ***Section 1*** of this Resolution.

Section 3. **Plans and Specifications**. The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

Section 4. **Bond Authority; Reimbursement**. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

Section 5. **Effective Date**. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

ADOPTED by the City Council of the City of Wichita, Kansas, on February 16, 2016.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

RESOLUTION NO. 16-035

A RESOLUTION DECLARING IT NECESSARY TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER AND SEWER UTILITY OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council of the City (the "Governing Body"), has heretofore by Ordinance No. 39-888, passed May 26, 1987 and published in the official newspaper of the City on May 29, 1987, as required by law, authorized the combining of the City-owned and operated municipal water utility and municipal sewer utility thereby creating the City of Wichita, Kansas Water and Sewer Utility (the "Utility"); and

WHEREAS, the City is authorized under the Constitution and laws of the State of Kansas, including K.S.A. 10-1201 *et seq*., as amended and supplemented by Charter Ordinance No. 211 of the City (collectively, the "Act"), to issue revenue bonds to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility;

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the Utility in the following manner:

Southwest Interceptor Sewer – Pearl Beach Addition 468-85046

(the "Project") and to provide for the payment of all or a portion of the costs thereof by the issuance of revenue bonds of the City pursuant to the Act; said bonds to be payable from the revenues of the Utility.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. **Project Authorization**. It is hereby authorized, ordered and directed that the Project be acquired, constructed and/or installed in accordance with plans and specifications therefor prepared under the direction of the City Engineer or designate and approved by the Governing Body; said plans and specifications to be placed on file in the offices of the Utility. The estimated cost of the Project, including related design and engineering expenses is $887,000 with 7.5 percent being payable from the special district and 92.5 percent payable from Wichita Water. The Project will not cause duplication of any existing water or sewer utility service furnished by a private utility in the City.

Section 2. **Project Financing**. It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City under the authority of the Act, in an aggregate principal amount not to exceed $957,960 in order to pay all or a portion of the costs of the Project and related reserves, interest on financing and administrative and financing costs (the "Bonds"). The Bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of the Bonds, if any, shall be paid from unencumbered moneys of the Utility which will be available for that purpose. The Bonds may be issued to

reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

Section 3. **Notice**. Before issuing the Bonds, there shall be published one (1) time in the official newspaper of the City, a notice of the intention of the Governing Body to undertake the Project and to issue the Bonds (the "Notice"); and if within fifteen (15) days after the publication of such Notice, there shall be filed with the City Clerk, a written protest against the Project or the issuance of the Bonds, signed by not less than twenty per cent (20%) of the qualified electors of the City, the Governing Body shall thereupon submit such proposed Project and the Bonds to the electors of the City at a special election to be called for that purpose as provided by the Act. If no sufficient protest is filed with the City Clerk within the period of time hereinbefore stated, then the Governing Body shall have the authority to proceed with the Project and issuance of the Bonds.

Section 4. **Effective Date**. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, by not less than two-thirds of the members voting in favor thereof, on February 16, 2016.

(SEAL)

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magana, Director of Law

(Published in ***The Wichita Eagle***, on _____.)

NOTICE

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You are hereby notified that the City Council (the "Governing Body") of the City of Wichita, Kansas (the "City"), by Resolution No. __-____, duly adopted _____, 2016, has found and determined it to be necessary and declared its intention to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility, which is owned and operated by the City (the "Utility"), in the following manner:

Southwest Interceptor Sewer – Pearl Beach Addition 468-85046

(the "Project") at an estimated cost, including related design and engineering expenses of $887,000 with 7.5 percent being payable from the special district and 92.5 percent payable from Wichita Water.

In order to finance all or a portion of the costs of the Project and related reserves, interest on financing and administrative and financing costs, the Governing Body has further found and determined it to be necessary and declared its intention to issue revenue bonds an aggregate principal amount not to exceed $957,960 under the authority of K.S.A. 10-1201 *et seq*., as amended and supplemented by Charter Ordinance No. 211 of the City (the "Bonds"). The Bonds shall not be general obligation bonds of the City payable from taxation, but shall be payable only from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of the Bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.

This Notice shall be published one time in the official newspaper of the City; and if, within fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the Bonds, which protest is signed by not less than twenty percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the Bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the Bonds is filed within said period, then the Governing Body shall have the authority to proceed with the Project and issuance of the Bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on _____.

/s/ JEFF LONGWELL, Mayor

ATTEST:
/s/ Karen Sublett, City Clerk

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

SUBJECT: Supplemental Design Agreement No. 1 for Country Acres Water Main Replacement (District V)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve Supplemental Design Agreement No. 1.

Background: On December 17, 2013, the City Council approved a design agreement with Baughman Company, P.A. to design improvements to the Country Acres neighborhood water distribution system.

Analysis: The original design agreement covered design fees for one project and a set of plans totaling approximately 45,000 linear feet of pipe. In order to create a manageable project for construction and inspection, the City has now requested that the project be constructed in two separate, smaller projects. A supplemental agreement has been prepared for the additional services.

Financial Considerations: The original design services fee was $304,000. The cost of additional services is $2,550, which brings the total design fee to $306,550. Funding is available within the existing budget, approved by the City Council on December 10, 2013.

Legal Considerations: Supplemental Design Agreement No. 1 has been reviewed and approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve Supplemental Design Agreement No. 1 and authorize the necessary signatures.

Attachment: Supplemental Design Agreement No. 1.

SUPPLEMENTAL AGREEMENT NO. 1

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED DECEMBER 17, 2013

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

BAUGHMAN COMPANY, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists an Agreement (dated December 17, 2013) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to **COUNTRY ACRES WATER MAIN REPLACEMENT, PHASE 1** (Project No.448-90613_635819).

WHEREAS, Paragraph IV. B. of the above referenced Agreement provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION
The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

Prepare final plans for Country Acres Water Main Replacement, Ph. 1 (see Attached for details)

B. PAYMENT PROVISIONS
The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the not to exceed fee of **$2,550.00**.

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY within the time allotted for the project as stipulated below; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

(a) Field check plans of the project for distribution to utilities by **N/A**.
(b) Office check plans by **N/A**.
(c) Completion of all work required by this agreement (including submittal of final approved plans, field notes, and related project documents by **January 22, 2016**.

D. PROVISIONS OF THE ORIGINAL AGREEMENT

The parties hereunto mutually agree that all provisions and requirements of the original Agreement, not specifically modified by this Supplemental Agreement, are hereby ratified and confirmed.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2016.

CITY OF WICHITA

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
Jennifer Magaña, City Attorney and Director of Law

BAUGHMAN COMPANY, P.A.

_____
Tyler P. Voth, Director of Municipal Engineering

Baughman

January 7, 2016

Gary Janzen, P.E.
City of Wichita
Department of Engineering
455 N. Main, 7th Floor
Wichita, KS 67202

RE: Country Acres Water Main Replacement – Phase 1
Supplemental Fee Request

Dear Mr. Janzen:

Between final approval of the plans and the printing of the Final Plans, the City of Wichita requested that Baughman Co. split the above referenced project into 2 separate projects. Due to the size of this water main replacement, the splitting of this project was discussed early on in the design phase, but it was decided by City Staff at that time that it would be left as one project. In order to divide the plan into 2 separate plans, the following steps will need to be completed by Baughman Co. in a rather short amount of time:

- Provide 2 separate cover sheets and revise the key sheets accordingly
- Renumber the existing 119 plan pages
- Accurately divide the water meter tables and quantities for the 2 plans
- Provide City Detail sheets to second plan and renumber accordingly
- Ensure all references to plan pages are accurately revised

For this additional work, we are requesting a **total of $2,550** be added to our original contract. Should you have any questions or need more clarification on this request, please email me at tvoth@baughmanco.com or give me a call me at 262-7271. Thank you.

Most Respectfully,
Baughman Co. P.A.

Tyler P. Voth, P.E.
Director of Municipal Engineering

cc: N. Brent Wooten, P.E.
Deb Ary, City of Wichita

File

ENGINEERING
SURVEYING
PLANNING
LANDSCAPE ARCHITECTURE

Baughman Company, P.A.
315 E 11th
Wichita, Kansas 67211
P 316-262-7271 F 316-262-0149

Agenda Item No. II-

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

SUBJECT: Change Order Limit Adjustment for Meridian from Pawnee to McCormick (District IV)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the change order limit adjustment and adopt the amending resolution.

Background: On November 24, 2015, the City Council approved a construction contract with Conspec, Inc., and a change order limit of $50,000 for the project.

Analysis: The contract amount for this project is $7,724,823. Due to the size and the complexity of the project, staff recommends an increase in the change order limit to 2% of the contract amount, or $154,500.

Without increasing the change order limit, all change orders above the approved total of $50,000 will require approval by the City Council regardless of cost. The approximate six-week process for change order approval will result in significant delay with increased costs and could potentially stop work on the project, with traffic continuing to be affected. Staff recommends that the City Council authorize the City Manager to approve change orders not to exceed a total of $154,500 for this project.

Financial Consideration: Increasing the change order limit will not increase the previously approved budget.

Legal Considerations: The Law Department has reviewed and approved the amending resolution as to form.

Recommendation/Action: It is recommended that the City Council approve the change order limit adjustment, authorize the City Manager to approve change orders not to exceed a total of $154,500, adopt the amending resolution and authorize the necessary signatures.

Attachment: Amending resolution.

A RESOLUTION TO MODIFY THE CHANGE ORDER POLICY GOVERNING THE CONSTRUCTION OF A SINGLE PUBLIC WORKS PROJECT AS ALLOWED BY CHARTER ORDINANCE 222:

WHEREAS, the construction of major public works projects routinely entail the need to make contract modifications for field conditions, quantity adjustments, and other alterations necessary for efficient and effective project completion; and

WHEREAS, the use of public bidding followed by use of professional City staff for project oversight protects against cost overruns that do not inure to the benefit of the public; and

WHEREAS, the reconstruction of a portion of **Meridian, between Pawnee and McCormick** covered by contract number **472-85124** qualifies as such a major publics work construction project. Continued, timely prosecution of that work is in the best interest of the traveling public and nearby commercial and residential property owners;

WHEREAS, an increase in the level of change orders allowed without additional Council approval, but at a level considerably below that allowed in Charter Ordinance 222, will allow responsible project management to continue without costly and inconvenient construction delays;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA ON THIS _____ DAY OF _____ 2016 that,

1. The City Council for the City of Wichita, Kansas hereby adopts and approves a one-time modification to the City's change order policy governing the construction of public works projects. This modification grants City staff authority to approve change orders for the **Meridian, between Pawnee and McCormick** project up to a cumulative cost not exceeding two percent (2%) of the original contract price without separate City Council approval.

2. This policy is effective only for project change order work that both arises from unforeseen conditions that are discovered after bids are let and that does not expand the scope of work to be performed under the original contract. Work that is not the result of unforeseen conditions or that expands the scope of the contract work is to be separately bid.

ADOPTED AT WICHITA, KANSAS BY THE GOVERNING BODY OF THE CITY OF WICHITA ON THIS _____ DAY OF _____, 2016.

_____
JEFF LONGWELL, MAYOR

ATTEST:

_____
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

_____
for JENNIFER MAGAÑA, CITY ATTORNEY AND DIRECTOR OF LAW

A RESOLUTION TO MODIFY THE CHANGE ORDER POLICY GOVERNING THE CONSTRUCTION OF A SINGLE PUBLIC WORKS PROJECT AS ALLOWED BY CHARTER ORDINANCE 222:

WHEREAS, the construction of major public works projects routinely entail the need to make contract modifications for field conditions, quantity adjustments, and other alterations necessary for efficient and effective project completion; and

WHEREAS, the use of public bidding followed by use of professional City staff for project oversight protects against cost overruns that do not inure to the benefit of the public; and

WHEREAS, the reconstruction of a portion of **Meridian, between Pawnee and McCormick** covered by contract number **472-85124** qualifies as such a major publics work construction project. Continued, timely prosecution of that work is in the best interest of the traveling public and nearby commercial and residential property owners;

WHEREAS, an increase in the level of change orders allowed without additional Council approval, but at a level considerably below that allowed in Charter Ordinance 222, will allow responsible project management to continue without costly and inconvenient construction delays;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA ON THIS 16th DAY OF February 2016 that,

1. The City Council for the City of Wichita, Kansas hereby adopts and approves a one-time modification to the City's change order policy governing the construction of public works projects. This modification grants City staff authority to approve change orders for the **Meridian, between Pawnee and McCormick** project up to a cumulative cost not exceeding two percent (2%) of the original contract price without separate City Council approval.

2. This policy is effective only for project change order work that both arises from unforeseen conditions that are discovered after bids are let and that does not expand the scope of work to be performed under the original contract. Work that is not the result of unforeseen conditions or that expands the scope of the contract work is to be separately bid.

ADOPTED AT WICHITA, KANSAS BY THE GOVERNING BODY OF THE CITY OF WICHITA ON THIS 16th DAY OF February, 2016.

_____
JEFF LONGWELL, MAYOR

ATTEST:

_____
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

_____
JENNIFER MAGAÑA, CITY ATTORNEY AND DIRECTOR OF LAW

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

SUBJECT: Cooperative Agreement with Kansas PTAC

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the 2016 Letter of Commitment and acceptance of grant funds and authorize the necessary signatures for the Cooperative Agreement.

Background: Purchasing staff continuously strive to find ways to enhance and improve the Emerging and Disadvantaged Business Enterprise (EDBE) Program. One strategy to accomplish this is a cooperative agreement between the Kansas Procurement Technical Assistance Center (PTAC) located at Wichita State University and the City of Wichita. The mission of PTAC is to identify Kansas businesses with the potential for market expansion by assisting those viable companies in becoming successful contractors for the Department of Defense (DoD) and other government entities. These efforts expand the industrial base and increase competition for providing DoD goods, which in turn reduces national security costs while also enhancing the Kansas economy.

Another important component of Kansas PTAC is the development of linkages with other programs at the federal, state, and local level. Under the PTAC agreement, City of Wichita Purchasing staff provide accessibility for local firms to these federal procurement opportunities. This program works in close cooperation with the Kansas Small Business Development Center (SBDC), through which participating firms can receive a full range of business development services, including business management assistance, product development and technology transfer.

Analysis: The City of Wichita will serve as a subcontractor with Kansas PTAC through Wichita State University to provide these services. This collaboration increases the range of business development services that are offered under the City's EDBE Program. The services provided through PTAC include general procurement counseling, assistance with bidder application forms, matching of products and/or services with appropriate buying activities, bid package review, pre-award and post-award assistance, and providing specifications and other information needed to complete government bids. With this assistance, many of the program's clients are better prepared to consider entering federal or other government markets. This benefits not only the small businesses, but also governmental agencies, by providing increased competition and greater availability of goods and services.

Financial Considerations: The total cost to the City for the 12-month agreement includes a $1,500 cash contribution and in-kind contributions of $27,274, for a total of $28,774. The 2016 General Fund Adopted Budget includes funding for the cash and in-kind contributions. As a subcontractor, the City will receive $8,916 in federal funds from Wichita State University to support expenditures for this program.

