

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 1, 2007  
Tuesday, A.M.

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

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

Diane Monger, Presbyterian faith gave the invocation.

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

The Minutes of the regular meeting of April 24, 2007, approved 5 to 0.

### Proclamations

#### Proclamations:

Mayor Brewer read aloud the following Proclamations:

- Bike Month
- Junior Achievement Month
- Cinco de Mayo Celebration Days

### Service Citations

#### Distinguished Service Citations.

Mayor Brewer recognized the following people for their many years of service with the City of Wichita and presented each of them with a plaque:

A.J. Jones Sr. and Robert A. Younkin

### Recognitions

#### Recognitions:

Mayor Brewer recognized the following and presented each of them with a City of Wichita lapel pin.

- Sister Cities Student Ambassadors to Cancun.
- Sister Cities International Student Day.
- 2007 EITC Community Tax Volunteers (Earned Income Tax Credit)

## PUBLIC AGENDA

### Jerry Dowdy, Wichita Pride Grocery Store for Senior Citizens and Disabled Citizens.

Jerry Dowdy

Mr. Dowdy stated that Wichita Pride Grocery Store is looking for grants or funding for this non profit store, which would be designed for the elderly and disabled customers.

Council Member Skelton

Council Member Skelton asked Mr. Dowdy to schedule a meeting with him so that they could discuss this.

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Donnah Taylor-Speaking in opposition of the Boeing Landfill.

Donnah Taylor

Ms. Taylor spoke in opposition of the Boeing Landfill.

George Kolb

City Manager asked that the Council take a five minute recess due to technical difficulties.

Motion--carried

Skelton moved to recess until staff corrects the technical malfunctions. Motion carried 5 to 0, (Schlapp absent).

**CONSENT AGENDA**

Motion--  
--carried

Brewer moved that the Consent Agenda items 3-13d, be approved in accordance with the recommended action. Motion carried 5-0, (Schlapp absent).

**BOARD OF BIDS**

**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 30, 2007**

Bids were opened April 27, 2007, pursuant to advertisements published on:

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

The Purchasing Manager 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.

K-96 Bike Path, Trailhead Landscaping at Hillside Avenue south of K-96, west of Hillside (TE-0254-01/472-84003/785008/706928/390140/205394) Does not affect existing traffic. (District I)

Cornejo & Sons Construction\* - \$377, 867.15  
\*upon KDOT approval

Lateral 1, Main 22 Four Mile Creek Sewer to serve Brentwood South Addition north of Pawnee, east of Webb Road (468-84263/744205/480893) Does not affect existing traffic. (District II)

Mies Construction - \$78,460.000

Storm Water Drain #301 to serve Southwest Passage Addition south of Pawnee, west of 119th Street West (468-84230/751434/485325) Does not affect existing traffic. (District IV)

Lange Bros. Inc\*. - \$105,762.00  
\*Negotiated to Engineer's Estimate

Water Distribution System to serve Northgate Addition north of 53rd Street North, west of Meridian (448-90242/735349/470022) Does not affect existing traffic. (District VI)

Mies Construction - \$87, 500.25

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Storm Water Drain #318 to serve Krug South Addition south of 21st Street North, west of 143rd Street East (468-84323/751439/485330) Does not affect existing traffic. (District II)

Wildcat Construction - \$238, 000.00

Flutter Lane/24th Street from the north line of 21st Street to the west line of Lot 1, Block 2; Boxthorn from the east line of Flutter Lane/24th Street to the east line of Lot 2, Block 3; Camden Chase, from the east line of Flutter Lane/24th Street to the east line of Lot 2, Block 4; Chelmsford/Camden Chase/Graystone from the south line of Flutter Lane/24th Street to the north line of Lot 38, Block 1; Chelmsford Circle from the south line of Chelmsford to and including the cul-de-sac serving Lots 16 through 24, Block 1; Camden Chase Court from the north line of Camden Chase to and including the cul-de-sac serving Lots 8 through 19, Block 2; Sidewalk on one side of Graystone, Camden Chase, 24th Street, Flutter Lane and Chelmsford to serve Monarch Landing Addition north of 21st Street North, west of 159th Street East (472-84505/766129/490147) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$627,622.15

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. Motion carried 5-0, (Schlapp absent).

--carried

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Asphalt Milling, Overlay, Parking Lot.

Kansas Paving - \$43,306.00

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Art Museum Kitchen Exhaust Shroud.

Snodgrass & Sons Construction Company Inc. - \$57,800.00

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

Weissker Mfg LP\* - \$33,240.00

\*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS/BUILDING: Herman Miller System Furniture & IDD Furniture.

John A Marshall Company\*- \$132,200.00

\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

PUBLIC WORKS DEPARTMENT: Street Maintenance Division.

Paving Maintenance Supply, Inc.\*- \$36,760.00

\*Purchases utilizing Sole Source of Supply Ordinance No. 35-856, Section 2. (b)

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 5 to 0, (Schlapp absent).

--carried

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CMBS

## APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

Renewal                      2007                      (Consumption on Premises)

Mui Fong Yu                      Tom's Lotus Garden                      822 South Broadway

Motion--                      Brewer moved that the license be approved subject to Staff review and approval. Motion  
--carried                      carried 5 to 0, (Schlapp absent).

PRELIM. ESTS.

## PRELIMINARY ESTIMATES:

- a. Street and Storm Water Improvements to University Avenue south of Maple, east of Ridge (472-84299/765971/490086) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$97,599.72
- b. Lateral 1, Main 19 Four Mile Creek Sewer to serve Stonebridge Addition north of 13th Street North, west of 159th Street East (468-84146/744216/480904) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$635,000.00
- c. Lateral 521 Southwest Interceptor Sewer to serve Legacy 3rd Addition north of 47th Street South, west of Meridian (468-84329/744226/480914) Does not affect traffic. (District IV) - \$74,000.00
- d. Water Distribution System to serve Legacy 3rd Addition north of 47th Street South, west of Meridian (448-90279/735358/470031) Does not affect traffic. (District IV) - \$54,000.00
- e. Street and Storm Water Improvements to Merton Avenue to serve Rubottom Addition south of Harry, east of Seneca (472-84410/765992/490109) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$155,039.91
- f. Merton Avenue Water Main Replacement to serve Rubottom Addition south of Harry, east of Seneca (448-90228/636179/776571) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$48,511.92

Motion--carried                      Brewer moved to receive and file. Motion carried 5 to 0, (Schlapp absent).

PETITION

## PETITION FOR STREET PAVING IN SOUTHERN RIDGE FOURTH ADDITION SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)

Agenda Report No. 07-0400

On December 13, 2005, the City Council approved a Petition for street paving in Southern Ridge 4th Addition. The developer has submitted a new Petition to remove a lot from the improvement district that will be served by another project. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located south of Pawnee, west of Maize.

The project budget is unchanged.

This project addresses the Efficient Infrastructure goal by providing street paving required for new development.

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

Motion--                      Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures  
--carried                      authorized. Motion carried 5 to 0, (Schlapp absent).

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## RESOLUTION NO. 07-267

Resolution of findings of advisability and resolution authorizing constructing pavement on Yosemite from the southwest line of Lot 4, Block B, south to the southwest line of Lot 8, Block B, on Westgate from the southeast line of Yosemite, southeast to the north line of Greenfield, on Greenfield from the east line of Westgate, west to the east line of Lark Lane, and on Greenfield Cir. from the east line of Greenfield, east to and including the cul-de-sac and that sidewalk be constructed on Yosemite, Westgate and Greenfield (south of Pawnee, west of Maize) 472-84343 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## PETITION

### **PETITION TO CONSTRUCT A SANITARY SEWER IN BRENTWOOD SOUTH ADDITION, NORTH OF PAWNEE, EAST OF WEBB. (DISTRICT II)**

Agenda Report No. 07-0401

On April 10, 2007, the City Council approved a Petition to construct a Sanitary Sewer in Brentwood South Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of Pawnee, east of Webb.

