

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. July 3, 2007

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the June 26, 2007 regular meeting

AWARDS AND PROCLAMATIONS

PUBLIC AGENDA

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

1. Jake Lowen-Support of the Wichita Labor Federation for the City firefighters in their efforts to secure a contract from the City and appeal to the City Council to take appropriate action in negotiating.

CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated June 2, 2007

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

3. Applications for Licenses to Retail Cereal Malt Beverages:

Renewal

2007

(Consumption off Premises)

Robin Ezell Forbis

Wal-Mart Stores, Inc.
dba Wal-Mart Supercenter #3283

10600 West 21st Street

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

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

4. Preliminary Estimates:

- a. 29th Street North, 119th Street West to Maize Road (KDOT) (87N-0348-01/472-84185/706919/766134/766133/766131/766132/205385/490152/490151/490149/490150) See special provisions. (District V) - \$5,441,000.00
- b. 2007 Sanitary Sewer Rehabilitation, Phase C - various locations east of Meridian, north of Pawnee. (468-84362/620481/667599) Traffic to be maintained during construction using flagpersons & barricades. (Districts I,II,III,IV,VI) - \$260,000.00
- c. Water Distribution System to serve Silverton Addition - north of 13th Street North, west of 135th Street West. (448-90238/735366/470039) Does not affect existing traffic. (District V) - \$148,000.00
- d. Woodridge from the north line of The Fairmont 3rd Addition south to the north line of Lot 22, Block A; Woodridge Circle from the north line of Lot 22, Block A, south to and including the cul-de-sac; Woodridge Court from the west line of Woodridge south to an including the cul-de-sac to serve The Fairmont 3rd Addition - north of 21st Street North, west of 127th Street East. (472-84137/766143/490161) Does not affect existing traffic. (District II) - \$188,640.00

RECOMMENDED ACTION: Receive and file.

5. Deeds and Easements:

- a. a. Storm Water Drainage and Detention Basin Improvements Easement dated June 19, 2007 from SNAR LLC for a pond lying within Reserve C, Emerald Bay Estates, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751417) No cost to City.

RECOMMENDED ACTION: Accept documents.

6. Minutes of Advisory Boards/Commissions:

District III Advisory Board, April 4, 2007
Wichita Public Library Monthly Report, May 2007
District III Advisory Board, May 2, 2007
Wichita Employees' Retirement Board/Police & Fire Retirement Board, May 3, 2007
District VI Advisory Board, May 7, 20 07
Wichita Airport Advisory Board, May 7, 2007
Board of Electrical Appeals, May 8, 2007
Wichita Public Library-Regular Meeting of the Board of Directors, May 15, 2007

RECOMMENDED ACTION: Receive and file

7. Consideration of Street Closures/Uses.

- a. Wichita Flight Festival, August 24, 25, and 26, Jabara Airport, 3512 North Webb Road. (District II)

RECOMMENDED ACTION: Approve street closure.

8. Agreements/Contracts:

- a. Construction Engineering and Staking in Northgate Addition, north of 53rd Street North, west of Meridian. (District VI)-supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

9. Change Orders:

- a. Phase I, 2007 Sanitary Sewer Reconstruction Program, north of 2nd Street, west of Meridian. (District VI)
- b. Sanitary Sewer in Whistling Walk Estates Additions, south of 13th Street, west of 119th Street West. (District V)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

10. Report on Claims Allowed for the month of May, 2007:

<u>Name of Claimant</u>	<u>Amount</u>
Adams, Valera	\$415.25
Briley, Clifford	\$30,000.00**
Edwards, Pamela	\$250.00
Halsey, Cynthia	\$659.90
Huggins, Phillip	\$448.14
Jamaledine, Sam	\$4,457.63
Pierce, Ricky	\$9,226.08
Rowe, L. Mark	\$64.95
Sharp, Greg	\$2,637.41
Westar Energy	\$2,748.35**

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

11. Municipal Court Debt Collections Agreement for the Collection of Court Fines and Costs.

RECOMMENDED ACTION: Approve the contract with Gila Corporation, d/b/a Municipal Services Bureau and authorize the necessary signatures.

12. Park Lighting. (Districts I, V, and VI)

RECOMMENDED ACTION: Adopt the bonding resolution; authorize the initiation of the project; and authorize the necessary signatures.

13. Consumer Price Index (CPI) Adjustment for Brooks C&D (Construction and Demolition) Landfill Contractor. (District VI)

RECOMMENDED ACTION: Increase the current total tipping fee from \$20.00 to \$24.00 and approve the \$2.00 increase in the contractor's portion of the tipping fee to become effective August 1, 2007.

14. Transfer of CIP Funds.

RECOMMENDED ACTION: Approve the transfer of funds; amend the CIP; adopt the amended Resolutions; and authorize the necessary signatures.

14a. Settlement of Lawsuit

RECOMMENDED ACTION: Ratify the mediated agreement and authorize payment of \$280,000.00 divided between Dian Wingate, Travelers Indemnity Company, and Triplett, Woolf & Garretson, LLC., as their interests may appear and \$907.50 to Depew Gillen Rathbun & McInteer, LC., for mediation services.

15. Second Reading Ordinances: (First Read June 26, 2007)

- a. Acquisition of Eminent Domain of Tracts required for improvement project of West Street from Maple to Central. (Districts IV and VI)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring real property for the construction and improvements of the planned West Street Road and Storm Water Project between Maple Avenue and Central Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the district court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.

RECOMMENDED ACTION: Adopt the Ordinances.

UNFINISHED BUSINESS

16. Century II Performing Arts & Convention Center Booking Policy. (District I)

RECOMMENDED ACTION: Approve the revised Century II Booking Policy

17. Public Hearing-Request for Resolution of Support for Application for Low-Income Housing Tax Credits, Brentwood Apartments. (District II)

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the ICDC application for Low-Income Housing Tax Credits subject to all local building and zoning codes, ordinances, design recommendations provided by the Planning Department and the Office of Central Inspection, and any additional design review requirements and subject to the conditions specified in the resolution document; approve the issuance of a letter of intent to issue the qualified residential housing revenue bonds in the amount not to exceed \$8,000,000 and application for a sales tax exemption certificate; and authorize the necessary signatures.

NEW BUSINESS

(9:30 a.m. or soon thereafter)

18. Repair or Removal of Dangerous & Unsafe Structures. (District VI)

<u>Property Address</u>	<u>Council District</u>
a. 1149 North Market	VI

On April 24, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the property below. 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 July 3, 2007.

RECOMMENDED ACTION: Close the public hearing; adopt the resolutions declaring the building a dangerous and unsafe structure; and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structure would be contingent on the following: 1) all taxes have been paid to date, as of July 3, 2007; 2) the structure has been secured as of July 3, 2007 and will continue to be kept secured; and 3) the premises are mowed and free of debris as of July 3, 2007 and will be so maintained during renovation.

19. Sign Code Amendments (Title 24.04) relating to Electronic Message/"LED" Signs.

During the past year, City Council members have voiced concerns about certain types of illuminated electronic message advertising signs, primarily those using what is known as "LED", "plasma", or "wedgebase" technologies to create changeable copy, animation and/or other moving graphics (hereafter referred to as "electronic message/LED signs").

RECOMMENDED ACTION: Approve first reading of the Sign Code ordinance amendments (Title 24.04 of the Code of the City of Wichita).

20. Henry Helgerson Company Storage Lease Agreement. (District I)

Henry Helgerson Company, an independent decorator at Century II has stored decorating equipment and supplies inside Century II for many years.

RECOMMENDED ACTION: Approve the Storage Lease Agreement with the Henry Helgerson Company and authorize the necessary signatures.

21. Mixed Martial Arts Event(s) at Century II. (District I)

Promoters Mr. Dave Mains and Mr. Joshua Lebeda of Wichita Mixed Martial Arts (MMA) Promotions, LLC, have requested usage of Century II for a MMA event on September 1, 2007.

RECOMMENDED ACTION: Approve Wichita Mixed Martial Arts Promotions, LLC, to hold the September 1, 2007 event and any other future events at Century II.

22. New Staffing Position. (District VI)

In 2005 the Mid-America All Indian Center Board of Trustees and the Division of Arts & Cultural Services created a Stabilization Plan for the Mid-America All Indian Center (MAAIC).

RECOMMENDED ACTION: Approve the request to add one full-time position to be staffed at the Mid-America All Indian Center.

23. Water Utilities Rate Adjustment and Plant Equity Fee Increases.

The City Council has on several occasions, considered water and sewer rate adjustments to address major capital costs associated with the replacement of utility infrastructure and the expansion of the treatment, distribution, and collection system needed to keep pace with urban growth.

RECOMMENDED ACTION: Approve the rate adjustment; approve the plant equity fee increases; place the plant equity fee ordinances on first reading; find and declare, upon the request of the Mayor, that a public emergency exists requiring final passage of the rate Ordinance on the date of its introduction; adopt the rate Ordinance; and authorize the necessary signatures.

24. 21st Street Bridge Rehabilitation over the Arkansas River. (District VI)

The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project to rehabilitate the 21st Street Bridge over the Arkansas River at Westridge.

RECOMMENDED ACTION: Approve the project; place the authorizing Ordinance on first reading; and authorize the signing of State/Federal agreements as required.

25. Mt. Vernon Improvement, between the Arkansas River and Broadway. (District III)

The 2005-2014 Capital Improvement Program includes funding to reconstruct Mt. Vernon between the Arkansas River and Broadway.

RECOMMENDED ACTION: Approve the design concept, Supplement Design Agreement, increased budget; place the amending ordinance on first reading; and authorize the signing of State/Federal Agreements as required.

26. Petition to pave Baehr between Newell and St. Louis. (District IV)

The signatures on the Petition represent 13 of 23 (57%) resident owners and 43% of the improvement district area.

RECOMMENDED ACTION: Approve the Petition; adopt the resolution; and authorize the necessary signatures.

PLANNING AGENDA

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

* Consent Items

27. *A07-13R-Request by Wanda Klein to annex land generally located south of 47th Street South, between West Street and Meridian Avenue. (District IV)

RECOMMENDED ACTION: Approve the annexation request; place the ordinance on first reading; and authorize the necessary signatures.

28. *SUB2007-38-Plat of Hidden Estates Second Addition located on the north side of 39th Street South and west of 159th Street East. (County)

RECOMMENDED ACTION: Approve the document and plat; authorize the necessary signatures; and adopt the Resolutions.

29. *VAC2005-00037-Request to vacate a platted alley right-of-way, generally located between Central Avenue and Elm Street, on the east side of Broadway. (District VI)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

CITY COUNCIL

30. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

31. Approval of travel expenditures for Mayor Brewer and Council Member Gray to attend Visioneering Wichita 2007 Region to Region Leadership visit in Jacksonville, Florida, September 11-14, 2007.

RECOMMENDED ACTION: Approve the expenditures

Adjournment

City of Wichita
City Council Meeting
July 3, 2007
Agenda Report No. 07-0626

TO: Mayor and City Council
SUBJECT: Community Events (District II)
INITIATED BY: Division of Arts & Cultural Services
AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Community Events Procedure, Wichita Festivals, Inc. is coordinating with City of Wichita Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Wichita Flight Festival, August 24, 25 and 26 Jabara Airport 3512 N. Webb Road

- 3500 block of Webb Road including the intersection of 43rd Street North and Webb Road.
 - Friday, August 24th 6:00 pm – 11:00 pm
 - Saturday, August 25th 10:00 am – 5:00 pm
 - Sunday, August 26th 10:00 am – 5:00 pm

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

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

Goal Impact: Enhance the Quality of Life

Legal Consideration: None

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

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0627

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Construction Engineering and Staking in Northgate Addition (north of 53rd Street North, west of Meridian) (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: The City Council approved the drainage improvements in Northgate Addition on October 24, 2006. On May 15, 2007 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

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

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$17,250 and will be paid by special assessments.

Goal Impact: This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering services needed for the construction of drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

Attachments: Supplemental Agreement

SUPPLEMENTAL AGREEMENT
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 15, 2007
BETWEEN
THE CITY OF WICHITA, KANSAS
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE
"CITY"
AND
BAUGHMAN COMPANY, P.A.
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE
"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated May 15, 2007) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements in **NORTHGATE ADDITION** (north of 53rd Street North, west of Meridian).

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

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

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

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

STAKING, AS-BUILT AND CONSTRUCTION ENGINEERING
(as per the City of Wichita Standard Construction Engineering Practices)

STORM WATER DRAIN NO. 307 serving Lots 1 through 60, Block A; Lots 1 through 92, Block B; Lots 1 through 71, Block C; Lots 1 through 42, Block D, Northgate Addition and Unplatted Tract "B" (north of 53rd Street North, west of Meridian) (Project No. 468 84253).

Construction staking and final as-built of all areas included in the project mass grading plan will be the responsibility of the ENGINEER, with final as-built plans submitted and sealed by a licensed land surveyor or registered professional engineer. Minimum construction staking shall consist of the following: grade stakes set at 50 foot centers in tangent sections, and 25 foot centers through curve sections, at the street centerline (to match CL street stationing per paving plans); both right-of-way lines (at lot corners); back lot/easement lines (at lot corners); as well as any other grade break lines. Grade stake cuts and fills shall be to the dirt grade as required by the mass grading plan details, and shall not be set for final pavement grade, nor to actual final subgrade elevation. Final elevations for all areas outside the street right-of-way to be graded per plans, provisions or otherwise, including

lots, easements, ponds and reserve areas, shall be within +/-0.2' of plan call-outs, unless otherwise stated in plans or provisions. Final elevations within the street right-of-way shall be within +/-0.1' of plan call-outs. The ENGINEER will be responsible to provide initial as-built(s) to the City's Project Engineer, who will coordinate any rework with the contractor. The ENGINEER'S survey and as-built generation responsibilities will include re-checking all points deemed to be out of compliance by the City project engineer, regardless of the number of times to achieve compliance. Two copies of the project specific mass grading and pond construction plan sheets will be submitted to the Project Engineer within 5 days of completion of final grading, will show original plan and final as-built elevations at all original call-out locations. Submittals will include both standard plan sheets as well as an electronic file.

B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

Project No. 468 84253 **\$17,250.00**

C. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2007.

BY ACTION OF THE CITY COUNCIL

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

(Name & Title)

ATTEST:

**City of Wichita
City Council Meeting
July 3, 2007**

Agenda Report No. 07-0628

TO: Mayor and City Council Members

SUBJECT: Change Order: Phase 1, 2007 Sanitary Sewer Reconstruction Program (north of 2nd, west of Meridian (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On February 6, 2007, the City Council approved a construction contract with Dondlinger & Sons Construction, Inc. to reconstruct a sanitary sewer located north of 2nd, west of Meridian. A part of the sewer line is under railroad tracks and was planned to be repaired by a pipe reaming method. After the work began, it was determined that the line had sagged and should be replaced by boring and jacking casing pipe under the tracks.

Analysis: A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

Financial Considerations: The total cost of the additional work is \$11,550 with the total paid by the Sanitary Sewer Utility. The original contract amount is \$196,939. This Change Order represents 5.87% of the original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing ongoing maintenance of the City's sanitary sewer system.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

Attachments: Change Order.



To: Dondlinger & Sons Construction Co., Inc.

Project: 2007 Sanitary Sewer Reconstruction Phase 1

Change Order No.: 1

Project No.: 468-84277

Purchase Order No.: 700132

OCA No.: 620466

CHARGE TO OCA No.: 620466 PPN: **666585**

Please perform the following extra work at a cost not to exceed \$11,550.00

To alleviate a large sag found under the railroad crossing, casing pipe needs to be bored and jacked under the railroad and the contractor will be required to re-lay 453.73 feet of pipe. The City will reimburse the cost of the casing pipe only.