Legal Considerations: The 2016 Letter of Commitment has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the 2016 Letter of Commitment and acceptance of grant funds and authorize the necessary signatures.

Attachments: 2016 Letter of Commitment.

Letter of Commitment
Procurement Technical Assistance Program (PTAP)

This letter is to certify that the cash and/or in-kind contribution(s) described below are committed to the WSU Kansas PTAC. The contributions described will be made available to the PTAC between the dates of 2/01/2016 and 1/31/2017. The undersigned further certifies that there is no expectation of compensation in return for the donations described such as a requirement that the contribution(s) be made as a provision in a contract or purchase order.

Donor Organization: City of Wichita

Address: 455 N. Main, Wichita, KS 67202

Representative's Signature: Melinda Walker Date: 09/02/15

Name & Title of Representative: Melinda Walker, Purchasing Director

Phone: 316.268.4411

Total cash contribution:	$1,500
Total in-kind contribution:	$27,274
Total of cash and in-kind:	$28,774

List each individual in-kind contribution below. Contributions should be fully explained to show how their value is determined. Use a continuation sheet if necessary.

List In-kind Donation(s) (e.g., Services, Goods, or Facilities Provided)	**Value Determination** (e.g., rate * hrs or sq.ft * $/sq.ft)	**Total Value**
Salary	Counselor - $55,672 * 30% effort * 79%; Supervisor - $113,778 * 5% effort * 79%	$17,689
Fringe Benefits	$17,689 * 21.0752% = $3,728; Health Ins @ $15,473 x personnel effort (35%) %79% = $4,278	$8,006
Supplies	Costs for daily PTAC operations	$245
Other	Phone ($940), Data ($3,792) - $4,732 * effort (35%) * 64.4%; Printing ($53) * 64.4%; Counselor's office - $1,207.50 * 30% (effort) * 64.4%	$1,334

* **Note:** The value assigned to a contribution by a third party contributor may not be assumed by the recipient to be fair and reasonable or assumed to be a value assigned in accordance with the Department of Defense Grant and Agreement Regulations for agreement cost sharing purposes. See SCAA Section IV submission requirements.

Letter of Commitment
Procurement Technical Assistance Program (PTAP)

This letter is to certify that the cash and/or in-kind contribution(s) described below are committed to the WSU Kansas PTAC. The contributions described will be made available to the PTAC between the dates of 2/01/2016 and 1/31/2017. The undersigned further certifies that there is no expectation of compensation in return for the donations described such as a requirement that the contribution(s) be made as a provision in a contract or purchase order.

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*** Note:** The value assigned to a contribution by a third party contributor may not be assumed by the recipient to be fair and reasonable or assumed to be a value assigned in accordance with the Department of Defense Grant and Agreement Regulations for agreement cost sharing purposes. See SCAA Section IV submission requirements.

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council Members

SUBJECT: Nuisance Abatement Assessments, Lot Clean Up (Districts I, III, IV, V and VI)

INITIATED BY: Metropolitan Area Building and Construction Department

AGENDA: Consent

Recommendation: Approve the assessments and place the ordinance on first reading.

Background: The Metropolitan Area Building and Construction Department (MABCD) supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinance allow the City to cleanup private properties that are in violation of environmental standards after proper notification is sent to the responsible party. A private contractor performs the work and the MABCD bills the cost to the property owner.

Analysis: State law and City ordinance allow placement of the lot cleanup costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question and the MABCD is requesting permission for the Department of Finance to process the necessary special assessments.

Financial Considerations: Nuisance abatement contractors are paid through budgeted appropriations from the City's General Fund. Owners of abated property are billed for the contractual costs of the abatement plus an additional administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property. Nuisance abatements to be placed on special assessments are listed on the attached property list.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the proposed assessments and place the ordinance on first reading.

Attachments: Property List for Special Assessments and Ordinance.

PIN #	Geo Code #	Address / Location	Amount	District #
00106244	A 06015	1015 S Main St	$563.68	3
00106515	A 06245	V/L S of 1026 S Wichita St	$489.00	3
00106719	A 06430	1258 S Water St	$415.00	3
00106737	A 06447	1214 S Water St	$764.60	3
00107634	A 07279	1940 S Water St	$440.20	3
00110414	A 09458	2555 N Somerset Ave	$762.20	6
00111769	A 10953	2504 W Manhattan Dr.	$573.40	6
00121072	B 02410	356 N Indiana Ave	$765.44	1
00121240	B 02578	357 N Pennsylvania Ave	$490.80	1
00121784	B 03068	943 N Indiana Ave	$2,415.52	1
00121786	B 03070	937 N Indiana Ave	$429.40	1
00122317	B 03467	1357 N Indiana Ave	$623.60	1
00122647	B 03733	1454 N New York Ave	$907.98	1
00122648	B 03734	V/L S of 1454 N New York Ave	$917.12	1
00123871	B 047770001	422 E Lincoln St	$563.20	3
00125548	B 06177002A	2117 S Saint Francis Ave	$832.49	3
00126531	B 06988	623 S Hydraulic Ave	$469.10	1
00127789	B 08129	1505 S Greenwood Ave	$996.30	1
00128985	B 08873	1001 N Cleveland Ave	$2,289.20	1
00130177	B 09959	2507 S Laura Ave	$1,031.59	3
00130804	B 10557	2840 S Larkin Dr.	$1,562.80	3
00132271	B 119460001	3939 S Hydraulic Ave	$751.20	3
00133103	B 13400	1319 E 52nd St S	$847.60	3
00134875	C 00213	344 N Piatt Ave	$505.00	1
00134936	C 00227	331 N Ash St	$488.40	1
00134969	C 00246	405 N Madison Ave	$682.45	1
00136735	C 01353006A	1424 N Hydraulic Ave	$803.60	1
00137591	C 01810	323 N Green St	$625.10	1
00137859	C 02068	145 N Poplar Ave	$714.66	1
00138388	C 025150001	852 N Green St	$760.63	1
00138845	C 02862	1302 N Estelle Ave	$693.54	1
00139162	C 03145	V/L S of 1021 N Estelle Ave	$418.57	1
00150506	C 06171	814 S Erie Ave	$748.94	1
00151680	C 07139	243 S Crestway St	$801.80	1
00153515	C 08832	1537 N Estelle Ave	$805.08	1
00154311	C 096220001	845 N Oliver Ave	$676.40	1
00157578	C 11958	2026 E Random Rd	$1,278.60	1
00158363	C 12658	2267 N Kansas Ave	$719.60	1
00158741	C 13026	2304 E Aloma St	$590.00	1
00160226	C 14314	1302 N Pershing Ave	$450.88	1
00160687	C 14776	857 N Edgemoor Dr.	$860.00	1
00160937	C 15383	1050 N Volutsia Ave	$759.80	1
00161439	C 15878	1627 N Belmont Ave	$741.72	1
00162133	C 16476	1769 N Northeast Pky	$752.96	1
00169893	C 24432	V/L on E 25th St N & N Grove St	$659.16	1
00169914	C 24453	2632 N Poplar St	$733.38	1
00170426	C 24988	2314 S Ridgewood Dr.	$489.40	3

00174850	C 29496	3696 E Sunnybrook Ln	$240.20	3
00198432	D 002990001	446 N Walnut St	$718.82	6
00199099	D 00583	1209 W University Ave	$530.00	4
00199552	D 00790	830 S Fern Ave	$689.20	4
00200005	D 01105	541 S Richmond Ave	$455.00	4
00200072	D 01160	531 S Meridian Ave	$442.93	4
00201763	D 02670	V/L W of 1110 W Harry St	$1,001.00	4
00202121	D 02906	1940 S Meridian Ave	$519.70	4
00202518	D 03187	2308 W Irving St	$586.07	4
00202650	D 03285	1036 S Everett Ave	$489.00	4
00202719	D 03330	2025 W Irving St	$367.80	4
00202720	D 03331	2021 W Irving St	$367.80	4
00202769	D 03359	1119 S Hiram Ave	$417.00	4
00204577	D 04769	1211 S Fern Ave	$480.00	4
00204591	D 04781	1211 S Millwood Ave	$438.60	4
00205280	D 05176	323 N Saint Paul Ave	$457.60	6
00205536	D 05373	1448 S Handley St	$771.51	4
00219637	D 18361	5820 W Murdock Ave	$493.80	5
00226360	D 25537	4736 S Vine Ave	$1,337.40	4
00230850	D 29798	4201 W Pine St	$601.40	6
00230851	D 29799	4127 W Pine St	$459.00	6
00484210	B 14786	616 E Wayne St	$858.00	3
00485422	D 54396	6000 S Osage St	$931.80	4
00548783	A 123060002	2804 N Park Pl	$611.93	6
		Total	$50,926.65	

Published in the Wichita Eagle on February 26, 2016

ORDINANCE NO. 50-155

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:

SECTION 1. That the sum set opposite each of the following lots, pieces and parcels of land or ground, herein specified, be and the same is hereby levied to pay the cost of abating certain public nuisances under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, which public health nuisances are determined to have existed upon the following described property:

Legal of Parcel in Benefit District	Assessment
LOTS 121-123 MAIN ST. LEE'S ADD.	563.68
S 13 1/2 FT LOT 4 ALL LOT 6 WICHITA ST SONES ADD.	489.00
LOTS 46-48 WATER ST. FEGTLY'S ADD.	415.00
LOTS 7-8 WATER ST. ROBERTSON'S RESURVEY	764.60
LOTS 21-23 WATER ST ENGLISH'S 9TH ADD	440.20
LOT 21 BLOCK 3 BUILDERS FIFTH ADD.	762.20
LOT 18 BLOCK 8 RIVERLAWN HEIGHTS ADD.	573.40
LOT 47 INDIANA AVE. MATHEWSON'S 3RD. ADD.	765.44
LOT 48 PENNSYLVANIA AVE. MATHEWSON'S 4TH. ADD.	490.80
LOTS 9-11 MOORE'S 2ND. ADD.	2415.52
LOTS 17-19 MOORE'S 2ND. ADD.	429.40
LOTS 1-3 INDIANA AVE. BURLEIGH'S 3RD. ADD.	623.60
LOTS 19-21 UNION NOW NEW YORK AVE. MILFORD'S REPLAT	907.98
LOTS 23-25 UNION NOW NEW YORK AVE. MILFORD'S REPLAT	917.12
W 40 FT S 10 FT LOT 179 & W 40 FT LOT 181 BLOCK 10 ORME & PHILLIP'S ADD.	563.20
LOTS 12-14-16 ST FRANCIS AVE FARNUM'S SUB.	832.49
LOTS 223-225 BURR'S 2ND. ADD.	469.10
LOTS 53-55 FANNIE AVE. MC CORMICK'S ADD.	996.30
BEG 30 FT N & 30 FT W SE COR SW 1/4NE 1/4 N 62 FT W 130 FT S 62 FT E 130 FT TO BEG SEC 16-27-1E	2289.20
LOTS 59-61 OHIO AVE WABASH AVE SUB.	1031.59
LOT 18 BLOCK 5 SCHRADER BROS. 3RD. ADD.	1562.80
N 98 FT LOT 10 MILL'S ADD.	751.20
LOT 1 BLOCK B PINEWOOD ESTATES ADD.	847.60
LOT 56 & N1/2 LOT 58 BUTLER & FISHER'S SUB.	505.00
S 1/2 LOT 61-ALL LOT 63 BUTLER & FISHERS'S SUB.	488.40
LOTS 5-7 2ND. NOW MADISON DEVORE'S SUB.	682.45
W 1/2 S 3 FT LOT 71 & W 1/2 LOTS 73-75 & W 1/2 N 11 FT LOT 77 BLOCK 5 OHIO ADD.	803.60
LOTS 63-65 GREEN ST SOLOMON'S ADD	625.10

LOTS 14-16 POPLAR ST OLIVER'S SUB BLK 5 CHAUTAUQUA ADD	714.66
BEG NW COR RES B E 100 FT S 50 FT W100 FT N TO BEG MOSSMAN'S ADD.	760.63
LOTS 46-48 MABEL NOW ESTELLE AVE. FAIRMOUNT PARK ADD.	693.54
N 15 FT LOT 14-ALL LOT 16 BLOCK 3 ESTERBROOK PARK ADD.	418.57
LOTS 60-62 AVE L NOW ERIE SECOND SUNNY-SIDE ADD.	748.94
LOTS 21-22-23-24 BLOCK 4 MERRIMAN PARK PLACE ADD.	801.80
LOTS 30-32 ESTELLE AVE REPLAT OF PART OF GETTOS 2ND ADD.	805.08

SECTION 2. That the sum set opposite each of the following lots, pieces and parcels of land or ground, herein specified, be and the same is hereby levied to pay the cost of abating certain public nuisances under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, which public health nuisances are determined to have existed upon the following described property:

Legal of Parcel in Benefit District	**Assessment**
LOTS 30-31 BELMONT PARK ADD.	676.40
LOT 23 BLOCK 3 PARKMORE ADD.	1278.60
LOT 2 BLOCK F MILLAIR ADD.	719.60
LOT 32 BLOCK 14 SCHWEITER'S NINTH ADD.	590.00
LOTS 25-26 BLOCK 2 COUNTRY CLUB HEIGHTS ADD.	450.88
LOT 11 BLOCK 6 COUNTRY SIDE ADD.	860.00
LOT 46 FAIRMOUNT PARK 2ND. ADD.	759.80
LOT 1 BLOCK R UNIVERSITY PARK ADD.	741.72
LOT 1 & N 1/2 LOT 2 BLOCK 20 UNIVERSITY HEIGHTS ADD.	752.96
LOT 14 BLOCK 5 RIDGECREST ADD.	659.16
LOT 5 BLOCK 7 RIDGECREST ADD.	733.38
LOT 13 BLOCK G MC ADAM ACRES SECOND ADD.	489.40
LOT 14 BLOCK B PLANEVIEW SUB. NO. 2	240.20
LOTS 114-116 WALNUT ST NIEDERLANDERS ADD.	718.82
LOTS 78-80 UNIVERSITY AVE LAWRENCE'S 6TH ADD	530.00
LOTS 30-32 FERN AVE LAWRENCE'S 7TH ADD.	689.20
LOTS 347-349 PHILLIPS NOW RICHMOND AVE. MARTINSON'S 5TH. ADD.	455.00
LOTS 501 & 507 MERIDIAN AVE. MARTINSON'S 5TH. ADD.	442.93
LOTS 43-44 EXC E 6 FT LOT 44 FOR ALLEY BLOCK G EAST UNIVERSITY ADD.	1001.00
LOTS 33-35 EXC W 10 FT FOR ST CCA-53868 BLOCK P SOUTH UNIVERSITY PLACE ADD.	519.70
LOTS 38-40 LINCOLN ST. GARFIELD ADD.	586.07
LOTS 16-18 EVERETT AVE. GARFIELD ADD.	489.00
LOTS 107-109 LINCOLN NOW IRVING ST. GARFIELD 2ND. ADD.	367.80
LOTS 111-113 LINCOLN NOW IRVING ST GARFIELD 2ND ADD.	367.80
LOTS 23-25 HIRAM AVE. GARFIELD 2ND. ADD.	417.00
LOTS 9-11 BLOCK 19 REPLAT OF PT OF JOHN MC CORMICK'S ADD.	480.00
LOTS 9-11 BLOCK 20 REPLAT OF PART OF JOHN MC CORMICK'S ADD.	438.60
LOTS 33-35 BLOCK 24 J. O. DAVIDSON'S 2ND. ADD.	457.60
LOTS 17-18-19 EXC E 2 1/2 FT FOR ALLEY BLOCK 15 FRANKLIN YIKE ADD.	771.51
LOT 8 EXC E 1/2 BLOCK 5 AVERY ADD.	493.80
LOT 1 BLOCK 20 PURCELL'S 11TH. ADD.	1337.40
LOT 3 SUTHERLAND THIRD ADD.	601.40
LOT 4 SUTHERLAND THIRD ADD.	459.00
LOT 18 BLOCK 4 SOUTH BROADWAY GARDENS ADD.	858.00
W 54 FT LOT 39 3RD. CLARKDALE SUB.	931.80
THAT PART LOTS 46-48-50-52 BEG SW COR LOT 52 TH E 68 FT N 88.4 FT W 70 FT S 88.71 FT TO BEG BLOCK F MONTROSE PARK ADDITION	611.93

SECTION 3. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED at Wichita, Kansas, this **23rd day of February, 2016**.

