

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 2, 2004
Tuesday, 9:06 A.M.

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

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

Janine Little, Inter-Faith Ministries, gave the invocation.

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

The Minutes of the regular meeting of February 10, 2004, and the Executive Session of February 24, 2004, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously submitted were presented.

AWARDS Youth Service Awards-Wichita's Promise.

Mayor Mayans recognized four Wichita High School seniors with Youth Service Awards.

RECOGNITION International Students Recognition.

Mayor Mayans recognized the international students.

PUBLIC AGENDA

Kelly Wendeln Kelly Wendeln-EPA and Big Dog Motorcycles.

Mr. Wendeln stated that last July the City Council voted unanimously to give Big Dog Motorcycles 1.1 million dollars in Industrial Revenue Bonds. Stated that he feels that this was not a good idea since Big Dog Motorcycles will be out of business in a couple of years because the Federal Environmental Protection Agency is going to force them to only sell fuel-injected engines with catalytic converters and liquid cooling, which they probably cannot afford to do. Stated that EPA dictates have produced engines that can be hideously expensive to repair and that job justification is their primary motivation. EPA bureaucrats are not going to stop and they are gradually continuing to restrict, dictate and put out of business "free" enterprise in the name of air pollution.

Alice Schoenhofer Alice Schoenhofer, Director of Programs Kansas Braille Transcription Institute.

Ms. Schoenhofer explained to the Council what the Kansas Braille Transcription Institute (KBTI), is all about and what services they provide to the community and the state of Kansas. Stated that KBTI was established to provide Braille to non-print readers as well as to advocate for the blind. State and Federal law mandates that the blind are entitled to equal access to information in a timely manner. Stated that Wichita has a long way to go to become federally compliant with these acts. Stated that they are currently advocating for four area students who are being denied access to Braille materials. Stated that with the support of the City of Wichita, they will better able to meet the needs for educational materials

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and standardized tests and help to bring Wichita as well as the entire state of Kansas, into compliance. They have been approved as a training provider and as an employer on the Kansas job link.

Greg & Patricia Lamb Greg and Patricia Lamb-Regarding the Upcoming Toughman Contest.

Mrs. Lamb stated that her husband Greg Lamb was injured during the 1998 Toughman Contest and that they are asking the Council not to give a permit for this years Toughman's Contest, which will be held on March 12 and 13th. Stated that her husband had a very severe and debilitating head injury, which almost took his life and he was in a coma for two weeks. Stated that over the past few years there have been 13 deaths and 9 injuries that she has been able to find and that 19 of these have been traumatic head injuries similar to her husband's. Stated that the reasons for these deaths and injuries are due to lack of proper medical supervision prior to, during, or immediately after any given fight. Due to the multiple number of fights during these events, the conditions are very ripe for these types of head injuries as well as other injuries. Another reason for so many injuries is due to the inexperience of the fighters and lack of adherence to their own rules. Stated that according to Kansas State Law, the Toughman Contest is illegal and that the City is to issue a license in the name of a charitable organization and each year from 1998 to 2003, the licenses were issued to Greg Gorrell and Adorable Promotions and not to a charitable organization. Stated that she and her husband are asking the Council to deny this year's license request by Greg Gorrell and that the Council do not allow the Toughman Contest this year or any other year based on their insufficient regulatory safeguards in protection of their fighters.

Council Member Fearey Council Member Fearey inquired about the rules that the City has set up for this type of event.

Gary Rebenstorf Mr. Rebenstorf explained that there were new regulations that were mandated by the City Council and they went through the Board of Health and are rules that are specific for Toughman Competitions. Stated that the City requires the promoter of the event to sign a document acknowledging what the rules are and what requirements they have to follow.

NEW BUSINESS

BOND SERIES 778 PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR 28 PAVING PROJECTS IN JULY 2004 BOND SALES SERIES 778.

Agenda Report No. 04-0163

The Council was notified on February 53, 2004 that the proposed assessment rolls were on file for public inspection in the Debt Management Office of the Finance Department.

Notice of hearing was published February 6, 2004 being not less than ten days prior to the date of hearing. Property owners have been notified in writing. City personnel held an informal hearing February 23, 2004 at 11:00 a.m. for the paving projects.

Statements of Special Assessment will be mailed to the property owners on March 19, 2004. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2004 Bond Sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread over 15-years and placed on the 2004 tax roll.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. as amended. All were 100% petitions with the exception of:

Paving Projects

472-83482	80.29% Petition	Improving Lakeview Dr., Cactus & Cactus Ct.
472-83529	52.40% Petition	Improving Kessler

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472-83530 54.60% Petition Improving Hoover

a) (472-82873/490-898) - IMPROVING LAKE RIDGE, LAKE RIDGE CTS. & SIDEWALKS, TO SERVE FOREST LAKES WEST ADDITION, as authorized by Resolution No. R-97-352, adopted September 23, 1997, and published September 26, 1997. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$102,984.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

b) (472-83256/490-867) - IMPROVING RUTGERS/GREENSPOINT/PARKDALE, RUTGERS CTS, GREENSPOINT & SIDEWALK, TO SERVE EVERGREEN AND EVERGREEN 3RD ADDITION, as authorized by Resolution No. R-00-312 rescinded by R-03-019, adopted August 8, 2000 and January 7, 2003 respectively, and published August 11, 2000 and January 11, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$554,653.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

c) (472-83326/490-789) - IMPROVING LOTUS, LYDIA CIR/LYDIA, LOTUS CTS & SIDEWALK, TO SERVE SHELLY'S ORCHARD ADDITION, as authorized by Resolution No. R-01-119, adopted March 27, 2001, and published March 31, 2001. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$370,222.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

d) (472-83384/490-854) - IMPROVING GOLDEN HILLS, MILSTEAD, GRANT, GRANT CTS, GOLDEN HILLS CT INCLUDING CUL-DE-SAC & SIDEWALKS, TO SERVE FLAT CREEK ADDITION, as authorized by Resolution No. R-01-241, adopted June 5, 2001, and published June 8, 2001. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$462,174.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

e) (472-83425/490-819) - IMPROVING 127TH ST E FROM 1/2 MILE S OF HARRY TO HARRY, TO SERVE EQUESTRIAN ESTATES & AN UP TRACT IN THE NW 1/4 OF SEC 35, TWP 27S, R2E, as authorized by Resolution No. R-01-494, adopted December 11, 2001, and published December 15, 2001. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$281,335.00 is to be apportioned with \$200,403.01 payable by the improvement district and \$80,931.99 payable by the City-at-large. The cost has been assessed on a fractional basis.

f) (472-83465/490-892) - IMPROVING EAGLES LANDING, WILLOW POINT, EAGLES LANDING CT, WILLOW POINT CT & SIDEWALKS, TO SERVE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, as authorized by Resolution No. R-02-060, adopted January 15, 2002, and published January 19, 2002 corrected and republished February 8, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$412,201.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

g) (472-83466/490-866) - IMPROVING FALCON, FALCON CT & SIDEWALK, TO SERVE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, as authorized by Resolution No. R-02-061, adopted January 15, 2002, and published January 19, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$225,097.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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- h) (472-83469/490-870) - IMPROVING WHITE TAIL/TIPPERARY, WHITE TAIL, TIPPERARY CIR, WHITE TAIL CT & SIDEWALK, TO SERVE BALTHROP 4TH ADDITION, as authorized by Resolution No. R-02-031, adopted January 15, 2002, and published January 19, 2002 corrected and republished February 1, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$266,489.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- i) (472-83482/490-872) - IMPROVING LAKEVIEW DR, CACTUS & CACTUS CT, TO SERVE SPRINGDALE EAST 2ND ADDITION, as authorized by Resolution No. R-02-493, adopted November 19, 2002, and published November 25, 2002 corrected and republished November 11, 2003. Petition for this improvement was signed by owners representing 80.29% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$186,027.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- j) (472-83529/490-847) - IMPROVING KESSLER, TO SERVE WEST WAREHOUSE ADDITION, as authorized by Resolution No. R-02-231, adopted May 14, 2002, and published May 18, 2002. Petition for this improvement was signed by owners representing 52.40% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$123,064.00 is to be apportioned with \$86,696.71 payable by the improvement district and \$36,367.29 payable by the City-at-large. The cost has been assessed on a square foot basis.
- k) (472-83530/490-848) - IMPROVING HOOVER, TO SERVE FRUITVALE PARK & UP TRACTS IN SEC 22, TWP 27S, T1W, as authorized by Resolution No. R-02-232, adopted May 14, 2002, and published May 18, 2002. Petition for this improvement was signed by owners representing 54.60% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$104,901.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.
- l) (472-83542/490-860) - IMPROVING MEADOW PARK, PEPPER RIDGE, MEADOW PARK CT., PEPPER RIDGE CTS. & SIDEWALK, TO SERVE FOSSIL RIM ESTATES ADDITION, as authorized by Resolution No. R-02-260, adopted May 21, 2002, and published May 25, 2002 corrected and republished November 7, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2002 in the amount of \$317,806.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- m) (472-83552/490-869) - IMPROVING 44TH ST S, 44TH CT S & SIDEWALK, TO SERVE GRAY'S 5TH ADDITION, as authorized by Resolution No. R-02-366, adopted August 6, 2002, and published August 10, 2002 corrected and republished September 13, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$258,230.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- n) (472-83558/490-857) - IMPROVING A RIGHT TURN LANE & MAJOR ENTRANCE IMPROVEMENT ON 21ST ST N, TO SERVE MESSIAH BAPTIST CHURCH 4TH ADDITION, as authorized by Resolution No. R-02-292, adopted June 18, 2002, and published June 22, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$103,002.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- o) (472-83606/491-001) - FAÇADE IMPROVEMENTS AT 800 E DOUGLAS, as authorized by Resolution No. R-02-338, adopted July 9, 2002, and published July 13, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$75,197.00 is to be apportioned with \$60,197.00 payable by the improvement district and \$15,000.00 payable by the City-at-large. The cost has been assessed on a square foot basis.

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- p) (472-83607/491-002) - FAÇADE IMPROVEMENTS AT 802 E DOUGLAS, as authorized by Resolution No. R-02-339, adopted July 9, 2002, and published July 13, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$26,587.00 is to be apportioned with \$19,940.25 payable by the improvement district and \$6,646.75 payable by the City-at-large. The cost has been assessed on a square foot basis.
- q) (472-83616/490-862) - IMPROVING SIDEWALKS ON DOUGLAS AND WABASH, TO SERVE MATHEWSON'S ADDITION, as authorized by Resolution No. R-02-351, adopted August 6, 2002, and published August 10, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$8,647.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.
- r) (472-83622/491-003) - FAÇADE IMPROVEMENTS AT 100 S MAIN ST, as authorized by Resolution No. R-02-393, adopted August 20, 2002, and published August 24, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$44,010.00 is to be apportioned with \$33,007.50 payable by the improvement district and \$11,002.50 payable by the City-at-large. The cost has been assessed on a square foot basis.
- s) (472-83624/490-868) - IMPROVING SPYGLASS, SPYGLASS CT, BLADE, MILLRUN, MILLRUN CT & SIDEWALK, TO SERVE SAWMILL CREEK ADDITION, as authorized by Resolution No. R-02-406, adopted September 10, 2002, and published September 14, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$479,490.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- t) (472-83661/490-873) - IMPROVING 35TH ST S, TO SERVE WEST ROBBINS 2ND & SOUTH HIGH SCHOOL ADDITIONS, as authorized by Resolution No. R-02-503 amended by R-03-343, adopted November 19, 2002 and July 1, 2003 respectively, and published November 25, 2002 and July 3, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$30,097.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- u) (472-83675/490-882) - IMPROVING MINNESOTA CT, MINNESOTA CIR, 26TH ST N & SIDEWALK, TO SERVE POWER CDC 2ND & RIDGECREST ADDITION, as authorized by Resolution No. R-02-588, adopted December 17, 2002, and published December 21, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$115,535.00 is to be apportioned with \$112,531.09 payable by the improvement district and \$3,003.91 payable by the City-at-large. The cost has been assessed on a fractional basis.
- v) (472-83676/490-877) - IMPROVING LEFT TURN LANE @ WEBB RD & WILSON ESTATE PARKWAY, TO SERVE WILSON ESTATES MEDICAL PARK & LEGACY PARK TRACT, as authorized by Resolution No. R-02-592, adopted December 17, 2002, and published December 21, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$222,276.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.
- w) (472-83677/490-878) - TRAFFIC SIGNAL @ WEBB AND WILSON ESTATES PARKWAY/19TH ST, TO SERVE WILSON ESTATES MEDICAL PARK AND A TRACT WITHIN LEGACY PARK WILSON ESTATES ADDITION, as authorized by Resolution No. R-02-593, adopted December 17, 2002, and published December 21, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$109,463.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

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x) (472-83678/490-896) - IMPROVING LINBERG AND BRONCO, TO SERVE REMINGTON PLACE 2ND ADDITION, as authorized by Resolution No. R-03-070, adopted February 11, 2003, and published February 15, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$121,239.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

y) (472-83679/490-897) - IMPROVING DECEL LANE ON 21ST ST N, TO SERVE REMINGTON PLACE 2ND ADDITION, as authorized by Resolution No. R-03-071 amended by R-03-195, adopted February 11, 2003 and May 6, 2003 respectively, and published February 15, 2003 and May 9, 2003 corrected and republished November 4, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$27,981.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

z) (472-83693/490-903) - IMPROVING LEFT TURN BAY ON TYLER RD, TO SERVE TYLER'S LANDING ADDITION, as authorized by Resolution No. R-03-054, adopted February 4, 2003, and published February 8, 2003 corrected and republished April 21, 2003 and February 6, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$37,443.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

aa) (472-83707/490-900) - IMPROVING IRONHORSE/IRONHORSE CIR, HILLCREST/HILLCREST CIRCLE & OXFORD, TO SERVE IRONHORSE AT OXFORD ADDITION, as authorized by Resolution No. R-03-149, adopted March 18, 2003, and published March 22, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$276,977.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

bb) (472-83713/490-899) - IMPROVING A LEFT TURN LANE ON TYLER, TO SERVE CENTRAL MAIZE SCHOOLS ADDITION, as authorized by Resolution No. R-03-117, adopted March 4, 2003, and published March 24, 2003 corrected and republished January 13, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 16, 2003 in the amount of \$47,686.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard.

Loretta Buckner

Ms. Buckner stated that she resides at 5602 West Third Street North and that she is against allowing even one property owner to lose their property because they cannot afford an enormous increase in property taxes due to paving a street. Stated that she is being assessed 41% of the contractor's cost and that this does not seem right to her. Stated that she was told that her property was addressed on third street and she does not have driveway access to Hoover Street and that she was told that she would not have to pay to pave Hoover Street.

Council Member Gray

Council Member Gray stated that he has been speaking to Staff regarding this and that CDBG money is not available in this portion of town because CDBG money is available based on the total economic income of a specific area and this area does not meet that criteria. Stated that the Council will likely defer the petition on this project for two weeks, which will give Ms. Buckner the opportunity to formally apply for a hardship deferral.

Motion--
-carried

Gray moved that the assessments, except Item K, be approved, that Item K be deferred for two weeks; and that the Ordinances be placed on first reading. Motion carried 7 to 0.

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- a) (472-82873/490-898)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LAKE RIDGE, LAKE RIDGE CTS. & SIDEWALKS, TO SERVE FOREST LAKES WEST ADDITION, ..INTRODUCED AND UNDER THE RULES LAID OVER.

- b) (472-83256/490-867)..introduced and under the rules laid over.

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving RUTGERS/GREENSPOINT/PARKDALE, RUTGERS CTS, GREENSPOINT & SIDEWALK, TO SERVE EVERGREEN AND EVERGREEN 3RD ADDITION, INTRODUCED AND UNDER THE RULES LAID OVER.

- c) (472-83326/490-789)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City Of Wichita, of paying a portion of the cost of improving LOTUS, LYDIA CIR/LYDIA, LOTUS CTS & SIDEWALK, TO SERVE SHELLY'S ORCHARD ADDITION, ..INTRODUCED AND UNDER THE RULES LAID OVER.

- d) (472-83384/490-854)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving GOLDEN HILLS, MILSTEAD, GRANT, GRANT CTS, GOLDEN HILLS CT INCLUDING CUL-DE-SAC & SIDEWALKS, TO SERVE FLAT CREEK ADDITION, introduced and under the rules laid over.

ORDINANCE

- e) (472-83425/490-819)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 127TH ST E FROM 1/2 MILE S OF HARRY TO HARRY, TO SERVE EQUESTRIAN ESTATES & AN UP TRACT IN THE NW 1/4 OF SEC 35, TWP 27S, R2E, introduced and under the rules laid over.

- f) (472-83465/490-892)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving EAGLES LANDING, WILLOW POINT, EAGLES LANDING CT, WILLOW POINT CT & SIDEWALKS, TO SERVE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, introduced and under the rules laid over.

