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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. August 9, 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 August 2, 2016

AWARDS AND PROCLAMATIONS

None

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. Dan Chambers - Water bill out for collection that he does not owe and the poor collection process.

II. CONSENT AGENDA ITEMS 1 THROUGH 13

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. Ordinances Amending Chapters 1.04, 10.04, 10.08, 10.16, 10.20, 10.24 and 11.22 of the Code of the City of Wichita Pertaining to Streets, Right-of-Way and Sidewalks and Creating Chapter 28.06 Relating to Landscaping.

   RECOMMENDED ACTION: Place the ordinance on first reading, authorize the necessary signatures and rescind the directive issued on May 10, 2016, deferring enforcement of Title 10 Amendments.

2. 2017- 2018 Proposed Budget.

   RECOMMENDED ACTION: Close the public hearing and: 1) Adopt the 2017 Proposed Budget and the second reading of the necessary budget ordinances, including those for the Tax Increment Financing (TIF) Districts and the SSMID; 2) Approve amending the 2016 budgets for the State Office Building Fund, Cemetery Fund, and Information Technology Fund; 3) Approve the interlocal agreements with Sedgwick County; 4) Approve the publication of the notices of vote for the City of Wichita and the Self Supporting Municipal Improvement District; 5) Approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County); and 6) Approve necessary budget adjustments, expenditure control levels, and budget administration procedures.

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. Andra Martin Housing Member is also seated with the City Council.

Andra Martin 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

1. Approval of Travel for Vice Mayor Lavonta Williams to attend the National League of Cities Opioid Taskforce Meeting, Boone County, Kentucky, August 18 - 21, 2016.

   RECOMMENDED ACTION: Approve the travel expenditure.

IX. COUNCIL MEMBER APPOINTMENTS AND COMMENTS

1. Board Appointments.

   RECOMMENDED ACTION: Approve the appointments.

Adjournment

(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 13)

II. CITY COUNCIL CONSENT AGENDA ITEMS

1. Report of Board of Bids and Contracts dated August 8, 2016.

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

2. Applications for Licenses:

Special Event	2016	(Consumption on Premises)
Jennifer Pasley	August 27, 2016	Plan It Green, Jabara Airfield 3512 N. Webb Road

   RECOMMENDED ACTION: Approve the licenses.

3. Applications for Licenses to Retail Cereal Malt Beverages:

New	2016	(Consumption on Premise)
Chad Miller	Bricktown Brewery-Rock Road**	2035 N. Rock Road

Renew	2016	(Consumption off Premise)
James Smith	Farmers Market Inc. ***	2901 N. Broadway

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

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

4. Preliminary Estimates:
   a. List of Preliminary Estimates.

   RECOMMENDED ACTION: Receive and file.

5. Deeds and Easements:
   a. List of Deeds and Easements.

   RECOMMENDED ACTION: Accept the documents.

6. Consideration of Street Closures/Uses:
   a. Community Events - Carnegie Library Concerts at Heritage Square. (District I)

   RECOMMENDED ACTION: Approve the request subject to; (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (3) Securing a Certificate of Liability Insurance on file with the Community Events Coordinator.

7. Agreements/Contracts:
   a. Odor Control Additive Contractual Services. (District III)
   b. Offsite Best Management Practice Program Contract with Program Administrator.

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

8. Change Orders:
   a. Change Order Limit Adjustment and Change Order No. 1 for Re-Use Water Supply System to Serve Spirit AeroSystems. (District III)

   RECOMMENDED ACTION: Approve the change orders and authorize the necessary signatures.

9. Minutes of Advisory Boards/Commissions:
   Board of Park Commissioners, June 13, 2016
   Transit Advisory Board, April 15, 2016
   Transit Advisory Board, May 20, 2016
   Transit Advisory Board, June 24, 2016
   Police & Fire Retirement System, May 25, 2016

   RECOMMENDED ACTION: Receive and file.

10. Firearms Disposition.

    RECOMMENDED ACTION: Receive and file the list of firearms.

11. Health ICT Bicycle and Pedestrian Projects Memorandum of Understanding (MOU).

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

12. Second Reading Ordinances: (First Read August 2, 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.

13. *ZON2016-00024 - Zone Change from SF-5 Single-family Residential to LC Limited Commercial, Generally Located on the Northeast Corner of South Hillside Avenue and East Harry Street. (District III)

    RECOMMENDED ACTION: Adopt the findings of the MAPC, approve the requested zone change subject to MAPC recommended conditions, withhold publication of the ordinance until the right-of-way dedication is recorded (simple majority vote).

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.

Andra Martin, 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.

None

City of Wichita
City Council Meeting
August 9, 2016

TO: Mayor and City Council

SUBJECT: Ordinances Amending Chapters 1.04, 10.04, 10.08, 10.16, 10.20, 10.24 and 11.22 of the Code of the City of Wichita Pertaining to Streets, Right-of-Way and Sidewalks and Creating Chapter 28.06 Relating to Landscaping (All Districts)

INITIATED BY: Department of Public Works & Utilities

AGENDA: New Business

Recommendation: Place the proposed ordinances on first reading and authorize the necessary signatures. Rescind the directive deferring enforcement of earlier amendments.

Background: On April 19, 2016, the City Council approved a number of ordinance amendments to Titles 1, 10, 11, 17 and 24. These amendments made changes to the permit process, applicable fines, penalties, and administrative procedures for the maintenance of City right-of-ways, responsibilities of property owners regarding the use of right-of-ways, moving of buildings on City streets and landscaping requirements. The ordinances were placed on second reading and published on April 29, 2016. Following publication, issues were raised regarding whether procedural requirements for passage of the ordinances had been followed**.**

On May 10, 2016, the City Council issued a directive instructing staff to defer enforcement of these amendments, with the exception of the permit fees in Chapter 10.34, pending further review. Following this directive, staff from Public Works & Utilities, Metropolitan Area Building Code Department (MABCD) and the Metropolitan Area Planning Commission (MAPC) reviewed and provided comments, additions and corrections to the previous amendments.

Analysis:

Title 1:
Amendments to Section 1.04.060 changed the penalty for any unclassified misdemeanor, even those outside of Title 10, to a fine not to exceed two thousand five-hundred ($2,500) dollars. State law establishes a fine for an unclassified misdemeanor not to exceed five hundred ($500) dollars. The amendments return the maximum fine to its previous amount.

Title 10.04:
Prior amendments assessing costs to repair curbs to adjacent property owners have been repealed.

The requirement for a permit to allow isolated sales on sidewalks is repealed. The new amendments limit the number of sidewalk sales to no more than two (2) consecutive days per calendar month. Previously, sales were limited to three (3) days per calendar year. The amendments allow such sales to occur more frequently, without a permit being required.

Provisions authorizing an appeal of street name reassignment have been returned to the City Code.
Lastly, the fine for failure to make house numbers visible, which had been raised to two thousand five hundred ($2,500) dollars, has been reduced to five hundred ($500) dollars per day.

Title 10.08:
Amendments precluding individuals from bringing any claims against the City for removal of unpermitted objects are repealed.

Enable the City to collect property tax for property covered by a Use Permit.

Title 10.16 - Driveways:
Amendments clarify how driveway approach and street corner distances are to be calculated.

Title 10.20 - Excavations:
Amendments authorizing the imposition of attorney fees for collection of permit fees and other charges are repealed.

Title 11 - Intersections:
Section 11.22.050 regarding appeals of City Engineer determinations are amended to make the process consistent with Section 2.04.235 of the Code.

Title 10.24 – Moving of Building:
Amendments bring the ordinance into compliance with current processes utilized by MABCD and the Director of Parks regarding moving buildings and structures.

The moving contractor must be properly licensed by MABCD. A certificate of insurance must be filed with the City Clerk. The route must be approved by the City Engineer and Director of Parks. Lastly, all buildings to be moved are required to be inspected by MABCD prior to moving.

Title 10.32 – Landscaping:
Title 10.32 regarding landscaping is repealed and the substantive provisions moved to Chapter 18.06. This Title contains code sections relating to zoning. Although the landscaping code was previously contained in Title 10, the enforcement of the landscaping code is the responsibility of MABCD and the Zoning Administrator. The prior code required that any amendments to the landscaping ordinances be reviewed by MAPC.

It was noted that, the landscaping amendments passed in April were not reviewed by MAPC. The new provisions in Chapter 28.06 were reviewed by the Subdivision Committee on June 9, 2016, and the MAPC on June 16, 2016. The majority of comments made by the MAPC have been incorporated into the proposed amendments. Two code provisions resulted in substantial discussion by both the MAPC and Subdivision Committee.

The first Code provision was the need for additional enforcement of landscaping requirements following the issuance of a Certificate of Occupancy. A concern was expressed regarding the lack of inspections by City staff following the establishment of landscaping plantings. While additional inspections were recommended, no provisions were incorporated into the Code as it would necessitate additional staffing.

The second provision discussed was the appropriate penalty for non-compliance. Several MAPC members determined that a fine of five hundred ($500) dollars was not an adequate incentive for compliance. Others determined that the penalty should not include jail time. The proposed amendments increase the maximum fine to one thousand ($1,000) dollars and authorize the Municipal Court to sentence the defendant up to six (6) months in jail. The jail time would allow an offender to be placed on probation to allow time to bring the property into compliance.

Financial Considerations: None.

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

Recommendations/Actions: It is recommended that the City Council place the ordinances on first reading, authorize the necessary signatures and rescind the directive issued on May 10, 2016, deferring enforcement of Title 10 Amendments.

Attachments: Ordinances.

OCA No. 132019

(First published in The Wichita Eagle, August 19, 2016)

ORDINANCE NO. 50-297

AN ORDINANCE AMENDING SECTION 1.04.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO GENERAL PENALTY AND CONTINUING VIOLATIONS, AND REPEALING THE ORIGINAL THEREOF.

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

SECTION 1. Section 1.04.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"General penalty; continuing violations."

When this Code or any ordinance, rule or regulation promulgated by any officer or agency of the City under authority vested in him/her or it by law or ordinance, any act is prohibited or is declared to be unlawful or a misdemeanor or the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision or ordinance, rule or regulation shall be punished by a fine of not more than five hundred (500) dollars. Each day any violation of this Code, ordinance, rule or regulation continues shall constitute a separate offense.

SECTION 2. The original of Section 1.04.060 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. 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 16th day of August, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magaña
City Attorney and Director of Law

DELINEATED 5/20/16

(First published in The Wichita Eagle, _____)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1.04.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO GENERAL PENALTY AND CONTINUING VIOLATIONS, AND REPEALING THE ORIGINAL THEREOF.

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

SECTION 1. Section 1.04.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"General penalty; continuing violations~~, offset.~~"

When ~~in~~ this Code or ~~in~~ any ordinance, ~~or any~~ rule or regulation promulgated by any officer or agency of the City under authority vested in ~~that entity~~ him/her or it by law or ordinance, any act is prohibited or is declared to be unlawful or a misdemeanor or the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision ~~of this Code, or any such~~ ordinance, rule or regulation shall be punished by a fine of not more than ~~twenty-five~~ five hundred ~~(2,500)~~ (500) dollars. Each day any violation of this Code, ~~or any such~~ ordinance, rule or regulation continues shall constitute a separate offense.

~~Notwithstanding any other ordinance, provision, rule, code, or regulation of the City, any amount owed to a business contractor, individual, or any other entity, regardless of nature, may be offset by the amount owed by that business, individual, or entity to the City as a fee, fine, penalty, or any other cost.~~

SECTION 2. The original of Section 1.04.060 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. 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 Magaña
City Attorney and Director of Law

OCA No.: 132019

(First published in ***The Wichita Eagle***, on August 19, 2016)

ORDINANCE NO. 50-298

AN ORDINANCE AMENDING SECTIONS 10.04.126, 10.04.127, 10.04.131, 10.04.132, 10.04.180, 10.04.190, 10.04.210, 10.04.215, 10.04.220, REPEALING SECTIONS 10.04.055, 10.04.056 AND 10.04.057 AND CREATING SECTION 10.04.137 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO STREETS AND SIDEWALKS IN THE RIGHT OF WAY.

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

SECTION 1. Section 10.04.055 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 2. Section 10.04.056 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. Section 10.04.057 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 4. Section 10.04.126 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Notice to remove obstructions; penalties."

(a) Whenever any Person obstructs the Right-of-Way as described in Section 10.04.125, the City Engineer or the City Engineer's representative shall serve or cause to be served a notice upon such Person, and, if different, the owner of record of the property, requiring compliance within no more than thirty (30) days of the date of such notice. Such notice(s)

will be served through first-class mail, postage prepaid and certified, to the last known address of such Person(s) or by personal service.

(b) The City Engineer shall, charge such Person with a Right-of-Way usage fee in an amount not to exceed two hundred (200) dollars per day for the time period such obstruction was in the Right-of-Way following notification to remove the obstruction.

SECTION 5. Section 10.04.127 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Failure to comply with notice; penalties."

(a) If the Person noticed under Section 10.04.126 fails to comply with such notice, either through failure to remove the obstruction or failure to obtain compliance through Section 10.04.125(b), the City Engineer or the City Engineer's representative shall take action to remove such obstruction forthwith.

(b) When such Person noticed under Section 10.04.126 fails to remove such obstruction pursuant to the notice or fails to respond to the notice, such property shall be deemed abandoned after thirty (30) days and subject to removal by the City Engineer.

(c) Any costs associated with the removal and/or storage of the obstruction shall be charged against the Person creating the obstruction or, when such Person cannot be identified, against the abutting property and such tax shall be levied, certified, and collected in the same manner as special assessment taxes for the repair and construction of sidewalks.

(d) Any Person violating Section 10.04.125 is guilty of a misdemeanor, punishable by a fine not to exceed five hundred (500) dollars and incarceration for a period up to six (6) months. Every day said Person fails to comply with Section 10.04.125 shall constitute a separate and distinct offense.

SECTION 6. Section 10.04.131 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Sidewalk Café Permits and applicable procedure."

(a) After application to the City Engineer's Office and upon notice and opportunity for comment from the public, a sidewalk café permit may be issued. Such permit will allow for the location of diverters, plantings, stands, tables, lighting, seating, devices for protection of patrons from the elements, and other devices for the sale and service of prepared meals and beverages. The sale, service and consumption of prepared meals and beverages including alcoholic liquor shall be allowed upon public sidewalks within the permitted area as provided under K.S.A. § 12-406a and K.S.A. § 41-719 (d). The application shall comply with the administrative requirements established by the City Engineer, and shall be referred to the City's Traffic Engineer, the MABCD and the Fire Department for their recommendations and determination that the sidewalk café operation as described in the application will not endanger or unduly inconvenience the public. If negative public comment is received, the City Engineer shall hold a public hearing and shall make a decision on the issuance of the permit. A permit denial may be appealed to the City Council in a writing delivered to the City Clerk within thirty (30) days of the decision by the City Engineer.

SECTION 7. Section 10.04.132 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Permit issuance."

On approval of the application and payment of the required fee, the sidewalk café permit shall be issued by the City Engineer. This permit is in addition to any other license or permit required

for the operation intended. The area encompassed by a valid sidewalk café permit may be included by the permit holder as part of the licensed premises submitted for any club or drinking establishment license issued by the State of Kansas.

SECTION 8. Section 10.04.137 of the Code of the City of Wichita is hereby created to read as follows:

"Isolated Sales"

(a) Isolated sales are allowed only in non-residential zoning districts. Such sales may include the location of stands, tables, racks and other devices for the sale and display of merchandise upon public sidewalks for a period not to exceed two (2) consecutive days per calendar month.

(b) The location of the display devices shall be made so that no more than one-half of the sidewalk area from front to back is occupied by the display racks, etc., but in no case shall the unobstructed sidewalk area be less than four (4) feet; furthermore, the placement of the display racks, et cetera, shall be limited so that each merchant shall display the merchandise only within the area of the sidewalk which immediately abuts each merchant's business.

SECTION 9. Section 10.04.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Exceptions to system and correction of existing inconsistencies."

(a) The City Engineer and the MABCD are authorized, empowered, and directed to make such exceptions to the numbering system as may be made necessary by the irregular routing of streets, avenues or highways, by the use of named private streets; or by any other circumstance under which application of the numbering system set forth in Section 10.04.170 is impossible

or produces a result which is not consistent with the orderly and uniform numbering of houses and buildings.

(b) The City Engineer and the MABCD are authorized, empowered, and directed to correct existing inconsistencies in house numbers assigned or otherwise in use by reassigning a street number consistent with Section 10.04.170 and 10.04.180 and requiring the property owner(s) to post such reassigned street numbers as provided in Section 10.04.190.

(c) Before making a reassignment of street numbers as provided in subsection (b) of this Section, the City Engineer shall notify the affected property owner in writing of such reassignment and said property owner may appeal a decision by the City Engineer reassigning a street number to the governing body of the city. Such appeal shall be in writing setting forth with sufficient particularity the decision appealed from and the reasons why such decision should be reviewed. An appealing party shall have the right to be heard and to present evidence at the hearing set for such purpose. Provided, however, that no such appeal shall be accepted or considered by the governing body unless notice of such appeal is given to the governing body within twenty days after the making of the decision appealed from.

SECTION 10. Section 10.04.190 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Duty of owner or occupant to place; size, etc."

The owner or occupant of every house or building in the City is required to conspicuously place on the house or building house numbers of at least four (4) inches in height. Painting house numbers on the Curb alone shall not be sufficient to comply with this Section.

Such numbers shall be consistent with Sections 10.04.170 and 10.04.180. Such numbers shall be of a sufficient contrast such that police officers and firefighters can read the numbers from the

abutting street. Any property owner failing to comply with this Section is guilty of a misdemeanor punishable by a fine not to exceed five hundred (500) dollars. Each day house numbers are not properly placed on the house or building is a separate and distinct offence.

SECTION 11. Section 10.04.210 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Appeal."

Any applicant may appeal a decision by the Director of the MAPD refusing to approve the naming or numbering of a street to the Metropolitan Area Planning Commission (MAPC). Such appeal shall be in writing setting forth with sufficient particularity the decision being appealed and the reasons why such decision should be reviewed. Provided, however, no such appeal shall be considered by the MAPC unless written notice of the appeal is received by the MAPC no later than thirty (30) days after the decision being appealed is made.

SECTION 12. Section 10.04.215 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Enforcement."

The MABCD, the Wichita Fire Department, City Engineering, and the Wichita Police Department have the power to enforce any provision of this Chapter.

SECTION 13. Section 10.04.220 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Penalty."

Unless otherwise provided in this Chapter, a violation of the terms of this Chapter shall constitute a misdemeanor punishable by a fine of not to exceed twenty-five hundred (2,500) dollars and incarceration for a period not to exceed one year.

SECTION 14. The original of Sections 10.04.055, 10.04.056, 10.04.057, 10.04.126, 10.04.127, 10.04.131, 10.04.132, 10.04.180, 10.04.190, 10.04.210, 10.04.215 and10.04.220 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 15. 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 16th day of August, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magaña
City Attorney and Director of Law

DELINEATED 7/22/2016

(First published in ***The Wichita Eagle***, on _____)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 10.04.126, 10.04.127, 10.04.131, 10.04.132, 10.04.180, 10.04.190, 10.04.210, 10.04.215, 10.04.220, REPEALING SECTIONS 10.04.055, 10.04.056 AND 10.04.057 AND CREATING 10.04.137 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO STREETS AND SIDEWALKS IN THE RIGHT OF WAY.

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

SECTION 1. Section 10.04.055 of the Code of the City of Wichita, Kansas, is hereby repealed.

~~**"Repair by City; cost."** When damage occurs as described in Section 10.04.050, if the offending party cannot be reasonably identified, the abutting property owner shall be charged the cost of repairs. The City Engineer may order and cause the reconstruction of such Curb, sidewalk, or other paved Right-of-Way or other public infrastructure.~~

SECTION 2. Section 10.04.056 of the Code of the City of Wichita, Kansas, is hereby repealed.

~~**"Notice to repair the paved Right-of-Way."** Before repairs occur under Section 10.04.055, the City Engineer or the City Engineer's representative shall mail a notice, first-class postage prepaid to the owner of record, and, if known, the Person causing the damage, directing that repairs be made within a specified timeframe and giving an opportunity and procedure for appeal.~~

SECTION 3. Section 10.04.057 of the Code of the City of Wichita, Kansas, is hereby repealed.

~~**"Failure to comply with notice."** After having been given notice under Section 10.04.056, if the damaged infrastructure is not repaired to current City specifications, the City Engineer or Engineer's designee may cause such repairs to be performed. The expense of such repairs, including appropriate overhead, shall be charged against the Person causing the damage or, when such Person cannot be identified, to the abutting parcel owner. If the expense of such repairs is not paid within sixty (60) days, the cost of such repairs, including appropriate overhead, shall be assessed against the abutting parcel(s). Such expense shall be levied, certified and collected as a special assessment tax.~~

SECTION 4. Section 10.04.126 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Notice to remove obstructions; penalties."

(a) Whenever any Person obstructs the Right-of-Way as described in Section 10.04.125, the City Engineer or the City Engineer's representative shall serve or cause to be served a notice upon such Person, and, if different, the owner of record of the property, requiring compliance within no more than <u>thirty</u> (30) days of the date of such notice. Such notice(s) will be served through first-class mail, postage prepaid and certified, to the last known address of such Person(s) or by personal service.

~~(b) Alternatively, City Engineer or the City Engineer's representative may authorize compliance through Section 10.04.125(b).~~

(b)~~(c)~~ The City Engineer shall, ~~without discretion~~, charge such Person with a Right-of-Way usage fee ~~of~~ in an amount not to exceed two hundred (200) dollars per day for the time period such obstruction was in the Right-of-Way following notification to remove the obstruction.

SECTION 5. Section 10.04.127 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Failure to comply with notice; penalties."

(a) If the Person noticed under Section 10.04.126 fails to comply with such notice, either through failure to remove the obstruction or failure to obtain compliance through Section 10.04.125(b), the City Engineer or the City Engineer's representative shall take action to remove such obstruction forthwith.

~~(b)~~ When such Person noticed under Section 10.04.126 fails to remove such obstruction pursuant to the notice or fails to respond to the notice, such property shall be deemed abandoned after thirty (30) days and subject to removal by the City Engineer. ~~After thirty (30) days has passed since the date of the notice, this Section shall be considered a defense to theft, conversion, or destruction of such obstruction.~~

(c) Any costs associated with the removal and/or storage of the obstruction shall be charged against the Person creating the obstruction or, when such Person cannot be identified, against the abutting property and such tax shall be levied, certified, and collected in the same manner as special assessment taxes for the repair and construction of sidewalks.

(d) Any Person violating Section ~~10.04.126~~ 10.04.125 is guilty of a misdemeanor, punishable by a fine not to exceed ~~two thousand~~ five hundred ~~(2,500)~~ (500) dollars and incarceration for a period up to six (6) months ~~three (3) days~~. Every day said Person fails to comply with Section ~~10.04.126~~ 10.04.125 shall constitute a separate and distinct offense.

SECTION 6. Section 10.04.131 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"<u>Sidewalk Café</u> Permits and applicable procedure."

(a) ~~Upon application to the Metropolitan Area Building and Construction Department (MABCD) and approval by the City Manager, a permit for isolated sales may be issued to allow the location of stands, tables, racks and other devices for the sale and display of merchandise upon public sidewalks for a consecutive period not to exceed three (3) days annually. The application shall be referred to the City's Division of Traffic Engineering, MABCD, and the Fire Department for their recommendations and determination that the sidewalk sale activity will not endanger or unduly inconvenience the public.~~

~~(b) Sidewalks used for the display and sale of goods under a permit for isolated sales must be located in non-residential zoning districts. The location of the display devices shall be made so that no more than one-half of the sidewalk area from front to back is occupied by the display racks, etc., but in no case shall the unobstructed sidewalk area be less than four (4) feet; furthermore, the placement of the display racks, et cetera, shall be limited so that each merchant shall display the merchandise only within the area of the sidewalk which immediately abuts each merchant's business.~~

~~(c)~~ <u>(a)</u> After application to the City Engineer's Office and upon notice and opportunity for comment from the public, a sidewalk café permit may be issued. Such permit will allow for the location of diverters, plantings, stands, tables, lighting, seating, devices for protection of patrons from the elements, and other devices for the sale and service of prepared meals and beverages. The sale, service and consumption of prepared meals and beverages including alcoholic liquor shall be allowed upon public sidewalks within the

permitted area as provided under K.S.A. § 12-406a and K.S.A. § 41-719 (d). The application shall comply with the administrative requirements established by the City Engineer, and shall be referred to the City's Traffic Engineer, the MABCD and the Fire Department for their recommendations and determination that the sidewalk café operation as described in the application will not endanger or unduly inconvenience the public. If negative public comment is received, the City Engineer shall hold a public hearing and shall make a decision on the issuance of the permit. A permit denial may be appealed to the City Council in a writing delivered to the City Clerk within ~~fifteen (15)~~ thirty (30) days of the decision by the City Engineer.

