

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 8, 2008  
Tuesday, 9:03 A.M.

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

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The pledge of allegiance was participated in by the Council Members, Staff and guests.

Rev. Ben Staley, Northridge Friends gave the invocation.

The Minutes of the regular meeting of December 18, 2007, approved 7 to 0.

### AWARDS AND PROCLAMATIONS

Service Citation

Distinguished Service Citation- Joseph T. Botinelly.

Mayor Brewer recognized Mr. Botinelly for his 35 years of service with the Department of Water Utilities and presented him with a plaque.

### PUBLIC AGENDA

Alfreida K. Klayes-Brown-No Smoking Ban.

(Not present)

Warren Carter-Support for an Inclusive Smoking Ban.

Warren Carter

Mr. Carter resides at 2400 West 53<sup>rd</sup> Street North, stated that he tried to get on the agenda earlier but it was full and suggested to find a way to separate the people who are going to speak on the agenda into separate categories. Stated the people who want the smoking have come in and taken all of the slots on the Public Agenda and these people have come in and taken up the six slots and those who are in favor of the smoking ban cannot get on the agenda. Stated by loading the agenda, it appears to the Council that the citizens do not really care if there is a smoking ban or not. Stated he feels we do need to implement an inclusive smoking ban in any public place in Wichita because as a society, there have been substances that we have allowed to be used but have later realized that some of these substances have had to be banned because of the negative effects they have on society. Stated when he is sitting in a restaurant and trying to eat dinner and sitting next to people who are smoking, is hard on him and sometimes he cannot even eat because of the smoke. Stated it is common knowledge that smoking causes health issues with people who smoke but believes it also affects his health. Stated in regards to Visioneering Wichita, which is a committee that is trying to keep people who are educated, bright, and talented in the City of Wichita so that they can raise their families in a health environment, appears to be counter to smoking. Stated he would like to see smoking banned here if not inclusively, then at least in as many places as we can and if nothing can be implanted this year then to possibly put it on the ballot next year for a vote to find out how the people really think.

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## Kim LaCount-Smoking Ban

Kim LaCount

Mr. LaCount resides at 242 South Covington, stated that he and his wife are non-smokers but as they go out to eat at restaurants, they are asked if they prefer smoking or non-smoking and he cannot tell if anyone is smoking in those restaurants or not. Stated he has eaten out in this City for 40 years and has never been offended by the smoke. Stated he does not see this as a huge problem but as people making smart decisions and we all take risks in life. Stated his question to the non-smokers and the smoking coalition is, where did they go to find the kind of smoke that creates this "smoking community health risk?" Stated he does not find it anywhere. Stated it is his opinion that there is no community health risk created by smoking and it is a term used to get people's attention and scare them. Stated with common sense and some type of healthy lifestyle, there is no community health risk created by smoking. Stated he would ask the City Council to not pass a smoking ban and insult the people of Wichita who are capable of making their own decisions and do not assume business owners are not smart enough to change because they will change with the times as people request. Stated Wichita is a large enough City and there is room enough for both smokers and non-smokers to respect each other's rights.