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g) (472-83466/490-866)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving FALCON, FALCON CT & SIDEWALK, TO SERVE EAGLES LANDING AT NORTH OLIVER 2ND ADDITION, introduced and under the rules laid over.

h) (472-83469/490-870)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving WHITE TAIL/TIPPERARY, WHITE TAIL, TIPPERARY CIR, WHITE TAIL CT & SIDEWALK, TO SERVE BALTHROP 4TH ADDITION, introduced and under the rules laid over.

i) (472-83482/490-872)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LAKEVIEW DR, CACTUS & CACTUS CT, TO SERVE SPRINGDALE EAST 2ND ADDITION, introduced and under the rules laid over.

j) (472-83529/490-847)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving KESSLER, TO SERVE WEST WAREHOUSE ADDITION, introduced and under the rules laid over.

k) (472-83530/490-848) **Deferred for two weeks.**

l) (472-83542/490-860)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving MEADOW PARK, PEPPER RIDGE, MEADOW PARK CT., PEPPER RIDGE CTS. & SIDEWALK, TO SERVE FOSSIL RIM ESTATES ADDITION, introduced and under the rules laid over.

m) (472-83552/490-869)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 44TH ST S, 44TH CT S & SIDEWALK, TO SERVE GRAY'S 5TH ADDITION, introduced and under the rules laid over.

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n) (472-83558/490-857)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving A RIGHT TURN LANE & MAJOR ENTRANCE IMPROVEMENT ON 21ST ST N, TO SERVE MESSIAH BAPTIST CHURCH 4TH ADDITION, introduced and under the rules laid over.

o) (472-83606/491-001)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of FAÇADE IMPROVEMENTS AT 800 East DOUGLAS, introduced and under the rules laid over.

p) 472-83607/491-002)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of FAÇADE IMPROVEMENTS AT 802 East DOUGLAS, introduced and under the rules laid over.

q) (472-83616/490-862)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving SIDEWALKS ON DOUGLAS AND WABASH, TO SERVE MATHEWSON'S ADDITION, introduced and under the rules laid over.

r) (472-83622/491-003)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of FAÇADE IMPROVEMENTS AT 100 South MAIN STREET, introduced and under the rules laid over.

s) (472-83624/490-868)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving SPYGLASS, SPYGLASS CT, BLADE, MILLRUN, MILLRUN CT & SIDEWALK, TO SERVE SAWMILL CREEK ADDITION, introduced and under the rules laid over.

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t) (472-83661/490-873)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 35TH ST S, TO SERVE WEST ROBBINS 2ND & SOUTH HIGH SCHOOL ADDITIONS, introduced and under the rules laid over.

u) (472-83675/490-882)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving MINNESOTA CT, MINNESOTA CIR, 26TH ST N & SIDEWALK, TO SERVE POWER CDC 2ND & RIDGECREST ADDITION, introduced and under the rules laid over.

v) (472-83676/490-877)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LEFT TURN LANE @ WEBB RD & WILSON ESTATE PARKWAY, TO SERVE WILSON ESTATES MEDICAL PARK & LEGACY PARK TRACT, introduced and under the rules laid over.

w) (472-83677/490-878)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving TRAFFIC SIGNAL @ WEBB AND WILSON ESTATES PARKWAY/19TH ST, TO SERVE WILSON ESTATES MEDICAL PARK AND A TRACT WITHIN LEGACY PARK WILSON ESTATES ADDITION, introduced and under the rules laid over.

x) (472-83678/490-896)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LINBERG AND BRONCO, TO SERVE REMINGTON PLACE 2ND ADDITION, introduced and under the rules laid over.

y) (472-83679/490-897)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving DECEL LANE ON 21ST ST N, TO SERVE REMINGTON PLACE 2ND ADDITION, introduced and under the rules laid over.

z) (472-83693/490-903)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving LEFT TURN BAY ON TYLER RD, TO SERVE TYLER'S LANDING ADDITION, introduced and under the rules laid over.

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aa) (472-83707/490-900)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving IRONHORSE/IRONHORSE CIR, HILLCREST/HILLCREST CIRCLE & OXFORD, TO SERVE IRONHORSE AT OXFORD ADDITION, introduced and under the rules laid over.

bb) (472-83713/490-899)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving A LEFT TURN LANE ON TYLER, TO SERVE CENTRAL MAIZE SCHOOLS ADDITION, introduced and under the rules laid over.

2004-2005 HUD

2004-2005 HUD COMBINED ALLOCATIONS/ONE YEAR ACTION PLAN.

Agenda Report No. 04-0164

Motion--
--carried

Mayans moved to defer action on item 5 until the March 16, 2004 Council Meeting. Motion carried 7 to 0.

UNSAFE STRUCT.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 04-0165

Kurt Schroder

Director of Central Inspection reviewed the item.

On January 13, 2004 a report was submitted with respect to the dangerous and unsafe conditions on one (1) property. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on March 2, 2004.

On October 13, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property:

Property Address

Council District

a. 323 North Meridian

IV

Pursuant to State Statute the Resolution was duly published twice on January 15, 2004 and January 22, 2004. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Kurt Schroeder

Mr. Schroeder reported that there has been work done to the front of this structure and a little bit of repair work to the roof. Stated that the main problem with this property is the foundation and that the premise looks pretty good. He is requesting some additional time to do a couple of things, which is to finalize a loan to rehab the property and some additional time to actually finish the repairs. Stated that the taxes are now current and he would not opposed to granting additional time to the property owner.

Mr. Braman

Mr. Braman stated that he is committed in getting the loan process started and is now employed. Stated that if given the time he can make the improvements.

Council Member Schlapp momentarily absent.

Motion--

Gray moved to allow a 45-day extension to the property owner to receive financing; and then an

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--carried

additional 45 days to complete construction at this time. Motion carried 7 to 0.

RESOLUTION NO. 04-076

A Resolution finding that the structure/s located on Lots 33-35, Block 28, J.O. Davidson's Second Addition, Wichita, Sedgwick County, Kansas, commonly known as 323 North Meridian, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RIVERSIDE VILLAGE ISSUANCE OF HEALTH CARE FACILITIES REFUNDING REVENUE BONDS, RIVERSIDE VILLAGE, INC. (DISTRICT VI)

Agenda Report No. 04-0166

Allen Bell

Economic Development Director reviewed the item.

On February 10, 2004, the City Council approved a Letter of Intent to issue Health Care Facilities Refunding Revenue Bonds in the amount not-to-exceed \$9,200,000 to Riverside Village, Inc. The proceeds of the bonds will be used to refinance and redeem Series II-B, 1997, currently existing debt, and pay costs of issuance. The company is ready for the City to issue its Health Care Facilities Refunding Revenue Bonds in the amount not-to-exceed \$9,200,000. In addition, the City received notice from the Tenant of its intention to exercise its purchase option on the Series II-A&B, 1997, and Series IV, 1999 bonds effective March 30, 2004, or soon thereafter.

The proceeds of the 2004 refunding bonds will be used to refinance and redeem Series II-B, 1997, currently existing debt, and pay costs of issuance. The Series II-B bonds originally financed the retirement community complex, which operates as Riverside Village, Inc., a subsidiary of Via Christi Health Systems, Inc. Riverside Health System was acquired by Via Christi Health Systems in October 2001.

The Series II-A bonds financed the family practice clinics. Concurrently with the issuance of the 2004 refunding bonds, Riverside also intends to use its cash reserves to redeem all outstanding Series II-A bonds and the 1999 bonds.

The City has received a check in the sum of \$1,000 from Via Christi Health System on January 29, 2004, representing the purchase price under the purchase option. Under the provisions of the Lease Agreement, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and all outstanding bonds are all other obligations of the Lease Agreement are met.

The firm of Hinkle Elkouri Law Firm, L.L.C. serves as bond counsel in the transaction. Gold Capital Management will underwrite the bonds and will re-offer the bonds for resale to the public. Riverside Village has complied with the Standard Conditions contained in the City's IRB Policy.

Riverside Village agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Riverside is not requesting a tax abatement of ad valorem property taxes on the project because they are exempt from taxes by virtue of their status as an exempt organization under Section 501(c)(3) of the Internal Revenue Code. Bond documents required for the issuance of the bonds have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans

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

Motion--

Fearey moved that the first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Health Care Facilities Refunding Revenue Bonds in an amount not-to-exceed \$9,200,000 be approved, the Resolution approving the Special Warranty Deed, Bill of Sale, the Termination and release of Lease Agreement and other necessary documents be adopted and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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RESOLUTION NO. 04-085

A Resolution of the City of Wichita, Kansas, approving the sale of certain facilities financed with the proceeds of Revenue Bonds of the City; approving the call and early redemption of said Revenue Bonds; authorizing the execution and delivery of (1) a Special Warranty Deed (2) a Bill of Sale, (3) a Termination and Release of Lease (4) a Satisfaction, Discharge and Release of Indenture, presented. Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Health Care Facilities Refunding Revenue bonds Series II, 2004, (Riverside Village, Inc.) in the aggregate principal amount of not to exceed \$9,200,000, for the purposes of refunding certain outstanding Hospital Facilities Improvement Revenue Bonds; authorizing the execution of a Trust Indenture by and between the City and UMB Bank, N.A., Wichita, Kansas, as Trustee; authorizing the City to lease the facility to Riverside Village, Inc., approving the form of a Guaranty Agreement and an Additional guaranty agreement; authorizing the execution of a Bond Purchase Agreement by and between the City, Riverside Village, Inc., Via Christi Health System, Inc., and Gold Capital Management, , Inc. as Underwriter; and authorizing the execution of a Tax Compliance Agreement relating to compliance with applicable provisions of the Internal Revenue Code of 1986, as amended, with respect to the Series II, 2004 Bonds, introduced and under the rules laid over.

PERFEKTA, INC.

PUBLIC HEARING AND TAX EXEMPTION REQUEST, PERFEKTA, INC. (DISTRICT VI)

Agenda Report No. 04-0167

Allen Bell

Economic Development Director reviewed the item.

Since 2000, the City Council has approved Economic Development tax exemptions to Perfekta, Inc. on three different occasions. The property tax exemption was for the acquisition of an existing building and for the purchase of additional machinery and equipment at Perfekta's manufacturing plant located at 480 E. 21st Street in northeast Wichita.

Since establishment, Perfekta has sustained consistent growth in manufacturing parts for the aerospace industry. Due to diversification of customer demand, Perfekta has expanded its manufacturing capacity, to include acquisition of new manufacturing equipment in the amount of \$1,583,001. Perfekta is requesting approval of an Economic Development Tax Exemption on acquisition of new manufacturing equipment in conjunction with the expansion project.

Perfekta, Inc., was locally formed in 1984. Perfekta, Inc. is a custom manufacturer, supplying precision machined and sheet metal parts to global customers of various industries, including companies in Europe, the Pacific Rim, and the Middle East. Sales have been primarily generated through demands in the aerospace industry; however, Perfekta also supplies parts to the medical and non-aerospace commercial markets. Perfekta is one of the largest minority owned businesses in the Wichita area. Perfekta's customer base has expanded from three local companies to more than 45 customers throughout the United States and worldwide. Perfekta's product mix has expanded from simple machining to more complex 4 & 5 configurations primarily in high speed machining. Additional services have been added such as assembly and kitting to support the growing need of its customer base. Perfekta has been recognized as an outstanding sub-contractor in the areas of quality delivery, and value and has won numerous awards from aerospace companies. The current equipment acquisition includes the purchase of a Makino MAG3 five-axis machining center and specialized tooling/fixtures to improve their manufacturing capabilities as a contract manufacturer.

Staff conducted a site-monitoring visit on January 27, 2004, and as a result of the 2002 expansion Perfekta had increased employment by 5 employees and was in compliance with all the terms and conditions under which the City granted the exemption. Perfekta currently employs 102 employees and

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projects to add an additional 11 new jobs over the next five years by expanding operations through acquisition of new manufacturing equipment. Perfekta exports 96% of its business outside of the State of Kansas.

Under the City's Business Incentives Policy, Perfekta, Inc. is eligible for the following:

TAX EXEMPTION ELIGIBILITY

<u>Eligible %</u>	<u>Incentive</u>	<u>Explanation</u>
24.00%	New Job Creation:	Perfekta will create at least 11 new jobs.
22.00%	Capital Improvements:	Perfekta will invest at least \$1,583,001.
46.00%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
48.00%	Export Premium:	Perfekta exports 96% of its product outside Kansas.
48.00%	Sub Total – Export Premium (Maximum allowed is 50%)	
20.00%	Location Premium: Perfekta is located in the central redevelopment area. (additional 20% allowed)	

100.00%TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY

Perfekta, Inc. is eligible for a 100% tax exemption for a five-year term on the identified personal property. A notice of public hearing has been published. Perfekta has agreed to comply with the conditions set forth in the Business Incentive Policy.

The estimated first year taxes on the proposed \$1,583,001 expansion would be \$38,538 on personal property, based on the 2003 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$38,538 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$10,821; County/State - \$10,282; and USD 259 - \$17,435.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.09 to one
Sedgwick County	1.82 to one
USD 259	1.72 to one
State of Kansas	3.38 to one

Mayor Mayans

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

Motion--
--carried

Fearey moved that the Ordinance granting a 100% tax exemption on the identified personal property improvements for a five year term, be placed on first reading. Motion carried 7 to 0.

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DR2004-00001

DR2004-00001-PROPOSED AMENDMENTS TO THE APRIL 19, 2001, EDITION OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (UZC), ARTICLE III-B.14.E AND ARTICLE IV-B, PERTAINING TO OUTDOOR PORTABLE STORAGE CONTAINERS AND TO SCREENING REQUIREMENTS.

John Schlegel

Planning Director reviewed the item.

Council Member Brewer momentarily absent.

Agenda Report No. 04-0168

MAPC Recommendations: (8-0)
Staff Recommendations: Recommended approval.
D.A.B. Recommendations: DAB II, DAB III, DAB IV, DAB V, AND DAB VI recommended approval; DAB I made no recommendation.

Regulations for the placement and use of portable storage containers were added to the Unified Zoning Code ("UZC") in 2001. The suppliers of these units have requested amendments to allow permanent placement of the containers and to lessen the restrictions on where the units can be placed on properties.

Currently, the containers must be within ten feet of the principal building in addition to meeting side and rear setback requirements and being a minimum of 20 feet from any abutting property zoned TF-3 or more restrictive. The proposed changes would allow the containers to be more than ten feet from the building, but only if the containers were screened in accordance with the UZC, and from view of residential zoning, or arterial streets by landscaping, berms, or by other nonresidential buildings. Also it increases the maximum size of units from 200 to 320 square feet for properties where the principal buildings are less than 3,200 square feet.

Currently, portable storage containers can only remain on an "LC" Limited Commercial property for a total of 120 days and must be removed for 60 days prior to being placed in the same location again. This amendment would allow permanent placement in "LC".

Additionally, the Office of Central Inspection (Central Inspection) has suggested licensing suppliers of the containers operating within the City instead of regulating the placement of individual portable storage containers. The proposed amendment would eliminate the requirement for the owner of the container to notify the zoning enforcement officer within 72 hours of placement of a portable storage container. Instead, Central Inspection would license the providers of the portable storage containers. Those suppliers who failed to meet code requirements could have their licenses reviewed by the Board of Code Standards and Appeals for possible suspension or revocation.

For portable storage containers purchased by individual businesses rather than leased, enforcement would be from observed or reported violations and would rely on the standard UZC enforcement remedies within the City.

The industry was instrumental in drafting the amendment. All district advisory boards have reviewed the proposed changes prior to presenting it to MAPC for consideration.

At the MAPC meeting held February 5, 2004, the MAPC voted (8-0) to recommend adoption of the amendment. Representatives of the portable storage container industry were present and spoke in support of the proposed amendment.

The proposed licensing ordinance for portable storage containers is being forward to the Wichita City Council to be considered concurrently with this request.

Mayor Mayans

Mayor Mayans inquired if there will be additional fees associated with the management or the supervision of the overseeing of these container units.

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- Kurt Schroeder Kurt Schroeder explained that they have to enforce their regulation today and do not see that it will cost anymore to regulate and that some of the tools and the licensing will help with making sure that things are properly placed.
- Council Member Fearey Council Member Fearey stated that there was discussion regarding this issue during her DAB meeting and that there were some concerns expressed. Stated that one of the concerns was if this would allow people to have travel trailers stored. Stated that if you are in the light commercial zoning you can have a display area 10 feet out from your building. Asked if these portable units are included in that.
- Kurt Schroeder Kurt Schroeder stated no, because they are considered storage and would be in the back of the building unless they are up against a sidewall or a rear wall within 10 feet of the building.
- Council Member Fearey Council Member Fearey stated that she would request that Staff come back to the DAB VI and let them ask some more questions and then give an update to Council after this has been in process for a year to see how it is working.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Darrell Nickel Mr. Nickel stated that he is with HOC Storage Systems and has spent a lot of time working with Staff on this issue and is in full agreement with the new amendments and strongly urge that this is passed.
- Motion-- Fearey moved to concur with the findings of the MAPC and approve proposed amendment to the Unified Zoning Code, with the inclusion of the residential usage; and also asking that this be brought back to the Council in one year for an update; and that the Ordinance be placed on first reading.
- carried Motion carried 7 to 0.

STORAGE CONTAIN. PORTABLE STORAGE CONTAINERS-ADOPTION OF ORDINANCE CREATING NEW CITY TITLE 3.10 SETTING FORTH LICENSING REQUIREMENTS FOR PORTABLE STORAGE CONTAINER CONTRACTORS/COMPANIES, COMPANION ORDINANCE TO UZC ARTICLE III-B.14E. AND ARTICLE IV-B AMENDMENTS UNDER DR2004-00001.

Agenda Report No. 04-0169

Kurt Schroeder Director of Central Inspection reviewed the item.

It is the recommendation of District Advisory Boards, the MAPC and staff that the proposed ordinance creating a license requirement for portable storage container companies by approved.