ADD:

18" min Steel Casing (60 ft.)	1	LS	@	\$11,550.00	=	<u>\$11,550.00</u>
				TOTAL	=	\$11,550.00

Recommended By:

Approved:

Lawrence Schaller, P.E.
Construction Engineer

Date

Jim Armour, P.E.
City Engineer

Date

Recommended By:

Approved:

Contractor

Date

Chris Carrier, P.E.
Director of Public Works

Date

Approved as to Form:

By Order of the City Council:

Gary Rebenstorf
Director of Law

Date

Carl Brewer
Mayor

Date

Attest: _____
City Clerk

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No.07-0629

TO: Mayor and City Council Members
SUBJECT: Change Order: Sanitary Sewer in Whistling Walk Estates Additions
(south of 13th, west of 119th St. West) (District V)
INITIATED BY: Department of Public Works
AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On June 28, 2005, the City Council approved a contract with Wildcat Construction Company to construct a sanitary sewer for Whistling Walk Estates Additions, an existing residential neighborhood. A part of the work required the removal of mature trees adjacent to a home where an easement was needed. The homeowner granted the easement with the stipulation that the trees be replaced

Analysis: A Change Order has been prepared for the replacement of trees. Funding is available within the project budget.

Financial Considerations: The total cost of the additional work is \$18,010 with the total paid by the Sewer Utility. The original contract amount is \$137,785. This Change Order plus previous Change Orders represents 27.4% of the original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing sanitary sewer service for an existing residential neighborhood.

Legal Considerations: The Law Department has approved the Change Order as to legal form. City Council policy limits Changer Order totals to 25% of the contract budget. As a result, a policy waiver is needed for this Change Order

Recommendations/Actions: It is recommended that the City Council waive the 25% limit on Change Order costs for this project, approve the Change Order and authorize the necessary signatures.

Attachments: Change Order.



PUBLIC WORKS-ENGINEERING

April 20, 2007

CHANGE ORDER

To: Wildcat Construction Co., Inc.

Project: Main 5, Pump Sta. & Force Main
– Whistling Walk Estates Add.

Change Order No.: 3

Project No.: 468-84039a

Purchase Order No.: 500981

OCA No.: 624062

CHARGE TO OCA No.: 624062

PPN: 651004

Please perform the following extra work at a cost not to exceed \$18,010.00

Per the easement agreement that was made with the property owner Mr. Alter at 1159 N. Firefly, trees that were necessary to be removed on his property for the installation of the Main 5 project would be replaced with comparable cedar and “Caliper – Inch” deciduous trees.

ADD:

Red Cedars (8'-9') – 16 ea @ \$600.00/ea	= \$ 9,600.00
English Oak (7" Caliper) – 4 ea @ \$1,540.00/ea	= \$ 6,160.00
Maintenance & Warranty – 20 ea @ \$112.50/ea	= \$ 2,250.00
Total	\$18,010.00

Recommended By:

Approved:

Lawrence Schaller, P.E. Date
Construction Engineer

Jim Armour, P.E. Date
City Engineer

Approved:

Approved:

Contractor Date

Chris Carrier, P.E. Date
Director of Public Works

Approved as to Form:

By Order of the City Council:

Gary Rebenstorf Date
Director of Law

Carl Brewer Date
Mayor

Attest: _____
City Clerk



**DEPARTMENT OF LAW
INTEROFFICE MEMORANDUM**

TO: Karen Sublett, City Clerk
FROM: Gary E. Rebenstorf, Director of Law
SUBJECT: Report on Claims for May, 2007
DATE: June 21, 2007

The following claims were approved by the Law Department during the month of May, 2007:

Adams, Valera	\$ 415.25
Briley, Clifford	\$30,000.00**
Edwards, Pamela	\$ 250.00
Halsey, Cynthia	\$ 659.90
Huggins, Phillip	\$ 448.14
Jamaledine, Sam	\$ 4,457.63
Pierce, Ricky	\$ 9,226.08
Rowe, L. Mark	\$ 64.95
Sharp, Greg	\$ 2,637.41
Westar Energy	\$ 2,748.35**

**Settled for lesser amount than claimed

cc: George Kolb, City Manager
Kelly Carpenter, Director of Finance

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0630

TO: Mayor and City Council

SUBJECT: Municipal Court Debt Collections Agreement for the Collection of Court Fines and Costs.

INITIATED BY: Wichita Municipal Court

AGENDA: Consent

Recommendations: Approve the contract.

Background: The City has contracted with the Gila Corporation d/b/a Municipal Services Bureau for collection of delinquent Municipal Court fines and costs since 1997. Currently the Court processes an average \$25,000-\$45,000 each business day inclusive of delinquent and non-delinquent accounts. On a monthly basis, the City outsources from 900-1,300 delinquent cases with average balances of \$300-\$380. Prior to sending to the collection service, the age of the account since the last payment is 45 days.

Recently the Kansas Legislature passed a bill authorizing the Court to assess the costs of collection to the defendant. The authorization to assess the collection costs goes into effect July 2007, and will be assessed on those accounts that are delinquent after this date.

Analysis: The City of Wichita requested proposals from qualified businesses to provide a detailed operational plan that demonstrated understanding of and capability to assume responsibility for collecting delinquent Court fines, fees and costs. Forty-one requests for proposals were mailed to collection agency companies and attorneys; the proposal was posted on the City's Website; and the notice of solicitation was published in the Wichita Eagle. Nine responses were received and reviewed by a staff screening and selection committee of seven members from five departments, including Purchasing. Gila Corporation, d/b/a Municipal Services Bureau (MSB) offered the best value overall for the City and was selected as the proposed vendor. Municipal Services Bureau is a collection agency based in Austin, Texas, which specializes in collections for municipal and district courts and has provided collection services to the City of Wichita Municipal Court since 1997. Costs to the City of Wichita for collection services was lowered from 19.5% to 16% of collected amounts; a guaranteed monthly minimum recovery rate of 20% was proposed; and MSB agreed to forfeit 25% if the guaranteed monthly minimum recovery rate is not met. The proposed vendor will continue collection efforts on those cases assigned prior to July 2007 at the reduced percentage, but it will continue to be the City's responsibility to fund those collection services. Collection costs that are delinquent after July 2007 forward will be assessed to the defendants' accounts.

Financial Considerations: These commissions are budgeted in the Municipal Court's operating budget.

Goal Impact: The utilization of a collection agency services addresses the Safe and Secure Community Goal by assisting in the defendants' compliance to judicial orders and improving the perception of public safety. In addition, this contract will help the Court reduce costs, which is a component of the internal perspective.

Legal Consideration: The contract will be reviewed and approved as to form by the Law Department.

Recommendation/Action: Approve the contract with Gila Corporation, d/b/a Municipal Services Bureau and authorize the necessary signatures.

CITY OF WICHITA
City Council Meeting
July 3, 2007

Agenda Report No. 07-0631

TO: Mayor and City Council

SUBJECT: Park Lighting (Districts I, V and VI)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

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

Background: In keeping with the recent approved Safe and Secure Community Goal approved by City Council, the Park and Recreation Department strives to improve nighttime use of park facilities and recreation centers through these various lighting projects.

Analysis: The 2005 and 2007 Park Capital Improvement Program (CIP) includes \$100,000 per year, for the placement of outdoor lights in new and existing parks and replacement of damaged or obsolete light fixtures at existing parks, park facilities, and recreation centers. The 2005 Park Lighting CIP improvements, approved by City Council on April 5, 2005, included McAdams Park, which has been completed, Orchard Park Playgrounds, the pathway from the Linwood Recreation Center parking lot to the Swimming Pool/Tennis Court parking lot, replacement fixtures in Central Riverside Park, additional fixtures around Park Villa in North Riverside Park and additional fixtures in Sycamore Park. The 2007 Park Lighting CIP, approved by City Council on December 19, 2006, includes improvements to Country Acres Park, additional fixtures in Sycamore Park and Park Villa.

Funding provided for the necessary installations and safety improvements exceeds the \$100,000 for each year. Staff recommends the reallocation of available funding from the 2005 Park Lighting CIP and combine it with the funding for the 2007 Park Lighting CIP to complete the lighting improvements at Country Acres, Park Villa, Linwood Park, and Orchard Park, based on condition assessment and the remaining budget.

Financial Considerations: The 2005 Park Lighting CIP includes a remaining budget amount of \$60,000 and the 2007 Park Lighting CIP includes \$100,000 for the construction and replacement of park lighting at City parks, park facilities, and recreation centers. Staff recommends the remaining budget in the 2005 Park Lighting CIP, \$60,000, be transferred to the 2007 Park Lighting CIP for consolidation of expenditures. The 2007 Park Lighting CIP will be amended to include Country Acres, Park Villa, Linwood Park, and Orchard Park and eliminating Sycamore Park and Central Riverside Park. The funding source for the improvements is general obligation bonds.

Goal Impact: Replacement and additional new lighting for parks will help to improve community safety

and will satisfy citizens with improved quality of life through extended park hours.

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

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

Attachment: Amended Bonding Resolution for Park Villa

First Published in the Wichita Eagle on _____

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 06-675, AND AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE FOR LABOR, MATERIAL, AND EQUIPMENT FOR THE PLACEMENT OF OUTDOOR LIGHTS AND REPLACEMENT OF DAMAGED OR OBSOLETE LIGHT FIXTURES AT PARK VILLA SHELTER IN NORTH RIVERSIDE PARK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1: That the description of public improvements identified in Section 1 of Resolution No. 06-675, adopted December 22, 2006 is hereby amended to read as follows:

Labor, Material, and Equipment for the placement of outdoor lights and replacement of damaged or obsolete light fixtures at Park Villa Shelter in North Riverside Park. (785096/397-215)

SECTION 2: That Section 2 of Resolution No. 06-675 is hereby amended to provide that the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds by the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost is estimated not to exceed \$61,000, exclusive of the cost of interest on borrowed money.

SECTION 3: That the advisability of said improvements is established as authorized by K.S.A. 13-1024c and City of Wichita Charter Ordinance No. 156.

SECTION 4: That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

ADOPTED At Wichita, Kansas, this _____ day of _____ 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0632

TO: Mayor and City Council Members

SUBJECT: Consumer Price Index (CPI) Adjustment for Brooks C&D (Construction and Demolition) Landfill Contractor (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve a \$4 increase in the tipping fee at the Brooks C&D Landfill with an effective date of August 1, 2007.

Background: On June 6th 2001, the City of Wichita entered into a contract with Herzog Environmental, Inc. to operate the Brooks C&D Landfill. A tipping fee of \$20 was approved with \$9.00 of that fee going to Herzog for operations and \$11 to the City.

Analysis: Herzog's contract provides for an annual increase not to exceed the CPI. They have not requested an increase since the onset of the operations, but are now requesting a 10% increase from \$20 to \$22. The U.S. Department of Labor Consumer Price Index for the Midwest Urban area shows a total increase of 20.2% from 2001 to 2006. The requested tipping fee increase for Herzog falls well within these parameters.

By increasing the tipping fee by \$4 per ton (to \$24 per ton), the fee increase over the term of the agreement (20%) will be just less than the original fee adjusted for the change in the consumer price index.

The recommended increase would raise Herzog's portion of the tipping fee from \$9.00 to \$11.00 per ton (\$2/ton) and provide the same \$2 increase to the City's share.

Financial Considerations: The requested increase of \$2 per ton for the Contractor and \$2 per ton for the City will provide adequate revenue to maintain current operations. The City share of the increase could be expected to generate up to \$200,000 annually. This amount is based on the record high waste receipts of the last twelve months. The actual revenues to the Contractor and the City vary depending on building activity, storm damage, and the share of the total market that is received by the Brooks site.

The new total tipping fee for the Brooks site of \$24 per ton compares favorably with the other C&D landfills in the local market. The average price charged by the two other C&D landfills in the local market is \$24 per ton.

Goal Impact: This project will support the Safe and Secure Community Goal by affording a cleaner, more environmentally friendly City by continued availability of affordable, efficient C&D landfill services for both the citizens of Wichita and City operations.

Legal Considerations: Based on the CPI, Herzog's contract provides for periodic adjustments in the tipping fee. The requested increases fall well within that scope.

Recommendations/Actions: It is recommended that the City Council increase the current total tipping fee from \$20 to \$24 and approve the \$2 increase in the contractor's portion of the tipping fee to become effective August 1, 2007.

Attachments: None.

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0633

TO: Mayor and City Council

SUBJECT: Transfer of CIP Funds

INITIATED BY: Water Utilities

AGENDA: Consent

Recommendation: Approve the transfer of funds.

Background: Each year the City Council authorizes Water Utilities Capital Improvement Program expenditures for:

- reconstructing old sanitary sewers (S-4)
- installing sewer mains for future development (S-5)
- installing water mains to meet the needs of current development (W-65)
- replacing old water mains (W-67)

Subprojects are defined and identified as necessary, or as development is taking place. When the subproject is defined, the cost is estimated and a budget is set up using funds from the appropriate project. When the subproject is complete, the remaining budget is transferred to the main project, available to be used for other subprojects initiated in that same year. However, not all projects are completed in one fiscal year; therefore, not all of the funds approved are able to be spent during the year for which they were approved.

Analysis: Staff requests authorization to transfer 2006 funds remaining in S-4, S-5, W-65, and W-67 to the current year's budget, and to amend bond resolutions for the current year. This will clarify spending and bonding authority for projects not completed in one fiscal year, and for funds remaining when subprojects are completed during a subsequent fiscal year. Most 2006 subprojects are substantially complete and the 2006 projects will be closed. This process avoids the need to overbudget for projects in order to cover estimated costs, rather than actual costs.

Financial Considerations: The following amounts were not used in 2006 and are needed in 2007.

- S-4 \$1,272,256
- S-5 \$721,464
- W-65 \$3,221,000
- W-67 \$257,210

Transferring these funds will not increase CIP expenditures.

Goal Impact: As an internal perspective, this is an effective way for maintaining adequate cost accounting. To ensure efficient infrastructure, these projects will provide reliable, compliant and secure utilities.

Legal Considerations: City Council approval is required to transfer CIP budget authority.

Recommendations/Actions: It is recommended that the City Council: 1) approve the transfer of funds; 2) amend the CIP; 3) adopt the amended Resolutions; and 4) authorize the necessary signatures.

Attachments: Resolutions and Notices of Intent for each of the above-named CIPs.

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0634

TO: Mayor and City Council
SUBJECT: Century II Performing Arts & Convention Center Booking Policy (District I)
INITIATED BY: Department of Park and Recreation
AGENDA: Unfinished Business

Recommendation: Approve the revised Century II Booking Policy.

Background: Century II's booking policy has not been revised since August 2000. Staff reviewed the booking policies from other similar sized facilities and convention centers and gathered additional input from promoters and users in the community. The revised policy includes changes that eliminate some of the vagueness that was left to client and staff's interpretation. The policy also defines a course of action for those individuals responsible for booking events at Century II.

Century II staff met with local trade and consumer show promoters on December 6, 2006, to discuss the proposed booking policy changes. Staff provided clarification of the policy and gathered feedback from promoters. The policy was then revised and sent out to local promoters again on January 8, 2007. On March 13, 2007, the revised booking policy was presented to City Council. At that time, City Council members heard comments from local promoters and citizens and directed staff to revisit the policy and hold a meeting with concerned promoters.

On April 12, 2007, Century II staff hosted a meeting with local promoters and presented a three-tiered booking system. Based on the feedback from the invited promoters, the revised booking policy now includes a three-tiered system for booking events at Century II.

Analysis: The revised booking policy allows promoters to book 18, 24, or more months in advance if they meet the economic impact criteria as set forth by the Greater Wichita Convention and Visitors Bureau (CVB). The revised booking policy helps clarify the booking rules and regulations of Century II.

Key changes to the policy include the following:

- The addition of an "Event Request Application" and a \$25.00 administrative fee.
- The extension of the client to have 3 options when booking events.
- The option of a "contracted hold" deposit to be either 10% or 20%.
- The requirement to make full payment at least two (2) weeks prior to the event.
- The requirement to use WichitaTIX for all Century II ticketed events.
- The addition of a cancellation policy.