SECTION 7. Section 10.04.132 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Permit issuance."

On approval of the application and payment of the required fee ~~under Section 10.04.131, the isolated sales or~~ the sidewalk café permit shall be issued by ~~the MABCD or~~ the City Engineer. ~~respectively~~. This permit is in addition to any other license or permit required for the operation intended. The area encompassed by a valid sidewalk café permit may be included by the permit holder as part of the licensed premises submitted for any club or drinking establishment license issued by the State of Kansas. ~~The encompassed area shall remain public Right-of-Way for the purposes of enforcement of municipal ordinances.~~

SECTION 8. Section 10.04.137 of the Code of the City of Wichita is hereby created to read as follows:

"Isolated Sales"

(a) Isolated sales are allowed only in non-residential zoning districts. Such sales may include the location of stands, tables, racks and other devices for the sale and display of merchandise upon public sidewalks for a period not to exceed two (2) consecutive days per calendar month.

(b) The location of the display devices shall be made so that no more than one-half of the sidewalk area from front to back is occupied by the display racks, etc., but in no case shall the unobstructed sidewalk area be less than four (4) feet; furthermore, the placement of the display racks, et cetera, shall be limited so that each merchant shall display the merchandise only within the area of the sidewalk which immediately abuts each merchant's business.

SECTION 9. Section 10.04.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Exceptions to system and correction of existing inconsistencies."

(a) The City Engineer and the MABCD are authorized, empowered, and directed to make such exceptions to the numbering system as may be made necessary by the irregular routing of streets, avenues or highways, by the use of named private streets; or by any other circumstance under which application of the numbering system set forth in Section 10.04.170 is impossible or produces a result which is not consistent with the orderly and uniform numbering of houses and buildings.

(b) The City Engineer and the MABCD are authorized, empowered, and directed to correct existing inconsistencies in house numbers assigned or otherwise in use by reassigning a street

number consistent with Section 10.04.170 and 10.04.180 and requiring the property owner(s) to post such reassigned street numbers as provided in Section 10.04.190.

(c) Before making a reassignment of street numbers as provided in subsection (b) of this Section, the City Engineer shall notify the affected property owner in writing of such reassignment and said property owner may appeal a decision by the City Engineer reassigning a street number to the governing body of the city. Such appeal shall be in writing setting forth with sufficient particularity the decision appealed from and the reasons why such decision should be reviewed. An appealing party shall have the right to be heard and to present evidence at the hearing set for such purpose. Provided, however, that no such appeal shall be accepted or considered by the governing body unless notice of such appeal is given to the governing body within twenty days after the making of the decision appealed from.

SECTION 10. Section 10.04.190 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Duty of owner or occupant to place and size of house numbers."

The owner or occupant of every house or building in the City is required to conspicuously place on the house or building house numbers of at least four (4) inches in height. Painting house numbers on the Curb alone shall not be sufficient to comply with this Section.

Such numbers shall be consistent with Sections 10.04.170 and 10.04.180. Such numbers shall be of a sufficient contrast such that police officers and firefighters can read the numbers from the abutting street. Any property owner failing to comply with this Section is guilty of a misdemeanor punishable by a fine not to exceed five hundred (500) dollars. Each day house numbers are not properly placed on the house or building is a separate and distinct offence.

SECTION 11. Section 10.04.210 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Appeal."

Any applicant may appeal a decision by the Director of the MAPD refusing to approve the naming or numbering of a street to the Metropolitan Area Planning Commission (MAPC). Such appeal shall be in writing setting forth with sufficient particularity the decision being appealed and the reasons why such decision should be reviewed. Provided, however, no such appeal shall be considered by the MAPC unless written notice of the appeal is received by the MAPC no later than thirty (30) ~~ten (10)~~ days after the decision being appealed is made.

SECTION 12. Section 10.04.215 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Enforcement."

The MABCD, the Wichita Fire Department, City Engineering, and the Wichita Police Department have the power to enforce any provision of this ~~Section~~ Chapter.

SECTION 13. Section 10.04.220 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Penalty."

~~The failure of the owner or occupant of a house or building to comply with the provisions of Section 10.04.190 above~~ Unless otherwise provided in this Chapter, a violation of the terms of this Chapter shall constitute ~~an offense~~ a misdemeanor punishable by a fine of not to exceed twenty-five hundred (2,500) dollars and incarceration for a period not to exceed one year. ~~Every day said owner or occupant fails to comply with said Section 10.04.190 shall constitute a separate and distinct offense.~~

SECTION 14. The original of Sections 10.04.055, 10.04.056, 10.04.057, 10.04.126, 10.04.127, 10.04.131, 10.04.132, 10.04.180, 10.04.190, 10.04.210, 10.04.215 and10.04.220 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 15. 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 Magaña
City Attorney and Director of Law

OCA No. 132019

(First published in ***The Wichita Eagle,*** on August 19, 2016)

ORDINANCE NO. 50-299

AN ORDINANCE AMENDING SECTIONS 10.08.040, 10.08.130, 10.08.135, 10.08.250, AND CREATING SECTION 10.08.310 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO RIGHT-OF-WAY AND EASEMENT USE PERMITS.

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

SECTION 1. Section 10.08.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Permits for new privileges—Application."

Application for Use Permits shall be submitted to the City Engineer with appropriate drawings, plans or photographs attached. The application shall be made only by the owner of land that holds an easement; or owner or the owner's agent of a property adjacent to a City owned easement, or the public Right-of-Way requested for use. The application shall contain a notarized certification that the owner or agent has the authority to utilize the property and request the Use Permit.

SECTION 2. Section 10.08.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Unauthorized Use of Permit in the Easement or Right of Way, penalties."

The use of easement or Right-of-Way beyond that specified in the Use Permit is a misdemeanor.

SECTION 3. Section 10.08.135 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Notice of Abandonment; consequences."

Any object placed or remaining in the easement or Right-of-Way without a required Use Permit shall be deemed abandoned and subject to removal after thirty (30) days' notice by certified mail to the owner of record.

SECTION 4. Section 10.08.250 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Failure to obtain, maintain or renew permit."

If any Permittee fails to obtain, maintain, or renew a Use Permit, the City shall have the right to remove and dispose of any Encroachment on the easement or Right of Way. If the Encroachment is not an immediate hazard or nuisance, the Permittee may be given thirty (30) days written notice prior to the Encroachment's removal. No compensation for the value of any Encroachment removed by the City or at the City's direction shall be given under any circumstances. Any Encroachment existing on the easement or Right-of-Way without a valid Use Permit, for which the City Engineer has issued a notice to remove by certified mail, after thirty (30) days is deemed abandoned property, which may be disposed of by the City or any party at the City's direction.

SECTION 5. Section 10.08.310 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

"Penalty."

The failure to comply with the provisions of this Chapter shall constitute an offense punishable by a fine not to exceed two thousand five hundred (2,500) dollars and up to one year incarceration.

SECTION 6. The original of Sections 10.08.040, 10.08.130, 10.08.135 and 10.08.250 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 7. 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 16th day of August, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magaña
City Attorney and Director of Law

DELINEATED 7/19/16

(First published in ***The Wichita Eagle,*** on _____)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 10.08.040, 10.08.130, 10.08.135, 10.08.250, AND CREATING SECTION 10.08.310 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO RIGHT-OF-WAY AND EASEMENT USE PERMITS.

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

SECTION 1. Section 10.08.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Permits for new privileges—Application."

Application for Use Permits shall be submitted to the City Engineer with appropriate drawings, plans or photographs attached. The application shall be made only by the owner of land that holds an easement; or owner or the owner's agent of a property adjacent to a City owned easement, or the public Right of Way requested for use. The application shall contain a notarized certification that the owner or agent has the authority to ~~bind~~ utilize the property and request the Use Permit.

SECTION 2. Section 10.08.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Unauthorized Use of Permit in the Easement or Right of Way, penalties." The use of easement or Right of Way beyond that specified in the Use Permit is a misdemeanor.

~~Notwithstanding any other provision or ordinance, any Person making use of the easement or Right of Way without a Use Permit when required under this Chapter waives any and all claims for damages or loss, whether civil or criminal in nature, to the unpermitted object.~~

SECTION 3. Section 10.08.135 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Notice of Abandonment; consequences."

Any object placed or remaining in the easement or Right of Way without a required Use Permit shall be deemed abandoned and subject to removal after thirty (30) days' notice by certified mail to the owner of record. ~~Notwithstanding any other provision or ordinance, no criminal or civil action may be maintained for the taking of or damage to such abandoned property.~~

SECTION 4. Section 10.08.250 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Failure to obtain, maintain, or renew permit."

If any Permittee fails to obtain, maintain, or renew a Use Permit, the City shall have the right to remove and dispose of any Encroachment on the easement or Right of Way. If the Encroachment is not an immediate hazard or nuisance, the Permittee may be given thirty (30) days written notice prior to the Encroachment's removal. No compensation for the value of any Encroachment removed by the City <u>or at the City's direction</u> shall be given under any circumstances. ~~No civil or criminal action may be maintained against any party for the removal of an Encroachment that does not have a valid Use Permit.~~ Any Encroachment existing on the easement or Right of Way without a valid Use Permit, for which the City Engineer has issued a

notice to remove by certified mail, after thirty (30) days is deemed abandoned property, which may be disposed of by the City or any party at the City's direction. ~~any party without recourse by any claimant.~~

SECTION 5. Section 10.08.310 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

"Penalty."

The failure to comply with the provisions of this Chapter shall constitute an offense punishable by a fine not to exceed two thousand five hundred (2,500) dollars and up to one year incarceration.

SECTION 6. The original of Sections 10.08.040, 10.08.130, 10.08.135 and 10.08.250 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 7. 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 Magaña
City Attorney and Director of Law

OCA No. 132019

(First Published in ***The Wichita Eagle*** on August 19, 2016)

ORDINANCE NO. 50-300

AN ORDINANCE AMENDING SECTION 10.16.120 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DRIVEWAYS AND CURB CUTS ON THE RIGHT OF WAY AND REPEALING THE ORIGINAL THEREOF.

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

SECTION 1. Section 10.16.120 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Residential Drive approach and street Corner distances."

No portion of a Drive approach shall be constructed within four (4) feet of the projected straight line extension of the property line. In cases where the projected Right-of-Way line is less than fourteen (14) feet from the back of Curb of the perpendicular street, no portion of a Drive approach shall be constructed within eighteen (18) feet of the straight line extension of the back of the Curb of the perpendicular roadway. The City Engineer or Traffic Engineer shall have the right to allow exceptions to this section in the interest of public safety.

SECTION 2. The original of Section 10.16.120 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 3. 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 16th day of August, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magaña
City Attorney and Director of Law

DELINEATED 7/20/16

(First Published in ***The Wichita Eagle*** on _____)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10.16.120 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DRIVEWAYS AND CURB CUTS ON THE RIGHT OF WAY AND REPEALING THE ORIGINAL THEREOF.

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

SECTION 1. Section 10.16.120 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Residential Drive **approach and street Corner distances."** No portion of a Drive approach shall be constructed within four (4) feet of the projected straight line extension of the ~~Right-of-Way~~ property line. In cases where the projected Right-of-Way line is less than fourteen (14) feet from the back of Curb of the perpendicular street, no portion of a Drive approach shall be constructed within eighteen (18) feet of the straight line extension of the back of the Curb of the perpendicular roadway. The City Engineer or Traffic Engineer shall have the right to allow exceptions to this section in the interest of public safety.

SECTION 2. The original of Section 10.16.120 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 3. 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 Magaña
City Attorney and Director of Law

OCA No. 132019

(First Published in ***The Wichita Eagle***, on August 19, 2016)

ORDINANCE NO. 50-301

AN ORDINANCE AMENDING SECTIONS 10.20.050, 10.20.170 AND 10.20.190 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO EXCAVATIONS IN THE RIGHT OF WAY AND REPEALING THE ORIGINALS THEREOF.

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

SECTION 1. Section 10.20.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Application for permit; fees, issuance."

Permits required by this Chapter may be issued to any municipally operated utility or public utility corporations having a franchise or agreement to operate in the City, upon application and subject to approval by the City Engineer. Such Person will be invoiced by the City with payment due within thirty-six (36) days of the invoice.

Any other eligible Person, other than those expressly excepted in Section 10.20.030, desiring a permit shall first make application to the City Engineer and shall pay a processing fee per block for cutting a paved surface in City Right of way as listed in Section 10.34.010, plus any repair costs incurred by the City. The City Engineer may require Excavation by trenchless methods.

A surcharge fee is assessed when an Excavation is made in any paved street or alley on which the pavement or resurfaced pavement is less than five (5) years old. The surcharge fee is

five (5) percent of the permit fee plus the repair costs for each un-elapsed month, or fraction thereof, of the five (5) year period.

The permit fee, including any applicable surcharge fee, combined with the costs to the City for permanently repairing the pavement cut, constitutes the total permit fee.

A processing fee as listed in Section 10.34.010 shall be required for a permit to excavate in any unpaved City Right of way for the purpose of laying, repairing, or removing any main pipes, underground wires or other conduits. One permit shall be required for each block or portion of a block if the work is done with continuity. For the purpose of connecting, repairing or removing service pipes, underground pipes, underground wires or other conduits, or for any other purpose not specifically mentioned herein, one permit shall be required for each connection unless such connection is made at the time of laying the main.

Permits are nonrefundable and nontransferable.

SECTION 2. Section 10.20.170 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Contracting with paving contractor to do work."

Any Person having a project necessitating an Excavation on any portion of paved City Right of way shall first obtain a pavement cut permit from the City Engineer. Permanent repair of the cut shall be done by the City's contractor under the inspection of the City Engineer, and all material and workmanship will conform to the specifications on file in the office of the City Engineer. The Person making the cuts shall be liable for the cost of repair of such cuts and for maintenance of traffic control as provided in the latest edition of the "Manual on Uniform Traffic Control Devices." The Person will also comply with all applicable provisions of the Americans with Disabilities Act.

The Person making the cut shall also be liable for a period of ten (10) years for the maintenance of the repair, including its complete removal and replacement if the condition of the repair is such, in the opinion of the City Engineer, as to constitute a threat to the integrity or usability of the paved surface.

The City Engineer may require the Person making the cuts to contract with a paving contractor for repair of such cuts. The repair will be under the inspection of the City Engineer and all material and workmanship will conform to the specifications on file in the office of the City Engineer. The Person making the cuts shall be liable for cost of repair of such cuts, the costs of inspection, and responsible for traffic control as provided in the latest edition of the "Manual on Uniform Traffic Control Devices." In no case shall any Person at any time or under any circumstance be allowed to perform any permanent repairs of any type or nature with regard to the repair of an Excavation without the written approval of the City Engineer.

SECTION 3. Section 10.20.190 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Right of City to civil action to recover permit fees."

In addition to the penalty prescribed in Section 1.04.060, the City may recover in a civil action in any court of competent jurisdiction, the amount of the permit fees, late fees, and charges for any damages. No property of such debtor shall be exempt from forced sale under any process of law such indebtedness, except such exemptions as allowed by the Constitution and the laws of this state.

SECTION 4. The originals of Sections 10.20.050, 10.20.170 and 10.20.190 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 5. 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 16th day of August, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magaña
City Attorney and Director of Law

DELINEATED 7/21/2016

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

ORDINANCE NO. _____

AN ORDINANCE ADMENDING SECTIONS 10.20.050, 10.20.170 AND 10.20.190 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO EXCAVATIONS IN THE RIGHT OF WAY AND REPEALING THE ORIGINALS THEREOF.

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

SECTION 1. Section 10.20.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Application for permit; fees, issuance." Permits required by this Chapter may be issued to any municipally operated utility or public utility corporations having a franchise or agreement to operate in the City, upon application and subject to approval by the City Engineer. Such Person will be invoiced by the City with payment due within thirty-six (36) days of the invoice.

Any other eligible Person, other than those expressly excepted in Section 10.20.030, desiring a permit shall first make application to the City Engineer and shall pay a processing fee per block for cutting a paved surface in City Right of way as listed in Section 10.34.010, plus any repair costs incurred by the City. The City Engineer ~~, at the City Engineer's sole discretion,~~ may require Excavation by trenchless methods.

A surcharge fee is assessed when an Excavation is made in any paved street or alley on which the pavement or resurfaced pavement is less than five (5) years old. The surcharge fee is five (5) percent of the permit fee plus the repair costs for each un-elapsed month, or fraction thereof, of the five (5) year period.

The permit fee, including any applicable surcharge fee, combined with the costs to the City for permanently repairing the pavement cut, constitutes the total permit fee.

A processing fee as listed in Section 10.34.010 shall be required for a permit to excavate in any unpaved City Right of way for the purpose of laying, repairing, or removing any main pipes, underground wires or other conduits. One permit shall be required for each block or portion of a block if the work is done with continuity. For the purpose of connecting, repairing or removing service pipes, underground pipes, underground wires or other conduits, or for any other purpose not specifically mentioned herein, one permit shall be required for each connection unless such connection is made at the time of laying the main.

Permits are nonrefundable and nontransferable.

SECTION 2. Section 10.20.170 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Contracting with paving contractor to do work." Any Person having a project necessitating an Excavation on any portion of paved City Right of way shall first obtain a pavement cut permit from the City Engineer. Permanent repair of the cut shall be done by the City's contractor under the inspection of the City Engineer, and all material and workmanship will conform to the specifications on file in the office of the City Engineer. The Person making the cuts shall be liable for the cost of repair of such cuts and for maintenance of traffic control as provided in the latest edition of the "Manual on Uniform Traffic Control Devices." The Person will also comply with all applicable provisions of the Americans with Disabilities Act.

The Person making the cut shall also be liable for a period of ten (10) years for the maintenance of the repair, including its complete removal and replacement if the condition of the repair is such, in the opinion of the City Engineer, as to constitute a threat to the integrity or usability of the paved surface.

The City Engineer may require the Person making the cuts to contract with a paving contractor for repair of such cuts. The repair will be under the inspection of the City Engineer and all material and workmanship will conform to the specifications on file in the office of the City Engineer. The Person making the cuts shall be liable for cost of repair of such cuts, the costs of inspection, and responsible for traffic control as provided in the latest edition of the "Manual on Uniform Traffic Control Devices." In no case shall any Person at any time or under any circumstance be allowed to perform any permanent repairs of any type or nature with regard to the repair of an Excavation without the written approval of the City Engineer. ~~, which shall be at the City Engineer's sole discretion.~~

SECTION 3. Section 10.20.190 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Right of City to civil action to recover permit fees."

In addition to the penalty prescribed in Section 1.04.060, the City may recover in a civil action in any court of competent jurisdiction, the amount of the permit fees, late fees, and charges for any damages ~~, plus reasonable attorney's fees~~. No property of such debtor shall be exempt from forced sale under any process of law such indebtedness, except such exemptions as allowed by the Constitution and the laws of this state.

SECTION 4. The originals of Sections 10.20.050, 10.20.170 and 10.20.190 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 5. 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 Magaña
City Attorney and Director of Law

OCA No. 132019

First Published in The Wichita Eagle on August 19, 2016

ORDINANCE NO.50-302

AN ORDINANCE AMENDING SECTIONS 10.24.010, 10.24.020, 10.24.030, 10.24.040, 10.24.050, 10.24.060, 10.24.070, 10.24.075 10.24.080, 10.24.090, 10.24.100, 10.24.130, 10.24.140, 10.24.150, 10.24.210, 10.24.220, 10.24.250, 10.24.260, 10.24.280 AND 10.24.300 AND CREATING SECTION 10.24.160 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE MOVING OF BUILDINGS

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

SECTION 1. Section 10.24.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Definitions."

As used in this Chapter the following words and phrases shall have the meanings set forth below:

(a) Building. Means any Structure used or intended for supporting or sheltering any use or occupancy that is:

(1) Two hundred (200) square feet or more in floor space;

(2) Thirteen and a half (13.5) feet in loaded height; or

(3) Is not a house trailer as defined in Section 11.04.126.

(b) Moving Contractor. Means a contractor who has been licensed as required by Section 10.24.070 of this Chapter to obtain required permits for the moving of a Building over public streets, alleys, or rights of way.

(c) Moving Permit. Means the permit issued by the City permitting a Building to move over public streets, alleys, or rights of way, as provided in Section 10.24.030.

(d) Person. Means any individual, firm, association, company, partnership, or other legal entity.

SECTION 2. Section 10.24.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Prerequisites to apply for a moving permit."

Before moving any Building over, along or upon any of the streets, alleys, or rights of way, a moving permit shall be obtained. The following prerequisites shall be required before such moving permit shall be obtained:

(a) File a permit bond with the City Clerk which shall be approved as to form by the City Attorney, in the sum of one hundred thousand (100,000) dollars, which bond shall be signed by a surety company which is authorized to transact business in the state. Such bond shall provide for compensation for all damages resulting from the moving of the Building.

(b) Provide a certificate of insurance of at least three hundred thousand (300,000) dollars from a company authorized to provide insurance in the State of Kansas and naming the City as an additional insured. Such insurance shall provide for compensation for all damages resulting from the moving of the Building, including but not limited to costs associated with the removal, cutting or raising of, and the replacement of wires, conduits, pipes or other equipment, all expenses or bills which may be incurred by reason of the damage, removal or relocation of such equipment to allow the passage of such Structure, and all necessary expenses which may be incurred by the Park Department (City of Wichita) in the

furnishing of protection to the city trees for the moving of the Structure over, along or upon any streets, alleys, and right of ways of the City.

(c) Agree to indemnify, defend, and hold harmless the City from any and all claims, actions, suits, or demands for damages or injuries to persons or property, regardless of nature or character, resulting from the moving of the Building.

(d) File an application with the Metropolitan Area Building and Construction Department (MABCD), including a fee of one hundred (100) dollars, such application shall include a detailed description of the route for moving the Building, including the starting and ending points of such route, and for any Building being moved from outside the City, a report by a structural engineer licensed in the State of Kansas determining the Structure is safe and suitable to be moved, and including any special requirements necessary for such moving. Upon receipt of the application, the Director of the MABCD, or designee, shall inspect the Building to determine compatibility with the new location if such location is within the City and whether any other changes of any type should be made to such Building before or after moving.

(e) Agree to comply with any special conditions imposed by the Director of the MABCD for the safety and welfare of the public.

(f) Obtain a Building permit for the new location if the Building is to be relocated within the city limits of Wichita. The Building permit shall include any footing/foundation and require the updating of the electrical, plumbing and mechanical systems to the current Wichita/Sedgwick County Unified Building and Trade Code.

SECTION 3. Section 10.24.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Inspection of Building.”

Every person having complied with the requirements of Section 10.24.020, who desires to move any Building over, along or upon any of the streets, alleys, or rights of way of the City shall, before beginning the removal of such Building, file an application with MABCD for an inspection of the Building to be removed. Upon the filing of such application, such person shall pay a permit/inspection fee of one hundred (100) dollars. MABCD shall then inspect the Building to determine whether or not it is safe to move such Building, and also to determine if any structural changes should be made in such Building before or after moving. If it is unsafe to move such Building, the Director of MABCD, or designee, shall refuse to issue a removal permit, or if it is determined that certain changes are necessary before or after the Building is moved, a condition of the moving permit shall be an agreement that the permitee will comply with such conditions as may be imposed to protect the public. If the permit is denied, the applicant may appeal the Director’s denial to the Board of Code Standard and Appeals, by filing a notice of appeal within ten days of the Director’s decision.

SECTION 4. Section 10.24.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Approval of route by Director of Parks.”

The Director of Parks or designee is authorized to require a route consistent with minimal damage to City trees and may require the planting of trees necessary to remediate any damage. The Director of Parks shall provide the moving contractor an estimate of costs for moving, modifying, or otherwise disturbing any existing City trees or related infrastructure.

SECTION 5. Section 10.24.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Approval of route by Maintenance Engineer.”

