

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, October 23, 2007  
Tuesday, 9:40 A.M.

The City Council met in regular session with Mayor Brewer in the Chair. Council Members Fearey, Gray, Schlapp; Skelton, and Williams present, (Longwell absent with prior notice).

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the regular meeting of October 16, 2007, approved 6 to 0, (Longwell absent).

### CONSENT AGENDA:

Motion--  
--carried

Brewer moved that Consent items 1-18zzz be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Longwell absent).

### **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 22, 2007**

Minutes of the regular meeting dated October 15, 2007, were read and on motion approved. Bids were opened October 19, 2007 pursuant to advertisements published on:

2007 Sanitary Sewer Reconstruction Phase 10 (various locations north of Maple, east of Seneca) (468-84421/620491/667609) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,VI)

WB Carter Construction - \$201,000.00

43rd Street South between Seneca and Dodge (south of MacArthur, west of Seneca) (47284559/766156/490174) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Kansas Paving Company - \$74,109.52

Storm Water Drain #327 to serve Tara Creek Addition (north of Pawnee, west of 127th Street East) (468-84358/751453/485344) Does not affect existing traffic. (District II)

Nowak Construction – 242,227.50

Lateral 4, Main 18 Four Mile Creek Sewer to serve Tara Creek Addition (north of Pawnee, west of 127th Street East) (468-84357/744245/480933) Does not affect existing traffic. (District II)

Duling Construction - \$56,712.00

13th Street North to serve Blackstone Addition & Cheryl's Hollow 2nd Addition (north of 13th Street North, west of 135th Street West) (472-84400/766160/490178) Does not affect existing traffic. (District II)

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Kansas Paving Company - \$133,878.40

Water Distribution System to serve Turkey Creek 3rd Addition (north of Pawnee, east of 135th Street West) (448-90262/735379/470052) Does not affect existing traffic. (District V)

WBW Contractors - \$66,617.30

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion, the Board recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

Motion--

Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized.

--carried

Motion carried 6 to 0, (Longwell absent).

**PARK & RECREATION DEPARTMENT/PARK MAINTENANCE DIVISION:** Calsense Irrigation Control Equipment - Stryker Soccer Complex totaling \$48,853.91, and Kellogg & Edgmoor/Woodlawn totaling \$25,129.92

Ewing Irrigation Products - \$73,983.83 \*

\*Purchasing Ordinance No. 35-856 Section 2.64.020 (b) – Sole Source of Supply

**IT/IS – OPERATIONS:** Computer Training – Microsoft Office 2007 with Sharepoint Services Training

Executrain - \$275,000\*

\*Purchases utilizing City of Wichita Contract – Not to Exceed Amount

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion, the Board recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

Motion--

Brewer moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Longwell absent).

--carried

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Jo Lynn Blood	Pine Bay Golf Course*	6615 South Grove
German Granades	Usuluteco Restaurant*	1714 East Northern Street
<u>New Operator</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Yehia A. Robert	YMR Group Inc. dba	1131 East 47th Street South
CXC Store		

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

Motion--

Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Longwell absent).

--carried

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## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a. Kentucky Lane from the north line of 13th Street North to the north line of Lot 13, Block 2; Price from the west line of Cheryl's Hollow 2nd Addition to the east line of Kentucky Lane; Hunters View from the east line of Kentucky Lane to the east line of Lot 1, Block 7; Autumn Ridge from the east line of Kentucky Lane to the west line of Thoroughbred; Thoroughbred from the north line of Hunters View to the north line of Lot 7, Block 5; Thoroughbred Court from the west line of Kentucky Lane, Hunters View, Price, Autumn Ridge and Thoroughbred to serve Cheryl's Hollow 2nd Addition (north of 13th Street North, east of 135th Street West) (472-84544/766139/490157) Does not affect existing traffic. (District V) - \$259,000.00
- b. Gilda and Wickham to serve Gray's 6th Addition (south of MacArthur, west of Hoover) (472-84565/766155/490173) Does not affect existing traffic. (District IV) - \$165,000.00
- c. Stormwater Drain #331 to serve Stonebridge 2nd Addition (north of 13th Street North, west of 159th Street East) (468-84395/751454/485345) Does not affect existing traffic. (District II) - \$1,170,000.00
- d. 2007 Contract Maintenance Pedestrian Bridge Replacement Phase 2 (Skinner and Drollinger over Gypsum Creek) (472-84602/132720/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$160,000.00
- e. Lateral 4, Main 7 Northwest Interceptor Sewer to serve Hampton Square Addition (north of 37th Street North, west of Maize) (468-83826/744239/480927) Does not affect existing traffic. (District V) - \$96,000.00
- f. Water Distribution System to serve Hampton Square Addition (north of 37th Street North, west of Maize) (448-89964/735370/470043) Does not affect existing traffic. (District V) - \$71,000.00
- g. The cost of the 21st and Broadway Intersection (472-84295/706934/205-400) (District VI). – Total Estimated Cost \$2,000,000.00

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0, (Longwell absent).

## PETITION

### CONSTRUCT PAVING, SANITARY SEWER AND WATER IMPROVEMENTS FOR THE PARKSTONE IN COLLEGE HILL DEVELOPMENT, NORTH OF DOUGLAS, EAST OF HILLSIDE. (DISTRICT II)

Agenda Item No. 4a.

On February 6, 2007, the City Council approved Tax Increment Funding (TIF) to develop a residential/commercial area on the north side of Douglas, east of Hillside. On July 17, 2007, the City Council approved paving, sanitary sewer and water system Petitions to serve the development. Based on recent bid prices, it is doubtful that the project budgets are sufficient to award construction contracts. New Petitions have been prepared with increased budgets. As part of the TIF agreement, the City is the current owner of the property in the improvement districts which also is the site for the TIF funded condominium/retail development. Title will be transferred to the development company when they begin their construction. The streets, sanitary sewers, and water systems being built under the authority of the petitions are and will remain in public right-of-way and ownership.

When completed, the development will consist of a high-rise condominium tower, parking garage, two story townhouse residences and small commercial shops. Victor and Rutan Streets will remain as public streets through the area.

The existing Petitions total \$765,000. The new Petitions total \$1,175,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of paving, sanitary sewer, and water system improvements for a new development.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district. The City of Wichita is currently the record owner of the property in the improvement districts.

Motion--  
--carried

Brewer moved that the new Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Longwell absent).

## RESOLUTION NO. 07-589

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90303 (north of Douglas, east of Hillside) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented.

Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## RESOLUTION NO. 07-590

Resolution of Findings of Advisability and Resolution authorizing construction of Relocation of part of District B, Sanitary Sewer No. 12 (North of Douglas, east of Hillside) 468-84376 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## RESOLUTION NO. 07-591

Resolution of Findings of Advisability and Resolution authorizing constructing pavement and other associated improvements on Victor from Hillside Ave. to the east lane of the west 100 feet of the north 140 feet, College Park of said Addition and Rutan from Douglas to Second Street. and First St. from the west line of Lot 4, I R & R Subdivision of Block 1 in College Hill Addition to the east line of the west ½ of the Lot 1, Block 2, College Hill Addition (north of Douglas, east of Hillside) 472-845741, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## STREET CLOSURE

### **WICHITA SKATE PARK CONTEST, NOVEMBER 10, 2007, 8:00 A.M. TO 5:00 P.M.** **(DISTRICT VI)**

Agenda Item No. 5a.

In accordance with the Community Events Procedure, the event promoter David McGuire, City of Wichita Park and Recreation Department is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Wichita Skate Park Contest - November 10, 2007 8:00 am – 5:00 pm

- South St. Francis Street, 500 and 600 blocks.

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

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

Enhance the Quality of Life

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Motion-- Brewer moved that the request be approved 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 Events Coordinator. Motion carried 6 to 0, (Longwell absent).  
--carried

## **STREET CLOSURE**      **BROADVIEW NEIGHBORHOOD TRICK-OR-TREAT EVENT. (DISTRICT I)**

Agenda Item No. 5b.

In accordance with the Community Events Procedure, the event promoter Leslie Prechtel is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Broadview Neighborhood Trick-or-Treat Event

- 100 Block on North Broadview

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

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

Enhance the Quality of Life

Motion-- Brewer moved that the request be approved 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 Events Coordinator. Motion carried 6 to 0, (Longwell absent).  
--carried

## **PROJECT ACCESS**      **PROJECT ACCESS CONTRACT.**

Agenda Item No. 6a.

Since 1999 the City has participated in Project Access, a program that coordinates donated medical services for the uninsured by linking physicians, social service agencies, hospitals, clinics, and area pharmacies. A 2006/2007 contract between the City and the Central Plains Regional Health Care Foundation, Inc. (the non-profit organization responsible for Project Access) provided funds for prescription medications and the coordination of services. This contract has expired and there are no additional options to renew. A recommendation to issue a new one-year contract that runs through August 31, 2008 is being brought before the City Council.

It is estimated that 55,000 persons or 13 % of the local population is uninsured. From September 1999 through August 2007, 7,587 individuals have received donated medical care and services through Project Access. During the last eight years Project Access has:

- Provided 162,493 prescriptions worth over \$4.9 million;
- Coordinated donated physicians services worth \$17.9 million; and
- Coordinated donated hospitals services worth \$45.6 million.