Financial Consideration: The revised Century II Booking Policy is critical to improving and streamlining the business practices at this public facility.

Goal Impact: This project will impact the Quality of Life by ensuring that citizens receive a positive return on all of their quality of life investments through improved business processes and financial management.

Legal Considerations: The City Attorney has approved the revised Century II Booking Policy as to form.

Recommendation/Action: It is recommended that the City Council approve the revised Century II Booking Policy.

Attachment: Revised Century II Booking Policy

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0635

TO: Mayor and Members of the City Council

SUBJECT: Public Hearing; Request for Resolution of Support for Application for Low-Income Housing Tax Credits, Brentwood Apartments (District II)

INITIATED BY: Housing and Community Services Department

AGENDA: Unfinished Business

Recommendation: Adopt the resolution and approve the letter of intent.

Background: The City has received a request from Inner City Development Company, LC (ICDC) for a City Council resolution of support for its application for 4% Low-Income Housing Tax Credits in connection with the acquisition and rehabilitation of the Brentwood Apartments. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.) The developer is also requesting a letter of intent to issue qualified residential housing revenue bonds in an amount not-to-exceed \$8,000,000.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy also requires a review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) review the project for design appropriateness, and consistency with applicable neighborhood plans and zoning. Once the project is reviewed by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application and, in this case, issuance of the letter of intent for the housing revenue bonds.

Analysis: The Brentwood Apartments complex is located at 6602 E. Harry, and consists of 196 apartment units, including 60 one-bedroom units, 114 two-bedroom units, and 22 three-bedroom units. Amenities include a swimming pool, and common laundry rooms.

The proposed project rehabilitation budget (hard costs) is estimated to be \$4,500,000. The proposed scope of work for the exterior includes new roofing, new siding, new guttering/downspouts, painting, installation of new landscaping and sprinkler system, resurfacing of the parking lots, new windows and sliding doors, architectural enhancement of the balcony structures, and correction of drainage problems. The proposed scope of work for the interior includes new carpet and flooring for each unit, new heating and air conditioning systems, new cabinets and counter tops, new appliances, including built-in microwave ovens, new bathroom fixtures, new lighting, new doors and re-painting.

The complex is currently subject to affordability restrictions as a result of a prior issuance of bonds. The bonds were originally issued in 1995, primarily for the purpose of financing the acquisition of the complex by Christian Relief Services, a Virginia-based not-for-profit corporation. At the time, \$300,000 in exterior and interior renovation was required.

Preliminary apartment rent amounts, upon completion of the proposed renovation, net of utility allowances, are expected to be a minimum of \$425 for one-bedroom apartments, a minimum of \$525 for two-bedroom apartments, and \$650 for three-bedroom apartments. Although the developer intends to

comply with the City's requirement for 20% of the units to be designated as market-rate units, the rent amounts for the market-rate units will not be significantly greater than the proposed tax credit rent amounts.

Planning Department staff members have indicated that they have no comments or concerns with respect to the design guidelines. The Office of Central Inspection (OCI) has indicated that the landscaping ordinance will apply, including a solid screen fence and landscaping along the north side of the property adjacent to the street and across from the park property. In addition, OCI recommends landscaping/screening for the parking lot on the east side of the complex, across from the single-family homes, between the sidewalk and the parking lot. Americans with Disabilities Act Accessibility Guidelines will be applicable to the project with respect to re-stripping/improving the parking lot and in connection with access paths to apartments.

The proposed project has been reviewed by the Housing and Community Services Department, and has received a recommendation for adoption of the resolution of support from the HAB, by a 10-0 vote. The proposed project was presented to DAB II for comment on June 4, 2007. Representatives of the Eastridge Neighborhood Association were invited to attend the meeting. There were no concerns, specifically related to the project, that could not be addressed. The DCC has approved a recommendation for adoption of the resolution of support.

The official name of the ownership entity upon completion of the transaction will be Brentwood Apartments, LLC. Inner-City Development Company/Christian Relief Services Charities, (ICDC/CRSC) Joint Venture, LLC will be the Managing Member, and an as-yet to be determined investor for the 4% housing tax credits will be the equity investor and member at-large.

The resolution of support does not constitute final plan or design approval. If the project is awarded tax credits, the project developer must comply with all requirements associated with appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita's LIHTC Policy design guidelines. Further, the developer must comply with any additional reviews that may be requested by the City Council member in whose district the proposed project is planned.

Under federal law, a developer must use tax-exempt bonds to finance a multi-family housing project in order to qualify for 4% low income housing tax credits. The City's economic development incentive policy allows the issuance of bonds for this purpose, provided that the property shall not receive property tax abatements. Property purchased with bond proceeds, such as construction materials and furnishings, is eligible for sales tax exemption, with authorization of the City Council. The developer has agreed to comply with the City's letter of intent conditions for the issuance of the housing revenue bonds.

Financial Considerations: The total project cost is estimated to be approximately \$11,178,623. The applicant intends to finance the project utilizing funding from the sale of 4% housing tax credits, an Affordable Housing Program (AHP) loan from the Federal Home Loan Bank, and partial deferral of the developer fee. The 4% housing tax credits do not involve a competitive application process, but require the issuance of tax-exempt qualified residential housing revenue bonds for the debt-financed portion of the project, which is expected to be approximately \$8,000,000. The developer agrees to pay all of the City's costs associated with the issuance of the bonds and to pay the City's \$2,500 annual administrative service fee. The bonds issued for the acquisition of the property in 1995 will be redeemed.

Goal Impact: The proposed project contributes to the goal of Economic Vitality and Affordable Living.

Legal Considerations: In accordance with City Council Resolution No. R-95-479, ICDC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Recommendation/Actions: It is recommended that the City Council close the public hearing, adopt the resolution of support for the ICDC application for Low-Income Housing Tax Credits subject to all local building and zoning codes, ordinances, design recommendations provided by the Planning Department and the Office of Central Inspection, and any additional design review requirements, and subject to the conditions specified in the resolution document; approve the issuance of a letter of intent to issue the qualified residential housing revenue bonds in the amount not to exceed \$8,000,000 and application for a sales tax exemption certificate; and authorize the necessary signatures.

Attachments: Resolution document.

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING SUPPORT OF THE DEVELOPMENT OF AFFORDABLE HOUSING IN THE CITY OF WICHITA, KANSAS.

WHEREAS, the City of Wichita, Kansas has been informed by Inner City Development Company, LC that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing to be located on a site legally described as follows:

Block 1, Eastlink Village 4th Addition, Wichita, Sedgwick County, Kansas

WHEREAS, this housing development will contain up to 60 one-bedroom units, 114 two-bedroom units, 22 three-bedroom units, a swimming pool, and full-time, on-site management; and

WHEREAS, this resolution establishing support for the aforesaid housing development shall be limited to a total of 156 units.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS:

That the Governing Body of the City of Wichita, Kansas supports and approves the development of the aforesaid housing in our community, subject to city ordinances and the building permit process. This Resolution is effective until June 19, 2008. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, this resolution is null and void.

This resolution does not constitute design or plan approval by the City of Wichita. The project design must comply with the City of Wichita's Low Income Housing Tax Credit Policy design guidelines, which will be determined by the Metropolitan Area Planning Department, if applicable, and the Office of Central Inspection, after the project is approved for tax credits. During that review, complete building plans may be submitted to the Council Member, at the Council Member's request, prior to issuance of a building permit.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, this 3rd day of July , 2007.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, City Attorney

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0636

TO: Mayor and City Council
SUBJECT: Repair or Removal of Dangerous & Unsafe Structure
Districts VI
INITIATED BY: Office of Central Inspection
AGENDA: New Business

Recommendations: Adopt the resolution.

Background: On April 24, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the property below. 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 July 3, 2007.

Analysis: On April 2, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on one (1) property. The one (1) property is listed below:

<u>Property Address</u>	<u>Council District</u>
a. 1149 North Market	VI

Detailed information/analysis concerning this property are included in the attachments.

Goal Impact: On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Legal Considerations: Pursuant to State Statute, the Resolutions were duly published twice on April 26, 2007, and May 5, 2007. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Recommendations/Actions: It is recommended that the City Council close the public hearing, adopt the resolutions declaring the building a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structure would be contingent on the following: (1) All taxes have been paid to date, as of July 3, 2007; (2) the structure has been secured as of July 3, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of July 3, 2007 and will be so maintained during renovation.

Attachments: Case Summary, Summary, and Follow-Up History.

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

City of Wichita
City Council Meeting

July 3, 2007

Agenda Report No.07-0637

TO: Mayor and City Council Members

SUBJECT: Sign Code Amendments (Title 24.04) Relating to Electronic Message/"LED" Signs

INITIATED BY: Office of Central Inspection

AGENDA: New Business

Recommendations: Adopt the ordinance amending the Sign Code to include additional electronic message ("LED") sign regulation (Title 24.04 of the Code of the City of Wichita).

Background: During the past year, City Council members have voiced concerns about certain types of illuminated electronic message advertising signs, primarily those using what is known as "LED", "plasma" or "wedgebase" technologies to create changeable copy, animation and/or other moving graphics (hereafter referred to as "electronic message/LED signs"). This technology is still evolving, but has seen significantly increased use in the Wichita market over the past 3 - 4 years. These signs, while significantly more energy efficient than older, incandescent bulb-lighted signs, are also significantly brighter, with much greater ability to quickly change copy, and/or to program more complex moving images and graphic animations.

Concerns have included: (1) excessive brightness, especially at night (generating some complaints from neighboring property owners or adjoining neighborhoods); (2) general aesthetic concerns, especially as related to use of such sign technology in historic districts or within the environs of historic buildings or districts; and (3) possible traffic safety issues due to distractions of extremely bright, changing or moving advertising copy and images;

These electronic message/LED sign issues were first formally presented to Council during a December 12, 2006 workshop. Staff was directed to obtain additional input from District Advisory Boards (DABs), the Historic Preservation Board (HPC) and sign industry representatives. Between early January to mid-March 2007, staff obtained additional input from DABs, the HPC and industry representatives.

On March 27, 2007, during a second Council workshop, staff presented an overview of the additional input received, along with several alternate courses of regulatory action. Council directed staff to proceed with development of proposed amendments to include additional electronic message/LED sign regulation requiring: (1) automated dimming controls to decrease brightness at night; (2) a threshold for maximum brightness/light intensity at night; (3) minimum standards for permitting such signs on historic buildings, in historic districts and/or within historic environs areas; and (4) a time-frame for non-complying electronic message/LED signs to comply with the new automated dimming standards.

Analysis: Based on direction received from the City Council, the ordinance includes the following Sign Code amendments:

- Specific, additional permit submittal and approval requirements for electronic message/LED signs, including: (1) detailed information from the sign manufacturer regarding maximum light intensity rating and the types of automated dimming control mechanisms and/or programmable computer software included with the sign (to automatically dim the signs at night to below maximum allowed brightness

levels); and (2) a letter from the business or property owner acknowledging the business's agreement to abide by night time dimming regulations and the maximum allowed nighttime brightness levels.

- Several new and modified sign terms and sign type definitions relating to electronic message/LED signs.
- Specific maximum nighttime brightness levels for electronic message/LED signs.
- A new code section outlining specific historic preservation requirements for electronic message/LED signs on historic properties or buildings, in historic districts, or within historic environs.
- An administrative adjustment procedure allowing up to a 30% variance to the maximum allowed brightness for some nighttime conditions (for example, an electronic message/LED sign at a large regional shopping center with a large, brightly lighted parking lot and a fairly deep setback could be administratively approved to exceed the basic nighttime standard).
- A requirement that existing electronic message/LED signs (which do not conform to the new dimming control and/or maximum nighttime brightness standards) be brought into compliance with new dimming regulations by December 31, 2007.

Financial Considerations: There will be some indirect City costs associated with enforcement of the new regulations (especially during the next six to twelve months as non-conforming signs are identified and subsequently required to upgrade dimming controls). There will also be some cost to businesses to retrofit non-conforming electronic message/LED signs.

Goal Impact: On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. The proposed electronic message/LED sign regulation involves both the "Provide a Safe and Secure Community" goal and the "Dynamic Core Area and Vibrant Neighborhoods" since the new regulations could impact traffic safety, and will help protect neighborhoods and historic districts through more specific sign control.

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

Recommendation/Actions: It is recommended that the City Council approve first reading of the Sign Code ordinance amendments (Title 24.04 of the Code of the City of Wichita).

Attachments: Delineated ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 24.04.060, 24.04.085, 24.04.185, 24.04.220 AND 24.04.251 AND REPEALING THE ORIGINALS OF SAID AMENDED SECTIONS; AND CREATING SECTION 24.04.223, ALL IN THE CODE OF THE CITY OF WICHITA, KANSAS, AND PERTAINING TO THE SIGN CODES OF THE CITY OF WICHITA, KANSAS.

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

SECTION 1. Section 24.04.060 of the Code of the City of Wichita is hereby amended to read as follows:

Section 24.04.060. Permit application and issuance.

(a) Application for permits shall be made to the superintendent of central inspection upon forms provided by the city and shall be accompanied by such information as may be required to assure compliance with all appropriate regulations. This may include drawings indicating the sign legend or advertising message, location, dimensions, construction and structural design. If the superintendent of central inspection deems it necessary, he may also require that a licensed engineer furnish information concerning structural design of the sign and the proposed attachments.

(b) The superintendent of central inspection shall issue a permit for a sign when an application therefor has been made and the sign complies with all applicable regulations of the city.

(c) A permanent sign permit issued under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of one hundred twenty days or more at any time after the work is commenced.

The superintendent of central inspection may grant extensions to these time limitations when a request is made in writing due to unusual circumstances. Before such work can be commenced or resumed thereafter, a new permit shall first be obtained and the fee therefor shall be one-half the amount required for a new permit for such work; provided no changes have been made in the

original design of the sign, and provided further that such suspension or abandonment has not exceeded one year.

(d) Only licensed and bonded sign hangers may place, locate, erect, construct, reconstruct, remodel, relocate, alter, hang, affix or create by painting any sign requiring a permit.

Exceptions:

(1) Temporary signs set forth in Section 24.04.230, except for commercial balloon signs, provided that the superintendent of central inspection may require such a sign hanger when the location or nature of such sign requires such sign hanger in the determination of the superintendent;

(2) Maintenance and repairing of existing signs by the owner when no structural changes are made to a sign;

(3) Portable signs.

(e) No permit for a sign issued under this chapter shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance.

(f) No permit shall be issued for a new sign or the reconstruction, relocation or expansion of a nonconforming sign, when the issuance of the permit would be contrary to applicable regulations.

(g) Applications for electronic message signs shall be accompanied by the following information:

(1) Information from the sign manufacturer and/or Wichita-licensed sign contractor providing the following information: the maximum light intensity or brightness of the sign, including the maximum NIT (or equivalent) rating of the sign; the type of automated dimming control devices or automated light level detector/s that will be provided with the sign to ensure the sign is appropriately dimmed at night or when ambient light conditions darken, including information about how such devices will operate; if automated dimming control devices or automated light level detector/s are not included with the sign, the type of programmable or manually operated software that will be included with the sign to ensure the sign is appropriately dimmed at night or when ambient light conditions darken, including information on how such software will operate.

(2) A signed letter from the property or business owner for whom the sign is being installed that acknowledges the property or business owner's agreement to abide by Sign Code regulations governing dimming of the sign at night and when ambient light conditions

darken.

(3) Except for information from the sign manufacturer and/or Wichita-licensed sign contractor providing information on the maximum light intensity or brightness of the sign, including the maximum NIT (or equivalent) rating of the sign, the provisions of (g)(1) and (g)(2) shall not be required for electronic message signs that have a maximum brightness and/or light intensity rating of 3,000 NITs or less (or equivalent).