Upon approval of the permit by the Director of MABCD, the Maintenance Engineer or designee shall review the proposed route to insure a route consistent with public safety and a minimum amount of damage. The Maintenance Engineer shall provide the moving contractor an estimate of costs for moving, modifying, or otherwise disturbing any existing City facilities. If the initial route proposed is determined by the Maintenance Engineer to not be feasible, the applicant shall be given an opportunity to submit an alternate route for review.

SECTION 6. Section 10.24.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Issuance of Permit.”

The moving permit shall be issued after approval has been granted by the Maintenance Engineer, the Director of MABCD and the Parks Director, the moving contractor has obtained a license under this Chapter and the moving contractor’s annual license is current and valid.

Denial of the permit may be appealed to the City Council pursuant to the provisions set forth in Section 2.04.235 of the Code of the City of Wichita.

SECTION 7. Section 10.24.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“License Required.”

It is unlawful for any Person to perform or cause to be performed any work as a moving contractor without first having obtained a moving contractor’s license and the appropriate moving permit.

SECTION 8. Section 10.24.075 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Licensing authority."

The MABCD shall issue licenses to approved moving contractors as outlined in the Wichita/Sedgwick County Unified Building and Trade Code. Licenses may be revoked or suspended as outlined in the Wichita/Sedgwick County Unified Building and Trade Code. The moving contractor license shall entitle the holder thereof to contract for and perform any act as a moving contractor. The bi-annual license fee for a moving contractor shall be two hundred (200) dollars, which shall be valid for two calendar years and shall not be prorated.

SECTION 9. Section 10.24.080 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Payment of cost of damages."

The moving contractor shall be responsible for all damages caused by the moving of a Building. Damages to trees, property, infrastructure, or Right-of-Way shall be the responsibility of the moving contractor upon being presented with a statement by the Department of Public Works & Utilities and/or the Park Department, showing the cost of repairing such damage, which shall be paid within ninety (90) days of invoicing.

SECTION 10. Section 10.24.090 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Requirements during movement of Building."

A copy of the moving permit shall accompany the Building being moved at all times and must be presented upon request. The Permittee shall notify emergency services (911) and Kansas One Call, prior to moving the Building.

SECTION 11. Section 10.24.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Duty to halt moving."

The City Manager, the Traffic Engineer, the Maintenance Engineer, the Director of Parks, the Director of MABCD, their agents, and any sworn law enforcement officer shall have the duty and power to stop the moving of any Building when a valid permit to move such Building is not presented upon request or when such moving is being done in a dangerous, careless or inefficient manner, likely to lead to serious damage to paving, curb, gutter or any other public Structures, due to a lack of proper equipment for such moving, inexperienced employees, lack of proper supervision, or from any other cause.

SECTION 12. Section 10.24.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Private sewers and utilities to be sealed off and/or disconnected; duty of mover."

Before any Building is moved, it shall be the responsibility of the mover to ensure and verify all utilities are appropriately and safely disconnected. Sanitary sewer systems serving such Structures or Buildings shall be severed and sealed safely, subject to Section 16.04.020. The seal will be inspected by the Director of MABCD under the procedure established in Section 16.04.360.

SECTION 13. Section 10.24.140 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Requirements as to small one-story Structures, garages, accessory, Structures."

Whenever a Structure is moved that does not require a Building permit, the entities involved in moving such Structure, by moving the Structure, agree to indemnify, defend, and hold harmless the City from any and all claims, actions, suits, or demands for damages or injuries to persons or property, regardless of nature or character, resulting from the moving of the Structure. Such moving may require a City and/or State of Kansas oversize or overweight permit.

No permit or bond shall be required for the moving of any small one-story Structures not over thirteen feet (13) high, such as garages or accessory Buildings, when such Structures have less than two hundred (200) square feet of floor area and at least one dimension does not exceed twelve (12) feet. Every person shall before moving any such Structure, notify Sedgwick County Emergency Communications (911). Every person shall, when moving any such Structure, use a reasonable degree of care so that no damage results to any person or property. In case damage to persons or property results from such moving, the City shall not be held liable for any such damage.

SECTION 14. Section 10.24.150 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Exceptions as to construction offices or cook shacks."

No moving permit or bond shall be required for the moving of any construction office or cook shack when such Structure is permanently mounted upon a vehicle meeting the requirements of Title 11. Every person shall, when moving any such Building or Structure, use a reasonable degree of care so that no damage results to any person or property. In case damage to persons or property results from such moving, the City shall not be held liable for any such damage.

SECTION 15. Section 10.24.160 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Compliance with Chapter required."

Every person, when moving any Structure over, upon or along the streets, alleys, or public right of ways, shall observe the rules and regulations contained in this Chapter.

SECTION 16. Section 10.24.220 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Prevention of unnecessary damage to paving."

Every person, when moving any Structure or Building over, along or upon the streets, alleys, or public right of ways of the City, shall use a reasonable degree of care to prevent any unnecessary damage, unless such damage is directed by the Maintenance or Traffic Engineer to expedite moving of the Building or Structure, to any paving, curb, gutter, sidewalk, catch basin or other public Structures.

SECTION 17. Section 10.24.250 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Protection of trees; notice to Director of Parks."

Every Person moving any Building shall use reasonable care to prevent injury to trees. The Person or contractor shall notify the Director of Parks when moving of such Building begins in order that the Director of Parks may take the necessary steps for the protection of trees along the moving route, at the expense of the Person moving the Building.

SECTION 18. Section 10.24.260 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Lights required from dusk to dawn."

Every Person moving any Building shall keep amber lights on such Building and on the machinery used in moving the Building from dusk to dawn. A sufficient number of amber lights shall be used to make the obstruction safe.

SECTION 19. Section 10.24.280 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Interference with traffic; notice to emergency services; flaggers required.”

If, at any time during the moving of any Building or Structure, it is unsafe for vehicles to pass by the Building or Structure or the public welfare is endangered, the Person moving the Building or Structure shall immediately inform Sedgwick County Emergency Communications by calling 911. The Person moving the Building or Structure shall also post flaggers at the intersecting streets ahead and behind of the Building to detour traffic.

SECTION 20. Section 10.24.300 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Interference with overhead infrastructure, etc.; notice to Person owning or controlling; cost of repair.”

If any Building will not pass under any overhead infrastructure, including wires, cables, streetlights, signs, or signals, the Person moving such Building shall give at least seventy-two (72) hours' actual notice to the Person owning or controlling the infrastructure of the intention to move such Building and at least eight (8) hours' actual notice of the time of the actual moving of such Building. The Person owning or controlling such infrastructure shall then raise, cut, or remove the same for a reasonable length of time for such Building to pass. Such infrastructure shall then, at the infrastructure’s owner’s discretion, be repaired and put in as good condition as before the raising, cutting or removal at the expense of the Person moving such Building. The owner of any overhead infrastructure existing lower than specified by this Code or by any other ordinances of the City must reinstall such infrastructure to current code specifications without charge.

SECTION 21. Section 10.24.310 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Compliance with Chapter required; penalty."

Failure to comply with any provision of this Chapter is a misdemeanor punishable by a fine up to five hundred (500) dollars and/or imprisonment up to six (6) months**.**

SECTION 22. The original of Sections 10.24.010, 10.24.020, 10.24.030, 10.24.040, 10.24.050, 10.24.060, 10.24.070, 10.24.075 10.24.080, 10.24.090, 10.24.100, 10.24.130, 10.24.140, 10.24.150, 10.24.210, 10.24.220, 10.24.250, 10.24.260, 10.24.280, and 10.24.300 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 23. 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 16th day of August, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magaña
City Attorney and Director of Law

First Published in The Wichita Eagle on _____

DELINEATED 7/21/2016

ORDINANCE NO._____

AN ORDINANCE AMENDING SECTIONS 10.24.010, 10.24.020, 10.24.030, 10.24.040, 10.24.050, 10.24.060, 10.24.070, 10.24.075 10.24.080, 10.24.090, 10.24.100, 10.24.130, 10.24.140, 10.24.150, 10.24.210, 10.24.220, 10.24.250, 10.24.260, 10.24.280 AND 10.24.300 AND CREATING SECTION 10.24.160 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE MOVING OF BUILDINGS

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

SECTION 1. Section 10.24.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Definitions."

~~The following words and phrases~~ As used in this Chapter the following words and phrases shall, ~~for the purpose of this Chapter,~~ have the meanings ~~respectively ascribed to them in this section:~~ set forth below:

(a) Building. Means any Structure used or intended for supporting or sheltering any use or occupancy that is:

(1) two hundred (200) square feet or more in floor space;

(2) Thirteen and a half (13.5) feet in loaded height; or

(3) Is not a house trailer as defined in Section 11.04.126.

(b) Moving Contractor. Means a contractor who has been licensed as required by Section 10.24.070 of this Chapter to obtain required permits for the moving of a Building over public streets, alleys, or rights of way.

(c) Moving Permit. Means the permit issued by the City permitting a Building to move over public streets, alleys, or rights of way, as provided in Section 10.24.030.

(d) Person. Means any individual, firm, association, company, partnership, or other legal entity.

SECTION 2. Section 10.24.020 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Prerequisites to apply for a moving permit."

Before moving any Building over, along or upon any of the streets, alleys, or rights of way, a moving permit shall be obtained. The following prerequisites shall be required before such moving permit shall be obtained:

(a) File a permit bond with the City Clerk which shall be approved as to form by the City Attorney, in the sum of one hundred thousand (100,000.00) dollars, which bond shall be signed by a surety company which is authorized to transact business in the state. Such bond shall provide for compensation for all damages resulting from the moving of the Building.

(b) Provide a certificate of insurance of at least ~~five~~ three hundred thousand ~~(500,000.00)~~ (300,000) dollars from a company authorized to provide insurance in the State of Kansas and naming the City as an additional insured. Such insurance shall provide for compensation for all damages resulting from the moving of the Building, including but not limited to costs associated with the removal, cutting or raising of, and the replacement of wires, conduits, pipes or other equipment, all expenses or bills which may be incurred by

reason of the damage, removal or relocation of such equipment to allow the passage of such Structure, and all necessary expenses which may be incurred by the Park Department (City of Wichita) in the furnishing of protection to the city trees for the moving of the Structure over, along or upon any streets, alleys, and right of ways of the City.

(c) Agree to indemnify, defend, and hold harmless the City from any and all claims, actions, suits, or demands for damages or injuries to persons or property, regardless of nature or character, resulting from the moving of the Building.

(d) File an application with the Metropolitan Area Building and Construction Department (MABCD), including a fee of one hundred (100.00) dollars, such application shall include a detailed description of the route for moving the Building, including the starting and ending points of such route, and for any Building being moved from outside the City, a report by a structural engineer licensed in the State of Kansas determining the Structure is safe and suitable to be moved, and including any special requirements necessary for such moving. Upon receipt of the application, the Director of the MABCD or designee shall inspect the Building to determine compatibility with the new location if such location is within the City and whether any other changes of any type should be made to such Building before or after moving.

(e) Agree to comply with any special conditions imposed by the Director of the MABCD for the safety and welfare of the public.

(f) Obtain a Building permit for the new location if the Building is to be relocated within the city limits of Wichita. The Building permit shall include any footing/foundation and require the updating of the electrical, plumbing and mechanical systems to the current Wichita/Sedgwick County Unified Building and Trade Code. ~~Building code.~~

SECTION 3. Section 10.24.030 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Inspection of Building."

Every person having complied with the requirements of Section 10.24.020, who desires to move any Building over, along or upon any of the streets, alleys, or right of ways of the City shall, before beginning the removal of such Building, file an application with MABCD for an inspection of the Building to be removed. Upon the filing of such application, such person shall pay a permit/inspection fee of one hundred (100) dollars. MABCD shall then inspect the Building to determine whether or not it safe to move such Building, and also to determine if any structural changes should be made in such Building before or after moving. If it is unsafe to move such Building, the Director of MABCD or designee shall refuse to issue a removal permit, or if it is determined that certain changes are necessary before or after the Building is moved, a condition of the moving permit shall be an agreement that the permitee will comply with such conditions as may be imposed to protect the public. If the permit is denied, the applicant may appeal the Director's denial to the Board of Code Standard and Appeals, by filing a notice of appeal within ten days of the Director's decision.

SECTION 4. Section 10.24.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Approval of route by Director of Parks."

The Director of Parks or designee is authorized to require a route consistent with minimal damage to City trees and may require the planting of trees necessary to remediate any damage. The Director of Parks shall provide the moving contractor an ~~invoice for the estimated~~ estimate of

costs for moving, modifying, or otherwise disturbing any existing City trees or related infrastructure.

SECTION 5. Section 10.24.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Approval of route by Maintenance Engineer."

Upon approval of the permit by the Director of MABCD, ~~T~~the Maintenance Engineer or designee shall review the proposed route ~~is authorized to require~~ to insure a route consistent with public safety and a minimum amount of damage. The Maintenance Engineer shall provide the moving contractor an ~~invoice for the estimated~~ estimate of costs for moving, modifying, or otherwise disturbing any existing City facilities. If the initial route proposed is determined by the Maintenance Engineer to not be feasible, the applicant shall be given an opportunity to submit an alternate route for review.

SECTION 6. Section 10.24.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Issuance of Permit."

The moving permit shall be issued after approval has been granted by the Maintenance Engineer, the Director of MABCD and the Parks Director, ~~under the above sections~~, the moving contractor has obtained a license under this Chapter and the moving contractor's annual license is current and valid~~., and any invoices charged by the Maintenance Engineer and the Director of Parks have been paid. Any such payments shall be directly credited to the Object Cost Account for which the materials and labor were debited.~~

Denial of the permit may be appealed to the City Council pursuant to the provisions set forth in Section 2.04.235 of the Code of the City of Wichita.

SECTION 7. Section 10.24.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"License Required."

It is unlawful for any Person to perform or cause to be performed any work as a moving contractor without first having obtained a moving contractor's license and the appropriate moving permit. ~~A conviction of one Person under this section does not preclude any additional individuals violating this section for the same work from being prosecuted under this section.~~

SECTION 8. Section 10.24.075 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Licensing authority."

The MABCD shall issue licenses to approved moving contractors as outlined in the Wichita/Sedgwick County Unified Building and Trade Code ~~Sections 18.12.120, 18.12.130 and 18.12.160~~. Licenses may be revoked or suspended as outlined in the Wichita/Sedgwick County Unified Building and Trade Code. The moving contractor license shall entitle the holder thereof to contract for and perform any act as a moving contractor. The bi-annual license fee for a moving contractor shall be ~~one~~ two hundred ~~(100.00)~~ (200) dollars, which shall be valid for two ~~the~~ calendar years and shall not be prorated.

SECTION 9. Section 10.24.080 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Payment of cost of damages."

The moving contractor shall be responsible for all damages caused by the moving of a Building. Damages to trees, property, infrastructure, or Right-of-Way shall be the responsibility of the moving contractor upon being presented with a statement by the Department of Public

Works & Utilities and/or the Park Department, showing the cost of repairing such damage, which shall be paid within ninety (90) days of invoicing. ~~Failure to object to the City's estimated costs of repair within such ninety (90) day period shall constitute a waiver of the right to object. The lack of or the falsification of a moving permit shall be considered intent under Section 5.66.010, Criminal Damage to Property.~~

SECTION 10. Section 10.24.090 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Requirements during movement of Building."

A copy of the moving permit shall accompany the ~~Structure~~ Building being moved at all times and must be presented upon request. The Permittee shall notify emergency services (911) and, ~~if required~~, Kansas One Call, prior to moving the Building.

SECTION 11. Section 10.24.100 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Duty to halt moving."

The City Manager, the Traffic Engineer, the Maintenance Engineer, the Director of Parks, the Director of MABCD, their agents, and any sworn law enforcement officer shall have the duty and power to stop the moving of any Building when a valid permit to move such Building is not presented upon request or when such moving ~~constitutes, in that individual's opinion, a hazard to people or property.~~ is being done in a dangerous, careless or inefficient manner, likely to lead to serious damage to paving, curb, gutter or any other public Structures, due to a lack of proper equipment for such moving, inexperienced employees, lack of proper supervision, or from any other cause.

SECTION 12. Section 10.24.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Private sewers and utilities to be sealed off and/or disconnected; duty of mover."

Before any Building ~~or Structure~~ is moved, it shall be the responsibility of the mover to ensure and verify all utilities are appropriately and safely disconnected. Sanitary sewer systems serving such Structures <u>or Buildings</u> shall be severed and sealed safely, subject to Section 16.04.020. <u>The seal will be inspected by the Director of MABCD under the procedure established in Section 16.04.360.</u>

SECTION 13. Section 10.24.140 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Requirements as to small one-story ~~Buildings~~ <u>Structures,</u> garages, accessory ~~Buildings~~, Structures." Whenever a Structure is moved that does not require a Building permit, the entities involved in moving such Structure, by moving the Structure, agree to indemnify, defend, and hold harmless the City from any and all claims, actions, suits, or demands for damages or injuries to persons or property, regardless of nature or character, resulting from the moving of the Structure. Such moving may require a City and/or State of Kansas oversize or overweight permit.

<u>No permit or bond shall be required for the moving of any small one-story Structures not over thirteen feet high, such as garages or accessory Buildings, when such Structures have less than two hundred (200) square feet of floor area and at least one dimension does not exceed twelve feet. .Every person shall before moving any such Structure, notify Sedgwick County Emergency Communications (911). Every person shall, when moving any such Structure, use a reasonable degree of care so that no damage results to any person or property. In case damage to persons or property results from such moving, the City shall not be held liable for any such damage.</u>

SECTION 14. Section 10.24.150 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Exceptions as to construction offices or cook shacks."

No moving permit or bond shall be required for the moving of any construction office or cook shack when such Structure is permanently mounted upon a vehicle meeting the requirements of Title 11. Every person shall, when moving any such Building or Structure, use a reasonable degree of care so that no damage results to any person or property. In case damage to persons or property results from such moving, the City shall not be held liable for any such damage.

SECTION 15. Section 10.24.160 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Compliance with Chapter required."

Every person, when moving any Structure over, upon or along the streets, alleys, or public right of ways, shall observe the rules and regulations contained in this Chapter.

SECTION 16. Section 10.24.220 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Prevention of unnecessary damage to paving."

Every person, when moving any Structure or Building over, along or upon the streets, alleys, or public right of ways of the City, shall use a reasonable degree of care to prevent any unnecessary damage, unless such damage is directed by the Maintenance or Traffic Engineer to expedite moving of the Building or Structure, to any paving, curb, gutter, sidewalk, catch basin or other public Structures.

SECTION 17. Section 10.24.250 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Protection of trees; notice to Director of Parks."

Every Person moving any Building shall use reasonable care to prevent injury to trees. The ~~MABCD~~ Person or contractor shall notify the Director of Parks when moving of such Building begins in order that the Director of Parks may take the necessary steps for the protection of trees along the moving route, at the expense of the Person moving the Building.

SECTION 18. Section 10.24.260 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Lights required from dusk to dawn."

Every Person moving any Building shall keep amber lights on such Building and on the machinery used in moving the Building from dusk to dawn. A sufficient number of ~~red~~ amber lights shall be used to make the obstruction safe.

SECTION 19. Section 10.24.280 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Interference with traffic; notice to emergency services; flaggers required."

If, at any time during the moving of any Building or Structure, it is unsafe for vehicles to pass by the Building or Structure or the public welfare is endangered, the Person moving the Building or Structure shall immediately inform Sedgwick County Emergency Communications by calling 911. The Person moving the Building or Structure shall also post flaggers at the intersecting streets ahead and behind of the Building to detour traffic.

SECTION 20. Section 10.24.300 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Interference with overhead infrastructure, etc.; notice to Person owning or controlling; cost of repair."

If any Building will not pass under any overhead infrastructure, including wires, cables, streetlights, signs, or signals, the Person moving such Building shall give at least seventy-two (72) hours' actual notice to the Person owning or controlling the infrastructure of the intention to move such Building and at least eight (8) hours' actual notice of the time of the actual moving of such Building. The Person owning or controlling such infrastructure shall then raise, cut, or remove the same for a reasonable length of time for such Building to pass. Such infrastructure shall then, at the infrastructure's owner's discretion, be repaired and put in as good condition as before the raising, cutting or removal at the expense of the Person moving such Building. ~~The Person owning or operating the infrastructure shall furnish an itemized statement of the actual costs to the Person moving the Building within forty-five (45) days of the completion of the repair, unless waived, the expense to be only the actual cost of such raising, cutting, removal and replacement. However,~~ T~~t~~he owner of any overhead infrastructure existing lower than specified by this Code or by any other ordinances of the City must reinstall such infrastructure to current code specifications without charge.

SECTION 21. Section 10.24.310 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Compliance with Chapter required; penalty."

Failure to comply with any provision of this Chapter is a misdemeanor punishable by a fine up to ~~five thousand dollars ($5,000)~~ five hundred (500) dollars and/or imprisonment up to ~~thirty (30) days~~ six months**.**

SECTION 22. The original of Sections 10.24.010, 10.24.020, 10.24.030, 10.24.040, 10.24.050, 10.24.060, 10.24.070, 10.24.075 10.24.080, 10.24.090, 10.24.100, 10.24.130,

10.24.140, 10.24.150, 10.24.210, 10.24.220, 10.24.250, 10.24.260, 10.24.280, and 10.24.300 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 23. 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 Magaña
Director of Law and City Attorney

OCA No. 132019

(First published in ***The Wichita Eagle***, on August 19, 2016)

ORDINANCE NO. 50-303

AN ORDINANCE AMENDING SECTION 11.22.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO INTERSECTIONS AND REPEALING THE ORIGINAL THEREOF.

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

SECTION 1. Section 11.22.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Authority of the City Engineer."

(a) Appeals. The City Engineer shall have the power to hear and decide appeals where it is alleged that the Traffic Engineer's interpretation is in error in any order, requirement, decision or determination whereby the Traffic Engineer orders the abatement of a sight obstruction.

(b) Variances. The City Engineer may authorize, in specific cases, a variance from the specific terms of Section 11.22.010 which shall not be contrary to the public interest and where, owing to specific conditions, a literal enforcement of the conditions of Section 11.22.010, in an individual case, would result in unnecessary hardship; and provided, that the spirit of Section 11.22.010 shall be observed, public safety and welfare secured, and substantial justice done. A request for a variance may be granted upon the finding of the City Engineer that the following conditions have been met: (1) That the sight obstruction would not prevent a driver from

taking evasive maneuvers to prevent an accident; (2) that a strict enforcement of Section 11.22.010 would result in an unnecessary hardship upon the individual requesting the variance; (3) that the existing alleged sight obstruction does not prevent a clear and unobstructed crossview of persons or objects approaching the intersection; and (4) that granting the variance desired will not be opposed to the general spirit and intent of Section 11.22.010.

(c) Appeal. Any Person, official or governmental agency dissatisfied with any order or determination of the City Engineer may appeal such order or determination to the City Council within ten (10) days of the issuance of the order. An appeal taken to the City Council shall be conducted in accordance with the provisions of Section 2.04.235 of the Code of the City of Wichita.

(d) Review of Existing Variances. Any variance to the sight obstruction ordinance that has been granted in the past shall be subject to review by the City Engineer at any time after a one-year (1) period has passed from the date the variance was granted. In said review, the City Engineer shall determine if all necessary conditions upon which the first variance was granted still exist. If the conditions necessary for granting the variance do not exist, the City Engineer shall withdraw the variance. The property owner shall thereafter remove the sight obstruction within twenty (20) days after the City Engineer withdraws the variance or shall appeal the City Engineer's ruling to the City Council within twenty (20) days after the City Engineer withdraws the variance. The property owner shall be given notice of the fact that a hearing is to be held to review the variance previously granted by the City Engineer in the same manner as described in Section 11.22.040(a) and said notice shall be given at least twenty (20) days in advance of the date the hearing is scheduled. The Traffic Engineer shall have the authority to request the City Engineer review any variance previously granted.

SECTION 2. The original of Section 11.22.050 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 3. 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 16th day of August, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magaña
City Attorney and Director of Law

DELINEATED 7/21/16

(First published in ***The Wichita Eagle***, on _____)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 11.22.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO INTERSECTIONS AND REPEALING THE ORIGINAL THEREOF.

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

SECTION 1. Section 11.22.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Authority of the City Engineer."