In mid 2001, after review and input was received from District Advisory Boards, the MAPC and the public, the City Council added new regulations to the Wichita-Sedgwick County Unified Zoning Code (UZC) regarding the use of outdoor portable storage containers. Due to the expanding use of such containers in the late 1990's, primarily in retail locations, the City began receiving complaints from citizens and neighborhood associations about their use, primarily related to their appearance/condition, the number placed on certain sites, and the highly visible location of some units.

The 2001 UZC amendments established new specific requirements for the placement, location and/or screening of portable storage containers in the "LC" Limited Commercial and more intensive zoning districts. In the "LC" Limited Commercial zoning district, portable storage container placement time frames and portable storage container area (square footage) limitations were also established. Furthermore, the amended UZC set forth a requirement that portable storage container companies notify the Office of Central Inspection (OCI) of any "LC" Limited Commercial zoning district portable storage container placements within 72 hours of placement, on a form furnished by OCI.

After adoption of the new regulations, OCI and the portable storage container rental/sales industry worked together quite closely to provide education for providers of portable storage containers, and to establish approval forms, procedures and enforcement protocols. However, in the spring of 2003, OCI issued several citations to portable storage container providers for failing to properly place certain portable storage containers, and/or to submit required placement/location notifications.

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Subsequent to issuance of these citations, OCI arranged for additional training and discussions with portable storage company operators and personnel at their request and with the permission of the City Manager's Office. Meetings between OCI and the portable storage container providers were held in August into early October. From these meetings came a number of suggested amendments to the UZC as related to PSC regulations (see March 2, 2004 City Council Meeting MAPD New Business Item regarding UZC amendment DR2004-00001), as well as a consensus to license portable storage container companies in lieu of having such providers provide the required placement "notifications" or to obtain permits for placement.

Suggested amendments were then presented to all District Advisory Boards for their review and input in November, December and January. All DABs generally supported the recommended changes to the UZC, as well as the new requirement/ordinance requiring licensing of the portable storage container companies.

On February 5, 2004, both the proposed UZC amendments and the portable storage container company licensing ordinance were presented to the MAPC for review and discussion, and the MAPC voted unanimously to recommend approval of the proposed amendments presented.

The proposed portable storage container company-licensing ordinance (Title 3.10) is being forwarded to the City Council for approval concurrently with the proposed UZC amendments.

Below is a synopsis of the proposed licensing ordinance:

- Defines portable storage containers and portable storage container contractors.
- Sets forth a specific requirement that persons or companies engaged in the selling, renting or otherwise providing portable storage containers, which involves in whole or in part the placement, location, erection, relocation alteration or affixing of portable storage containers, must obtain a license from the City to conduct such business.
- Exempts business and property owners who own their own containers from licensing, although still requiring them to place and locate such containers in accordance with the UZC.
- Establishes an initial and annual license fee of \$60.
- Establishes procedures for license review and/or probation, suspension or revocation hearings and appeals.
- Establishes enforcement authority and minimum enforcement and notification procedures.
- Sets forth other standard penalties for violation of portable storage container regulations.

There will be very limited financial cost to the City to implement the proposed licensing regulation. However, the annual licensing fees from portable storage container companies should generally recover the costs of licensure and any on-going enforcement.

Mayor Mayans

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

Motion-- carried

Fearey moved that the Ordinance creating Title 3.10 be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance creating Chapter 3.10 of the Code of the City of Wichita, Kansas, pertaining to licensing of portable storage container contractors, introduced and under the rules laid over.

KDOT NW BYPASS

RESOLUTION SUPPORTING THE KANSAS DEPARTMENT OF TRANSPORTATION NORTHWEST BYPASS PREFERRED CORRIDOR. (DISTRICT V)

Agenda Report No. 04-0170

Mayor Mayans momentarily absent, Vice-Mayor Fearey in the chair.

Chris Carrier

Interim Public Works Director reviewed the item.

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In 1999, a Major Investment Study (MIS) was completed to identify and evaluate potential transportation improvements in the northwest portion of the Wichita metropolitan area and to determine the need for (and feasibility of) a new transportation corridor between Kellogg/US 54 and K-96. For the last few years, the Kansas Department of Transportation has conducted a corridor location study that has involved numerous public meetings with citizens and various governmental entities.

The northwest quadrant of the Wichita metropolitan area is, and will continue to experience, increasing growth. The City's recent construction of a new sewage treatment facility in this area is further evidence of increasing development in this area. The construction of a freeway will accommodate growth and development in this quadrant of the community. Additionally, a new Bypass will improve access to business and residential development served by Kellogg/US 54 and K-96 further increasing economic development opportunities.

The Kansas Department of Transportation has now developed its preferred route for this highway, as shown on the map. City recommends that the City Council support this alignment so that we can begin to preserve the necessary rights-of-way. As stated in the Resolution, many issues will have to be worked out during detailed design, including such things as utility service to the N. W. Treatment Plant; the Dry Creek flood detention facility, and interchange/grade separation locations. City, County, and KDOT staff will have to work together through the design process on these issues.

There are no financial considerations.

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

Motion-- Martz moved that the City Council support the preferred corridor alignment and that the Resolution be adopted.

Council Member Fearey Council Member Fearey stated that she has concerns about this project. Stated that 21st Street over to Amidon used to be a very vital shopping area, then Twin Lakes opened and a lot of businesses on 21st Street moved into Twin Lakes, which caused businesses to struggle on 21st Street. Stated that Towne West was then built and the businesses left Twin Lakes and now the neighbors there and the property owners are faced with trying to come to terms with that changing area of the City. Stated that she is extremely concerned about the annexation bill that keeps floating around at the state level and if this year or the next several years something along those lines is passed and Wichita is not allowed to annex on out, this will not be an economic development for the City it will take economic development away from the City. Stated that she feels even though it is not on the books right now, that the state has more important things to spend its money on and that there are some intersection situations in the City such as I-235 and Central and Kellogg that should be addressed before the state does anything like this. Stated that it is not the alignment that she is going to vote against today but the process in general.

--carried Motion carried 6 to 1. (Fearey, no)

RESOLUTION NO. 04-086

A Resolution supporting the Kansas Department of Transportation Northwest Bypass Preferred Corridor, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 1. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. Nays: Fearey.

CUSTOMER SERV. CUSTOMER SERVICE TRAINING.

Lori Wilkerson Interim Personnel Director reviewed the item.

Agenda Report No. 04-0171

In 2002 the City of Wichita initiated a customer service training program in an effort to promote a commitment of better relationship building between the City and the customers they serve, external as well as internal. This initiative was designed to revive the customer service culture at the City and to provide employees with the skills necessary to meet and exceed customers' expectations. Since every

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City employee has the potential to come in contact with customers at many different levels, the program was designed as a citywide initiative with the goal of training every City employee. This program trained approximately 50% of the City's employees before the contract ended in May 2003.

Since that time, the City developed a new Request for Proposal (RFP) to hire a vendor to train the remaining employees. This proposal will provide training for all departments until all employees have completed the course.

Analysis: More and more businesses are realizing that a stronger emphasis on customer service is the true key to the success of any organization, and the same is true for the City of Wichita. Improved service leads to better response, greater efficiency, and better perceptions. The City deals with many different types of customers and provides different types of services, such as:

- § Providing information
- § Giving advice
- § Receiving and passing on messages
- § Dealing with problems
- § Dealing with upset customers

With that in mind the Selection Committee focused on obtaining a vendor that would be able to address our particular customer service needs.

Committee's of staff and non-staff members reviewed the proposals and interviewed the top three vendors. The selection process identified the Center for Management Development (CMD) as the qualified vendor to provide customer service training to the remaining employees. The selection of CMD provides not only a quality and well-respected customer service program, but also offers the City several benefits over the other vendors. Since CMD was the vendor selected for the 2002 customer service program, it will continue the initiative and investment already in place and provide a more uniform and consistent program for the remaining employees. CMD also offers the opportunity for employees to attend training at an off-site location, thus providing a more conducive learning experience in an uninterrupted environment.

Funding for the program is budgeted in the 2004 General Fund – Employee Training Development (220335), with a not to exceed cost of \$82,900.

The Law Department will review and approve the contract as to form.

- Mayor Mayans Mayor Mayans stated that a couple of members expressed concerns regarding the off-site location having been viewed by some to mean that others in the RFP process may not have had the opportunity to be selected if they did not have the continuity of the off-site location.
- Lori Wilkerson Lori Wilkerson explained that in the proposal they offered the option to the vendors that they could utilize the City's 10th floor training facility or they could provide the option of an off-site facility. Stated that CMD offered an off-site facility but that was not part of their ranking criteria. Their ranking criteria was based on years of experience, course objectives, outlines, etc. and that she had put that in the green sheet that that was an option that they did provide to the City of Wichita.
- Council Member Schlapp Council Member Schlapp stated that she has a lot of questions and a lot of questions have been asked of her on this issue and she would like to see this item be deferred until the Council has more information.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion- Schlapp moved to defer this item for two weeks until the Council has further information and to resolve some of the questions; and that Staff meet with the Council to answer any questions and concerns.
--carried Motion carried 7 to 0.

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EXTENDED SPECIALS EXTENDED SPECIAL ASSESSMENT FINANCING.

Agenda Report No. 04-0172

Terry Cassady

City Managers Office reviewed the item.

The City Council approved implementation of a one-year pilot program to determine the impacts of extended 20-year special assessment financing for prospective new developments and existing Wichita neighborhoods without municipal infrastructure on November 18, 2003. Committee members were appointed by the City Council on December 16, 2003 to review the applications for the pilot program and recommend either approval or denial.

During the review of the first application received, there was confusion over the understanding of one of the components used to determine eligibility of projects for the pilot program. The confusion pertains to the definition of "new" projects. Staff believed that projects would be considered that were submitted to the City after the Council's approval of initiating the pilot program (November 18, 2003) and hadn't been submitted for any city approvals (platting, for example). The developers on the committee believed that a "new" project was one for which bonds hadn't yet been sold.

It is necessary that bids be received before applications are submitted to ensure that the actual construction costs are known. In addition, there are administrative costs and interest that are added to the bids to constitute the total statement of costs. The committee concurs that projects which have statements of cost that are issued after January 1, 2004 should be eligible for consideration for approval of the 20-year special assessment financing. Projects at this point may have been underway for a long time and have definable, precise costs established but haven't been scheduled for bond sale. Using the statement of costs as a threshold for determining eligibility for submittal of an application for review and approval or denial for participation in the pilot program provides fairness to all developers. The committee is seeking City Council approval to use the statements of cost as the point at which applications for 20-year special assessment financing can be submitted to the committee.

Special assessment debt is a component of City General Obligation debt repaid by taxing specific benefit districts. Special assessment debt (meeting the criteria) will be spread over twenty years to property owners and will be payable at the same time as property taxes. The effect of extending the term will increase the aggregate amount of debt (new debt will be added faster than old debt will be retired) and will increase the interest cost to both property owners and the City of Wichita (longer maturity debt typically carries a higher interest rate).

The terms and conditions for implementation of this program are a policy matter to be determined by the governing body.

Council Member Gray

Council Member Gray stated that he is glad to see this come into fruition and has been a strong advocate of this since the beginning for several reasons. One primary reason is the ability to alleviate some hardship on situations like the Council saw this morning, with people residing within the internal boundaries of the City of Wichita, trying to improve their benefit district. Stated that he would like to see this made available to the Hoover Project that was deferred for two weeks earlier this morning.

Kelly Carpenter

Kelly Carpenter stated that they would just need to change that date from January 1, 2004, to December 15, 2003, as a statement of cost date because if not, she thinks that there might be a problem where people would continually be coming in and asking for exceptions if the actual project hadn't been sold for bonds.

Mayor Mayans

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

Motion--

Gray moved that the committee be authorized to accept applications for 20-year special assessment financing on projects with statements of cost issued after December 15, 2003.

--carried

Motion carried 7 to 0.

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CITY COUNCIL AGENDA

BOARD APPTS.

BOARD APPOINTMENTS.

Motion--
--carried Mayans moved to appoint Council Member Paul Gray to the Wichita Area Technical College Governing Body. Motion carried 7 to 0.

Motion--
--carried Fearey moved to appoint to the 21st Street North Corridor Central Sector Steering Committee, the following: Paul Daemen and Bickley Foster; to the Central Advisory Committee, the following: Richard Caldwell, Darin Cox, Stephen Donowick, Butch Fosdick, Deborah Harris, Sheldon Kamen, Derek Kennedy, David Kieu, Angel Lopez, John Michlitsch, Dennis Sanders, Johnny Stevens, and Irma Whitehill; to the West Sector Steering Committee, the following: Jay Escobar and Jessi Viurquez; to the West District Advisory Committee, the following: Jim Basham, Carolyn Bemotez, Rita Chavez, Don Checots, Jorge Della Costa, Monique Garcia, Tony Madrigal, Deb Marquez, Mike Padilla, Davidson Pham, Charlie Rivera, Ronald Rosales, Stephanie Rosales and Rene Tario.
Motion carried 7 to 0.

Motion--
--carried Brewer moved to appoint to the 21st Street North Corridor East Sector Advisory Committee, the following: Bob Alford, Greg Barnes, Mary Jo Bond, Teresa Brown-Foster, Reverend Earl Burkhalter, William Burton, Reverend Junius Dotson, Bonita Gooch, Kevass Harding, Elder Charles Maxey, Carrie Jones-Williams, Eric Sexton, Don Sherman and Paul White; to the Steering Committee at large Ex-Officio, the following: Carl Brewer, Sharon Fearey, Bob Hernandez, John Gist, Frank Choriego, Charlie Rivera, and Marjie Morton; to reappoint Dave Wells to the MAPC and the naming of Fire Station 10, Debra Miller and Londale Sills. Motion carried 7 to 0.

Motion--carried Martz moved to appoint Ann Welborn to DAB V. Motion carried 7 to 0.

TRAVEL EXPENSES **APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBERS TO ATTEND LEAGUE OF KANSAS MUNICIPALITIES ANNUAL CONFERENCE IN OVERLAND PARK, OCTOBER 2-5, 2004.**

Motion--carried Mayans moved that the expenditures be approved. Motion carried 7 to 0.

CONSENT AGENDA

Motion--carried Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 1, 2004.**

Bids were opened February 13, February 20 and February 27, 2004, pursuant to advertisements published on:

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

2004 Contract maintenance diamond grinding of Hydraulic, Pawnee to I-135 - north of I-135, on Hydraulic. (472-83920/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Penhall Co. – Highway Services - \$144,000.00 (Negotiated to Engineer's Estimate)

2004 Contract maintenance street repair & quickset slurry seal, Phase 2 - north of US-54, east of 119th Street West. (472-83918/131532/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District V)

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Beachner Construction - \$684,646.32 (Engineer's Estimate)

2004 Contract maintenance asphalt mill & overlay - north of Harry, east of Meridian. (472-83922/132716/620398/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI)

Cornejo & Sons Construction - \$368,000.00 (Engineer's Estimate)

Water distribution system to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (448-89910/735169/470839) Does not affect existing traffic. (District V)

Nowak Construction - \$45,745.05

Water distribution system to serve Harvest Ridge Addition - south of 31st Street South, west of Maize. (448-89849/735161/470831) Does not affect existing traffic. (District V)

Nowak Construction - \$64,477.06

Water distribution system to serve Rivendale Addition - south of 55th Street South, west of Hydraulic. (448-89887/735160/470830) Does not affect existing traffic. (District III)

Nowak Construction - \$55,003.87

Main 15 Four Mile Creek Sewer - along Greenwich Road north approx. 600 ft. south of Bayley to Kellogg. (468-83586/624504/699004) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Wildcat Construction - \$1,244,955.00

2004 Contract maintenance bridge deck resurfacing of the Harry Street Bridge over Gypsum Creek – east of Woodlawn, on Harry. (472-83919/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Dondlinger & Sons - \$137,925.00

Improving 119th Street West from 160 ft. south of 17th Street North to 360 ft. south of 21st Street North to provide 2 and 3 lanes with center left turn lane, median, drainage and landscaping - 119th Street West from 17th Street North to 21st Street North. (472-83890/706875/204341) 119th closed to thru traffic for a period of approx. (6) eight weeks. Contractor to maintain access for local traffic.. (District V)

Ritchie Paving - \$820,283.31 (Subject to KDOT approval)

Victoria Court from Victoria east to and including the cul-de-sac to serve Lots 8 through 19, Block C; Mona from Hydraulic west to the west line of Lot 18, Block A; Ellis from Pattie north to Mona; Victoria from the south line of Lot 6, Block E, north to Mona; Mona Court from Mona north to and including the cul-de-sac; Sidewalk along one side of Mona and Victoria to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (472-83866/765833/490944) Does not affect existing traffic. (District III)

APAC – Kansas Inc. - \$198,472.25

Lateral 15, Main 19, Southwest Interceptor Sewer to serve Ridge Addition - north of 37th Street North, west of Ridge. (468-83736/744024/480712); AND Water Distribution System to serve Ridge Addition - north of 37th Street North, west of Ridge. (448-89898/735159/470829) Does not affect existing traffic. (District V)

McCullough Excavation - \$144,850.00

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Camden Chase from the east line of Peckham to the southwest corner of Lot 1, Block 2, Hawthorne Second Addition; Sidewalk on both sides of Camden Chase from the east line of Peckham to the southwest corner of Lot 1, Block 2 to serve Hawthorne & Hawthorne Second Additions - north of 21st Street North, east of 127th Street East. (472-83849/765830/490941) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$277,003.00 (Negotiated to Engineer's Estimate)