_____

Jeff Longwell, Mayor

ATTEST:

_____

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

_____

Jennifer Magana, City Attorney and Director of Law

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

SUBJECT: Swimming Pool Improvements (All Districts)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Adopt the bonding resolution and authorize the initiation of the projects.

Background: The Park and Recreation Department maintains and operates nine municipal pools within the City's park system. The pools, decking, bath houses and other amenities are in various stages of disrepair and in need of improvements.

Analysis: The 2015-2024 Adopted Capital Improvement Program includes funding for swimming pool improvements and refurbishments. This will protect the City's continued investment in Park and Recreation facilities/amenities in order to enhance their use by fee-paying users, neighborhood groups and citizens. Pools provide swimming lessons, competitive swim programs, aquatics classes, open swim, special events and an overall positive outlet for citizens. Staff recommends funding the following pool improvements:

- Harvest – remove and replace existing slide.
- Boston – repair, caulk, and paint pool basin.
- Linwood – repair, caulk, and paint pool basin.
- Orchard – repair, caulk, and paint pool basin.
- As funding allows, additional improvements including:
    - Construction of two rentable gazebos and replacement of the wading pool with splash pad elements at Harvest Pool
    - Replacement of the sand filter at College Hill Pool
    - Installation of Aquaclimbs at Orchard, Aley and Boston pool
    - Installation of spray cannons at Aley Pool and
    - Installation of 8 basketball goals at various pools

Financial Considerations: The 2015-2024 Adopted Capital Improvement Program includes $100,000 for swimming pool refurbishments. The source of funding is General Obligation bonds.

Legal Considerations: The Law Department has reviewed and approved the contract and amending resolution as to form.

Recommendations/Actions: It is recommended that the City Council 1) adopt the bonding resolution, 2) authorize the initiation of the projects, and 3) authorize all necessary signatures.

Attachment: Bonding resolution.

RESOLUTION NO. __-___

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF PUBLIC PARK IMPROVEMENTS.

WHEREAS, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the City Council (the "Governing Body") of the City has heretofore, pursuant to K.S.A. 13-1346, created the Wichita Board of Park Commissioners (the "Board"); and

WHEREAS, the Governing Body is authorized, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the "Act") to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

Labor, material, equipment and expenditures necessary for the removal and replacement of Harvest Pool slide; repair, caulking and painting of the pool basins at Boston, Linwood and Orchard pools. As funding allows, additional improvements include two rentable gazebos and replacement of the wading pool with splash pad elements at Harvest Pool; replacement of the sand filter at College Hill Pool; installation of Aquaclimbs at Orchard, Aley and Boston pools; installation of spray cannons at Aley Pool and installation of 8 basketball goals at various pools (collectively, the "Project") for the use of the Board and/or City, and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Authorization. It is hereby authorized, ordered and directed that the Project be designed, acquired and/or constructed at an estimated cost of $100,000 in accordance with specifications prepared or approved by the City of Wichita.

Section 2. Project Financing. All or a portion of the costs of the Project, interest on financing and administrative and financing costs shall be financed with the proceeds of general obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, on _____.

(SEAL)

_____
Jeff Longwell., Mayor

ATTEST:

_____
Karen Sublett, City Clerk

APPROVED AS TO FORM:

_____
for Jennifer Magana, Director of Law

Second Reading Ordinances for February 16, 2016 (first read on February 9, 2016

Public Hearing and Tax Exemption Request, C.E. Machine Co., Inc. (District IV)

ORDINANCE NO. 50-153

AN ORDINANCE EXEMPTING PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO ARTICLE 11, SECTION 13, OF THE KANSAS CONSTITUTION; PROVIDING THE TERMS AND CONDITIONS FOR AD VALOREM TAX EXEMPTION; AND DESCRIBING THE PROPERTY OF C.E. MACHINE COMPANY, INC., SO EXEMPTED.

Abatement of Dangerous and Unsafe Structures. (Districts I, III, IV and VI)

ORDINANCE NO. 50-148

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE REMOVAL OF CERTAIN STRUCTURES, BEING DANGEROUS AND UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE (BUILDING CONDEMNATION-DEMOLITION) UNDER THE PROVISION OF SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS

ORDINANCE NO. 50-149

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE BOARDING-UP AND SECURING OF CERTAIN STRUCTURES, BEING DANGEROUS AND UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE (BUILDING EMERGENCY BOARD-UP) UNDER THE PROVISION OF SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS

Nuisance Abatement Assessments, Cutting Weeds.

ORDINANCE NO. 50-150

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE COST OF CUTTING WEEDS IN THE CITY OF WICHITA, KANSAS.

ZON2015-00050 Zone Change from NR Neighborhood Retail to LC Limited Commercial with a Protective Overlay on Property Generally Located at the Northeast Corner of East Central Avenue and Old Manor Road, 5308, 5.314, 5320, 5326 East Central Avenue. (District I)

ORDINANCE NO. 50-151

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

ZON2015-00051 Zone Change from Single-Family Residentail andGeneral Office to Limited Commercial on Property Generally Located East of South Seneca Avenue and One Block North of West 31st Street South, 3122 S Seneca.

ORDINANCE NO. 50-152

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

SUBJECT: ZON2015-00046 and CON2015-00034 – City Zone Change from Manufactured Housing to Limited Commercial with a Conditional Use for the Sale of Manufactured Homes on Property Generally Located Midway between 47th and 55th Streets South on the West Side of Meridian Avenue (District IV)

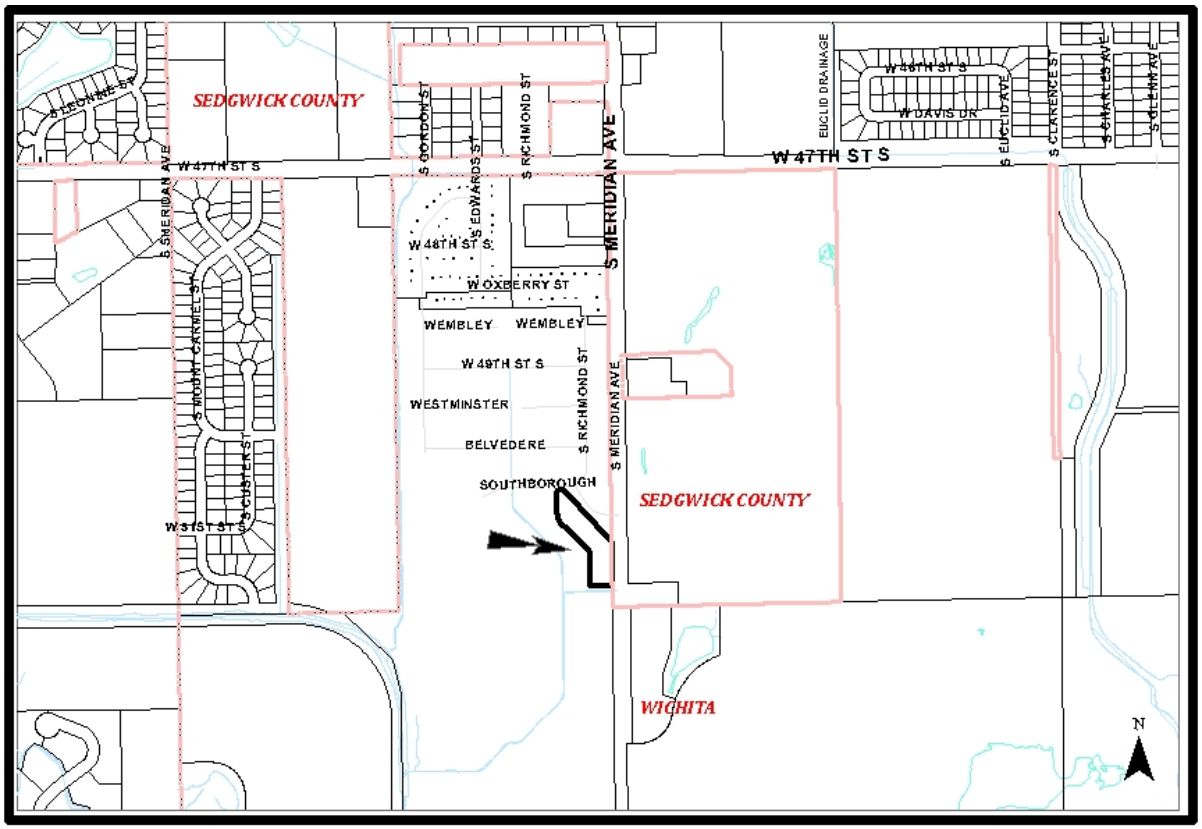
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (13-0).

DAB Recommendation: District Advisory Board IV recommended approval of the request (9-0).

MAPD Staff Recommendation: The Metropolitan Area Planning Department staff recommended approval of the request.



Background: The applicant is requesting a zone change from MH Manufactured Housing (MH) to LC Limited Commercial (LC) with a conditional use to allow outdoor vehicle and equipment sales, specifically the sale of manufactured homes. The MH zoning district does not permit the sale of outdoor sale of vehicle and equipment/manufactured homes. However, outdoor vehicle and equipment sales may be permitted after consideration and approval of a conditional use on a site by site basis in the LC zoning district; Unified Zoning Code (UZC), Sec.III-D.6.x. The site is located midway between 47th and 55th Streets South on the west side of Meridian Avenue. The 1.72-acre site is partially developed with a relatively new office and a parking lot, as shown on the applicant's site plan. The 1.98-acre site is part of the approximately 138-acre partially developed MH zoned Southborough Estates Addition manufactured home park.

The mid-mile site is located in a portion of the south-central edge of the Wichita city limits, abutting and adjacent to properties located in Wichita, Sedgwick County and the City of Haysville. Approximately six-acres of LC zoned properties are located on seven of the eight properties abutting the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. Three of the seven LC zoned sites are agricultural fields, two are developed as farmsteads (built 1936, 1948), one is a warehouse-retail business (built 1985, 1997, looks like a barn and accessory building) and the last is a single-family residence with undeveloped land around it. The LC zoned single-family residence with the undeveloped LC land around it reflects two separate owners. The LC zoned properties are the result of the 1958 rezoning of county properties located within the three-mile growth area of Wichita, which included Light Commercial zoning (now Limited Commercial) being located on the abutting four corners of arterial intersections. Unified School District (USD) 261's Campus High School and Ruth Clark Elementary School and their campuses are located approximately a quarter-mile southeast of the site. The schools are located on the northeast corner of 55th Street South and Meridian Avenue in Haysville.

A portion of the applicant's MH zoned manufacture home subdivision is located north of the site, across the paved, private Southborough Road. The adjacent north property is developed with double wide manufactured homes, with pitched roofs, siding similar to what is found on a stick frame house and sitting on permanent foundations. The applicant's abutting south and west MH zoned property is currently used as agricultural fields. A developed SF-5 Single-Family Residential (SF-5) zoned subdivision is located further north and west of the site. County zoned SF-20 Single-Family Residential (SF-20) large tract single-family residences and agricultural fields are also located further north and west of the site. Properties located east of the site, across Meridian Avenue, include SF-20 zoned agricultural fields, a SF-5 zoned single-family residence (built 1950) and the City of Wichita's SF-5 zoned South Lakes Public Parks sports complex (outdoor playing fields). The park is the largest development in the area, with the applicant's MH zoned properties perhaps equaling the park in size.

The applicant's site plan shows the noted new office building and the paved parking with 13 parking spaces. Based on the estimate of the office size and the stated size of the display area, the applicant's 13 parking spaces and one disabled parking spaces exceeds the required seven parking spaces. The site plan shows the display area surfaced with gravel. The UZC, Sec. IV-A,2.b, requires all parking areas, loading areas and driveways on all developments other than low-density residential development be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing. Gravel is not a comparable surfacing. The site plan shows the required solid screening, but no landscaping; landscaping shall be per the UZC. The site plan shows a drive onto Meridian Avenue. The site plan does not show proposed lighting nor signs.

Analysis: On November 15, 2015, Metropolitan Area Planning Commission (MAPC) considered and approved (13-0) the requested LC zoning and the conditional use, subject to the following conditions:

1. The site shall be replatted or be approved for a lot split within a year of approval by the governing body. Access will be determined at the time of platting.
2. The Conditional Use shall be limited to the sale of residential designed manufactured homes, as defined by the UZC. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
3. No repair work shall be conducted on the site. No outside storage. All equipment and materials including, but not limited to, blocks that the manufactured homes will be displayed on, display

porches not being use in the display of the manufactured homes, pallets, fork lifts, etc., will be stored inside.

4. All improvements to the property must be finished before manufactured home sales is permitted, including the paving of the display area. Those improvements include a parking barrier around the display area, such as a heavy rail type, being installed along the north and east property lines of the display area where it abuts Meridian Avenue and is adjacent to the private street Southborough Street, except at driveway entrances or where fences are erected, to ensure that parked manufactured homes do not encroach onto public right-of-way, including the sidewalks. A six to eight foot wooden fence shall be erected as shown on the site plan.
5. Landscaping shall be per the Landscape Ordinance.
6. The applicant shall submit a revised site plan for review and approval by the Planning Director, within 45 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
7. 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. No electronic message boards. Signage will be a monument sign per the LC Limited Commercial zoning district.
8. No outdoor amplification system shall be permitted.
9. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 14-feet, including the base, and directed onto the site and away from the residential zoning located east of the site.
10. All trash receptacles, shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. 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 were no protesters at the MAPC meeting.