(a) Appeals. The City Engineer shall have the power to hear and decide appeals where it is alleged that the Traffic Engineer's interpretation is in error in any order, requirement, decision or determination whereby the Traffic Engineer orders the abatement of a sight obstruction.

(b) Variances. The City Engineer may authorize, in specific cases, a variance from the specific terms of Section 11.22.010 which shall not be contrary to the public interest and where, owing to specific conditions, a literal enforcement of the conditions of Section 11.22.010, in an individual case, would result in unnecessary hardship; and provided, that the spirit of Section 11.22.010 shall be observed, public safety and welfare secured, and substantial justice done. A request for a variance may be granted upon the finding of the City Engineer that the following conditions have been met: (1) That the sight obstruction would not prevent a driver from taking evasive maneuvers to prevent an accident; (2) That a strict enforcement of Section 11.22.010 would result in an unnecessary hardship upon the individual requesting the variance; (3) That the existing alleged

sight obstruction does not prevent a clear and unobstructed crossview of persons or objects approaching the intersection; and (4) That granting the variance desired will not be opposed to the general spirit and intent of Section 11.22.010.

(c) Appeal. Any Person, official or governmental agency dissatisfied with any order or determination of the City Engineer may appeal such order or determination to the City Council within ten (10) days of the issuance of the order. An appeal taken to the City Council shall be ~~on the record of the hearing before the City Engineer~~ conducted in accordance with the provisions of Section 2.04.235 of the Code of the City of Wichita.

(d) Review of Existing Variances. Any variance to the sight obstruction ordinance that has been granted in the past shall be subject to review by the City Engineer at any time after a one-year (1) period has passed from the date the variance was granted. In said review, the City Engineer shall determine if all necessary conditions upon which the first variance was granted still exist. If the conditions necessary for granting the variance do not exist, the City Engineer shall withdraw the variance. The property owner shall thereafter remove the sight obstruction within twenty (20) days after the City Engineer withdraws the variance or shall appeal the City Engineer's ruling to the City Council within twenty (20) days after the City Engineer withdraws the variance. The property owner shall be given notice of the fact that a hearing is to be held to review the variance previously granted by the City Engineer in the same manner as described in Section 11.22.040(a) and said notice shall be given at least twenty (20) days in advance of the date the hearing is scheduled. The Traffic Engineer shall have the authority to request the City Engineer to review any variance previously granted.

SECTION 2. The original of Section 11.22.050 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 3. 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 Magaña
Director of Law and City Attorney

OCA No. 132019

(First published in ***The Wichita Eagle***, on August 19, 2016)

ORDINANCE NO. 50-304

AN ORDINANCE CREATING CHAPTER 28.06 AND REPEALING CHAPTER 10.32 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE RULES AND REGULATIONS GOVERNING LANDSCAPING AND PARKING LOT SCREENING.

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

SECTION 1. Section 28.06.010 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Purpose."

The purpose of this Chapter is to enhance the attractiveness of the community through the establishment of landscape requirements for urban development projects. The standards herein shall apply to all new development and certain levels of redevelopment, renovation and/or additions within the corporate boundaries of the City, except single-family residences and duplexes. Parking lot screening and landscaping, but not Landscaped Street Yard requirements, shall apply to development occurring on property in the "CBD" Central Business District as described in the Wichita / Sedgwick County Unified Zoning Code (UZC).

Properly established and maintained landscaping can improve the livability of neighborhoods, enhance the appearance of commercial areas, increase property values, improve

relationships between incompatible uses, screen undesirable views, soften the effects of structural features, and contribute to a positive overall image of the community.

SECTION 2. Section 28.06.020 of the Code of the City of Wichita, Kansas is hereby created to read as follows:

Definitions.

As used in this Chapter:

"Average Lot Depth" means the horizontal distance between the front and rear lot lines measured along the median between the Side Lot Lines. For multiple-frontage lots, the average Lot Depth measured from each street shall be divided by the total number of streets to obtain one average depth for the lot.

"Berm(s)" means an earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

“Board of Zoning Appeals” means the Wichita Board of Zoning Appeals.

"Conifer Tree" means an evergreen tree, usually of the pine, spruce or juniper genus, bearing cones and generally used for its screening qualities. For purposes of these regulations, a Conifer Tree shall be considered a shade tree if it is at least five (5) feet tall when planted and is one of the Evergreen Trees listed in the Kansas Forest Service’s publication titled "Preferred Tree Species for South Central Kansas" and will obtain a mature height of twenty (20) feet or greater.

"Deciduous Trees" means trees and shrubs that shed their leaves annually.

"Evergreen" means trees and shrubs that do not shed their leaves annually.

"Ground Cover" means living Landscape Materials or low-growing plants, other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface, and

which upon maturity normally reach the average maximum height of not greater than twenty-four (24) inches.

"Landscape Materials" means living plants, such as trees, shrubs, vines, ground cover, flowers and grasses. It may include such nonliving features as bark, wood chips, rock, brick, stone or similar materials (monolithic paving not included) and structural and/or decorative features such as fountains, pools, gazebos, walls, fences, benches, light fixtures, sculpture pieces, and earthen Berms, terraces and mounds.

"Landscaping" means the product of careful planning and installation using any combination of Landscape Materials subject to the limitations set out in this Chapter which results in the softening of building lines, the modification of environmental extremes, the definition of separate functional spaces and the presentation of a pleasing visual effect on the premises.

“Metropolitan Area Building and Construction Department (MABCD)” means the Wichita-Sedgwick County Metropolitan Area Building and Construction Department.

"Mulch" means nonliving organic, inorganic or synthetic materials customarily used in landscape design and maintenance to retard soil erosion, retain moisture, insulate soil against temperature extremes, suppress weeds, deter soil compaction and provide visual interest.

"Ornamental Tree" means a Deciduous Tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under forty (40) feet. Trees listed in the Kansas Forest Service’s publication titled "Preferred Tree Species for South Central Kansas" or the Wichita Landscape Ordinance Guidebook as small Deciduous Trees and medium Deciduous Trees will be classified as ornamental trees for purposes of this Chapter.

"Parking Lot" means an area not within a building or other structure where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. This definition

shall include vehicle queuing or holding areas such as at car washes, drive-up windows, gasoline pumps, etc., but shall not include vehicle storage and display area for new and used vehicle sales lots or parking for one-family and two-family dwellings.

"Shade Tree" means usually a Deciduous Tree—rarely an Evergreen—planted primarily for its high crown of foliage or overhead canopy. Trees listed in the Kansas Forest Service's publication titled "Preferred Tree Species for South Central Kansas" or the Wichita Landscape Ordinance Guidebook as large Deciduous Trees and very large Deciduous Trees will be classified as Shade Trees for purposes of this Chapter.

"Shrub" or "Shrubbery" means a deciduous or evergreen woody plant smaller than a tree and larger than ground cover, consisting of multiple stems from the ground or small branches near the ground, which attains a height of twenty-four (24) inches or more.

"Site Specific" means that the plant material chosen to be used on a site is particularly well suited to withstand the physical growing conditions which are normal for that location.

"Street Frontage" means the length of the property abutting on one side of a street measured along the dividing line between the property and the street.

"Street Wall" means any building wall facing a street.

"Street Wall Line" means a line that extends from the building parallel to the Street Wall until it intersects a side or rear lot line or a wall line of another building.

"Street Yard" means the area of a lot which lies between the property line abutting a street and the Street Wall Line of the building. If a building has a rounded Street Wall or if the building is on an irregular-shaped lot, street wall lines extending parallel to the street wall from the points of the Street Wall closest to the side property lines shall be used to define the limits of the Street Yard.

“Unified Zoning Code (UZC)” means the Wichita-Sedgwick County Unified Zoning Code.

"Xeriscape" means water conservation through creative landscaping which applies the following seven principles:

(1) Plan and design carefully;

(2) Improve the soil water-holding capaCity through use of soil amendments;

(3) Use efficient irrigation methods and equipment;

(4) Select Site-Specific, hardy plant materials, and then group all plants according to their sun and moisture needs;

(5) Use turf grass appropriately in locations where it provides functional benefits;

(6) Mulch;

(7) Give appropriate and timely maintenance.

"Zoning Lot" means a parcel of land that is designated by its owner or developer at the time of applying for an occupancy certificate as a tract, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of

(1) A single lot of record; or

(2) A portion of a lot of record; or

(3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

SECTION 3. Section 28.06.030 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

“Required Landscaped Street Yard.”

A. The minimum amount of Landscaped Street Yard for all uses except single-family, two-family and neighborhood swimming pools, as defined by the UZC, which are adjacent

to at-grade expressway or freeway frontage roads, arterial or collector streets designated in the Kansas Department of Transportation Functional Classification Map, or which are adjacent to local streets when across from residential districts, except as provided for in Subsections (A)(4) and (A)(5) of this Section, shall be as follows:

Average Lot Depth (ft.)	**Square Footage Factor (ft^2 / linear foot)**
175.00 or less	8
175.01–275.00	10
275.01–375.00	15
Greater than 375.00	20

1. The square footage per linear foot of Street Frontage may be reduced twenty (20) percent if the minimum planting size of materials specified in Subsections (C)(3) and (C)(4) of this Section is increased by one hundred (100) percent or more.
2. Plants, installation and maintenance techniques meeting the principles of Xeriscape shall be utilized for landscaping required by these regulations.
3. On a Zoning Lot with frontage on two or more streets, each of which requires a Landscaped Street Yard, the Landscaped area requirement shall be based on the sum of the Street Frontages, less the greatest perpendicular distance between the property line abutting a street and the Street Wall Line, multiplied by the factor based on average Lot Depth as referenced above. On multiple-frontage lots where the use of the average Lot Depth, as defined by the Chapter, would require more Landscaped Street Yard than would be required if each Street Frontage were calculated

individually, the lesser of the calculations may be used. Although the required amount of Landscaped Street Yard does not have to be equally distributed to the various street frontages, there shall be no less than twenty (20) percent of the total required landscaping within any Street Yard.

4. On collector streets with industrial zoning on both sides of the street, the requirement for a Landscaped Street Yard shall be automatically waived.
5. In the "CBD" Central Business District, no Landscaped Street Yard shall be required.
6. No Landscaped Street Yard shall be required for "vehicle and equipment sales" as defined by the UZC.

B. Minimum number of trees within Street Yards:

There shall be a minimum of one (1) shade tree or two (2) ornamental trees for every five hundred (500) square feet or fraction thereof of the required minimum Landscaped Street Yard.

C. Design standards for Landscaped Street Yards and required trees:

1. Trees shall be located in planter areas of sufficient size and design to accommodate the growth of the trees and protected to prevent damage to the trees by vehicles. A minimum of twenty-five (25) square feet of permeable ground surface area per tree is recommended.
2. The required trees may be clustered along a particular façade or boundary of the project. Trees need not be spaced evenly, although it is permissible to do so, provided adequate distance is maintained between individual specimens. Minimum spacing for ornamental trees is recommended to be fifteen (15) feet and forty (40) or more feet for Shade Trees. The trees shall be selected from a list of tree types that are

commonly known to grow in the Wichita area and are listed in the publication prepared by the Kansas Forest Service and titled "Preferred Tree Species for South Kansas" or the Wichita Landscape Ordinance Guidebook.

3. The minimum size at the time of planting of required trees shall be as follows: Shade Trees—two (2) inch or greater caliper measured at a height of six (6) inches above the ground; ornamental trees—one (1) inch or greater caliper measured six (6) inches above the ground; Conifer Trees five (5) feet or more in height.
4. Shrubbery may be substituted for up to one-third (1/3) of the required trees at the rate of ten (10) Shrubs for one (1) required Shade Tree. Substitute Shrubbery shall be of a Site-Specific type that attains a mature height of at least two (2) feet and shall be no less than two (2) gallon container size at the time of planting.
5. The required trees (Shade Trees or ornamental trees but not Conifers) and/or Shrubs may be located in part or in total in adjacent public right of way area if approved as to location by a Right-of-Way Use Permit issued by the Traffic Engineer and approved as to type of tree by the superintendent of landscape and forestry and no conflicts exist with utility locations. Trees and Shrubs should be located no closer than six (6) feet to the Curb line of adjacent streets. Trees should also be located no closer than six (6) feet to either side of a sidewalk unless root barrier materials are installed at the sidewalk on the tree side.
6. Fences which are twenty-five (25) percent or more opaque in design shall be constructed no higher than four (4) feet above the finished grade in a required Landscaped Street Yard when located within a right triangle, the sides of which are formed by a line extending twenty-five (25) feet toward the shrubbery, wall or fence

from any vehicular access point along the street right-of-way line and a line extending six (6) feet away from and perpendicular to the street right-of-way line from the same access point.

Shrubbery and walls which are twenty-five (25) percent or more opaque in design shall be constructed no higher thirty three (33) inches above the bottom of the gutter or the lowest point of the traveled surface of the roadway in a required Landscaped Street Yard when located within a right triangle, the sides of which are formed by a line extending twenty-five (25) feet toward the shrubbery, wall or fence from any vehicular access point along the street right-of-way line and a line extending six (6) feet away from and perpendicular to the street right-of-way line from the same access point.

Shrubbery, walls, fences, or other obstructions located near the intersection of streets shall maintain sight visibility clearance as specified in Chapter 11.22 of the City Code. All opaque fences shall be located toward the private property side of required Landscaped Street Yards along street right of way to maintain a landscaped appearance along the street.

7. The intent of the Landscaped Street Yard is to visually soften the masses of building and parking lots and to separate building areas from parking areas through the use of plantings. Paved plazas may be credited to a maximum of fifty (50) percent of required Street Yard Landscaping area if such plazas have trees and/or Shrubbery which provide(s) visual relief to those building elevations forming the major public views of the project. Paved walkways and bike paths connecting public sidewalks to

buildings located on private property within a Landscaped Street Yard may also be credited to a maximum of fifty (50) percent of the required Landscaped Street Yard.

SECTION 4. Section 28.06.040 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Required buffers."

A. Buffers between Nonresidential and Residential Development:

1. Where Required. A buffer is required along the common property line of any nonresidential project in any zoning district where such project is adjacent to a residential district.

2. Design Standards. There shall be a minimum of one (1) Shade Tree or two (2) ornamental trees for every forty (40) feet or fraction thereof of lot line abutting the residential district. The trees should generally be evenly spaced, but may be located in a manner to achieve maximum screening benefit. Trees shall be within fifteen (15) feet of the property line common to the residential district. If utility and/or drainage easements occupy this fifteen (15) foot perimeter area, the trees may be located outside the easements. Each tree shall be in a planting area having a minimum permeable ground surface of twenty-five (25) square feet. The minimum size at the time of planting of required trees shall be as follows: Shade Trees—two (2) inch or greater caliper measured at a height of six (6) inches above the ground; ornamental trees—one (1) inch or greater caliper measured at a height of six (6) inches above the ground; Conifer Trees—five (5) feet or more in height. These trees shall be in addition to any screening required by Wichita/Sedgwick County Unified Zoning Code.

B. Buffers between adjacent Multi-Family Residential or Manufactured Home Parks and Single-Family/Two-Family Residential Projects:

1. Where Required. A buffer is required along the side and/or rear lot line of any multi-family project (a project with three or more dwelling units in one building) or manufactured home park in any zoning district where such a project is adjacent to a single-family or two-family zoning district.

2. Design Standards. The required buffer shall be a minimum of fifteen (15) feet in width. There shall be a minimum of one (1) Shade Tree or two (2) ornamental trees and five (5) Shrubs for every thirty (30) feet of the length of the buffer; alternatively, a minimum of one (1) Shade Tree or two (2) ornamental trees for every twenty (20) feet of length of the buffer may be used. A minimum of one-third (1/3) of the trees and Shrubs shall be evergreen. The minimum size at the time of planting of required trees shall be as follows: Shade Tree —two (2) inch or greater caliper measured at a height of six (6) inches above the ground; ornamental trees—one (1) inch or greater caliper measured at a height of six (6) inches above the ground; Conifer Trees—five (5) feet or more in height. The minimum size of Shrubs shall be two (2) gallon containers. The width of the required buffer may be reduced to twelve (12) feet if the minimum planting size of materials is increased by one hundred (100%) percent or more. Parking shall be screened from adjacent residential areas in accordance with the parking lot screening requirements listed below. Required screening may be located within the buffer area. Parking may not be located within the buffer area.

SECTION 5. Section 28.06.050 of the Code of the City of Wichita is hereby created to read as follows:

"Parking lot screening and landscaping."

A. Required Screening. All new parking lots or additions to parking lots shall be continuously screened from view from adjacent residential districts and certain types of streets when within one hundred fifty (150) feet thereof (measured from the property line adjacent to the street), except at points of vehicular and/or pedestrian ingress and egress, to a minimum height of three (3) feet above the parking surface by the use of Berms and/or plantings, with the following exemptions: (1) open parking lots in one-family and two-family residential projects in any zoning district and (2) open parking lots in industrial districts located on collector streets with industrial zoning on both sides of the street. Walls and fences may be used in combination with Berms and plantings but may not be used as the sole means of screening a parking lot, except in the Central Business District where walls and fences may be used as the sole screening if they are compatible (i.e., similar in color, texture and pattern) with the architectural character of adjacent buildings and if it can be demonstrated that Berms or plantings would result in loss of parking spaces. This requirement shall apply to all at-grade expressway, freeway, and arterial and collector Street Frontages and to all local streets when parking is across from residential zoning districts. On corner lots where parking is within one hundred fifty (150) feet of two (2) or more streets but not all the Street Frontages require parking lot screening (due either to type of street or zoning district across the street), the parking lot screening shall wrap around the corner of the lot from the frontage which does require screening for a distance of not less than one hundred (100) feet.

1. Walls or fences used in combination with Berms and/or plantings shall avoid a blank and monotonous appearance by such measures as architectural articulation and placement of vines, shrubs and/or trees.

2. All screening and landscape elements may be located within and be substituted for required landscape buffers and Street Yards, provided sight clearances are maintained as specified in this Chapter and provided further that the minimum number of trees otherwise required in the yard or buffer are established in the Street Yard. Shrubs used in meeting screening requirements shall not be substituted for required trees.

3. Where walls and fences are to be combined with vines and shrubs to create the screening effect, they should be located in a planting strip with a minimum width of no less than three (3) feet from the edge of any adjacent sidewalk. Landscape Materials shall be located on the public right-of-way side of the wall or fence.

4. Where shrubs, trees and other landscape materials are used exclusively to create the screening effect, they should be located in a planting strip with a minimum width of no less than five feet from the edge of the parking lot paving to the edge of any adjacent sidewalk.

5. Where Berms are to be combined with trees, lawn, turf, grasses, shrubs, walls or fences to create the screening effect, they should be located in a planting strip with a minimum width of no less than ten (10) feet from the edge of the parking lot paving to the edge of any adjacent sidewalk.

6. Planting strips associated with parking lot screening may be located in whole or in part on public street right-of-way on the basis of an approved landscape plan, provided adequate public right of way exists, there is no less than fourteen and one-half feet of right-of-way between the property line and the curb, no conflict exists with public utilities, and the location of Berms, walks, irrigation fixtures and other

permanent landscape features is subject to a Right of Way Use Permit granted by the City Engineer.

7. The minimum size at the time of installation of plant materials used for parking lot screening shall be as follows: Shade Trees—two (2) inch or greater caliper measured at a height of six (6) inches above the ground; ornamental trees—one (1) inch or greater caliper measured six (6) inches above the ground; Conifer Trees—five (5) feet or more in height; Shrubs—eighteen-inch (18) height. Shrubs used for parking lot screening shall be expected to obtain a height of at least thirty-six (36) inches within the third year after planting. Spacing between shrubs will depend upon the type of Shrub but shall be close enough to achieve a visual screen when the plants reach maturity.

8. Evergreen and/or deciduous plant materials may be used, provided a solid screening effect is maintained on at least two-thirds (2/3) of the treated street frontage during all seasons of the year.

9. All screening materials and landscape features shall be protected from vehicular damage or encroachment by appropriately located curbs or wheel stops.

B. Required Landscaping. All new parking lots or additions to parking lots which create twenty (20) or more spaces and which are required to provide screening in accordance with this Chapter shall also be required to provide at least one (1) shade tree or two (2) ornamental trees for each twenty (20) parking spaces or fraction thereof over twenty (20) spaces. Vehicle queuing and holding areas shall not be counted when determining the number of spaces in a lot. Up to one-half (1/2) of all trees required by the Landscaped Street Yard calculations may be used to satisfy these parking lot landscaping requirements. The trees shall be located within

and around the parking lot to enhance the appearance of the lot and to reduce the deleterious effect of large expanses of paved areas. In parking lots containing fifty (50) spaces or more with two (2) or more drive aisles and three (3) or more parking bays, all of which are contiguous, at least one-half (1/2) of the required trees shall be planted in interior planting islands with each tree having a minimum permeable ground surface area of twenty-five (25) square feet. Trees shall be protected from possible damage caused by vehicle bumpers by the use of bumper blocks, raised curbs or other protective means. Whenever this requirement results in loss of potential spaces to the extent that the number of parking spaces required by the UZC cannot then be provided, an adjustment in the number of parking spaces shall automatically be granted without having to receive Board of Zoning Appeals' approval. The minimum acceptable tree size at the time of installation shall be a two (2) inch caliper for a shade tree and a one (1) inch caliper for an ornamental tree, both measured at a height of six inches above the ground.

SECTION 6. Section 28.06.060 of the Code of the City of Wichita is hereby created to read as follows:

“Percentage of living materials.”

Unless otherwise specified, required landscape area shall consist of a minimum of fifty-five (55) percent in ground surface covering by living grass or other plant materials. The foliage crown of trees that may extend over monolithic paved surfaces beyond the required landscaped area or over nonliving surfaces within the required landscaped area shall not be used in the fifty-five (55) percent or other required percentage calculation. The remaining forty-five (45) percent of the required landscape area may be covered with bark, wood chips, rock, bricks, stone, or similar materials (monolithic paving not included). An effective weed barrier shall be required

in nonliving landscaped areas. The use of nonliving materials in required landscape areas for other than mulching around trees, shrubs and planting beds shall be on the basis of a landscape plan submitted for approval to the planning department.

SECTION 7. Section 28.06.070 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Other landscape regulations."

A. Landscaping shall not conflict with the traffic visibility requirements in Chapter 11.22 of this Code.

B. The use of artificial trees, shrubs, vines, turf, or other plants as an outside Landscape Material is not allowed.

C. The planting of Ulmus pumila (Siberian elm) in required landscape areas is not allowed.

D. The planting of female or cotton-bearing cottonwood trees is not allowed in any required landscaped area.

E. Clumped or multi-trunked trees, where used, instead of single-trunk trees, shall be credited as only one of the required trees.

F. Landscaping shall not interfere with the general function, safety or accessibility of any gas, electric, water, sewer, telephone, or other utility easement. Landscaping shall be limited to an eight (8) inch mature height within three (3) feet of a fire hydrant, traffic sign, traffic signal or utility structure.

G. The existing indigenous vegetation on a site is encouraged to be retained in a development project and may be credited toward required landscaping in this Chapter, provided this vegetation is adequately protected during construction to insure long-term survival.

H. Where a calculation of a requirement results in a fractional number (such as 14.2 required trees), the requirement shall be considered the next greatest whole number (such as fifteen (15) required trees).

I. Landscaping in the right of way of a state highway shall be approved by the district engineer, where applicable.

J. Prior to Excavation for screening or landscape purposes within public right-of-way or easements, the location of all underground utilities shall be determined by calling the Kansas One-Call System and physically locating such utilities.

K. Berms, irrigation systems, street furniture, entry monuments, fountains, statuary or similar landscape features may be located within public street rights of way, provided adequate right-of-way exists and a Right-of-Way Use Permit is granted by the City Engineer.

L. Walls on permanent foundations and fences over eight (8) feet in height require a building permit. Walls shall not be constructed within utility easements or street right of way; provided, however, that wall segments on column footings may be permitted across easements if determined appropriate by the City Engineer.

M. Landscape plans shall be submitted showing the location of all Landscape Materials and shall be drawn to scale with the scale and north arrow indicated, as well as names of all adjacent streets, the lot dimensions, the location of all utility and drainage easements, and the legal description of the Zoning Lot. The plans shall contain a listing of the proposed plant materials indicating their numbers, names (both botanical and common) and sizes at the time of planting. The plans shall also state how water is to be provided to plant materials. Copies of the plans shall be submitted to the Metropolitan Area Planning

Department in the quantity required by current policy. Statements setting out requirements I, J, K and L above should be included on the landscape plan if they apply to the project. The number of parking spaces within parking lots shall be shown. Calculations of the amount of required Landscaped Street Yard and number of parking lot trees, as well as the amount and number actually provided, shall be included as part of the landscape plan.

