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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Text

File #: 15-0281, Version: 1

PUBLIC HEARING TO CONSIDER PETITIONS FROM LANDOWNERS, JAMES D. & TIFFANY D. DORNBUSCH, TODD & JANET K. LEIKER, DAVE A. & CHRISTI L. RIFE, AND DOUGLAS M. WENINGER, FOR THE INCLUSION OF THEIR PROPERTIES WITHIN THE BOUNDARIES OF THE SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE.

Presented by: Michael Pepoon, Acting County Counselor.

RECOMMENDED ACTION: Open the public hearing; close the public hearing; adopt the Resolution and instruct the County Clerk to publish the same according to law.

The following landowners have petitioned for the inclusion of lands within the boundaries of the fire district:

James D. & Tiffany D. Dornbusch, *14230 W. 70th Circle North, Colwich, KS 67030*;
Todd and Janet K. Leiker, *14201 W. 70th Circle North, Colwich, KS 67030*
David A. & Christi L. Rife, *7025 N. 142nd St. W., Colwich, KS 67030*; and
Douglas M. Weninger, *13360 W. 53rd St. N, Maize, KS 67101*.

The petitions, duly signed by the owners of at least ten percent of the area of the land seeking to alter the boundaries of the Sedgwick County Fire District Number One, have been filed in the office of the County Clerk. A public hearing is necessary to determine the advisability of altering the boundaries of the fire district to include the lands pursuant to the petitions.

The Dornbusch, Leiker and Rife properties are within the 3-mile fringe area of the City of Colwich and the City of Maize, while the Weninger property is within the 3-mile fringe areas of the City of Colwich, City of Maize and the City of Wichita. All four properties are located within Union Township. The cities of Colwich, Maize, and Wichita as well as Union Township have been notified of the public hearing.

Alternatives: N/A

Financial Considerations: Based on the 2015 adopted budget mill levy rate of 18.367 mills and the value of the properties, total estimated additional revenue to the Fire District in 2015 would have been \$2,636.

Legal Considerations:

K.S.A. 19-3604(b) requires that a public hearing be called and held in compliance with K.S.A. 19-270 (b) on the proposed alteration of the Fire District. If the proposed alteration is within the fringe area of a city, then at least a 3/4 majority vote of the Board of County Commissioners is required to approved the alteration of the boundaries. In all cases, the petitioners are within the three mile fringe area of a city. James & Tiffany Dornbusch, Todd & Janet K. Leiker as well as David & Christi Rife are inside the fringe area of the City of Colwich and the City of Maize. Douglas Weninger is also inside the

fringe of area of the City of Colwich and the City of Maize as well as the City of Wichita. Therefore, a 3/4 vote of the Board of County Commissioners in all cases are needed. Pursuant to K.S.A. 19-3606, such alteration must be completed by July 1 to be effective for the upcoming tax year.

K.S.A. 19-270(b) provides as follows:

That the Board of County Commissioners receives testimony from the city, township, county, or regional planning commission having jurisdiction over any of the affected land area. Such testimony shall address any incompatibilities between the creation or expansion of the district within such fringe area and any adopted land use or comprehensive plans. The governing body of the city may present testimony of any proposed annexation of the affected land area. Any interested person may present testimony before the board.

K.S.A. 19-270(b) also provides:

As a guide in determining the advisability of authorizing the creation or change in boundaries of a special benefit district within the fringe area of a city, the board's considerations shall include, but not be limited to, any testimony offered at the public hearing concerning: (1) the size and population of such city; (2) the city's growth in population, business and industry during the past 10 years; (3) the extension of its boundaries during the past 10 years; (4) the probability of its growth toward the territory during the ensuing 10 years, taking into consideration natural barriers and other reasons which might influence growth toward the territory; (5) the willingness of the city to annex the territory and its ability to provide city services in case of annexation; and (6) the general effect upon the entire community, all of these and other considerations having to do with the overall orderly and economic development of the area and to prevent an unreasonable multiplicity of independent municipal and special district governments. The Board of County Commissioners shall approve or disapprove the creation or change in boundaries of the special benefit district within 30 days of the hearing.

In compliance with notice requirements of K.S.A. 19-270(b), a Notice of Public Hearing was published in the Wichita Eagle on May 9, 2015.

Policy Considerations: N/A

Outside Attendees: Possibly the petitioners

Multimedia Presentation: Yes