The existing Petition totals \$89,000 with the total assessed to the improvement district. The new Petition totals \$102,000 with the total assessed to the improvement district.

This project will address the Efficient Infrastructure goal by providing sanitary sewer service to a new residential development.

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

Motion--  
--carried

Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

## RESOLUTION NO. 07-268

Resolution of findings of advisability and resolution authorizing construction of Lateral 1, Main 22, Four Mile Creek Sewer (north of Pawnee, east of Webb) 468-84263, 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

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## PETITION

### PETITION TO CONSTRUCT A STORM WATER DRAIN FOR SOUTHWEST PASSAGE ADDITION, SOUTH OF PAWNEE, WEST OF 119TH STREET WEST. (DISTRICT IV)

Agenda Report No. 07-0402

On January 9, 2007, the City Council approved a Petition to construct a Storm Water Drain for Southwest Passage Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located south of Pawnee, west of 119th St. West.

The existing Petition totals \$114,000 with the total assessed to the improvement district. The new Petition totals \$158,000 with the total assessed to the improvement district.

This project will address the Efficient Infrastructure goal by providing drainage improvements for a new residential development.

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

Motion--  
--carried

Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

#### RESOLUTION NO. 07-269

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 301 (south of Pawnee, west of 119<sup>th</sup> Street West) 468-84230, 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## PETITION

### PETITIONS FOR SANITARY SEWER IMPROVEMENTS IN NORTHGATE ADDITION, NORTH OF 53RD STREET NORTH, WEST OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 07-0403

On October 24, 2006, the City Council approved petitions for sanitary sewer improvements in Northgate Addition. The developer has submitted new Petitions that include a clause to allow the assessments to be reallocated on a fractional basis if the area is replatted. The signature on the new Petitions represents 100% of the improvement districts.

The projects will serve a new residential development located north of 53rd St. North, west of Meridian.

The project budgets are unchanged.

The projects address the Efficient Infrastructure goal by providing sanitary sewer improvements required for new residential development.

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

Motion--  
--carried

Brewer moved that the new Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

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## RESOLUTION NO. 07-270

Resolution of findings of advisability and resolution authorizing constructing of Lateral 2, Main 15, Sanitary Sewer #23 (north of 53rd Street North, west of Meridian) 468-84248, 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-271

Resolution of findings of advisability and resolution authorizing construction of Lateral 3, Main 15, Sanitary Sewer #23 (north of 53rd Street North, west of Meridian) 468-84249, 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-272

Resolution of findings of advisability and resolution authorizing construction of Lateral 4, Main 15, Sanitary Sewer #23 (north of 53rd Street North, west of Meridian) 468-84250, 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-273

Resolution of findings of advisability and resolution authorizing construction of Lateral 5, Main 15, Sanitary Sewer No. 23 (north of 53rd Street North, west of Meridian) 468-84251, 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-274

Resolution of findings of advisability and resolution authorizing construction of Lateral 6, Main 15, Sanitary Sewer #23 (north of 53rd Street North, west of Meridian) 468-84252, 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

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

There were no street closures to consider.

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## STORM SEWER

### AGREEMENT FOR A CITYWIDE STORMSEWER SYSTEM INVENTORY STUDY.

Agenda Report No. 07-0404

On December 19, 2006, the City Council approved the budget for a Citywide Stormwater Inventory Project.

The proposed Agreement between the City and Carlson-Baughman Company, P.A. provides for a stormwater inventory, including location, geometry, and condition assessment. The data will be used to create a stormwater GIS layer. The Staff Screening and Selection Committee selected Carlson-Baughman for the project on January 16, 2007.

The Agreement fee is a not to exceed amount of \$800,000 and is available from the existing Drainage Structure Inventory budget. The funding source is the Storm Water Utility.

The project addresses the Efficient Infrastructure goal by facilitating drainage improvements throughout the City.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

## SOD PROGRAM

### TRANSPORTATION CONTRACT FOR THE SUMMER OF DISCOVERY PROGRAM.

Agenda Report No. 07-0405

Summer of Discovery is a ten-week program offered by the Park and Recreation Department. This program is designed for children ages six to thirteen and offers a number of recreational venues and field trip opportunities in and around Wichita. Licensed and insured transportation services are necessary to transport children to these venues. Durham School Services has provided transportation services for the Summer of Discovery for the past 5 years.

A request for proposal (FP 700014) to provide transportation services for the Summer of Discovery program was issued in early 2007 by the Park and Recreation Department. A proposal presented by Durham School Services met the RFP criteria in terms of qualifications, experience, references and cost. Durham School Services was the only company to submit a proposal.

Estimated annual cost of the contract is \$35,294. Budget allocation for this portion the Summer of Discovery budget is \$36,280.

The Summer of Discovery program will enhance Quality of Life by providing a safe, fun and educational environment for all enrolled children during the summer months. The ability to transport children to various field trip destinations adds variety and entertainment to the program.

The Law Department has reviewed and approved the contract as to form.

Motion--  
--carried

Brewer moved that the selection of Durham School Services as the provider of transportation services for the Summer of Discovery program be approved and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

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

Agenda Report No. 07-0406

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 is the installation of a new storm water sewer. After the work began it was determined that the storm water sewer should be extended to English Street to improve drainage for the surrounding area.

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 \$36,109 with \$7,220 paid by City General Obligation bonds and \$28,889 paid by Federal grants. The original contract amount is \$3,648,218. This Change Order plus previous change orders represents 01.53% 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 5 to 0, (Schlapp absent).

## **CENTRAL IMPROV CENTRAL IMPROVEMENT, BETWEEN WOODLAWN AND ROCK. (DISTRICT II)**

Agenda Report No. 07-0407

On August 15, 2006, the City Council approved a construction contract with LaFarge North America to improve Central, between Woodlawn and Rock. A part of the work is the construction of a concrete box culvert at Gypsum Creek. After the work began, it was determined that additional inlets were needed for the culvert.

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

The total cost of the additional work is \$25,200 with the \$5,400 paid by City General Obligation bonds and \$19,800 paid by Federal grants. The original contract amount is \$8,758,525. This Change Order plus previous change orders represents 01.33% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving traffic capacity and safety along a major 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 5 to 0, (Schlapp absent).

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**ADA COMPLIANCE**      **CITY BUILDINGS AND FACILITIES - AMERICANS WITH DISABILITIES ACT COMPLIANCE.**

Agenda Report No. 07-0408

Many of the City's buildings and facilities do not meet the requirements of the American with Disabilities Act (ADA) and are required by Federal Law to be brought into compliance.

In August of 2005 City staff and the consultant Disability Management Consultant Group completed the survey of City property for ADA compliance. This survey resulted in the creation and implementation of the City of Wichita's transition plan for ADA compliance.

Implementation of the City's transition plan will require a wide variety of construction projects throughout the City to meet the requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG). This Resolution will pay for said projects, and the design/administrative services involved.

Funding for the Resolution is budgeted in the 2004-2013 Capital Improvement Program (CIP) at \$150,000 per year for a total of \$1.5 million. The Resolution is for an estimated \$400,000 for construction, and \$50,000 for miscellaneous design/administrative services, which is the amount budgeted for 2006, 2007, and 2008 only.

Efficient Infrastructure – Maintained and optimized public facilities and assets.

The Law Department has approved the Resolution as to form.

Motion--  
--carried

Brewer moved that the Resolution be adopted and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

## RESOLUTION NO. 07-275

A Resolution amending Resolution No. R-04-532 of the City of Wichita, Kansas to pay all or a portion of the costs of conducting a survey of existing city buildings and facilities to determine what modifications are required to bring each such building and/or facility in compliance with the current ADA Accessibility Guidelines and complete said modifications, and authorizing the issuance of bonds by the City of Wichita at large, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

**EXPENSE REPORT**      **SENIOR MANAGEMENT EXPENSES FOR THE MONTH OF MARCH 2007.**

Motion--carried

Brewer moved to receive and file. Motion carried 5 to 0, (Schlapp absent).