On December 7, 2015, District Advisory Board (DAB) IV considered the request and voted 6-0 to have the applicant return to the DAB with more information about the site plan and 'mobile home park' zoning. There were no protesters at the DAB IV meeting.

On January 4, 2016, DAB IV re-considered the request and voted 9-0 to approve the LC zoning and the conditional use, with the following language added to condition #2: "Only new manufactured homes" are to be sold on the subject site."

This was not required by the MAPC. It will require a two-thirds majority of five votes to change the MAPC's recommendation. There were no protesters at the DAB IV meeting. Planning staff has not received protests to the request.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance and resolution as to form. The Law Department concurs that the approval of the ordinance and resolution is in accordance with City policy.

Recommendation/Actions: It is recommended that the City Council concur with the findings of the MAPC and approve the zoning, subject to platting within a year of approval by the governing body and the DAB's recommendation on the conditional use; instruct the Planning Department to forward the resolution for adoption and ordinance for first reading when the plat is forwarded to the City Council (requires a two-thirds majority of five votes to change the MAPC's recommendation).

Attachments:

- MAPC minutes
- DAB minutes and memo
- Ordinance
- Resolution
- Site Plan

OCA 150004

ORDINANCE NO. 50-156

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2015-00046

Zone change from MH Manufactured Housing ("MH") to LC Limited Commercial ("LC") on an approximately 1.72-acre property described as:

A tract of land in Lot 1, Block 1, Southborough Estates, An Addition to Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th Principal Meridian in Sedgwick County, Kansas, Thence, West along the South line of said Northeast Quarter for 50.00 feet to a point on the East line of said Lot 1, Block 1, Thence on a platted bearing of N 0°08'10" W along the East line of said Lot 1, Block 1, for 120.00 feet to the North line of a platted Drainage Easement and the Point of Beginning, Thence, S 89° 58' 42" W along the North line of said platted Drainage Easement for a distance of 124.71 feet to a point, Thence, N 00° 00' 00" E for a distance of 186.13 feet to the beginning of a tangent curve to the left having an angle of 45° 18' 45", a radius of 190.00 feet, for an arc length of 150.26 feet, Thence, N 45° 18' 45" W for a distance of 135.82 feet to the beginning of a tangent curve to the right having an angle of 45° 10' 35", a radius of 150.00 feet, for an arc length of 118.27 feet, Thence, N 00° 08' 10" W for a distance of 63.19 feet to a point, Thence, N 89° 51' 50" E for a distance of 47.94 feet to a point, Thence, S 37° 45' 05" E for a distance of 141.46 feet to a point, thence S 46° 31' 42" E a distance of 257.78 feet to a point on the East line of said Lot 1, Block 1, Thence, S 00° 08' 10" E along the East line of said Lot 1, Block 1, for a distance of 297.07 feet to the Point of Beginning. Said tract contains 1.72 acres, more or less; generally located midway between 47th and 55th Streets on the west side of Meridian Avenue.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Jennifer Magana, City Attorney and Director of Law

RESOLUTION No.

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT OUTDOOR VEHICLE AND EQUIPMENT SALES, SPECIFICALLY THE SALE OF NEW MANUFACTURED HOMES, ON APPROXIMATELY 1.72-ACRES ZONED LC LIMITED COMMERCIAL ("LC"), GENERALLY LOCATED MIDWAY BETWEEN 47TH & 55TH STREETS SOUTH, ON THE WEST SIDE OF MERIDIAN AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, 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.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow outdoor vehicle and equipment sales, specifically the sale of new manufactured homes, on approximately 1.72-acres zoned LC Limited Commercial ("LC") legally described below:

Case No. CON2015-00034

A Conditional Use, associated with zone case ZON2015-00046, to allow outdoor vehicle and equipment sales, specifically the sale of new manufactured homes, on approximately 1.72-acres zoned LC Limited Commercial ("LC") described as:

A tract of land in Lot 1, Block 1, Southborough Estates, An Addition to Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th Principal Meridian in Sedgwick County, Kansas, Thence, West along the South line of said Northeast Quarter for 50.00 feet to a point on the East line of said Lot 1, Block 1, Thence on a platted bearing of N 0°08'10" W along the East line of said Lot 1, Block 1, for 120.00 feet to the North line of a platted Drainage Easement and the Point of Beginning, Thence, S 89° 58' 42" W along the North line of said platted Drainage Easement for a distance of 124.71 feet to a point, Thence, N 00° 00' 00" E for a distance of 186.13 feet to the beginning of a tangent curve to the left having an angle of 45° 18' 45", a radius of 190.00 feet, for an arc length of 150.26 feet, Thence, N 45° 18' 45" W for a distance of 135.82 feet to the beginning of a tangent curve to the right having an angle of 45° 10' 35", a radius of 150.00 feet, for an arc length of 118.27 feet, Thence, N 00° 08' 10" W for a distance of 63.19 feet to a point, Thence, N 89° 51' 50" E for a distance of 47.94 feet to a point, Thence, S 37° 45' 05" E for a distance of 141.46 feet to a point, thence S 46° 31' 42" E a distance of 257.78 feet to a point on the East line of said Lot 1, Block 1, Thence, S 00° 08' 10" E along the East line of said Lot 1, Block 1, for a distance of 297.07 feet to the Point of Beginning. Said tract contains 1.72 acres, more or less; generally located midway between 47th and 55th Streets on the west side of Meridian Avenue.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The site shall be replatted or be approved for a lot split within a year of approval by the governing body. Access will be determined at the time of platting.

2. The Conditional Use shall be limited to the sale of new residential designed manufactured homes, as defined by the Unified Zoning Code. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
3. No repair work shall be conducted on the site. No outside storage. All equipment and materials including, but not limited to, blocks that the manufactured homes will be displayed on, display porches not being use in the display of the manufactured homes, pallets, fork lifts, etc., will be stored inside.
4. All improvements to the property must be finished before manufactured home sales is permitted, including the paving of the display area. Those improvements include a parking barrier around the display area, such as a heavy rail type, being installed along the north and east property lines of the display area where it abuts Meridian Avenue and is adjacent to the private street Southborough Street, except at driveway entrances or where fences are erected, to ensure that parked manufactured homes do not encroach onto public right-of-way, including the sidewalks. A six to eight foot wooden fence shall be erected as shown on the site plan.
5. Landscaping shall be per the Landscape Ordinance.
6. The applicant shall submit a revised site plan for review and approval by the Planning Director, within 45 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
7. 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. No electronic message boards. Signage will be a monument sign per the LC Limited Commercial zoning district.
8. No outdoor amplification system shall be permitted.
9. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 14-feet, including the base, and directed onto the site and away from the residential zoning located east of the site.
10. All trash receptacles, shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. 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.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the “Official Zoning District Map” on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

_____
Jennifer Magana, City Attorney and Director of Law

EXCERPT MINUTES OF THE NOVEMBER 19, 2015 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING

Case No.: ZON2015-00046 and CON2015-00034 - Welcome Home, LLC, c/o Paul Treadwell (owner) and Poe & Associates, c/o Bill Box request a City zone change for LC Limited Commercial zoning on MH Manufactured Home zoned property and City Conditional Use request for manufactured home sales on proposed LC Limited Commercial zoned property on property described as:

Commencing at the Southeast Corner of the Northeast Quarter of Section 24, Township 28 South, Range 1 West of the 6th Principal Meridian in Sedgwick County, Kansas, Thence, West along the South line of said Northeast Quarter for 50.00 feet to a point on the East line of said Lot 1, Block 1, Thence on a platted bearing of N 0°08'10" W along the East line of said Lot 1, Block 1, for 120.00 feet to the North line of a platted Drainage Easement and the Point of Beginning, Thence, S 89° 58' 42" W a long the North line of said platted Drainage Easement for a distance of 124.71 feet to a point, Thence, N 00° 00' 00" E for a distance of 186.13 feet to the beginning of a tangent curve to the left having an angle of 45° 18' 45", a radius of 190.00 feet, for an arc length of 150.26 feet, Thence, N 45° 18' 45" W for a distance of 135.82 feet to the beginning of a tangent curve to the right having an angle of 45° 10' 35", a radius of 150.00 feet, for an arc length of 118.27 feet, Thence, N 00° 08' 10" W for a distance of 63.19 feet to a point, Thence, N 89° 51' 50" E for a distance of 47.94 feet to a point, Thence, S 37° 45' 05" E for a distance of 141.46 feet to a point, thence S 46° 31' 42" E a distance of 257.78 feet to a point on the East line of said Lot 1, Block 1, Thence, S 00° 08' 10" E along the East line of said Lot 1, Block 1, for a distance of 297.07 feet to the Point of Beginning. Said tract contains 1.72 acres, more or less.

BACKGROUND: The applicant is requesting a zone change from MH Manufactured Housing (MH) to LC Limited Commercial (LC) with a Conditional Use to allow outdoor vehicle and equipment sales, specifically the sale of manufactured homes. The MH zoning district does not permit the sale of outdoor vehicle and equipment sales/manufactured homes. However, outdoor vehicle and equipment sales may be permitted after consideration and approval of a Conditional Use on a site by site basis in the LC
zoning district; Unified Zoning Code (UZC), Sec.III-D.6.x. The site is located midway between 47th and 55th Streets South on the west side of Meridian Avenue. The 1.98-acre site is partially developed with a 'new office' and a parking lot, as shown on the applicant's site plan. The 1.98-acre site is part of the approximately 138-acre partially developed MH zoned Southborough Estates Addition manufactured home park.

The mid-mile site is located in a portion of the south-central edge of the Wichita city limits, abutting and adjacent to properties located in Wichita, Sedgwick County and the City of Haysville. Approximately six-acre LC zoned properties are located on seven of the eight properties abutting the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. Three of the seven LC zoned sites are agricultural fields, two are developed as farmsteads (built 1936, 1948), one is a warehouse-retail business (built 1985, 1997, looks like a barn and accessory building) and the last is

a single-family residence with undeveloped land around it. The LC zoned single-family residence with the undeveloped LC land around it reflects two different owners. The LC zoned properties are the result of the 1958 rezoning of county properties located within the three-mile growth area of Wichita, which included Light Commercial zoning (now Limited Commercial) being located on the abutting four
corners of arterial intersections. USD Unified School District (USD) 261's public schools Campus High School and Ruth Clark Elementary School and their campuses are located approximately a quarter-mile southeast of the site. The schools are located on the northeast corner of 55th Street South and Meridian Avenue in Haysville.

A portion of the applicant's MH zoned manufacture home subdivision is located north of the site, across the paved, private Southborough road. The adjacent north property is developed with double wide manufactured homes, with pitched roofs, siding similar to what is found on a stick frame house and sitting on permanent foundations. The applicant's abutting south and west MH zoned property is currently used as agricultural fields. A developed SF-5 Single-Family Residential ("SF-5") zoned subdivision is located further north and west of the site. County zoned SF-20 Single-Family Residential ("SF-20") large tract single-family residences and agricultural fields are also located further north and west of the site. Properties located east of the site, across Meridian Avenue, include SF-20 zoned agricultural fields, a SF-5 zoned single-family residence (built 1950) and the city of Wichita's SF-5 zoned South Lakes Public Parks sports complex (outdoor playing fields). The park is the largest development in the area, with the applicant's MH zoned properties perhaps equaling the park in size.

The applicant's site plan shows the noted new office building and the paved parking with 13 parking spaces. The UZC requires one parking space per 500 square feet of building floor area, plus two spaces for the first 10,000 square feet of lot area used for sales or storage purposes, plus one space for each 10,000 square feet of lot area used for sales, display or storage purposes thereafter. The site plan does not give the size of the office, but if it is similar in size to the applicant's double wide manufactured homes (which it resembles) it's size can be calculated at approximately 1,220-sqaure feet; 76 feet (x) 16 feet. The site plan shows a 29,070 display area. Based on the estimate of the office size and the stated size of the display area, the applicant's 13 parking spaces and one disabled parking spaces exceeds the required seven parking spaces. The site plan shows the display area surfaced with gravel. The UZC, Sec. IV-A.1.b requires new development off-street parking and loading facilities shall be provided for any new building constructed and for any new use established, in accordance with the standards of this section. The UZC, Sec. IV-A,2.b, requires all parking areas, loading areas and driveways on all developments other than low-density residential development be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing. Gravel is not a comparable surfacing, a variance would be required to allow gravel parking. Variances are deviations from specific regulations in this Code. The site plan shows the required solid screening, but no landscaping; landscaping shall be per the UZC. The site plan shows a drive onto Meridian Avenue. The site plan does not show proposed lighting nor signs.

CASE HISTORY: From October-December, 1983, CU-263, a conditional use for a mobile home park, was considered and denied by the Haysville Planning Commission and the MAPC. The applicant withdrew the request prior to consideration and final action by the BoCC. CU-279, a conditional use for a mobile home park subject to platting, was considered and approved by the MAPC at their May 2, 1985 meeting. The BoCC denied the request at their June 19, 1985 meeting. On May 13, 1986, a District Court overturned the BoCC's denial and granted CU-279, a conditional use for a mobile home park subject to platting. On March 7, 2000, the City Council approved zoning case Z-3339, which rezoned the property the site is located on from SF-6 Single-Family Residential to MH. The site is part of the platted Lot 1, Southborough Estates Addition, which was recorded with the Register of Deeds March 13, 1989. The site was annexed into the city sometime between 1981-1990.

ADJACENT ZONING AND LAND USE:

NORTH: MH, LC	Manufactured homes, single-family residence, undeveloped land
EAST: SF-5, SF-20	Single-family residence, agricultural fields, large public park
WEST: MH, SF-20, SF-5	Agricultural fields, large tract single-family residence, single-family residential subdivision

PUBLIC SERVICES: The subject property has access to Meridian Avenue, a curbed, four-lane arterial street and Southborough Street, a paved, private, two-lane residential street. Municipal water and sewer services and all other utilities are currently provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The "2030 Land Use Guide of the Comprehensive Plan" (Plan) identifies the MH zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The MH zoning district is compatible with the urban residential category, but the requested LC zoning is not.

The proposed LC zoning is compatible to the "local commercial' category of the Plan. The UZC allows consideration of outdoor vehicle and equipment sales on LC zoned lots as a Conditional Use on a site by site basis. The "Commercial Locational Guidelines of the Comprehensive Plan" (commercial locational guidelines) recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The site has direct access onto Meridian Avenue, a four-lane arterial. The commercial locational guidelines also recommends that outdoor vehicle and equipment sales should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. If approved the conditional use would introduce a new use to the area. The closest manufactured home sales lots may be on the LC zoned southwest corner of the Seneca Street – I-235 interchange and south of the John Mack Bridge on the east side of

Broadway Avenue. Both of these sites are the only manufactured home sales businesses in the areas they are located in. The manufactured home sales lot located on Broadway Avenue has auto sales lots in close proximity. The manufactured home sales lot located off of the Seneca Street – I-235 interchange abuts a manufactured home park, with other manufactured home parks located in the area. Staff is not sure if there is an obvious cluster of manufactured home sale sites in the city.