## Debi Kreutzman-Affect of Smoking Ban on Non-Profit Organizations who hold bingo licenses.

Debi Kreutzman

Ms. Kreutzman resides at 2416 Bramblewood, stated she represents Positive Directions, which is a non-profit organization in Wichita that helps people who are living with HIV and Aids. Stated one of the things they do as a fund raiser is bingo. Stated the Kansas Constitution prohibits gambling and in 1974 the people of Kansas voted for an amendment to the Kansas Constitution to legalize bingo games for the purpose of raising money for non-profit organizations and charities (charitable gaming). Stated they have to hold a charitable gaming license in order to conduct bingo games. Stated state law has many restrictions on bingo including having to be a legitimate non-profit organization to hold a license and no member of the organization that operates the bingo games can profit from the bingo games. Stated they have to have volunteers that run those games for them and all proceeds of the bingo games have to go directly to the organization for the sole purpose of that non-profit organization. Stated a bingo game can only be operated in one location three nights a week and they are also regulated on how much pay out they can do, which is \$1,200.00 a night on their regular games. Stated there are 273 non-profit organizations that are licensed to operate bingo in Kansas and 56 of them are in Sedgwick County. Stated if you must pass a smoking ordinance, to consider exempting facilities, businesses, or fundraisers, that specifically cater to the smoking public in particular, the bingo halls. Stated this year her organization projects that bingo operations will bring in \$93,000.00 and they play two nights a week, which represents 40% of her organizations fund raising budget and 21% of her overall budget including grants. Stated 100% of the money that they raise during bingo goes towards her daily bread program and they feed people who are living with HIV and Aids, via a grocery center where they come in weekly and access food and she also runs a home-bound meal delivery center for their home-bound clients. Stated all of the members of the organizations who operate bingo games do some without personal gain and they are volunteers committed to the betterment of their organization and their community. Stated she is concern that if we have a smoking ban that her players will go somewhere else to play and feel with the added incentive of a smoker friendly environment in those cities, she expects that her players will go there rather than stay here in Wichita. Stated it is all about choices and they will chose where they are going to go. Stated at her facility they offer rooms for smoking and non-smoking players that allows their players the environment for which they choose to play bingo in, which has allowed them to keep track of the attendance of their smokers versus their non-smokers and on any given night 75% of their gamers are smokers. Stated they are giving them a choice and asked that the Council consider exempting facilities that are licensed by the state to operate bingo games by non-profits. Stated an all inclusive smoking ban does not consider the impact of the non-profit and charity organizations that rely on fund raisers such as bingo as a significant source of their income and such a ban will cause a direct and substantial impact on the ability of organizations like hers to provided helpful and needed services to the Wichita community.

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## Corinne Radke-Affect on smoking ban on non-profit organizations who hold bingo licenses.

Corinne Radke

Ms. Radke resides at 1118 Westport, stated she echoes all of the comments made by Ms. Kreutzman. Stated she belongs to a non-profit organization, Parents of Murdered Children, use bingo as their major fund raising efforts. Stated since their current federal grant was cut by 16.5% and they found out just yesterday that their next grant will be cut by 10% and probably more likely closer to 25%, is asking the Council to exempt bingo halls from the smoking ban. Stated some of their funds help survivors travel to or from Wichita for trials and they also mail out 415 monthly news letters to survivors of homicide victims as many of them are not able to attend their monthly support group meetings. Stated she is the Victims Advocate and Co-founder for their chapter and a homicide victim survivor, supports families through the criminal justice system by attending trials, sentencing, and parole hearings for families. Stated they are in their 20<sup>th</sup> year as a chapter under the umbrella of their national organization and have been able to help many families through the criminal justice system. Stated they sponsor their bingo sessions in a hall that has a non-smoking area for non-smokers but have a lot of players that smoke and feel that a smoking ban for bingo halls would make a big impact on the funds that they need to raise so that they can help those who have suffered this tragedy in their lives.

## Gary Winget-Smoking Ban in public places.

Gary Winget

Mr. Winget resides at 2337 South Green, stated clean air is a health issue and smoking can best be understood as a pediatric illness. Stated almost always the addiction starts when persons are in childhood and as they enter adulthood one out of two persons will die from that addiction. Stated any person who has an illness is a cost or a liability to our public and private health systems. Stated this is not about individual rights or the rights of business owners to poison us but it is about the good of the public. Stated the issue becomes more public when we consider second hand or environmental tobacco smoke and the most dangerous occupation in the world today is being a wait staff person in a restaurant where you are exposed to second hand smoke. Stated the local managers do not have control of a chain restaurant smoking policy. Stated it is the smoke first or second hand that causes cancer and not the nicotine and according to the Surgeon General, second hand smoke is the fourth leading cause of death in the United States. Stated if every public business were to go to smoke free, we level the playing field and there are no issues of competition. Stated there is an overwhelming movement among cities and states and nations to go smoke free. Stated there is no logic or common sense reason to delay moving Wichita into the real world and away from myths about rights that have never existed.

Council Member Skelton

Council Member Skelton stated regarding the dangerous occupation and if he is a soldier serving in Iraq and you ask me to go clear a mine field, he is sure that ranks pretty high up on the danger index not to mention police officers and firefighters who have dangerous jobs too.

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## CONSENT AGENDA

Council Member Skelton Skelton requested that items 16a, 16b, 28, and 33 be pulled for discussion.

Motion-- Brewer moved that Consent items 7 to 34e be approved in accordance to the recommended action  
--carried shown thereon, excluding items 16a, 16b, 28, and 33. Motion carried 7 to 0.

## **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 7, 2008.**

Minutes of the regular meetings dated December 17 and December 31, 2007, were read and on motion approved.