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WAMPO

## REDESIGNATION OF THE WICHITA AREA METROPOLITAN PLANNING ORGANIZATION (WAMPO).

Agenda Report No. 07-0410

A Metropolitan Planning Organization (MPO) is a transportation policy-making organization made up of representatives from local government and regional transportation authorities. These officials serve on the MPO Transportation Policy Body and are responsible for making important transportation decisions within the MPO's planning boundary. In 1974 the Governor of Kansas designated the Metropolitan Area Planning Commission (MAPC) as the MPO for the Wichita region. In 2005, the WAMPO planning boundary was updated to reflect the expansion of the Wichita Urbanized Area based on the 2000 Census. At that time, membership of the MPO Transportation Policy Body was increased to provide representation for additional jurisdictions now included in WAMPO's planning area. There currently are nineteen (19) members sitting on the WAMPO Transportation Policy Body.

Recently adopted federal legislation has strengthened the involvement of elected officials as members of the MPO Transportation Policy Body. Under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), passed in 2005, section 450.310(d) indicates "...each MPO that serves a TMA, when designated or redesignated under this section shall consist of local elected officials...". Previous legislation required only "...representation of local elected officials...", under section 450.306(i) of the Transportation Equity Act for the Twenty First Century (TEA-21).

Concurrent with this change in legislation, local elected officials have shown interest in reviewing the composition of WAMPO's Transportation Policy Body. Considering the changes in Federal legislation, the interest of elected officials, and the encouragement of federal and state representatives, WAMPO staff members have drafted a MPO Redesignation Agreement. Staff believes this Agreement presents an equitable distribution of the various regional transportation stakeholders on the WAMPO Transportation Policy Body. The initial draft Agreement was reviewed and commented on by Federal and State officials; in addition, the Agreement has also been presented to various regional stakeholders. The Kansas Department of Transportation (KDOT) considers the Redesignation Agreement to be an Interlocal Agreement, which would require approval by the Office of the Kansas Attorney General. If approved, the Agreement would become effective after final approval from the KDOT and the Office of the Kansas Attorney General.

There are currently nineteen (19) public officials comprising the voting membership of WAMPO Transportation Policy Body. If approved, this Agreement would have seven (7) elected officials on the WAMPO Transportation Policy Body and two (2) appointed public officials.

The proposed WAMPO Transportation Policy Body shall include:

- Three (3) City of Wichita elected officials as appointed by the City of Wichita City Council,
- Two (2) Sedgwick County elected officials as appointed by the Board of County Commissioners,
- One (1) Sedgwick County Association of Cities elected official,
- One (1) elected official representing Butler County, City of Andover, Sumner County, or City of Mulvane as mutually agreed upon by the named parties,
- One (1) representative from KDOT appointed by the Secretary of Transportation, and
- The Chairperson of the Metropolitan Area Planning Commission or their designee.

The redesignation of the WAMPO Transportation Policy Body addresses the Efficient Infrastructure goal by improving communication and decision making for the region which impacts the City of Wichita.

The Law Department has approved the City/County/State agreement as to legal form.

Motion--  
--carried

Brewer moved that the agreement be approved and the Mayor authorized to sign. Motion carried 5 to 0, (Schlapp absent).

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## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ APRIL 24, 2007).

- a. Sunday Liquor Sales.

ORDINANCE NO. 47-471

An Ordinance of the City of Wichita pertaining to date and time of sale of alcoholic liquor and cereal malt beverage, amending Sections 4.04.020 and 4.12.010 of the Code of the City of Wichita, and repealing the originals of said Sections, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 4 to 1. Yeas: Fearey, Gray, Longwell, and Brewer, (Skelton no and Schlapp absent).

- b. ZON2005-00050-northeast corner of 32nd Street South and Exposition. (District IV)

ORDINANCE NO. 47-472

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 5 to 0. Yeas: Fearey, Gray, Longwell, Skelton, and Brewer, (Schlapp absent).  
ZON2005-00050)

- c. ZON2006-00015-generally located northeast of the Seneca and Dora Intersection.  
(District IV)

ORDINANCE NO. 47-473

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 5 to 0. Yeas: Fearey, Gray, Longwell, Skelton, and Brewer, (Schlapp absent).  
(ZON2006-00015)

- d. ZON2006-00056-Southeast of the Seneca Street and Esthner Avenue Intersection.  
(District IV)

ORDINANCE NO. 47-474

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 5 to 0. Yeas: Fearey, Gray, Longwell, Skelton, and Brewer, (Schlapp absent).  
ZON2006-00015)

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## NEW BUSINESS

CITY CENTER S.

### PUBLIC HEARING ON THE ESTABLISHMENT OF THE CITY CENTER SOUTH REDEVELOPMENT DISTRICT, TAX INCREMENT FINANCING. (DISTRICTS I AND VI)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0411

On March 13, 2007, the City Council adopted a resolution stating its intent to consider the establishment of a redevelopment district in downtown Wichita, in order to permit the use of tax increment financing ("TIF") to pay for certain eligible costs. The proposed boundaries for the redevelopment district are First Street on the north, Broadway on the east, English on the south and Main Street on the west. The district is called the City Center South Redevelopment District.

The resolution set May 1, 2007 as the date for a public hearing to be held by the City Council on this matter. Copies of the resolution, together with a brief plan for redevelopment of the district and a map showing the district's proposed boundaries, were mailed to the owners and occupants of all property within the district, the Board of Education and the Board of County Commissioners. Following the public hearing, the City Council may officially establish the district by ordinance.

The proposed initial redevelopment project for the City Center South Redevelopment District is called Exchange Place and the developer is Real Development LLC, from Minneapolis, MN. The project consists of converting the former Fourth National Bank building and the former Michigan (Rector's) building, located on the northeast corner of Douglas and Market, into a mixed-use property consisting of residential condominiums, retail shops and multi-story residential parking spaces. In addition, the project proposes the construction of a City-owned public parking structure immediately east of the Michigan building on Douglas.

The area proposed for the redevelopment district is shown on Exhibit 'A' to the ordinance. This area qualifies under state TIF statutes for designation as a redevelopment district based on being located within a former enterprise zone. The area includes several other buildings controlled by Real Development that are being redeveloped, including the Petroleum Building (221 S. Broadway), Broadway Plaza (105 S. Broadway), the Kress Energy Center (224 E. Douglas), the SCTelcom Building (125 N. Market), 150 Executive Tower (formerly Commerce Bank, 150 N. Main), Sutton Place (209 E. William) and the Kaufman Building (208 S. Market). While TIF will not be used to assist the redevelopment of these properties, the increased tax revenue from the redevelopment of the properties will contribute to the TIF used for the Exchange Place project.

Tax increment financing allows the increased tax revenue resulting from the redevelopment of property to be reinvested in the redevelopment project. Once a TIF district is established and a redevelopment project plan is adopted by City Council, the increment of increased tax revenue is set aside by the County Treasurer and can be used by the City to repay bonds issued to finance certain improvements that are specified in the redevelopment project plan.

Tax increment financing falls under the City's Economic Development Incentive Policy, and as such this project will be subject to the provisions of said Policy, unless specifically waived or adjusted by the City Council. For example, it may be necessary to waive or adjust the requirement that projects must show a cost-benefit ratio of at least 1.3 to one in order to receive incentives. As a primarily residential redevelopment project, it is unlikely the project will qualify under that requirement.