Camden Chase from the southwest corner of Lot 1, Block 2 to the east line of Lot 8, Block 2, Hawthorne Second Addition; Sidewalk constructed on both sides of Camden Chase from the southwest corner of Lot 1, Block 2 to the east line of Lot 8, Block 1 to serve Hawthorne & Hawthorne Second Additions - north of 21st Street North, east of 127th Street East. (472-83829/765828/490939) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$93,830.20

Rosemont from the north line of Camden Chase to the north line of Mainsgate Circle; Rosemont Courts serving Lots 1 to 16, Block 1, Hawthorne Second Addition from the west line of Rosemont to and including the cul-de-sac; Mainsgate Circle serving Lots 17 to 28, Block 1, Hawthorne Second Addition from the west line of Rosemont to and including the cul-de-sac. Sidewalk on one side of Rosemont from Camden Chase to the north line of Mainsgate Circle to serve Hawthorne & Hawthorne Second Additions (north of 21st Street North, east of 127th Street East) (472-83829/765827/490938) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$164,236.50

Asphalt parking lot north of Central Maintenance Facility - 1801 South McLean Blvd. (472-83952/130807/) Does not affect existing traffic. (District IV)

Cornejo & Sons Construction - \$61,372.85

20th Street North from the east line of Hydraulic to the west line of Piatt to serve Parkview Addition - south of 21st, east of Hydraulic. (472-83651/468-83615/765760/ 620374/490871/663495) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Cornejo & Sons Construction - \$106,266.50

St. Paul from the north line of 44th Street South to the south line of Lot 52, Block 2; St. Paul Court serving Lots 4 through 19, Block 6, from the east line of St. Paul to and including the cul-de-sac; Sidewalk on one side of St. Paul from 44th Street South to the south line of Lot 52, Block 6 to serve The Legacy Addition - north of 47th Street South, west of Meridian. (472-83892/765835/490946) Does not affect existing traffic. (District IV)

Cornejo & Sons Construction - \$89,856.00

Parkdale from the south line of Lot 1, Block 1, to the north line of Lot 26, Block 1; Bristle Cone from the west line of Lot 1, Block 2, to the north line of Lot 7, Block 2; Bristle Cone Circle from the east line of Lot 1, Block 1, to and including the cul-de-sac; Lantana from the west line of Lot 14, Block 2, to the south line of Lot 8, Block 2; Lantana Court from the east line of Lot 14, Block 1, west to and including the cul-de-sac; Sidewalk on the east side of Parkdale, the south side of Bristle Cone and the north side of Lantana to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (472-83782/765836/490947) Does not affect existing traffic. (District V)

Kansas Paving Company - \$263,388.30

Storm Water Sewer #589 to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (468-83640/751353/485244) Does not affect existing traffic. (District V)

Nowak Construction - \$83,781.00

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Storm Water Sewer #601 to serve Ridge Addition - north of 37th Street North, west of Ridge. (468-83737/751350/485241) Does not affect existing traffic. (District V)

Utility Contractors - \$83,830.00

Lake Ridge from the north line of 37th Street North to the south line of Lot 27, Block 1; Lake Ridge Court from the west to Lake Ridge, west and including the cul-de-sac; Lake Ridge Court from the east line of Lake Ridge east to and including the cul-de-sac; Havenhurst Circle from the west line of Lake Ridge, west to and including the cul-de-sac; Sidewalk installed along the east and north sides of Lake Ridge from the north line of 37th Street North to the north line of Lot 7, Block 2 to serve Avalon Park Addition (north of 37th Street North, east of Tyler) (472-83835/765840/490951) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$278,521.95

Storm Water Drain #213 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83693/751358/485249) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$137,745.00

Lateral 41 Main 15 Southwest Interceptor Sewer to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (468-83755/744038/480726) Does not affect existing traffic. (District V)

Mies Construction - \$120,806.00

Storm Water Drain #222 to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (468-83756/751361/485252) Does not affect existing traffic. (District V)

Nowak Construction - \$410,393.00

Water Distribution System to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (448-89912/735171/470841) Does not affect existing traffic. (District V)

Mies Construction - \$61,959.00

Peckham from the north line of Lot 5, Block 1, to the east line of 127th Street East; Mainsgate Circle serving Lots 2 through 14, Block 2, from the east line of Peckham to and including the cul-de-sac; Sidewalk on one side of Peckham from the north line of Lot 5, Block 1, to the east line of 127th Street East to serve Hawthorne Addition - south of 21st Street North, east of 127th Street East. (472-83638/765829/490940) Does not affect existing traffic. (District II)

Kansas Paving Company - \$181,447.00

Storm Water Drain #191 to serve Hawthorne Addition - south of 21st Street North, east of 127th Street East. (468-83517/751360/485251) Does not affect existing traffic. (District II)

Kansas Paving Company - \$122,265.00

Lateral 348 Four Mile Creek Sewer to serve Woodland Lakes Estates 3rd Addition -north of Harry, west of 127th Street East. (468-83591/744039/480727) Does not affect existing traffic. (District II)

Mies Construction - \$30,490.00

Motion--

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

--carried

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POLICE DEPARTMENT/OPERATIONS DIVISION: Police Bomb Truck – 26,000 GVWR.

Roberts Truck Center - \$134,495.00 (Group 1/Total Net Bid)

PARK DEPARTMENT/GOLF DIVISION: Fertilizers, Herbicides, Insecticides.

Refer to Exhibit B for pricing

PARK DEPARTMENT/MAINTENANCE DIVISION: Herbicides.

BWI Springfield - \$168.00 (Group 1/Total Net Bid)

Van Diest Supply Co. - \$2,040.00 (Group 2/Total Net Bid)

The Greenkeeper Co. - \$2,625.00 (Group 3/Total Net Bid)

Van Diest Supply Co. - \$2,198.68 (Group 4/Total Net Bid)

Vegetation Management Supply Inc. - \$2,715.60 (Group 5/Total Net Bid)

\$3,673.60 (Group 6/Total Net Bid)

Estes Inc. - \$1,203.00 (Group 7/Total Net Bid)

Van Diest Supply Co. - \$3,323.95 (Group 8/Total Net Bid)

\$1,317.60 (Group 9/Total Net Bid)

AGRO Distribution LLC dba Prosource one - \$1,480.00 (Group 10/Total Net Bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Automotive and Commercial Batteries.

Allied Battery Supply Company - \$57,651.50* (Group 1/Total Net Bid)

- (\$ 500.00) (Group 1/Option 1)

- (\$ 4,200.00) (Group 1/Option 2)

*See Exhibit C for itemized contract pricing

HEALTH DEPARTMENT: ENVIRONMENTAL DIVISION: Private Lot Mowing.

Commercial Lawn Management Co. - \$31.64 (Mowing and trimming 0 – 1/2 acre/per lot)

\$38.00 (Mowing and trimming 1/2 – one acre/per lot)

\$36.00 (Mowing and trimming over one acre/per acre)

\$40.00 (Mowing and trimming railroad rights-of-ways/per acre)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Glass Beads for Traffic Line Paint.

Flex-O-Lite Inc. - \$0.2310 (Per pound)

PARK DEPARTMENT/MAINTENANCE DIVISION: Mow, Trim and Maintenance of Cemeteries.

Green Thumb Lawn & Landscaping - \$1,100.00* (Highland Cemetery/per each)

\$ 125.00* (Jamesburg Cemetery/per each)

*Subject to inspection of equipment by Staff

AIRPORT DEPARTMENT/MAINTENANCE DIVISION: Two Each New Current 2004 Model Full Size 1/2 Ton, Crew Cab Pickup Truck, 4 x 4.

Rusty Eck Ford* – \$26,293.10 (Each)

*Purchases under Ordinance No. 35-856, Section 2.64.020 (d) - No Bids Received. In those instances when no bids have been received after formal advertising, the Purchasing Manager is authorized to negotiate those purchases subject to ratification and approval by the Governing Body.

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David Bullington Wal-Mart Supercenter #1099 501 East Pawnee

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

Motion--
--carried

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

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2004 sanitary sewer rehabilitation Phase A (various locations) - east of Meridian, south of 13th. (468-83752/620397/664517) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV) - \$300,000.00
- b) 2004 contract maintenance area, concrete street repairs Phase 3 - north of Lincoln, east of Hillside. (472-83914/132716/620398/) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$198,750.00
- c) Storm Water Drain #212 to serve Crystal Creek Addition - north of Harry, west of Greenwich. (468-83679/751345/485236) Does not affect existing traffic. (District II) - \$400,000.00
- d) 2004 sanitary sewer reconstruction, Phase 2 (various locations) - east of Seneca, south of 21st Street. (468-83751/620396/664516) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, VI) - \$295,000.00
- e) Storm Water Drain #221 to serve Northridge Plaza Addition - north of 37th Street North, west of Ridge. (468-83739/751357/485248) Does not affect existing traffic. (District V) - \$175,000.00
- f) Lateral 8, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83688/744036/480724) Does not affect existing traffic. (District V) - \$133,000.00
- g) Water distribution system to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89866/735168/470838) Does not affect existing traffic. (District V) - \$83,400.00
- h) Falcon from the east line of Lot 7, Block B, east to the west line of Dellrose; Dellrose from the east line of Falcon, north to the south line of Willow Point; Falcon Court from the south line of Falcon, south to and including the cul-de-sac; Dellrose Circle from the south line of Dellrose, south to and including the cul-de-sac; Sidewalk constructed on one side of Falcon and on one side of Dellrose to serve Eagles Landing at North Oliver Third Addition - south of 45th Street north, west of Oliver. (472-83898/765837/490948) Does not affect existing traffic. (District II) - \$263,000.00
- i) Storm Water Sewer #595 to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (468-83719/751349/485240) Does not affect existing traffic. (District IV) - \$460,000.00

Motion--carried

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

HAWTHORNE ADD. STORM WATER DRAIN FOR HAWTHORNE ADDITION, NORTH OF 21ST, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 04-0173

On October 22, 2002, the City Council approved a Petition to construct a storm water drain to serve Hawthorne Addition. An attempt to award a contract within the budget set by the petition was not successful. The developer has submitted a new Petition with an increased budget. The Petition has

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been signed by 11 of 12 owners of property in the improvement district. The only non-signer is the spouse of a signer who is unavailable to sign the Petition.

The project will serve a new residential development located north of 21st, east of 127th Street East.

The existing Petition totals \$110,000. The new Petition totals \$169,000. The funding source is special assessments.

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

Motion--carried

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

RESOLUTION NO. 04-087

A Resolution amending Resolution No. 02-478 pertaining to Storm Water Drain No. 191 (north of 21st Street, east of 127th Street East) 468-83517, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

TRAFFIC SIGNALS

INSTALL TRAFFIC SIGNALS AT MAIZE AND CENTRAL PARK STREET, NORTH OF 21ST STREET. (DISTRICT V)

Agenda Report No. 04-0174

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

The project will provide signalized access to a new retail development located west of Maize, north of 21st.

The Petition totals \$90,000, with \$78,000 assessed to the improvement district and \$12,000 paid by the City-at-Large. Funding for the City share is included in the 2004 Capital Improvement Program. The funding source for the City share is General Obligation Bonds.

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

Motion--carried

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

RESOLUTION NO. 04-088

Resolution of findings of advisability and Resolution authorizing improving a traffic signal at the intersection of Maize Road and Central Park Street (north of 21st Street, west of Maize) 472-83957, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SOUTHERN RIDGE

PAVE MAIZE COURT IN SOUTHERN RIDGE ADDITION, WEST OF MAIZE, SOUTH OF PAWNEE. (DISTRICT IV)

Agenda Report No. 04-0175

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

The project will provide paved access to a new residential development located west of Maize, south of Pawnee.

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The Petition totals \$119,000. The funding source is special assessments.

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

Motion--carried

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

RESOLUTION NO. 04-089

Resolution of findings of advisability and Resolution authorizing improving Maize Court, from the west line of Maize Road, to and including Hammerhead cul-de-sac, to serve Lots 1 through 12, Block C (west of Maize, south of Pawnee) 472-83956, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

EVERGREEN 4TH ADD PAVING, SANITARY SEWER, STORM WATER SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE EVERGREEN FOURTH ADDITION, SOUTH OF 29TH STREET NORTH, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 04-0176

On November 4, 2003, the City Council approved Petitions for paving, sanitary sewer, storm water sewer, and the water distribution system in Evergreen 4th Addition. The developer has submitted new Petitions to reflect changes to the lot layout within the addition. The signature on the new Petitions represents 100% of the improvement districts.

These projects will serve a new residential development located south of 29th Street North, west of Maize.

The Petitions total \$919,400. The funding source is special assessments.

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

Motion--carried

Mayans moved that the petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-090

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89831, (south of 29th Street North, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-091

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Northwest Interceptor Sewer, 468-83639, (south of 29th Street North, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-092

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 589, (south of 29th Street North, west of Maize) 468-83640, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-093

Resolution of findings of advisability and Resolution authorizing improving Parkdale from the south line of Lot 1, Block 1, to the north line of Lot 26, Block 1; on Bristle Cone from the west line of Lot 1, Block 2 to the north line of Lot 7, Block 2; on Bristle Cone Circle from the east line of Lot 1, Block 1; to and including the cul-de-sac; on Lantana from the west line of Lot 14, Block 2, to the south line of Lot 8, Block 2; on Lantana Court from the east line of Lot 14, Block 1, west to and including the cul-de-sac. Sidewalk constructed on the east side of Parkdale, the south side of Bristle Cone and the north side of Lantana, (south of 29th Street North, west of Maize) 472-83782 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WATERFRONT ADD. SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE THE WATERFRONT ADDITION, NORTH OF 13TH, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 04-0177

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

These projects will provide sanitary sewer and water service to a new commercial development located north of 13th, east of Webb.

The Petitions total \$29,000. The funding source is special assessments.

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

Motion--carried

Mayans moved that the petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-094

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89920 (north of 13th Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-095

Resolution of findings of advisability and Resolution authorizing construction of Lateral 45, Main 24, War Industries Sewer, 468-83773, (north of 13th Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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BOARDS MINUTES **MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

District V Advisory Board Minutes, November 3, 2003
District V Advisory Board Minutes, December 1, 2003
Police & Fire Retirement System Meeting, December 17, 2003
Wichita Airport Advisory Board, January 12, 2004
Community Services Block Grants (CSBG) Review Committee, January 20, 2004
Design Council, January 22, 2004
Wichita Public Library, January 20, 2004
Office of Central Inspection, February 2, 2004

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

STREET CLOSURES **CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closure requests submitted.

4thQTR. FINANCIAL **FOURTH QUARTER FINANCIAL REPORT, FISCAL YEAR 2003.**

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

CLAIMS **REPORT ON CLAIMS ALLOWED--JANUARY, 2004:**

<u>Name of Claimant</u>	<u>Amount</u>
Connor, Florence	\$175.00
Jones, Lisa	\$515.66
Ollenburger, Jessica M.	\$790.76**
Pickard, Doug	\$175.53
Rainbows United Inc.	\$161.77
Wiebe, Garth	\$12.00

**Settled for lesser amount than claimed.

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

e-CIVIS GRANTS **CONTRACT RENEWAL-eCIVIS GRANTS LOCATOR.**

Agenda Report No. 04-0178

The City has a contract with eCivis LLC to provide the eCivis Grants Locator system for City departments. The eCivis Grants Locator system is an Internet-based grant locator system specifically designed for use by cities and counties. The eCivis Grants Locator system provides one-stop electronic shopping for federal, state and private foundation grants. The eCivis Grants Locator provides expert information on grants in real time with on-line grant application kits, on-line grant forms and related information before it is published. The eCivis Grant Locator system is designed for and used by over 300 cities and counties in the United States.

The City currently has ten City departments using the eCivis Grant Locator system. City departments reviewed over 1,325 grants during 2003 using the eCivis system. The eCivis system enhances the lead-time available for important grant programs allowing additional time to locate grant matches and prepare grant applications. The eCivis Grants Locator system simplifies eligibility criteria, provides application deadlines, funds available, contact persons and related information in an easy to understand format for City staff.

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The eCivis system has been provided to operating departments at no additional cost as a value added service to encourage full utilization of the eCivis Grants Locator system. The cost for the renewal is \$10,197. Funds are available in the Controller's budget to pay for the renewal. The costs will be reallocated through the citywide cost allocation plan.

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

EAGLES LANDING AGREEMENT TO RESPREAD ASSESSMENTS: EAGLES LANDING AT NORTH OLIVER THIRD ADDITION, SOUTH OF 45TH STREET NORTH AND WEST OF OLIVER. (DISTRICT I)

Agenda Report No. 04-0179

The landowner, Leewood Homes, Inc., platted Eagles Landing at North Oliver 3rd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a water distribution system. The purpose of the Agreement is to respread special assessments on a fractional basis for one lot. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

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

EASEMENT ENCRCH EASEMENT ENCROACHMENT AGREEMENT. (DISTRICT II)

Agenda Report No. 04-0180

The Agreement allows Eck Properties, Inc., to occupy and construct, improvements on, over, and across a public utility easement 10 feet in width described as running north along the westerly boundaries of Rusty Eck Ford Addition beginning at a point 162.26 feet north and 270 feet east of the southwest corner of Lot 1, Block 1, Rusty Eck Ford Addition; hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement.

The improvement is a concrete wall in the above said 10-foot utility easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

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

FOX RIDGE ADD. SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR FOX RIDGE ADDITION, NORTH OF 29TH STREET, BETWEEN MAIZE AND TYLER. (DISTRICT II)

Agenda Report No. 04-0181

The City Council approved the project on August 5, 2003. On September 16, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the paving improvements. The Design Agreement with MKEC requires MKEC to provide construction-engineering services if requested by the City.