Bids were opened December 21, 2007 and January 4, 2008, pursuant to advertisements published on:

13th & Broadway Intersection Improvements (KDOT) (87N-0245-01/472-84178/706925/620489/636085/205391/667607/779165) See Special Provisions. (District VI)

Cornejo & Sons Construction - \$1,068,066.50

17th Street North Drainage Improvements - Phase 2, Broadway to I-135 (north of 13th Street North, east of Broadway) (472-84392a/706953/206419) 17th Street closed during construction. (District VI)

Wildcat Construction - \$386,357.50

Water Distribution System to serve Waterfront Residential Addition (north of 13th Street North, west of Greenwich) (448-90329/735394/470067) Does not affect existing traffic. (District II)

Utilities Plus - \$123,184.00

Fawnwood from the north line of Lot 11, Block A, north to the south line of Valley Hi Road; Hayden from the east line of Fawnwood, east and north to the south line of Valley Hi Road; Valley Hi Road from the east line of the plat, west to the west line of Lot 31, Block G; McCormick Circle (Lots 12 through 20, Block A) from the west line of Fawnwood, west to and including the cul-de-sac; McCormick Circle (Lots 4 through 20, Block E) from the east line of Fawnwood, east to and including the cul-de-sac; Valley Hi Court (Lots 18 through 28, Block G) from the north line of Valley Hi Road, north to and including the cul-de-sac; Valley Hi Court (Lots 4 through 17, Block G) from the north line of Valley Hi Road, north and east to and including the cul-de-sac; Sidewalk on Fawnwood, Hayden and Valley Hi Road to serve Auburn Hills 16th Addition (south of Maple, west of 135th Street West) (472-84292/766172/490190) Does not affect existing traffic. (District V)

Cornejo & Sons Construction - \$527,946.20

Lateral 3, Main 5 Cowskin Interceptor Sewer to serve Harvest Ridge Addition (north of MacArthur, west of Maize) (468-83661/744258/480947) Does not affect existing traffic. (District V)

Mies Construction - \$152,498.00

2007 Sanitary Sewer Rehabilitation, Phase F (various locations south of 13th Street North, east of Meridian) (468-84444/620498/667615) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, VI)

Insituform Technologies - \$265,400.80

Water Distribution System to serve Stonebridge 2nd Addition (north of 13th Street North, west of 159th Street East) (448-90293/735395/470068) Does not affect existing traffic. (District II)

Utilities Plus - \$71,936.25

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Water Distribution System to serve Cross Pointe 2nd Addition (south of 21st Street North, east of Greenwich) (448-90352/735397/470070) Does not affect existing traffic. (District II)

Utilities Plus - \$17,269.00

Planeview Football Field Phase 1 (South Site) (west of Oliver, north of 31st Street South) (472-84503/785065/785111/395197/397221) Does not affect existing traffic. (District III)

Cornejo & Sons Construction - \$371,871.37\* Base Bid

\*Negotiated to Engineer's Estimate

Main 24 Four Mile Creek Sewer to serve Monarch Landing 2nd Addition (north of 21st Street North, west of 159th Street East) (468-84429/622106/677134) Does not affect existing traffic. (District II); Lateral 1, Main 24 Four Mile Creek Sewer to serve Monarch Landing 2nd Addition (north of 21st Street North, west of 159th Street East) (468-84432/744256/480945) Does not affect existing traffic. (District II)

Mies Construction - \$139,820.00 Group 1

Mies Construction - \$111,870.00 Group 2

Water Distribution System to serve Monarch Landing 2nd Addition (north of 21st Street North, west of 159th Street East) (448-90334/735398/470071) Does not affect existing traffic. (District II)

Utilities Plus - \$84,299.00

Storm Sewer Improvements for the intersection of Tara and Tipperary to serve Vickridge 2nd Addition (north of Central, east of Rock Road) (468-84447/660532/857108) Traffic to be maintained during construction using flagpersons and barricades. (District I)

WB Carter Construction - \$42,000.00

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

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

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Traffic Signal & Traffic Pole Parts

Traffic Signal Controls, Inc. - \$14,100.00 Group 2 (Award Redirected)

WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION: Electrical Highline Materials\*

Kriz Davis Co. - \$3,152.44 – Group 53 (Award Redirected)

\$2,682.93 – Group 54 (Award Redirected)

PARK AND RECREATION DEPARTMENT/RECREATION DIVISION: Boys and Girls Club Fence

Collins & Hermann, Inc. - \$76,679.00 Base Bid

\$33,686.00 Option 1

\$ 6,336.00 Option 2

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PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Heating and/or Air Conditioning Repair

DEN Management Co., Inc. - \$24,530.00\*

\*Estimate – Contract approved on unit cost basis; refer to attachments.