SECTION 2. Section 24.04.085 of the Code of the City of Wichita is hereby amended to read as follows:

Section 24.04.085 Nonconforming signs.

(a) Any permanent sign in existence on the effective date of the ordinance codified in this chapter (May 4, 1990) which does not conform to the provisions of this chapter, but which was erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting in compliance with all previously applicable regulations shall be regarded as a nonconforming sign and may continue to exist as a nonconforming sign, except as hereafter provided.

(b) Any permanent sign in existence on December 13, 1974, which did not conform to the then existing provisions of the sign regulations, but which was erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting in compliance with all previously applicable regulations, shall be regarded as a nonconforming sign and may continue to exist as a nonconforming sign, except as hereafter provided.

(c) The following signs must be removed or conform to all applicable provisions of this chapter within fifteen years from the first date of nonconformance:

(1) Off-site signs which are within six hundred sixty feet of the established bank lines of the Big or Little Arkansas Rivers;

(2) Signs which are projecting over public rights-of-way in a manner not permitted by Section 24.04.200.

(d) Portable signs which do not conform to the provisions of this chapter and for which an annual temporary sign permit had been obtained prior to May 4, 1990, may continue in their

existing locations for the duration of time noted on the permit, and two additional annual permits may be issued for continued use at the same location, but all portable signs must thereafter conform to all applicable regulations of this chapter effective November 14, 1992.

(e) Any electronic message sign in existence on July ____, 2007, which does not conform to the dimming control requirements outlined in Section 24.04.220 (q) of this Chapter shall be required to modify such electronic message sign to comply with the dimming control requirements of Section 24.04.220 (q) by December 31, 2007.

SECTION 3. Section 24.04.185 of the Code of the City of Wichita is hereby amended to read as follows:

24.04.185. Classifications and Definitions.

1. Classification of Signs. Signs shall be classified by the superintendent of central inspection in accordance with the following classifications and definitions:

a. Sign, Advertising Decoration. Various sign materials used for temporary display and decoration, including streamers, string pennants, pinwheels, bunting and other similar devices on which no advertising copy, logos, symbols or emblems are printed, painted or attached, and that also comply with Section 24.04.230 of this Code.

b. Sign, Animated – An electronic message sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display and may include video displays.

c. Sign, Banner. An on-site sign on which advertising copy, logos, symbols or emblems may be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or a special event as referenced in 24.04.190(8); constructed of fabric or any non-rigid material with no fully enclosing framework; and designed to be attached securely at each end or corner of the banner sign to a wall, canopy, posts or stakes.

d. Sign, Building. An on-site sign attached to or painted onto a wall, awning, canopy, building or structure; or that is attached to, but not painted on, a roof structure or roof surface, the height of which shall not exceed the height of the roof or wall parapet, or of any of the following; (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; (3) the average height between the eaves and ridge line of a gable, hip or gambrel roof or (3) three feet above the

finished roof deck if the average height of a gable, hip or gambrel roof is less than three feet above the bottom or lowest edge of the roofline; except that a building or structure that was constructed prior to May 4, 1990 that does not have an area at least three feet tall and twenty feet wide above an unglazed portion of the building elevation, the bottom of which is at least seven feet above grade, may have a building sign which shall not exceed four feet, six inches above the roof or parapet;

e. Sign, Billboard. An off-site sign.

f. Sign, Bulletin Board. An on-site sign containing the name of the institution or organization, and may also include names of persons connected with it, announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message;

g. Sign, Commercial Balloon. An on-site, temporary sign that is inflated and exceeds five square feet in area, designed to advertise a specific product or service sold, produced or conducted on the premises on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached. Commercial balloons may be tethered or mounted to a structure on the ground.

h. Sign, Commercial Flag or Pennant. An on-site sign on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or any of the events referenced in 24.04.190(8); and constructed of fabric or any non-rigid material with no fully-enclosing framework, and designed to be attached securely to a permanent pole or post.

i. Sign, Construction. A temporary on-site sign indicating the names of architects, engineers, landscape architects, contractors, financier and similar artisans involved in the design and construction of a structure or project during the period of construction;

j. Sign, Directional. A sign containing words or symbols indicating an entrance to, exit from, or location of parking, loading, restrooms and emergency entrances which are for the convenience of the public;

k. Sign, Electronic Message - A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix, and also enable changes to be made to messages from locations other than at the sign. Electronic message signs shall be classified as animated, flashing/blinking/pulsating, fading or dissolving, scrolling or traveling signs when the rate of copy and/or graphic changes is more than one change per second.

l. Sign, Fading or Dissolving – An electronic message sign that transitions from one message to another by means of varying light intensity, where the first message gradually reduces in

light intensity to the point of not being legible and then for a new or revised message, gradually increases in light intensity to become legible.

m. Sign, Flashing/Blinking/Pulsating – An electronic message sign that contains flashing lights or exhibits noticeable changes in light intensity with a basic on-off of the same light source or display pattern, or that includes the illusion of intermittent or flashing by means of animation, or an externally-mounted intermittent light source. Generally, the sign's message, copy or flashing pattern is constantly repeated.

n. Sign, Ground. A sign placed upon, or supported by, the ground independently of any building or structure on the property.

o. Sign, Identification. An on-site sign which carries only the name and address of a building, business, development or establishment. Such sign may be wholly or partly devoted to a readily recognized symbol;

p. Sign, Menu Board - An on-site sign designed and used for the display of menu items and pictures and/or prices of menu items.

q. Sign, Monument. A detached ground sign for which the width of the widest part of the base or pole or pylon cover of the sign is at least one half the width of the widest part of the sign face, or for which the sign or sign cabinet supports consists of visible poles or pylons supporting a sign cabinet or face that is not more than two feet above the average grade of the ground under the sign face.

r. Sign, Moving – A sign that includes motion or movement, or the illusion of motion or movement, including animated, flashing/blinking/pulsating, fading or dissolving, scrolling or traveling, or rotating signs.

s. Sign, Nameplate. A small on-site sign located at any entrance to a building and indicating the name and/or address of an occupant and, where applicable, a professional status;

t. Sign, Off-site. A sign delivering a message or advertisement other than the name, occupation or nature of the activities conducted on the premises or the products sold or manufactured thereon;

u. Sign, On-site. A sign which carries only a message or advertisement strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, the rental or lease of products or building space, name of the person, firm or corporation occupying the premises;

v. Sign, Pole or Pylon. A detached ground sign whose sign face or cabinet is more than two feet above ground level and is supported by poles, pylons or posts;

w. Sign, Political. A sign pertaining to the announcement of an individual being a legally registered candidate for an elective political office, or a sign stating a position regarding any issue that has been placed on a ballot for public vote or referendum. Any such sign exceeding six square feet of gross surface area shall be classified as an off-site sign and regulated accordingly;

x. Sign, Portable. A temporary on-site sign designed in such a manner to be readily movable and not permanently attached to the property; such as, A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Any such sign shall not exceed a height of ten feet above grade; and shall not exceed sixty square feet per side in gross surface area.

y. Sign, Project Directory. An on-site sign containing the names and locations, in list or map form, of the individual components making up a planned unit development, shopping center or similar project;

z. Sign, Project Title. A sign which carries the overall name of a residential subdivision, shopping center, industrial park, medical complex, planned unit development, mobile home park and similar projects;

aa. Sign, Projecting. An on-site sign suspended from, or supported by, a building or structure and projecting there from a distance exceeding one foot beyond the property line;

bb. Sign, Real Estate. An on-site sign, excluding any portable sign as defined herein, displayed for the purpose of offering real property for sale, lease or rent;

cc. Sign, Roof. A sign erected upon or above the roof of a building or structure that does not meet the definition of a Building Sign;

dd. Sign, Rotating – A sign that turns or spins on or around a pole or other similar axis point.

ee. Sign, Scrolling or Traveling – An electronic message sign that includes a message transition where the message that is leaving or appearing moves horizontally or vertically across the sign display surface.

ff. Sign, Temporary. An on-site sign, excluding any banner, commercial flag or pennant, or construction sign as otherwise defined in this Code, that is limited in the period of time that such sign may remain on a property either by the limitations of these regulations or the conditions of the permit;

gg. Sign, Variable Message. A sign that includes provisions, or the electronic or mechanical means for, message or copy changes. These signs may include changeable message or copy with letters and/or numbers mounted in or on a track system, time and temperature signs, electronic

message signs, menu boards, signs with scrolling faces, and signs with rotating sections or panels (i.e., tri-vision and similar type displays).

hh. Sign, Wall. A sign attached to, erected against, or painted onto a wall of a building with the exposed face of the sign in a plane parallel to said wall;

ii. Sign, Window. On-site signs, either temporary or permanent, installed on the window area of a building;

2. Definitions. The definitions set out below are applicable to this chapter:

a. Abutting - Abutting means touching or directly contiguous to.

b. Adjacent - Adjacent means no farther than one hundred fifty linear feet, unless otherwise provided in a specific section of this Code.

c. Institution. The building, group of buildings, or place of confinement or use of an established organization or foundation dedicated to public service, education, or culture, or any church or school.

d. NIT – NIT shall mean a unit of luminance equal to one candela (one candle) per square meter.

e. Owner. Owner of a sign includes the property owner of record, manager, lessee, designated agent, or any person exercising control over the sign.

f. Pole or Pylon Cover or Wrap – An enclosure for concealing and/or decorating poles or other structural supports of a ground or pole sign.

g. Sign. Any structure, fixture, banner, flag, pennant, placard or device using text (including letter, word, or numeral), pictorial representation (including illustration, declaration, or figure), emblem (including device, symbol, logo, or trademark), attention attracting device such as strobe lights, flashing lights or beacon lights, or any other thing which is designed, intended, or used to identify, instruct, attract, guide, advertise or inform, any part of which is visible from any adjacent property or public street or highway.

h. Sign Cabinet – The structural frame that encloses one or more sign faces.

i. Sign Structure. A structure of any kind which is built or constructed and supports or is capable of supporting a sign as defined in this chapter. A sign structure shall include the foundation and base, the poles or pylons that support the sign, any structural extensions that support a sign or its cabinet, any structural framework that supports a sign face, or any sign face cabinet.

j. Zoning District or District. Zoning classifications established in the Wichita-Sedgwick County Unified Zoning Code as set forth in Title 28 of the Code of the City of Wichita.

k. Zoning Lot. A parcel of land that is designed by its owner or developer, at the time of applying for a building permit as one lot, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirement of the above and the requirements of the subdivision rules and regulations, such lot may consist of (1) a single lot of record, (2) a portion of a lot of record, or (3) a combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record. For purposes of this Code, approved Community Unit Plans, Planned Unit Developments or “P-O” Protective Overlays, as defined in the Wichita-Sedgwick County Unified Zoning Code, shall be considered as a single zoning lot.

To the extent they are not inconsistent with this chapter, the definitions adopted for Title 28 of the Code of the City of Wichita, as amended shall apply to the terms used in this chapter. The use of zoning definitions and reference to the zoning code is for purposes of convenience and shall not be deemed to make the sign ordinance or activities or regulation under the sign ordinance as zoning or zoning regulation.

3. Signs subject to more than one classification. Whenever a sign could be subject to more than one classification, the superintendent of central inspection shall determine the most appropriate classification and apply all applicable regulations.

SECTION 4. Section 24.04.220 of the Code of the City of Wichita is hereby amended to read as follows:

24.04.220. General requirements. The signs regulated by this chapter shall be subject to all applicable ordinances, conditions and special requirements as may be specified herein.

(a) All signs shall comply with the appropriate detailed provisions of Title 18, building code, relating to the design, structural members and connections.

(b) All signs shall comply with the applicable provisions of Title 19, electrical code, and subject to the permits required therein.

(c) All signs shall comply with the limitations of height, area, type, and illumination requirements as set forth in this chapter.

(d) No signs, except for commercial flag or pennant signs, shall be erected that will allow the sign to swing or rotate due to wind action. All signs shall be securely fastened so that movement in any direction is prevented.

(e) Every sign, except for advertising decoration, banner and commercial flag or pennant signs, shall be erected level and plumb and be constructed of galvanized metal or otherwise protected from corrosion.

(f) No ground or pole sign of combustible material shall be erected closer to a property line or to a building than the distance required by the building code for type VN construction, except for temporary signs.

(g) Structures of all signs and sign structures shall be fabricated of noncombustible materials and supported by concrete foundations or anchored with metallic connections to the supporting structure. All electrically illuminated signs shall be constructed as set forth in the electrical code; however, signs may be constructed of heavy timber or faced with combustible materials upon approval of the superintendent of central inspection.

(h) Wall signs shall not extend beyond the top or ends of the wall surface on which the sign is placed without the approval of the superintendent of central inspection.

(i) No projecting sign shall be erected closer to an adjacent property than the distance the sign projects from its support. All projecting signs shall be constructed entirely of incombustible material.

(j) Signs erected on, attached to or made a part of a canopy or marquee projecting over public right-of-way shall be considered projecting signs.

(k) Roof signs shall be constructed of incombustible material and shall be so located as not to interfere with the drainage of the roof, or to prevent access onto any portion of the roof. A permit for any roof sign shall be issued only after compliance by the applicant with the following provisions:

The applicant shall give a bond in the sum of five thousand dollars to save and hold the City free and harmless from all damages which may be occasioned by the erection and maintenance of such sign; the bond is to be signed by the sureties acceptable to the city and to be approved as to form by the city attorney.

In lieu of this bond of five thousand dollars for each roof sign permitted under this section, it shall be permissible to file with the city a blanket surety bond to cover all roof signs erected and maintained by a person within the city. Such bond shall be such nature as to cover such roof sign erected and maintained, in the amount of five thousand dollars. Such blanket surety bond shall be conditioned to save and hold the city free and harmless for any and all damages, claims or demands which may be occasioned by the erection and maintenance of such sign. Such bond shall be signed by sureties acceptable to the City and shall be approved as to form by the city attorney.

(l) Each sign, except temporary signs for which permits have been issued for thirty days or less, shall have the name of the sign owner affixed to the sign in a manner approved by the superintendent of central inspection.

(m) Gross Surface Area of an On-Site Sign. The gross surface area of a sign shall be the sum of all surface areas of all the sign faces, except that ground or pole signs designed as double-faced signs, with both faces parallel and when the distance between the faces does not exceed three feet, then only one face of the sign shall be considered in determining the sign area.

In determining the surface of a sign, each face of a sign may be broken down into two areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements. Such perimeters need not include any structural elements lying outside the limits of such sign when they do not form an integral part of the display, nor shall it include either: (i) architectural embellishments when such do not contain any advertising or printed copy, are not lighted and do not exceed ten percent of the permitted sign area; or (ii) a sign pole or pylon cover or aesthetic wrap when such does not contain any advertising or printed copy and is not internally lighted.

(n) Limitations. Limitations apply to the type, height, setback, number, and gross surface area of signs on each zoning lot.

(o) Height of Sign. Sign height shall be measured from grade at the base of the sign to the highest portion of the sign structure.

(p) Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located any residential district or upon any public street. Any illuminated sign located on a lot adjacent to or across the street from any residential district, which sign is visible and within two hundred feet of any residential district, shall not be illuminated between the hours of eleven p.m. and seven a.m. Signs may not be illuminated unless so designated to permit same.

(q) Electronic Message Signs. No electronic message sign shall be erected or installed without controls such as an automated and/or programmable light detector or photocell, a programmable and scheduled automated dimming timer, or a manual control by which the electronic message sign's brightness and/or light intensity will be dimmed at night and when ambient light conditions darken. Generally, the maximum nighttime brightness and/or light intensity should not exceed 3,000 NITS (or equivalent). For electronic message signs that have a maximum brightness and/or light intensity of 3,000 NITS or less (or equivalent), a manual or programmable control by which the electronic message sign will be dimmed at night and/or when ambient light conditions darken shall not be required.