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The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for improvements in Fox Ridge Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction-engineering for this project.

Payment will be on a lump sum basis of \$44,225 and will be paid by special assessments.

Motion--
-- carried

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

**ESCROW AGRMNT. ESCROW AGREEMENT: LEFT TURN LANE ON MAPLE, WEST OF RIDGE.
(DISTRICT V)**

Agenda Report No. 04-0182

As a condition of platting, the developer of Ashley Park Towne Centre Addition has submitted an Escrow Agreement to provide funding for a left turn lane on Maple, west of Ridge, when warranted by traffic conditions.

The term of the Agreement is three years. It has been signed by the Target Corporation and will be held by O'Rourke Title Company.

The Escrow Agreement amount is \$15,000.

Motion--
-- carried

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

**CARGILL, INC. AGREEMENT BETWEEN THE CITY OF WICHITA, CARGILL INC. AND HORIZON
MILLING FOR CONSTRUCTION EASEMENT. (DISTRICT VI)**

Agenda Report No. 04-0183

Horizon Milling is located on the southwest corner of 13th Street and the Central Rail Corridor project (PROJECT). It currently has siding tracks that provide rail service to its facilities. Because of the construction of the PROJECT, its existing siding tracks must be reconstructed.

The City's contractor, as a part of the PROJECT, will reconstruct the siding tracks. The AGREEMENT provides construction easements from both Cargill, Inc. and Horizon Milling that will allow the contractor to work on their properties.

Horizon Milling will also be required modify its plant to accommodate the reconstructed siding tracks. The AGREEMENT provides the City will reimburse Horizon for its actual cost to modify its south doors (manual gate), relocate fencing, and modify an alarm system in an amount not to exceed \$77,141.

Funds are available in the existing PROJECT budget for this expense. The PROJECT is in the approved 2004-2013 CIP (Project RR-19001).

Motion--
-- carried

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

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MAINS 20

SANITARY SEWER EASEMENT AND AGREEMENT FOR MAINS 20, SOUTHWEST INTERCEPTOR SEWER LOCATED SOUTH OF 21ST STREET, AND WESTERLY OF ZOO BLVD IN BASIN 4. (DISTRICT V)

Agenda Report No. 04-0184

The City Council approved the Basin 4 sanitary sewer projects on November 28, 2000. The sanitary sewer projects include the construction of a main sanitary sewer (Main 20, Southwest Interceptor Sewer) to serve the portion of the drainage basin roughly bounded by Hoover Road, K-96, West Street, and 21st Street.

An easement across the Sedgwick County Zoo 2nd Addition is necessary for the construction of the main sewer. The easement/agreement, which has been signed by the County, and will go into effect upon signing and recording. The easement/agreement provides the necessary easement for the sewer and as part of the agreement, requires restoration of areas disturbed by construction operations. Such site restoration is typical of City of Wichita construction projects and is not out of the ordinary.

There are no financial considerations.

Motion--
-- carried

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

WATERFRONT ADD.

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING IN THE WATERFRONT ADDITION, NORTH OF 13TH, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 04-0185

The City Council approved the project on February 11, 2003. On March 4, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the landscape improvements. The Design Agreement with MKEC requires MKEC to provide construction-engineering services if requested by the City.

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

Payment will be on a lump sum basis of \$21,500 and will be paid by special assessments.

Motion--
-- carried

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

K-96 BIKE PATH

SUPPLEMENTAL AGREEMENT FOR K-96 BIKE PATH FROM OLIVER TO GROVE PARK. (DISTRICT I)

Agenda Report No. 04-0186

On January 4, 2000, the City approved an Agreement with Ruggles & Bohm, P.A., (R&B) for the design of a bike path along the K-96 Expressway from Oliver to Grove Park. The project is financed by a combination of City General Obligation Bonds and Federal Funds administered by the Kansas Department of Transportation (KDOT). On February 8, 2000, the City entered into Agreement with KDOT for construction funding. The Design Agreement with R&B requires R&B to provide construction-engineering services if requested by the City. On October 16, 2001, the City entered into an Agreement with R&B for construction engineering services for a fee of \$28,936.72.

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Because of the time lapse from the original agreement, as a result of the unsuccessful first bid of the project, R&B has asked for additional fees.

KDOT has prepared a Supplemental Agreement, which provide for them to reimburse the City 80% of the cost of construction engineering services, which has an upper limit of \$40,080.69. The City's share will be 20%, which is \$8,016.13.

Motion--
-- carried

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

SCHWAB-EATON

SUPPLEMENTAL AGREEMENT WITH SCHWAB-EATON, P.A. FOR IMPROVEMENTS TO SOUTHEAST BOULEVARD, K-15 HIGHWAY, 31ST STREET SOUTH TO I-135 EXPRESSWAY. (DISTRICT III)

Agenda Report No. 04-0187

On April 17, 2001, the City approved an Agreement with Schwab-Eaton, P.A. for designing improvements to Southwest Boulevard from 31st Street South to I-135. The fee was \$23,480.

Schwab-Eaton has been asked by the Kansas Department of Transportation (KDOT) to make some revisions to the plans (closing a driveway and adding a new combined driveway). This resulted in redesign of the storm water sewer system. The proposed Supplemental Agreement between the City and Schwab-Eaton provides for additional design services.

Payment will be on a lump sum basis of \$4,000 and will be paid by General Obligation Bonds.

Motion--
-- carried

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

HARBOR ISLE

DESIGN SERVICES AGREEMENT - HARBOR ISLE THIRD ADDITION, EAST OF MERIDIAN, SOUTH OF 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 04-0188

The City Council approved the project on October 21, 2003.

The proposed Agreement between the City and Poe & Associates of Kansas, Inc. provides for the design of bond financed improvements in Harbor Isle 3rd Addition. Per Administrative Regulation 7a, staff recommends the selection of Poe as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$77,600, and will be paid by special assessments.

Motion--
-- carried

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

EAGLES LANDING

DESIGN SERVICES AGREEMENT - EAGLES LANDING AT NORTH OLIVER SECOND AND THIRD ADDITIONS, WEST OF OLIVER, SOUTH OF 45TH STREET SOUTH. (DISTRICT I)

Agenda Report No. 04-0189

The City Council approved the project on December 16, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements in Eagles Landing at North Oliver 2nd and 3rd Additions. Per

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Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$34,600, and will be paid by special assessments.

Motion--
-- carried

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

HARVEST RIDGE

DESIGN SERVICES AGREEMENT - HARVEST RIDGE ADDITION, WEST OF MAIZE, SOUTH OF 31ST STREET SOUTH. (DISTRICT IV)

Agenda Report No. 04-0190

The City Council approved the project on July 15, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements in Harvest Ridge Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$68,700, and will be paid by special assessments.

Motion--
-- carried

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

THUNDERBIRD OFFICE PARK

DESIGN SERVICES AGREEMENT - THUNDERBIRD OFFICE PARK, WEST OF 119TH STREET WEST, SOUTH OF MAPLE. (DISTRICT V)

Agenda Report No. 04-0191

The City Council approved the project on December 16, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements in Thunderbird Office Park. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$16,700, and will be paid by special assessments.

Motion--
-- carried

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

TYLERS LANDING

DESIGN SERVICES AGREEMENT - TYLER'S LANDING AND TYLER'S LANDING SECOND ADDITIONS, SOUTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 04-0192

The City Council approved the project on November 11, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements in Tyler's Landing & Tyler's Landing 2nd Additions. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$138,200, and will be paid by special assessments.

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

LEGACY

DESIGN SERVICES - THE LEGACY ADDITION, WEST OF MERIDIAN, SOUTH OF MACARTHUR. (DISTRICT IV)

Agenda Report No. 04-0193

The City Council approved the project on December 16, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements in The Legacy Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$31,175, and will be paid by special assessments.

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

SOUTHERN RIDGE

SOUTHERN RIDGE ADDITION, SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)

Agenda Report No. 04-0194

The City Council approved the project on December 7, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements in Southern Ridge Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$26,600, and will be paid by special assessments.

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

PROPERTY DISP.

SALE OF SURPLUS PROPERTY: LOCATED AT 1702 SOUTH WEST STREET. (DISTRICT IV)

Agenda Report No. 04-0195

An offer has been received for the City-owned property at 1702 South West Street. The property was designed as a fire station and has 4,427 square feet. It is located on a 20,000 square foot site and is located in limited industrial zoning.

The property was offered in the recently completed marketing program with the highest qualifying offer being \$105,000 with the intended use as a daycare. Council accepted this highest offer on November 4, 2003. Since that time, however, the buyer has been unable to fulfill the obligations of the contract. On December 30, 2003 highest and best offers were solicited from all qualified parties that participated in the previous marketing program. The highest offer received was \$131,100. The property is being sold "as-is" with the buyer responsible for all repairs and inspections. The buyer intends to utilize the property as office and space for a construction business.

The City will receive cash consideration from the sale of the property at closing.

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Motion--
--carried

Mayans moved that the Real Estate Purchase Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 04-0196

On February 2, 2004 the Board of Code Standards (BCSA) held a hearing on the following eight (8) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 508 North Cleveland	I
b. 643 North Gordon	VI
c. 3318 North Market	VI
d. 3121 East Maplewood	I
e. 2756 North Madison	I
f. 428 West Skinner	III
g. 2560 South Roosevelt	III
h. 6155 South Kansas	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--
--carried

Mayans moved that the Resolutions setting the Public Hearing for April 13, 2004, at 9:30 a.m., or shortly thereafter be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-077

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 30-31, Shirk's Addition, Wichita, Sedgwick County, Kansas known as 508 North Cleveland may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

RESOLUTION NO. 04-078

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as Lots 9-11, Block 4, J.O. Davidson's Second Addition, Wichita, Sedgwick County, Kansas known as 643 North Gordon, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

RESOLUTION NO. 04-079

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 17-18, Block 15, Jones Park Addition, Wichita, Sedgwick County, Kansas known as 3318 North Market, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

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RESOLUTION NO. 04-080

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 19, Block 13, Shadybrook Addition, Wichita, Sedgwick County, Kansas known as 3121 East Maplewood, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

RESOLUTION NO. 04-081

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as Lot 1, Block 2, Ridgecrest second Addition, Wichita, Sedgwick County, Kansas known as 2756 North Madison, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

RESOLUTION NO. 04-082

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as Lots 23-24, Suppl. Plat of Rosenthal's 5th Wichita, Sedgwick County, Kansas known as 428 West Skinner, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

RESOLUTION NO. 04-084

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 7, Block 7, South Hydraulic Garden's Wichita, Sedgwick County, Kansas known as 6155 South Kansas, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure.

EXPENSE REPORT SENIOR MANAGEMENT EXPENSE REPORT FOR MONTH OF JANUARY 2004.

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

EUDL GRANT ENFORCING UNDERAGE DRINKING LAWS (EUDL) GRANT.

Agenda Report No. 04-0197

For the past few years, the Wichita Police Department has placed an emphasis on eliminating underage alcohol consumption in our community. In an effort to address this problem, the Wichita Police Department, in collaboration with community agencies and citizens developed and implemented the JUDGE (Juvenile Underage Drinking Group Education/Enforcement) program. The goals of the JUDGE program are to educate the public on underage alcohol consumption issues and enhance proactive enforcement of laws applicable to underage alcohol consumption. In an effort to assist with this effort, the Police Department is applying for a grant, which is funded by the Kansas Department of Transportation (KDOT), Bureau of Traffic Safety. This grant is being made available to communities to support their enforcement activities in the area of preventing underage alcohol consumption.

The Kansas Department of Transportation is providing financial support in the form of a 3-month mini-grant. Funds would be made available from March 1 through May 30, to provide for overtime enforcement and commodities to support enforcement activities during Spring break, prom, and graduation.

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The Wichita Police Department grant application requests funding in the amount of \$15,803 for overtime and \$3,700 for commodities, for a total of \$19,503 to support enforcement activities. There is no local match.

Motion--
--carried

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

AIR QUALITY

AIR QUALITY IMPROVEMENT TASK FORCE REPORT.

Agenda Report No. 04-0198

In 1997, the U.S. Environmental Protection Agency (EPA) proposed a new, stricter standard for ozone in outdoor air. The standard was revised because recent health effects studies showed that the old standard for ozone was not sufficiently protective of public health. This revised standard was implemented in 2002. The Department of Environmental Health has monitored outdoor levels of ozone since the early 1970's. The air monitoring data shows that the Wichita metropolitan area is close to exceeding the current air quality standards. Based on this information, a City Manager's Task Force was formed with representatives of local industries, business, academia, citizens, and local, state, and federal governmental agencies.

The report identifies the Task Force recommendations on possible strategies to address and reduce ozone levels in the urban area and Metropolitan Statistical Area (MSA). The recommended actions are voluntary, and address ways that citizens, businesses, and local governments can help reduce ozone concentrations in outdoor air. If Wichita and the MSA become a non-attainment area for ozone, EPA will impose restrictions on business expansion, new business locations, roads and highway construction projects until at least 10 years after local ozone concentrations again meet the federal standard.

The actions recommended in the Report are voluntary; thus any costs associated with implementing them are also voluntary. If Wichita and the MSA become a non-attainment area for ozone, the costs will be significant as described in the "Analysis" section above. In addition, the extra restrictions on the local economy could dampen an economic recovery.

The Law Department is reviewing the Task Force Report. Strategies identified by the Task Force are voluntary, and do not require legislative action.

Motion--carried

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

WASTEWATER

MID-CONTINENT WASTEWATER LAGOON CLOSURE. (DISTRICT IV)

Agenda Report No. 04-0199

As part of the acquisition of sanitary sewer systems from Sedgwick County on April 1, 2001, the City of Wichita took responsibility for the lagoon that treats wastewater from the sewer system in the Mid-Continent Industrial Park at MacArthur Road and Norman Street. In 2002, the City constructed a sanitary sewer line to carry wastewater from the industrial park to the municipal sewer system, so the lagoon is no longer needed. In accordance with Kansas Department of Health and Environment (KDHE) requirements, the lagoon needs to be closed.

Contractors, along with the Water and Sewer Department, have placed approximately 8,000 yards of approved material from utility construction projects in lagoon cells during the eighteen (18) months since they were drained. An additional 17,000 yards of material is needed to complete the closure, and it is unlikely that construction projects in the area will total this volume of material by the established deadline of March 31, 2004. KDHE has already extended the original deadline once. Staff recommends contracting with a commercial hauler to obtain, transport, and place the needed volume of fill material to complete the closure by the deadline.

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The cost of obtaining and hauling 17,000 yards of fill material and top cover material is estimated at \$75,000. Funds are available in CIP S-4, Reconstruction of Old Sanitary Sewers.

KDHE regulates the lagoon as a former wastewater treatment site. Failure to close the lagoon by the deadline could result in unfavorable action by KDHE towards the City of Wichita.

Motion--
--carried

Mayans moved that the closure of the Mid-Continent Wastewater Treatment Lagoon be approved. Motion carried 7 to 0.

LAND LEASE

LEASE OF LAND WEST OF NORTH HIGH SCHOOL TO USD 259. (DISTRICT VI)

Agenda Report No. 04-0200

The City owns a tract of land west of North High School along the Little Arkansas River. For many years, the easterly 12-to-19 feet of the tract has been used as part of the parking area for the school. The strip totals 19,166 square feet. The school district has paved the strip and has been responsible for maintenance. This has occurred without any formal agreement between the City and USD 259. The recently approved construction program calls for considerable renovation and expansion of North High School. To satisfy bond underwriting requirements and requirements to get building permits, there must be a formal land use agreement.

Analysis: A ground lease will meet all requirements for bond financing and the issuance of permits. The respective staffs of USD 259 and the City have drafted a lease whereby USD 259 has the right to utilize the land and incorporate it into the North High campus. The district will be responsible for all maintenance, snow removal, repairs and any other costs. The City retains the right to utilize the parcel for access to the remaining City land along the river. There is no rent associated with this lease. There is no financial impact as USD 259 has been maintaining this tract for many years.

Motion--
--carried

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

PARKING SPACE

LEASE OF PARKING SPACES AT THE NORTHWEST CORNER OF CENTURY II DRIVE AND MAIN. (DISTRICT I)

Agenda Report No. 04-0201

On April 1, 2003, the City Council approved a plan to modify the City-owned parking lot located at the northwest corner of Century II Drive and Main Street behind the Century Plaza Building. The proposed modifications would increase the number of parking spaces available from 65 to 84, a net gain of 19 spaces. The modification was subject to the negotiation of a lease with the owner of the Century Plaza building for 14 spaces. It was estimated that annual revenues from the lease would be \$8,400 per year or \$50 per space per month. The revenues from this lease would help offset the cost of the modification.

A lease has been negotiated with the owner of the Century Plaza building. The lease rates are somewhat lower than those estimated in April 2003. The lease calls for the owner to lease 14 spaces at a rate of \$35 per month for an initial term of three years with an additional three-year option at a rate of \$40 per month. Annual rent for the first three years is \$5,880. Rent during the three-year option period is \$6,720. These funds will be used to offset the cost of renovating the lot and adding the additional spaces.

The City will receive \$37,800 during the term of the lease as well as revenues from the four additional spaces created by the lot modification.

Motion--
--carried

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

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SCADA

OPERATING SYSTEM REPLACEMENT FOR SCADA.

Agenda Report No. 04-0202

At the present time, two Water & Sewer Divisions use differing Supervisory Control and Data Acquisition (SCADA) operating systems for controlling automation of plant functions. This is requiring multiple redundant servers, replacement parts for Programmable Logic Controllers (PLCs), and specialized programming and operating knowledge.