N. No more than seventy-five (75) percent of the required landscape areas shall be covered by turf grasses unless the grass is buffalo grass. In addition to required shrubs and trees, a landscape plan may not provide for more than eight-five (85) percent buffalo grass;

O. Plants shall be high quality nursery-grown stock which meets the American Association of Nurserymen standards as specified by the American National Standards Institute in ANSI Z60.1-2014 *et seq.*

SECTION 8. Section 28.060.080 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Maintenance.**"

A. The landowner is responsible for the maintenance of all Landscaping Materials and shall keep them in a proper, neat and orderly appearance free from refuse and debris at all times.

B. Maintenance shall include mowing, trimming, weeding, cultivation, mulching, tightening and repairing of guys and stakes, resetting plants to proper grades and upright position, restoration of planting saucer, fertilizing, pruning, disease and insect control and other necessary operations.

C. All landscaped areas, except those in the Central Business District "CBD", shall be provided with a readily available permanent water supply; provided, however, that landscaped areas utilizing drought-tolerant plants may use a temporary above ground system and shall be required to provide irrigation for the first two (2) growing seasons only. Irrigation shall not be required for established trees and natural areas that remain undisturbed by development activities. Irrigation systems shall be designed and operated in a manner to avoid water on impervious surfaces and public streets. Long, narrow landscaped areas are difficult to irrigate efficiently, therefore landscaped areas less than five (5) feet in any dimension shall not be irrigated with overhead spray sprinklers. Drip irrigation is acceptable.

D. Disturbed soil between trees and Shrubs in the planting beds shall be mulched, planted or otherwise treated to prevent wind and water erosion.

E. Plants which die shall be replaced within sixty (60) days or, if weather prohibits replanting within that time, then replanting shall occur within the first thirty (30) days of the next planting season.

SECTION 9. Section 28.060.090 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Exceptions and modifications."

The provisions of this Chapter may be modified and/or trade-offs permitted with respect to dimension or location within a property boundary. Permitted forms of modification and exception are identified as follows:

A. For purposes of application of this Chapter, no buffer or screening requirement located on an adjacent property may be utilized unless written permission is granted by the

adjacent property owner to utilize existing screening or to allow permission for screening to be planted on the adjacent property, as a portion of a required buffer or screen, nor allowed to be used in a trade-off or modification of a standard.

B. The change in use or redevelopment of a site utilizing all or parts of an existing building(s) shall not be required to meet the landscaping requirements of this Chapter, except as follows:

1. When the value of the new addition, renovation or redevelopment exceeds fifty (50) percent of the value of the existing development, as determined by the County Appraiser's office; or
2. When there is more than a thirty (30) percent increase of the gross floor area on the site.

New parking lots and additions to parking lots which are required to provide landscaping and/or screening in accordance with this Chapter, shall do so even if there is no increase in gross floor area or value.

C. Lots or tracts of land abutting the rights of way of a railroad zoned for residential use and held by title separate from all abutting lands shall not be required to provide landscaped buffers along the common property line.

D. In those instances where a development site abuts a public park or other permanent public open space and where at least one hundred (100) feet of undisturbed natural foliage exists along the common lot line, a landscaped buffer requirement along the common property line is not required; provided, however, loading docks, trash containers, and storage areas on the development site along the common line shall be screened as provided within the UZC.

E. For purposes of this Section, the Planning Director shall have the authority to interpret the language and modify the provisions of this Section in such a manner and extent that is appropriate for the public interest and consistent with the purposes and intent of this Chapter. Appeals of the decisions of Planning Director shall be filed with the Board of Zoning Appeals. If in the opinion of the Planning Director there exists extraordinary conditions of topography, existing vegetation, land ownership, site boundaries and dimensions, adjacent development characteristics or other circumstances not provided for in this Section, the Planning Director may modify or vary the strict provisions of this Section in such a manner and to such an extent as is deemed appropriate to the public interest, provided that the purposes and intent of this Chapter are maintained through such modification or variance.

F. No property owner obtaining a permit for a project involving a new building or building addition shall be required to expend more than four (4) percent of the total construction cost for materials and installation costs associated with landscaping and parking lot screening required by this ordinance. No property owner obtaining a permit for a project involving only a new or expanded parking lot, with no building construction, shall be required to expend more than eight (8) percent of the total construction cost for materials and installation costs associated with parking lot landscaping and screening required by the ordinance codified in this Section. In order to qualify for this exception, the property owner must submit a bona fide bid from a licensed contractor for the total project construction cost, and a bona fide bid from a licensed contractor or nurseryman for materials and installation costs for an approved landscape plan. The bid for landscaping must distinguish those items which are required by the ordinance from any other items

which are not required. If the total cost of required landscaping items exceeds the applicable percentage as specified above, then the property owner may select items at his discretion to delete from the approved plan, and submit the list of items to be deleted as an addendum to the approved plan.

G. The preservation and protection from construction damage of each existing tree of six (6) or more inches in trunk diameter (measured six (6) inches above the ground) within the Street Yard, parking lot, or perimeter buffer area of a site shall account for the equivalent two (2) trees required in that Landscaped Street Yard, parking lot, or perimeter buffer area of the site.

SECTION 10. Section 28.06.100 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Water conservation measures; rain shut-off devices required."

When meeting the landscape requirements outlined in this Chapter, property owners are encouraged to use water in the most efficient way possible. A number of principles for effective water usage are found in the accepted approach to landscaping called Xeriscape. Property owners are encouraged to take advantage of the water-saving practices set out in these principles.

Regardless of the extent to which the principles of Xeriscape are applied automatic irrigation systems installed in association with the landscaping requirements of this Section shall be equipped with moisture-sensing devices or automatic rain shut-off devices that forestall scheduled watering cycles when moisture adequate to sustain healthy plant life is present.

SECTION 11. Section 28.06.110 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Enforcement/assurances for installation and completion."

Prior to the issuance of a certificate of occupancy for any structure where Landscaping is required, except when a certificate of occupancy is obtained by providing acceptable assurance to the City guaranteeing the completion of such landscaping, all work as indicated on a landscaping plan shall be inspected and approved by the MABCD. At the time of inspection, the landowner shall possess a copy of the approved landscaping plan for use by the MABCD.

At the time of inspection, MABCD shall check the quantities and locations of Landscape Materials. At the time of such inspection, the landowner shall warrant that the completed landscaping complies with the requirements of this Section. Such warranty shall include the quantities, locations, species and sizes of plants and other landscape materials used for compliance. In the event that an inspection is not conducted by the MABCD prior to the issuance of a certificate of occupancy because acceptable assurance has been provided to the City guaranteeing the completion of such Landscaping, such inspection shall be done by the MABCD subsequent to the installation of such Landscaping but prior to the release or expiration of the acceptable assurance.

A landowner may obtain a final certificate of occupancy for a structure prior to the completion of required Landscaping work if the completion is not possible, due to seasonal or weather conditions, and if the landowner submits the necessary assurances to the MABCD for the completion of the Landscaping. The acceptable assurance guaranteeing the completion of the landscaping, such as an irrevocable letter of credit, certified check, or other acceptable assurance, shall be equal to one hundred twenty-five (125) percent of the cost of the Landscaping work, and shall be accompanied by a written assurance that such landscaping will be completed to the satisfaction of the MABCD.

SECTION 12. Section 28.06.120 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"**Administrative remedies.**"

Until the provisions of this Chapter, including the conditions of any permits issued thereunder, have been fully met, the City may withhold issuance of any building permit, certificate of occupancy or inspection required under the current Unified Trade and Building Code or the UZC or the City may issue cease and desist orders for further development.

SECTION 13. Section 28.06.130 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

"Penalties."

Any person, individual, partnership, corporation or association who violates any of the provisions of this Chapter and who fails to correct such a violation upon which a citation has been served is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars ($1,000) or by imprisonment of not more than six (6) months, or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and shall be punishable as provided for by this Section.

SECTION 14. Section 28.06.140 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Appeals."

Any person aggrieved by the administration or interpretation of any of the terms or provisions of this Chapter may appeal to the Board of Zoning Appeals which, after hearing and with notice to the applicant and adjoining property owners as provided by Sections 2.12.590 through 2.12.610 of the City Code, may reverse, affirm or modify, in whole or in part, the order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the department or official from whom the appeal is taken.

SECTION 15. Section 28.06.150 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Amendments."

Any amendments to this Chapter, shall be forwarded to the Wichita-Sedgwick County Metropolitan Area Planning Commission for their review and comment.

SECTION 16. Section 28.06.160 of the Code of the City of Wichita, Kansas, is created to read as follows:

"Severability."

If any Section or provision of this Chapter is for any reason held illegal, invalid, or unconstitutional, such action shall not affect the remaining provisions of this ordinance, which shall remain valid to the extent possible.

SECTION 17. The original of Chapter 10.32 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 18. 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 16th day of August, 2016.

_____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magaña
City Attorney and Director of Law

Agenda Item No. IV-2.

City of Wichita
City Council Meeting
August 9, 2016

TO:	Mayor and City Council
SUBJECT:	2017-2018 Proposed Budget
INITIATED BY:	City Manager's Office
AGENDA:	New Business

Recommendation: Approve the 2017 Proposed Budget, the amendments to the 2016 Adopted Budget and the City-County interlocal agreements for Flood Control and Metropolitan Area Planning.

Background: The 2017 – 2018 Proposed Budget has been developed over the past several months based on input from the public and direction from the City Council. Staff met with District Advisory Board members in each district and hosted one Social Media Town Hall session at which the City received 1,254 reactions, 667 comments, and 194,509 page views on Facebook. On July 12, 2016, the City Manager's Proposed Budget was presented to the City Council. The 2017-2018 Proposed Budget has been posted online at wichita.gov. Copies were also distributed to each City of Wichita library branch for public review. A public hearing was held on August 2, 2016, providing an additional opportunity for residents to provide input.

Analysis: The Proposed Budget for 2017 totals $580,585,538. Interfund transactions and appropriated reserves increase this total to $743,818,409. The inclusion of trust funds brings the total 2017 Budget to $847,745,602. The amount of taxes levied for the General Fund and Debt Service Fund totals $106,990,860. This tax levy would require an estimated mill levy rate of 32.686 mills, which is equal to the 2016 final mill levy rate. The Self-Supporting Municipal Improvement District (SSMID) Fund is included in the 2017 Proposed Budget with a property tax levy of $663,313. The estimated mill levy required in 2017 is 7.118, one mill higher than the 2016 mill levy rate of 6.118.

Jointly Funded Budgets – The General Fund includes City of Wichita contributions for two jointly supported City-County funds: the Flood Control budget and the Metropolitan Area Planning budget. Annually, interlocal agreements are approved by both the Sedgwick County Commission and the City Council based on agreed upon funding amounts:

2017 Proposed Budget	City Share	County Share	Other Revenue	Total Revenue
Flood Control	$1,102,332	$1,102,332	$0	$2,204,664
Metropolitan Area Planning	$628,635	$628,635	$213,900	$1,471,170

The Metropolitan Area Planning budget of $1,471,170 is financed with an estimated $213,900 in program revenue, and equal City and County contributions of $628,635. The Flood Control budget is set at $2,204,664, split equally by the City and County.

2016 Revised Budget – In addition to action on the 2017 Proposed Budget, it is requested that action be taken to amend the 2016 Adopted Budget – as contained in the current Proposed Budget submitted to the City Council. The increases in the 2016 budget are summarized as follows:

1. The **State Office Building Fund** expenditure budget of $1,770,391 is recommended. Last year, the fund was not established for 2016, due to uncertainty regarding the financial activity associated with the building as the State of Kansas lease expired. Staff is actively seeking to transition the building to private ownership. To appropriately record financial transactions associated with the continued operation of the building during this transitionary phase, staff recommend establishing an expenditure budget for 2016.

2. The **Cemetery Fund** increase of $12,229 reflects additional costs for drainage improvements that are needed at Highland Park.

3. The **Information Technology Fund** increase of $122,315 reflects additional salary and wage costs due to lower than expected employee turnover.

Use of WSU Mill Levy Funds – With the passage of K.S.A. 76-3a07 in 1963, Wichita State University was included in the Board of Regents system, and the City of Wichita implemented a 1.5 mill levy in support of the university. The levy is to be used to retire applicable debt and for purposes requested by the WSU Board of Trustees and approved by the City. In 1987, the City and County signed an interlocal agreement to shift the mill levy from the City to the County. Since that time, the City approves the annual WSU request for the portion of the levy generated within the City of Wichita and the County approves the request for the remaining mill levy funds. For 2017, the City portion of the County-wide levy is expected to total $5,896,426. The WSU request includes $2,134,074 for capital improvements, $3,234,102 for student support, and $528,250 for other expenses.

Property Tax Lid - State statutes limit the amount of taxes that can be levied without specific notification requirements. The statute requires a "notice of vote publication" if the governing body approves the levy of property taxes at a growth rate greater than the Consumer Price Index (CPI), with several exceptions. The statutory provisions apply to the SSMID budget for 2017, and staff with the State Division of Municipal Services have also recommended applying the statutory provisions to the City budget in 2017, based on Legislative intent. For 2017, the tax lid is based on the 2015 CPI rate of .125%. The City's valuation growth impacted by the tax lid in 2017 was 1.15%. Because this valuation growth exceeds the tax lid limit of .125% growth, the City's tax levy is proposed to increase by $805,647 more than the amount allowable under the tax lid. In addition, the amount of taxes levied in the 2017 Proposed Budget for the Self-Supporting Municipal Improvement District exceeds the amount of the property tax lid for 2017 by $93,588.

Budget Administration – To implement the budget, staff will take steps as outlined on pages 41-44 of the 2017 Proposed Budget to ensure that the policy direction of the City Council is implemented. These steps include: establishing expenditure control levels for each department; processing administrative budget adjustments in specific cases to implement City Council direction; transferring amounts between funds as included in the approved budget, subject to available funding; establishing authorized position counts based on positions approved and funded within the budget; and processing Internal Service Fund charges consistent with the budget and policy direction. After adoption of the budget by the City Council, staff will prepare and submit budget certification forms with necessary adjustments to comply with state requirements.

Financial Considerations: Approval of the publication of the notice of formal hearing on July 12, 2016 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied), but may not increase expenditures previously established and published.

Legal Considerations: The City Council approved August 9, 2016 as the official budget hearing date, and pursuant to state statute, notification of the public hearing was provided on July 21 and July 22, 2016. Following final City Council action on the 2017-2018 Proposed Budget, staff will make the proper certification of the budgeted expenditures and the property taxes to be levied in conformity with State law. The proposed City-County interlocal agreements have been approved as to form by the Law Department.

Based on K.S.A. 79-2925b, the proposed expenditure budget for the SSMID will require the publication of the notice of vote. In addition, based on legislative intent and direction from staff at the State of Kansas, the publication of the notice of vote for the City of Wichita is recommended. The Law Department has reviewed the interlocal agreements and approved them as to form.

Recommendation/Actions: It is recommended that the City Council close the public hearing and:

(1) Adopt the 2017 Proposed Budget and the second reading of the necessary budget ordinances, including those for the Tax Increment Financing (TIF) Districts and the SSMID;
(2) Approve amending the 2016 budgets for the State Office Building Fund, Cemetery Fund, and Information Technology Fund;
(3) Approve the interlocal agreements with Sedgwick County;
(4) Approve the publication of the notices of vote for the City of Wichita and the Self-Supporting Municipal Improvement District;
(5) Approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County); and
(6) Approve necessary budget adjustments, expenditure control levels, and budget administration procedures.

Attachments:

Interlocal Agreement – Flood Control
Interlocal Agreement – MAPD
WSU Mill Levy Budget 2017

AGREEMENT

between

CITY OF WICHITA, KANSAS

and

SEDGWICK COUNTY, KANSAS

For

WICHITA-SEDGWICK COUNTY METROPOLITAN PLANNING DEPARTMENT

WHEREAS, it is necessary that agreement on the joint funding and management of the Wichita-Sedgwick County Metropolitan Planning Department become effective as of January 1, 2017; and

WHEREAS, there have previously been adopted ordinances and resolutions as required by former K.S.A. 12-716, et seq., creating a Joint Planning Department.

NOW THEREFORE, the City of Wichita and the County of Sedgwick agree as follows:

In funding the budget year 2017, the County shall contribute the sum of $628,635, and the City shall contribute the sum of $628,635.

All revenues, fees, charges or assessments collected by the Wichita-Sedgwick County Metropolitan Area Planning Department shall be credited to the County and City in the same percentage as their respective annual contributions. The remaining unencumbered funds at the end of the year 2017 shall be distributed back to the parties in the same proportion.

All aspects of operation and administration for the Wichita-Sedgwick County Metropolitan Area Planning Department will continue the same as in year 2016.

This agreement is intended to supplement all previous budget agreements regarding the Wichita-Sedgwick County Metropolitan Area Planning Department and to the extent any provisions shall conflict, the terms and provisions thereof shall control.

IN WITNESS THEREOF, the Board of County Commissioners of Sedgwick County, Kansas, has approved this Agreement this _____day of_____, 2016.

Commissioners present and voting:

JIM HOWELL _____
DAVID M. UNRUH _____
TIM R. NORTON _____
KARL PETERJOHN _____
RICHARD RANZAU _____

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

_____
Jim Howell, Chairman
Fifth District

_____
Kelly Arnold, County Clerk

_____
David M. Unruh, Commissioner
First District

APPROVED AS TO FORM:

_____
Tim R. Norton, Commissioner
Second District

_____
Eric Yost, County Counselor

_____
Karl Peterjohn, Commissioner
Third District

_____
Richard Ranzau, Commissioner
Fourth District

IN WITNESS WHEREOF, the City of Wichita, Kansas has approved this Agreement this

_____day of _____, 2016.

City of Wichita, KANSAS

By _____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

WICHITA STATE UNIVERSITY
WICHITA/SEDGWICK COUNTY 1.5 MILL LEVY BUDGET
AS PROPOSED BY WSU PRESIDENT AND BOARD OF TRUSTEES

	2017 PROPOSED CITY	2017 PROPOSED COUNTY	2017 PROPOSED TOTAL
Budgeted Revenues:			
Beginning Balance	0	0	0
Supplemental Mill Levy Taxes	225,000	75,000	300,000
Mill Levy Taxes	5,671,426	1,890,475	7,561,901
Total Budgeted Revenues	**5,896,426**	**1,965,475**	**7,861,901**
Budgeted Expenditures:			
Capital Improvement			
Debt Service*	1,134,000	378,000	1,512,000
National Center for Aviation Training	600,000	200,000	800,000
WSU Innovation Campus	384,777	128,259	513,036
Building Insurance	15,297	5,099	20,396
Total Capital Improvement	**2,134,074**	**711,358**	**2,845,432**
Student Support			
Undergraduate Support	1,273,283	424,428	1,697,710
Sedgwick County Scholars	1,573,967	450,656	2,098,623
Graduate Urban Assistantships	111,918	12,639	50,557
Graduate Research Assistantships	160,617	53,539	214,156
Graduate Fellowships	114,317	38,106	152,423
Total Student Support	**3,234,102**	**979,367**	**4,213,469**
Economic and Community Development			
Interns-City/County	68,000	68,000	136,000
Business and Economic Research	112,500	37,500	150,000
City Government Services	80,000	0	80,000
County Government Services	0	80,000	80,000
Total Economic and Community Development	**260,500**	**185,500**	**446,000**
University Support Services			
Organization & Development	42,750	14,250	57,000
Total University Support Services	**42,750**	**14,250**	**57,000**
Contingency			
Contingency	225,000	75,000	300,000
Total Contingency	**225,000**	**75,000**	**300,000**
Total Budgeted Expenditures	**5,896,426**	**1,965,475**	**7,861,901**
Unencumbered Balance:	**0**	**0**	**0**

AGREEMENT

between

CITY OF WICHITA, KANSAS

and

SEDGWICK COUNTY, KANSAS

for

WICHITA-SEDGWICK COUNTY FLOOD CONTROL

WHEREAS, it is necessary that agreement on the joint funding and management of the Wichita-Sedgwick County Flood Control operation become effective as of January 1, 2017; and

WHEREAS, pursuant to K.S.A. 19-3301 et seq., contracts have previously been approved creating a Flood Control operation.

NOW, THEREFORE, the City of Wichita and the County of Sedgwick agree as follows:

In funding the budget year 2017, the County shall contribute the sum of $1,102,332, and the City shall contribute the sum of $1,102,332.

All revenues, fees, charges or assessments collected by the Flood Control operation shall be credited to the County and City in the same percentage as their respective annual operations contributions. The remaining unencumbered funds at the end of the year 2017 shall be distributed back to the parties in the same proportion.

All aspects of the operation and administration for the Wichita-Sedgwick County Flood Control operation will continue the same as in the year 2016.

This Agreement is intended to supplement all previous budget agreements regarding the Wichita-Sedgwick County Flood Control operation and to the extent any provisions shall conflict, the terms and provisions thereof shall control.

IN WITNESS THEREOF, the Board of County Commissioners of Sedgwick County, Kansas, has approved this Agreement this _____ day of _____, 2016.

Commissioners present and voting:

JIM HOWELL _____
DAVID M. UNRUH _____
TIM R. NORTON _____
KARL PETERJOHN _____
RICHARD RANZAU _____

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

_____
Jim Howell, Chairman
Fifth District

_____
Kelly Arnold, County Clerk

_____
David M. Unruh, Commissioner
First District

APPROVED AS TO FORM:

_____
Tim R. Norton, Commissioner
Second District

_____
Eric Yost, County Counselor

_____
Karl Peterjohn, Commissioner
Third District

_____
Richard Ranzau, Commissioner
Fourth District

IN WITNESS WHEREOF, the City of Wichita, Kansas has approved this Agreement this

_____day of _____, 2016.

City of Wichita, KANSAS

By _____
Jeff Longwell, Mayor

ATTEST:

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City Attorney and Director of Law

THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

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

PRELIMINARY ESTIMATE of the cost of 111th Street paving improvements to serve Mel Hambelton 2nd Addition, Wickes Addition, and Unplatted Tracts, south of Kellogg, east of 119th Street. (District #IV) (472-85228/766342/490364) – Total Estimated Cost $253,000.

To the City Council
Wichita, Kansas

Date of CC	08/09/2016
(OCA/PROJ)	766342/472-85228
(PPN)	490-364

THIS PROJECT IS NOT TO BE ADVERTISED FOR BIDS

PRELIMINARY ESTIMATE of the cost of 111th Street paving improvements to serve Mel Hambelton 2nd Addition, Wickes Addition, and Unplatted Tracts, (District #IV).

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 $253,000

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 111th Street paving improvements to serve Mel Hambelton 2nd Addition, Wickes Addition, and Unplatted Tracts, south of Kellogg, east of 119th Street. (District #IV) (472-85228/766342/490364) – Total Estimated Cost $253,000.