(r) Moving Signs. No moving signs, electronic message signs, or signs with flashing lights shall be permitted in a residential zoning district, or in the "NO" Neighborhood Office district,

"GO" General Office district, "NR" Neighborhood Retail district, "OW" Office/Warehouse district, or the "IP" Industrial Park district.

(s) Facing Direction of Travel. A sign shall be considered facing the direction of travel when it is visible from any lane of traffic proceeding along a street and the face of such sign is a plane within thirty degrees of a line perpendicular to the centerline of the street. A sign shall be considered facing both directions of travel along a street if the angle exceeds the thirty degrees as described above. Exception: A sign located within two hundred fifty feet of an intersection of arterials or expressways, or combination thereof, shall be considered facing the line of traffic it is more directed toward providing the face of the sign is in a plane within thirty degrees of a line perpendicular to the centerline of that street.

(t) Distance Between Off-Site Signs. Distance between off-site signs facing a direction of travel shall be measured at the centerline of a street at the points where lines are projected perpendicular to the center line of the street to the center of the signs.

(u) No portion of a sign that is located within the triangle formed by the imaginary intersection of curb lines at the intersection of two streets, and extending for a distance of fifty feet each way from that imaginary intersection of a curb line of any corner lot, shall be permitted to extend closer than ten feet to grade of adjacent roadway surface.

(v) Any sign authorized in this ordinance is allowed to contain noncommercial copy in lieu of any other copy.

(w) Alternative or additional requirements concerning the type, size, height, and location of signs may be established on specific sites subject to the community unit plan regulations found in the Unified Zoning Code in accordance with procedures set forth therein.

SECTION 5. Section 24.04.223 of the Code of the City of Wichita is hereby created to read as follows:

24.04.223. Specific historic preservation requirements. When otherwise permitted by this Chapter, electronic message signs on buildings or properties listed on an historic register, or on contributing properties within a designated historic district, or electronic message signs on buildings or properties within the environs of buildings or properties listed on an historic register or within the environs of a designated historic district, shall be subject to the following conditions and/or special requirements. The City of Wichita Historic Preservation Board, as established by Chapter 2.12.1015 of the Code of the City of Wichita, may establish additional and/or more restrictive conditions and/or special requirements under the separate procedures for that Board:.

1. For electronic message signs on individual buildings or properties listed on an historic register, or on contributing buildings or properties within a designated historic district, the following conditions and special requirements shall apply:

a. No electronic message signs shall be permitted except on or for theater buildings. Electronic message signs for theaters shall be considered on a case-by-case basis by the City of Wichita Historic Preservation Board;

b. Electronic message signs on or for theater buildings shall comprise only a portion of the overall marquee and/or signage design package for the theater.

2. For electronic message signs on buildings or properties within the environs of a listed historic building or property, or within the environs of a designated historic district, the following conditions and special requirements shall apply:

a. Not more than one electronic message sign shall be permitted on a zoning lot;

b. Animated, flashing/blinking/pulsating, or fading/dissolving electronic message signs are not permitted. Scrolling or traveling electronic message signs may be permitted;

c. Electronic message sign images or messages shall not change more than once every three seconds;

d. Each electronic message wall sign shall be limited in total area to ten percent of the area of the wall elevation to which such sign is attached, and no electronic message wall sign shall exceed two hundred square feet in area;

e. Each electronic message ground sign shall be limited in total area to a maximum size in square feet that is equal to or less than fifty percent of the linear street frontage of the zoning lot on which the electronic message ground sign is located, with a maximum electronic message sign area of two hundred square feet.

SECTION 6. Section 24.04.251 of the Code of the City of Wichita is hereby amended to read as follows:

24.04.251. Sign Code Adjustments.

1. Authority. The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve applications for Sign Code Adjustments.

2. Types of Adjustments Allowed. Sign Code Adjustments shall be limited to the following:

- a. Reducing the minimum allowed distance required between on-site ground, monument or pole signs by up to one-third;
- b. Increasing the maximum allowed height of on-site ground, monument or pole signs, or of building or wall signs, by up to twenty percent;
- c. Increasing the maximum allowed size of individual building or wall signs or of the total allowed building sign wall elevation coverage by up to twenty percent;
- d. Increasing the maximum number of allowed building or wall signs per any elevation by up to one (1) in the NO, GO, NR, OW or IP zoning districts, or up to two (2) such signs per any elevation in the LC zoning district.
- e. Reducing the minimum allowed depth of parking , loading or open space area required in the LC zoning district for building or wall signs on elevations not having street frontage;
- f. Allowing structurally altered legal non-conforming on-site pole, ground or monument signs to be structurally altered at their existing base or pole structure location provided that the extent of non-conforming sign height or sign size is reduced;
- g. Allowing legal non-conforming off-site pole, ground or monument signs to be structurally altered to an extent exceeding fifty percent of the sign's structural value or to an extent that includes repairs or modifications exceeding fifty percent of the of the sign's structure, at their existing base or pole structure location provided the number of main support poles or pylons are reduced to a single support pole or pylon, or the extent of non-conforming sign height or sign size is reduced;
- h. Increasing the maximum allowed height of ground, monument or pole signs for on-site or off-site signs located within seventy-five feet of a zoning lot line that directly abuts the right-of way of an elevated portion of a highway structure to a height at the top of the sign that does not exceed twenty feet above the height of the top of the highest railing or barrier along the traffic deck *or* decks within the right-of-way at a point perpendicular the sign.
- i. Allowing variable message or electronic message signs for institutional uses located in any residential zoning district, or in any "NO", "GO", "NR", "OW" or "IP" zoning districts.
- j. Allowing "off-site" signs that do not exceed one hundred square feet in area or twenty-five feet in height, provided that the sign for the business being advertised is

located on a zoning lot that abuts or is adjacent to the zoning lot on which the advertised business is located, and on which the proposed “off-site” sign would otherwise be allowed by the “on-site” sign regulations set forth in Sections 24.04.193, 24.04.199 or 24.04.221.

k. Increasing the maximum distance that an off-site project title sign may be placed from a subdivision, as set forth in Section 24.04.190.6.i.(1), by up to twenty-five percent (25%).

l. Increasing the maximum nighttime brightness and/or light intensity of allowed electronic message signs, as set forth in Section 24.04.220(q), up to a maximum of 4,000 NITs (or equivalent).

3. For signs not located within an approved Community Unit Plan (CUP), Planned Unit Development (PUD) or Protective Overlay (PO), or located within a CUP, PUD or PO wherein the CUP, PUD or PO provisions and/or conditions refer only to signs as allowed or permitted by the Sign Code, the applicant requesting a sign adjustment may file a variance request to the Wichita Board of Zoning Appeals pursuant to Art. V.G of the Wichita-Sedgwick County Unified Zoning Code if the adjustment request is denied, or when such adjustment request has been approved with conditions or modifications that are unacceptable to the applicant. The filing fee for any sign adjustment shall be applied toward the filing fee for any variance request.

4. For signs located within an approved Community Unit Plan (CUP), Planned Unit Development (PUD) or Protective Overlay (PO) wherein the CUP, PUD or PO provision and/or conditions set forth specific sign requirements for the CUP, PUD or PO, the applicant requesting a sign adjustment may file an amendment to the CUP, PUD or PO pursuant to Art. V.C or V.E of the Wichita-Sedgwick County Unified Zoning Code if the adjustment request is denied or when such adjustment request has been approved with conditions or modifications that are unacceptable to the applicant. The filing fee for any sign adjustment shall be applied toward the filing fee for any amendment request.

5. Appeals of approved sign adjustments by other than the sign adjustment applicant and/or property owner may be taken to the Wichita Board of Zoning Appeals by filing an appeal with the Board of Zoning Appeals’ secretary within the time limit specified by the rules of the Wichita Board of Zoning Appeals, and in accordance with Art. V.F of the Wichita-Sedgwick County Unified Zoning Code.

6. Sign Code Adjustment criteria. The Planning Director shall not approve a Sign Code Adjustment if the Planning Director finds that the proposed development:

- a. Creates more adverse impacts on existing uses in surrounding areas than those that might reasonably result from development of the site in strict compliance with the adjusted standard;
- b. Would not be compatible with existing or permitted uses on abutting sites, in terms of adjusted sign height or size, number of signs, sign bulk and scale, or minimum allowed depth of parking , loading or open space area required;
- c. Will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the immediate vicinity for reasons specifically articulated by the Planning Director.

7. Appeals from the Wichita Board of Zoning Appeals. Any person, official or governmental agency dissatisfied with the decision of the Wichita Board of Zoning Appeals may bring an action in the district court of the Eighteenth Judicial District to determine the reasonableness of such decision. Such appeal shall be filed within 30 days of the final decision of the Wichita Board of Zoning Appeals.

SECTION 7. The originals of Sections 24.04.060, 24.04.085, 24.04.185, 24.04.220 and 24.04.251 of the Code of the City of Wichita are hereby repealed.

SECTION 8. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be shall be effective upon publication once in the official paper.

ADOPTED AT WICHITA, KANSAS, THIS _____ DAY OF JULY, 2007.

Carl Brewer, Mayor

ATTEST:

Karen Scholfield, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 017-0638

TO: Mayor and City Council
SUBJECT: Henry Helgerson Company Storage Lease Agreement (District I)
INITIATED BY: Department of Park and Recreation
AGENDA: New Business

Recommendation: Approve the Storage Lease Agreement with Henry Helgerson Company.

Background: Henry Helgerson Company, an independent decorator at Century II, has stored decorating equipment and supplies inside Century II for many years. Investigation of this arrangement shows no formal agreement with Century II except a letter dated August 16, 1995, stating that rates would be increased to \$2.00 per square foot. At that time the Henry Helgerson Company was utilizing 1,500 square feet. Staff has found no proof or documentation that the rate increase was ever implemented.

Analysis: Century II has had no official documentation as to the arrangement with the Henry Helgerson Company. The Henry Helgerson Company is currently paying \$1.13 per square foot and utilizing 4,971 square feet, well below market value.

Century II staff did a storage analysis to determine competitive rates for commercial storage. Rates ranged from \$3.89 to \$10.30 with the average of \$6.35 per square foot. In addition to the Henry Helgerson Company having their equipment on site, Century II also offers climate controlled storage and 24 hour access as this company utilizes the equipment for outside sales.

The key elements of the agreement include the following:

- Four months plus a three (3) year term with the option to renew every three (3) years.
- Lump sum and quarterly payments.
- During the initial term, the rental rate applicable to storage space shall be the sum of three dollars (\$3.00) per square foot, per year. This rental rate shall progressively increase by the additional sum of one dollar and fifty cents (\$1.50) per square foot, per year.
- Henry Helgerson Company agrees to carry public liability insurance.
- Henry Helgerson Company may remove their property from the premises for other business ventures.

Financial Considerations: The Henry Helgerson Company storage lease agreement is critical to improving the business practices at Century II and clarifying financial arrangements. No additional expenditures are expected.

Goal Impact: This project will impact the Quality of Life by ensuring that citizens receive a positive return on all of their quality of life investments through improved financial management.

Legal Considerations: The City Attorney has approved the contract as to form.

Recommendations/Actions: It is recommended that the City Council approve the Storage Lease Agreement with the Henry Helgerson Company and authorize all necessary signatures.

Attachment: Henry Helgerson Company Storage Lease Agreement

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0639

TO: Mayor and City Council
SUBJECT: Mixed Martial Arts Event(s) at Century II (District I)
INITIATED BY: Department of Park and Recreation
AGENDA: New Business

Recommendation: Approve Mixed Martial Arts Event(s) at Century II

Background: Promoters Mr. Dave Mains and Mr. Joshua Lebeda of Wichita Mixed Martial Arts (MMA) Promotions, LLC, has requested usage of Century II for a MMA event on September 1, 2007. State statute 74-50,189 requires a license form the Kansas Athletic Commission and the governing body of the City to adopt a resolution approving professional and amateur boxing, kickboxing, full-contact karate and mixed martial arts.

Event staff investigated other MMA events in Tulsa and Oklahoma City, Oklahoma and received positive reports from the facilities where these events were held. In addition, Century II event staff inquired into the business references of Mr. Mains. Both references have had no problems with the business dealings of Mr. Mains.

Analysis: Mr. Dave Mains and Mr. Joshua Lebeda have successfully obtained a promoters license with the Kansas Athletic Commission to conduct professional and amateur MMA events. Mr. Mains is a full-time promoter and has requested to lease Expo Hall at Century II to conduct an event on September 1, 2007 and possible other future events.

Wichita MMA Promotions, LLC, is expecting 2,500 attendees and will sign a facility use lease. Wichita MMA Promotions, LLC assured Century II that they would have a \$1,000,000 liability insurance policy on file for the event. Event security will consist of eight (8) uniformed police officers and six (6) t-shirt security. Alcohol and full concessions will be available for consumption.

Financial Considerations: Century II could expect approximately \$5,000 in revenue from this event.

Goal Impact: This project will impact the Quality of Life goal by providing a variety of entertainment options to citizens.

Legal Considerations: The City Attorney has reviewed and approved this request as to form.

Recommendations/Actions: It is recommended that the City Council approve Wichita Mixed Martial Arts Promotions, LLC, to hold the September 1, 2007 event and any other future events at Century II.

Attachments: Approved Kansas Athletic Commission Application for Wichita Mixed Martial Arts Promotions.

KANSAS ATHLETIC COMMISSION

Department of Commerce
 1000 SW Jackson, Suite 100
 Topeka, KS 66612-1214
 Phone: (785) 296-1913
 Fax: (785) 296-6809

RECEIVED

MAY 25 2007

COMMERCE LEGAL

FOR OFFICE USE ONLY	
DATE	May 15, 07
LICENSE TYPE	Promoter
LICENSE NUMBER	PR-KS006
<input type="checkbox"/> RENEWAL	<input checked="" type="checkbox"/> NEW
ENTERED BY	DATE ENTERED

APPLICATION FOR PROMOTER'S LICENSE

Approved

The application fee for a Promoter's license is \$400.00.

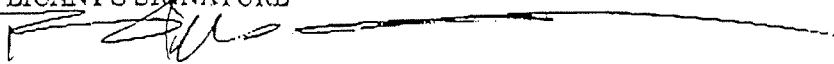
Upon issuance, the licensee is licensed to promote the following events in Kansas:

- Professional and Amateur Boxing
- Professional and Amateur Kick-Boxing & Full-Contact Karate
- Professional and Amateur Mixed Martial Arts

A Surety Bond, liability insurance, or evidence of indemnity coverage, in the amount of at least \$5,000 must be attached in accordance with K.S.A. 74-50,196 to guarantee payment of athletic taxes and license fees.

In lieu of the above, the Promoter may submit a irrevocable letter of credit in the amount of \$5,000 pursuant to K.A.R. 128-4-1(a).

A check or money order for the license fee, payable to the Kansas Athletic Commission, must be submitted with this application. **Do not send cash.**

NAME OF PROMOTER Wichita MMA Promotions		TELEPHONE NUMBER 316-461-5078
PROMOTER'S LEGAL NAME Wichita MMA Promotions LLC		
STREET ADDRESS OR PO BOX 8918 W. 21st St. North, Ste 200-145		
CITY Wichita	STATE KS	ZIP CODE 67212
1. Have you or any owner of the promotion company ever been convicted of any offense other than minor traffic violations? (False statements may result in denial of license.) If yes, provide a detailed statement.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Have you or the promotion company ever been suspended or disciplined by the Kansas Athletic Commission or any other Athletic Commission? (If you, explain on the back of this application.)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
I certify (or declare), under penalty of perjury, that I have read the foregoing application for _____ license, and that all the answers given are my own; That all the answers are true of my own knowledge; Further, I understand and agree that any false statement of a material fact in this application will constitute grounds for revoking this license.		
APPLICANT'S SIGNATURE 		DATE 14 May 2007

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0640

TO: Mayor and City Council
SUBJECT: New Staffing Position (District VI)
INITIATED BY: Division of Arts & Cultural Services
AGENDA: New Business

Recommendation: Approve the request for one full-time staffing position at the Mid-America All-Indian Center.