To coordinate and allow sharing of servers, spare parts, and knowledge, this project will upgrade the Wonderware SCADA system for Sewage Treatment to the most recent version and convert Production & Pumping to the Wonderware system. The upgrade and conversion will increase departmental efficiency, thereby creating cost-savings. Future possibilities are sharing personnel and linking the two Division systems, which will be a further economic advantage.

The scope and intent of the current project has been approved by the IT/IS Advisory Board.

This project is included in the ten-year Capital Improvement Program. It provides for upgrades and replacements of the operating systems controlling water and sewage treatment plant operations. Operating System Replacement (CIP W-885) has a budget of \$500,000 for 2004. It will be funded from future revenue bonds and/or Water Utility cash reserves. Sewage Treatment will contribute \$44,000 from the 2004 operating budget for their portion, making the total project cost \$544,000.

Motion--
--carried

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

RESOLUTION NO. 04-096

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, extend and enlarge the Water and Sewer Utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$500,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

EXIGENCY PROJECT PUBLIC EXIGENCY PROJECT, WATER TRANSMISSION LINE. (DISTRICT VI)

Agenda Report No. 04-0203

On January 3, 2004, a citizen at Nims and Oak Park Dr reported a leak. The leak was checked on January 5 and thought to be on an 8-inch blow-off assembly. On January 8, the leak was found to be on a 48-inch ECP concrete transmission line.

The leak is on the 48-inch concrete transmission line, 15-feet deep in the riverbank, immediately adjacent to the river. The utility does not keep repair materials for this type of pipe because it is rarely needed, nor does the utility have the equipment to make such an excavation in a safe manner.

Staff contacted six (6) contractors who typically work with this type of pipe and received two (2) responses. Wildcat Construction submitted the low bid, with a bid of \$1,980 per day, plus materials. The Interim City Manager approved proceeding with the project on January 8, 2004. Staff will hire a contractor to do the excavation and make the necessary repairs with Water & Sewer crews assisting, as needed.

Capital Improvement Program, Water Main Replacements,

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(CIP W-67) has a budget of \$4 Million for 2004. The repair will be set up as a subproject of this CIP and will be funded from Water Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020.5 (Public Exigency) authorizes the City Manager to approve emergency work to be performed by a contractor without formal bidding.

Motion--
--carried

Mayans moved that the Interim City Manager's Public Exigency approval of the project be affirmed. Motion carried 7 to 0.

CITY CODE

CITY CODE REVISION, 7.40.040(3).

Agenda Report No. 04-0204

The Wichita Department of Environmental Health conducts annual inspections of local air pollution sources in accordance with our grant contract with the Kansas Department of Environmental Health and the U.S. Environmental Protection Agency. In addition, the Department also investigates air quality complaints throughout the City and County, and conducts routine surveillance for sources of air pollution.

Visible air pollution, commonly called opacity, is used as one measure of how much air pollution a source is emitting. Federal and state laws limit opacity from air pollution sources. The federal and state statutes regarding opacity measurement have changed, and this revision brings City code 7.40.040(3) into agreement with the revised federal and state statutes on this subject.

There are no direct financial considerations. State and federal statutes already require air pollution sources to meet this proposed standard revision, so there will be no additional costs to local businesses, industries, or citizens.

The Law Department is reviewing the proposed code revision.

Motion--carried

Mayans moved that the revised wording of the code be approved and authorized. Motion carried 7 to 0.

TOURNAMENT

ABC BOWLING TOURNAMENT.

Agenda Report No. 04-0205

The Wichita Convention and Visitor's Bureau (CVB) has prepared a bid package for the ABC Bowling Tournament scheduled to take place in 2011. At least four other cities throughout the nation will be bidding on this tournament. The presentation for this tournament will be made on March 13, 2004 in Reno, Nevada.

Organizers for the ABC Bowling Tournament estimate that the tournament has an economic impact of \$75,000,000 to the host City and surrounding area. Approximately 60,000 bowlers will compete at this event and the number of room nights is estimated at over 100,000.

Should Wichita be selected for the tournament, bowling lanes will be constructed in Expo Hall and Exhibition Hall. Bowlers from across the nation will compete over a 130-day period of time and will conclude the competition with a convention.

Cities must offer a significant financial package to be selected as the host site for this tournament. Several organizations have committed to participate financially and include the CVB and Sports Commission and others are being recruited. The financial participation of sponsors can be paid out over an eight-year period of time. The CVB has presented the City with a payment schedule not to exceed \$100,000 per year (or \$700,000 total) to be funded from the Convention and Tourism Fund.

Should the City be successful in securing the tournament, a contract will be approved as to form.

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Motion--
--carried

Mayans moved that the proposal be supported; the financial participation be authorized; the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

AVIATION MUSEUM CONFIRM SUBMISSION OF HERITAGE TRUST FUND GRANT APPLICATION FOR THE KANSAS AVIATION MUSEUM.

Agenda Report No. 04-0206

The application package for the Heritage Trust Fund Grant was received after the deadline for the February 3, 2004 City Council meeting. The deadline for submission of the application is March 1, 2004 and there were no scheduled council meetings prior to that date. Part of the submission package includes assurances signed by the property owner.

The grant application is for the repair of the roof of the Municipal Airport Administration Building. The total cost of the project for re-roofing the building is \$24,000. The Kansas Aviation Museum is supplying the \$4,800 cash match for the \$19,200 grant request.

The Heritage Trust Fund Grant is a competitive grant that is awarded annually by the Kansas State Historical Society. In order to be eligible to apply, the property must be listed in the Register of Historic Kansas Places or National Register of Historic Places at the time of application. Maximum grant award is \$90,000. Governmental entities, not-for-profit organizations and owners of private residences must provide a 20% cash match.

There are no costs associated with submitting this grant proposal to the Kansas State Historic Preservation Office.

Motion--
--carried

Mayans moved that the actions taken for the submission of the grant application be confirmed. Motion carried 7 to 0.

WATER EXHIBIT ASC FOUNDATION GRANT-SPONSORSHIP OF A WATER CENTER EXHIBIT.

Agenda Report No. 04-0207

This grant would fund one of the water-education exhibits at the Wichita Area Treatment, Education and Remediation (WATER) Center. The environmental education component of the WATER Center addresses water and water resources focusing on public education and awareness regarding hydrological and geo-physical processes, groundwater remediation, impacts to public health and the environment, and the inter-relationship between groundwater and the Arkansas River. The facility provides a unique and important educational destination for schools, civic groups, and the general public.

A preliminary Water Center exhibit development plan has been completed by the firm of has selected Taylor Studios that will be used to design and construct the center's exhibits. The firm provided for the design of the exhibits for the Herman Hill/Gilbert-Mosley Environmental Education Facility. The draft contract has been reviewed by both the Legal Department and the Purchasing Department. Taylor Studios has performed other projects in area such as the "Fossil Dig" at Exploration Place and all of the new exhibits for Dillon Nature Center in Hutchinson. Educational exhibit design concepts through discussions and interaction with local and state educational institutions, staff, and other community organizations and developed and provided a "design book" of proposed exhibits for the facility. The firm also developed projected construction costs that will be used for funding solicitation.

Based on these projected costs that the City is requesting \$55,200 from the ASC Foundation for an exhibit titled, "How Do You Use Water?" A grant proposal has been prepared for submission to the ASC Foundation, a ministry of the Adorers of the Blood of Christ. The grant proposal was developed in consultation with Environmental Health and the ASC. The grant will cover Taylor Studios' final design work, exhibit, construction and installation.

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The City is requesting a total of \$55,200. The grant does not require matching funds from the city.

Motion--
--carried

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

LEGIS. PRIORITIES

2005 FEDERAL LEGISLATIVE PRIORITIES.

Agenda Report No. 04-0208

On February 10, 2004, the City Council reviewed departmental requests for 2005 federal legislative assistance. Departments submitted a total of fourteen requests. The City Council was requested to rank the departmental requests in priority order so that the City Council can present the top priorities to the Congressional Delegation.

The City Council members ranked the federal legislative priorities. The results of the ranking were provided to the City Council for review and comment at the workshop on February 24, 2004. The ranking lists the top five federal legislative priorities. The balance of the fourteen requests and other identified issues of importance are also included.

Staff will prepare a 2005 Federal Legislative Requests notebook with the issues and a CD-ROM so the City Council can present the priorities during the meeting with the Kansas Congressional Delegation in Washington D.C. during the week of March 8-12.

Some federal requests require local matching funds. Historically, the City has identified a variety of sources to provide local matching funds and will continue to do so for City Council priorities.

Should federal funding be secured contracts and/or memorandums of understanding will be initiated as appropriate.

Motion--carried

Mayans moved that the 2005 Federal Legislative priorities be approved. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 10, 2004)

- a) Industrial Revenue Refunding and Improvements Bonds, Wichita Sheet Metal Supply, Inc. (District IV)

ORDINANCE NO. 45-999

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$1,700,000 aggregate principal amount of Industrial Revenue Refunding and Improvement Bonds, Series IA, 2004 (Wichita Sheet Metal Project) for the purpose of providing funds to (1) refund on a current basis certain Industrial Revenue Bonds, Series VII-A, 1998 (Wichita Sheet Metal Project) of the City and (2) acquire and install certain new equipment to the existing facility and the issuance of \$765,000 aggregate principal amount of Taxable Industrial Revenue Refunding Bonds, Series I-B, 2004 (Wichita Sheet Metal Project) for the purpose of providing funds to refund on a current basis certain Taxable Industrial Revenue Bonds, Series VII-B, 1998 (Wichita Sheet Metal Project) of the City; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Security Bank of Kansas City, Kansas City, Kansas, as Trustee; prescribing the form and authorizing the execution of a lease of the project by and between the City and WSM Properties; authorizing the execution of a Bond Purchase Agreement among the City, WSM Properties, Wichita Sheet Metal Supply, Inc., WSM Industries, Inc., the individual guarantors and Oppenheimer & Co. Inc., New York, New York, as lead underwriter of the Series I-A, 2004 Bonds; and authorizing the execution of a Bond Placement Agreement among the City, WSM Properties, Wichita Sheet Metal Supply, Inc., WSM Industries, Inc., the individual guarantors and Oppenheimer & Co. Inc., New York, New York, as Lead Placement Agent with respect to the Series I-B, 2004 Bonds; and approving the form of certain related documents, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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- b) ZON 2002-38 - west of Ridge Road, on the north side of 53rd Street North.

ORDINANCE NO. 46-001

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2002-38)

- c) ZON 2003-49- east of Tyler Road, north of 13th Street North. (District V)

ORDINANCE NO. 46-002

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2003-49)

FIRST READING ORDINANCES:

- a) Weed Mowing.

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

- b) Lot Clean-up.

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

PLANNING AGENDA

John Schlegel John Schlegel stated that items 44, 45 and 46 were non-consent items.

Motion--carried Mayans moved to approve Planning Agenda items 47 through 59. Motion carried 7 to 0.

SUB 2003-105 **SUB 2003-105-PLAT OF REDMOND ESTATES ADDITION, LOCATED ON THE WEST SIDE OF 119TH STREET WEST AND SOUTH OF 31ST STREET SOUTH.**
(Deferred February 3, 2004)

(Council Member Brewer momentarily absent).

Agenda Report No. 04-0209

John Schlegel Planning Director reviewed the item.

Staff Recommendation: Planning Department recommended approval of the plat.
MAPC Recommendation: Approve the plat. (7-5)

The negative votes reflect the concern of those Commissioners with the method of guaranteeing the sewer and water extensions.

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This item was deferred from your February 3, 2004, agenda. This unplatted site, consisting of 53 lots on 78.12 acres, is located in the County within three miles of Wichita's boundary.

Petitions, 100%, have been submitted for left-turn bay and paving improvements, and future sewer and water main improvements. A Certificate of Petitions has been submitted.

The Metropolitan Area Planning Commission (MAPC) approved, at the applicant's request, the submittal of a No-Protest Agreement for future extension of water and sewer services to serve the lots. This Agreement has been provided. THE CITY WATER AND SEWER DEPARTMENT IS OBJECTING TO THE USE OF A NO-PROTEST AGREEMENT. THEY ARE REQUESTING PETITIONS FOR FUTURE EXTENSION OF SEWER AND WATER SERVICES TO SERVE THE LOTS.

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

The Certificate of Petitions and No Protest Agreement will be recorded with the Register of Deeds.

Motion--

Gray moved to overrule the acceptance of the MAPC of the No-Protest Agreement and accept the applicant's substitution of a petition for sewer and water service within the plat with the stipulation that the City will not activate the petition for at least 10 years; that the Resolution be adopted; the documents and the plat be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-097

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89915 (west of 119th Street, south of 31st Street South), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-098

Resolution of findings of advisability and Resolution authorizing improving of Lateral 41, Cowskin Interceptor Sewer (west of 119th Street, south of 31st Street South) 468-84765, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-099

Resolution of findings of advisability and Resolution authorizing improving left turn bay improvements on 119th Street West to serve West 33rd Street South and West 34th Street South for northbound traffic (west of 119th Street, south of 31st Street South) 472-83942, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB 2003-98

SUB 2003-98-PLAT OF HILLTOP ACRES ESTATES ADDITION, LOCATED ON THE NORTHEAST CORNER OF 151ST STREET, WEST OF 29TH STREET NORTH.

Agenda Report No. 04-0210

John Schlegel

Planning Director reviewed the item.

Staff Recommendation: Planning Department recommended approval of the plat.

MAPC Recommendation: Approve the plat. (11-1)

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The negative vote reflects the concern of a Commissioner with the method of guaranteeing future the sewer and water extensions.

This unplatted site, consisting of 26 lots on 33.06 acres, is located in the County within three miles of Wichita's boundary. The site has been approved by the County Code Enforcement for the use of on-site sanitary sewer and water facilities. A zone change (ZON 2003-45) from RR, Rural Residential District to SF-20, Single-Family Residential District has been approved for this site subject to platting.

Petitions, 100%, have been submitted for future sewer and water main improvements. A Certificate of Petitions has been submitted. A Joint Access Easement for Lots 13 and 14, Block B, has been submitted.

The Metropolitan Area Planning Commission (MAPC) approved, at the applicant's request, the submittal of a No-Protest Agreement for future extension of water and sewer services to serve the lots. This Agreement has been provided. THE CITY WATER AND SEWER DEPARTMENT IS OBJECTING TO THE USE OF A NO-PROTEST AGREEMENT. THEY ARE REQUESTING PETITIONS FOR FUTURE EXTENSION OF SEWER AND WATER SERVICES TO SERVE THE LOTS.

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

The Certificate of Petitions, Joint Access Easement and No Protest Agreement will be recorded with the Register of Deeds.

Motion--

Gray moved to overrule the acceptance of the MAPC of the No-Protest Agreement and accept the applicant's substitution of a petition for sewer and water service within the plat with the stipulation that the City will not activate the petition for at least 10 years; that the Resolution be adopted; the documents and the plat be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-100

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89925 (east of 151st Street West, north of 29th Street) 448-89925, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-101

Resolution of findings of advisability and Resolution authorizing construction of Main 9, Part A, Northwest Interceptor 'Sewer, (east of 151st Street West, north of 29th Street) 468-83777, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2003-45)

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CON2003-00051

CON2003-00051-AMENDMENT TO EXTEND THE DEADLINE FOR LANDFILL OPERATIONS TO CEASE PER CON2002-37. GENERALLY LOCATED SOUTH OF 31ST STREET SOUTH AND WEST OF K-15. (DISTRICT III)

Agenda Report No. 04-0211

MAPC Recommendation: Deny (4-4).

Staff Recommendation: Deny.

DAB Recommendation: Deny (8-0).

John Schlegel

Planning Director reviewed the item.

The applicant is seeking a six-year, nine-month extension to the current April 1, 2004 deadline established by the City Council on December 10, 2002 (case number CON2002-37) requiring the applicant to complete and halt construction and demolition (C&D) landfill operations by April 1, 2004. The proposed extension would allow C&D landfill activities to continue until December 31, 2010.

The application area is located west of Highway K-15 and south of 31st Street South, and is zoned "LI" Limited Industrial, subject to the conditions contained in Conditional Use 425, and subsequent amendments contained in CON 2003-37. The site is 26.14 acres in size. Access to the site is via a driveway connecting to Highway K-15, and generates approximately 25 to 30 trips per day. The property is owned by the City of Wichita. The applicant leases the site from the City. When landfill operations cease, the site is expected to be re-developed into a park.

The majority of the land west of K-15 Highway, and north of the landfill site is zoned "LI" Limited Industrial, and is currently used for construction activities. The Wichita Wastewater Treatment facility, the closed Chapin Sanitary Landfill, the Wichita drainage canal and the Arkansas River are located west of the application area. East of the site are: railroad tracks, K-15 Highway, several single-family residences on property zoned "SF-5" Single-family Residential and a mobile home park (at the southeast corner of 31st Street and K-15) located on property zoned "LC" Limited Commercial. Several commercial uses are located at the northeast corner of 31st Street and K-15 on property zoned "LC". Areas south of the landfill are undeveloped and zoned "LI" and "SF-5".

The Kansas Department of Health and Environment (KDHE) has a prohibition on issuing permits for landfills located within a ½ mile of a navigable river (now KSA 65-3407(1)(1)). The site is adjacent to the Arkansas River. KDHE advised the applicant they would not renew their permit to continue operations. The Secretary of KDHE has determined that the original permit was issued in error, and upheld the denial of a permit renewal in a final order issued January 9, 2004. Cornejo & Sons, Inc. has appealed that denial to District Court where it is pending.