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The Board of County Commissioners and the Board of Education for USD 259 will have 30 days following the public hearing to determine whether the district will have an adverse impact on them, effectively precluding the use of tax increment financing. If the County and School District approve, the tax increment financing district will be established. It will still be up to the City Council to approve the actual use of tax increment financing by adopting a redevelopment plan for the Exchange Place Redevelopment Project, that includes a financial feasibility study and details the proposed uses of tax increment financing. Once a redevelopment plan is adopted and sent to the County Clerk, the tax increment revenue generated by redevelopment will be set aside and deposited into a special fund for its prescribed use. TIF revenue will continue to be set-aside in this way until all TIF-financed improvements have been paid, including the retirement of any TIF bonds.

The establishment of a redevelopment district will facilitate the use of tax increment financing to pay the cost of a portion of public improvements constructed in conjunction with the proposed City Center South redevelopment project. Only if the project is approved, a redevelopment plan adopted, and the specific improvements authorized by Council action, will the tax increment revenues generated in the district will actually be utilized.

Economic Vitality and Affordable Living, Core Area and Neighborhoods and Quality of Life goals are addressed. Redevelopment of blighted areas, and declining areas, are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a new city that takes care of its older sections.

The ordinance establishing the redevelopment district has been reviewed by the City's Law Department and approved as to form. The City Council may amend the proposed boundaries to reduce the size of the redevelopment district at the time of final adoption of the ordinance.

- Mayor Brewer                      Mayor Brewer inquired whether anyone wished to be heard.
- Ed Wolverton                      Wichita Downtown Committee Board of Directors stated he was here to endorse the revitalization of downtown and that it would be an important tool to use. Encouraged the City Council to use this and to consider expanding the District.
- Council Member Gray              Council Member Gray stated that he is supporting this now, but no guarantee he will support all the way thru because he has lots of questions.
- Motion--  
--carried                              Fearey moved that the public hearing be closed and the ordinance establishing the City Center South Redevelopment District placed on first reading. Motion carried 5 to 0, (Schlapp absent).

## ORDINANCE

An Ordinance of the City of Wichita establishing the City Center South Redevelopment District, introduced and under the rules laid over.

## PRESBYTERIAN

### **PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, PRESBYTERIAN MANORS, INC. (DISTRICTS I AND VI)**

Allen Bell                              Economic Development Administrator reviewed the item.

Agenda Report No. 07-0412

Since 1990, the City of Wichita has issued refunding and improvement revenue bonds for the benefit of Presbyterian Manors, Inc. ("PMI"), a Kansas not-for-profit corporation, to finance or refinance PMI facilities located throughout Kansas. Through a series of interlocal agreements, the City of Wichita has agreed to serve as a "host" bond issuer in order to facilitate consolidated financings of PMI facilities in Kansas. As a result of this financing arrangement, PMI moved its corporate headquarters to Wichita, at 6525 E. Mainsgate. There is a Presbyterian Manor residential facility at 4700 W. 13th Street.

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At this time, PMI wishes to refinance a portion of its outstanding bonds and finance new improvements at several of its facilities throughout the state. PMI is requesting City Council approval of a Letter of Intent to issue its Health Care Facilities Refunding and Improvement Revenue Bonds in an amount not to exceed \$28,000,000.

PMI is a Kansas not-for-profit corporation, and its predecessors have operated Presbyterian Manors facilities for more than 58 years. PMI owns and operates 16 retirement facilities in Kansas and Missouri, which have an aggregate of 1,472 licensed adult care beds and 576 additional retirement units. PMI was organized to operate retirement communities and independent living centers, provide other long-term care services for older individuals and disabled persons, and offer accommodations and services especially designed to meet the physical, social, spiritual and psychological needs, and to contribute to the health, security, sense of well-being and usefulness of older individuals and disabled persons.

Bond proceeds will be used primarily to refinance currently existing debt and pay costs of issuance. A smaller portion of the bonds will be used to construct improvements for the PMI Kansas facilities located in Arkansas City, Clay Center, Emporia, Ft. Scott, Kansas City, Lawrence, Newton, Parsons, Salina, Topeka and Wichita.

An estimated analysis of the uses of project funds is:

## USES OF FUNDS

Refunding of Existing Bonds	\$15,207,714
New money capital project	9,855,000
Debt service reserve fund	2,500,000
Costs of issuance including underwriter's discount	434,095
Contingency for other potential costs	<u>3,191</u>
Total cost of Refinancing Project	\$28,000,000

Ziegler Capital Markets Group, a division of B.C. Ziegler and Company in Chicago, Illinois, has agreed to underwrite the bonds. The firm of Kutak Rock LLP will serve as bond counsel in the transaction. Presbyterian Manor, Inc., agrees to comply with the Standard Letter of Intent Conditions.

Presbyterian Manor, Inc., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Presbyterian Manor, Inc. does not request a property tax abatement in conjunction with the IRBs.

Economic Vitality and Affordable Living. This financing arrangement helps secure PMI as a statewide corporate headquarters in Wichita.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. The City's Attorney's Office will review and approved the form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item is in compliance with the TEFRA Hearing requirement in the federal tax code for tax-exempt bonds. Cities with PMI facilities financed or refinanced by the proposed bond issue will have held TEFRA hearings and approved interlocal agreements prior to the issuance of the bonds.

Mayor Brewer

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

Motion--

Fearey moved that the public hearing be closed and a Letter of Intent for Health Care Facilities Refunding and Improvement Revenue Bonds to Presbyterian Manor, Inc., in an amount not-to-exceed \$28,000,000 be approved; and staff be authorized to apply for a sales tax exemption; subject to the Letter of Intent Conditions. Motion carried 5 to 0 (Schlapp absent).

-- carried

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HARLOW

## PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, HARLOW AEROSTRUCTURES, LLC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0413

On September 12, 2006, City Council approved a 100% ad valorem tax exemption to Harlow Aerostructures, LLC for an expansion that included purchase of new manufacturing equipment. As a result of the expansion project, Harlow Aerostructures will create 38 new jobs over the next five years, at an average annual salary of \$38,201. On March 6, 2007, City Council approved a two-year letter of intent to issue Industrial Revenue Bonds ("IRBs") in an amount not to exceed \$4,000,000, as part of the expansion currently underway. Bond proceeds will be used to finance the cost of acquiring new CNC machining equipment for Harlow Aerostructures, LLC, located at 1501 S. McLean Blvd in southwest Wichita. Harlow Aerostructures is requesting the issuance of IRBs at this time, in the amount of \$4,000,000.

Harlow Aerostructures, LLC, is a manufacturer of machining and sheet metal products for the aircraft industry. With a wide range of manufacturing capabilities Harlow Aerostructures produces components from large bulkheads, spars, chords, stringers, to small bushings, bolts, pins and bearings. In addition, the Company develops prototypes for aircraft throttle quadrants and monolithic structural components through close integration for its customers. Harlow Aerostructures also has experience in product development as well as in machining, which has enabled them to expand their ability to fabricate complex assemblies. Harlow's assembly capabilities include the manufacture of highly complex electro-mechanical throttle assemblies, as well as complex sheet metal & structural component assemblies, which includes kitting services. The Company's engineering, manufacturing and processing capabilities provide the vertical integration they need to build precision assemblies. Harlow Aerostructures exports its products out of the State of Kansas via Spirit Aerosystems/Boeing, Cessna, Raytheon, General Dynamics, Vought, Gulfstream, and Israel Aircraft Industries.

An estimated analysis of the uses of project funds is:

### USES OF FUNDS

Equipment	\$3,888,536
Costs of Issuance	31,000
Contingency	<u>80,464</u>
Total Uses	\$4,000,000

The expansion includes the acquisition of five new state-of-the-art CNC machining centers. The new machinery and equipment will be located within Harlow's manufacturing plant, at 1501 S. McLean Blvd in southwest Wichita. Harlow had originally intended to seek EDX tax exemption for the new equipment. Tax exemption is no longer needed due to changes in state law. The Company will save money on the cost to finance the equipment by using tax-exempt bonds.