The mid-mile location of the site initially makes consideration of the requested LC zoning problematic in that there are LC zoned agricultural fields located on three of the seven corners of the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. However, the site's proposed location and the abutting and adjacent current zoning makes the potential for it having a less adverse impact on the areas' current and future residential development, than the three LC agricultural fields located on the corners of arterial intersections. The mid-mile site has approximately 138-acres of partially developed MH zoning on three of its four sides, with Meridian Avenue separating it from the east adjacent SF-20 zoned agricultural field and the SF-5 zoned single-family residence and the South Lakes Public Parks sports complex. All three of the noted corner LC zoned sites have abutting SF-5 and/or SF-20 zoned properties on their interior sides. The proposed site's 1.98-acre size is smaller than the approximately six-acre LC zoned corner sites. The site's relatively small, irregular size does not allow for a large display area, which will more readily blend into the existing MH development and the future development of the applicant's MH zoned property.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**, with the following conditions:

1. The site shall be replatted or be approved for a lot split within a year of approval by the governing body. Access will be determined at the time of platting.

2. The Conditional Use shall be limited to the sale of residential designed manufactured homes, as defined by the UZC. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.

3. No repair work shall be conducted on the site. No outside storage. All equipment and materials including, but not limited to, blocks that the manufactured homes will be displayed on, display porches not being use in the display of the manufactured homes, pallets, fork lifts, etc., will be stored inside.

4. All improvements to the property must be finished before car sales is permitted, including the paving of the display area. Those improvements include a parking barrier around the display area, such as a heavy rail type, being installed along the north and east property lines of the display area where it abuts Meridian Avenue and is adjacent to the private street Southborough Street, except at driveway entrances or where fences are erected, to ensure that parked manufactured homes do not encroach onto public right-of-way, including the sidewalks. A six to eight foot wooden fence shall be erected as shown on the site plan.

5. Landscaping shall be per the Landscape Ordinance.

6. The applicant shall submit a revised site plan for review and approval by the Planning Director, within 45 days of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

7. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, searchlights, bunting and balloons. No electronic message boards. Signage will be a monument sign per the LC Limited Commercial zoning district.

8. No outdoor amplification system shall be permitted.

9. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 14-feet, including the base, and directed onto the site and away from the residential zoning located east of the site.
10. All trash receptacles, shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. 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.

The staff's recommendation is based on the following findings:

1. <u>The zoning, uses and character of the neighborhood</u>: The mid-mile site is located in a portion of the south-central edge of the Wichita city limits, abutting and adjacent to properties located in Wichita, Sedgwick County and the City of Haysville. Approximately six-acre LC zoned properties are located on seven of the eight properties abutting the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. Three of the seven LC zoned sites are agricultural fields, two are developed as farmsteads (built 1936, 1948),
one is a warehouse-retail business (built 1985, 1997, looks like a barn and accessory building) and the last is a single-family residence with undeveloped land around it. The LC zoned single-family residence with the undeveloped LC land around it, reflects two different owners. The LC zoned properties are the result of the 1958 rezoning of county properties located within the three-mile growth area of Wichita, which included Light Commercial zoning (now Limited Commercial) being located on the abutting four corners of arterial intersections. USD Unified School District (USD) 261's public schools Campus High School and Ruth Clark Elementary School and their campuses are located approximately a quarter-mile southeast of the site. The schools are located on the northeast corner of 55th Street South and Meridian Avenue in Haysville.

A portion of the applicant's MH zoned manufacture home subdivision is located north of the site, across the paved, private Southborough road. The adjacent north property is developed with double wide manufactured homes, with pitched roofs, siding similar to what is found on a stick frame house and sitting on permanent foundations. The applicant's abutting south and west MH zoned property is currently used as agricultural fields. A developed SF-5 Single-Family Residential (SF-5) zoned subdivision is located further north and west of the site. County zoned
SF-20 Single-Family Residential (SF-20) large tract single-family residences and agricultural fields are also located further north and west of the site. Properties located east of the site, across Meridian Avenue, include SF-20 zoned agricultural fields, a SF-5 zoned single-family residence (built 1950) and the city of Wichita's SF-5 zoned South Lakes Public Parks sports complex (outdoor playing fields). The park is the largest development in the area, with the applicant's MH zoned properties perhaps equaling the park in size.

2. The suitability of the subject property for the uses to which it has been restricted: The site is part of 138-acres of partially developed MH zoned property. The property is suitable for manufactured homes development.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval the conditions of the Conditional Use are intended to minimize the negative impact of manufactured home sales on the area. Approval of the LC zoning and the Conditional Use would place commercial zoning at a mid-mile location, which is not a request typically supported by staff. Approval of the Conditional Use would introduce a new use to the area, a manufactured home sales lot. However, the site abuts 138-acres of partially developed MH zoned land on three of its four sides, with the fourth side being Meridian Avenue frontage, which separates the site from SF-20 zoned agricultural fields and a SF-5 zoned single-family residence and the city of Wichita's SF-5 zoned South Lakes Public Parks sports complex. The site's relatively small size and it being surrounded by the 138-acres of partially developed MH zoned land lessen its impact.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The "2030 Land Use Guide of the Comprehensive Plan" (Plan) identifies the MH zoned site as "urban residential." The urban residential category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly. Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may also be found in this category. The MH zoning district is compatible with the urban residential category, but the requested LC zoning is not.

The proposed LC zoning is compatible to the "local commercial' category of the Plan. The UZC allows consideration of outdoor vehicle and equipment sales on LC zoned lots as a Conditional Use on a site by site basis. The "Commercial Locational Guidelines of the Comprehensive Plan" (commercial locational guidelines) recommends that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The site has direct access onto Meridian Avenue, a four-lane arterial. The commercial locational guidelines also recommend that outdoor vehicle and equipment sales should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these
uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. If approved the conditional use would introduce a new use to the area. The closest manufactured home sales lots may be on the LC zoned southwest corner of the Seneca Street – I-235 interchange and south of the John Mack Bridge on the east side of Broadway Avenue. Both of these sites are the only manufactured home sales businesses in the areas they are located in. The manufactured home sales lot located on Broadway Avenue has auto sales lots in close proximity. The manufactured home sales lot located off of the Seneca Street – I-235 interchange abuts a manufactured home park, with other manufactured home parks in the area. Staff is not sure if there is an obvious cluster of manufactured home sale sites in the city.

The mid-mile location of the site initially makes consideration of the requested LC zoning problematic in that there are LC zoned agricultural fields located on three of the seven corners of the area's arterial intersections of 47th Street South - Meridian Avenue and 55th Street South - Meridian Avenue. However, the site's proposed location and the abutting and adjacent current zoning makes the potential for it having a less adverse impact on the areas' current and future residential development, then the three LC agricultural fields located on the corners of arterial intersections. The mid-mile site has approximately 138-acres of partially developed MH zoning on three of its four sides, with Meridian Avenue separating it from the east adjacent SF-20 zoned agricultural field and the SF-5 zoned single-family residence and the South Lakes Public Parks sports complex. All three of the noted corner LC zoned sites have abutting SF-5 and/or SF-20 zoned properties on their interior sides. The proposed site's 1.98-acre size is smaller than the approximately six-acre LC zoned corner sites. The site's relatively small, irregular size does not allow for a large display area, which will more readily blend into the existing MH development and the future development of the applicant's MH zoned property.

4. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.

BILL LONGNECKER, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

WARREN moved, **RAMSEY** seconded the motion, and it carried (12-0-1).
FOSTER – Abstained.

District IV Advisory Board Minutes
January 4, 2016
www.wichita.gov

The District IV Advisory Board meeting was held at 6:30 p.m. at the Alford Library at 3447 S. Meridian, Wichita, KS 67217. Council Member Blubaugh, nine District Advisory Board members, three City staff, and one member of the public were present.

Members Present
Benny Boman
Michael Gomm
Nick Hoheisel
David Kapaun
Matt Lashley
Don McManamey
Rebecca Robertson
John Whitmer
Council Member Jeff Blubaugh
New appointee – Alex Martinez

Staff Present
Officer William Perkins, WPD
William Longnecker, MAPD
Becky Fields, Office of Community Services

Guest(s)
Bill Fox, Poe & Associates

Members Absent
Kit Corby
Cory Tourville – (new appointee)

ORDER OF BUSINESS

At 6:30 p.m.the meeting was called to order by **Council Member Blubaugh** who led the Pledge of Allegiance. A motion was made to approve the agenda by John Whitmer and 2nd by Nick Hoheisel. Motion carried 9-0. David Kapaun made the motion to approve the minutes from the December 7, 2015 meeting, and 2nd by John Whitmer. Motion carried 9-0.

Councilman Blubaugh then introduced Alex Martinez who will be officially appointed to DAB IV at tomorrow's City Council Meeting. Mr. Martinez lives District IV, but is the store manager for a Dillons in Newton. He likes to work on restoring old cars, and currently has two projects.

STAFF REPORTS

Officer Wiliam Perkins, Patrol West, reported that two thiefs were recently caught who were taking packages off of residential porches. One of the thieves had a felony conviction. Officer Perkins then reported that there was lots of auto larcenies, including out of town hunters who were leaving their firearms within sight inside their locked vehicle. Officer Perkins reminded everyone to never leave anything inside a vehicle that can be seen by someone walking by, including garage door openers which could give a burgler access to their home. There was a suspect in custody for many of the westside burglaries where jewelry and firearms had been taken. However, the suspect immediately posted a $25,000 cash bond for his release and was currently out of jail. Mr. Bowman reported seeing a silver vehicle in the parking lot of Aley Park that had been there for several weeks. Officer Perkins said that he would drive over to the park upon leaving the DAB meeting to run the plates to see if it had been reported stolen.

PUBLIC AGENDA

No items.

NEW BUSINESS

No items.

OLD BUSINESS

ZON2015-00046 & CON2015-00034 Zoning change from MH manufactured housing to LC Limited Commercial zoning with a Conditional Use for Outdoor Vehicle and Equipment Sales

William Longnecker, Metropolitan Area Planning Department, re-presented the request to address specific concerns that were raised at December 7th DAB meeting. The applicant is requesting a zone change from MH Manufactured Housing (MH) to LC Limited Commercial (LC) with a Conditional Use to allow outdoor vehicle and equipment sales, specifically the sale of manufactured homes. The MH zoning district does not permit the sale of outdoor vehicle and equipment sales/manufactured homes. However, outdoor vehicle and equipment sales may be permitted after consideration and approval of a Conditional Use on a site by site basis in the LC zoning district; Unified Zoning Code (UZC), Sec.III-D.6.x. The site is located midway between 47th and 55th Streets South on the west side of Meridian Avenue. The 1.98-acre site is partially developed with a 'new office' and a parking lot, as shown on the applicant's site plan. The 1.98-acre site is part of the approximately 138-acre partially developed MH zoned Southborough Estates Addition manufactured home park.

Bill Longnecker, MAPD, submitted three (3) photographs of what mobile homes will look like when they are displayed for sale (skirted, some with decks, etc.)

Bill Fox, agent for the applicant, clarified that only new homes will be on display. A comment from the board was made that they were under the impression that the mobile homes were going to be used/previously owned, and Mr. Fox stated that only new homes would be for sale.

Rebecca Robertson asked if the mobile units were model homes, and Mr. Fox stated no, that everything on display would be for sale.

It was asked if there would be gravel down for the display site, and were told that the area would be paved. There was a little discussion about the adjoining properties and that it was a mixture of Sedgwick County and Haysville properites to the east of the site. The property on the south was not developed.

A motion was made to approve by John Whitmer, and a 2nd by Nick Hoheisel. Motion carried 9-0.

BOARD AGENDA

Council Member Blubaugh announced he will host a District IV Breakfast on January 16th at Spears and that Mayor Longwell would be the guest speaker.

Benny Boman asked when the work on Meridian would begin. Council Member Blubaugh stated that it will begin this month, and if not Public Works would have to explain. Council Member Blubaugh then asked Becky to make sure that Gary Janzen (Public Works) would be invited to the next DAB meeting as a guest speaker to give an update about south Meridian and other street construction concerns.

Rebecca Robertson asked if a decision had been made about the railway bridge over the Big Ditch for a proposed bicycle path. Councilman Blubaugh responded that the demolition is on hold pending KDOT to come up with an alternative plan of being able to work around the bridge in lieu of the plans for the I-235/Kellogg interchange project. If the bridge cannot be saved, then an alternative route was being discussed.

Staff member, Becky Fields, commented that she had brought homemade Kansas sunflower seed cookies and that there were plenty left on the tray by the door. She asked board members to please take cookies with them on their way out the door.

A motion was made to adjourn by Matt Lashley and 2nd by John Whitmer. Motion carried 9-0.

Meeting adjourned at 7: 05 pm.

The next meeting for District Advisory Board IV will be held at 6:30 p.m., February 1, 2016, at Lionel Alford Library, 3447 S. Meridian, Wichita, KS 67217.

Respectfully submitted,
Becky Fields, Office of Community Services

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: City Council

FROM: Janet Johnson, Office of Community Engagement

SUBJECT: ZON2015-00046 & CON2015-00034 zoning change from MH manufactured housing to LC Limited Commercial zoning with a Conditional Use for Outdoor Vehicle and Equipment Sales

DATE: December 9, 2015

On Monday, December 7, 2015, the District IV Advisory Board considered a request for a zoning change from MH manufactured housing to LC Limited Commercial zoning with a Conditional Use for Outdoor Vehicle and Equipment Sales.