During the last four and a half years, pharmaceutical companies have donated \$1.8 million in prescription medicines. Currently 688 physicians, eight hospitals, and 77 pharmacies participate in Project Access.

In 2006 Project Access implemented cost-saving measures that have conserved the prescription assistance funding and allow expansion of services to include physician-prescribed medical supplies and/or durable medical equipment. These additional services address an ongoing need identified by

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patients and participating physicians. The proposed contract has been modified to allow these additional services.

The \$300,000 contract budget is the same amount provided for the 2006/2007 contract. Community Services Block Grant funds, received to serve low-income persons, will be used to pay contract costs and the renewal will not obligate general fund monies.

The City's support of Project Access will promote economic vitality and affordable living by providing no cost health services for uninsured low-income individuals.

The Department of Law has approved the contract as to form.

Motion--  
--carried

Brewer moved that the Project Access Contract be approved and the necessary contract signatures authorized. Motion carried 6 to 0, (Longwell absent).

## CHANGE ORDER

### CENTRAL CORRIDOR RAILROAD IMPROVEMENT. (DISTRICT VI)

Agenda Item No. 7a.

On March 8, 2005, the City Council approved a construction contract with Dondlinger & Sons, Inc. to construct Central Corridor Railroad Improvements. After the work began, it was determined that the soils beneath the temporary main track were unsuitable and should be replaced. In addition, anti-graffiti protective coating should be applied to the retaining walls to reduce future maintenance costs. The cost of the work is partially offset by a credit for the salvage value of pile cut-offs.

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

The cost of the additional work is \$775,556, with the total paid by a combination of City-at-Large funds, Federal grants administered by the Kansas Department of Transportation and railroad funds. The original contract is \$57,444,085. This Change Order plus previous Change Orders represents 01.866% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving east-west traffic flow and safety through the core area.

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.

Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Longwell absent).

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## CHANGE ORDER

### HILLSIDE IMPROVEMENT, BETWEEN KELLOGG AND CENTRAL. (DISTRICTS I & II)

Agenda Item No. 7b.

On August 8, 2006, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Hillside, between Kellogg and Central. A part of the work was the installation of brick sidewalk, adjustments to adjacent parking lots and construction of a new storm water sewer. After the work began it was determined that additional brick sidewalk was needed at the northeast corner of Douglas and Hillside. Also, additional storm sewer pipe and parking lot adjustments were needed at various locations along the length of the project.

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

The total cost of the additional work is \$24,419 with \$4,884 paid by City General Obligation bonds and \$19,535 paid by Federal grants. The original contract amount is \$3,648,218. This Change Order plus previous change orders represents 01.21% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving traffic flow along an important transportation corridor.

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.

Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Longwell absent).

## PROP. ACQUIS.

### PARTIAL ACQUISITION OF 442 NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Item No. 8a.

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition consists of the west 20 feet (1,769 square feet) of the residential property at 442 North West Street. The property is improved with a 1,930 square foot single-family residence on a 40,566 square foot lot.

The appraiser valued the land at \$9,730 (\$5.50 per square foot). The property is currently served by a septic system, which will be destroyed by the project. The cost to place the property on sewer if the septic system is removed is estimated at \$16,420. The take will also require the removal of a large tree, valued at \$5,000. Neither of these items was included in the appraisal. The removal of the septic system beyond the take and construction of the sewer line will impact the landscaping and yard around the property. The owner is willing to accept \$35,000 made up of \$9,730 for the land, \$16,420 for the sewer hookup, \$5,000 for the tree, and \$3,850 to remove the septic system and restore the yard.

The funding source for the project is General Obligation Bonds. A budget of \$37,000 is requested. This includes \$35,000 for acquisition and \$2,000 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

Motion--  
--carried

Brewer moved that the Budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Longwell absent).

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PROP. ACQUIS.

## PARTIAL ACQUISITION OF LAND AT 2744 SOUTH 135TH STREET WEST FOR THE MID-CONTINENT INTERCEPTOR SANITARY SEWER PROJECT. (DISTRICT IV)

Agenda Item No. 8b.

On December 19, 2006, City Council approved the funding and installation of new water mains where development is occurring and in areas where future growth is anticipated. One such area is in Southwest Wichita near Mid-Continent Airport, more specifically a half-mile south of Pawnee between Tyler Road and 135th Street West. Phase one of the proposed line is approximately 3-miles long. It is necessary to acquire a sanitary sewer easement from eight parcels within this corridor. This particular acquisition is from a 2744 South 135th Street West.

A 50-foot easement consisting of 0.06 acres and 150-foot temporary construction easement consisting of 0.17 acres are required from the improved, 10-acre property. Other than the fence, the improvements are removed from the project. The owner rejected the appraised offer of \$2,070 and has agreed to accept \$6,191, or \$750 at \$.30 psf for the subsurface easement, \$500 temporary construction easement, \$3,500 for fence relocation costs and \$1,441 for trees. The appraiser included compensation for fencing but the owner is basing her \$3,500 amount off of a professional estimate. The counter offer is deemed reasonable.

\$6,491 is requested budget for the acquisition. \$6,191 towards the purchase price and \$300 for recording fees. The funding source is future revenue bonds and/or Water Utility cash reserves.

The acquisition of this parcel is necessary to ensure efficient infrastructure and provide reliable, compliant and secure utilities.

The Law Department has approved the contract as to form.

Motion--  
--carried

Brewer moved that the budget expenditure be approved and the necessary signatures authorized. Motion carried 6 to 0, (Longwell absent).

BOARDS/COMMISS.

## MINUTES OF ADVISORY BOARDS/COMMISSIONS.

Wichita Employees' Retirement System, August 15, 2007  
Board of Code Standards and Appeals, September 10, 2007  
District V Advisory Board, October 1, 2007  
District III Advisory Board, September 5, 2007  
Wichita Public Library, September 18, 2007  
District VI Advisory Board, September 19, 2007  
Board of Electrical Appeals, September 13, 2007  
Wichita Airport Authority, September 10, 2007

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0, (Longwell absent).

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UNSAFE STRUC.

## REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICTS I, II, III, VI)

Agenda Item No. 10.

On October 1, 2007, the Board of Code Standards and Appeals (BCSA) held a hearing on the following thirteen (13) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

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

<u>Property Address</u>	<u>Council District</u>
a. 1230 North Grove	I
b. 912 North Cleveland	I
c. 1305 North Grove	I
d. 231 North Estelle	I
e. 2403-05 East Murdock	I
f. 1317 North Ash	I
g. 700 North Beech Lot 27	II
h. 700 North Beech Lot 29	II
i. 700 North Beech Lot 32	II
j. 700 North Beech Lot 41	II
k. 700 North Beech Lot 55	II
l. 2101 South Washington	III
m. 934 North Wichita	VI

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.

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

Motion--

Brewer moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on December 4, 2007 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 6 to 0, (Longwell absent).

--carried

### Resolution No. 07-592

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 70, 72 and 74, on Grove Avenue, Fairmount Park Addition, City of Wichita, Sedgwick County, Kansas, known as 1230 N. Grove, Wichita, Kansas, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams, and Brewer, (Longwell absent).

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## Resolution No. 07-593

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 27 and 29, Cleveland Ave., in Tilford's 2nd Addition, City of Wichita, Sedgwick County, Kansas, known as 912 N. Cleveland, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams, and Brewer, (Longwell absent).

## Resolution No. 07-594

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 41 and 43 Sunnyslope Addition, City of Wichita, Sedgwick County, Kansas, known as 1305 N. Grove, Wichita, Kansas, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams, and Brewer, (Longwell absent).

## Resolution No. 07-595

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 17, 19 and 21, on Estelle Avenue, in Firebaugh's Subdivision of Block 3, Chautauqua Addition, City of Wichita, Sedgwick County, Kansas, known as 231 N. Estelle, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams, and Brewer, (Longwell absent).

## Resolution No. 07-596

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the North 88 feet of Lot 39, Parkmore Addition, City of Wichita, Sedgwick County, Kansas, known as 2403-05 East Murdock, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## Resolution No. 07-597

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 34, 36 and 38, on Tilford, now Ash Street, Eleventh Street Addition, City of Wichita, Sedgwick County, Kansas, known as 1317 North Ash, Wichita, Kansas, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## Resolution No. 07-598

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 through 21 and Lots 26 through 46, Block 3, McClaren Addition to Travel Air City, Sedgwick County, Kansas, known as 700 North Beech, Lot 27, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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## Resolution No. 07-599

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 through 21 and Lots 26 through 46, Block 3, McClaren Addition to Travel Air City, Sedgwick County, Kansas, known as 700 North Beech, Lot 29, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## Resolution No. 07-600

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 through 21 and Lots 26 through 46, Block 3, McClaren Addition to Travel Air City, Sedgwick County, Kansas, known as 700 North Beech, Lot 32, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## Resolution No. 07-601

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 through 21 and Lots 26 through 46, Block 3, McClaren Addition to Travel Air City, Sedgwick County, Kansas, known as 700 North Beech, Lot 41, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## Resolution No. 07-602

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 through 21 and Lots 26 through 46, Block 3, McClaren Addition to Travel Air City,, Sedgwick County, Kansas, known as 700 North Beech, Lot 55, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## Resolution No. 07-603

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the North 100 Feet of Lot 2, Block 8, Kinkaid's Second Addition , City of Wichita, Sedgwick County, Kansas, known as 2101 South Washington, Wichita, Kansas, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, , presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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Resolution No. 07-604

A Resolution fixing a time and place and providing for Notice of a Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 156 on Wichita Street in Munger's Original Town, now City of Wichita, Sedgwick County, Kansas, known as 934 N. Wichita, Wichita, Kansas, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

**SALE OF 1631 E. 17<sup>TH</sup>**

**SALE OF 1631 EAST 17TH STREET NORTH. (DISTRICT D)**

Agenda Item No. 11.