GE Capital Public Finance, Inc. will purchase the tax-exempt bonds to hold as an investment, and as a result the bonds will not be offered to the public. Ordinarily, Kutak Rock, LLP, the City's general bond counsel, acts as bond counsel in City IRB financings; however, that firm represents the Bondholder in many business matters. In this case, the firm of Hinkle Elkouri Law Firm LLC, has been appointed to serve as bond counsel in the City's issuance of IRBs for the benefit of Harlow Aerostructures, LLC.

Harlow Aerostructures agrees to comply with the City's requirements contained in the Letter of Intent.

Harlow Aerostructures agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Harlow Aerostructures is not requesting a tax exemption in connection with issuance of IRBs.

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The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City of Wichita	3.29 to one
Sedgwick County	2.90 to one
USD 259	1.25 to one
State of Kansas	4.75 to one

Economic Vitality and Affordable Living. Providing access to low-cost financing will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

The City's special bond counsel has prepared Bond documents needed for the issuance of bonds. The City Attorney's Office has reviewed and approved the form bond documents.

Mayor Brewer

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

Motion--

Gray moved that the public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not to exceed \$4,000,000 be approved; and the necessary signatures authorized.. Motion carried 5 to 0, (Schlapp absent).

--carried

## ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$4,000,000 aggregate principal amount of industrial revenue bonds, Series II, 2007 (Harlow Aerostructures LLC) for the purpose of providing funds to purchase and acquire machinery and equipment for use in an existing manufacturing facility; prescribing the form and authorizing execution of a trust indenture by and between the city and Security Bank of Kansas City, Kansas City, Kansas, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease agreement by and among GE Capital Public Finance, Inc., as Bondholder, the City and Harlow Aerostructures LLC; approving the form of a guaranty agreement; and authorizing the execution of a bond purchase agreement by and among the city, Harlow Aerostructures LLC and GE Capital Public Finance, Inc. as Bondholder of the bonds, introduced and under the rules laid over.

111<sup>TH</sup> ST. WEST

### **SANITARY SEWER TO SERVE AN AREA WEST OF 111TH STREET WEST, ON THE NORTH AND SOUTH SIDES OF KELLOGG. (DISTRICT IV)**

Jim Armour

City Engineer reviewed item.

Agenda Report No. 07-0414

The commercial area along Kellogg, west of 111th St. West, does not currently have access to City sanitary sewer service. Existing structures are served by private septic tank systems. As a result, expansion of existing businesses and the establishment of new businesses is hindered. District IV Advisory Board sponsored an April 4, 2007, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

A sanitary sewer lateral will be extended north and west of 111th St. West and across Kellogg. There have been reports of failed private septic tanks systems in the area.

The estimated project cost is \$370,000 with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties on the south side of Kellogg is \$00.46 per square foot of ownership and \$1.34 per square foot of ownership on the north side of Kellogg.

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This project addresses the Efficient Infrastructure goal by extending a sanitary sewer lateral to an existing commercial area.

State Statutes authorize the City Council to order in the project.

Mayor Brewer

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

Motion--  
--carried

Gray moved that the Project be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

## RESOLUTION NO. 07-276

Resolution of findings of advisability and resolution authorizing construction of Lateral 23, Main 13, Southwest Interceptor Sewer, 468-84351 (at Kellogg, east of 119<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

**51<sup>st</sup> STREET N.**

**51ST STREET NORTH PAVING, BETWEEN MERIDIAN AND ATHENIAN. (DISTRICT VI)**

Jim Armour

City Engineer reviewed item.

Agenda Report No. 07-0415

51st Street North, between Meridian and Athenian, is partially paved with a 13-14 foot wide old asphalt mat from 550 feet east of Meridian to Athenian. The westerly portion is still a gravel roadway. In 2004 a petition was submitted and signed by 5 of 6 resident owners on the north side of 51st Street North to construct an asphalt mat street within the existing 30' half street right-of-way. On March 28, 2007, engineering staff met with affected owners to explain this project. On April 2, 2007, District VI Advisory Board sponsored a neighborhood hearing on the project. The Board voted 7-3 to recommend approval of the project.

The completed project will be a two-lane asphalt roadway with curb and gutter. A new storm water sewer system will be constructed. The necessary 30' of additional right-of-way on the south side will be dedicated to the City for this project by the adjacent owner. This will allow the standard subdivision street width to be constructed.

The estimated project cost is \$310,000 with \$291,298 assessed to the improvement district and \$18,702 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.25 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation bonds. Lots that are 2.5 acres or larger qualify for the Agricultural deferral. Currently, the 3 largest lots in the benefit district qualify for this deferral.

This project addresses the Efficient Infrastructure goal by providing paved access in an existing residential neighborhood.

State Statutes authorize the City Council to order in the paving.

Mayor Brewer

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

Motion--  
--carried

Fearey moved that the Project be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

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## RESOLUTION NO. 07-277

Resolution of findings of advisability and resolution authorizing constructing pavement on 51<sup>st</sup> Street North from the west line of Athenian to the east line of Meridian, 472-84545, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

### PETITION

### **PETITION TO PAVE 51ST STREET NORTH, BETWEEN ATHENIAN AND DELAWARE. (DISTRICT VI)**

Jim Armour

City Engineer reviewed item.

Agenda Report No. 07-0416

The signatures on the petition represent 1 of 27 (3.7%) resident owners and 56% of the area of the improvement district. On March 28, 2007, engineering staff met with affected property owners to explain this project. On April 2, 2007, District VI Advisory Board sponsored a neighborhood hearing on the project. The Board voted 8-2 to recommend approval of the project.

51st Street North between Athenian and Delaware is partially paved with a 20 foot asphalt mat from Charles to Delaware and a gravel road way from Athenian to Charles. The road is narrow and the lanes are unsafe for two cars to pass. The completed project will be a two-lane asphalt roadway with curb and gutter. A new storm water sewer system will be constructed. The area north of 51st Street North is an existing residential development. The area south of 51st Street North has been recently platted as a new residential development.

The estimated project cost is \$275,000 with \$224,400 assessed to the improvement district and \$50,600 paid by the City. The method of assessment is the fractional basis, with the fractions for the properties on the north side of 51st Street North based on their square foot of ownership. The estimated assessment to existing properties located north of 51st Street North is \$00.12 per square foot of ownership. The new addition on the south side of 51st Street North represents 56% of the project area and is being assessed 75% of the project cost at \$00.285 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation bonds.

This project addresses the Efficient Infrastructure goal by providing paved access in an existing residential neighborhood.

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

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Beth Jamison

Beth Jamison, 514 North Bay Country, spoke in opposition of paving on the west side of Athenian but will speak in opposition of east side also. Opposed the project being assessed on a per square foot basis. Stated that the project should be based on a fractional basis instead and recommended that the City Council vote no, on approving the project and move to put the project on the next City Council meeting and asked staff to do this on a fractional basis instead of a square foot basis.

Motion--  
--carried

Fearey moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

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## RESOLUTION NO. 07-278

Resolution of findings of advisability and resolution authorizing constructing pavement on 51<sup>st</sup> Street North from the west line of Athenian to the east line of Delaware, 472-84551, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

### PLANNING AGENDA

Council Member Fearey Council Member Fearey requested that item 23 be pulled for discussion.

Motion-- Brewer moved that Planning Consent items 22, 24, and 25 be approved in accordance with the  
--carried recommended action shown thereon. Motion carried 5 to 0, (Schlapp absent).

**ZON2007-00005** **ZON2007-00005 ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "TF-3" TWO-FAMILY RESIDENTIAL. GENERALLY LOCATED MIDWAY BETWEEN NORTH ROCK ROAD AND NORTH WEBB ROAD, ON THE SOUTH SIDE OF EAST 45TH STREET NORTH, 8801 AND 8823 E.45TH ST. NORTH. (DISTRICT II)**

John Schlegel Planning Director stated that Council Member Schlapp requested that this item be deferred for one week so that she could be present.