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

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

Motion--  
--carried

Brewer moved that the report be received and filed; the Contracts approved; and the necessary signatures authorized. Motion carried 7 to 0.

## CMBS

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

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Dat Huynh	D & T Grocery	895 South Woodlawn
Raisa Mirsa	Valero	731 North Ridge Road
Jay A. Johnson	Johnson's General Stores Inc #39	5400 North Meridian
Jay A. Johnson	Johnson's General Stores Inc #06	1003 South Seneca
Hisham Mubardin	M & V Petroleum	1400 North Market
<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Mark T. Ryan	Ryan Boys West Inc. dba Two Brothers BBQ*	8406 West Central
<u>New Operator</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Maria T. Mier	Mier Enterprises, LLC dba San Nicholas Latino Market	328 East Pawnee Street SU 104

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

Motion--  
--carried

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

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a. Main 21 Four Mile Creek Sewer (south of Harry, east and west of Pawnee) (468-84240/744235/480923) Traffic to be maintained during construction using flagpersons & barricades. (District II) - \$2,398,790.40
- b. 2007 Contract Maintenance Concrete, Asphalt & Drainage Repairs (various locations east of 159th Street West, north of 71st Street South) (472-84624/132720/620469/) Traffic to be maintained during construction using flagpersons and barricades. (District ALL) - \$190,820.00
- c. Cherry Creek from the west line of 127th Street East to the west line of Lot 8, Block 2; Cherry Creek Court from the north line of Cherry Creek to and including the cul-de-sac; Cherry Creek Court from the north line of Cherry Creek to and including the cul-de-sac to serve Tara Creek Addition (north of Pawnee, west of 127th Street East) (472-84557/ 766162/490180) Does not affect existing traffic. (District II) - \$215,000.00

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- d. Monument, from the south line of 23rd Street North to the south line of Lot 1, Block 4; Cowboy, from the east line of Monument to the east line of Lot 1, Block 2; Red Rock, from the south end of Canyon to the east line of Lot 1, Block 3; Canyon, from the west line of Red Rock to the west line of Monument to serve Southwest Passage Addition (south of Pawnee, west of 119th Street West) (472-84447/766180/490198) Does not affect existing traffic. (District IV) - \$381,000.00
- e. Gypsum Creek Flood Control, Pawnee Street to Woodlawn Avenue (north of Pawnee, west of Woodlawn) (468-84224/660804/866005) Does not affect existing traffic. (District III) - \$2,099,800.00
- f. The cost of Central Avenue, between 135th Street West and 119th Street West. (472-84017/706898/204-364) (District V). – Total Estimated Cost \$387,000.00
- g. The cost of Zelta Drive from the north line of Kellogg Drive to the south line of Waterman (north of Kellogg, east of Greenwich). (472-84300/765972/490-087) (District II) – Total Estimated Cost \$307,350.00

Motion--carried

Brewer moved to receive and file. Motion carried 7 to 0.

## PETITION

### **RENOVATE BUILDING FACADE AT 571-577 W DOUGLAS, SOUTH OF DOUGLAS, WEST OF MCLEAN. (DISTRICT IV)**

Agenda Item No. 10a.

On July 24, 2007, the City Council approved a Facade Improvement Petition for a building on the south side of Douglas, near Sycamore. After the work began a number of items related primarily to ADA and OSHA requirements were identified that were not foreseen at the time the Petition budget was developed. In addition, the condition of the brick exterior was worse than expected. The building owner has submitted a new Petition with an increased budget. The signature on the Petition represents 100% of the improvement district.

The existing building is a two story commercial building. The facade project will repair the masonry exterior and replace windows and doors.

The existing project budget is \$119,250, with \$99,250 paid by special assessments and \$20,000 as a forgivable loan. The revised project budget is \$161,000 with \$141,000 paid by Special Assessments and \$20,000 as a forgivable loan.

This project addresses the Dynamic Core Area goal by facilitating improvements to a privately owned building in the Delano area.