On April 10, 2007, the City Council in its capacity as the Wichita Housing Authority (WHA) board approved the sale of 1631 East 17th Street North, owned by the Wichita Housing Authority, to the existing tenant for \$50,000. The property is subject to a Declaration of Trust between WHA and HUD. Because of this, HUD must approve any disposition. Originally, HUD approved the sale with the requirement that if there were a change of use, the property would revert to WHA. This requirement was made a part of the contract approved on April 10, 2007.

Subsequent to the approval of the contract, the buyer discovered that the existence of the reversion clause prevented her from getting financing to acquire the property. Because of this, HUD has agreed to waive the reversion clause in the contract. Instead, the buyer and WHA will enter into a separate agreement whereby the buyer agrees to pay WHA if the use of the building ceases to be used as approved by HUD, specifically for community services to low to moderate income families. The repayment amount is \$50,000. This amount will be prorated over the remaining term of the Declaration of Trust, assumed to be 7 years by HUD.

WHA will receive cash consideration for the sale of the property and WHA will no longer be responsible for maintenance.

The sale of this parcel would assist in increasing neighborhood vibrancy.

The Law Department has approved the contract as to form.

Motion--  
--carried

Brewer moved that the revised Real Estate Purchase Contract and the Repayment Agreement be approved and all necessary signatures authorized. Motion carried 6 to 0, (Longwell absent).

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## 2009 TE PROGRAM

### RESOLUTION OF THE SUPPORT FOR AND AUTHORIZATION TO SUBMIT SIX 2009 TRANSPORTATION ENHANCEMENT PROGRAM APPLICATIONS TO THE KANSAS DEPARTMENT OF TRANSPORTATION. (DISTRICTS I, II, III, IV)

Agenda Item No. 12.

Transportation Enhancement is a funding category of the federal transportation program (TEA-21). The Kansas Department of Transportation (KDOT) will receive applications for Enhancement projects from cities and counties throughout Kansas and will select those projects that meet KDOT's funding eligibility criteria. The three categories under enhancement are: 1) historic preservation of transportation structures 2) scenic and environmental and 3) pedestrian and bicycle facilities. Kansas' share for these three Enhancement categories is typically about \$8-10 million, but the exact allocation for fiscal year 2009 projects has not been released at this time. Applications sponsored by the City of Wichita will compete for these funds with other statewide projects. Only tax levying entities can sponsor applications; however, private funds may be used as local match. KDOT is projecting that awards will be announced in May 2008.

A process to update the existing 1996 Parks and Pathways Plan is currently underway with the Wichita Parks, Recreation and Open Space Plan (PROS Plan). However, the process will not be completed until mid-to-late 2008. During the interim, the Park Board established pathway priorities as identified in the 2007-2008 City of Wichita Pathways Priorities Report, to assist in prioritizing conceptual designs, Transportation Enhancement funding applications and pathway development. These priorities were reviewed by the Wichita City Council on July 31, 2007. All proposed pathway projects being submitted to KDOT for Transportation Enhancement funding consideration were identified as a priority according to the 2007-2008 City of Wichita Pathways Priorities Report.

In working with several community groups, staff identified six projects that are consistent with City priorities and adopted neighborhood and regional plans for submittal to KDOT for Transportation Enhancement funding consideration.

- I-135/K-96 Bike Path Connection (Park Board Priority #1) - This project will connect the existing I-135 and K-96 bike paths from McAdams Park to Grove Park, creating a continuous bike path network extending more than 31 miles. It will serve more than 150,404 residents, approximately 43 percent of Wichita's residents. (District I)
- Delano Pedestrian-Bicycle Trail (Park Board Priority #6)- This trail would extend the Arkansas River Trail from McLean Boulevard along the abandoned railroad corridor north of Douglas through the Delano District to Seneca Street. This project is being submitted on behalf of the Delano Neighborhood Association and the Delano Business Association in efforts to implement the Delano Neighborhood Plan. (District IV)
- South Central East Bank River Trail (Park Board Priority #7) - This 2.78 mile trail would run along the east bank of the Arkansas River the entire length of the South Central Neighborhood, providing direct access to a bicycle and pedestrian pathway that connects with the region's 140-mile network of bicycle and pedestrian pathways. This project is being submitted on behalf of the South Central Improvement Alliance and the South Central Neighborhood Association in efforts to implement the South Central Neighborhood Plan. (Districts I & III)
- Redbud Trail (Park Board Priority #1) - This proposed pathway would consist of a 2.51 miles segment of the former BNSF 17th Street railroad corridor, known as the Redbud Trail, from I-135 to the west edge of Oliver. This project is being submitted on behalf of the Prairie Travelers and in an effort to implement the 2005 Update to the Central Northeast Area Plan. (District I)
- K-96/Harry Street Pathway (Park Board Priority #3) - This project would complete the loop of connected pathways in east Wichita. It would start at the south terminus of the K-96 Bike Path south along 127th Street to Harry Street. At Harry Street, the pathway would run one-mile west to connect to the existing pathway on the south side of Harry Street. (District II)

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- Bluff Street Rest Station - This project is a landscaping and scenic beautification project at the intersection of the K-96 Bike Trail and Bluff Street to serve as a rest area, a gathering place and a grand entry foyer to the adjacent trail at Fountain Street. This project is being submitted on behalf of the Northeast Heights Neighborhood Association. (District I)

The South Central East Bank River Trail, the Redbud Trail and the K-96/Harry Street Pathway have also been identified in the Wichita Area Metropolitan Planning Organization (WAMPO) Regional Pathway System Plan, which was adopted by the WAMPO Transportation Policy Body on September 11, 2007.

Some of these projects were submitted in the 2006-2007 application cycle and ranked fairly high, yet were not awarded funds. This year, neighborhood community groups and City staff have worked to make these applications more competitive, and have gathered updated letters of support that will be incorporated in the applications to demonstrate the continued need and support for these projects.

On October 31, 2007, these applications will be submitted to the Wichita Area Metropolitan Planning Organization (WAMPO) for review to ensure that the projects are compliant with WAMPO's Transportation Enhancement Policy. In addition, a resolution of support and commitment must be approved by the Wichita City Council and submitted with the application. Upon City Council approval and completion of WAMPO's review, the applications will be submitted to KDOT for transportation enhancement funding consideration. The deadline to submit applications to KDOT is November 7, 2007.

Transportation Enhancement Program functions as a federal reimbursement program. Eligible costs for reimbursement include the acquisition of right-of-way, the adjustment of utilities (not on public ROW), construction and construction engineering. The City is responsible for both design cost and maintenance for the life of the project, in addition to the local match contribution. (It is estimated that design cost are approximately 10% of the total project cost.) KDOT requires a minimum 20 percent local match; however, staff is proposing a 30 percent local match contribution in order to score higher points under KDOT's rating scheme and to raise the probability of Wichita's projects being selected.

The 2007-2016 Wichita Capital Improvement Program allocated funding specifically for the Delano Pedestrian-Bicycle Trail and the I-135/K-96 Bike Path, and allocated \$400,000 every year to be applied towards any project awarded funding under the Transportation Enhancement Program, recognizing that not all projects will be funded. In fact, due to the federal funding shortfalls projected for 2009, the City anticipates the potential that only one application may be awarded funds. The total construction and engineering costs, recommended local match and estimated maintenance cost per project are listed below:

I-135/K-96 Bike Path Connection -(If funded, KDOT's Award = \$1,772,677 / Local Match = \$759,719)  
The total construction and engineering cost of the proposed I-135/K-96 project is estimated at \$2,532,396, with a total project cost, including design, of \$2,785,635. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$759,719 in local match, which is 30% of the total construction and engineering project cost. Should the I-135/K-96 Trail be awarded funds, the City of Wichita Capital Improvement Program (CIP) has set aside sufficient funding for the project. In addition, preliminary estimates project that \$76,969 should be allocated annually to adequately maintain the project once constructed.

Delano Pedestrian-Bicycle Trail - (If funded, KDOT's Award = \$337,346 / Local Match = \$144,577)  
The total construction and engineering cost of the proposed Delano project is estimated at \$481,923, with a total project cost, including design, of \$530,116. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$144,577 in local match, which is 30% of the total construction and engineering project cost. Should the Delano Pedestrian-Bicycle Trail be awarded funds, the City of Wichita Capital Improvement Program (CIP) has set aside sufficient funding for the project. In addition, preliminary estimates project that \$22,150 should be allocated annually to adequately maintain the project once constructed.