Background: In 2005 the Mid-America All-Indian Center Board of Trustees and the Division of Arts & Cultural Services created a Stabilization Plan for the Mid-America All-Indian Center (MAAIC). The plan includes five (5) full-time positions, as funding becomes available. Currently the facility is staffed with one (1) full-time position.

Analysis: The MAAIC Board of Trustees has identified the need and funding for an additional full-time position.

Financial Consideration: MAAIC will reimburse the City of Wichita 100% of all staffing and related cost.

Goal Impact: Promote Economic Vitality and Affordable Living; Quality of Life

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council approve the request to add one full-time position to be staffed at the Mid-America All-Indian Center.

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0641

TO: Mayor and City Council
SUBJECT: Water Utilities Rate Adjustment and Plant Equity Fee Increases
INITIATED BY: Water Utilities
AGENDA: New Business

Recommendation: Approve Water Utilities' rate adjustments and the increases in plant equity fees.

Background: The City Council has, on several occasions, considered water and sewer rate adjustments to address major capital costs associated with the replacement of utility infrastructure and the expansion of the treatment, distribution and collection systems needed to keep pace with urban growth.

Rate pressures in both Utilities are almost exclusively driven by capital needs associated with major investments to assure that the Utilities are able to keep pace with growth in the metropolitan area. The funding of the aquifer recharge project is a primary example.

The Utility is in the process of conducting a Cost of Service Analysis through Black & Veatch Corporation, as approved by the City Council on September 12, 2006. Part of this analysis includes the review of current plant equity fees. A plant equity fee is paid by each customer who requests a new service connection to the water and/or sewer system. Plant equity fees are designed to recover a portion of the capital investment that the utility has made and the current customer base has paid for the benefit of future customers. The current analysis shows that present fees are inadequate.

Analysis: Water Utilities has initiated, and will continue to initiate, major capital improvement projects. In addition to the aforementioned project, many capital expenditures are incurred in order to address replacement and reconstruction needs of aging Utility infrastructure. Rate pressures in the Water Utilities are driven almost exclusively by capital needs associated with major investments. These investments ensure the Utilities are able to keep pace with growth in the metropolitan area and guarantee a reliable water source for the community through the year 2050.

The adopted 2007 budget provided for rate adjustments in the amount of three (3) percent for Water and seven (7) percent for sewer. More up-to-date analyses of rate requirements in both Utilities have led to a recommendation that a mid-year rate increase of three (3) percent be adopted for both the Water and Sewer Utilities. No additional increase to the sewer rates needs to be made at this time. This mid-year rate increase should ensure that future years impacts will be less significant and will also ensure that the debt service coverage ratio for both utilities remains above the 1.2 factor required in the bond covenants.

Increasing the plant equity fees will pass the costs of the existing system infrastructure to new customers, as opposed to absorbing the costs into the rate base and passing the costs to customers who have already

paid for the system and plant improvements. Increasing the plant equity fees will also help keep future rate increases at more acceptable levels.

Typical residential plant equity fees of \$1,060 for the water plant equity fee and \$760 for the sewer plant equity fee are not fully recoverable costs of the system's infrastructure. After analyzing current infrastructure and plant assets, Black & Veatch recommended increasing plant equity fees for typical residential meters to \$1,520 for water plant equity fees and \$1,660 for sewer plant equity fees. These increases reflect the large capital investment made in both water and sewer systems in the last few years.

Financial Considerations: The proposed mid-year water rate increase of three (3) percent, effective in the first billing cycle of July 2007, should adequately fund the operating and capital program for the Utilities and help ensure that the debt service coverage ratio of 1.2 is maintained. Further, increasing plant equity fees, effective October 1, 2007, to more accurately recoup system and plant equity should help stabilize future rate increases.

Goal Impact: This action will ensure efficient infrastructure by providing reliable, compliant and secure utilities.

Legal Considerations: Law has approved the Ordinances as to form. City Council approval is required to implement rate and fee adjustments.

Recommendations/Actions: It is recommended that the City Council: 1) approve the rate adjustment for the water utility and sewer utilities; 2) approve the plant equity fee increases; 3) place the plant equity fee Ordinances on first reading; 4) find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the rate Ordinances on the date of their introduction, adopt the rate Ordinances; and 5) authorize the necessary signatures.

Attachments: Request for Declaration of Emergency for Ordinance 17.12.090
Request for Declaration of Emergency for Ordinance 16.14.040
Ordinance 17.12.090
Ordinance 16.14.040
Ordinance 16.14.041
Ordinance 17.12.061

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 17.12.061
OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING
TO PAYMENT OF PLANT EQUITY FEES FOR
CONNECTION OF WATER SERVICE; AND REPEALING
THE ORIGINAL OF SECTION 17.12.061.

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

SECTION 1. Section 17.12.061 of the Code of the City of Wichita is hereby amended to read as follows:

"Payment of Plant Equity Fees for Connection of Water Service. Each customer requesting a new service connection to the water distribution system shall pay a plant equity fee prior to connection as part of the approval process for new service connections.

Such plant equity fees shall be determined on the basis of the equity existing system customers have accumulated in the system as determined on the basis of a detailed analysis of plant assets and shall constitute a system buy in fee assessed to new connections. The meter size on which the fee schedule is based shall be in reference to the associated water meter size.

The schedule of said plant equity fees shall be as follows:

<u>Meter Size</u>	<u>2007 & Beyond</u>
1" or less	\$ 1,520
1 ½"	3,040
2"	4,860
3"	9,120
4"	15,200
6"	30,400
8"	48,640
10"	69,920
12"	130,720

Given the variations in uses which may accrue to services eight inches or larger in size, fees charged in relation to such service sizes may be adjusted by the Director of Utilities upon receipt of detailed estimates of projected usage characteristics supplied by the applicant for service.

At the discretion of the City Council, the above fees may be waived and/or modified in relation to economic development projects, which, due to their unusual nature or magnitude, offer extraordinary benefits to the community.

Property owners required to make a payment for connecting to the water system as provided above may apply for a deferral of such payment on the basis that such payment would work an economic hardship on the owner(s). The criteria for the granting of such a deferral shall be the same as described in Sections 2.24.070 and 2.24.075 of the code. All other terms and conditions of any deferral hereunder shall be governed by the provisions of 2.24.070 and

2.24.075 except as otherwise noted herein. A deferral hereunder may be granted to owners of property located outside the City limits.

SECTION 2. The original of Section 17.12.061 is hereby repealed.

SECTION 3. This Ordinance shall be included in the Code of the City of Wichita, Kansas and shall be effective on and after October 1, 2007 and upon its passage and publication once in the official city paper.

Adopted at Wichita, Kansas, this ___ day of _____, 2007.

Carl Brewer, Mayor
City of Wichita

ATTEST:

Karen Sublett,
City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf,
Director of Law

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 16.14.041
OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING
TO PAYMENT OF PLANT EQUITY FEES FOR
CONNECTION OF SEWER SERVICE; AND REPEALING
THE ORIGINAL OF SECTION 16.14.041.

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

SECTION 1. Section 16.14.041 of the Code of the City of Wichita is hereby amended to read as follows:

"Payment of Plant Equity Fees for Connection of Sewer Service. Each customer requesting a new service connection to the sewerage system shall pay a plant equity fee prior to connection as part of the approval process for new service connections.

Such plant equity fees shall be determined on the basis of the equity existing system customers have accumulated in the system as determined on the basis of a detailed analysis of plant assets and shall constitute a system buy in fee assessed to new connections. The meter size on which the fee schedule is based shall be in reference to the associated water meter size. Applications for sewer connections for which there is no associated water service application shall be calculated on the basis of projected flows from other sources, which would approximate flows, derived from a particular water service size.

The schedule of said plant equity fees shall be as follows:

<u>Meter Size</u>	<u>2007 & Beyond</u>
1" or less	\$1,350
1 ½"	2,700
2"	4,320
3"	8,100
4"	13,500
6"	27,000
8"	43,200
10"	62,100
12"	116,100

Given the variations in uses which may accrue to services eight inches or larger in size, fees charged in relation to such service sizes may be adjusted by the Director of Utilities upon receipt of detailed estimates of projected usage characteristics supplied by the applicant for service.

At the discretion of the City Council, the above fees may be waived and/or modified in relation to economic development projects, which, due to their unusual nature or magnitude, offer extraordinary benefits to the community.

Property owners required to make a payment for connecting to the sewer system as provided above may apply for a deferral of such payment on the basis that such payment would work an economic hardship on the owner(s). The criteria for the granting of such a deferral shall be the same as described in Sections 2.24.070 and 2.24.075 of the code. All other terms and conditions of any deferral hereunder shall be governed by the provisions of 2.24.070 and 2.24.075 except as otherwise noted herein. A deferral hereunder may be granted to owners of property located outside the City limits.

SECTION 2. The original of Section 16.14.041 is hereby repealed.

SECTION 3. This Ordinance shall be included in the Code of the City of Wichita, Kansas and shall be effective on and after October 1, 2007 and upon its passage and publication once in the official city paper.

Adopted at Wichita, Kansas, this ___ day of _____, 2007.

Carl Brewer, Mayor
City of Wichita

ATTEST:

Karen Sublett,
City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf,
Director of Law

REQUEST FOR DECLARATION OF EMERGENCY

REQUEST OF THE MAYOR OF THE CITY OF WICHITA, KANSAS, FOR THE DECLARATION BY THE CITY COUNCIL OF SAID CITY OF THE EXISTENCE OF A PUBLIC EMERGENCY REQUIRING THE FINAL ADOPTION OF AN ORDINANCE AS DESIGNATED BELOW.

I, CARL BREWER, Mayor of the City of Wichita, Kansas, hereby request that the City Council declare that a public emergency exists requiring the final adoption and passage on the date of its introduction, *to-wit*, July 3, 2007, of an ordinance entitled:

AN ORDINANCE AMENDING SECTION 16.14.040 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO THE SCHEDULE OF RATES FOR USERS OF THE SANITARY SEWER SYSTEM, AND REPEALING THE ORIGINAL OF SAID SECTION.

The general nature of such emergency is to enable Water Utilities to incorporate the rate change into the first billing cycle of July 2007.

It is, therefore, expedient at this time that the City Council find and declare that a public emergency exists by reason of the foregoing, and that the above entitled Ordinance be finally adopted on the date of its introduction.

EXECUTED at Wichita, Kansas, on this 3rd day of July, 2007.

(Seal)
ATTEST:

CARL BREWER, Mayor

Karen Sublett, City Clerk

AN ORDINANCE AMENDING SECTION 16.14.040 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO THE SCHEDULE OF RATES FOR USERS OF THE SANITARY SEWER SYSTEM, AND REPEALING THE ORIGINAL OF SAID SECTION.

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

SECTION 1. Section 16.14.040 of the Code of the City of Wichita is amended to read as follows:

"Schedule of Use Charges. Each user of the sewerage system of the City shall pay, for the use of such system, sewer charges, at no less than monthly intervals, based where possible upon the consumption of water by such user as recorded by the water meter or sewer meter serving the premises according to the classifications and schedule set forth in this Section.

Where any commercial or industrial premises are connected with the City's sewerage system but are not served by the City's water utility system, the owner or occupant of such premises shall, at their own expense, install and maintain on such premises a water meter or meters of a type and at a location acceptable to the Director of Utilities of the City, which meter shall measure all water received on said premises from all sources and the sewer services charge of said premises as prescribed in this section shall be based upon such meter recording. The City shall install equipment to automate the reading of said meters. The City shall charge a one time installation fee based upon meter size for the purpose of administrative and replacement costs. A sewage meter, as set forth in the following sub-section of this section, may be substituted for the water meter requirement.

SEWER SERVICE VOLUME BASE:

If a commercial or industrial user desires to establish eligibility for a sewer service volume base of less than one hundred percent (100%) of water consumption, said user must submit an application in writing to the Wichita Water Utilities. Upon approval the customer shall authorize the City to install the following at the Customer's expense:

- (a) A sewage meter acceptable to the Director of Utilities to measure the volume

of liquid actually discharged into the sewerage system from their premises. The City may install devices to automate the reading process. The City will be responsible for calibration and maintenance to ensure the accuracy of the measurements. Selected meters shall be capable of measuring flows with a maximum deviation of less than ten percent from true discharge rates throughout the range of expected discharges. The City shall arrange for certified calibrations of the flow measurement devices at least once a year. Calibration records shall be maintained by the City for a period of five years. No meter shall be installed or wastewater discharged until approval has been obtained from the Director of Utilities or his duly authorized representative. Tampering with, injuring or removing meters, without written permission from the Director of Utilities or his duly authorized representative is prohibited. In the event a sewage meter is installed, the rate schedule, as set forth in this chapter, shall be applied to

(1) The volume of sewage entering the sanitary sewer as measured by the meter.

(2) In the event of a meter malfunction, the City shall be responsible for repairs.

(b) In lieu of sewage meter(s), the user may request installation of auxiliary water meter(s) to measure that portion of water consumed, which is diverted from entering the sanitary sewer. In the event an auxiliary water meter is installed, the volume of water metered by such meter(s) shall be deducted from the total volume of water consumed before the sewer service charge rate schedule is applied. The City may install meters and charge the customer for the meter, installation fees and a monthly fee based on the size of the meter.

No credits for sewer use shall be given until the type and location of meters installed has been approved by the Director of Utilities or his duly authorized representative.

Sewer volume credits established in accordance with the provisions of this Section for commercial and industrial users shall be prospective only.

EXTRA STRENGTH CHARGE:

Sewage discharged to the sanitary sewer system from each industrial or commercial user shall be subject to an extra strength charge when the biochemical oxygen demand (BOD) concentration exceeds two hundred fifty milligrams per liter, the suspended solids (SS) exceeds a concentration of three hundred milligrams per liter, or the oil and grease concentration exceeds one hundred milligrams per liter, as determined by Environmental Protection Agency Methodology stipulated in 40 CFR Part 136 analysis procedures. Sample collection methodology will be as specified by the Director

of Utilities. Extra strength charges shall be calculated according to the formula:

$$S = V.(0.00832) (X(\text{BOD}-250) + Y(\text{SS}-300) + Z(\text{O\&G}-100))$$

Where:

S = Extra strength charge in dollars

V. = Sewage volume in thousands of gallons

0.00832 = Conversion factor for thousands of gallons to million pounds

X = Applicable unit charge for BOD in dollars per pound from the schedule below

BOD = BOD strength index in parts per million by weight or mg/l

250 = Allowable BOD strength under normal volume charges in parts per million by weight or mg/l

Y = Applicable unit charge for suspended solids in dollars per pound from the schedule below

SS = Suspended solids strength index in parts per million by weight or mg/l

300 = Allowable suspended solids strength under normal volume charges in parts per million by weight or mg/l

Z = Applicable unit charge for oil and grease in dollars per pound from the schedule below

O&G = Oil and grease index in parts per million by weight or mg/l

100 = Allowable oil and grease under normal volume charges in parts per million by weight or mg/l

EXTRA STRENGTH UNIT CHARGES ESTABLISHED AS SHOWN IN SCHEDULE BELOW:

Inside City	Charge Per Pound <u>2007 & Beyond</u>
BOD	\$0.1172
Suspended Solids	0.0782
Grease	1.5523

Outside City

BOD	\$0.1877
Suspended Solids	0.1250
Grease	2.4365

TOXIC POLLUTANT CHARGE:

Discharging of any toxic pollutants is prohibited under City Code Section 17.20.060. If any such waters or wastes enter into the municipal sewer system, which cause an increase in the cost of managing the effluent or the sludge from the City's treatment plants and/or collection system, the discharger shall pay for the increased costs, and will be subject to the penalties ascribed in Chapter 17.20.