State Statutes provide the City Council authority to use special assessment funding for the project.

Motion--  
--carried

Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

### RESOLUTION NO. 08-001

Resolution of findings of advisability and Resolution authorizing design and construction of facade improvements at 571-577 West Douglas (south of Douglas, west of McLean) 472-84574, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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## PETITION

### CONSTRUCT PAVING AND WATER IMPROVEMENTS FOR WATERFRONT RESIDENTIAL, WATERFRONT SIXTH AND GREENWICH OFFICE PARK ADDITIONS, NORTH OF 13TH STREET, WEST OF GREENWICH. (DISTRICT II)

Agenda Item No. 10b.

The petitions have been signed by six owners representing 100% of the improvement districts.

The projects will provide paving and water improvements for a new residential and office park development located north of 13th, west of Greenwich.

The petitions total \$736,000. The funding source is special assessments except for the water project which includes \$61,000 for over sizing the pipe to serve future development outside the improvement district.

This project addresses the Efficient Infrastructure goal by providing public improvements required for a 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 the property in the improvement district.

Motion--  
--carried

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

#### RESOLUTION NO. 08-002

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90342 (north of 13th , west of Greenwich), 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

#### RESOLUTION NO. 08-003

Resolution of findings of advisability and Resolution authorizing constructing pavement on Berkley Square Parkway, from the west line of Lot 1, Block 1; to the east line of Lot 3, Block 1 (north of 13th, east of Webb) 472-84644, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

#### RESOLUTION NO. 08-004

Resolution of findings of advisability and Resolution authorizing constructing a left turn lane on 13th Street for eastbound traffic into Veranda (north on 13th, east of Webb) 472-84645, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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## PETITION

### CONSTRUCT SANITARY SEWER AND DRAINAGE IMPROVEMENTS FOR LOT 23, BLOCK 1, FOX POINTE ADDITION WEST OF WEBB, SOUTH OF 29TH STREET NORTH. (DISTRICT II)

Agenda Item No. 10c.

The Petitions have been signed by two owners representing 100% of the improvement districts.

The projects will provide sanitary sewer and drainage improvements for a new commercial development located west of Webb, south of 29th St. North.

The Petitions total \$44,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing public improvements required for new development.

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

Motion--  
--carried

Brewer moved that the Petitions be approved; the Resolutions adopted; and the necessary signatures. Motion carried 7 to 0.

#### RESOLUTION NO. 08-005

Resolution of findings of advisability and Resolution authorizing construction of Lateral 89, Main 22, war Industries Sewer (southwest corner of 29th Street, north of Webb) 468-84473, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

#### RESOLUTION NO. 08-006

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 642 (west of Webb, south of 29th St. North) 468-84474, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## DEEDS/ESMNTS

### DEEDS AND EASEMENTS:

- a. Storm Water Drainage and Detention Basin Improvements Easement dated October 16, 2007 from Beech Lake Investments, LLC for a pond lying within Reserve C, Waterfront Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751394) No cost to City.
- b. Storm Water Drainage and Detention Basin Improvements Easement dated December 12, 2007 from Tara Development, Inc. for ponds lying within Reserves B, C and I, Casa Bella Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751414) No cost to City.
- c. Storm Water Drainage and Detention Basin Improvements Easement dated December 21, 2007 from Socora Homes, Inc., for ponds lying within Reserve A and B, Fontana 2nd Addition and The East 324 feet of Reserve E, Fontana Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751425) No cost to City.
- d. Storm Water Drainage and Detention Basin Improvements Easement dated December 19, 2007 from Silverton LLC, for a pond lying within Reserve A, Silverton Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751428) No cost to City.