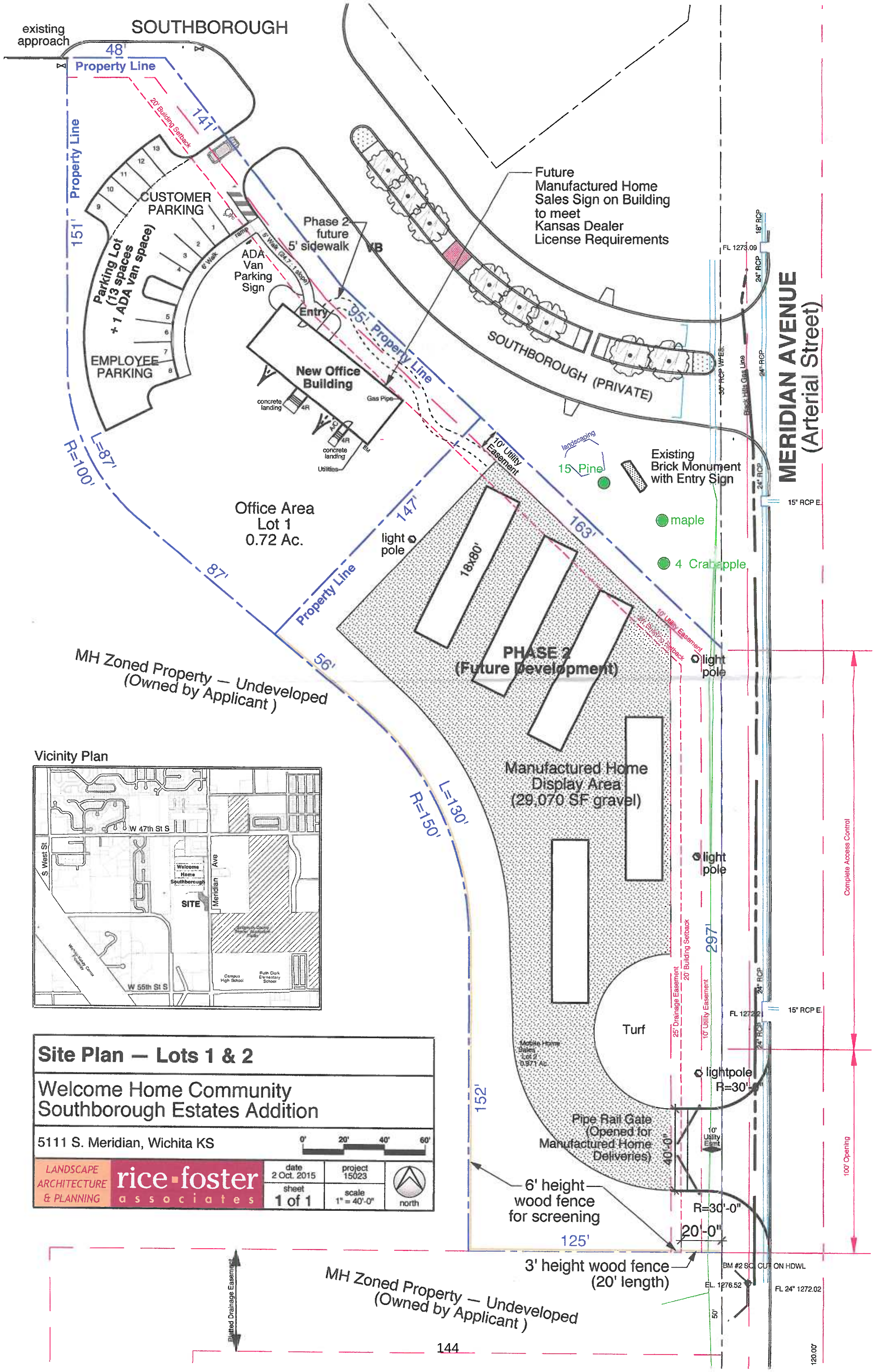
Bill Fox, agent for the applicant, explained they are asking for the change because under the current zoning they can't sell manufacturing. He said sometimes individuals sell their home to the park owners and in turn, they would like to be able to see the home.

The DAB members had a number of concerns, primarily regarding aesthetics:

- Is there enough space to place the homes?
- How old are the homes and what condition are they in?
- Will they have to be skirted?
- Will the property be screened?

The DAB reached a consensus that they would like to have more information regarding the site plans and mobile home park zoning requirements in general. **Council Member Blubaugh** asked if this would negatively impact the applicants work plan. **Fox** said no.

Action Taken: McManamey/Corby made a motion that the item come back to the DAB next month with the additional information requested.
Motion carried 6-0


existing approach
SOUTHBOROUGH
48'
Property Line
20' Building Setback
141'
Property Line
151'
CUSTOMER PARKING
Parking Lot (13 spaces + 1 ADA van space)
EMPLOYEE PARKING
ADA Van Parking Sign
Phase 2 future 5' sidewalk
Entry
95'
Property Line
New Office Building
concrete landing
Gas Pipe
Utilities
Future Manufactured Home Sales Sign on Building to meet Kansas Dealer License Requirements
SOUTHBOROUGH (PRIVATE)
10' Utility Easement
landscaping
15 Pine
Existing Brick Monument with Entry Sign
maple
4 Crabapple
MERIDIAN AVENUE (Arterial Street)
FL 1273.09
18" RCP
24" RCP
30" RCP W/E.
Black Hills Gas Line
15" RCP E.
L=87'
R=100'
Office Area
Lot 1
0.72 Ac.
147'
light pole
163'
87'
Property Line
18x80'
PHASE 2
(Future Development)
MH Zoned Property — Undeveloped
(Owned by Applicant)
56'
Manufactured Home Display Area
(29,070 SF gravel)
L=130'
R=150'
Turf
297'
25' Drainage Easement
20' Building Setback
10' Utility Easement
lightpole
R=30'-0"
Pipe Rail Gate (Opened for Manufactured Home Deliveries)
40'-0"
152'
6' height wood fence for screening
R=30'-0"
20'-0"
125'
3' height wood fence (20' length)
Complete Access Control
100' Opening
Platted Drainage Easement
MH Zoned Property — Undeveloped
(Owned by Applicant)
BM #2 SQ. CUT ON HDWL
EL. 1276.52
FL 24" 1272.02
50'
120.00'
Vicinity Plan
W 47th St S
S West St
Welcome Home Southborough
SITE
Meridian Ave
W 55th St S
Campus High School
Ruth Clark Elementary School
Site Plan — Lots 1 & 2
Welcome Home Community
Southborough Estates Addition
5111 S. Meridian, Wichita KS
0' 20' 40' 60'
LANDSCAPE ARCHITECTURE & PLANNING
rice-foster associates
date 2 Oct. 2015
project 15023
sheet 1 of 1
scale 1" = 40'-0"
north

Agenda Item No. II-13

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

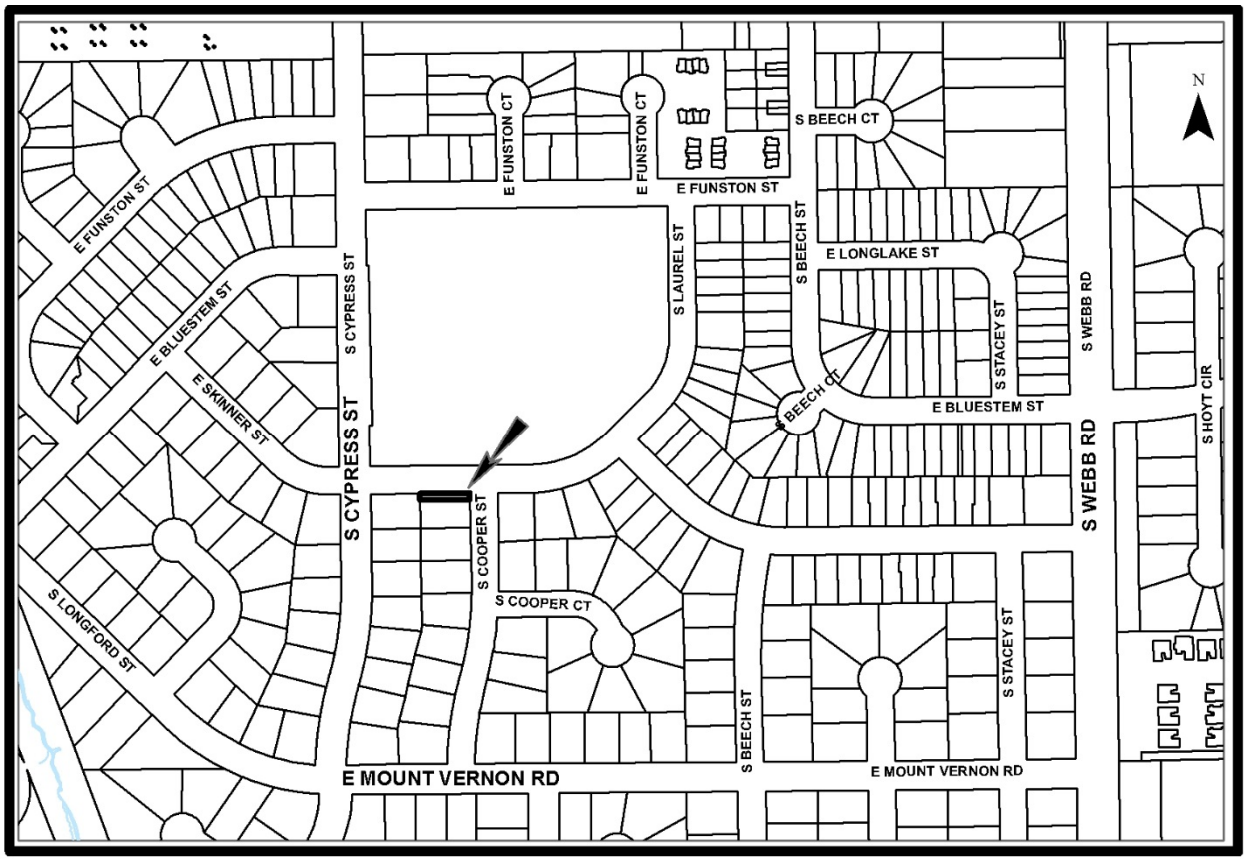
SUBJECT: VAC2015-00047 - Request to Vacate a Platted Street Side Yard Setback on Property Generally Located Between East Harry Street and East Mount Vernon Road, West of South Webb Road, on the Southwest Corner of South Cooper and West Skinner Streets (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (11-0).



Background: The applicants are requesting consideration for the vacation of the platted 15-foot street side yard setback located parallel to the north property line of Lot 16, Block 2, Cedar Ridge 2nd Addition and the south side of the Skinner Street right-of-way. A shed was permitted to be placed on the site of an old shed (built on a slab) that has been removed but was located within three-feet - four-inches (3-feet – 4-inches) of the north property line. There is a wooden fence located between the shed and Skinner Street. The subject corner lot is zoned SF-5 Single-Family Residential (SF-5). The Unified Zoning Code's (UZC) minimum street side yard setback for the SF-5 zoning district is 15 feet; the same as the SF-5 zoned site's platted 15-foot street side yard setback. To remove the encroachment a vacation is required to reduce the platted 15-foot street side yard setback. Traffic has reviewed the request and has determined that the shed does not fall within the sight obstruction triangle. There are no easements located within the platted setback. There are no utilities located within the platted setback. Water is located in the right-of-way. The Cedar Ridge 2nd Addition was recorded with the Register of Deeds June 30, 1981.

Analysis: The Metropolitan Area Planning Commission (MAPC**)** voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order. The Law Department concurs that the approval of the vacation order is in accordance with City policy. The original Vacation Order will be recorded with the Sedgwick County Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order (simple majority of four votes required) and authorize the necessary signatures.

Attachment:

- Vacation Order

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED STREET SIDE YARD SETBACK	)	
GENERALLY LOCATED BETWEEN HARRY STREET & MOUNT VERNON ROAD, WEST OF WEBB ROAD, ON THE SOUTHWEST CORNER OF COOPER & SKINNER STREETS	)	**VAC2015-00047**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 16th day of February, 2016, comes on for hearing the petition for vacation filed by Anthony V. Edwards & Colleen Ackerman (owners), praying for the vacation of the following described portion of a platted street side yard setback, to-wit:

Vacate the south 12 feet of the platted 15-foot street side yard setback, located on Lot 16, Block 2, Cedar Ridge 2nd Addition, Wichita, Sedgwick County, Kansas, beginning 30 feet from said lot's east property line of & ending 60 feet from the east property line of said lot.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on October 15, 2015, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described portion of the platted street side yard setback and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described portion of the platted street side yard setback, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of February, 2016, ordered that the above-described portion of the platted street side yard setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

Agenda Item No. II-14

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

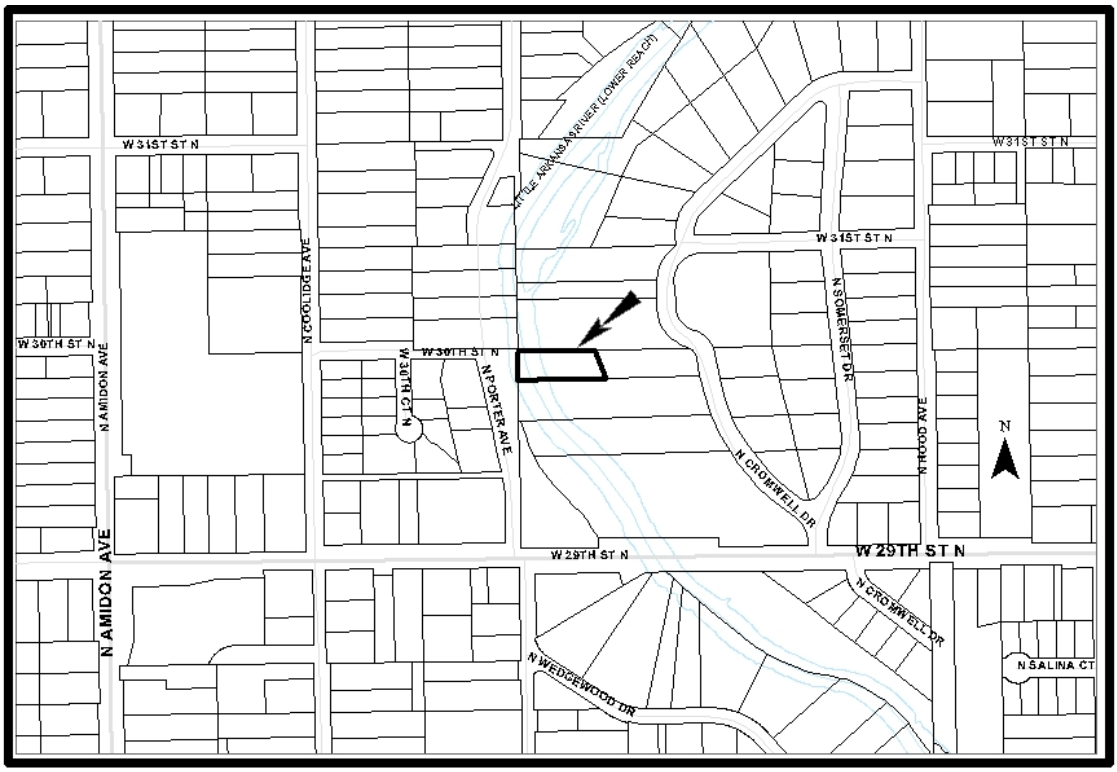
SUBJECT: VAC2015-00049 - Request to Vacate the Plattor's Text to Amend the Dedication and the Uses Permitted in a Platted Reserve on Property Generally Located East of North Amidon Avenue, North of West 29th Street North, on the West Side of Cromwell Drive (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (13-0).



Background: The platted Reserve A, Emel Addition, abuts the west, back yard of the applicant's property, Lot 1, Emel Addition and east side of the Little Arkansas River. The applicant is requesting the vacation of the plattor's text of the platted subject reserve. Per the plattor's text, Reserves A is hereby dedicated to the public for drainage, river bank maintenance, flood control and river beautification. The ownership list provided by the title company recognizes Reserve A as being owned by the public by virtue of the plat dedication. The Subdivision Regulations' definition of a reserve includes: "Typically future ownership and maintenance for a reserve is set forth by a restrictive covenant that provides that a homeowners or a lot association will hold title to the reserve and therefore be held responsible for the reserve's maintenance. The restrictive covenant may provide ownership and maintenance to be tied to ownership of an adjacent lot. Ownership and maintenance is not assign to an individual, partnership, or corporation except in cases of a reserve except in the case of a reserve platted for the future sales to a public body for a public facility."