WASTEWATER ANALYSIS:

Samples and measurements will be taken by the City, as required by the Director of Utilities, or their authorized representative. The strength of the sewage discharge by the industrial or commercial user, will be determined by the analyses of said samples.

The user, at its expense, may be required at the sole discretion of the Director of Utilities to provide monitoring and flow measurement facilities which coincide at the point at which effluent limits apply. Sampling locations must be safe, convenient, and accessible to the industrial user and Wichita Water Utilities personnel.

If any industrial or commercial user chooses not to accept the analytical determination made by the City for a billing period, such user shall, prior to the date on which payment of the charges for such billing is due, notify the Director of Utilities in writing and, at their sole expense, employ an independent laboratory which is certified by the Kansas Department of Health and Environment and acceptable to the Director of Utilities, to conduct sampling and analysis of their sewage.

The time period, location and method for the collection of the samples shall be designated by the City. The City and the independent laboratory shall both preside over the collection of the samples and shall equally divide the samples so that duplicate analysis may be performed.

If results of the analysis of the sewage sample made by both the City and the independent laboratory are not comparable, the Director of Utilities may appoint a second independent laboratory certified by the Kansas Department of Health and Environment to analyze the sewage. The sampling procedures used will be the same as those outlined above. The results of these analyses, together with the previous results, shall be used to determine the actual extra strength charges for the subject billing period. The fee for the second independent laboratory analyses shall be paid for by the user.

MONITORING CHARGE:

When regulations, either Federal, State or City, require monitoring of the waste from an industry, that industry shall pay a monitoring charge.

The monitoring charge shall consist of all costs for personnel, material and equipment used to collect and analyze samples from the user's wastewater. The exact charge shall be based on actual costs and shall be determined by the Director of Utilities.

REVIEW OF USER CHARGE RATE STRUCTURE:

The user charge rate schedule of the City shall be reviewed and adjusted at least biennially to:

(a) Maintain the proportional distribution of operation, maintenance and replacement costs among user classes.

(b) Provide adequate revenues to cover operation, maintenance and replacement and debt service costs.

SEWER RATES AND CHARGES

On and after July 1, 2007, the schedule of rates and charges as set forth below shall apply to all categories of sewer customers.

Inside City Rates

A. Base Service Charges

Monthly charges based on water meter size

<u>Size</u>	<u>2007 & Beyond</u>
5/8 inch	\$ 3.70

3/4 inch		4.05	
1 inch		5.13	
	1 1/2 inch		6.64
	2 inch		10.68
3 inch		40.53	
4 inch		51.55	
6 inch		77.36	
8 inch		106.82	
10 inch		125.25	
12 inch		165.78	

B. Volume Charges (per 1,000 gallons of metered water consumption)

Rate/thousand gallons
2007 & Beyond

\$1.78

Outside City Rate

A. Base Service Charges

Monthly charges based on water meter size

<u>Size</u>	<u>2007 & Beyond</u>
5/8 inch	\$5.92
3/4 inch	6.48
1 inch	8.21
1 1/2 inch	10.64
2 inch	17.09
3 inch	64.84
4 inch	82.49
6 inch	123.79
8 inch	170.92
10 inch	200.40
12 inch	265.24

B. Volume Charges (per 1,000 gallons of metered water consumption)

Rate/thousand gallons
2007 & Beyond

\$2.85

C. Flat Rate Charges

Inside City

Monthly rates as at set forth below shall apply to all customers without water or sewer meters.

\$16.11

Outside City

Monthly rates as at set forth below shall apply to all customers without water or sewer meters.

\$25.77

D. Wholesale Rates

Monthly, per 1,000 gallons

\$1.30

All users subject to sewer charges shall be subject to the provisions of this chapter.

GOVERNMENT MILITARY FACILITIES LOCATED OUTSIDE THE CITY:

Government military facilities located outside the city of Wichita shall be charged inside city rates for sewer service.

SECTION 2. The original of Section 16.14.040 is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force on and after July 1, 2007, and upon publication once in the official City paper.

ADOPTED at Wichita, Kansas, this _____ day of _____, 2007.

Carl Brewer, Mayor
City of Wichita

ATTEST:

Karen Sublett
City Clerk

Approved as to Form:

Gary E. Rebenstorf,
Director of Law

REQUEST FOR DECLARATION OF EMERGENCY

REQUEST OF THE MAYOR OF THE CITY OF WICHITA, KANSAS, FOR THE DECLARATION BY THE CITY COUNCIL OF SAID CITY OF THE EXISTENCE OF A PUBLIC EMERGENCY REQUIRING THE FINAL ADOPTION OF AN ORDINANCE AS DESIGNATED BELOW.

I, CARL BREWER, Mayor of the City of Wichita, Kansas, hereby request that the City Council declare that a public emergency exists requiring the final adoption and passage on the date of its introduction, *to-wit*, July 3, 2007, of an ordinance entitled:

AN ORDINANCE AMENDING SECTION 17.12.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE, AND REPEALING THE ORIGINAL OF SAID SECTION.

The general nature of such emergency is to enable Water Utilities to incorporate the rate change into the first billing cycle of July 2007.

It is, therefore, expedient at this time that the City Council find and declare that a public emergency exists by reason of the foregoing, and that the above entitled Ordinance be finally adopted on the date of its introduction.

EXECUTED at Wichita, Kansas, on this 3rd day of July, 2007.

(Seal)
ATTEST:

CARL BREWER, Mayor

Karen Sublett, City Clerk

AN ORDINANCE AMENDING SECTION 17.12.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO SCHEDULE OF RATES AND CHARGES FOR WATER SERVICE, AND REPEALING THE ORIGINAL OF SAID SECTION.

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

SECTION 1. Section 17.12.090 of the Code of the City of Wichita is hereby amended to read as follows:

WATER RATES AND CHARGES. On and after July 1, 2007, the schedule of rates and charges as set forth below shall apply to all categories of water customers with metered, flat rate or fire protection services:

I. MINIMUM WATER SERVICE CHARGES

Minimum water service charges per monthly billing period, based on water service sizes, shall be assessed to all customers who have service availability at any time during a billing period as shown below. An individual is deemed to have service available if the private water service system, at the individual's residence or business, has been connected to the City of Wichita's water system at any time during a billing period. The minimum charge is to be applied regardless of whether or not any water volume passed from the City to private water systems during a billing period. Water service connections deemed inactive by the Director of Utilities shall not be assessed minimum water service charges.

A. METERED WATER SERVICES

INSIDE CITY

MINIMUM MONTHLY

<u>WATER METER SIZES</u>	<u>2007 & Beyond</u>
5/8 inch	\$ 5.91
3/4 inch	5.96
1 inch	6.15
1 1/2 inch	6.41
2 inch	7.07
3 inch	12.14
4 inch	14.02
6 inch	18.38

8 inch	23.37
10 inch	26.51
12 inch	33.38

OUTSIDE CITY & WHOLESALE METERED WATER SERVICES

MINIMUM MONTHLY

<u>WATER METER SIZES</u>	<u>2007 & Beyond</u>
5/8 inch	\$ 9.46
3/4 inch	9.54
1 inch	9.84
1 1/2 inch	10.25
2 inch	11.32
3 inch	19.42
4 inch	22.43
6 inch	29.41
8 inch	37.40
10 inch	42.42
12 inch	53.41

B. FLAT RATE/UNMETERED MONTHLY CHARGES

	<u>2007 & Beyond</u>
	\$ 12.88

C. FIRE PROTECTION MONTHLY CHARGES

INSIDE CITY

MINIMUM MONTHLY

<u>WATER METER SIZES</u>	<u>2007 & Beyond</u>
5/8 inch	\$.79
3/4 inch	.82
1 inch	.92
1 1/2 inch	1.10
2 inch	1.52
3 inch	4.62
4 inch	5.78
6 inch	8.48
8 inch	11.54
10 inch	13.45
12 inch	17.69

OUTSIDE CITY

MINIMUM MONTHLY

<u>WATER METER SIZES</u>	<u>2007 & Beyond</u>
5/8 inch	\$ 1.27
3/4 inch	1.31
1 inch	1.47
1 1/2 inch	1.76
2 inch	2.43
3 inch	7.39
4 inch	9.25
6 inch	13.56
8 inch	18.46
10 inch	21.53
12 inch	28.31

II. WATER VOLUME CHARGES

Charges for any volume of water passing from the City of Wichita water system to a private water system shall be billed to the individual residing at the residence or business. Volume charges shall not apply to flat rate services which have been properly established with Water Utilities.

A. AVERAGE WINTER CONSUMPTION

Average winter consumption (AWC) shall be defined as the arithmetic mean monthly consumption computed by adding the metered consumption on bills rendered during the months of December, January, February, and March and then dividing this sum by the number of billings rendered during these same months. Each customer's AWC shall be recalculated in April of each year. Metered consumption charges for ensuing twelve months shall be computed utilizing the AWC as calculated each April, apportioning usage among the applicable rate blocks as designated below. In those instances where no consumption data exists for the calculation of an AWC for particular customers, the Director of Utilities shall determine the most appropriate method of establishing average winter consumptions for such circumstances. The minimum monthly AWC for any metered service sized one (1) inch or less shall be 6,000 gallons. If a billing period of greater than one month (defined as days of service within twenty-eight to thirty-one days) is used, the actual or minimum AWC shall be adjusted accordingly on a daily basis.

B. RETAIL VOLUME CHARGES

INSIDE CITY

	Rates Per <u>1,000 Gallons</u> <u>2007 & Beyond</u>
Block 1: Metered Consumption Through 110% of AWC	\$ 0.83
Block 2: Metered Consumption Between 111% and 310% of AWC and from Fire Services	\$ 2.99
Block 3: Metered Consumption Above 310% of AWC	\$ 4.49

OUTSIDE CITY

	Rates Per <u>1,000 Gallons</u> <u>2007 & Beyond</u>
Block 1: Metered Consumption Through 110% of AWC	\$ 1.33
Block 2: Metered Consumption Between 111% and 310% of AWC and from Fire Services	\$ 4.78
Block 3: Metered Consumption Above 310% of AWC	\$ 7.19

C. RETAIL VOLUME CONSERVATION CONTRACT RATES

In order to obtain significant reductions in customers' annual water use, through more efficient use of Wichita's water resources, the Director of Utilities is empowered to negotiate and execute contracts with retail customers which provide for a significant annual water savings by customers in return for charging all water use at the retail volume conservation contact rate. The Director of Utilities is further empowered to establish such rules and regulations in contract terms as may be necessary to most equitably carry out the intent of this section. Rules and regulations shall be promulgated based on the needs of the City of Wichita as demonstrated in its water conservation plan and programs to address the requirements of the State of Kansas. In all

circumstances, customers seeking to qualify for the conservation contract rate must make written application to the Director of Utilities, detailing methods to be employed to conserve water, the time frame for implementing such conservation methods and the expected annual water savings in gallons per year to be derived from implementing such conservation plans. Each January, customers who have entered into conservation contract rate agreements shall report the results of their conservation initiatives to the Director of Utilities. If the Director of Utilities determines that any customer did not meet the goal, then a billing will be rendered to the customer to reconcile charges for the proportion of the customer's prior year total annual consumption volume that did not qualify for the retail conservation contract rate as determined by the formula below:

$$(\text{PRIOR YEAR'S RETAIL VOLUME CHARGE BLOCK 2 RATE} - \text{PRIOR YEAR'S RETAIL VOLUME CONSERVATION CONTRACT RATE}) \times ((\text{PRIOR YEAR'S ANNUAL WATER USE}/1,000) \times (1 - (\text{PRIOR YEAR'S ACTUAL ANNUAL GALLONS OF WATER SAVED} / \text{PRIOR YEAR'S PROJECTED ANNUAL GALLONS OF WATER SAVED})))$$

Customers exceeding their water conservation goals may use such excess savings in gallons as a credit toward the next year's water savings goal. This rate shall only be made available to customers who can demonstrate potential water savings that would be considered economically significant to the City of Wichita as determined by the Director of Utilities.

INSIDE CITY CONSERVATION CONTRACT RATE

	Rates Per <u>1,000 Gallons</u> <u>2007 & Beyond</u>
Block 1: All Metered Consumption	\$ 1.97

OUTSIDE CITY CONSERVATION CONTRACT RATE

	Rates Per <u>1,000 Gallons</u> <u>2007 & Beyond</u>
Block 1: All Metered Consumption	\$ 3.15

D. WHOLESALE VOLUME RATES

	<u>Rates Per</u> <u>1,000 Gallons</u> <u>2007 & Beyond</u>
Block 1: Metered Consumption Through 110% of AWC	\$ 0.91
Block 2: Metered Consumption Between 111% and 310% of AWC and from Fire Services	\$ 4.77
Block 3: Metered Consumption Above 310% of AWC.	\$ 7.15

E. UNIFORM WHOLESALE VOLUME RATES

	<u>Rates Per</u> <u>1,000 Gallons</u> <u>2007 & Beyond</u>
All Metered Consumption	\$ 1.46

F. NON POTABLE VOLUME RATES

	<u>Rates Per</u> <u>1,000 Gallons</u> <u>2007 & Beyond</u>
All Metered Consumption	\$.65

III. ASSOCIATION OF LAWN SERVICES

In all cases where practical and appropriate, lawn service accounts shall be associated with the primary service account at a particular service location. The individual consumption amounts for the primary service account and the lawn service accounts shall be added together and the total consumption for the billing period shall be allocated to the appropriate water volume charge rate blocks and volume charges calculated therefor. The consumption as recorded on billings rendered in the months of December, January, February and March for both the primary and lawn service accounts shall be used to calculate the average winter consumption used in apportioning water usage among the volume rate blocks whenever lawn service accounts are associated with primary service accounts.

IV. LATE CHARGES

An amount equal to one and one-half percent of the unpaid balance will be added to all bills not paid within twenty-five (25) days of the date of issuance.

V. MISCELLANEOUS CHARGES

When termination of water service has been ordered by the department for any cause, the customer shall be charged the sum of thirteen (\$13.00) dollars to cover costs of arranging such termination. In instances where the service is actually terminated and later reinstated, the customer shall be charged an additional thirteen (\$13.00) dollars to cover costs of reinstating the service.

If a customer requests inspection and testing of a meter, a testing fee shall be paid. If upon such examination and test conducted in the presence of the customer, or the customer's representative, the meter is found to be inaccurate according to the standards of the American Water Works Association, a meter will be substituted and the adjustment of the water bill for the preceding billing period shall include a credit for the testing fee.

Where water service is turned on and shut off in a period of less than one billing period, the billing shall be computed as if service was rendered for an entire billing period. Any customer desiring to discontinue water service temporarily must make request therefor at the office of the department not less than two working days prior to the date on which the service is desired to be discontinued. After the effective date of such discontinuance, all charges for such water and water service shall cease for the period during which the service shall be shut off; provided, that the period of such discontinuance shall not be less than thirty days.

A fee of thirteen (\$13.00) dollars shall be required for the disconnection of a lawn service when the customer of record requests disconnection without concurrently requesting disconnection of the associated service account at the service location. An additional fee of thirteen (\$13.00) dollars shall be required for the reconnection of the lawn service at the same location.

Charges and billing for special service, as defined herein, shall be determined by the Director of Utilities. A fee of eleven dollars and fifty cents (\$11.50) shall be charged to all customers requesting service at a new service location."

VI. GOVERNMENT MILITARY FACILITIES LOCATED OUTSIDE THE CITY

Government military facilities located outside the City of Wichita shall be charged inside city rates for water service.

SECTION 2. The original of Section 17.12.090 is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force on and after July 1, 2007, and upon publication once in the official City paper.

ADOPTED at Wichita, Kansas, this ___ day of _____, 2007.