Page _____ Exhibit _____

THE CITY OF WICHITA
Department of Public Works

Wichita, Kansas

PRELIMINARY ESTIMATES
FOR CITY COUNCIL AUGUST 9, 2016

a. Bluelake from the south line of Lot 10, Block D, north to the south line of Lot 15, Block D, with drainage to be installed where necessary to serve Blue Lake Addition (south of 31st Street South, west of West Street) (472-84076/766363/490386) does not affect existing traffic. (District IV) - $260,000.00

b. Stormwater Sewer #704 to serve Vassar Addition (south of 63rd Street South,west of Clifton) (468-85091/751544/485435) does not affect existing traffic. (District III) - $480,000.00

c. 2016 Outsourced Pavement Preservation Program Joint and Crack Seal, Phase 3 (Various locations) (472-85271/132726/) Traffic to be maintained during construction using flagpersons and barricades. (District I,III) - $249,925.00

d. 2016 Outsourced Pavement Preservation Program Joint and Crack Seal, Phase 4 (Various locations) (472-85272/132726/) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - $359,735.00

To be Bid: July 1, 2016

PRELIMINARY ESTIMATE of the cost of:
Bluelake from the south line of Lot 10, Block D, north to the south line of Lot 15, Block D, with drainage to be installed where necessary to serve Blue Lake Addition (south of 31st Street S, west of West Street)

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		
1	Excavation	122	cy
2	Fill, Compacted (95% Density)	2,526	cy
3	Excavation, Borrow (Contractor Furnished)	4,070	cy
4	Grading, Easement	1	LS
5	Maintain Existing BMPs	1	LS
6	Signing	1	LS
7	Seeding	1	LS
8	Site Clearing	1	LS
9	Site Restoration	1	LS
	MEASURED QUANTITY BID ITEMS		
10	AC Pavement 5" (3" Bit Base)	2,724	sy
11	Crushed Rock Base, 5" Reinforced	3,550	sy
12	Concrete Pavement (VG) 7" (Reinf)	164	sy
13	Concrete C & G, Type 2 (3-5/8" RL & 1-1/2")	1,677	lf
14	Concrete Curb, Mono Edge (6-5/8" & 1-1/2")	93	lf
15	Concrete Sidewalk, 4"	1,476	sf
16	Inlet Hookups	1	ea
17	Inlet Underdrain	20	lf
18	Pipe, SWS 15"	437	lf
19	Pipe, SWS 18"	24	lf
20	Fill, Sand (Flushed & Vibrated)	54	lf
21	MH, Standard SWS (4')	1	ea
22	Inlet, Curb (Type 1A) (L= 10' W= 5') w/ Snout	1	ea
23	Inlet, Backyard	1	ea
24	BMP, Back of Curb Protection	1,770	lf
25	BMP, Curb Inlet Protection	1	ea
26	BMP, Drop Inlet Protection	1	ea

Construction Subtotal _____

Design Fee
Engineering & Inspection
Administration
Publication
Contingency

Total Estimated Cost $260,000.00

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

490386 (766363) 472-84076

Page _____ EXHIBIT _____

To be Bid: July 1, 2016

PRELIMINARY ESTIMATE of the cost of:
Stormwater Sewer #704 to serve Vassar Addition
(south of 63rd Street S, west of Clifton)

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		
1	Grading, Mass	1	LS
2	Seeding	1	LS
3	Site Clearing	1	LS
4	Site Restoration	1	LS
5	Maintain Existing BMPs	1	LS
	MEASURED QUANTITY BID ITEMS		
6	Pipe, SWS 15"	264	lf
7	Pipe, SWS 18"	694	lf
8	Pipe, SWS 24"	195	lf
9	Pipe, SWS 30"	555	lf
10	Inlet, Curb (Type 1A) (L=5' W=3')	4	ea
11	Inlet, Curb (Type 1A) (L=5' W=4') w/ Snout	2	ea
12	Inlet, Backyard	5	ea
13	MH, Standard SWS (5'), w/ Grated Lid	2	ea
14	MH Adjusted w/o New Ring & Cover	8	ea
15	Fill, Sand (Flushed & Vibrated)	107	lf
16	BMP, Silt Fence	2,081	lf
17	BMP, Drop Inlet Protection	8	ea
	LUMP SUM BID ITEMS		
18	Testing	1	LS

Construction Subtotal _____

Design Fee
Engineering & Inspection
Administration
Publication
Contingency

Total Estimated Cost $480,000.00

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

485435 (751544) 468-85091
Page_____ EXHIBIT_____

472-85271 (132726) Districts I, III

To be Bid: July 29, 2016

PRELIMINARY ESTIMATE of the cost of:
2016 Outsourced Pavement Preservation Program Joint and Crack Seal, Phase 3
(Various locations)

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

	MEASURED QUANTITY BID ITEMS				
1	Joint and Crack Sealing	192,500	lbs	1.21	
2	Crack Routing	16,000	lf	1.05	
	Construction Subtotal				
	Engineering & Inspection				
	Administration				
	Publication				
	Water Dept				
	Contingency				
	Total Estimated Cost				$249,925.00

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

(132726) 472-85271

Page ____ EXHIBIT ____

472-85272 (132726) Districts IV

To be Bid: July 29, 2016

PRELIMINARY ESTIMATE of the cost of:
2016 Outsourced Pavement Preservation Program Joint and Crack Seal, Phase 4
(Various locations)

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

	MEASURED QUANTITY BID ITEMS				
1	Joint and Crack Sealing	268,500	lbs	1.21	
2	Crack Routing	33,000	lf	1.05	
	Construction Subtotal				
	Engineering & Inspection				
	Administration				
	Publication				
	Water Dept				
	Contingency				
	Total Estimated Cost				$359,735.00

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

(132726) 472-85272

Page_____ EXHIBIT_____

Following are easements and dedications for City Council on 8/9/2016

The following deeds and easements have been recorded:

Utility Easement from Cadillac Lake, LLC, dated May 17, 2016 for tracts of land lying in Reserve A and in Lot 4, Block 1, Cadillac Lake, an addition to Wichita, Sedgwick County, Kansas (OCA 751540) No Cost to City

Agenda Item No. II-6a

City of Wichita
City Council Meeting
August 9, 2016

TO: Mayor and City Council

SUBJECT: Community Events – Carnegie Library Concerts at Heritage Square (District I)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events procedure the event promoter Sid Washburn, Fidelity Bank, is coordinating the Carnegie Library Concerts at Heritage Square with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Carnegie Library Concerts at Heritage Square September 7, 14, 21 and 28, 2016 7:00 am – 2:00 pm

- William Street, Main Street to Market Street

The event promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

Financial Consideration: The event promoter is responsible for all costs associated with the special event.

Legal Consideration: This action complies with the ordinance on street closures for community events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: 1) Hiring of off-duty certified law enforcement officers as required; 2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works and Utilities Departments; and 3) Securing Certificate of Liability Insurance on file with the Community Events Coordinator.

Agenda Item No. II-7a.

City of Wichita
City Council Meeting
August 9, 2016

TO: Mayor and City Council

SUBJECT: Odor Control Additive Contractual Services (District III)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the contract with U.S. Peroxide for Odor Control Additives.

Background: The City operates five waste water treatment plants. Plant 1 Pump Station at 3100 South Grove, receives approximately 28 million gallons of waste water per day, which is then transported via pipe to Plant 2 for treatment prior to discharging to the river. A number of measures are taken to monitor and control odors at Plants 1 and 2. Adding chemical treatment into the collection system to break down odor causing compounds is the primary component of odor control.

Analysis: On June 7, 2016, the staff screening and selection committee interviewed the two service providers that responded to a request for proposals. Based on the evaluation, interview, and proposed cost for services, staff has determined that US Peroxide best meets the City's needs for treating the wastewater to minimize odors at Plant 1.

Financial Considerations: This contract period will be for one year, at $1.20 per gallon of ferrous chloride (approximately 1,000 gal/day usage estimate) and $4.41 per gallon of hydrogen peroxide (approximate 80 gal/day usage estimate), with two one-year options to renew the contract. Annual costs for the odor control additive service will not exceed $350,000. The price includes: all chemicals; operation and maintenance of all equipment; real-time, computerized system monitoring and controls; and routine reporting. U.S. Peroxide pricing considerations included the element that the City owns the ferrous tanks located in the collection system, which US Peroxide will continue to use, while installing the dosage pumps and monitoring system. Funding is available in the approved Sewage Treatment Operations budget for odor control additives.

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

Recommendation/Actions: It is recommended that the City Council approve the contract with US Peroxide and authorize the necessary signatures.

Attachment: Contract.

CONTRACT

For

ODOR AND CORROSION CONTROL SERVICES

Blanket Purchase Order NO: BP640046

This Contract entered into the 9th day of August, 2016 by and between the City of Wichita, Kansas, a municipal corporation, hereafter **"CITY"** and

U. S. Peroxide, LLC dba USP Technologies
900 Circle 75 Parkway, Suite 1330,
Atlanta, GA 30339

Hereafter referred to as **CONTRACTOR**

WITNESSETH:

WHEREAS, the **CITY** has solicited proposals for **Odor and Corrosion Control Services** (Formal Proposal – FP640023) [Commodity Code Number 88560]; and

WHEREAS, CONTRACTOR has submitted the proposal most beneficial to the **CITY** and is ready, willing, and able to provide the commodities and/or services required by the **CITY.**

NOW, THEREFORE, the parties hereto agree as follows:

1. **Scope of Services. CONTRACTOR** shall provide to the **CITY** all those commodities and/or services specified in its response to Formal Proposal Number – FP640023 [Commodity Code Number 88560], which are incorporated herein by this reference the same as if it were fully set forth. The proposal package, including all specifications provided by the City of Wichita as part of the proposal letting process for Formal Proposal Number – FP640023, shall be considered a part of this contract and is incorporated by reference herein.

2. **Compensation.** **CITY** agrees to pay to **CONTRACTOR** the following **unit price** for **Odor and Corrosion Control Services** for Formal Proposal – FP640023 [Commodity Code Number 88560], for the Public Works & Utilities Department / Sewage Treatment Division as shown *below as compensation* as per the proposal and specifications and **CONTRACTOR'S** proposal of May 17, 2016, and as approved by the City Council on August 9, 2016.

$1.20 per gallon FeC12 ferrous chloride delivered (full-service price) – approximate 1000 gal/day usage estimate

$4.41 per gallon of hydrogen peroxide delivered (full-service price) – approximate 80 gal/day usage estimate

ANNUAL COSTS FOR THE ODOR ADDITIVE SERVICE WILL NOT EXCEED $350,000.00. This price includes all chemicals, operation and maintenance of all equipment, real-time, computerized system monitoring and controls: and routine reporting.

A spill prevention control and a countermeasure plan addressing the measures taken to prevent spills and clean-up of spills if they take place, must be submitted for the review and approval of the City staff. **Any spillage must be cleaned up promptly.** Unless otherwise authorized by the City, the Contractor must clean up spillage within one (1) hour after notification. If the City is forced to clean up spillage, Contractor will be assessed direct costs plus One Hundred Dollars ($100.00) liquidated damages for administrative costs. Four (4) such incidents over the duration of the contract could result in the contract termination.

Communications:

a. Monthly Reports delivered within 5 business days of closing
b. Deviations from performance / cost containment/operational targets documented in e-mails to Wichita within 24 hours of discovery, and followed by daily updates until resolved

3. **Term.** The term of this contract shall be from **August 1, 2016 through July 31, 2017,** with options to renew the contract under the same terms and conditions for an additional one (1) or two (2) successive one-year periods by mutual agreement of the parties. This contract is subject to cancellation by the city, at its discretion at any time within the original contract term or within any successive renewal, upon thirty (30) days written notice to **CONTRACTOR.**

Billing shall be Net 30 days.

4. **Indemnification and Insurance.**

a. **CONTRACTOR** shall save and hold the **CITY** harmless against all suits, claims, damages and losses for injuries to persons, property or other liability loss arising from or caused by errors, omissions or negligent acts of **CONTRACTOR**, its officers, agents, servants, or employees, occurring in the performance of its services under this Contract, or arising from any defect in the materials or workmanship of any product provided in the performance of this Contract.

b. **CONTRACTOR** will carry insurance coverage during the term of this contract and any extensions thereof in the amounts and manner provided as follows:

1. Commercial General Liability covering premises—operations, xcu (explosion, collapse and underground) hazards when applicable, product/Completed operations, Broad Form Property Damage,

and Contractual Liability with minimum limits as follows:

Bodily Injury Liability	$500,000 each occurrence
	$500,000 each aggregate
Property Damage Liability	$500,000 each occurrence
	$500,000 each aggregate
Or	
Bodily Injury and Property Damage	$500,000 each occurrence
Liability (Combined Single Limit)	$500,000 each aggregate

2. Automobile Liability - Comprehensive Form including all owned, hired and non-owned vehicles with minimum limits for:

Bodily Injury Liability	$500,000 each accident
Property Damage Liability	$500,000 each accident
Or	
Bodily Injury and Property Damage Liability (Combined Single Limit)	$500,000 each accident

3. Workers' Compensation	Statutory
Employers Liability	$100,000 Each Accident $500,000 Aggregate $100,000 Occupational Disease

The Insurance Certificate must contain the following:

The City of Wichita shall be added as primary and non-contributory additional insured. The policy shall also provide coverage for contractors contractual obligations created in the Agreement.

5. **Independent Contractor.** The relationship of the **CONTRACTOR** to the **CITY** will be that of an independent contractor. No employee or agent of the **CONTRACTOR** shall be considered an employee of the **CITY**.

6. **Compliance with Laws. CONTRACTOR** shall comply with all laws, statutes and ordinances which may pertain to the providing of services under this Contract.

7. **No Assignment.** The services to be provided by the **CONTRACTOR** under this Contract are personal and cannot be assigned, sublet or transferred without the specific written consent of the **CITY**.

8. **Non-Discrimination. CONTRACTOR** shall comply with all applicable requirements of the City of Wichita Revised Non-Discrimination and Equal Employment /Affirmative Action Program Requirements Statement for Contracts or Agreements attached hereto as Exhibit A.

9. **Third Party Rights.** It is specifically agreed between the parties that it is not intended by any of the provisions of any part of this Contract to create in the public or any member thereof the rights of a third-party beneficiary hereunder, or to authorize anyone not a party to this Contract to maintain a suit for damages pursuant to the terms or provisions of this Contract.

10. **No Arbitration.** The Contractor and the City shall not be obligated to resolve any claim or dispute related to the Contract by arbitration. Any reference to arbitration in bid or proposal documents is deemed void.

11. **Governing Law.** This contract shall be interpreted according to the laws of the State of Kansas. The parties agree that this contract has been created in Kansas.

12. **Representative's Authority to Contract.** By signing this contract, the representative of the contractor represents the he or she is duly authorized by the contractor to execute this contract, and that the contractor has agreed to be bound by all its provisions.

IN WITNESS WHEREOF, the parties have set their hands the day and year first above written.

ATTEST:

Janis Edwards

Deputy City Clerk

CITY OF WICHITA, KANSAS

Jeff Longwell

Mayor

APPROVED AS TO FORM:

Jennifer Magana

City Attorney & Director of Law

US PEROXIDE LLC DBA USP TECHNOLOGIES

Signature

ANDREW NAULAND

Print Name

ASSISTANT SECRETARY

Title (President or Corporate Officer))

City of Wichita
City Council Meeting
August 9, 2016

TO: Mayor and City Council

SUBJECT: Offsite Best Management Practice Program Contract with Program Administrator (All Districts)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the contract with Kansas State University (KSU).

Background: On June 14, 2016, the City Council approved the Voluntary Stormwater Offsite Water Quality Best Management Practice (BMP) Program, placed the stormwater ordinance amendments on first reading, approved the necessary budget adjustments, approved the necessary signatures, and authorized staff to proceed with contract negotiations with the service provider (KSU) to administer the program. The program will ensure compliance with the City ordinance, the Stormwater Manual, and the Stormwater Permit. The program offers a substantial cost savings for property developers to meet permit required water quality standards, improves water quality by reducing at least twice as much sediment than approved onsite BMPs, and addresses water quality on a regional level by reducing sediment in rural watersheds upstream of Wichita.

Analysis: If approved, this contract will allow KSU to administer the program on behalf of the City, including:

1. Maintaining official records and determining the producer's eligibility to participate in the program.
2. Of eligible producers, recruiting them to enroll acreage within high priority watersheds for sediment impairment in sediment reducing BMPs.
3. Administering payments to producers after ascertaining that the agreed upon sediment reducing BMP was properly installed. Payments will be made on the basis of tons of sediment reduced (up to $21.50/ton).
4. Providing to the City a report with a breakdown of offsite sediment reduction credits secured.

Payment to KSU will not exceed the total estimated cost of $21,360.

Financial Considerations: On June 14, 2016, the City Council approved funding for the Offsite BMP Program in the amount of $60,000 from within the Stormwater Utility fund. That investment will be paid back in seven to 10 years. No additional City funds are anticipated. Private development will pay an additional fee of $19 per acre on each permitted site to the City. Revenue collected from fees will be passed through the City to KSU as the contract administrator to pay invoices as BMPs and the associated acreage are approved and enrolled into the program.

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

Recommendation/Actions: It is recommended that the City Council approve the contract and authorize the necessary signatures.

Attachment: Contract.

MEMORANDUM OF AGREEMENT

This AGREEMENT is entered into this January 1, 2016 by and between the City of Wichita, Wichita, KS 67202 (hereinafter referred to as "Sponsor") and Kansas State University, 2 Fairchild Hall, 1601 Vattier St., Manhattan, KS, 66506-1103 (hereinafter referred to as the "University"). Work will be performed at Kansas State University in the Kansas Center for Agricultural Resources and the Environment (KCARE).

WHEREAS, the project contemplated by this Agreement is of mutual interest and benefit to University and to Sponsor and will further instructional and research project objectives of University in a manner consistent with its status as a non-profit, tax-exempt educational institution.

NOW, THEREFORE, the parties hereto agree as follows:

1. STATEMENT OF WORK. The University agrees to use its best efforts to perform the project as described in Appendix A hereof.

2. PRINCIPAL INVESTIGATOR/PROJECT DIRECTOR. The project will be directed by Dr. Trisha Moore. If, for any reason, she is unable to continue to serve as principal investigator/project director and a mutually acceptable successor is not available, University and/or Sponsor shall have the option to terminate said program in accordance with Clause 15 - TERMINATION.

3. PERIOD OF PERFORMANCE. The project shall be conducted during the period of January 1, 2016 to December 31, 2016 and will be subject to renewal only by mutual agreement of the parties.

4. PROJECT COSTS AND PAYMENT. In consideration of the foregoing, Sponsor will pay University for costs incurred in the performance of the project. Payment shall not exceed the total estimated cost of $21,360.00 USD for Year 1 as outlined in Appendix A hereof. Payment for any renewal period shall be as shown for such period in Appendix A. Sponsor shall make payment within thirty (30) days of the receipt of an invoice from University. University will email invoices in PDF format to [Sponsor contact: Jim Hardesty, email: JHardesty@wichita.gov].

5. REPORTS/DELIVERABLES. Progress reports of the project will be made annually, due Jan 31, by University to Sponsor and a final report will be rendered on completion of the project. "Deliverables" mean the report(s) submitted to Sponsor by University which contains the resulting data generated from the project evaluation. The parties agree that Sponsor owns any such Deliverables provided in accordance with this Agreement and Appendix A and thus may use such for any purpose without any further remuneration to University. Notwithstanding the foregoing, the parties understand and agree that University retains the right to (a) utilize the Deliverables for its academic, educational and research purposes, subject to the confidentiality provisions outlined herein, and (b) publish project results as permitted per Clause 12 – CONFIDENTIALITY/PUBLICATIONS. During the term of this Agreement, representatives of University will consult and/or meet with representatives of Sponsor to discuss progress and results, as well as on going plans of the project and University will provide project information to Sponsor as reasonably requested.

6. FACILITIES. The University will provide the utilities and office, laboratory and field space needed for the project.

7. PROPERTY. All equipment detailed in the project budget and purchased from this fund shall be the property of the University.

8. PUBLICITY. Sponsor will not use the name of University, nor of any member of University's project staff, in any publicity, advertising, or news release without the prior written approval of an authorized representative of University. University will not use the name of Sponsor, nor any employee of Sponsor, in any publicity, advertising, or news release without the prior written approval of Sponsor.

9. LIABILITY. The Kansas Tort Claims Act (K.S.A. 75-6101 et seq.) sets forth the liability limits of University as an agency of the State of Kansas for the negligent or wrongful acts or omissions of its employees while acting within the scope of their employment by University.

10. BACKGROUND INTELLECTUAL PROPERTY. "Background Intellectual Property" means property and the legal right therein of either or both parties developed before or independent of this Agreement including inventions, patent applications, patents, copyrights, trademarks, mask works, trade secrets and any information embodying proprietary data such as technical data and computer software.

Both parties agree to provide the Background Intellectual Property necessary to complete the objectives of the project. Both parties shall retain all rights to their respective Background Intellectual Property provided for this purpose. Neither party shall assume any rights in the other party's Background Intellectual Property provided for this project other than the right to use said Background Intellectual Property to achieve the objectives of this project.

11. PROJECT INTELLECTUAL PROPERTY. "Project Intellectual Property" means the legal rights relating to inventions (including Subject Inventions as defined in 37 CFR 401), patent applications, patents, copyrights, trademarks, mask works, trade secrets and any other legally protectable information, including computer software, first made or generated during the performance of this Agreement.

Ownership of Project Intellectual Property shall vest in the party whose personnel conceived the subject matter and diligently pursued reducing the subject matter to practice, and such party may perfect legal protection therein in its own name and at its own expense. Jointly made or generated Project Intellectual Property shall be jointly owned by the parties unless otherwise agreed in writing.

The parties agree to disclose to each other, in writing, each and every invention which may be patentable or otherwise protectable under the United States Patent laws in Title 35, United States Code. The parties acknowledge that they will disclose inventions to each other and the awarding agency within two (2) months after their respective inventor(s) first disclose the invention in writing to the person(s) responsible for patent matters of the disclosing party. All written disclosures of such inventions shall contain sufficient detail of the invention, identification of any statutory bars, and shall be marked confidential, in accordance with 35 U.S.C. 205.

Sponsor shall receive the first option to negotiate for a license to commercialize the Project Intellectual Property of University, subject to any rights of the Government therein. Sponsor is hereby granted an exclusive option to negotiate the terms for a license to Project Intellectual Property of University, for an initial option period of three (3) months after such invention has been reported to Sponsor.

The terms of subsequent licensing agreements for University owned and/or jointly owned Intellectual Property will be negotiated in good faith and by mutual agreement by the Parties to this Agreement.

12. CONFIDENTIALITY/PUBLICATIONS. During the term of this Agreement, and for a period of five (5) years thereafter, each party will maintain in confidence all confidential Background Intellectual Property and Project Intellectual Property of a party, as well as all other Confidential

Information of a party disclosed by that party to the other in connection with this Project. Neither party will use, disclose or grant use of such Confidential Information except as required to perform under this Agreement. Each party will use at least the same standard of care as it uses to protect its own Confidential Information to insure that students, interns, employees, agents and consultants do not disclose or make any unauthorized use of such Confidential Information. Any student, intern, employee, agent or consultant of the receiving party must be notified of the restrictions on the use of the disclosing party's Confidential Information and must agree with those restrictions before being allowed access to the Confidential Information. Each party will promptly notify the other upon discovery of any unauthorized use or disclosure of the Confidential Information.

Either party may publish its results from this project. However, the publishing party will provide the other party a thirty (30) day period in which to review proposed publications, identify proprietary or confidential information, and submit comments. The publishing party will not publish or otherwise disclose proprietary or confidential information in accordance with the procedures described in this article and the publishing party will give full consideration to all comments before publication. Furthermore, upon request of the reviewing party, publication will be deferred for up to sixty (60) additional days for preparation and filing of a Patent application which the reviewing party has the right to file or to have filed at its request by the publishing party.

13. MODIFICATION. Any agreement to change the terms of this Agreement in any way shall be valid when the change is made in writing and approved by authorized representatives of the parties hereto.

14. REPRESENTATIVES. Designated representatives for the parties are:

	Sponsor:	University:
If Technical	Jim Hardesty 455 N Main, 8th Floor Wichita, KS 67202 (316) 268-4545 Email: JHardesty@wichita.gov	Dr. Trisha Moore Kansas State University 153 Seaton Hall Manhattan, KS 66506 (785) 532-2911 Email: tlcmoore@ksu.edu
If Contractual	Jim Hardesty 455 N Main, 8th Floor Wichita, KS 67202 (316) 268-4545 Email: JHardesty@wichita.gov	Paul R. Lowe Associate Vice President for Research Kansas State University 2 Fairchild Hall, 1601 Vattier St. Manhattan, KS 66506-1103 (785) 532-6804 Email: plowe@ksu.edu
If Financial	Jim Hardesty 455 N Main, 8th Floor Wichita, KS 67202 (316) 268-4545 Email: JHardesty@wichita.gov	Shannon Fisher Director, Sponsored Programs Accounting Kansas State University Division of Financial Services 10 Anderson Hall, 919 Mid-Campus Dr. North Manhattan, KS 66506-0010 (785) 532-6207 Email: fisher@ksu.edu

15. TERMINATION. Performance under this Agreement may be terminated by Sponsor upon a thirty-day advance, written notice. In the event of early termination of this Agreement by Sponsor, Sponsor,

subject to the limitations set forth in Appendix A, relating to the Kansas Cash Basis and Budget Laws, shall pay all costs accrued by University as of the date of the notice of termination, including non-cancelable obligations, which shall include all non-cancelable contracts and fellowships or postdoctoral associate appointments called for in Appendix A. In addition, and subject to the same limitations referred to in the preceding sentence, Sponsor will pay all other reasonable costs incurred by the University during the time period between the notification date and the termination date, which are necessary to terminate the project. Reimbursement for incurred costs and obligations will not exceed the total estimated project cost as shown in Clause 4 or in Appendix A for the year in which termination occurs.