No restrictive covenant(s) has been found that establishes that a homeowners association, a lot association, an adjacent lot, an individual, a partnership, or a corporation holds title and is responsible for maintenance of the subject reserve. There is no record of a sale of the reserve to the City of Wichita or any public body. The request will eliminate that Reserve A is "dedicated to the public," but retain its use for drainage, river bank maintenance, flood control, river beautification and also allow single-family uses. A covenant binding and tying Reserve A to Lot 1 (the abutting lot), all in the Emel Addition, will aid the applicant in obtaining clear title to the subject reserve. The site is located within a floodway. There are no utilities located in the subject reserve. The Emil Addition was recorded July 25, 1972.

Analysis: The Metropolitan Area Planning Commission (MAPC**)** voted (13-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order and a covenant. The Law Department concurs that the approval of the vacation order is in accordance with City policy. The original Vacation Order and the covenant will be recorded with the Sedgwick County Register of Deeds. The covenant will also be recorded with the Sedgwick County Appraisers Office.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and covenant (simple majority of four votes required) and authorize the necessary signatures.

Attachments:

- Vacation Order
- A Covenant

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF THE PLATTOR'S TEXT TO AMEND THE DEDICATION AND THE USES PERMITTED IN A PLATTED RESERVE	)	
GENERALLY LOCATED EAST OF AMIDON AVENUE, NORTH OF 29TH STREET NORTH, ON THE WEST SIDE SIDE OF CROMWELL DRIVE	)	**VAC2015-00049**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 16th day of February, 2016, comes on for hearing the petition for vacation filed by Kathleen K. Caldwell, Revocable Trust (owner), praying for the vacation of the following described plattor's text to amend the dedication and the uses permitted in Reserve A, Emel Addition, to-wit:

Reserve A, Emel Addition is no longer dedicated to the public, but by this Vacation Order is hereby dedicated for single-family residential uses, drainage, river bank maintenance, flood control and river beautification.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on October 29, 2015, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described dedication and the uses permitted in the subject platted reserve and the public will suffer no loss or inconvenience thereby.

3. A covenant binding and tying Reserve A, Emel Addition to Lot 1, Emel Addition shall be filed with this Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

6. The vacation of the described plattor's text to amend the dedication and the uses permitted in the described reserve, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of February, 2016, ordered that the above-described dedication and the uses permitted plattor's text in the described reserve and is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, the Kathleen K. Caldwell Revocable Trust, is the owner of the following described real estate, to-wit:

Lot 1, Emel Addition (recorded July 25, 1972), Wichita, Sedgwick County, Kansas; generally located east of Amidon Avenue, north of 29th Street North, on the west side of Cromwell Drive.

NOW THERFORE, in consideration of receiving approval from the appropriate government authorities for the vacation (Vacation Order VAC2015-00049) of the plattor's text to amend the dedication and the uses permitted in Reserve A, Emel Addition (recorded July 25, 1972), Wichita, Sedgwick County, Kansas, the undersigned agrees covenants that Reserve A, Emel Addition and the abutting Lot 1, Emel Addition, shall be retained, held and bound together.

It is also understood that this covenant shall be binding upon the undersigned, his successors and assigns, and shall run with the land until such time as the said properties are replatted.

STATE OF KANSAS)
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 27th day of January, 2016, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came

Kathleen K. Caldwell, Revocable Trust

Kathleen K. Caldwell, Revocable Trust
(Owner's signature)

Who is personally known to me to be the same person who executed this written document and such person duly acknowledged the execution of the same, for and on behalf of the corporation.

IN TESTEMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

Jenna Lahann
Notary Public

JENNA LAHANN
NOTARY PUBLIC
STATE OF KANSAS
My Appt Exp. 10-9-16

My Commission Expires: 10-9-16

Agenda Item No. II-15

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

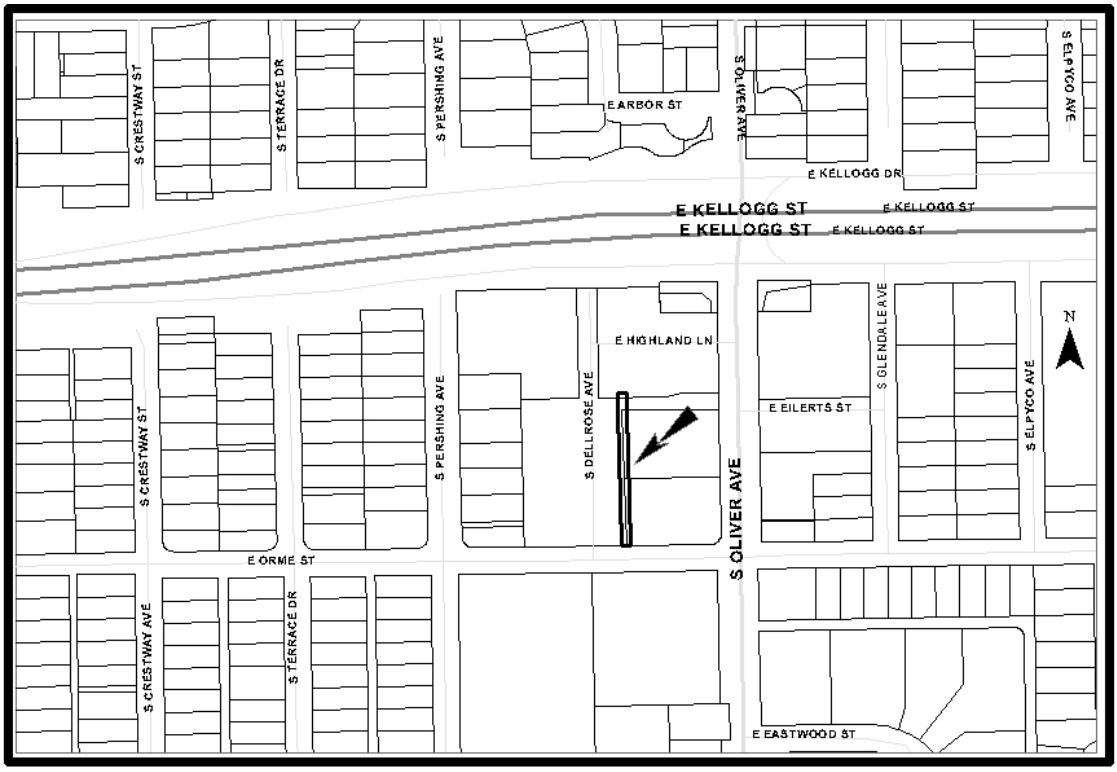
SUBJECT: VAC2015-00050 - Request to Vacate a Portion of a Platted Drainage and Utility Easement on Property Generally Located South of West Kellogg Street, on the Northwest corner of South Oliver Avenue and East Orme Street (District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (13-0).



Background: The applicant is requested the vacation of the platted 20-foot wide drainage and utility easement centered on the common lot lines of Lots 2 and 4, all in Block 1, all in the Ann Walenta Commercial Addition. The applicant has dedicated another easement to replace the vacated subject easement. There are no utilities located in the subject easement. The Ann Walenta Commercial Addition was recorded July 15, 2009.

Analysis: The Metropolitan Area Planning Commission (MAPC**)** voted (13-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order and the dedication of a drainage-utility easement by separate instrument. The Law Department concurs that the approval of the vacation order is in accordance with City policy. The original Vacation Order and the drainage-utility easement dedicated by separate instrument will be recorded with the Sedgwick County Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and the dedication of a drainage-utility easement by separate instrument (simple majority of four votes required) and authorize the necessary signatures.

Attachments:

- Vacation Order
- Drainage-utility easement dedicated by separate instrument

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PLATTED DRAIANGE AND UTILITY EASEMENT	)	
GENERALLY LOCATED ON THE NORTHWEST CORNER OF OLIVER AVENUE AND ORME STREET	)	**VAC2015-00050**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 16th day of February, 2016, comes on for hearing the petition for vacation filed by S.J. Ram, LC, c/o Don Walenta (owner), praying for the vacation of the following described platted drainage and utility easement, to-wit:

All of the 20-foot Drainage & Utility Easement located in Block 1, Ann Walenta Commercial Addition, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on October 29, 2015, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described platted drainage and utility easement and the public will suffer no loss or inconvenience thereby.

3. A drainage and utility easement dedicated by separate instrument shall be filed with this Vacation Order at the Sedgwick County Register of Deeds.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. No written objection to said vacation has been filed with the City Clerk by any

owner or adjoining owner who would be a proper party to the petition.

6. The vacation of the described platted drainage and utility easement, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of February, 2016, ordered that the above-described platted drainage and utility is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

DRAINAGE AND UTILITY EASEMENT

THIS EASEMENT made this 23RD day of DECEMBER, 2015, by and between S.J. Ram, LC, a Kansas limited liability company of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing a drainage system and all public utilities over, along, and under the following described real estate situated in Sedgwick County, Kansas, described as:

Commencing at the southeast corner of Lot 2, Block 1, Ann Walenta Commercial Addition, Wichita, Sedgwick County, Kansas; thence N89°58'32"W along the south line of said Lot 2, 30.00 feet to the place of beginning; thence continuing N89°58'32"W along said south line, 20.00 feet; thence N00°00'26"W, parallel with the east line of said Lot 2, 172.00 feet; thence S89°58'44"E, parallel with the north line of Lot 4, Block 1, in said addition, 40.00 feet to a point 10.00 feet west of the west line of Lot 3, Block 1, in said addition; thence N00°00'26"W, parallel with said west line, 169.00 feet to a point 10.00 feet north of the south line of Lot 1, Block 1, in said addition; thence S89°58'44"E, parallel with the south line of said Lot 1, 20.00 feet; thence S00°00'26"E, parallel with said east line, 189.00 feet to the south line of said Lot 3; thence N89°58'44"W along said south line, 40.00 feet to a point 10.00 feet east of the west line of said Lot 4; thence S00°00'26"E, parallel with said west line, 152.00 feet to the place of beginning.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such drainage system and public utilities.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

S.J. Ram, LC, a Kansas limited liability company

_____ Member
Jeff Walenta

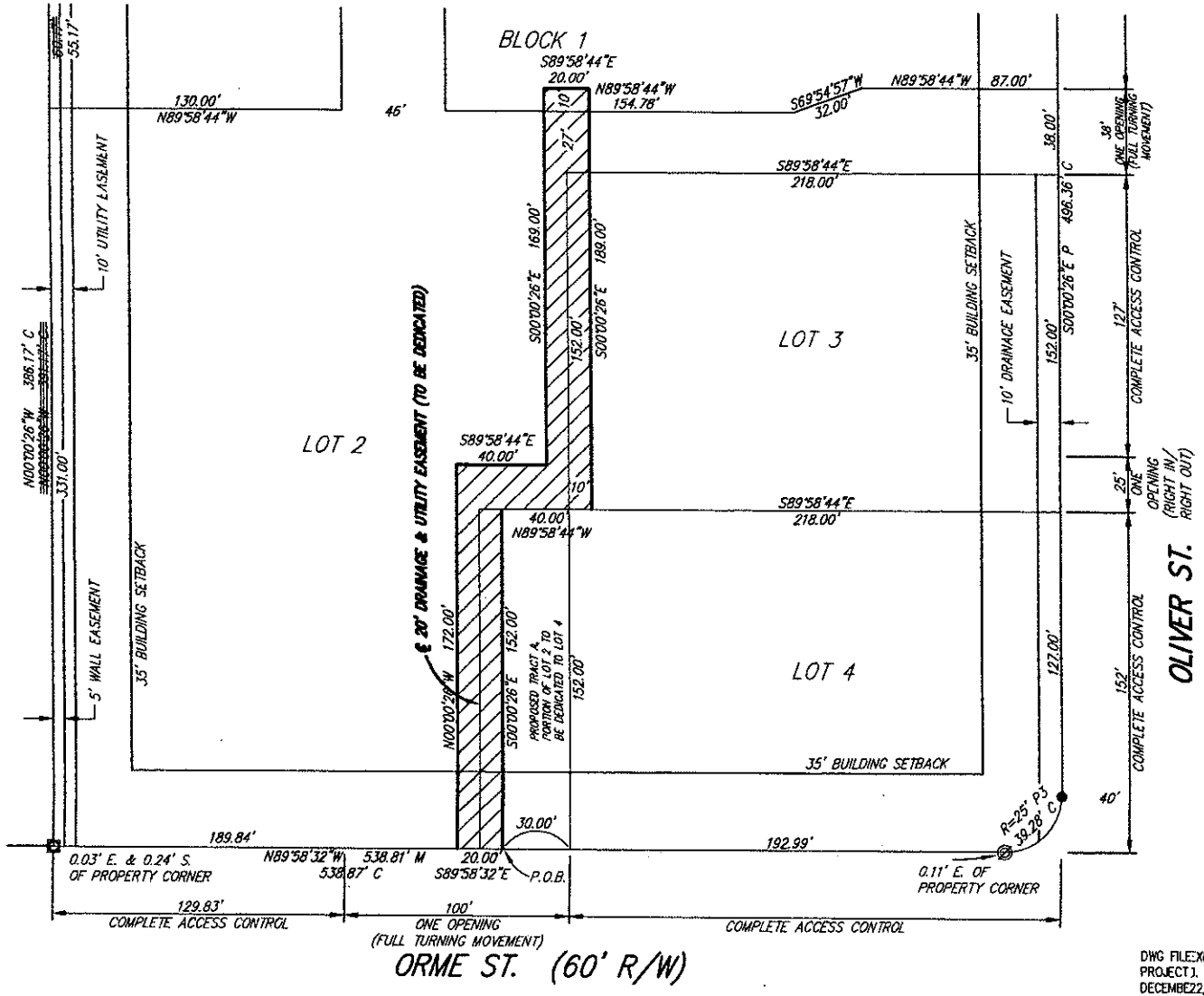
State of Kansas)
) SS
Sedgwick County)

The foregoing instrument was acknowledged before me this 23RD day of DECEMBER _____, 2015, by Jeff Walenta, Member, on behalf of S.J. Ram, LC, a Kansas limited liability company.

_____, Notary Public
(signature of notary officer)

WILLIAM K. CLEVENGER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 11/15/16

My appointment expires: NOV. 15, 2016.



DWG FILE:EXHIBIT2
PROJECT J. 4623V
DECEMBE22, 2015

Drainage & Utility Easement

Commencing at the southeast corner of Lot 2, Block 1, Ann Walenta Commercial Addition, Wichita, Sedgwick County, Kansas; thence N89°58'32"W along the south line of said Lot 2, 30.00 feet to the place of beginning; thence continuing N89°58'32"W along said south line, 20.00 feet; thence N00°00'26"W, parallel with the east line of said Lot 2, 172.00 feet; thence S89°58'44"E, parallel with the north line of Lot 4, Block 1, in said addition, 40.00 feet to a point 10.00 feet west of the west line of Lot 3, Block 1, in said addition; thence N00°00'26"W, parallel with said west line, 169.00 feet to a point 10.00 feet north of the south line of Lot 1, Block 1, in said addition; thence S89°58'44"E, parallel with the south line of said Lot 1, 20.00 feet; thence S00°00'26"E, parallel with said east line, 189.00 feet to the south line of said Lot 3; thence N89°58'44"W along said south line, 40.00 feet to a point 10.00 feet east of the west line of said Lot 4; thence S00°00'26"E, parallel with said west line, 152.00 feet to the place of beginning.