Agenda Report No. 07-0417

MAPC Recommendations: Approve, subject to staff recommendations (12-0) and additional conditions:

- 1) Installation of temporary fence on south and east property line during construction
- 2) Include immediate installation of fence on west property line.
- 3) Permanent fence needs to be installed before a Certificate of Occupancy is issued.

MAPD Staff Recommendations: Approve, subject to platting within one year and limited to seven lots.  
DAB Recommendations: Defer until fence was constructed on the west property line.

The application area consists of two developed, platted lots located midway between North Rock Road and North Webb Road, on the south side of E. 45th Street North. The 2.5-acre site is zoned "SF-5" Single-family Residential and the applicant requests "TF-3" zoning to allow for duplex development. The applicant proposes to develop the site with duplexes along a planned cul-de-sac.

The property north of the site is within the Bel Aire city limits and is currently undeveloped. South and east of the site are "SF-5" zoned single-family residences. West of the site, are "TF-3" zoned duplex units. The site has easy access to East 45th Street North.

At the MAPC meeting held March 15, 2007, MAPC voted (12-0) to approve subject to platting within one year and with the following additional conditions:

- 1) Installation of temporary fence on south and east property line during construction
- 2) Include immediate installation of fence on west property line.
- 3) Permanent fence needs to be installed before a Certificate of Occupancy is issued.

Two citizens were present to speak and no protests have been received.

Promote Economic Vitality.

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

Motion--carried Fearey moved to defer for one week. Motion carried 5-0, (Schlapp absent).

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CON2007-04.

**CON2007-04 AMEND SPECIAL USE PERMIT, DR92-12, TO EXTEND THE TIME CONSTRUCTION AND DEMOLITION WASTE CAN BE DEPOSITED ON AN EXISTING CONSTRUCTION AND DEMOLITION LANDFILL. GENERALLY LOCATED BETWEEN I-35 AND THE ARKANSAS RIVER, ON THE SOUTH SIDE OF MACARTHUR ROAD. (DISTRICT III)**

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 07-0418

MAPC Recommendations: Deny (12-0).

MAPD Staff Recommendations: Deny.

DAB Recommendations: Deny (8-0).

The 69-acre site is currently zoned "GI" General Industrial with Special Use Permit DR 92-12. DR 92-12 established a construction and demolition waste (C&D) landfill on the site, subject to 18 conditions. One of those conditions ("C") states that deposits of material on the site cease June 30, 2007. This is the condition that the applicant, the Boeing Company, desires to amend and is requesting a 15-year (June 30, 2022) extension for the C&D landfill. Another condition ("D") is that the C&D landfill not be open to the general public and that only waste collection vehicles licensed by Chapter 7.08 of the Code of Wichita and operated by Boeing or under contract by Boeing can use the landfill. This is significant in that Boeing states that a future option of the site is that it be sold to a 'responsible municipality,' which might not be an option under this condition, if the 'responsible municipality,' would want the option of opening the C&D site to the general public.

The C&D landfill is confined to an area bounded by the Arkansas River on its east side, MacArthur Road on its north side, I-35 on its west side and large auto salvage yards on its south side. The area around the site is a mix of closed landfills intended to be developed as Public Parks, an existing Public Park, another C&D landfill, auto salvage yards, a surplus yard, manufactured home complexes and a lumberyard. The Boeing – Spirit aircraft-manufacturing complex is the dominant business in the area and one the largest in the County. The commercial aircraft division of Boeing was sold to Onex prior to 2006 and reorganized as Spirit Aircraft. This complex is zoned "LI" Limited Industrial and is located approximately ¼-mile east of the site, across the Arkansas and state highway K-15.

Property located north of the subject site, across MacArthur Road, is zoned "LI" and "GC" General Commercial. An approximately 12.45-acre privately owned property is open to the general public as a wood salvage and surplus yard. North of the 'surplus' yard and across I-35 and MacArthur is the "LI" zoned Chapin Municipal Landfill, which is closed. Chapin operated as a solid waste landfill from 1954-1980 and continued to operate as a C&D landfill up to 1987. The approximately (+)172.82-acre Chapin site is designated as a Public Park, on the "2030 Wichita Functional Land Use Guide." On March 26, 2007, the City Park Department began the selection of a design consultant for the future multi-use development of Chapin Park. Properties abutting the south side of the subject site are zoned "LI" and have Conditional Uses permitting them to operate as auto salvage yards.

Properties east of the site, across the Arkansas (which runs parallel to the east side of the site), are zoned "SF-20" Single-family Residential (isolated County land), with some "SF-5" Single-family Residential, "LC" Limited Commercial and "LI" zoning. These lands are developed as a manufactured home complex, a single-family residential subdivision, a lumberyard and some type of outdoor storage. Properties west of the site, across a raised section of I-35 (which runs parallel to the west side of the subject site) are zoned "MH" Manufactured Housing and "SF-5." These lands are developed as a manufactured home complex and the 25-acre Emery Public Park. Public Water and sewer are available to all of the residential uses in the area. There is an active C&D landfill located approximately ¾-mile northeast of the site, which is permitted to operate until 2010.

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The applicant has supplied materials that are included in the Council packet. These materials give a history of the site, state that the site is to support the long term growth of the company, break down the type of debris that will be accepted at the site (from Boeing only and closed to the general public), and that there is approximately 30,000 tons of C&D waste deposited each year on the site. The materials also state that because of an anticipated drop of waste deposited on the site, from 30,000 tons to 1,500 tons per year that future options for the site are:

- (a) Sell the landfill to a responsible municipality, i.e., the City of Wichita. Boeing stated during the DAB III meeting that if they received the extension, but could not sell the site as a C&D landfill to a responsibility municipality, they would not operate the site themselves, as their current plans in Wichita do not include operating a C&D landfill. Boeing also stated that, currently, the closing of the C&D landfill does not currently affect the ability of Boeing Wichita to continue to operate.
- (b) Continue to operate the C&D landfill until this spring and then close it permanently and sell off the land.

The site has been approved to operate by the Kansas Department of Health and Environment (KDHE), beyond DR 92-12's June 30, 2007 cut off date. Generally speaking, as part of the permitting process KDHE factors in the size of the site and the volume of waste present on the site and projected for the site.

At the March 7, 2007 DAB III meeting, the DAB recommended denial (8-0) of the requested amendment to Special Use Permit DR 92-12, to allow a 15-year extension for the operation of the C&D landfill. Boeing stated at the meeting that the denial of the extension for the operation of the C&D landfill did not currently affect the ability of Boeing Wichita to continue to operate. Several people present at the DAB meeting protested the proposed amendment to DR 92-12. The MAPC at their March 15, 2007 meeting voted to deny (12-0) the proposed amendment to DR 92-12. A person present at the MAPC meeting protested the amendment to Special Use Permit DR 92-12. The applicant has appealed the MAPC recommendation for denial to the Council, with reasons outlined in their letter. The appeal letter does introduce a modification to Boeing's 'future options' that was not offered for consideration to the DAB or the MAPC. Besides the option of selling to a 'responsible municipality', Boeing also wants the option of selling to 'persons approved by the City of Wichita and KDHE.' It is not clear if the selling of the site to a 'responsible municipality' or 'persons approved by the City of Wichita and KDHE' would mean that the site would be open to the general public. If that is the intent of Boeing then condition 'D' as well as 'C' (time extension) would have to be amended. Staff has received one protest to the proposed amendment to DR 92-12 from outside the protest area, thus the three-quarter majority vote to overturn protest does not apply.

Promote Economic Vitality and Affordable Living.

The amended resolution have been reviewed and approved as to form by the Law Department.