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- e. Sanitary Sewer Easement dated June 22, 2007 from McDonald's USA, LLC, a Delaware limited liability company for a tract of land in Lots 1, 3 and 4, Agile Addition, City of Wichita, Sedgwick County, Kansas, (OCA 607861). No Cost to City
- f. Utility Easement dated September 14, 2007 from Mr. Al Caro, Partner of Webb Road Business Park, for tracts of land lying in Lot 1, Andeels Webb Road Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- g. Utility Easement dated October 30, 2007 from Greenwich 13, L.L. C., a Kansas limited liability company for a tract of land lying in the Southeast Quarter of the Southeast Quarter of Section 9, Township 27 South, Range 2 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- h. Utility Easement dated November 2, 2007 from Waterfront Holding Co., LLC, ad Kansas Limited Liability Company for a tract of land lying in the Southwest Quarter of Section 9, Township 27 South, Range 2 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- i. Dedication dated November 2, 2007 from Ritchie Associates, Inc. for a tract of land lying in the Northeast Quarter of Section 11, Township 27 South, Range 2 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- j. Right of Way Dedication dated November 26, 2007 from Ralph A. Lanzrath, Trustee for a tract of land lying in Lot 5, Lakeside Acres Second Addition to Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- k. Utility Easement dated November 15, 2007 from Catholic Diocese of Wichita, a Kansas non profit Sedgwick County, Kansas and in Lot 1, St. Peter the Apostle Catholic Church Addition, Sedgwick County, Kansas, and in SE1/4 of Section 7, Twp. 28-S, R-1-W of the 6th P.M., Sedgwick County, Kansas, (OCA # 744225). No Cost to City
- l. Public Utility Easement dated December 18, 2007 from Norman Massey, Jr. for a tract of land lying in NE 1/4, Section 23, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, (OCA # 735377). No Cost to City
- m. Utility Easement dated October 29, 2007 from Billy H. Hamilton and Virginia F. Hamilton, husband and wife, a tract of land lying in the SE 1/4 of Section 7, Township 28 South, Range 1 West of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, (OCA # 744224). No Cost to City
- n. Sanitary Sewer Easement dated November 30, 2007 from Dorothy Leis for tracts land located in Lots 1 through 5, Block 17, Diamond Addition to Oatville, Sedgwick County, Kansas; Lots 6 through 12, Block 7, Original Townsite of Oatville, Sedgwick County, Kansas; and Lot 5, Block 7 together with part of Lot 4, block 7, both in Original Townsite of Oatville, Sedgwick County, Kansas, (OCA# 633703). No Cost to City

Motion--carried

Brewer moved that the documents be accepted. Motion carried 7 to 0.

## **STREET CLOSURE**

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

There were not street closures to consider.

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## STONEBRIDGE

### STAKING IN STONEBRIDGE SECOND ADDITION, NORTH OF 13TH STREET, WEST OF 159TH STREET EAST. (DISTRICT II)-SUPPLEMENTAL.

Agenda Item No. 13a.

The City Council approved the drainage improvements in Stonebridge 2nd Addition on August 28, 2007. On October 16, 2007 the City approved an Agreement with Baughman Company, Inc. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

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

Payment to Baughman will be on a lump sum basis of \$28,300 and will be paid by special assessments.

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

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

Motion--  
--carried

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

## TARA CREEK

### STAKING IN TARA CREEK AND CASA BELLA ADDITIONS NORTH OF PAWNEE, WEST OF 127TH STREET EAST. (DISTRICT II)-SUPPLEMENTAL.

Agenda Item No. 13b.

The City Council approved the storm water drainage improvements in Tara Creek & Casa Bella Additions on June 6, 2007. On September 25, 2007 the City approved an Agreement with Ruggles & Bohm, P.A. to design the improvements. The Design Agreement with Ruggles & Bohm requires Ruggles & Bohm to provide construction engineering and staking services if requested by the City.

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

Payment to Baughman will be on a lump sum basis of \$12,200 and will be paid by special assessments.

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

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

Motion--  
--carried

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

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## WATER MAINS

### SOUTHEAST WATER TRANSMISSION MAIN-PHASE 2, LEWIS AND IDA TO MORRIS AND BLUFF. (DISTRICT III)

Agenda Item No. 14a.

The 2007 Capital Improvement Program includes funds for the Southeast Water Transmission Main - Phase 2 (W-1194-002).

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for designing a 48" water main from Lewis and Ida to Morris and Bluff. The Staff Screening and Selection Committee selected Professional Engineering Consultants, P.A. (PEC) for the design on September 27, 2007.

Payment to PEC will be on a lump sum basis of \$453,000 and will be paid by Water Utility funds.

This project addresses the Efficient Infrastructure goal by preventing system failures and providing reliable water service to customers.

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 7 to 0.

## EDGE WATER

### EDGE WATER ADDITION, SOUTH OF 45TH STREET NORTH, WEST OF HOOVER. (DISTRICT V)

Agenda Item No. 14b.

The City Council approved the water, sewer and paving improvements in Edge Water Addition on August 7, 2007.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sewer and paving in Edge Water Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$151,200 and will be paid by special assessments.