= PROPOSED EASEMENT DEDICATION

50' 0 25' 50'

RUGGLES BOHM

ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT

924 NORTH MAIN WICHITA, KANSAS 67203 P (316) 264-8008 F (316) 264-4621
WWW.RBKANSAS.COM

Agenda Item No. II-16

City of Wichita
City Council Meeting
February 16, 2016

TO: Mayor and City Council

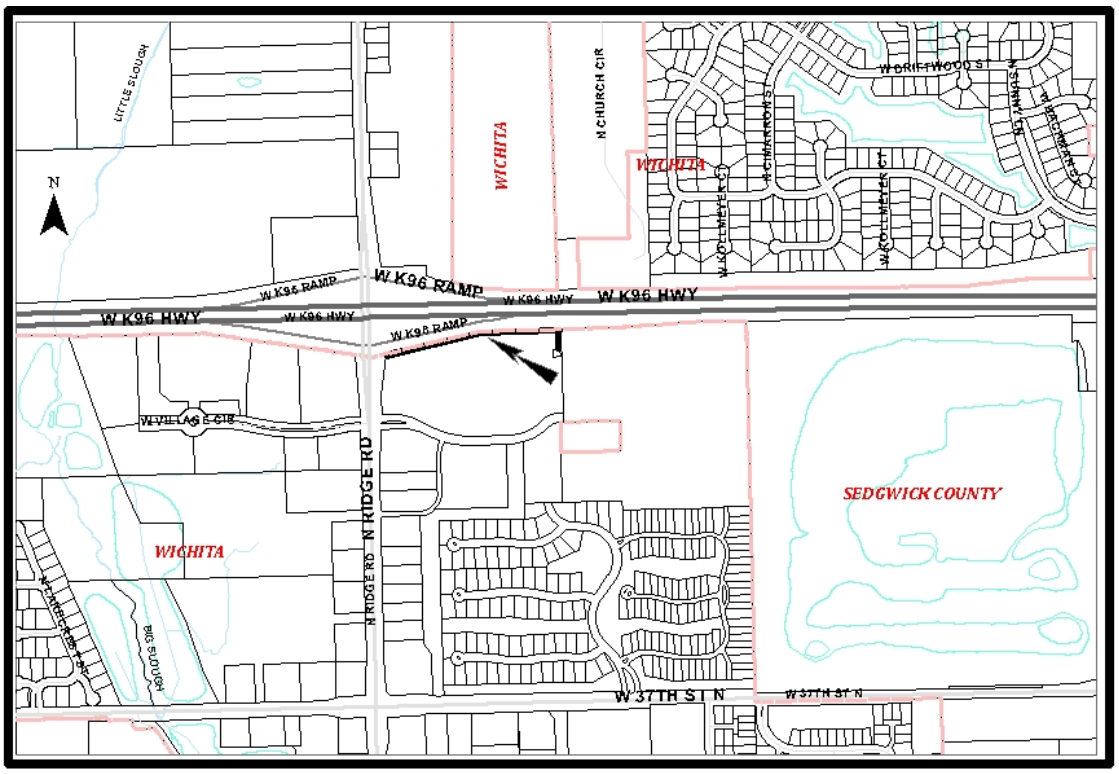
SUBJECT: VAC2015-00052 - Request to Vacate a Platted Utility Easement on Property Generally Located Southeast of K-96 Highway and North Ridge Road (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (13-0).



Background: The applicant is requesting the vacation of the platted 20-foot wide utility easement that runs parallel to the north property line of Lot 1 and the north 188.71 feet of the east property line of said lot, all in Block 4, Estancia Commercial Addition. The platted 20-foot building setback that runs parallel to the north property line of Lot 1, Block 4, Estancia Commercial Addition will remain. There are no utilities located in the subject easement. The Estancia Commercial Addition was recorded September 28, 2015.

Analysis: The Metropolitan Area Planning Commission (MAPC**)** voted (13-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order. The Law Department concurs that the approval of the vacation order is in accordance with City policy. The original Vacation Order will be recorded with the Sedgwick County Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order (simple majority of four votes required) and authorize the necessary signatures.

Attachment:

- Vacation Order

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PLATTED UTILITY EASEMENT	)	
GENERALLY LOCATED SOUTHEAST OF K-96 HIGHWAY & RIDGE ROAD	)	**VAC2015-00052**
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 16th day of February, 2016, comes on for hearing the petition for vacation filed by Tier 1 LLC, c/o Jesse Schellenberg (owner), praying for the vacation of the following described platted utility easement, to-wit:

A 20-foot wide platted utility easement located within a north and northeast portion of Lot 1, Block 4, Estancia Commercial Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 1; thence along the north lines of said Lot 1 for the next three courses, N76°07'51”E, 666.00 feet; thence N88°44'57”E, 542.24 feet; thence N88°42'31”E, 10.90 feet; thence S01°35'09"E, 138.76 feet to the north line of Lot 2, said Block 4; thence along the north line of said Lot 2, S88°24'51”W, 20.00 feet; thence N01°35'09"W, 118.87 feet to a point 20.00 feet south of said north line of said Lot 1; thence parallel with and 20.00 feet south of said north line of said Lot 1 for the next two courses, S88°44'57”W, 531.05 feet; thence S76°07'51”W, 671.31 feet to a point on the west line of said Lot 1; thence along said west line, N06°44'51”E, 21.37 feet to the POINT OF BEGINNING, TOGETHER WITH; The north 20 feet of the east 10 feet of said Lot 1, Block 4, said Estancia Commercial Addition

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in

The Wichita Eagle on October 29, 2015, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described platted utility easement and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described platted utility easement, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of February, 2016, ordered that the above-described platted utility easement and is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

[Type here]

City of Wichita
City Council Meeting
February 16, 2016

TO: Wichita Airport Authority

SUBJECT: Gateway Frontline Services, Inc. – Amendment No. 1
Wichita Dwight D. Eisenhower National Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the supplemental agreement.

Background: On June 2, 2015, the Wichita Airport Authority (WAA) approved a Commercial Operations Agreement with Gateway Frontline Services, Inc. (Gateway) to provide wheelchair services to airline passengers and to lease an office in the terminal at Wichita Dwight D. Eisenhower National Airport. The agreement is on a month-to-month basis.

Analysis: Gateway desires to have the office in a more central location in the terminal building to better serve the customers.

Financial Considerations: Terminal building facility rent for the type of space requested is $37.38 per square foot per year. The space desired is a 636 square foot office. Therefore, the annual facility rent for 2016 is $23,774, which is a decrease of fifteen percent compared to the previous year due to the decrease in office size from that currently being leased. The commission fee to the WAA for a wheelchair service provider will continue at existing 2.5 percent of gross revenues to signatory airlines and five percent for non-signatory airlines.

Legal Considerations: The amendment has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the amendment and authorize the necessary signatures.

Attachment: Amendment No. 1

COMMERCIAL OPERATIONS PERMIT
and License to Occupy

AMENDMENT NO. 1

By and Between

THE WICHITA AIRPORT AUTHORITY

And

GATEWAY FRONTLINE SERVICES, INC.

Wichita Dwight D. Eisenhower National Airport,
Wichita, Kansas

THIS AMENDMENT NO. 1 to the Commercial Operating Permit ("Permit") dated February 16, 2016, is made between THE WICHITA AIRPORT AUTHORITY, Wichita, Kansas, the (Authority); and GATEWAY FRONTLINE SERVICES, INC. (Operator).

The parties previously entered into a Permit dated June 2, 2015 to perform aircraft cleaning, baggage portage, security services, wheelchair services for commercial passenger air carriers using Wichita Dwight D. Eisenhower National Airport; and

The Authority and Operator now wish to enter into this Amendment No. 1 to relocate the Premises.

In consideration of these covenants and amendments, the parties hereto agree to the following modifications to the original Permit:

1. EXHIBIT A

Exhibit "A" of the Permit, dated June 2, 2015 shall be **replaced** with the revised Exhibit "A", dated December 3, 2015. Future changes may be made to Exhibit "A", under the authority of the Director of Airports, without requiring formal amendment to the Permit; provided, however, that such changes shall be subject to the provisions of Section 5 - License to Occupy Premises and Section 7 – Facility Rental and Percentage of Gross Revenues.

2. LICENSE TO OCCUPY PREMISES

Section 5 – License to Occupy Premises, Permit dated June 2, 2015 shall be **replaced** with the following:

Authority does hereby lease to Operator the Premises located in the Wichita Dwight D. Eisenhower National Airport ("Airport") terminal building, as reflected on Exhibit "B", attached hereto and made a part hereof. It is understood and agreed that if Authority requires the Premises for Airline purposes or Authority purposes, that Authority may reclaim the Premises and will attempt to find other space acceptable to Operator. Occupancy of the Premises is contingent on Operator possessing a valid Operating Permit. Cancellation or termination of this Permit is also effective for leasehold rights.

Subsequent to the execution of this Permit, upon mutual consent of both parties, it is understood and agreed that changes may be made to Exhibit "B", under the authority of the Director of Airports, without requiring formal amendment to the Permit.

During the Term of this Permit, LESSOR may re-measure various areas within and around the Premises, in an effort to more accurately reflect Improvements, additions and modifications. In the event the square footage of the Premises identified herein differs from the Premises square footage determined by such re-measurement, the parties agree to enter into an amendment to this Permit to modify the Premises description to reflect the actual square footage of the Premises subject to the provisions of this Permit. If the actual square footage of the Premises is determined to differ from than the square footage of the defined Premises the current fees and charges shall be re-calculated. Thereafter, LESSEE's monthly fees and charges shall be based upon the re-measured square footage. The parties agree that any increase or decrease in the monthly fees and charges payable resulting from re-measurement of the Premises shall not be applied retroactively. The Director may execute an amendment to this Permit on behalf of LESSOR to reflect the adjusted monthly fees and charges.

3. OTHER TERMS

It is understood and agreed that all other terms and conditions of the existing Permit between the parties hereto are incorporated herein and reaffirmed.

IN WITNESS WHEREOF, the parties hereto have executed this Permit the day and year first above written.

ATTEST:

By _____
Karen Sublett, City Clerk

By _____
Victor D. White, Director of Airports

THE WICHITA AIRPORT AUTHORITY
WICHITA, KANSAS

By _____
Jeff Longwell, President
"OWNER"

ATTEST:

By _____

Title Administrator Gateway Grounds
Melissa Castro

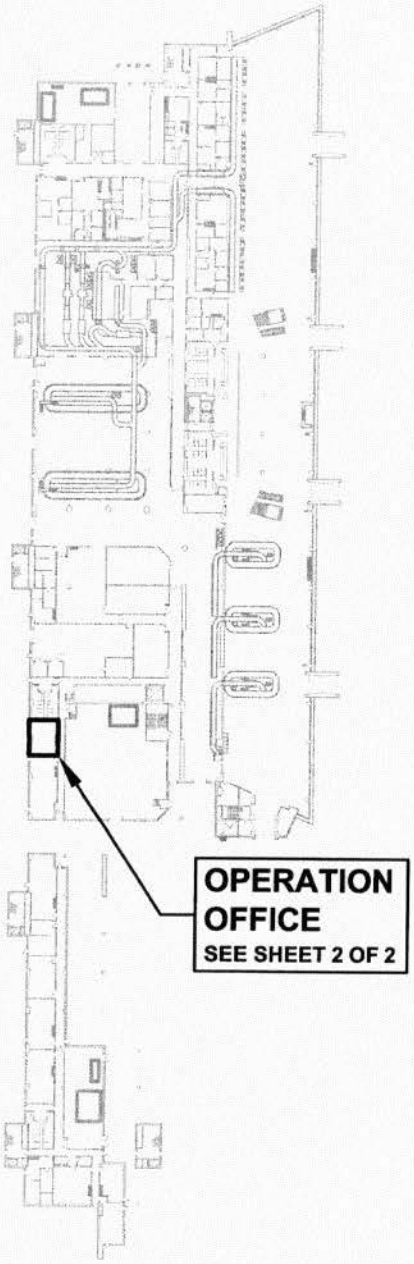
GATEWAY FRONTLINE SERVICES, INC.

By _____

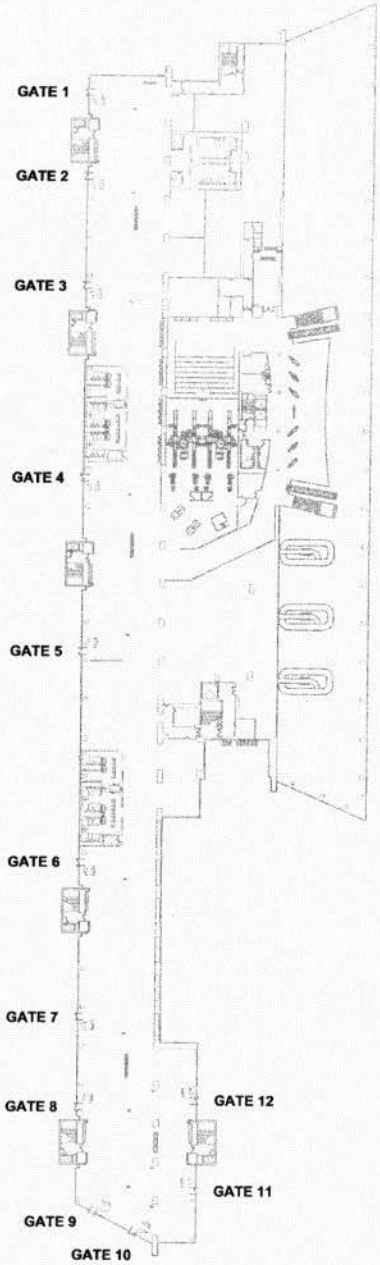
Title Ray Mgr. Gateway Grounds
"OPERATOR" Xavier Merizalde

APPROVED AS TO FORM: _____ Date: 1-28-16
Jennifer Magana,
City Attorney and Director of Law

EXHIBIT B



1ST FLOOR



2ND FLOOR

GATEWAY

TERMINAL LAYOUT

WICHITA DWIGHT D. EISENHOWER NATIONAL AIRPORT

THE WICHITA AIRPORT AUTHORITY

WICHITA, KANSAS

DATE	DR. BY	SCALE	SHEET
12/3/15	H.G.O.	1" = 150'	1 of 2

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EXHIBIT B

OPERATION OFFICE

GATEWAY

1ST FLOOR

WICHITA DWIGHT D. EISENHOWER NATIONAL AIRPORT

THE WICHITA AIRPORT AUTHORITY

WICHITA, KANSAS

DATE	DR. BY	SCALE	SHEET
12/3/15	H.G.O.	1" = 20'	2 of 2

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