The City's Comprehensive Plan contains objectives that recognize the need to minimize the potential for environmental contamination while maintaining cost efficiency by proper management of construction debris generated throughout the County. The City and State have recognized the impact of pollution on the Arkansas River and its subsequent spread through the river's area as potentially detrimental to the public health and the environment. The Arkansas River has status as a "navigable stream used for interstate commerce", under KSA 65-3407(1)(1) and other statutory and judicial interpretations. This recognition and concern for the environment has been acknowledged by the City and the State, by opposing the establishment of a C & D landfill (ZON2000-51 and CON2000-52) at 3500 North West Street, because of its proximity (1/2 mile) to the Arkansas River.

The Metropolitan Area Planning Commission (MAPC) reviewed this request on January 22, 2004. Two motions were made, one to approve as requested, and one to deny. Both of these motions resulted in two 4-4, tie votes that resulted in a recommendation to deny the request. The applicant has exercised his right to appeal the MAPC denial to the City Council. At MAPC, seven citizens spoke, all in opposition. They cited concerns with: increased truck traffic, trash, dust and the extra expense incurred by area businesses having to deal with trash and dust negatively impacting outdoor displays. At least one speaker also noted that the landfill is not in compliance with KDHE regulations dealing with navigable rivers used for interstate commerce, and the Commission should not support a noncompliant

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use. The applicant countered with explanations that they have not received a single complaint, that the dust is generated by a use that is not associated with the landfill, and that the issue of a KDHE permit is a separate matter from the Conditional Use, and should not be used when considering their request.

District Advisory Board III heard this request on February 11, 2004. DAB III recommended denial (8-0) on the basis that the site is located too close to neighborhoods, resulting in negative impacts that other neighborhoods in the city are not asked to live with. The applicant was asked what they would do if this site had to close down, and if the site could be re-developed with other commercial uses, and what role the applicant would play in developing the site as a park once operations cease.

No written protests have been filed.

- Council Member Lambke Council Member Lambke stated that this landfill operation has generated a lot of controversy especially to the east of K-15. Stated that there are some items that are being deposited in the landfill that should not be such as white paper, which becomes airborne and blows into the neighborhoods. Stated that he is bothered with the 4 - 4 vote from the MAPC, which under their rules is that they determine that a tie vote is a denial, which does not make sense to him. Asked the Council to return this item to the MAPC for a meaningful action and then bring back to the Council.
- Motion-- Lambke moved to return the application to the MAPC for reconsideration.
- Council Member Fearey Council Member Fearey stated that she is ready to deny this today and thinks that it bad for our river. Stated that one of the members made a very good comment at the MAPC meeting as to how long can these appeals go on and that it could go on indefinitely with the people in that neighborhood.
- Council Member Brewer Council Member Brewer stated that he thinks that Council Member Lambke is asking to be given an opportunity to meet with his DAB, which are the individuals that reflect that community and going back to meet with them and he will come back to the Council and let us know what his thoughts are.
- Mayor Mayans Mayor Mayans stated that he is concerned that sending this back to the MAPC would be looked upon as a delay in the process and perceived that the Council is buying time.
- Mayor Mayans Mayor Mayans stated that he would like to see if there would be support for a new motion for an extension until April of 2005.
- Council Member Fearey Council Member Fearey stated that this item was looked at last year and at that time KDHE was given a year extension to make their finding and they have done that and now we are looking at another year to let them do an appeal. Stated that she would be uncomfortable with doing that and the Council is sitting here with a recommendation of Staff denial, DAB denial and MAPC in limbo. Stated that her first choice is still to deny this today and that is what has been recommended and her second choice would be to honor Council Member Lambke's desire to take it back to his DAB.
- Council Brewer Council Member Brewer asked what were some of last year's concerns with the neighborhood.
- Council Member Lambke Council Member Lambke stated that the motion was to extend this for one year to see if there were any violations of the conditional use permit within that year. Stated that there have not been any complaints for the full year until the last few days. Stated the that operator has received no complaints and feels that the final outcome will probably not be affected if the Council sends this back to the MAPC but he feels that the interpretation of a tie vote is unacceptable.
- Council Member Martz Council Member Martz stated that he does not especially care for delays however, he thinks that a lot of the people that are protesting and concerned with this would also be the same people that should they be appealing in the court system would want to be heard in the appeals process. Stated that he feels it is important to allow the process to go through without the Council affecting that and that he is in favor of doing some kind of extension so that the legal process could be carried out.

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Council Member Gray Council Member Gray stated that he would prefer not to support the original motion and that it seems to be clear that no matter what comes back by decisions of these boards, the action is going to remain the same so he sees no sense in deferring this for the inevitable and does not think the Council should abuse the process.

Failed Motion failed 3 to 4. (yeas: Lambke, Fearey, Brewer); (nays: Gray, Mayans, Schlapp and Martz)

Motion-- Mayans moved to approve an extension until April 1, 2005, to direct Staff to work with the neighborhood to mitigate as a joint effort regarding the dust and trash concerns --also with the operator; that the City contact the operator to review the post lease grading and cover plan. Findings are:
a) construction and demolition land fills provide a lower cost method of disposing of these materials
b) the dust and trash concerns of the neighbors should be mitigated by the joint efforts of the City and the operator
c) the additional year will enable the operator to bring the site into greater conformity with the final grading and cover plan; and
d) that it also enables the City to better prepare for the post lease acceptance of the site.
-- carried Motion carried 5 to 2. (nays: Lambke and Fearey)

CON2003-00052 **CON2003-52-CONDITIONAL USE FOR OUTDOOR VEHICLE AND EQUIPMENT SALES ON PROPERTY ZONED LIMITED COMMERCIAL. GENERALLY LOCATED EAST OF THE RIDGE ROAD-KELLOGG INTERCHANGE, ON THE NORTH SIDE OF KELLOGG, ALONG THE KELLOGG FRONTAGE ROAD, IN THE 6800 BLOCK OF WEST KELLOGG. (DISTRICT V)**

Agenda Report No. 04-0212

MAPC Recommendation: Approve (8-0).

Staff Recommendation: Approve

The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on the west 1.05 acres of Lot 1, Clinton Addition. The subject property is located on the north side of Kellogg, along the Kellogg frontage street and is less than a ¼ mile east of the Kellogg – Ridge Road interchange. The subject property is zoned “LC” Limited Commercial. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the “LC” zoning district.

The site is currently vacant, with an asphalt parking lot sandwiching the footprint of the razed building that was on the site. The site currently has three driveways onto the Kellogg Avenue frontage road, which directs one-way traffic west to the Kellogg – Ridge Road interchange. The site also has one driveway onto the north-south access easement on its west side. This access easement also provides access for the large retail strip (CUP DP-151) located north of the site and the smaller retail/office building west of the site. There is drainage between the site and the development north of the site.

The site plan the applicant has provided shows the site redeveloped with an approximately 3,744-square foot building with paved parking and display areas. The building has no specific use called out for it. The site plan does not identify parking for employees, customers or parking spaces for the disabled, as required by the code for vehicle sales. The site plan does identify pole lighting along the outside of the site as well as a security fence (type and materials not specified), gates and a landscape buffer located in the Kellogg frontage street right-of-way. The type and size of plants to be used in the landscape buffer are not identified. No landscaping is shown on the other 3 sides of the site or within the site’s property lines, including the west street side, which is required. An unspecified sign is shown along the Kellogg frontage street side. No trash receptacle is shown on the site, if one is located on the site it must have solid screening around it. The site plan shows two of the three existing driveways onto the Kellogg frontage street closed. Any variance from Article III, Section III-D, 6.x of the UZC would require a waiver approved by the WCC. Any variance from the landscaping ordinance would require a waiver by the Planning Director.

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Properties east of the site are zoned "LC" and are developed as a stand alone, single story office for a title company and a small strip building housing an insurance office, a financial advisory office, a travel agency and other office uses. These buildings were built in 1970 & 1975. The property west of the site is zoned "GC" General Commercial and developed with one building housing a party supplies store, a cell phone seller and a beauty/barber shop. The building was built in 1996. Properties north of the site are zoned "GC" with a CUP (DP-151) overlay and are developed as a large retail strip housing national and regional retail stores including, Best Buy, Office Max, Kohl's Michaels, TJ Max and other retail. The buildings in the strip were built in 1993, 1995 & 1996. Properties south of the site and across Kellogg are zoned "GC" with CUP (DP-27) over one "GC" site and an "LI" Limited Industrial site. These properties are developed as motels, restaurants and a car rental agency.

There are at least 13 existing car sales lot located along this four mile stretch of Kellogg between the IH-235 Loop and 119th Street West; the site is located within this 4 mile stretch of Kellogg. The car sales lots are a mix of smaller independent dealerships and the larger franchised dealerships. An existing (Donavon) car sales lot is located approximately 1/2 mile east of the proposed site.

At the January 22, 2004 MAPC meeting, no one spoke in opposition to the requested Conditional Use. There have been no calls protesting the request, but there is one written protest to the request, representing 2.91% of the net protest area. This protester wanted no zoning change made on the subject site. The protester is located east of the subject site, separated from the subject site by another site. The protest represents less than 20% of the net protest area, which means the 3/4 vote of all the members of the governing body to approve the Conditional Use is not activated; a simple majority can approve the Conditional Use. The MAPC recommended approval (8-0) subject to Staff's recommended conditions.

Motion--

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

--carried

RESOLUTION NO. 04-102

A Resolution authorizing a Conditional Use for outdoor vehicle and equipment sales on 1.05 acres zoned "LC" Limited Commercial, located at east of the Ridge Road – Kellogg Interchange, on the north side of Kellogg, along the Kellogg Road in the 68900 Block of West Kellogg, in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUB 2003-46

SUB 2003-46-PLAT OF GOSHEN CHRISTIAN CENTER ADDITION, LOCATED ON THE NORTHEAST CORNER OF WEBB ROAD AND 61ST STREET NORTH.

Agenda Report No. 04-0213

Staff Recommendation: Planning Department recommended approval of the plat.

MAPC Recommendation: Approve the plat. (13-0)

This unplatted site, consisting of 1 lot on 9.24 acres, is located in the County within three miles of Wichita's boundary. The site has been approved for a Conditional Use (CON 2002-52) for a church.

A 100 % Petition for paving improvements will be handled by the County. A Certificate of Petition has been submitted. A Restrictive Covenant was submitted requiring the closure of the existing opening along Webb Road upon the establishment of a new use. A No-Protest Agreement has been provided for future sewer and water improvements.

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

The Certificate of Petition, Restrictive Covenant and No-Protest Agreement will be recorded with the Register of Deeds.

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

SUB 2003-90 **SUB 2003-90-PLAT OF SOUTH HIGH SCHOOL SECOND ADDITION, LOCATED SOUTH OF 31ST STREET SOUTH, EAST OF SENECA. (DISTRICT IV)**

Agenda Report No. 04-0214

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This unplatted site, consisting of one lot on 35.5 acres, is located within the City limits. The site is zoned "SF-5" Single-Family Residential District. Municipal services are available to serve the site.

A Cross-Lot Circulation Agreement was submitted to assure internal vehicular movement between this property and the adjoining plat to the south.

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

The Cross-Lot Circulation Agreement will be recorded with the Register of Deeds.

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

SUB 2003-135 **SUB 2003-135-PLAT OF WESTAR ADDITION, LOCATED SOUTH OF 53RD STREET NORTH ON THE EAST SIDE OF TYLER ROAD.**

Agenda Report No. 04-0215

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

This unplatted site, consisting of 1 lot (5 acres) is located in the County within three miles of Wichita's boundary. The site has been approved for a Conditional Use (CON 2003-31) for a major utility to permit an electrical substation.

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

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

VAC2003-00022 **VAC2003-00022-REQUEST TO VACATE ALLEY LOCATED SOUTHEAST OF THE MAPLE-WEST STREET INTERSECTION. (DISTRICT I)**

Agenda Report No. 04-0216

Staff Recommendation: Approve.
MAPC Recommendation: Approve. (unanimous)

The applicants are requesting vacation of the (east to west) 15-foot wide alley for redevelopment of the site to the south, which was a restaurant. The Quincy Addition was recorded with the Register of Deeds March 5, 1889.

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There are two owners abutting the alley, Sportcraft on the north and Quick Trip on the south. Reversion of the alley to private property would have ½ the width of the alley for the entire length going to the north side and ½ the width of the alley for the entire length going to the south side. An alley (north to south) that intersects the subject alley was vacated in January 1962. There is no sewer connection at the point of intersection of what use to be two alleys. There are sewer, manholes and utilities in the alley. The subject alley has been used for access. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Provide guarantee for the closure of the alley

A certified copy of the Vacation Order will be recorded with the Register of Deeds, dedicate by separate instruments additional ROW for both Maple and West Streets, access control for both Maple and West Street, utility easement for relocated sewer, retain the alley as a temporary easement until the sewer is relocated and provide petition for abandonment of the existing sewer.

Motion--
--carried

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

VAC2003-00054

VAC2003-00054-REQUEST TO VACATE PLATTED SETBACK GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE MAPLE STREET AND 135TH STREET WEST INTERSECTION. (DISTRICT V)

Agenda Report No. 04-0217

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Vacate the 35-foot building setback line running parallel to a portion of the north and east property lines of Lots 1 & 2, Block 5, Maple Dunes Addition, Wichita, Sedgwick County. The Maple Dunes Addition was recorded July 15, 1997.

This site has an overlay on it, PO#17, and the applicant had applied for an amendment to PO#17, ZON03-54, which would revise signage restrictions, access control & parcel configuration. The 35-foot setback is located entirely within Lot 2, runs parallel to portions of the north and east property lines of Lots 1 & 2, which are located in the interior of the site. The applicant proposes development of the site, which the amendment to PO#17 and the vacation of the described setback will accommodate. The UZC's interior side setback for the "LC" zoning district is zero feet, but if an interior side setback is provided it shall be a minimum of 5-feet. ZON2003-00054, amending PO#17, was approved by the WCC at their December 2, 2003 meeting. The owners of both lots 1 & 2 signed the application and petition. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds, by Separate Instrument dedicate 10-foot of sidewalk and utility easement to be recorded with the Register of Deeds.

Motion--
--carried

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

VAC2003-00061

VAC2003-00061-REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT LOCATED SOUTHEAST OF THE GREENWICH ROAD-HARRY STREET INTERSECTION, MORE SPECIFICALLY NORTH OF THE FUNSTON STREET-LEANNE CIRCLE INTERSECTION. (DISTRICT II)

Agenda Report No. 04-0218

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

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The applicant is requesting consideration for the vacation of the 10-foot portion on Lot 68, Block 1, Smithmoor 10th Addition of the platted 20-foot drainage/utility easement that runs parallel to the property line of Lots 67 & 68, Block 1, Smithmoor 10th Addition. The Smithmoor 10th Addition was recorded with the Register of Deeds June 28, 2001.

The applicant has built a carport into the drainage/utility easement. There is no storm water, water, sewer or franchised utility equipment in the platted easement. There are no plans for storm water, water, sewer or utility equipment in the easement in the future. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion--
--carried

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

VAC2004-00002

VAC2004-00002-REQUEST TO VACATE A PLATTED EASEMENT GENERALLY LOCATED EAST OF 127TH STREET EAST, NORTH OF 21ST STREET NORTH, NORTHEAST OF THE ROSEMONT CIRCLE-WILLIAMSGATE STREET INTERSECTION. (DISTRICT II)

Agenda Report No. 04-0219

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration for the vacation of a platted 10-foot utility easement, which runs parallel to the property line between Lots 21 & 22, Block 6, Hawthorne Addition. The Hawthorne Addition was recorded with the Register of Deeds December 12, 2002.

Boundary shift combines Lots 21 & 22 into one lot. There are no sewer or water lines in the platted easement. There are no plans for water, sewer or franchised utility equipment in the easement in the future. The applicant has recorded a replacement easement (film 2836, page 1032) that runs parallel to Lot 21's north property line, for franchised utilities. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

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

VAC2004-00003

VAC2004-00003-REQUEST TO VACATE PLATTED EASEMENTS LOCATED SOUTH OF KELLOGG AVENUE AND EAST OF 143RD STREET EAST, ALONG CACTUS STREET AND LAKEVIEW DRIVE. (DISTRICT II)

Agenda Report No. 04-0220

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting the multiple vacation of platted 10-foot utility easements, which run parallel to the property line between Lots 12 & 13, Block 3, Lots 7 & 8, Block 1 and Lots 3 & 4, Block 2, Springdale East 2nd Addition. The Springdale East 2nd Addition was recorded with the Register of Deeds October 12, 1980.

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Multiple lot splits will reconfigure 14 existing lots in Blocks 1, 2 & 3 of the Springdale East 2nd Addition, into 18 lots. There is no sewer, water or franchised utility equipment in the easement. There are no plans for water, sewer or utility equipment in the easement in the future. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

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

CON2003-00046

CON2003-00046-CONDITIONAL USE FOR A CAR WASH AND A SELF-SERVICE STORAGE WAREHOUSE ON PROPERTY ZONED LIMITED COMMERCIAL AND GENERAL OFFICE. GENERALLY LOCATED NORTH OF 53RD STREET NORTH AND EAST OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 04-0221

MAPC Recommendation: Approve, subject to revised conditions (8-0).

DAB Recommendation: Approve, subject to staff recommendation (11-0).

Staff Recommendation: Approve, subject to conditions

The applicant is requesting a Conditional Use to permit a car wash and self-service storage warehouses on a 2.09 acre platted tract located north of 53rd Street North and east of Meridian. The subject property is zoned "LC" Limited Commercial and "GO" General Office, and the proposed uses may be permitted by a Conditional Use.