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

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 7 to 0.

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**JOHNSON COMMER. JOHNSON COMMERCIAL CENTRE SOUTH OF 53RD STREET NORTH, WEST OF MERIDIAN. (DISTRICT VI)**

Agenda Item No. 14c.

The City Council approved the sewer and drainage improvements in Johnson Commercial Centre on February 6, 2007.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of sewer and drainage in Johnson Commercial Centre. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$25,600 and will be paid by special assessments.

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

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 7 to 0.

**WATERFRONT WATERFRONT RESIDENTIAL, GREENWICH OFFICE PARK AND WATERFRONT SIXTH ADDITIONS, NORTH OF 13TH STREET, WEST OF GREENWICH. (DISTRICT II)**

Agenda Item No. 14d.

The City Council approved the water, sewer, drainage and paving improvements in Waterfront Residential, Greenwich Office Park and Waterfront 6th Additions on November 6, 2007.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of water, sewer, drainage and paving in Waterfront Residential, Greenwich Office Park and Waterfront 6th Additions. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$164,800 and will be paid by special assessments.

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

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 7 to 0.

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**SOUTHWEST PASS.**

## **SOUTHWEST PASSAGE ADDITION SOUTH OF PAWNEE, WEST OF 119TH STREET WEST. (DISTRICT IV)**

Agenda Item No. 14e.

The City Council approved the paving improvements in Southwest Passage Addition on January 9, 2007.

The proposed Agreement between the City and Ruggles & Bohm, P.A. provides for the design of bond financed improvements consisting of paving in Southwest Passage Addition. Per Administrative Regulation 1.10, staff recommends that Ruggles & Bohm be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Ruggles & Bohm will be on a lump sum basis of \$29,100 and will be paid by special assessments.

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

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 7 to 0.

**MESA VERDE**

## **MESA VERDE ADDITION SOUTH OF 37TH STREET NORTH, EAST OF MERIDIAN. (DISTRICT VI)**

Agenda Item No. 14f.

The City Council approved the water, sewer and paving improvements in Mesa Verde Addition on January 9, 2007.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sewer and paving in Mesa Verde Addition. Per Administrative Regulation 1.10, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$36,400 and will be paid by special assessments.

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

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 7 to 0.

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MAIN 22

## MAIN 22, SOUTHWEST INTERCEPTOR SEWER MACARTHUR ROAD AND WEST STREET. (DISTRICT IV)-SUPPLEMENTAL.

Agenda Item No. 14g.

On November 2, 2004, the City entered into an Agreement with Poe & Associates, Inc. to design a sanitary sewer main located along MacArthur, from ½ mile east of West Street to the Wichita-Valley Center Flood Control Ditch. The fee was \$28,000. On November 11, 2006 the City Council approved a Supplemental Agreement for additional work required by Sedgwick County for construction of the sewer in their right-of-way. The fee was \$5,200.

Due to the number and location of existing utilities within the construction area, it is necessary to revise the route for a majority of the sewer pipeline from along MacArthur to an alignment approximately ¼ mile south of MacArthur. By re-routing the sanitary sewer main along the new alignment, it will eventually be able to provide service to a much larger benefit area. A Supplemental Agreement has been prepared with Poe for the additional design services.

Payment to Poe will be on a lump sum basis of \$28,000 and will be paid by Sewer Utility and assessed to the improvement district.

This project addresses the Efficient Infrastructure goal by extending sanitary sewer main service to homes with septic tank systems and a new residential subdivision.

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

Motion--  
--carried

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

13<sup>TH</sup> STREET BRIDGE

## 13TH STREET BRIDGE AT THE LITTLE ARKANSAS RIVER. (DISTRICT VI)-SUPPLEMENTAL.

Agenda Item No. 14h.

On December 13, 2005, the City entered into an Agreement with PB Americas, Inc. (PB) for designing a plan to rehabilitate the 13th Street Bridge at the Little Arkansas River. The fee was \$89,200.

PB has been asked to design a temporary pedestrian bridge that will be provided until the bridge is reopened to traffic. They will also revise the plans to accommodate the pedestrian detour and accommodate an access the High School. A Supplemental Agreement has been prepared with PB for the additional design services.