Performance may be terminated by University upon a thirty day advance, written notice if circumstances beyond its control preclude continuation of the project.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in duplicate as of the day and year first written above.

SPONSOR:

_____

By:
Title:

Date:_____

FEIN:_____

KANSAS STATE UNIVERSITY:

_____

By: Paul R. Lowe
Title: Associate Vice President for Research

Date: 7/22/2016

ATTEST:

_____

KAREN SUBLETT, CITY CLERK

_____

Jennifer Magaña, City Attorney and
Director of Law

APPENDIX A
Statement of Work

Purpose:

The purpose of this agreement is to formalize agreed responsibilities of the City of Wichita and the Little Arkansas WRAPS (Watershed Restoration and Protection Strategy) program for the purpose of establishing an offsite BMP program between these two parties. The goal of this offsite BMP program is to (1) maximize the economic efficiency for the development community and allow the City of Wichita to meet its National Pollutant Discharge Elimination System (NPDES) stormwater permitting requirements while (2) improving water quality in the Little Arkansas, Arkansas, and/or other priority streams for which total maximum daily loads (TMDLs) have been established.

Background:

In 2014, the City of Wichita Stormwater Advisory Board (SWAB) initiated a call for consultant services to develop the framework for an offsite BMP program. The purpose of this program was to provide an option through which the City of Wichita could meet the water quality obligations outlined in its NPDES MS4 permit with greater economic and environmental effectiveness than provided by traditional onsite water quality BMPs. Kansas State University (KSU), along with partners at Vireo, received the opportunity to develop this program, and worked with City of Wichita staff, the SWAB, and Kansas Department of Health and Environment (KDHE) over the course of a year to outline guidance for the administrative and financial structure of the program. The framework that resulted from this work is documented in the report authored by the KSU team, titled "Consultant Services for an Offsite BMP Evaluation Plan." In brief, an economic analysis of onsite (e.g., urban) and offsite (e.g., rural) BMP life cycle costs indicated offsite BMPs were more cost effective for reducing runoff sediment loads (sediment is the primary pollutant of concern in the Little Arkansas/Arkansas watersheds of which Wichita is part). Therefore, the project team recommended administering the offsite program through an external entity with connections to producers in the surrounding agricultural lands such as WRAPS. A program framework in which sediment served as the currency of exchange was developed, with the cost per ton sediment removed offsite based upon the cost to enroll and maintain acreage in no-till. Working through WRAPS, producer enrollment would be targeted to high priority watersheds for sediment impairment to increase the environmental and economic efficiency of the program. Sediment credits were to be obtained offsite at a 2:1 ratio of the sediment estimated to be produced by new and redevelopment acreage participating in the program. An annual fee structure was developed by which to collect fees with which to implement and maintain and/or replace sediment credits generated by offsite BMPs. Potential funding sources were provided, with a preference for the fee to be paid by users of the offsite program (e.g., developers and/or property owners).

In addition to this report, the team also developed a spreadsheet tool to facilitate analyses of the funds required to keep the program solvent while maintaining the necessary quantity of offsite sediment credits under a variety of program scenarios. Variables in the spreadsheet tool for

which constant values have been assumed include the rate of sediment generation from onsite properties (0.4 tons/ac/yr); the rate of sediment sequestration by offsite properties converted to no-till crop production or other sediment reducing conservation practices through the offsite program (3.2 tons/ac/yr); and the magnitude of the sediment credit ratio (2:1). Key variables that could be adjusted include the acreage of onsite properties participating in the program each year; the rate at which offsite BMPs must be replaced to maintain required sediment credits; and the magnitude of start-up funds to the program. Using this spreadsheet tool, the City has proposed to provide an initial infusion of funds sufficient to obtain a 10-year supply of offsite sediment credits based on the assumption that an average of 200 new acres participate in the offsite program each year (e.g., 200 in year 1, 400 in year 2, etc.). Funds required to support the Year 1 pilot program are outlined in Table 1. Funds required to continue the program in Years 2 through 5 are also summarized; however, program funding beyond Year 1 is contingent upon annual City approvals following the Year 1 pilot. The implementation plan and deliverables to result over the one-year pilot program and proposed program years 2 through 5, as well as the responsibilities of both KSU and the City to execute this plan, are presented in the following sections.

Table 1. Summary of cash flow from the City to KSU to obtain and maintain offsite sediment credits and cover KSU's support fee. Program funding in Years 2-5 is contingent upon annual City approvals.

Projected offsite sediment reduction credits needed	1600	tons		
Cost per ton sediment removed	$21.50	per ton		
Total cost offsite sediment removal credits	$ 34,400.00			
Payments through KSU to Producers		**Technical support Fee to KSU**		**Total Project Costs to City of Wichita by Year**
40% payment to producer(s) for Year 1	$ 13,760.00	Year 1	$ 7,600.00	$ 21,360.00
20% payment to producer(s) for Year 2	$ 6,880.00	Year 2	$ 7,600.00	$ 14,480.00
20% payment to producer(s) for Year 3	$ 6,880.00	Year 3	$ 7,600.00	$ 14,480.00
20% payment to producer(s) for Year 4	$ 6,880.00	Year 4	$ 7,600.00	$ 14,480.00
		Year 5	$ 7,600.00	$ 7,600.00
Total Payment to Producer(s)	**$ 34,400.00**	**Fee**	**$ 38,000.00**	**$ 72,400.00**

Offsite BMP program implementation plan and deliverables:

It is the intent of this Memorandum of Understanding (MOU) to establish responsibilities of the City of Wichita and the Little Ark WRAPS program as needed to implement an offsite BMP program. It is understood that the City will provide funds ($21,360) to finance the first year of the program. These funds will be used to: (1) pay upstream producers in the watershed to install sediment-reducing conservation practices so as to secure the necessary sediment reduction credits to offset sediment generation from new and redevelopment sites within the City of Wichita and to fulfill the requirements outlined in the City's MS4 permit ($13,760); and, (2) cover KSU's technical support costs associated with recruiting and enrolling producer acreage in the program, monitoring BMP implementation, and reporting offsite BMP implementation and associated sediment reduction credits ($7,600 per program year). Producers may select from a

suite of sediment-reducing practices to complement their operation; however, producer payments will be based upon expected sediment reduction at a rate of $21.50 per ton sediment reduced, or up to 100% cost share reimbursement for BMP(s), whichever is less, within the county average costs, to producers who install beneficial practices as recommended by K-State Research and Extension (KSRE) or Natural Resources Conservation Service (NRCS). All producers participating in the program will be *required* to follow atrazine best management practices; this expectation will be outlined in producer contracts. It is understood that:

a. The *sediment payment rate of $21.50 per ton to offsite producers* was based on the cost to implement and maintain no-till acreage as described in the KSU report "Consultant Services for an offsite BMP evaluation plan."
b. The initial sediment credit bank to be established by the City as outlined in this MOU will secure *1600 tons of sediment credits*, if funded for all five years.
c. Offsite sediment credits will be implemented and maintained at a *2:1 credit ratio* to onsite sediment generation.
d. Given this 2:1 sediment credit ratio and the City's desire to build a 10-year supply of offsite sediment credits, the initial five year infusion of $72,400 from the City (if all five years are approved for funding) will secure 1,600 tons of offsite sediment credits to be administered over a proposed 5-year period. This value of 1,600 tons was developed based on initial estimates of onsite sediment production rates (of 0.4 tons/ac/yr from new and redevelopment sites), and onsite participation in the program (200 new acres enroll each year, or 2,000 acres over 10 years).
e. Presuming no-till is the prevailing BMP implemented by which to secure sediment credits offsite, and that no-till can reduce sediment loads at a rate of 3.2 tons/ac/year from high priority sites, the *$34,400 in producer payments* is expected to secure *enrollment of 500 acres no-till*.
f. The remainder of the initial five year cash infusion ($38,000, dispersed equally over the proposed 5-year program period, if all five years are approved for funding), will be used to support technical support costs to recruit and enroll producers in high priority watersheds, perform field checks to ensure offsite sediment credits are maintained by properly functioning sediment BMPs, and to support reporting responsibilities.

The procedure by which payments to those producers will be processed is outlined as follows: under the Little Arkansas Watershed Program (LAWP), the producer can apply for funding to implement or install eligible improvements approved by the Little Arkansas Watershed Advisory (LAWA). Upon approval and completion of the practices, the producer will receive reimbursement at a rate of $21.50 per ton sediment reduced (or up to 100% of the county average cost or actual cost, whichever is less) for implementing selected sediment-reducing BMPs from KSU utilizing City of Wichita funds. Producer funds will be paid out over a 4-year period (if all five years are approved for funding) with an additional year of maintenance expected. This MOU will cover cost share practices installed under the FY 2016 program year beginning January 1, 2016 through December 31, 2016. If the program is extended beyond the 1-year pilot program in 2016, additional technical support funds will be provided, commensurate with the number of sediment credits to be maintained. Responsibilities of both parties in Year 1, as well as Years 2--5 should the pilot program duration be extended, are outlined below.

***Year 1** – Little Arkansas WRAPS/KSU Responsibilities:*

The Little Arkansas WRAPS will:

1. Maintain official records relative to farms and, through the LAWP leadership team, determine the producer's eligibility to participate in the LAWP and other official records.
2. Of eligible producers, recruit producers to enroll acreage within high priority watersheds for sediment impairment, as identified in the Little Arkansas WRAPS Nine-Element Plan, in sediment-reducing BMPs.
3. Administer payments to producers after ascertaining that the agreed upon sediment-reducing BMP was properly installed. Payments will be made on the basis of tons sediment reduced (up to $21.50/ton). In Year 1, 40%of the total payment for sediment reduction credits will be paid to the producer after ascertaining that sediment-reducing BMP(s) have been installed.
4. Provide to the City a report with a breakdown of offsite sediment reduction credits secured. Reports will include a copy of the CS4 form showing:
   a. Description of offsite BMPs that are installed in lieu of onsite BMPs, including: types and location of BMP(s) applied, dates of inspection, HUC in which implemented, and entity that oversaw installation (e.g., WRAPS, Conservation District, etc.)
   b. Sediment reduction credits maintained through BMPs applied.
   c. Account of funds expended and/or allocated for payments on the BMPs applied or completed

Year 1 *– City of Wichita Responsibilities:*

The City will:

1. Establish a sediment credit "bank" in the initial amount of $60,000, and will provide funds ($21,360) to finance the first year of the program. These funds will be used to (1) pay upstream producers in the watershed to install sediment-reducing conservation practices, subject to requirements of the Kansas cash basis and budget laws, so as to secure the necessary sediment reduction credits to offset sediment generation from new and redevelopment sites within the City of Wichita and to fulfill the requirements outlined in the City's MS4 permit ($13,760) and (2) cover technical support costs associated with recruiting and enrolling producer acreage in the program, monitoring BMP implementation, and reporting offsite BMP implementation and associated sediment reduction credits ($7,600).
2. Document estimated onsite sediment generation and offsite compliance requirement (i.e., in terms of sediment credits needed) as new and redevelopment sites within the City are approved to participate in the offsite program, and provide this information to the Little Ark WRAPS program.
3. Document information about onsite properties participating in the offsite program, including: project name, project number, project location within the City, and project area

Years 2, 3, 4, 5[1] - *Little Arkansas WRAPS/KSU Responsibilities:*

The Little Arkansas WRAPS will:

---

[1] Contingent upon continuation of pilot program each year after Year 1

1. Conduct annual field checks of enrolled sediment-reducing BMPs to ensure sediment credits maintained; enroll replacement BMPs as necessary.
2. Administer payments to producers after ascertaining that the agreed upon sediment-reducing BMP(s) have been maintained. In Years 2, 3, and 4, assuming requisite annual budget approvals, the remainder of the $34,400 in producer payments set aside by the City in Year 1 will be paid out in increments of 1/5 ($6,880 each year) to producers maintaining offsite sediment credits (up to a total value of $21.50 per ton in Year 4). An additional year of BMP maintenance will be expected from the producer without payment in Year 5.
3. Provide to the City an annual report with a breakdown of offsite sediment reduction credits secured. Reports will include a copy of the CS4 form showing:
   a. Description of offsite BMPs that are installed in lieu of onsite BMPs, including: types and locations of BMP(s) applied, dates of inspection, HUC in which implemented, and entity that oversaw installation (e.g., WRAPS, Conservation District, etc.)
   b. Sediment reduction credits maintained through BMPs applied.
   c. Account of funds expended and/or allocated for annual payments (over the years the program has operated) on the BMPs applied or completed
4. Enroll new landowners (whose eligibility in the program has been confirmed by the LAWP leadership team) to secure additional sediment credits *IF* the City decides to expand the program and has generated required funding
5. Work with the City of Wichita to assess program performance in the previous year.

Years 2, 3, 4, 5[1] – *City of Wichita Responsibilities:*

1. Process payments to KSU after a request for payment is received for producer payments ($6,880 in each of Years 2, 3 and 4, or so many of such years as funding is approved for) for BMPs installed in Year 1. Continue providing technical support payments ($7,600 in each of Years 2, 3 4 and 5, or as many of such years as funding is approved for) for annual monitoring and reporting activities by the KSU-WRAPS team.
2. Assess program performance in previous year with KSU-WRAPS team. Renegotiate program funding levels to meet projected changes in acreage of onsite participants as necessary.
3. Document estimated onsite sediment generation and offsite compliance requirement (i.e., in terms of sediment credits needed) as new and redevelopment sites within the City are approved to participate in the offsite program, and provide this information to the Little Ark WRAPS program.
4. Document information about onsite properties participating in the offsite program, including: project name, project number, project location within the City, and project area

Use of atrazine

Participants will be required to utilize atrazine BMP's as described in KSU pub. MF-2768 "Atrazine Herbicide Best Management Practices for the Little Arkansas River Watershed". Following these practices will greatly reduce runoff losses of atrazine. Runoff reduction estimates are quantified in the referenced publication. No additional atrazine use would be expected with conversion to conservation tillage methods of farming such as no-till.

- Practices selected will be prescriptive in nature and based on a number of site specific factors including but not limited to:

- Soil characteristics
- Slope
- Distance to stream
- Groundwater depth
- Crop rotations
- Tillage methods (leaving residue on the surface is critical)
- Weed pressure/ resistance

- When possible non-atrazine herbicides will be used

- Utilizing this field specific approach for weed management incorporating water quality concerns will minimize the potential for surface and/or groundwater contamination.

- Atrazine BMP's chosen will be described in contract agreed upon and signed by participant and KSU/ WRAPS.

- Participants will be eligible for the atrazine BMP program through WRAPS and could extend beyond the initial 5 year offsite contract.

- WRAPS will monitor any increase in atrazine levels in area streams as a result of no-till farming in this program and will work with the City and KDHE to control additional atrazine contribution affecting water quality.

**Personal communication with Dr. Curtis Thompson, Weed Management, KSU Agronomy; Dr. Dan Devlin, Director, KCARE; Rick Schlender, KSU Agronomist*

City of Wichita
City Council Meeting
August 9, 2016

TO: Mayor and City Council

SUBJECT: Change Order Limit Adjustment and Change Order No. 1 for Re-Use Water Supply System to Serve Spirit AeroSystems (District III)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendations: Approve the change order limit adjustment, Change Order No. 1, and adopt the amending resolution.

Background: On June 21, 2016, the City Council approved a contract with McCullough Excavation, Inc., for a re-use water supply system to serve Spirit AeroSystems and change order limit of $50,000 for the project.

Analysis: The contractor will install additional pipe via trenchless methods, in lieu of open cutting to limit site disturbance for abutting property owners, and reduce chances of impeding stormwater flow in deep ditches along Clifton Avenue. Costs to perform this work will be done at bid unit prices.

Due to the size and complexity of the project, staff recommends an increase in the change order limit to eight percent of the original contract amount, or $91,438. 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, increased costs, and potential work stoppage; thus delaying completion of the project within the timeframe approved by the agreement between the City and Spirit AeroSystems. Staff recommends that the City Council authorize the City Manager to approve change orders below or in aggregate total up to $91,438 for this project.

Financial Considerations: The pump station building and the pipeline supply work to serve Spirit AeroSystems were bid separately under two phases for more competitive pricing, under the approved aggregate budget of $4,000,000, as included in the approved agreement. Phase No. 1 is for Pump Station Improvements and Phase No. 2 is for Water Supply System improvements.

Phase	Contract Amount
Previously Approved Sewer Utility Funding	$4,000,000
Phase No. 1 Pump Station	$1,242,000
Phase No. 2 Water Supply System	$1,142,971
Total Contract Amount for both Phases	$2,384,971
Estimated Amount for Administrative Costs, Engineering and Inspection Costs for both Phases	$812,398
****Amount Remaining for Change Orders,**	**$802,631**

The Water Supply System contract amount for Phase No. 2 is $1,142,971. The cost of the proposed change order is $54,720, which brings the total contract amount to $1,197,691.

Funding is available within the existing $4,000,000 budget, approved by the City Council on December 15, 2015, and is funded by the Sewer Utility. Spirit AeroSystems will reimburse the City for the cost of the combined projects per the approved agreement.

The proposed change order and the increase of the change order limit will not increase the previously approved budget.

Legal Considerations: The Law Department has reviewed and approved Change Order No. 1 and the amending resolution as to form.

Recommendation/Actions: It is recommended that the City Council approve the change order limit adjustment, Change Order No. 1, adopt the amending resolution, and authorize the necessary signatures.

Attachments: Change Order No. 1 and amending resolution.

4326

CITY OF WICHITA

PUBLIC WORKS-ENGINEERING

June 29, 2016

CHANGE ORDER

To: McCullough Excavation, Inc.

Project: Re-use Water Supply System to serve Spirit AeroSystems

Change Order No.: 1
Purchase Order No.:
CHARGE TO OCA No.: 620784

Project No.: 468-85095
OCA No.: 620784
PPN: 665009

Please perform the following extra work at a cost not to exceed $54,720.00
Work for this Change Order cannot be completed until approved by all. Contractor should expect approximately 6 weeks for approval.

Additional Work: Increase the quantity of directional drilled pipe.

Reason for Additional Work: Contractor will install additional pipe via trenchless methods in lieu of open cut to limit site disturbance for abutting property owners and reduce chances of impeding storm water flow in deep ditches along Clifton Ave.

Line #	Item	Negotiated/ Bid	Qty	Unit Price	Extension
9	Pipe, WL 12" (Purple)	Bid	(684 lf.)	$30.00	($20,520.00)
11	Pipe, WL 12" (Directional Drill) (Purple)	Bid	684 lf.	$110.00	$75,240.00
				TOTAL:	**$54,720.00**

CIP Budget Amount:	**$4,000,000.00**	**Original Contract Amt.:**	**$1,142,971.20**
Consultant: MKEC		**Current CO Amt.:**	**$54,720.00**
Exp. & Encum. To Date:	**$3,051,952.25**	**Amt. of Previous CO's:**	**$0.00**
		Total of All CO's:	**$54,720.00**
CO Amount:	**$54,720.00**		
Unencum. Bal. After CO:	**$893,327.75**	**Adjusted Contract Amt.:**	**$1,197,691.20**

Recommended By:

Steve Degenhardt, P.E. — Date 07/06/16
Construction Division Manager

Approved:

Gary Janzen, P.E. — Date 07/06/16
City Engineer

Approved:

Contractor — Date 7/6/2016

Approved

Alan King — Date 8-2-16
Director of Public Works & Utilities

Approved as to Form:

Jennifer Magaña — Date 7/15/16
City Attorney and Director of Law

By Order of the City Council:

Jeff Longwell — Date
Mayor

Attest:
City Clerk

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 construction of **Re-use Water Supply System to serve Spirit Aero Systems** covered by contract number **468-85095** qualifies as such a major publics work construction project. Due to the size and complexity of the project, continued, timely prosecution of that work will prevent significant delay costs and prevent delaying completion of the project within the time frame specified per the approved agreement between the City of Wichita and Spirit Aero Systems;

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 **Re-use Water Supply System to serve Spirit Aero Systems** project up to a cumulative cost not exceeding **eight percent (8%)** 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

RESOLUTION NO. 16-215

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 construction of **Re-use Water Supply System to serve Spirit Aero Systems** covered by contract number **468-85095** qualifies as such a major publics work construction project. Due to the size and complexity of the project, continued, timely prosecution of that work will prevent significant delay costs and prevent delaying completion of the project within the time frame specified per the approved agreement between the City of Wichita and Spirit Aero Systems;

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 9TH DAY OF August 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 **Re-use Water Supply System to serve Spirit Aero Systems** project up to a cumulative cost not exceeding **eight percent (8%)** 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 9th DAY OF August, 2016.

_____
JEFF LONGWELL, MAYOR

ATTEST:

_____
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

_____
JENNIFER MAGAÑA, CITY ATTORNEY AND DIRECTOR OF LAW

Agenda Item No. II-10

CITY OF WICHITA
City Council Meeting
August 9, 2016

TO: Mayor and City Council Members

SUBJECT: Firearms Disposition

INITIATED BY: Wichita Police Department

AGENDA: Consent

Recommendation: Receive and file the report.

Background: The Wichita Police Department has requested authorization to sell several firearms which have been confiscated in connection with criminal activity, but are no longer needed as evidence.

Analysis: Kansas Statutes require that firearms seized in connection with criminal activity shall be forfeited to the seizing law enforcement agency and disposed of by sale, trade, or use within the agency. Only firearms used in the commission of a homicide or those that cannot be sold or further used because of the condition of the firearm may be destroyed. The Wichita Police Department has several forfeited firearms in its possession that are eligible to be sold. The City Code requires that all transactions involving firearms disposal must have prior approval of the City Manager and are subject to the City Council's review. A list of firearms to be sold has been provided (attached hereto as Exhibit A) and includes 50 long guns and 27 handguns. As required by state law, the sale of these firearms must be conducted by a federally licensed firearms dealer and will be witnessed and monitored by staff.

Financial Considerations: K.S.A. 22-2512(e) requires that proceeds from the sale of forfeited firearms shall be credited to the asset seizure and forfeiture fund of the Wichita Police Department.

Legal Considerations: Upon review by the City Council, the necessary court documents will be prepared to proceed with the sale of the listed firearms.

Recommendations/Actions: It is recommended that the City Council receive and file the list of firearms.

Attachment: List of firearms to be sold.