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## South Central East Bank River Trail

(If funded, KDOT's Award = \$2,940,497 / Local Match = \$1,260,213)

The total construction and engineering cost of the proposed South Central East Bank River Trail project is estimated at \$4,200,710, with a total project costs, including design, of \$4,620,781. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$1,260,213 in local match, which is 30% of the total construction and engineering project cost. If the South Central East Bank River Trail application is the only project awarded funds, then the City would have a shortfall of \$880,284 in the CIP and would have to find an alternative funding source. In addition, preliminary estimates project that \$72,059 should be allocated annually to adequately maintain the project once constructed.

## Redbud Trail - (If funded, KDOT's Award = \$1,887,596 / Local Match = \$808,970)

The total construction and engineering cost of the proposed Redbud Trail project is estimated at \$2,696,566, with a total project cost, including design, of \$2,966,222. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$808,970 in local match, which is 30% of the total construction and engineering project cost. If the Redbud Trail application is the only project awarded funds, then the City would have a shortfall of \$278,627 in the CIP and would have to find an alternative funding source. In addition, preliminary estimates project that \$82,937 should be allocated annually to adequately maintain the project once constructed.

## K-96/Harry Street Pathway - (If funded, KDOT's Award = \$2,288,135 / Local Match = \$980,629)

The total construction and engineering cost of the proposed K-96/Harry Street Pathway project is estimated at \$3,268,764, with a total project cost, including design, of \$3,595,640. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$980,629 in local match, which is 30% of the total construction and engineering project cost. If the K-96/Harry Street Pathway application is the only project awarded funds, then the City would have a shortfall of \$507,505 in the CIP and would have to find an alternative funding source. In addition, preliminary estimates project that \$68,449 should be allocated annually to adequately maintain the project once constructed.

## Bluff Street Rest Station - (If funded, KDOT's Award = \$97,308 / Local Match = \$41,704)

The total construction and engineering cost of the proposed Bluff Street Rest Station project is estimated at \$139,012, with a total project cost, including design of \$152,913. To ensure that this project receives a competitive score, the City of Wichita needs to contribute a total of \$41,704 in local match, which is 30% of the total construction and engineering project cost. If the Bluff Street Rest Station application is the only project awarded funds, then the City could utilize the Enhancement Projects allocation under the Arterials section of the CIP to cover all project costs. In addition, preliminary estimates project that \$3,550 should be allocated annually to adequately maintain the project once constructed.

Approving the resolution of support and authorization for application submittal to the KDOT would impact Wichita's Efficient Infrastructure Goal by providing citizens with a safe and dependable transportation system, including alternative modes of transportation through its pathways network.

All projects must be reviewed by the Wichita Area Metropolitan Planning Organization (WAMPO) for compliance with the Transportation Enhancement Policy. The Wichita City Council must also approve the filing of the application through a resolution that also states that the City accepts responsibility for coordination of these projects and is committed to funding both design costs and maintenance for the life of the project, in addition to the local match contribution.

Motion--  
--carried

Brewer moved that the resolution of support be adopted and application submittal to the Kansas Department of Transportation authorized. Motion carried 6 to 0, (Longwell absent).

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## ARTS CONTRACTS

### PERFORMANCE CONTRACTS FOR ARTS AND CULTURAL FUNDING.

Agenda Item No. 13.

In 2005, the City Council approved the formation of the Cultural Funding Committee consisting of 11 members. Members of City Council appointed 7 members. The Arts Council appointed 4 members. The committee consists of representatives from government, education, business, philanthropy, arts organizations and the public at large. The committee was assigned the responsibility to make recommendations to members of City Council on allocation of additional funding through operational grants for arts and cultural organizations. This year, the committee made recommendations in the amount of \$992,500 for the upcoming 2008 funding year.

The City must protect its current investments in the Tier I organizations that have become an integral part of our community's culture. Through historical agreements, the City has made substantial investments in these and other facilities to purchase, promote, and maintain them. Funding was allocated by a tiered system:

- Tier I – Existing organizations currently receiving baseline City funds. These organizations are Wichita Art Museum, Botanica, Historic Wichita Sedgwick County (Old Cowtown Museum)\*, Mid-America All-Indian Center, The Arts Council, The Kansas African American Museum, and the Wichita-Sedgwick County Historical Museum. These organizations, with Boards of Directors, are non-profit agencies that have private/public partnerships with the City of Wichita.

\* Currently under a separate agreement with the City of Wichita.

- Tier II – Established and emerging organizations with annual operating budgets of \$500,000 or more.
- Tier III – Established or emerging organizations with annual operating budgets less than \$500,000.

The Cultural Funding Committee reviewed applications from 32 arts and cultural organizations during the approved review process from April 28 – May 2, 2007. Twenty-six out of the 32 applicants were recommended for the allocation of additional funding. The organizations were then approved by the City Council as part of the 2008 budget approval process in August. Old Cowtown Museum has transitioned to a city-operated organization with a separate agreement currently in place; therefore, its cultural funding contract will be suspended for this year only.

Approval of Performance Contracts will provide the City of Wichita with a fair and equitable contract in which to measure performance-based outcomes of all 30 Performance Contracts, which include Tier I, Tier II, and Tier III funding for arts and cultural organizations. Performance goals assist in supplying accountability and assurance of the use of City funding allocated appropriately with measurements. Funding recommendations are stated as:

Tier I:

Organization	2008 Annual Funding
Wichita Art Museum, Inc.	\$1,279,960
The Kansas African American Museum	\$2,330
Wichita-Sedgwick County Historical Museum	\$82,140
**Historic Wichita Sedgwick County, Inc. (Old Cowtown Museum)	\$241,850
Arts Council	\$6,540
Mid-America All-Indian Center	\$57,900
*Botanica	\$232,500

\*There is no contract for annual funding with Botanica due to its classification as a division of the City of Wichita Parks and Recreation Department. Performance measurements are already in place within the department and a contract is not necessary.

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\*\*Old Cowtown museum is currently under a separate agreement with the City of Wichita.

## Tier II:

Organization Name	2008 Additional funding
The Wichita Sedgwick County Historical Museum	\$33,000
The Wichita Art Museum, Inc.	\$176,000
Mid-America All-Indian Center	\$50,000
Botanica, The Wichita Gardens	\$37,500
The Kansas African American Museum	\$35,000
Old Cowtown Museum*	\$43,500
Orpheum Performing Arts Center, Ltd	\$65,000
Sedgwick County Zoological Society	\$100,000
Wichita Symphony	\$100,000
Music Theatre of Wichita	\$75,000
Wichita Public Library Foundation	\$25,000
Wichita Grand Opera	\$26,000
WSU Foundation / Ulrich Museum	\$20,000
Wichita Children's Theatre and Dance Center	\$50,000

\*Old Cowtown museum is currently under a separate agreement with the City of Wichita.

## Tier III:

Chamber Music at the Barn	\$30,000
Arts Partners	\$20,000
Ballet Wichita	\$25,000
Midwest Historical and Genealogical Society	\$2,500
Kansas Aviation Museum	\$30,000
The Wichita Asian Association	\$7,000
Tallgrass Film Festival	\$15,000
Opera Kansas	\$14,000
Heart of America Men's Chorus Inc.	\$6,500
Kansas Firefighters Museum	\$7,500
Wichita Film and Music Festival Inc.	\$15,000
The Griots Storytelling Institute	\$4,000

Finance department has reviewed the proposed contract specific to performance goals and measurements.

Law department has prepared and approved the form of the proposed contract.

Motion--  
--carried

Brewer moved that the 30 Performance Contracts, for Tier I, Tier II, and Tier III art and cultural organizations, for the 2008 budget year. Motion carried 6 to 0, (Longwell absent).

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ORCHARD REC.

## ORCHARD RECREATION CENTER IMPROVEMENTS. (DISTRICT VI)

Agenda Item No. 14.

Orchard Park contains a Recreation Center, swimming pool, skatepark, athletic fields, tennis and basketball courts, and a playground. The Recreation Center includes library services and is utilized by the Good Neighbor Nutrition Program, which serves hot lunches for the elderly. The center also consists of a gymnasium, small fitness area, and meeting and game rooms. The center provides recreation programs for area youth, adults, seniors and special populations.

The 2007 Park CIP includes funding for Orchard Park improvements and renovations. Recreation Center improvements will consist of a gym divider to allow for multiple programs in the gymnasium, removal of interior walls to expand the fitness area and the purchase of exercise equipment that will serve special populations.

The 2007 Park CIP includes \$300,000 for improvements to Orchard Park. The funding source is general obligation bonds.

The repairs, renovations and equipment will allow the center to offer more programs for special populations, improve the existing infrastructure and allow more citizens the opportunity to participate in recreational activities and improve their quality of life.

The Law Department has approved the bonding resolution as to form.

Motion--  
--carried

Brewer moved that the initiation of the project be approved; the bonding resolution adopted; and all necessary signatures authorized. Motion carried 6 to 0, (Longwell absent).