- Gary Rebenstorf      Director of Law explained that according to the rules of the State Office, the public hearing was done in front of the MAPC and unless the City Council wants to waive the rules, there is no public hearing.
- Jim Skelton          Council Member Skelton stated that if we are going to allow the applicant to speak then it is only fair to allow the citizens in the audience to speak also, but would prefer that there be no public hearing.
- Motion--  
--carried            Council Member Fearey moved to set aside procedures and allow a public hearing due to on going things that MAPC did not hear. Motion carried 5 to 0, (Schlapp absent).
- John Frederick      Mr. Frederick explained their rationale for the appeal and stated if an extension was not granted then they would like to sell the C & D landfill to The City of Wichita.
- Judy Dillard        Ms. Dillard stated she is the President of the South City Neighborhood Association and expressed her concerns with water pollution from the landfill. Stated she would like to start cleaning up the river banks and for the City to look elsewhere for landfills. Stated she is concerned with selling the landfill to someone else and not sure how that would work.

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- Donnah Taylor Ms. Taylor stated what she is hearing today is not what was said during the DAB meeting. Ms. Taylor asked if the City Council has met with Boeing and stated that Boeing should not be treated any differently than the citizens that are in this area.
- William Ward Mr. Ward stated he is a member of the DAB and indicated that it did not matter to them if they get an extension or not. Stated their intentions were to close the land fill and the DAB recommended unanimously buying. Stated he asked the City Council to approve the recommended action of the MAPC and DAB.
- John Frederick Mr. Frederick stated he is concerned with the future need of the C & D landfill. Stated he would like to make sure the City meets the D & D landfill needs and if they want to extend that is fine, otherwise they will close it. Stated he hopes that the City looks at it from C & D perspective and also looks at the City's future needs.
- Motion--  
--carried Skelton moved to concur with the findings of the MAPC and deny the application and incorporate the findings of the MAPC. Motion carried 5 to 0, (Schlapp absent).

**A07-07R**

**A07-07R REQUEST BY JAY RUSSELL, OF R&R REALTY, LLC, TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF K-96 HIGHWAY AND HOOVER ROAD. (DISTRICT VI)**

Agenda Report No. 07-0419

The City has received a request to annex 275.63 acres of land generally located northwest of the intersection of K-96 Highway and Hoover Road. The annexation area abuts the City of Wichita to the east. The property owner anticipates that the proposed property will be developed with 580 single-family units in the next ten years.

**Land Use and Zoning:** The proposed annexation consists of approximately 275.63 acres of property currently zoned "SF-20" Single-Family Residential and "LC" Limited Commercial. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is primarily agricultural land and is zoned "SF-20" Single-Family Residential. Property to the east has a few residential units, but is primarily the Brooks Tract parkland and is zoned as "SF-5" and "SF-20" Single Family Residential and "LC" Limited Commercial. Property to the south is primarily undeveloped and is zoned "SF-20" Single-Family Residential. Property to the west of the subject property is a mix of agricultural land, farmsteads, manufactured homes and single-family residential and is zoned "SF-20" Single-Family Residential.

**Public Services:** There is a 20" water main in Ridge Road coming from the south and ending at the south right-of-way line of K-96, but the developer's engineer plans to extend from a 20" water main at 29th Street North and Hoover Road. The closest sewer main is an 18" sewer main in 37th Street North, at the mid-mile between Ridge Road and Hoover Road. The developer plans on pumping to that point until such time as other facilities are constructed across Hoover Road near the northeast corner of the subject area.

**Street System:** The subject property borders Hoover Road to the east, which is a paved, two-lane road. The subject property also borders K-96 to the south, which is a paved four-lane highway. 45th Street runs east/west through the middle of the subject property, which is a dirt road. The Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled Ridge Road to be widened, between 53rd Street and K-96, which is west of the subject property. The City of Wichita Capital Improvement Program (CIP) 2005-2014 does not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a six (6) to seven (7) minute approximate response time from City Station No. 13, located at 3162 West 42nd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

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Parks: The Brooks Tract Park, a 272-acre park, located directly east of the subject property, is currently being developed into a regional park. The North Ridge Village Addition Reserve D, a 17-acre park, located 1 mile southwest of the subject property, is undeveloped and functions as habitat for the Eastern Spotted Skunk. In addition, the Sedgwick County Zoo is located approximately 2 1/2 miles south of the subject property.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

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

The current approximate appraised value of the proposed annexation lands, according to County records, is \$160,190 with a total assessed value of \$24,151. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$1,321 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 580 single-family units will be developed in the next ten years. The total appraised value of this development after completion is estimated at \$55,100,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$199,004 in City annual tax revenues.

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

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

Motion--  
--carried

Brewer moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp absent).

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A07-07)

(Item 23)  
A07-08R

**A07-08R REQUEST BY GEORGE E. LAHAM, OF GREENWICH 13, LLC, AND KEVIN MULLEN, OF WATERFRONT RESIDENTIAL COMPANY, LLC, TO ANNEX LAND GENERALLY LOCATED NORTH OF 13TH STREET AND WEST OF GREENWICH ROAD. (DISTRICT II)**

John Schlegel

Planning Director reviewed item.

Agenda Report No. 07-0420

The City has received a request to annex 60.69 acres of land generally located north of 13th Street and west of Greenwich Road. The annexation area abuts the City of Wichita to the north, east and west. The property owner anticipates that the proposed property will be developed with 43 single-family units, 30 patio homes and 160,000 square feet of commercial property. A Waterfront Residential Addition plat was recently submitted to the Metropolitan Area Planning Department for review.

Land Use and Zoning: The proposed annexation consists of approximately 60.69 acres of property currently zoned "LI" Limited Industrial. Property directly to the north is agricultural and is zoned as "GO" General Office. The property to the east is a mix of agricultural, industrial and residential and is

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zoned "SF-5" Single-Family Residential and "GI" General Industrial. Property to the south is zoned as "LI" Limited Industrial and "SF-5" Single-Family Residential, and is both agricultural and industrial, for it contains a runway that currently serves Raytheon Aircraft Company. Property to the west is zoned "LI" Limited Industrial, of which a portion is undeveloped and a portion is developed with the Waterfront Addition.

Public Services: The closest water line is a 16" water main along 13th Street, from Waterfront Parkway to just short of the west line of the subject property. There is also a 16" water main in 13th Street, from Greenwich to just short of the east line of the subject property. The closest sewer line is an 8" sewer line behind the Bonefish Grill in Waterfront to the east. There is also an 8" sewer line that crosses Greenwich Road to the north of 13th Street and a 21" sewer line on the east side of Greenwich Road, on the north side of the old railroad tracks.

Street System: The subject property borders 13th Street to the south, which is a paved four-lane road. The City of Wichita Capital Improvement Program (CIP) 2005-2014 and the 2006 Transportation Improvement Program have scheduled Greenwich Road to be widened, east of the subject property, from Central to 29th Street North. In addition, the 2006 Transportation Improvement Program and the Sedgwick County Capital Improvement Program 2006-2010 have scheduled 13th Street to be widened from K-96 to 159th Street East, which is approximately 1 mile east of the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a six (6) to seven (7) minute approximate response time from City Station No. 18, located at 2808 N. Webb Road. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: The Eastview Park, a 20-acre park, is located approximately 2 miles to the west of the proposed annexation site and contains a paved exercise trail with 20 exercise stations, a softball diamond, two lighted tennis courts, a soccer field, a children's play area and a parking area. In addition, Northeast Sports Complex, a 60-acre park, is located approximately 1 1/2 miles to the north of the proposed annexation site and is currently being developed for youth athletics. According to the 1996 Parks and Open Space Master Plan, two potential pathways have been identified, one of which would run along the south edge of the subject property, along 13th Street. The other pathway would run parallel to 13th Street, along the north edge of the subject property. A potential future park site has been identified west of the subject property as well.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

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

The current approximate appraised value of the proposed annexation lands, according to County records, is \$3,520 with a total assessed value of \$1,056. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$33 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 43 single-family units, 30 patio homes and 160,000 square feet of commercial property will be developed within the next three years. The total appraised value of this commercial development after completion is estimated at \$66,300,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$329,339 in City annual tax revenues.