The surrounding area is characterized primarily by residential development on the edge of the urbanized area. With the exception of the properties immediately at the corner of 53rd Street North and Meridian, all of the properties in the vicinity are zoned for single-family residential development and are predominately developed with residential uses. The properties to the west are predominately undeveloped. Two undeveloped residential lots are located immediately east of the subject property. The properties immediately at the corner of 53rd Street North and Meridian are zoned "LC" Limited Commercial and are mostly undeveloped but do contain a convenience store, which is located immediately south of the subject property.

The applicant submitted the site plan illustrating the proposed use of the subject property as a car wash and mini-storage facility. The proposed car wash would contain three self-serve bays and an automatic bay. The automatic bay is proposed to have a dryer. The applicant submitted information regarding the noise to be emitted by the proposed dryer. The mini-storage facility is proposed to have five 3,000 square-foot storage buildings and one 3,600 square-foot storage building. The proposed site plan does not conform with several requirements of the Unified Zoning Code (UZC) and Landscape Ordinance.

Section III-D.6.y(17) of the UZC requires a resident manager for mini-storage facilities on property zoned "LC" or "GO"; however, the applicant proposes that no resident manager be provided. Since the UZC requirement for a resident manager is a Supplementary Use Regulation, the requirement can be waived by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff recommends waiving the resident manager requirement due to the limited size of the mini-storage facility.

Section III-E.2.e. of the UZC does not permit the proposed vacuum/trash receptacles to be located within the required setback. The subject property has a 40-foot platted setback, which is 20 feet greater than required by the "LC" zoning district. Therefore, the applicant proposes to vacate the platting setback so that the vacuum/trash receptacles will not be located within the required setback. Planning staff will recommend approval of vacating the platted setback at the time such application is submitted.

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Section III.D.6.y(5) of the UZC requires a 5,325 square-foot landscaped street yard along Meridian for the mini-storage facility and Section 10.32.030 of the Landscape Ordinance requires a 1,450 square-foot landscaped street yard along Meridian for the car wash. As proposed, only a 1,006 square-foot landscaped street yard will be provided for the car wash, which is 444 square feet less than required. However, the applicant proposes a 5,950 square-foot landscaped street yard for the mini-storage facility, which is 625 square feet more than required. In order to provide less landscaped street yard than required for the car wash facility, a modification of the landscaping requirements will need to be approved by the planning director and zoning administrator. Since the overall landscaping provided exceeds the amount required, planning staff recommends that the modification of landscaping requirements be approved as long as the required 14 shade trees (or the equivalent) are provided.

Section IV.B.3.a. of the UZC requires solid screening along all property lines where adjoining residential zoning. The applicant proposes a wrought iron security fence for a portion of the north property line; however, since the property to the north is zoned "SF-5", the fence along this portion of the property line is required to be a solid screening fence. Also, the applicant proposes to use adjoining property owners' fence along the east property line to meet the screening requirements; however, at least a portion of the adjoining property owners' fence does not meet the screening requirements since the wood slats are too far apart to meet the solid screening fence requirements of the UZC.

Section III-D.6.y.(5) of the UZC requires the planning director to review the architectural design of the mini-storage facility and make a recommendation to the planning commission as to whether or not the architecture is compatible with surrounding development.

The architectural design of the buildings was discussed at length during the public hearing process, and an architectural design different than originally recommended by planning staff has been approved by the Planning Director. The design has been reviewed by the immediately adjacent residents, who have signed the letters of support for the design.

Municipal water but not municipal sewer is available to serve the subject property. The applicant proposes to use a water reclamation system for the car wash as described in the letter and brochure. The Environmental Health Department indicates that the water reclamation system is acceptable but indicates that wastewater from the car wash cannot be discharged into a septic system or used for irrigation.

At the DAB hearing on January 21, 2004, the discussion focused on whether or not the storage buildings and car wash should be required to have a residential-type roof with a greater slope. The applicant indicated that the neighboring residents desire less roof slope because the buildings would be shorter and would be less visible from their properties. The DAB voted 11-0 to recommend approval of the request subject to the conditions recommended by staff, including requiring the residential-type roof with a greater slope. At the MAPC hearing on January 22, 2004, the discussion again focused on the type of roof to be required. A neighboring resident spoke to the MAPC and requested that the applicant's proposed roof be permitted. The MAPC voted 8-0 to recommend approval of the request subject to the conditions recommended by staff except that the architectural design of buildings be worked out between the applicant, the neighbors, and planning staff prior to the City Council hearing, and such an agreement has been reached, as illustrated in the architectural drawings approved by the Planning Director.

Motion--
--carried

Mayans moved that the Council concur with the findings of the MAPC and approve the Conditional Use, subject to the recommended conditions, and that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-103

A Resolution authorizing a Conditional Use for a car wash and self-service storage warehouse on 2.09 acres Zones "LC" Limited Commercial and "GO" General Office located north of 53rd Street North and east of Meridian in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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CUP2003-66

CUP2003-66-(ASSOCIATED WITH ZON2003-75)-DP50 AMENDMENT #4-AMENDMENT TO THE CARRIAGE HOUSE COMMUNITY UNIT PLAN; AND ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED NORTH OF KELLOGG AND EAST OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 04-0222

MAPC Recommendation: Approve. (8-0)

Staff Recommendation: Approve.

D.A.B. Recommendation: Approve, per staff recommendation. (7-0)

The applicant originally requested to rezone the "LC" Limited Commercial portions of Parcel 3 of DP-50 Carriage House Community Unit Plan to "GC" General Commercial, and to amend General Provision #25 regarding outdoor storage and display. Parcel 3, an 11.07-acre tract, is developed with The Home Depot.

The parcel currently has a narrow 35-foot strip of "LC" zoning along the north property line as a buffer to protect the abutting residential dwellings. Additionally, the developer constructed an eight-foot screening wall and the northern 20 feet of the property was deeded to the abutting residential landowners as reserves for the placement of buffer landscaping. (Amendment #1, approved June 9, 1998)

The parking lot also is zoned "LC" in order to restrict the amount of outdoor storage on the parcel and limit the extent of outdoor display. Under "LC" requirements, all outdoor display of merchandise for sale must be within ten feet of the building. The property has been in violation of these conditions from time to time. Most recently, shed buildings were placed along the west parcel line extending from the building for about 250 feet, which was significantly more than the allowed distance from the main building. After enforcement action by Office of Central Inspection, the sheds have been moved to the front of the building and are now in compliance with the "LC" screening standards.

The property immediately to the north is zoned "SF-5" Single-family Residential and is part of the Floyd Bailey Second Addition. The "LC" zoning along the north property line was part of the agreed conditions by the developer to protect the neighborhood from the effects of the more intensive use of the parcel by a large home improvement store. The property south of the Home Depot parking lot is zoned "GC" General Commercial but has been developed with the headquarters of a financial institution since the construction of the Home Depot. The rest of the frontage is at-grade with the new Kellogg Freeway under construction. The property to the east is zoned "LC" Limited Commercial and has a large vehicle sales lot that is developed with "LC" type of conditions equivalent to a Conditional Use as part of Amendment #2, approved August 24, 1999. The property to the west is mostly "LC", with the northwest corner rezoned "GC" for an enclosed vehicle compound for an internet-based vehicle sales operation (Amendment #3, approved March 7, 2000). This business is no longer in operation. Today the property to the west is the location of two fast-food businesses and a strip center with a variety of tenants, including a post office substation, some retail, and a large office use. The area to the northwest of Parcel 3 is zoned "MF-29" and has a social service facility and condominium townhouses.

Prior to the MAPC meeting, a commercial property owner provided a letter in opposition to rezoning the entire tract from "LC" to "GC", as originally filed by the applicant. This property owner objected to unlimited display and storage being permitted on the parking lot, particularly objecting to it being allowed all the way to McCormick Street, but not to a more modest expansion of outdoor display as long as it was within a contained area. A residential property owner adjacent to the north of the application area expressed opposition to rezoning the property north of the building from "LC" to "GC". A map shows the location of this property owner. The letter of protest does not represent an official protest or require supermajority vote for approval.

At the MAPC meeting held January 22, 2004, MAPC voted (8-0) to recommend approval of the requested zone change for only a 100' portion of the parking lot south of the building and to

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recommend amendment to the C.U.P. subject to staff recommendation with a substitution of the word "merchandise" for "equipment" in the suggested condition.

At the District V Advisory Board meeting held February 2, 2004, the DAB voted (7-0) to recommend the same conditions and zone change limitations as the MAPC. This restricted the area of the zone change to within 100 feet of the south building wall line and within a designated area for outdoor display.

The MAPC recommended conditions are as follows:

A. APPROVE the zone change (ZON2003-00075) to "GC" General Commercial for a strip of land extending for a distance of 100 feet to the south from the existing southern extent of "GC" zoning on Parcel 3;

B. APPROVE the Community Unit Plan (DP-50) Amendment #4, subject to the following conditions:

1. General Provision #25: "For Parcel 3, outdoor storage shall be subject to the limitations and standards for development in the LC districts and any temporary truck/trailer storage permitted under these standards shall be behind screening walls. All open display shall be limited to the limitations and standards for development in LC districts, except that year-round display and seasonal nursery/garden display areas are permitted as indicated on the site plan. Any fencing of these areas must be of wrought iron or similar materials that are approved by the Planning Director. In addition, outdoor storage/display of rental trucks, and display of trailers, sheds, or other merchandise available for sale within the building shall be allowed within 100 feet south of the street wall line of the front of the building. Such display/storage shall not utilize parking required by the Unified Zoning Code, block required fire lanes, and shall be located within a designated area as approved by the Planning Director on a revised C.U.P. drawing."

2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

4. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-50) includes special conditions for development on this property.

5. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Motion--

Mayans moved that Council concur with the findings of the MAPC and approve the zone change and Amendment #4 to DP-50, subject to the recommended conditions, and that the ZON2003-00075

--carried

Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2003-00075)

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ZON2003-70

ZON2003-70 (ASSOCIATED WITH CON2003-53)-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL AND A CONDITIONAL USE FOR A WRECKING/SALVAGE YARD. GENERALLY LOCATED NORTH OF MACARTHUR AND EAST OF BROADWAY. (DISTRICT III)

Agenda Report No. 04-0223

MAPC Recommendation: Approve, subject to staff recommendations. (8-0)

D.A.B. Recommendation: Approve, subject to staff recommendations. (8-0)

Staff Recommendation: Approve, subject to platting within one-year and conditions.

The applicant is requesting a zone change from "GC" General Commercial and "SF-5" Single Family to "LI" Limited Industrial and a conditional use to permit a wrecking/salvage yard on a 12.63 acre unplatted tract located north of MacArthur and east of Broadway at 3760 S. Broadway. The subject property is currently developed with a non-conforming vehicle/wrecking salvage yard (Happy Hooker Towing Service). The applicant has requested the zone change and conditional use so that the existing use will conform with the zoning regulations.

The surrounding area is characterized by heavy commercial uses, which are primarily auto-related, such as vehicle sales and vehicle repair, and typically involve outdoor storage. Many of the existing uses in the vicinity do not conform to the zoning regulations since only the frontage along Broadway is zoned for commercial uses, but the uses extend to the back of the deep lots, which are zoned for residential use. The surrounding properties are zoned "GC" General Commercial and "SF-5" Single Family.

The applicant submitted a site plan illustrating the proposed use of the subject property as a vehicle wrecking/salvage yard. Essentially the entire lot is used for the outdoor storage of vehicles for Happy Hooker Towing Service. The vehicles stored on the property are both operable and inoperable. The applicant indicates the vehicles are not currently salvaged on the property, but the applicant would like the flexibility to operate a salvage yard in the future.

At the MAPC hearing on January 22, 2004, there were no speakers in opposition to the request, and the MAPC voted 8-0 to recommend approval of the request subject to the staff recommendation as contained in the MAPC minutes. At the DAB hearing on February 11, 2004, there were no speakers in opposition to the request, and the DAB voted 8-0 to recommend approval of the request subject to the staff recommendation.

Motion--

Mayans moved that the Council concur with the findings of the MAPC and approve the Zone Change to "LI" Limited Industrial and the Conditional Use to permit a wrecking/salvage yard, subject to platting within one year, and subject to the recommended conditions; and that the Planning Department be instructed to forward the Ordinance for first reading, and the Resolution, when the plat is forwarded to the City Council. Motion carried 7 to 0.

---carried

RESOLUTION NO. 04-104

A Resolution authorizing a conditional use for a wrecking/salvage yard on property zoned "LI" Limited Industrial, located north of MacArthur and east of Broadway in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans (CON2003-00053).

ZON2003-73

ZON2003-00073-ZONE CHANGE FROM "B" MULTI-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED AT THE NORTHEAST CORNER OF 13TH STREET NORTH AND ST. PAUL. (DISTRICT VI)

Agenda Report No. 04-0224

MAPC Recommendation: Approve, subject to platting within one year. (8-0)

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

DAB Recommendation: Approve, subject to staff recommendations and recommend staff to consider the owner/applicant adding a possible Protective Overlay. (9-2)

The site is owned by the City of Wichita, is developed with a fire station that has been closed, and is zoned "B" Multi-family Residential. The City of Wichita has designated the site as surplus property, and is offering the property for sale. The applicant is the contract purchaser, and is seeking "LC" Limited Commercial for the site and it's 3,192 square foot building. At the time this report was prepared, no specific user is under contract to occupy the site.

Surrounding properties are zoned "LC" Limited Commercial and "B" Multi-family Residential, and are developed with apartments, vacant service station, medical offices, automobile services and law offices.

As it is currently developed, the site does not conform with several UZC and Landscape Ordinance requirements for commercial development. The site does not meet the screening and landscape buffer requirements along the east property line that are required because the property to the east is zoned "B" Multi-family Residential. The site may not conform with current parking requirements, which require approximately 10-13 parking spaces depending upon the use of the property. The UZC requires that the non-conformities on the subject property be brought into conformance when the following occurs: 1) any increase on the premises of more than 30 percent floor area or 50 percent value; or 2) any change in use to a more intensive use when a new certificate of occupancy is required.

District Advisory Board VI reviewed this request on January 21, 2004. One member of the public spoke, asking if the proposed zoning would allow a club, car lot or outdoor storage. If that were the case, that person felt the neighborhood would be opposed to the request. The DAB voted 9-2 to recommend approval, and recommended that the applicant add a protective overlay to restrict uses on the property. (Addition of a protective overlay is not recommended since the zoning code or other city ordinances already address these concerns, and the way the site is already developed assist with addressing these concerns.) The MAPC heard the case on January 22, 2004, and recommended approval 8-0. No one spoke in opposition to the request at MAPC. No protest petitions have been received.

No protest petitions have been filed.

Motion--

--carried

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

AIRPORT AGENDA

TERMINAL BLDG.

TERMINAL BUILDING IMPROVEMENTS, TERMINAL/CONCOURSE SEATING WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 04-0225

On June 10, 2003 the Wichita Airport Authority approved a project to replace the seating in the Terminal Building and Concourses.

Airport staff, local airline managers and the Design Council evaluated nine (9) proposals from six (6) vendors. John Marshall Co. was selected for the project.

The contract is with John Marshall Co. for the amount of \$512,870.80 and will be funded with General Obligation Bonds paid with airport revenue. The costs will be recovered through airline rental rates. Funds are available in the approved budget.

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Motion--carried Mayans moved that the contract be approved. Motion carried 7 to 0.

ATLANTIC S.E. ATLANTIC SOUTHEAST AIRLINES-AIRLINE USE AGREEMENT-S.A. NO. 3.

Agenda Report 04-0226

The Wichita Airport Authority has a uniform lease and use agreement with the passenger carrying airlines serving Wichita Mid-Continent Airport. Changes requested by an airline which are unique to that particular airline, are incorporated by amendment.

Atlantic Southeast Airlines is interested in leasing additional office and bag make up space. There is vacant space adjacent to their current leasehold to accommodate their needs.

Annual revenue to the WAA for use of the additional space is \$18,513.

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

UNITED AIRLINES UNITED AIRLINES-SUPPLEMENTAL AGREEMENT NO. 3-CARGO BUILDING.

Agenda Report No. 04-0227

United Airlines has leases with the Wichita Airport Authority for use of the airport as an air carrier and for space rental in the cargo building. On December 9, 2002, United petitioned for protection under Chapter 11 of the Bankruptcy Code.

United has requested that certain language be included in all agreements currently in place which clarifies that they wish to continue on with the lease but defer their decision regarding assumption or rejection until a later time. This language is already included in the Airport Use Agreement but needs to be added to the cargo-building lease.

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

Recess
--carried Mayans moved that the City Council recess into Executive Session at 12:50 p.m. to consider: Consultation with legal counsel on matters privileged in the Attorney-Client relationship relating to: Potential litigation and legal advice and that the council return from Executive Session no earlier than 1:00 and reconvene in the City Council Chambers. Motion carried 7 to 0.

Reconvene
The Council reconvened in the City Council Chambers at 1:00 p.m. and Mayor Mayans announced that no action was taken during the Executive Session.

Motion--carried Mayans moved to adjourn the Executive Session at 1:02 p.m. Motion carried 7 to 0.

Motion--carried Mayans moved to adjourn the Regular Meeting at 1:03 p.m. Motion carried 6-0, Fearey absent.

ADJOURNMENT The City Council adjourned at 1:03 p.m.

Karen Schofield
City Clerk

Workshop to follow