### RESOLUTION NO. 07-606

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the improvement and renovation of park amenities to Orchard Recreation Center, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

EMINENT DOMAIN

## ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR IMPROVEMENT PROJECT MID-CONTINENT INTERCEPTOR SANITARY SEWER PROJECT. (DISTRICT IV)

Agenda Item No. 15.

On December 19, 2006, City Council approved the funding and installation of new water mains where development is occurring and in areas where future growth is anticipated. One such area is in Southwest Wichita near Mid-Continent Airport, more specifically a half-mile south of Pawnee between Tyler Road and 135th Street West. Phase one of the proposed line is approximately 3-miles long. It is necessary to acquire a sanitary sewer easement from eight parcels within this corridor. City staff has been unable to reach an agreement on five parcels identified as 2816 S. Maize Road, land adjacent to Southwest Passage Addition, two parcels at 2659 S. 119th Street and vacant land in the 2800 Block of S. Maize Road. The parcels are all in agricultural production and all improvements, if any, are removed from the project.

2816 S. Maize Road

This tract has 76-acres of land in agricultural production and is improved with a single-family residence. The improvements are not affected by the proposed easements. The proposed easement is 50-feet wide, along the northern property line and consists of about 2.86-acres. A 4.58-acre temporary construction easement is also required. The owners rejected the \$9,780 appraised offer and have yet to provide a counter offer. Staff will continue to negotiate with the owner, but due to the lack of a counter offer, it is necessary to initiate eminent domain.

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## Land on Pawnee adjacent to Southwest Passage Addition

The northern half of the 49.8-acre tract of land off Pawnee between 119th Street West and 135th Street is platted as the Southwest Passage Addition and the south half is vacant agricultural land. The proposed 50-foot sanitary sewer easement is within the southern half of the entire parcel. The new easement will be parallel with the south property line. The proposed easement consists of 1.57 acres. A temporary easement is also required. There is a preliminary plat for that part not developed. Four planned lots will be lost as a result of the take. The appraised value of \$16,550 or 20% of fee value at \$7,500 per acre was rejected by the owner. The appraised value included a temporary construction easement at \$225 and \$11,775 for lost lots and replatting fees. A counter offer of \$32,000, or \$12,880 per acre was received. Staff will continue to negotiate with the owner, but due to the difference of opinion regarding market value and the timing of the project, it is necessary to initiate eminent domain.

## 2659 S. 119th Street

One easement over two continuous parcels at 2659 S. 119th Street are required. These two parcels are owned by the same person. These properties are in agricultural production and the improvements are far removed from the proposed easement area. The proposed sanitary sewer easement area is a 50-foot wide strip of land along the southern property line consisting of 1.46-acres on the parcel along 119th and 1.93-acres for the interior parcel. The owner has a preliminary plat which shows a portion of the subject property to be developed as a future phase of the residential, Southwest Passage Addition. Two lots will be lost as a result of the take.

The combined appraised value of \$19,630 or 30% of fee value at \$8,500 and 20% of the fee value of \$6,800 per acre was rejected by the owner. The offer also included compensation for a temporary construction easement on each parcel and \$13,125 for residential lots lost. The owner expressed concern and a desire to resolve other issues pertaining to his property prior to reconciling on the proposed easement area. The owner is concerned about the the new flood zone determinations and his current CUP through 2010. As these issues pertain to future MAPD Commission decisions and the Federal Emergency Management Agency (FEMA) flood study determinations, Property Management is limited in what it can do to assist the owner.

The owner proposed a settlement offer of \$45,890. This includes \$16,000 as appraised compensation for the lots lost, fee value for the easements at \$9,000 and \$8,000 an acre and a temporary construction easement over two years rather than one. As we are not seeking a full, fee simple acquisition, to pay a full land value for said easements is unreasonable. Staff will continue to negotiate with the owner, but due to timing, it is necessary to initiate eminent domain.

## 2800 Block of S. Maize Road

The tract of land in the 2800 Block of S. Maize Road consists of 55-acres, is vacant and currently in agricultural production. The proposed acquisition area is a 50-foot wide easement along the north side of the property and contains 2.47-acres. A 9.25-acre temporary easement is also required. The appraised offer of \$8,820, or 30% of fee value at \$11,000 an acre, was neither accepted nor rejected by the owner. Staff will negotiate with the owner, but due to the timing of the project, it is necessary to initiate eminent domain.

The cost of this acquisition will be paid for by the City at large.

The acquisition of these parcels is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the resolution and ordinance as to form.

Motion--

Brewer moved that the resolution be adopted; approve and place the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition on first reading.

--carried

Motion carried 6 to 0, (Longwell absent).

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## RESOLUTION 07-607

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita on connection with planned sanitary sewer improvements to serve an area bordered by Tyler on the east, Pawnee on the north, 135th Street on the west and 31st Street on the south, in the City of Wichita, Sedgwick County, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## ORDINANCE

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 improvement of planned sanitary sewer improvements to serve an area bordered by Tyler road on the east, Pawnee on the north, 135th street on the west and 31st street on the south 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, introduced and under the rules laid over.

## **WHEELCHAIR RAMP 2007/2008 SIDEWALK AND WHEELCHAIR RAMP PROGRAM.**

Agenda Item No. 16.

The 2007-2016 Capital Improvement Program (CIP) adopted by the City Council includes funding to construct sidewalks and to install wheelchair ramps at various locations in the City. The wheelchair ramp component of the program is part of an ongoing effort to retrofit the entire City as required by the Americans with Disabilities Act of 1990.

The wheelchair ramps are being installed at locations throughout the City. The proposed sidewalk locations are:

13th, Gatewood – Webb	21st, missing bike path link west of Maize
MacArthur, Broadway – Laura	Riverside Sidewalk Pine to Murdock
Broadway, 47th St. South – 43rd St. South	Gold, Enterprise School - MacArthur
Oliver, 17th – 21st	Tyler, 29th St. North – Maize School
Rock, Railroad Tracks – 45th St. North	Arkansas, 42nd St. North – 45th St. North
45th St. North, Rock – Spyglass	Lincoln, Bluff – Bluffview

The CIP budget is \$450,000 for 2007 and for 2008 for a total of \$900,000. The funding source is General Obligation Bonds.

This project addresses the Efficient Infrastructure goal by improving pedestrian access along public streets.

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

Motion--  
--carried

Brewer moved that the project be approved; the authorizing Ordinance placed on First Reading and the necessary signatures authorized. Motion carried 6 to 0, (Longwell absent).

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## ORDINANCE

An ordinance declaring 13th, between Gatewood and Webb; Macarthur, between Broadway and Laura; Oliver, between 17th and 21st; Rock, between the union pacific railroad tracks and 45th St. north; Lincoln, between Bluff and Bluffview; 21st street at the bike path link west of maize; riverside sidewalk; meridian, between 31st St. south and I-235; Tyler, between 29th St. North and Maize school and Arkansas, between 42nd St. North and 45th St. North 2007/2008 Sidewalk and Wheelchair ramp program (472-84604) to be main trafficways within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## CLAIM

### SETTLEMENT OF CLAIM.

Agenda Item No. 17.

On May 1, 2007, a city employee driving a dump truck was involved in a vehicular accident in which the other vehicle, a van, was significantly damaged.

There is no dispute on liability and the amount of the claim is reasonable. At the request of the claimants, two checks can be issued, which will equal the total amount of the claim.

The total amount of the claim, \$13,117.03, is payable from the Tort Liability Fund.

Internal Perspectives and Infrastructure

The Law Department has approved the agreement and is initiating this item before the City Council

Motion--  
--carried

Brewer moved that the payment of the claim, in two checks, in the total amount of \$13,117.03 be authorized. Motion carried 6 to 0, (Longwell absent).

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ OCTOBER 16, 2007)

#### WATER PROJECTS:

a 470-897/448-89746)

#### ORDINANCE NO. 47-590

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-89746 TO SERVE LIBERTY PARK 2ND, COPPER GATE ESTATES, COPPER GATE ADDITION, & UNPLATTED TRACT "A", South of 13th, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

b. (470-990/448-89829)

#### ORDINANCE NO. 47-591

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-89829 TO SERVE HIGHLAND SPRINGS 3RD ADDITION, West of 135th Street West, South of Central, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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c. 470-983/448-89933)

## ORDINANCE NO. 47-592

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-89933 TO SERVE KRUG NORTH & KRUG NORTH 2ND ADDITIONS, North of 21st, West of 143rd Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

d. (470-995/448-89996)

## ORDINANCE NO. 47-593

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-89996 TO SERVE HAWTHORNE 3RD ADDITION, North of 21st, East of 127th Street East, as authorized by Resolution No. R-05-084, adopted March 1, 2005, and published March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 17, 2007 in the amount of \$87,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

e. (470-984/448-90005)

## ORDINANCE NO. 47-594

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90005 TO SERVE EAST SIDE COMMUNITY CHURCH 2ND ADDITION, North of 21st, west of 143rd Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

f. (470-996/448-90015)

## ORDINANCE NO. 47-595

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90015 TO SERVE COPPER GATE NORTH ADDITION, North of 13th, West of 135th Street West, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

g. (470-967/448-90113)