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

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

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Council Member Fearey Council Member Fearey stated she had received an email from a Park Board member who had concerns about parkland and about access to the bike paths that are proposed in master plan. Stated she asked that staff meet with developers and the Park Board to discuss the issues regarding bike paths and parkland. Stated she does not want to put more strain on an already strained east side.

Motion-- Fearey moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized, and to instruct staff to work with Developers and Park Board to work on Park issues in the area. Motion carried 5 to 0, (Schlapp absent).  
--carried

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over.  
(A07-08)

**SUB2006-111**

**SUB2006-111 PLAT OF STONEBRIDGE SECOND ADDITION, LOCATED WEST OF 149TH STREET EAST AND ON THE NORTH SIDE OF 13TH STREET NORTH. (COUNTY)**

Agenda Report No. 07-0421

Staff Recommendation: Approve the plat.

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

This site, consisting of 134 lots on 75.36 acres, is located within three miles of Wichita's city limits. The site has been approved for a zone change (ZON 2003-41) from "SF-20" Single-family Residential District to "SF-5" Single-family Residential District.

Although this site is located in the county, sewer service will be provided by the City of Wichita. A Petition, 100%, and a Certificate of Petition have been submitted for water and sewer improvements.

Restrictive Covenants were submitted to provide for the ownership and maintenance responsibilities of the proposed reserves and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. The applicant has submitted an Outside-the-City Water Agreement.

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

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenants and Outside-the-City Water Agreement will be recorded with the Register of Deeds.

Motion-- Brewer moved that the documents and plat be approved; the necessary signatures authorized; and the Resolutions adopted. Motion carried 5 to 0, (Schlapp absent).  
--carried

## RESOLUTION NO. 07-279

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System No. 448-90292 (west of 159<sup>th</sup> Street East, north of 13<sup>th</sup> Street) 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

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## RESOLUTION NO. 07-280

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System No. 448-90293 (west of 159<sup>th</sup> Street East, north of 13<sup>th</sup> Street) 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-281

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System No. 448-90294 (west of 159<sup>th</sup> Street East, north of 13<sup>th</sup> Street) 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-282

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System No. 448-90295 (west of 159<sup>th</sup> Street East, north of 13<sup>th</sup> Street) 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-283

Resolution of findings of advisability and resolution authorizing construction of Main 19, Four Mile Creek Sewer 468-84127 (north of 13<sup>th</sup> Street, west of 159<sup>th</sup> Street East) 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-284

Resolution of findings of advisability and resolution authorizing construction of Lateral 1, Main 19, Four Mile Creek Sewer , 468-84146 (north of 13<sup>th</sup> Street, west of 159<sup>th</sup> Street East) 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-285

Resolution of findings of advisability and resolution authorizing construction of Lateral 2, Main 19, Four Mile Creek Sewer, 468-84147 (north of 13<sup>th</sup> Street, west of 159<sup>th</sup> Street East) 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

## RESOLUTION NO. 07-286

Resolution of findings of advisability and resolution authorizing construction of Lateral 3, Main 19, Four Mile Creek Sewer , 468-84148 (north of 13<sup>th</sup> Street, west of 159<sup>th</sup> Street East) 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

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SUB2007-01

## SUB2007-01 PLAT OF MATTHEW'S OFFICES ADDITION, LOCATED EAST OF 135TH STREET WEST AND ON THE NORTH SIDE OF 21ST STREET NORTH. (COUNTY)

Agenda Report No. 07-0422

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 2.2 acres, is located within three miles of Wichita's city limits. The site has been approved for a zone change (ZON 2006-32) from "SF-20" Single-Family Residential District to "NO" Neighborhood Office District. A Protective Overlay (P-O #178) was also approved for this site. A Protective Overlay Certificate was submitted outlining conditions for development on this property.

Although this site is located in the county, sewer service will be provided from the City of Wichita. A petition, 100%, and a Certificate of Petition have been submitted for sewer improvements. The applicant has submitted Outside-the-City Water and Sewer Agreements. An off-site Drainage Easement will be provided to the County.

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

Ensure Efficient Infrastructure.

The Notice of Protective Overlay, Certificate of Petitions and Outside-the-City Water and Sewer Agreements will be recorded with the Register of Deeds.

Motion--  
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; and the Resolution adopted. Motion carried 5 to 0, (Schlapp absent).

### RESOLUTION NO. 07-287

Resolution of findings of advisability and resolution authorizing construction of Lateral 7, Main 3, Northwest Interceptor Sewer, 468-84354) 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 5 to 0. Yeas: Fearey, Longwell, Gray, Skelton, and Brewer, (Schlapp absent).

### AIRPORT AGENDA

#### **RUNWAY SHOULDER RUNWAY SHOULDER AND BLAST PAD REHABILITATION, GRANT APPLICATION-WICHITA MID-CONTINENT AIRPORT.**

Agenda Report No. 07-0423

On March 20, 2007 the Wichita Airport Authority approved the construction bid and budget adjustment for the rehabilitation of the blast pads and shoulders on both runways and Taxiway D. At that time it was noted that an FAA grant would pay for a portion of the project.

Funds are now available, and staff has prepared a grant application to submit to the FAA.

A grant application has been prepared in the amount of \$880,570 for this purpose. The Airport's matching portion of five-percent will be funded with PFCs.

The Airport's contribution to the economic vitality of Wichita is promoted through the continued acceptance of grant funding.

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Motion-- Brewer moved that the grant application and receipt of funds be approved and the Director of Airports  
--carried authorized to sign the documents related to the grant. Motion carried 5 to 0, (Schlapp absent).

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### **BOARD APPTS. BOARD APPOINTMENTS.**

No appointments were made.

### **TRAVEL EXPEND. APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND LEAGUE OF KANSAS MUNICIPALITIES SIXTH ANNUAL MAYOR'S CONFERENCE IN TOPEKA, MAY 4-5, 2007.**

Motion--carried Fearey moved to approve the travel expenditures. Motion carried 5 to 0, (Schlapp absent).

### **RECESS EXECUTIVE SESSION**

Motion-- Brewer moved that the City Council recess into Executive Session at 12:30 p.m. to consider:  
--carried consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, legal advice, and contract negotiations; and matters relating to employer-employee negotiations, and that the Council return from Executive Session no earlier than 1:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 5-0, (Schlapp absent).

**RECONVENE** The Council reconvened in the City Council Chambers at 1:10 p.m. Mayor Brewer stated that no action was taken.

Motion Brewer moved at 1:10 p.m. to close the Executive Session. Motion carried 4 to 0, (Skelton and Schlapp  
--carried absent).

### **OFF-AGENDA ITEM**

Mayor Brewer Mayor Brewer requested to allow an off-agenda item.

Motion--carried Fearey moved to allow an off-agenda item. Motion carried 4 to 0, (Skelton and Schlapp absent).

Mayor Brewer Mayor Brewer stated that at noon today the total number of submissions for the District I vacancy was 11. Stated that due to this number he would like to request that the Council extend the time frame out one week to May 15 so that the DAB I members can extend their interview process.

Motion-- Mayor Brewer moved that the City Council waive the provision of City Code Section 2.04.04 regarding  
--carried the time frame for the DAB to interview and recommend candidates to the Council and that the Council extend the time for an additional 7 days for DAB and District I to interview and recommend candidates to the City Council. Motion carried 4 to 0, (Skelton and Schlapp absent).

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Motion--carried Brewer moved that the Executive Session be closed. Motion carried 4 to 0, (Skelton and Schlapp absent).

Motion--carried Brewer moved to close the regular meeting. Motion carried 4 to 0, (Skelton and Schlapp absent).

**ADJOURNMENT** There being no further business to come before the Council, the meeting was adjourned at 1:14 p.m.

Respectfully submitted,

Janis Edwards  
Deputy City Clerk

\*\*\*Workshop followed in the 10th Floor HR Training Room\*\*\*