PROPERTYROOM.COM

Manifest # (see manifest cover sheet): _____

Manifest Page #: _____

Pickup Date: _____

Received From (please print legibly): _____

Driver Signature: _____

July 2016 Hand Guns Property

Line #	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
1		RG	RG40	R112501	PR	.38 SPECIAL	12C001979
2		SMITH & WESSON	5906	TDD4872	PI	9MM	12C001979
3							
4							
5							
6							
7							
8							
9							
10							
11							

Exhibit A, Page 001

PROPERTYROOM.com

Manifest # (see manifest cover sheet): _____

Manifest Page #: _____

Pickup Date: _____

Received From (please print legibly): _____

Driver Signature: _____

July 2016 Hand Gun SIB

Line #	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
1		TAURUS	85	QE73406	PR	.38 SPECIAL	12C005231
2		LLAMA	MINIMAX	07040713096	PI	.40 S&W	08C058009
3							
4							
5							
6							
7							
8							
9							
10							
11							

Exhibit A, Page 002

PROPERTYROOM.com

July 2016

HANDGUN Persons

Manifest # (see manifest cover sheet): _____

Manifest Page #: _____

Pickup Date: _____

Received From (please print legibly): _____

Driver Signature: _____

Line #	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
1		HI-POINT	C9	P1483194	PI	9MM	12C000490
2		ASTRA	CONSTABLE II	P4807	PI	.380 ACP	12C001523
3		BRYCO	JENNINGS NINE-CA	1582734	PI	9MM	12C001829
4	TAKEN OFF Reported Stolen removed as per Donna	~~SMITH & WESSON~~	~~36~~	~~760197~~	~~PR~~	~~.38 SPECIAL~~	~~12C002386~~
5		LORCIN	L380	319612	PI	.380 ACP	12C002431
6		BERETTA	950B	B32317	PI	6.35MM	12C003620
7		TAURUS	PT145 MILLENNIUM PRO	NE076852	PI	.45 ACP	12C003697
8		BERETTA	84BB	D51906Y	PI	.380 ACP	12C004092
9		SMITH & WESSON	37	J587163	PR	.38 SPECIAL	12C004149
10		GLOCK	19	LGB346	PI	9MM	12C004515
11		JENNINGS	BRYCO 59	893218	PI	9MM	12C004622

Line #	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
12		RG	RG14S	Z060657	PR	.22 LR	12C004659
13		ARMINIUS	HW7	891520	PR	.22 LR	12C004920
14		JIMENEZ	J.A. 380	177928	PI	.380 ACP	12C005410
15		HI-STANDARD	DURA-MATIC M-101	1833817	PI	.22 LR	12C006848
16		HI-STANDARD	B	58491	PI	.22 LR	12C006848
17		BRYCO	BRYCO 38	1203690	PI	.380 ACP	08C085771
18		SMITH & WESSON	422	UBB2855	PI	.22 CAL	08C051960
19		GLOCK	19	FDE016	PI	9MM	08C052256
20		ARMINIUS	TITAN TIGER	0507745	PR	.38 SPECIAL	08C053320
21		ROMO	ROMO	426447	PR	.22 CAL (SHORT)	08C053625
22		HI-POINT	JHP	X477624	PI	.45 ACP	08C055539
23		FM	HI-POWER	394983	PI	9MM	08C057377
24		HI-POINT	JHP	X458755	PI	.45 ACP	08C057714

Exhibit A, Page 004

PROPERTYROOM.com

Manifest # (see manifest cover sheet): _____

Manifest Page #: _____

Pickup Date: _____

Received From (please print legibly): _____

Driver Signature: _____

July 2016 Long Gun Property

Line #	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
1		ITHACA	37	MAG371880876	SP	12 GAUGE	12C001611
2		HARRINGTON & RICHARDSON	DELUXE TOPPER M488	23765	SS	.410 GAUGE	12C001979
3		WINCHESTER	1300 DEFENDER	L2854427	SP	12 GAUGE	08C083383
4		REMINGTON	870 EXPRESS MAGNUM	B280938M	SP	12 GAUGE	08C083385
5		SEARS	53	U145986	RB	.270 CAL	08C083385
6							
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PROPERTYROOM.com

Manifest # (see manifest cover sheet): _____

Manifest Page #: _____

Pickup Date: _____

Received From (please print legibly): _____

Driver Signature: _____

July 2016 Long Guns SIB

Line #	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
1		STEVENS	59A	NONE	SB	.410 GAUGE	08C068395
2		H. J. STERLING	NONE	NONE	SE	12 GAUGE	08C068395
3		MARLIN	ORIGINAL GOLDEN-39AS	11143162	RL	.22 CAL	08C068395
4		STEVENS	76A	NONE	RI	.22 CAL	08C068395
5		MARLIN	6087	13436380	RI	.22 CAL	11C075083
6							
7							
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9							
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11							

PROPERTYROOM.com

Manifest # (see manifest cover sheet): _____

Manifest Page #: _____

Pickup Date: _____

Received From (please print legibly): _____

Driver Signature: _____

July 2016 Long Gun Persons

Line #	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
1		RUGER	10/22	355-07962	RI	.22LR	12C002319
2		MARLIN	336RC	AD17248	RL	30-30 WIN.	12C002319
3		MOSSBERG	500A	R707083	SP	12 GAUGE	12C002319
4		SEARS	200	114786	SP	12 GAUGE	12C004016
5		STEVENS	940A	NONE	SS	.410 GAUGE	12C004016
6		REMINGTON	870 EXPRESS MAGNUM	C131376M	SP	12 GAUGE	12C004016
7		GLENFIELD	60	NONE	RI	.22LR	12C004016
8		TED WILLIAMS	200	42705	SP	20 GAUGE	12C004016
9		HARRINGTON & RICHARDSON	PARDNER PUMP	NZ562242	SP	12 GAUGE	12C004070
10		NEW ENGLAND FIREARMS	PARDNER	NP320413	SS	20 GAUGE	12C004092
11		WINCHESTER	1200	335745	SP	12 GAUGE	12C004092

Line #	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
12		REMINGTON	870 EXPRESS MAGNUM	A755963M	SP	12 GAUGE	12C004475
13		IVER JOHNSON	CHAMPION	RHIR	SS	12 GAUGE	12C005425
14		BENELLI	NOVA	Z204345	SP	12 GAUGE	12C006277
15		MAADI	MISR AKM?	AC0046276	RI	7.62X39MM	08C056479
16		RUGER	MINI-14	181-62504	RI	.223 CAL	12C006422
17		STEVENS	CRACK SHOT-26	NONE	RS	.22LR	12C006848
18		EXCEL	EXCEL	E34870D	SS	.410 GAUGE	12C006848
19		WESTERN FIELD	87-SB87-TA	NONE	RI	.22S/L/LR	12C006848
20		BROWNING	AUTO-5 SWEET SIXTEEN	S61472	SI	16 GAUGE	12C006848
21		REMINGTON	1100 MAGNUM	P008881M	SI	12 GAUGE	12C500968
22		SPRINGFIELD	18	NONE	SB	12 GAUGE	08C088151
23		WESTERN FIELD	M550A	NONE	SP	12 GAUGE	08C063708
24		J.C. HIGGINS	583.2	NONE	SB	16 GAUGE	08C063708

Line #	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
25		WESTERN FIELD	XNH-806	NONE	RB	.22 LR	08C063708
26		J.C. HIGGINS	101.1	NONE	SS	16 GAUGE	08C063708
27		ROSSI	62SA	G218609	RP	.22 CAL	08C063708
28		MOSIN-NAGANT	1891?	TX1676	RB	7.62X54MM	08C063708
29		UNKNOWN	UNKNOWN	6487	SE	12 GAUGE	08C063708
30		REMINGTON	870 WINGMASTER MAGNUM	B478127M	SP	12 GAUGE	08C051960
31		NORINCO	MAK-90	28371	RI	7.62X39MM	08C053849
32		HOPKINS & ALLEN	FOREHAND	200731	SS	12 GAUGE	08C054986
33		UNKNOWN SPANISH MAKE	PIC 692	47945NF	SS	12 GAUGE	08C063708
34		SIMONOV	M59/66 SKS	B718358	RI	7.62X39MM	08C064915
35		NEW HAVEN	600C	C93106	SP	20 GAUGE	08C067137
36		NATIONAL ORDNANCE	M1 CARBINE	10276	RI	.30 CAL	08C74454
37		MOSSBERG	352KB	NONE	RI	.22 CAL	08C076062

Line #.	SKU Number	Make	Model	Serial #	Type	Caliber / Gauge	Case ID # / Agency Reference #
38		ITHACA	M-49	146944	RL	.22 MAGNUM	08C076062
39		REMINGTON	SPORTSMAN 12 AUTO	P049995V	SI	12 GAUGE	08C083334
40		RUGER	10/22 CARBINE	128-50349	RI	.22 CAL	12C006647
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City of Wichita
City Council Meeting
August 9, 2016

TO: Mayor and City Council

SUBJECT: Health ICT Bicycle and Pedestrian Projects Memorandum of Understanding (MOU)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Consent

Recommendation: Approve the MOU and authorize the necessary signatures.

Background: On February 5, 2013, the Wichita City Council endorsed the Wichita Bicycle Master Plan. The plan is a guide for how the City can make it easier, safer, and more convenient to get around the City on a bicycle through the provision of bicycle- related infrastructure, policies and programs. The plan includes recommendations that the City adopt policies to ensure that the City's project planning and review process account for bicycle facilities.

On November 4, 2014, the Wichita City Council endorsed the Wichita Pedestrian Master Plan as a guide for future planning and decision making regarding public infrastructure, programs and policies that affect walking in Wichita. The plan contains multiple recommendations, including that the City create a marked crosswalk policy, and improve both the safety and convenience of walking for seniors.

On December 2, 2014, the Wichita City Council endorsed the Wichita Multi-Modal Policy and Street Design Guidelines. The Multi-Modal Policy directs staff to consider multiple modes of transportation and the context for improvement and maintenance projects in street right-of-way and public access easements. The policy helps formalize the City's street design practices and consideration of multiple modes of transportation (i.e. people walking, bicycling, driving, and taking transit), where recommended in City plans.

Analysis: The proposed MOU with Health ICT, a Kansas not-for-profit corporation would fund the following three activities, which will help to implement the City's official plans and policies related to walking and bicycling.

Marked Crosswalk Policy
This activity would create a marked crosswalk policy to help ensure a consistent approach for the evaluation and installation of marked crosswalks. Uniform and consistent application of crosswalks can help increase predictability both for people walking and for people driving.

Senior Walking Route Planning and Designs
This activity would undertake planning and design of walking-related improvements with a focus on senior centers/housing where demand is highest and/or where there are known safety concerns.

Multi-Modal Policy Implementation
This activity would develop tools to assist with and enhance implementation of the City's Multi-Modal Policy – examples might include project checklists, process recommendations for enhanced project review and interdepartmental coordination.

Financial Considerations: The amount of $70,000 for this project will be advanced to the City by Health ICT. There is no City match.

Legal Considerations: The Law Department has reviewed MOU and approved it as to form.

Recommendations/Actions: It is recommended that the City Council approve the MOU and authorize the necessary signatures.

Attachments:
Memorandum of Understanding, Wichita Wayfinding Projects

MEMORANDUM OF UNDERSTANDING

WICHITA BICYCLE AND PEDESTRIAN PROJECTS

CITY OF WICHITA, KANSAS,
A Municipal Corporation,

AND

MEDICAL SOCIETY OF SEDGWIC COUNTY/PHYSICIAN LEADERSHIP ALLIANCE - DBA: HEALTH ICT (PAYOR)
A Kansas not-for-profit corporation
(1102 South Market, Wichita, KS 67211)

WHEREAS, the Medical Society of Sedgwick County / Physician Leadership Alliance – DBA: Health ICT (Payor) has allocated up to $70,000 from its KDHE Centers for Disease Control DP14-1422-State and Local Public Health Actions to Prevent Obesity, Diabetes, and Heart Disease and Stroke grant in order to increase the number of adults that meet federal physical activity guidelines by partnering with the City of Wichita (City) to improve conditions for walking and bicycling; and

WHEREAS, the City Council endorsed the Wichita Bicycle Master Plan in 2013 as a guide for infrastructure, policies, and programs related to bicycling in Wichita; and

WHEREAS, the Wichita Bicycle Master Plan contains recommendations that the City adopt policies to ensure that the City's project planning and review process account for bicycle facilities; and

WHEREAS, the City Council endorsed the Wichita Pedestrian Master Plan in 2014 as a guide for infrastructure, policies, and programs related to walking in Wichita; and

WHEREAS, the Wichita Pedestrian Master Plan contains recommendations that the City create a marked crosswalk policy and make improvements to improve the safety and convenience of walking near senior centers, housing, and destinations; and

WHEREAS, the Payor and City both desire to retain professional services to assist with projects to improve conditions for bicycling and walking; and

WHEREAS, the Payor desires to fund all or a portion of the costs associated with said professional services.

NOW, **THEREFORE**, the parties do mutually agree as follows:

SECTION 1. SCOPE OF SERVICES. The City shall enter into contracts for professional services for the projects described below. The consultant teams selected for the contract for professional services shall be selected pursuant to the City's consultant selection process. The City shall administer the contract for professional services and provide project management.

Title	Description
Marked Crosswalk Policy	This activity would create a marked crosswalk policy to help ensure a consistent approach for the evaluation and installation of marked crosswalks. Uniform and consisted application of crosswalks can help increase predictability both for people walking and for people driving.
Senior Walking Route Planning and Designs	This activity would undertake planning and design of walking related improvements with a focus on senior centers/housing where demand is highest and/or where there are known safety concerns.
Multi-Modal Policy Implementation	This activity would develop tools to assist with implementation of the City's Multi-Modal Policy – examples might include checklists, project review processes, etc.

SECTION 2. FUNDING The Payor shall advance $70,000 for the projects referenced in Section 1.

SECTION 3. COORDINATION REQUIREMENTS. The City and Payor shall undertake the following activities to ensure coordination between the two agencies.

A. The Payor shall designate a Project Director to coordinate the projects specified in Section 1 with the City.

B. The City shall designate a Project Coordinator to coordinate the projects specified in Section 1 with the Payor.

C. The Payor Project Director and the City Project Coordinator shall meet and/or communicate monthly to discuss project progress and activities.

SECTION 3. AMENDMENTS. To provide necessary flexibility for the most effective execution of this project, whenever both the City and the Payor mutually agree, changes in this MOU may be effected by placing them in written form and incorporating them into this document.

- continued on next page -

The parties have executed this Memorandum of Understanding on this 9th day of August.

THE CITY OF WICHITA ATTEST:

_____
Jeff Longwell, Mayor

_____
Karen Sublett, City Clerk

Approved as to Form:

_____
Jennifer Magana, City of Wichita
Attorney and Director of Law

_____
Jon Rosell, Medical Society of Sedgwick County
Executive Director

Second Reading Ordinances for August 9, 2016 (first read on August 2, 2016)

A. SUB2015-00042 -- Plat of Sunstone at 135th Addition Located South of West Kellogg, on the East Side of South 135th Street West. (District IV)

ORDINANCE NO. 50-296

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
August 9, 2016

TO: Mayor and City Council

SUBJECT: ZON2016-00024 – Zone Change from SF-5 Single-family Residential to LC Limited Commercial, Generally Located on the Northeast Corner of South Hillside Avenue and East Harry Street (District III)

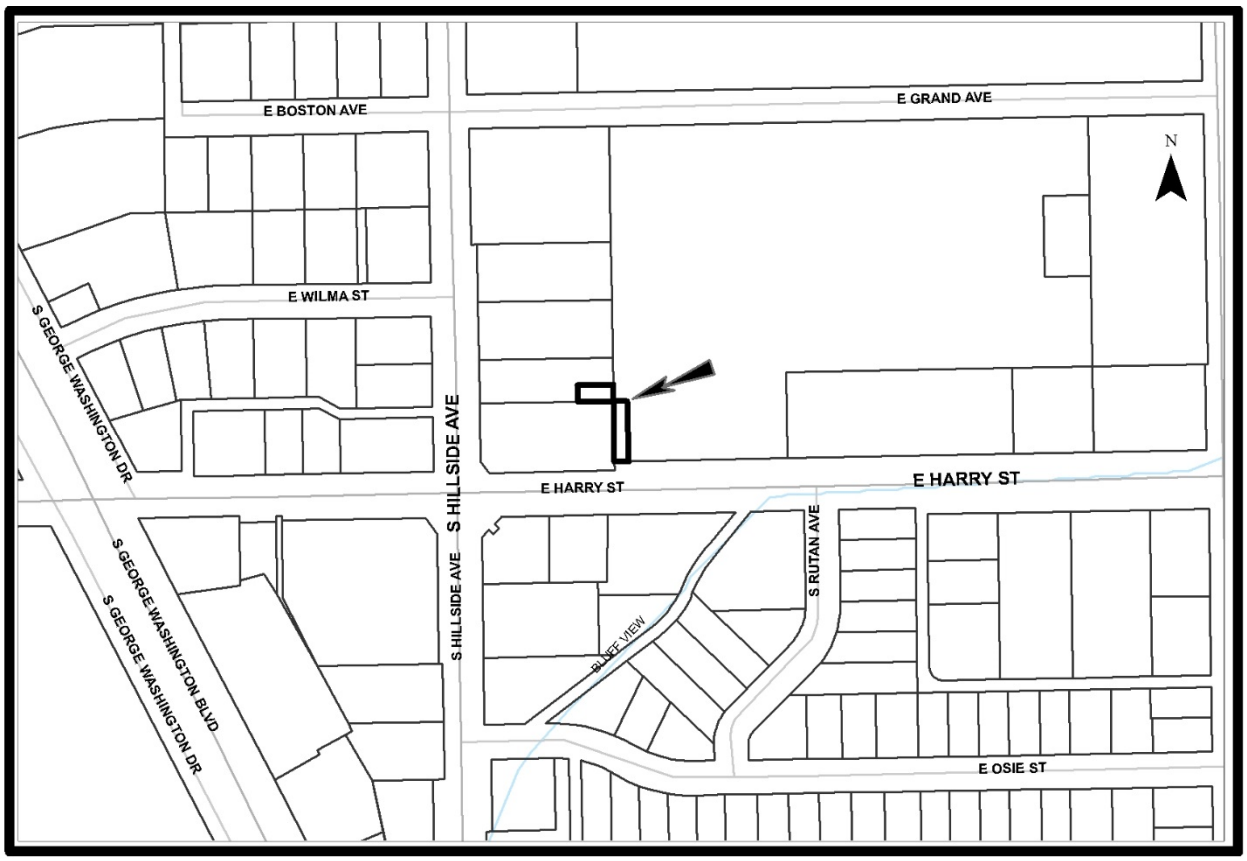
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request (12-0) subject to staff and DAB recommended conditions.

DAB Recommendation: District Advisory Board IV recommended approval of the request (6-0) subject to staff recommendations and an eight-foot fence for screening along the north property line.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommended approval of the request subject to contingent dedication five-feet of right-of-way for Harry Street.



Background: The applicant is seeking Limited Commercial (LC) zoning on approximately 0.10 acre of a 0.74 acre parcel located at the northeast corner of East Harry and South Hillside. The subject site is the northeast portion (0.04 acre) of the platted lot and the west 0.06 acre of the Replat of Pineridge Addition. If approved, the LC zoning would permit the entire parcel to be redeveloped as a fast food restaurant. TN Investments is in negotiation to purchase the 0.06 acre from the Catholic Diocese of Wichita.

The properties located east and south of the site are zoned LC and developed with fast food restaurants with drive-thru services. Land north of the site is zoned B Multi-family and TF-3 Two Family Residential developed with multi-family and single-family residential uses. Land to the east of the site is zoned TF-3 and is All Saints Parish.

Analysis: On July 7, 2016, the Metropolitan Area Planning Commission (MAPC) approved the request (12-0) subject to staff and DAB recommended conditions. No members of the public spoke at the MAPC hearing.

On July 6, 2016, District Advisory Board (DAB) III reviewed the application and approved it 6-0 subject to staff recommended conditions with the addition of an eight-foot screening fence along the north property line. Members of the public spoke at the meeting and requested an eight-foot screening fence.

No protest petitions have been received. The request can be approved with a simple majority vote.

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 as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC, approve the requested zone change subject to MAPC recommended conditions, withhold publication of the ordinance until the right-of-way dedication is recorded (simple majority vote).

Attachments: Ordinance, MAPC minutes, DAB III report.

EXCERPT MINUTES OF JULY 7, 2016 WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION MEETING

Case No.: ZON2016-00024 - TN Investments & Catholic Diocese of Wichita (applicants); and Ruggles & Bohm (agent) request a City zone change from TF-3 Two-family Residential to LC Limited Commercial on property described as:

The North 28.00 feet of the West 61.66 feet of Lot 5, all in Block A, in Pineridge Addition to Wichita, Sedgwick County, Kansas, AND The West 24 feet 4 inches of the South 106 feet 3 inches of Lot 1, Replat of Part of Pineridge Addition to the City of Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicant is seeking Limited Commercial (LC) zoning on approximately 0.10 acre of a 0.74 acre parcel located at the northeast corner of East Harry and South Hillside. The subject site is the northeast portion (0.04 acre) of the platted lot and the west 0.06 acre of the Replat of Pineridge Addition. If approved, the LC zoning would permit the entire parcel to be redeveloped as a fast food restaurant. TN Investments is in negotiation to purchase the 0.06 acre from the Catholic Diocese of Wichita.

The properties located east and south of the site are zoned LC and developed with fast food restaurants with drive-thru services. Land north of the site is zoned B Multi-family and TF-3 Two Family Residential developed with single family residential. Land to the east of the site is zoned TF-3 and is All Saints Parish.

CASE HISTORY: This zone change application has been filed to change current zoning (TF-3) to LC. The subject site was previously occupied by a convenience store/gas station. The land will be scraped and a new restaurant with a drive-thru window will be built.

ADJACENT ZONING AND LAND USE:

North: B; multi-family residential & TF-3; single-family residential
South: LC; Fast Food Restaurant with Drive-Thru
East: TF-3; religious institutional use
West: LC; auto title loan business

PUBLIC SERVICES: The site is served by all usual municipal and private utilities and services. Traffic engineering requires a five feet right-of-way dedication along the Harry Street frontage for future street expansion.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Functional Land Use Guide depicts the site as appropriate for "local commercial" use. The "local commercial" use category contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and person service facilities.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends approval of the request upon dedication of street right-of-way along the Harry Street frontage for future street expansion.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The land located east and south of the site are zoned LC and developed with fast food restaurants with drive-thru services. Land north of the site is zoned B Multi-family developed with a five-plex unit and undeveloped TF-3 Two Family Residential. Land to the east of the site is zoned TF-3 and is occupied by All Saints Parish facilities.

2. The suitability of the subject property for the uses to which it has been restricted: The site is located at a major arterial intersection with LC development on the northwest, southwest and southeast corners. North of the subject site is B zoned property developed with a multi-family unit, which is separated from the subject site by a solid screening fence. East of the subject site is the All Saints Parish campus on TF-3 zoned property.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the LC zoning should not create an increased negative impact on nearby property given the site location on the intersection of two arterial streets and the previous use of the site as a convenience store.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: LC zoning is appropriate for this location and provides economic viability to redevelop the property. Residential zoned property will be screened according to the Unified Zoning Code requirements.

5. Length of time the property has been vacant as currently zoned: The convenience store site has been vacant since 2010.

6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Functional Land Use Guide depicts the site as appropriate for "local commercial" use. The "local commercial" use category contains concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and person service facilities. The site is intended to be developed as a fast food restaurant.

7. Impact of the proposed development on community facilities: Right-of-way is being required by traffic engineering for future street expansion.

SCOTT KNEBEL, Planning Staff presented the Staff Report. He explained that the staff recommendation was based on dedication of street right of way. He said the applicant asked Engineering staff who agreed that the dedication could be contingent on a street project. In addition, he reported that the DAB requested that the screening fence on the north be eight feet tall.

DENNIS clarified that if the Commission approves the application it will be with those two changes.

KNEBEL answered yes.

MOTION: To approve subject to staff recommendation with the changes listed above.

RICHARDSON moved, **DAILEY** seconded the motion, and it carried ().

CITY OF WICHITA

INTEROFFICE MEMORANDUM

TO: MAPC

FROM: Teia Wair, Office of Community Services

SUBJECT: ZON2016-00024 TF-3 Two Family Residential (TF-3) to LC Limited Commercial ("LC")

DATE: July 6, 2016

On Wednesday, July 6, 2016, the District III Advisory Board considered a request for a rezone from TF-3 Two Family Residential (TF-3) to LC Limited Commercial ("LC") zoning on approximately 0.10 acre of a 0.74 acre parcel located at the northeast corner of East Harry and South Hillside. The subject site is the northeast portion (0.04 acre) of the platted lot and the west 0.06 acre of the Replat of Pineridge Addition. If approved, the LC zoning would permit the entire parcel to be redeveloped as a fast food restaurant. TN Investments is in negotiation to purchase the 0.06 acre from the Catholic Diocese of Wichita.

DAB members asked questions on the following items:

- Did notification go out to the neighbors
- Any opposition from the neighbors

Public asked questions on the following items:

- Can the trash can be moved to the east side of the property
- Can the fence/screening be 8ft high

MAPD staff was able to provide satisfactory responses.

Action Taken: One motion two seconds to recommend that MAPC approve the Conditional Use request with 8ft fence for screening Motion carried 6-0.

OCA 150004

ORDINANCE NO. 50-305

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. ZON2016-00024

City zone change from Single-Family Residential (SF-5) to Limited Commercial (LC) on property located at the northeast corner of South Hillside and East Harry Street (3216 E. Harry); described as:

The north 28 feet of the west 61.66 feet of Lot 5, all in Block A, in Pineridge Addition and the west 24 feet-4 inches and of the south 106 feet-3 inches of Lot 1, Replat of Part of Pineridge Addition to Wichita, Sedgwick County, Kansas.

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 Magaña, City Attorney and Director of Law