## ORDINANCE NO. 47-596

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90113 TO SERVE CASA BELLA & TARA FALLS 3RD ADDITIONS, North of Pawnee, West of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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h. (470-987/448-90122)

ORDINANCE NO. 47-597

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90122 TO SERVE AUBURN HILLS 16TH ADDITION, South of Maple, East of 151st Street West, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

i. 470-003/448-90138)

ORDINANCE NO. 47-598

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90138 TO SERVE AUBURN HILLS COMMERCIAL 4TH ADDITION, East of 135th Street West, South of Maple, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

j. (470-963/448-90142)

ORDINANCE NO. 47-599

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90142 TO SERVE COUNTRY HOLLOW ADDITION, South of Kellogg, East of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

k. (470-968/448-90154)

ORDINANCE NO. 47-600

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90154 TO SERVE COUNTRY HOLLOW ADDITION, South of Kellogg, East of 21st Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

l. (470-973/448-90162)

ORDINANCE NO. 47-601

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90162 TO SERVE EMERALD BAY ESTATES, West of West Street, North of 21st, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

m. (470-971/448-90166)

ORDINANCE NO. 47-602

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90166 TO SERVE WHISPERING LAKES ESTATES ADDITION, South of Harry, West of 159th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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n. (470-006/448-90188)

## ORDINANCE NO. 47-603

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90188 TO SERVE PARCELS 'A' & 'B', HARRISON PARK 3RD ADDITION, North of Harry, East of Webb, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## ORDINANCE NO. 47-604

o. (470-992/448-90192)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90192 TO SERVE CRESTLAKE ADDITION, North of Central, West of 127th Street East, basis, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

p. (470-993/448-90194)

## ORDINANCE NO. 47-605

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90194 TO SERVE FAWN GROVE AT SUNSET LAKES ADDITION, South of Kellogg, East of Greenwich, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

q. (470-002/448-90203)

## ORDINANCE NO. 47-606

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90203 TO SERVE SIERRA HILLS ADDITION, East of 127th Street East, North of Pawnee, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

r. (470-997/448-90204)

## ORDINANCE NO. 47-607

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90204 TO SERVE FOX RIDGE ADDITION, North of 29th Street North, East of Maize, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

s. (470-001/448-90206)

## ORDINANCE NO. 47-608

Construction of Water Distribution System No. 448-90206 TO SERVE SANTA FE INDUSTRIAL SUBDIVISION, South of Kellogg, East of Tyler, as authorized by Resolution No. R-06-395, adopted July 18, 2006, and published July 21, 2006 corrected & republished August 7, 2006 & May 15, 2007. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 17, 2007 in the amount of \$36,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis, read for the

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second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

t. (470-011/448-90234)

## ORDINANCE NO. 47-609

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of Water Distribution System No. 448-90234 TO SERVE OAK CREEK 2ND & 3RD ADDITIONS, South of 21st, West of Greenwich, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## SEWER PROJECTS:

u. (480-871/468-83636)

## ORDINANCE NO. 47-610

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 39, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, South of Central, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

v. (480-874/468-83673)

## ORDINANCE NO. 47-611

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 84, MAIN 22, WAR INDUSTRIES SEWER, South of 21st, West of Webb, basis, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

w. (480-875/468-83874)

## ORDINANCE NO. 47-612

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 7, MAIN 12, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

x. (480-795/468-83953)

## ORDINANCE NO. 47-613

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 506, SOUTHWEST INTERCEPTOR SEWER, North of MacArthur, East of Ridge, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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y. (480-876/468-83974)

## ORDINANCE NO. 47-614

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 5, MAIN 4, NORTHWEST INTERCEPTOR SEWER, North of 13th, West of 135th Street West, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).  
z. (480-819/468-84026)

## ORDINANCE NO. 47-615

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of MAIN 18, FOUR MILE CREEK SEWER, South of Harry, West of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

aa. (480-820/468-84033)

## ORDINANCE NO. 47-616

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 1, MAIN 18, FOUR MILE CREEK SEWER, South Harry, West of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

bb. (480-878/468-84052)

## ORDINANCE NO. 47-617

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 4, MAIN 11, FOUR MILE CREEK SEWER, North of 21st, West of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

cc. (480-845/468-84061)

## ORDINANCE NO. 47-618

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 149, MAIN 4, SANITARY SEWER NO. 23, North of 31st Street North, East of Hood, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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dd. (480-870/468-84090)

## ORDINANCE NO. 47-619

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 50, COWSKIN INTERCEPTOR SEWER, South of Maple, East of 151st Street West, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ee. (480-850/468-84102)

## ORDINANCE NO. 47-620

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 386, FOUR MILE CREEK SEWER, South of Kellogg, East of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ff. (480-851/468-84104)

## ORDINANCE NO. 47-621

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 388, FOUR MILE CREEK SEWER, South of Kellogg, East of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

gg. (480-846/468-84110)

## ORDINANCE NO. 47-622

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 22, MAIN 13, SOUTHWEST INTERCEPTOR SEWER, North of Pawnee, West of Maize, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

hh. (480-873/468-84185)

## ORDINANCE NO. 47-623

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 397, FOUR MILE CREEK SEWER, South of Kellogg, West of Greenwich, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ii. (480-881/468-84191)

## ORDINANCE NO. 47-624

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 58, MAIN 3, SOUTHWEST INTERCEPTOR SEWER, South of 47th Street South, East of Seneca, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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jj. (480-877/468-84202)

## ORDINANCE NO. 47-625

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 3, MAIN 6, (PART D) NORTHWEST INTERCEPTOR SEWER, North of 29th Street North, East of Maize, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

kk. (480-880/468-84207)

## ORDINANCE NO. 47-626

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 4, MAIN 20, SOUTHWEST INTERCEPTOR SEWER, North of 21st, West of Hoover, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ll. (480-884/468-84232)

## ORDINANCE NO. 47-627

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of LATERAL 401, FOUR MILE CREEK SEWER, East of Webb, North of Harry, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## STORM SEWER PROJECTS:

mm. (485-301/468-83319)

## ORDINANCE NO. 47-628

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWD NO. 179, TO SERVE EQUESTRIAN ESTATES ADDITION, East of 127th Street East, South of Harry, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

nn. (485-315/468-83997)

## ORDINANCE NO. 47-629

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWD NO. 263, TO SERVE FOX RIDGE ADDITION, North of 29th Street North, West of Tyler, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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oo. (485-303/468-84067)

## ORDINANCE NO. 47-630

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWD NO. 275, TO SERVE FALCON FALLS 2ND & 3RD & COMMERCIAL ADDITIONS, North of 45th Street North, West of Hillside, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

pp. (485-305/468-84073)

## ORDINANCE NO. 47-631

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWD NO. 276, TO SERVE CASA BELLA ADDITION & UNPLATTED TRACT A, North of Pawnee, West of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

qq. (485-319/468-84079)

## ORDINANCE NO. 47-632

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWD NO. 277, TO SERVE COPPER GATE NORTH ADDITION, North of 13th, West of 135th Street West, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

rr. (485-311/468-84099)

## ORDINANCE NO. 47-633

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWS NO. 618, TO SERVE FALCON FALLS 3RD ADDITION, North of 45th Street North, West of Hillside, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ss. (485-317/468-84108)

## ORDINANCE NO. 47-634

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWD NO. 279, TO SERVE AUBURN HILLS COMMERCIAL 4TH ADDITION, East of 135th Street West, South of Maple, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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tt. (485-304/468-84113)

## ORDINANCE NO. 47-635

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWD NO. 280, TO SERVE COUNTRY HOLLOW ADDITION, UNPLATTED COMMERCIAL TRACT & UNPLATTED RESIDENTIAL TRACTS, South of Kellogg, East of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

uu. (485-307/468-84143)

## ORDINANCE NO. 47-636

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWD NO. 288, TO SERVE WHISPERING LAKES ESTATES ADDITION, South of Harry, West of 159th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

vv. (485-316/468-84196)

## ORDINANCE NO. 47-637

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of Construction of SWD NO. 296, TO SERVE FONTANA & FONTANA 2ND ADDITION, North of 29th Street North, East of 119th Street West, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## PAVING PROJECTS:

ww. (490-084/472-83430)

## ORDINANCE NO. 47-638

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING TRIPLE CROWN, MUSTANG ST., MUSTANG CT., MUSTANG CIR., EQUESTRIAN CIR., EQUESTRIAN ST., & EQUESTRIAN CT. (South of Harry, East of 127th Street East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

xx. (490-106/472-83718)

## ORDINANCE NO. 47-639

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING ZIMMERLY, ZIMMERLY CT. INCLUDING SIDEWALK & CUL-DE-SAC (South of Lincoln, West of 127th Street East, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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yy. (490-093/472-83719)

## ORDINANCE NO. 47-640

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING ZIMMERLY & SIDEWALK (South of Lincoln, West of 127th St. East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

zz. (490-108/472-83780)

## ORDINANCE NO. 47-641

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING THOROUGHbred, HARDTNER, KENTUCKY LN., HARDTNER CT., BINTER CIR. INCLUDING CUL-DE-SAC & SIDEWALK (West of 135th St. West, South of Central), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

aaa. (490-101/472-83805)