Carl Brewer, Mayor
City of Wichita

ATTEST:

Karen Sublett,
City Clerk

Approved as to Form:

Gary E. Rebenstorf,
Director of Law

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No.07-0642

TO: Mayor and City Council Members

SUBJECT: 21st St. Bridge Rehabilitation over the Arkansas River (District VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the project.

Background: The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project to rehabilitate the 21st St. Bridge over the Arkansas River at Westridge. The bridge, which was constructed in 1972, is in need of repair. The bridge carries four lanes of traffic with a raised center lane median and sidewalk on both sides. Based on recent traffic counts, 14,000 vehicles per day use the bridge. District VI Advisory Board sponsored a February 5, 2007, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

Analysis: The project consists of removing and reconstructing the outer portions of the bridge on both sides, including new sidewalk, and new vehicular/pedestrian rails. The raised central median will be removed and a new wearing surface constructed. New approach pavement at each end of the bridge will be constructed, and repairs will be made to numerous features of the bridge substructure. Construction is planned to begin late this summer. One lane of traffic in each direction will be provided during construction.

Financial Considerations: The current project budget is \$2,250,000 with \$250,000 paid by the City and \$2,000,000 by Federal Grants administered by the Kansas Department of Transportation. The proposed revised budget is \$3,200,000, with \$1,200,000 paid by the City and \$2,000,000 paid by Federal Grants. Additional City funding is necessary due to the rapid deterioration of portions of this bridge since the project was developed in the CIP, and since the Federal funding portion is capped at the \$2,000,000. This increased GO funding is proposed in the new 2007-2016 CIP.

Goal Impact: This project addresses the Efficient Infrastructure goal by rehabilitating a bridge on an important transportation route.

Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, place the authorizing Ordinance on first reading and authorize the signing of State/Federal agreements as required.

Attachments: Map, CIP Sheet and Ordinance.

First Published in the Wichita Eagle

ORDINANCE NO. _____

AN ORDINANCE DECLARING **THE 21ST STREET BRIDGE AT THE ARKANSAS RIVER (472-84569)** TO BE A MAIN TRAFFICWAY WITHIN THE CITY OF WICHITA, KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 12-685 provides that the governing body of any city shall have the power to designate and establish by ordinance any existing or proposed street, boulevard, avenue, or part thereof to be a main trafficway, the main function of which is the movement of through traffic between areas of concentrated activity within the city, and

WHEREAS, K.S.A. 12-687 provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or re improvements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large from the general improvement fund, general revenue fund, internal improvement fund, or any other fund or funds available for such purpose or by the issuance of general improvement bonds.

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

SECTION 1. That **the 21st Street Bridge at the Arkansas River (472-84569)** in the City of Wichita, Kansas is hereby designated and established as a main trafficway, the primary function of which is the movement of through traffic between areas of concentrated activity within the City, said designation made under the authority of K.S.A. 12-685.

SECTION 2. It is hereby deemed and declared to be necessary by the governing body of the City of Wichita, Kansas, to make improvements to **the 21st Street Bridge at the Arkansas River (472-84569)** as a main trafficway in the following particulars:

The design, construction of a bridge, acquisition of right-of-way, relocation of utilities and landscaping, as necessary for a major traffic facility.

SECTION 3. The costs of the construction of the above described improvements is estimated to be **Three Million Two Hundred Thousand Dollars (\$3,200,000)** exclusive of the cost of interest on borrowed money, with **\$1,200,000** paid by the City of Wichita and **\$2,000,000** paid by Federal Grants, administered by the Kansas Department of Transportation. Said City share, when ascertained, shall be borne by the City of Wichita at large by the issuance of General Obligation Bonds under the authority of K.S.A. 12-689.

SECTION 4. The above described main trafficway improvements shall be made in accordance with the Plans and Specifications prepared under the direction of the City Engineer of the City of Wichita and approved by the governing body of the City of Wichita, Kansas. Said plans and specifications are to be placed on file in the office of the City Engineer.

SECTION 5. Be it further ordained that the improvements described herein are hereby authorized under the provisions of K.S.A. 12-685 et seq.

SECTION 6. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0643

TO: Mayor and City Council Members

SUBJECT: Mt. Vernon Improvement, between the Arkansas River and Broadway
(District III)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the design concept and increased budget.

Background: The 2005-2014 Capital Improvement Program includes funding to reconstruct Mt. Vernon between the Arkansas River and Broadway. On December 13, 2005, the City Council approved an agreement with MKEC Engineering Consultants to prepare a design concept for the project. On May 2, 2007, District III Advisory Board held a neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the design concept and project.

Analysis: The proposed design concept is to construct a large concrete box drain along Mt. Vernon from near Topeka to the Arkansas River. The existing two lane pavement will be replaced with a new two lane street that has left turn lanes at the east and west approaches to Broadway and sidewalk on both sides of the street. New traffic signals will be installed at Broadway. The project is planned to begin in the spring, 2008. The size of the drainage structure will necessitate the closure of Mt. Vernon during construction. A supplemental agreement with MKEC has been developed for the preparation of construction plans. In addition, it is proposed that funding for right-of-way acquisition be approved at this time.

Financial Considerations: The existing design budget is \$27,500. The proposed revised budget for design and right-of-way is \$367,500. The MKEC design fee is \$125,000. The estimated right-of-way acquisition and administrative cost is \$215,000. The funding source is General Obligation Bonds. Approval of the right-of-way funding will expedite the project. The project will be returned to the City Council at a future date for consideration of the construction budget.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving traffic flow and drainage in an existing residential and commercial area.

Legal Considerations: The Law Department has approved the Supplemental Design Agreement and Amending Ordinance as to legal form.

Recommendation/Action: It is recommended that the City Council approve the design concept, Supplement Design Agreement, increased budget, place the Amending Ordinance on First Reading and authorize the signing of State/Federal Agreements as required.

Attachments: Map, CIP Sheet and Ordinance.

Published in the Wichita Eagle on

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. **46-851** OF THE CITY OF WICHITA, KANSAS DECLARING **MT. VERNON, BETWEEN BROADWAY AND THE ARKANSAS RIVER (472-84289)** TO BE A MAIN TRAFFICWAY WITHIN THE CITY OF WICHITA KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF THE SAME.

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

SECTION 1. SECTION 2 of Ordinance **46-851** is hereby amended to read as follows:

“SECTION 2. It is hereby deemed and declared to be necessary by the governing body of the City of Wichita, Kansas, to make improvements to **Mt. Vernon, between Broadway and the Arkansas River (472-84289)** as a main trafficway in the follow particulars:

The design and acquisition of right-of-way as necessary for a major traffic facility.”

SECTION 2. SECTION 3 of Ordinance **No. 46-851** is hereby amended to read as follows:

“SECTION 3. The cost of the construction of the above described improvements is estimated to be **Three Hundred Sixty-Seven Thousand Five Hundred Dollars (\$367,500)** exclusive of the cost of interest on borrowed money, with the total paid by the City of Wichita. Said City cost, when ascertained, shall be borne by the City of Wichita at large by the issuance of General Obligation Bonds under the authority of K.S.A. 12-689.”

SECTION 3. The original SECTIONS 2 and 3 of Ordinance **No. 46-851** are hereby repealed.

SECTION 4. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this _____ day of _____, 2007.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gary E. Rebenstorf
Director of Law

SUPPLEMENTAL AGREEMENT
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES DATED DECEMBER 13, 2005
BETWEEN
THE CITY OF WICHITA, KANSAS
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE
“CITY”
AND
MKEC ENGINEERING CONSULTANTS, INC.
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE
“ENGINEER”

WITNESSETH:

WHEREAS, there now exists a Contract (dated December 13, 2005) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to **MT. VERNON, BROADWAY TO THE ARKANSAS RIVER** (Project No. 472-84289).

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

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

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the “PROJECT” as stated on page 1 of the above reference agreement is hereby amended to include the following:

1. Provide engineering services as required to perform all the duties listed under Section B. PHASE II – PLAN DEVELOPMENT of “Exhibit A” of the above referenced Contract based on the concept design approved by the City.

2. The project milestones noted in Section B. Paragraph 8. shall be amended as follows:
- (a) Field check plans of the PROJECT are due August 2007
 - (b) Office check plans are due December 2007
 - (c) Completion of all work required by this agreement (including submittal of final approved plant tracings, field notes, and related PROJECT documents) by February 2008.

B. PAYMENT PROVISIONS

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

Payment to the ENGINEER for the performance of the additional professional design services as outlined in this supplemental agreement shall be made on an hourly basis with a maximum not-to-exceed fee specified below:

472-84289

\$125,000.00

C. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2007.

BY ACTION OF THE CITY COUNCIL

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

MKEC ENGINEERING CONSULTANTS, INC.

Jay Anglemyer, P.E.

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0644

TO: Mayor and City Council Members
SUBJECT: Petition to pave Baehr, between Newell and St. Louis (District IV)
INITIATED BY: Department of Public Works
AGENDA: New Business

Recommendation: Approve the Petition.

Background: The signatures on the Petition represent 13 of 23 (57%) resident owners and 43% of the improvement district area. District IV Advisory Board sponsored a June 6, 2007, neighborhood hearing on the project. The Board voted 8-2 to recommend approval of the project.

Analysis: The project will provide paved access to a developed residential and commercial area.

Financial Considerations: The estimated project cost is \$155,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.81 per square foot of ownership.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing street paving in an existing residential and commercial area.

Legal Considerations: 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.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

Attachments: Map, CIP Sheet, Assessment Roll, Petition and Resolution.

First Published in the Wichita Eagle on

RESOLUTION NO. _____

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON **BAEHR FROM THE SOUTH LINE OF NEWELL TO THE NORTH LINE OF ST. LOUIS (SOUTH OF CENTRAL, WEST OF WEST ST.) 472-84570** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON **BAEHR FROM THE SOUTH LINE OF NEWELL TO THE NORTH LINE OF ST. LOUIS (SOUTH OF CENTRAL, WEST OF WEST ST.) 472-84570** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on **Baehr from the south line of Newell to the north line of St. Louis (south of Central, west of West St.) 472-84570.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **One Hundred Fifty-Five Thousand Dollars (\$155,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **April 1, 2007** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ORCHARD PARK ADDITION

Lots 1 through 12, Inclusive, Block 3
Lots 13 through 24, Inclusive, Block 4

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **square foot** basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this ____ day of _____, 2007.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. _____

TO: Mayor and City Council Members

SUBJECT: A07-13R Request by Wanda Klein to annex land generally located south of 47th Street South, between West Street and Meridian Avenue. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Recommendation: Place the annexation ordinance on first reading.

Background: The City received a request to annex 1.01 acres of land generally located south of 47th Street South, between Meridian Avenue and West Street. The property is currently developed with a single-family residence and the property owner does not anticipate any further development of the property.

Analysis:

Land Use and Zoning: The proposed annexation consists of approximately 1.01 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property directly to the north is developed and is zoned "SF-20" Single-Family Residential. Properties to the south, east and west are a mix of agricultural land and scattered single-family homes and are zoned "SF-20" Single-Family Residential.

Public Services: This property is currently being served with City of Wichita water from a 12" water main in 47th Street South. This property does not currently have sewer service, but could be connected at the northeast corner of the property.

Street System: The subject property borders 47th Street South to the north, which is a paved, two-lane road. The City of Wichita Capital Improvement Program (CIP) 2005-2014 and the 2006 Transportation Improvement Program have scheduled 47th Street South, between Meridian Avenue and Seneca Road, to be widened, as well as, Meridian Avenue, between 47th Street South and I-235, both of which are approximately 1/2 mile east of the annexation area. In addition, the Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled Meridian Avenue, between 47th Street and 71st Street South, to be widened, which is approximately 1/2 mile east of the annexation area. The Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have also scheduled West Street, between 47th Street South and I-235, to be widened, which is approximately 1/4 mile west of the annexation area.

Public Safety: Fire services to this site can be provided by the City of Wichita within a ten (10) to eleven (11) minute approximate response time from City Station No. 12, located at 3443 S. Meridian. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The South Lakes Park, a 250-acre park, is located approximately 1 mile east of the annexation area and contains 16 soccer fields, 8 softball fields, a football field, 3 concession stands and 4 fishing lakes. The Southview Park, a 20-acre park, is located approximately 3/4 mile to the east of the subject property and contains 2 tennis courts, 6 soccer fields, a children's play area and a restroom. In addition, Alice Wall Memorial Park, a 12-acre park, is located approximately 1 mile to the northwest of the annexation area. According to the 1996 Parks and Open Space Master Plan, no improvements are scheduled adjacent to the annexation area.

School District: The annexation property is part of the Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation area falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation lands, according to County records, is \$115,950 with a total assessed value of \$13,334. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$419 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. The property owner does not anticipate any further development at this time.

Goal Impact: Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

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

Recommendations/Actions: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

Planning Agenda

Item:

A07-13

Attachment No. 1

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

General Location:

Land generally located south of 47th Street South, between West Street and Meridian Avenue.

Address: _____		Reason(s) for Annexation:	
<u>1.01</u>	Area in Acres	<u>X</u>	Request
<u>2.4</u>	Existing population (est.)	_____	Unilateral
<u>1</u>	Existing dwelling units	_____	Island
<u>0</u>	Existing industrial/commercial units	_____	Other:
Existing zoning:	"SF-20" Single-Family Residential		

City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No.

TO: Mayor and City Council Members

SUBJECT: SUB 2007-38 -- Plat of Hidden Estates 2nd Addition located on the north side of 39th Street South and west of 159th Street East.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

Background: This site, consisting of one lot on five acres, is located within three miles of Wichita’s city limits. The site is zone “RR” Rural Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for future sewer and water improvements. Sedgwick County Code Enforcement has approved the use of on-site sewerage and water wells.

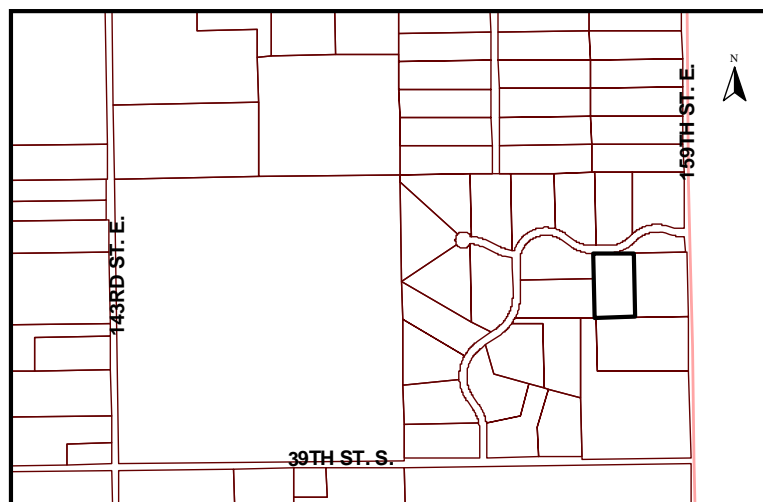
The plat has been approved by the Planning Commission, subject to conditions.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the document and plat, authorize the necessary signatures and adopt the Resolutions.



City of Wichita
City Council Meeting
July 3, 2007

Agenda Report No. 07-0647

TO: Mayor and City Council

SUBJECT: VAC2005-00037 Request to vacate a platted alley right-of-way, generally located between Central Avenue and Elm Street, on the east side of Broadway. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

Background: The applicants are requesting consideration to vacate the 15-foot wide by approximately 140-foot long eastern portion of the platted alley. The Catholic Diocese has development abutting the north and south sides of the alley, including the Lord's Diner on the south side. A portion of the roof for the Lord's Diner encroaches into the alley. There is a sewer line to the east of the proposed vacated alley. Westar had equipment in the alley, which have been relocated. There are no other utilities in the alley. Staff could not clearly read the date when the plat was recorded, but it appears that the JP Hilton's Addition was recorded with the Register of Deeds in the 1870s.

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

Financial Considerations: None.

Goal Impact: Ensure efficient infrastructure.

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

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Attachments: None.