## ORDINANCE NO. 47-642

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING HOLLYWOOD, 35TH ST. S. & SIDEWALK (West of Maize, South of 31st Street South), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

bbb. (490-114/472-83817)

## ORDINANCE NO. 47-643

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING PADDOCK GREEN CIRCLE INCLUDING CUL-DE-SACS (South of 21st, West of Webb), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ccc. (490-102/472-83881)

## ORDINANCE NO. 47-644

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING FORESTVIEW, ALDERNY, ALDERNY CIR., 10TH ST. N., FORESTVIEW CT., 10TH ST N. CT., ALDERNY CT. INCLUDING CUL-DE-SACS & SIDEWALK (South of 13th, East of 135th Street West), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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ddd. (490-957/472-83891)

## ORDINANCE NO. 47-645

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING A CUL-DE-SAC ON MOSLEY STREET (South of Pawnee), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Skelton absent).

eee. (490-963/472-83941)

## ORDINANCE NO. 47-646

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING 37TH STREET NORTH FROM TYLER ROAD TO RIDGE ROAD (Tyler Road to Ridge Road), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

fff. (490-098/472-84029)

## ORDINANCE NO. 47-647

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING JEWELL, UPLAND HILLS, GRANT, JEWELL COURT INCLUDING CUL-DE-SAC & SIDEWALK (North of Pawnee, West of 119<sup>th</sup> St. West), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ggg. (490-097/472-84060)

## ORDINANCE NO. 47-648

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING CITY VIEW, BURTON, TEXAS CIR., BURTON CT. INCLUDING CUL-DE-SAC & SIDEWALK (West of 135th Street West, North of Maple), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

hhh. (490-091/472-84086)

## ORDINANCE NO. 47-649

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING COVINGTON, SHEFFORD, COVINGTON CT., FONTANA CIR., FONTANA CT, LANDON CIR., INCLUDING THE CUL-DE-SACS (East of 119th St. West, North of 29th St. North), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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iii. (490-042/472-84141)

## ORDINANCE NO. 47-650

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING A FRONTAGE ROAD ALONG THE SOUTH SIDE OF KELLOGG (South of Kellogg, West of Greenwich), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

jjj. (490-052/472-84201)

## ORDINANCE NO. 47-651

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING VILLAGE CIRCLE & RIDGE RD. (North of 37th St. North, West of Ridge), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer,

kkk. (490-105/472-84250)

## ORDINANCE NO. 47-652

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING 24TH ST. N., QUINCY CIR., N. SPRINGDALE CIR., INCLUDING CUL-DE-SAC & SIDEWALK (North of 21st, West of 143rd St. E.), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

lll. (491-016/472-84255)

## ORDINANCE NO. 47-653

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING THE FACADE AT 919 E. DOUGLAS (South of Douglas, West of Washington), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

mmm. (490-089/472-84328)

## ORDINANCE NO. 47-654

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING PECKHAM/ LAGUNA/ SIERRA HILLS, PECKHAM CT., GILBERT, INCLUDING CUL-DE-SAC (South of Kellogg, East of 127th St. East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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nnn.. (490-092/472-84350)

## ORDINANCE NO. 47-655

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING GILBERT (South of Kellogg, East of 127th St. East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ooo. (490-104/472-84363)

## ORDINANCE NO. 47-656

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING NEVADA CIRCLE (North of Douglas, West of West Street), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ppp. (490-095/472-84367)

## ORDINANCE NO. 47-657

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING ROSEWOOD, BROOKHAVEN, HAZEL NUT, HAZEL NUT CIR., ROSEWOOD CT., INCLUDING CUL-DE-SACS (South of Harry, West of 159th St. East), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

qqq. (490-103/472-84384)

## ORDINANCE NO. 47-658

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING CHURCHILL, CHURCHILL COURT, AND INCLUDING THE CUL-DE-SAC (East of 127th St. East, South of 21st), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

rrr.. (490-112/472-84408)

## ORDINANCE NO. 47-659

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the cost of IMPROVING FAWN GROVE (South of Kellogg, West of Greenwich), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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sss. 17th Street, Grove-Hillside; Harry, Turnpike-Rock; Lincoln Street Bridge at the Arkansas River. (Districts I, II, III, and IV)

## ORDINANCE NO. 47-670

An ordinance declaring 17th street north, between grove and hillside (472-84015) 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, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## ORDINANCE NO. 47-671

An ordinance declaring Harry street, between the Kansas turnpike and rock road (472-84577) 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, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## ORDINANCE NO 47-672

An ordinance declaring the Lincoln street bridge at the Arkansas river (472-84605) 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, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ttt. Acquisition by Eminent Domain of a Tract Required for Improvement Project of West Street from Maple to Central. (Districts IV and VI)

## ORDINANCE NO. 47-661

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 improvement 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, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

uuu. Improvement to the Intersection of Douglas and Oliver. (District II)

## ORDINANCE NO. 47-662

An ordinance declaring the intersection of Douglas and Oliver (472-84609) to be a main traffic way within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

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- vvv. DER2007-9 – Ordinance amending the Unified Zoning Code to add the Proposed Corridor Preservation Plan Overlay District (CP-O) for the proposed Northwest Bypass in Wichita and Sedgwick County. The general location of the proposed CP-O connects K-96 to U.S.54/400 west of the City of Wichita.

ORDINANCE NO. 47-664

An ordinance establishing section iii-c.10 of the Wichita-Sedgwick county unified zoning code (April 19, 2001 edition), as adopted by reference in City of Wichita code section 28.04.010, establishing the corridor preservation plan overlay district; and, amending the official zoning map affecting certain lands located in the City of Wichita and in Sedgwick County, Kansas, as shown in the attached exhibit, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 1. Yeas Gray, Schlapp, Skelton, Williams and Brewer, (Nay-Fearey), (Longwell absent).

- www. ZON2007-39 – Zone change from “NR” Neighborhood Retail to “LC” Limited Commercial subject to amended Protective Overlay 130 to permit “animal care, limited”; generally located one-quarter mile east of 135th Street West, south of Maple Street. (District V)

ORDINANCE NO. 47-665

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified zoning code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

- xxx. ZON2007-00040 Zone change from “SF-5” Single-family Residential to “LI” Limited Industrial. Generally located one-eighth mile north of Harry on the west side of Sabin Street. (District IV)

ORDINANCE NO. 47-666

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

- yyy. PUD2007-03 Create PUD #26 Parkstone Planned Unit Development and zone change from “GC” General Commercial; “GO” General Office, “B” Multi-family Residential and “TF-3” Two-family Residential to “PUD” Planned Unit Development. Generally located north of Douglas Avenue, east of Hillside Avenue, south of 1st Street North and east and west of Rutan Avenue (District II)

ORDINANCE NO. 47-668

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

- zzz. A07-15R Request by Jay Russell, of R&R Realty, to annex land generally located northeast of the intersection of K-96 and Ridge Road, Island Annexation. (District VI)

ORDINANCE NO. 47-669

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An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A07-15), read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

Motion--carried Brewer moved that the Ordinances be adopted. Motion carried 6 to 0, (Longwell absent).

## **PLANNING AGENDA**

Motion-- Brewer moved that Planning Consent items 19-23 be approved in accordance with the recommended  
--carried action shown thereon. Motion carried 6 to 0, (Longwell absent).

### **DED2007-23 DED 2007-23 AND DED 2007-24 - DEDICATIONS OF ACCESS CONTROL, LOCATED ON THE SOUTHEAST CORNER OF ROCK ROAD AND HARRY STREET. (DISTRICT II)**

Agenda Item No. 19.

Staff Recommendation: Accept the Dedications.

These Dedications are associated with Lot Split Case No. SUB 2007-79 (Silver Spur East Addition). The Dedications are for access control along Rock Road, except for two openings.

Ensure Efficient Infrastructure.

The Dedications will be recorded with the Register of Deeds.

Motion--carried Brewer moved that the Dedications be accepted. Motion carried 6 to 0, (Longwell absent).

### **SUB2006-12 SUB 2006-12- PLAT OF SEDGWICK COUNTY ARENA ADDITION LOCATED EAST OF BROADWAY AND NORTH OF MAPLE. (DISTRICT I)**

Agenda Item No. 20.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of one lot on 10.6 acres, is a replat of a portion of the N.A. English's Addition. This site is located within Wichita's city limits and is zoned "CBD" Central Business District and "LI" Limited Industrial District.

Municipal services are available to serve the site. A Driveway Closure Certificate has been submitted to guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.

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

Ensure Efficient Infrastructure.

The Driveway Closure Certificate will be recorded with the Register of Deeds.

Motion-- Brewer moved that the document and plat be approved and the necessary signatures authorized.  
--carried Motion carried 6 to 0, (Longwell absent).

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ZON2007-00028

**ZON2007-00028 – ZONE CHANGE FROM “LC” LIMITED COMMERCIAL TO “GC” GENERAL COMMERCIAL WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED 500 FEET EAST OF THE INTERSECTION OF WEST STREET ON THE SOUTH SIDE OF DOUGLAS AVENUE. (DISTRICT IV)**

Agenda Item No. 21.

MAPC Recommendation: Approve, subject to Protective Overlay #192, vote 12-0.

MAPD Staff Recommendation: Approve, subject to Protect Overlay #192.

The applicant owns an unplatted lot (0.33 acre in size) located 500 feet east of the intersection of West Street and Douglas Avenue, along the south side of Douglas. This lot is currently zoned LC and appears to be developed with a warehouse/storage type use. The applicant is seeking GC zoning with a Protective Overlay in order to conduct “vehicle repair, general” (auto painting) work at this location. The automobile painting would be located in the west 41.5 feet of the structure. The existing building on site would be utilized as the new auto detail shop. The shop would have garage door openings on the north side, facing Douglas Avenue. The primary entrance and reception area would also be located on the north side of the building.

Surrounding uses include developed LC property (Lots 1, 2 and 3, Black and Towns Addition) located immediately north of the application area. North of the LC lot are lots zoned “B” Multi-Family Residential and LC with multi-family development that faces McComas Avenue. There are other single-family homes along McComas Avenue on “SF-5” Single-Family Residential zoned lots south of the subject site. There are also single-family and multi-family residences located along Illinois Avenue; this is the first street west of the application area. There is residentially developed and zoned land located immediately south of the application area (Lots 1 and 2 of the Charles Jackson Addition). The closest residential lot with a residential structure is directly adjacent to the applicant’s proposed building from the south. The LC zoned land to the east is developed with a bar/nightclub. The LC zoned land located west is developed with a retail strip store.

Parking requirements for “vehicle repair, general” are one space per 500 square feet of building plus three spaces. The applicant would need approximately 14 spaces to meet code. “Vehicle Repair, General” is defined by the UZC as an establishment that is primarily engaged in painting of or body work to motor vehicles or heavy equipment and is first permitted in the GC zone district. If the site is redeveloped as proposed, landscape street yard, parking lot screening and buffer plantings will be required.

At the MAPC meeting held August 16, 2007, the MAPC voted (12-0) to approve the requested for GC zoning with Protective Overlay #192. At the MAPC meeting, there were not any citizens present to discuss the case.

This case was never heard at a District IV Advisory Board meeting due to the application being deferred on two occasions. By the time the case was to be heard by the MAPC, the DAB IV meeting had already taken place and the next DAB IV meeting was a month after the MAPC meeting date in which this case was heard.

No formal protest petitions have been filed.

Promote Economic Vitality.

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

Motion--

--carried

Brewer moved that the findings of the MAPC be adopted and the zone change subject to the additional conditions of Protective Overlay #192 be approved; the Planning Department instructed to forward the ordinance for first reading when the plat is forwarded to City Council. Motion carried 6 to 0, (Longwell absent).

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## ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

ZON2007-00041

**ZON2007-00041-ZONE CHANGE FROM "TF-3" TWO-FAMILY RESIDENTIAL TO "B" MULTI-FAMILY RESIDENTIAL. GENERALLY LOCATED EAST OF THE INTERSECTION OF SOUTH RUTAN AVENUE AND EAST ORME STREET, 700 FEET OF HILLSIDE AVENUE. (DISTRICT III)**

Agenda Item No. 22.

MAPC Recommendation: Approve, vote 11-0.

MAPD Staff Recommendation: Approval

This case is being brought back to the Council for action due to an error in the Agenda Report dated October 16, 2007. The Recommendation/Actions section of that report was incorrectly written. Action number one (1) stated: Adopt the findings of the MAPC and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council. Platting of this property was not required as part of this zone change. If the report was written correctly at the very beginning, this case would be up for a second reading at this meeting. As it is, staff would ask the Council to approve this request on the first reading to establish the zone change, as stated in the revised Recommendation/Actions section below. The applicant should not have to be delayed in the sale of the property due to staff's error.

The rezone request is for a platted 0.5-acre site located approximately 700 feet east of the intersection of South Hillside Avenue and East Orme Street. The properties are currently zoned "TF-3" Two-Family Residential, with single-family residences on two of the properties and the other property being vacant. The Catholic Diocese of Wichita has contracted with the owners of these properties to purchase them so as to expand the Calvary Cemetery located at Kellogg and Hillside. These properties are contiguous to the existing cemetery which is zoned B - Multi-family. Acquisition of these properties and a zone change will "square out" the existing cemetery.

Uses surrounding the subject site include TF-3 zoned property located immediately south and west of the application area developed with single-family residences. North and east of the subject site is the Calvary Cemetery, zoned "B" Multi-Family Residential. There are other single-family homes south and west of the subject site along Rutan Ave. on TF-3 zoned lots. Just to the north and west is Kellogg Avenue (US-54), with the entrance/exit ramp off Hillside Avenue. The current neighborhood character is predominately "TF-3" zoned single family-housing units. The proposed zone change, from "TF-3" to "B," would require conformance to all property development standards in the Unified Zoning Code.

The applicant proposes to use the proposed site for cemetery operations. Existing access and parking will not change due to this application. This application will allow the applicant to have a uniformly shaped lot conducive to the continuing operation of the cemetery.

At the MAPC meeting held September 6, 2007, the MAPC voted (11-0) to approve the requested for B zoning. At the MAPC meeting, there were not any citizens present to discuss the case.

No formal protest petitions have been filed for this case.

Promote Economic Vitality.

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

Motion--

Brewer moved that the findings of the MAPC be adopted; the zone change approved; declare an emergency; and the ordinance establishing the zone change on first reading be adopted. Motion carried 6 to 0, (Longwell absent).

--carried

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ORDINANCE NO. 47-667

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

ZON2007-00042

**ZON2007-00042 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL. GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF ROCK ROAD AND HARRY AVENUE. (DISTRICT II)**

Agenda Item No. 23.

MAPC Recommendation: Approve, vote 12-0.

MAPD Staff Recommendation: Approve

The applicant requests a zone change from “SF-5” Single-family Residential to “LC” Limited Commercial on a 20 x 105 foot narrow strip of property located along the northern edge of Lot 1, Block 2, Cedar Lakes Second Addition. This strip of land was a part of CUP DP-51, Cedar Lakes Village Community Unit Plan, but CUP2007-00023 administratively removed this piece of land from DP-51. The site is located southeast of the intersection of Rock Road and Harry Street. The applicant intends to continue using the site for parking.

The strip of land is currently paved and has parking stalls to serve the abutting commercial property to the north. The current use of the lot for commercial parking appears to be in violation of the provisions and restrictions of the CUP, which it was a part of, and the Unified Zoning Code (“UZC”) by not having a conditional use for the ancillary commercial parking lot in a SF-5 zone. This zone change from SF-5 to LC will resolve the issues stated above.

North of the site is an LC zoned auto repair shop with used car sales, approved as a conditional use (CON2002-00011) in 2002. East of the site is LC and “GO” General Office zoning which contains drainage and an apartment complex. South of the site is SF-5 zoned apartment complex within CUP DP-51, which was approved in 1973 as the Cedar Lakes Community Unit Plan, and west of the site is LC zoning and the site of a shopping center (Cherry Creek Shopping Center CUP DP-98) with retail and restaurant uses.

At the MAPC meeting held September 20, 2007, the MAPC voted (12-0) to approve the request for LC zoning. At the MAPC meeting, there were not any citizens present to discuss the case. No formal protest petitions have been filed.

Promote Economic Vitality.

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

Motion--

Brewer moved that the findings of the MAPC be adopted and the zone change approved and the Planning Department instructed to forward the ordinance for first reading when the plat is forwarded to City Council. Motion carried 6 to 0, (Longwell absent).

--carried

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

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## AIRPORT AGENDA

### **PARKING LOT**

#### **MID-CONTINENT AIRPORT NORTH SHUTTLE PARKING LOT.**

Agenda Item No. 24.

The project is included in the Capital Improvement Program.

The construction of a new shuttle parking lot is needed to expand paid parking, provide replacement parking for displaced employees due to the upcoming Terminal project and to find replacement parking for the current parking lot that will become part of the site for the upcoming North Air Cargo Building. Although this project is related to the new Terminal, it will be handled as a separate capital project because additional parking is needed now to serve the increased airline passenger traffic that we are currently experiencing.

The total project cost is estimated to be \$4,950,000, including design and bid fees, construction related services, program management services, construction and administration. Ultimate funding is expected from General Obligation bonds paid for entirely with Airport Revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through maintaining sufficient airport parking to serve the Airport's customers.

The Law Department has approved the Authorizing Resolution as to legal form.

Motion--  
--carried

Brewer moved that the project be approved; the resolution adopted; and the capital budget approved. Motion carried 6 to 0, (Longwell absent).

#### RESOLUTION NO. 07-608

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport facility; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## CITY COUNCIL

### **BOARD APPTS.**

#### **BOARD APPOINTMENTS.**

Council Member Williams Council Member Williams requested to appoint James Thompson to the Grant Review Board.

Motion--carried

Brewer moved that the appointments be approved. Motion carried 6 to 0, (Longwell absent).

## **ADJOURNMENT**

Motion--carried

Brewer moved to adjourn the meeting at 9:43 a.m. Motion carried 6 to 0, (Longwell absent).