Payment to PB will be on a lump sum basis of \$10,700 and will be paid by General Obligations Bonds.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

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

Motion--  
--carried

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

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## CHANGE ORDER

### SOUTHEAST BOOSTER PUMP STATION. (DISTRICT III)

Agenda Item No. 15a.

On April 8, 2003, City Council selected Burns & McDonnell to update the Water Master Plan. The Water Master Plan recommended construction of a booster pump station on Harry between Rock Road and Woodlawn. On April 5, 2005, City Council approved a Contract with Utility Contractors to construct the pump station near Harry and Governour.

Change Order No. 1 includes a deduction of \$85,093 to delete the paving from the original plans, and an addition of \$25,940 to do a reduced amount of paving. An increase of \$18,281 is included for excess excavation and fill beyond that identified in the plans, an increase of \$12,385 to modify installation of the sewer line to serve the pump station, and an increase if \$9,418 for an additional water line and a fire hydrant.

Change Order No. 1 includes a bonus for early completion amounting to \$96,000. The Contract included liquidated damages of \$3,000 per day for each day after the established date of substantial completion, as well as a bonus of \$3,000 per day for each day the project was completed prior to the date of substantial completion. The project was completed 32 days ahead of the date established, earning a bonus of \$96,000.

The original Contract was \$2,687,000. Change Order No. 1 will increase the Contract by \$81,261 to \$2,768,261 (3.02 percent). Funds are available for this project in CIP W-882, Webb Road Satellite Pump Station that has \$4.5 million available for this project.

The Change Order will ensure efficient infrastructure by providing reliable, compliant and secure utilities. The project helps assure that adequate water pressures are maintained in the distribution system.

The Law Department has approved the Change Order as to form.

Motion--  
--carried

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

## CHANGE ORDER

### STORM WATER DRAIN TO SERVE LILLIE SECOND ADDITION SOUTH OF MAPLE, WEST OF MAIZE. (DISTRICT V)

Agenda Item No. 15b.

On August 28, 2007, the City Council approved a construction contract with Mies Construction, Inc. to construct a storm water drain in Lillie 2nd Addition. The project primarily consists of the construction of a storm water detention pond. After the work began, it was determined that the pond would not hold water with the soil type on site. Bentonite was added to the soil to seal the pond. In addition, an abandoned water well was encountered that was sealed.

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 \$18,915 with the total paid by Special Assessments. The original contract amount is \$108,696. This Change Order represents 17.4% of the original contract amount.

This project addresses the Efficient Infrastructure goal by providing required drainage improvements for new development.

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.

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Motion--  
--carried

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

**(Item 16a)**  
**PROP. ACQUIS.**

**PURCHASE OF PARK LAND NEAR 159TH STREET EAST AND PAWNEE. (DISTRICT II)**

Doug Kupper

Parks and Recreation Director reviewed the item.

Agenda Item No. 16a.

The Trust for Public Land (TPL) has offered to sell 148.4 acres of undeveloped land to the City. The land is located in the southwest quadrant of 159th Street and Pawnee. Approximately 68 acres are currently used for crop production. The remainder is pasture, including 35 acres of land that has never been tilled. There is also a large pond on the property.

TPL has an option on the property with the current owner for \$6,000 per acre. TPL has agreed to sell to the City for the same amount. The sale price is \$890,400. The property was appraised for \$925,000. There is an agricultural lease on the property which will be assumed by the City until such time as the park is developed. There is also a lease for oil production which will be assumed. This part of the City is rapidly developing. This acquisition will provide an opportunity to preserve natural habitat as well as provide open space for recreational activities.

A budget of \$900,000 is requested. This includes \$890,400 for the acquisition and \$9,600 for closing costs, title insurance, surveys, etc. Funding is recommended from the Park and Recreation CIP Plan. The CIP includes \$350,000 for land acquisition in both 2008 and 2009. To fund the balance, Park staff recommends reducing the 2009 Chisholm Creek Lake Project from \$750,000 to \$550,000. These recommendations will allow the initiation of \$900,000 for land acquisition to fund this purchase.

Acquisition of this parcel will assist the City in meeting future infrastructure and quality of life needs in the area.

The Law Department has approved the contract as to form.

Council Member Skelton

Council Member Skelton stated he appreciates Staff getting this within the appraised value. Stated he pulled this item and item 28 because they are news worthy and should have been on the New Business agenda.

Motion--  
--carried

Skelton moved that the budget be approved; the bonding resolution adopted; the budget transfers authorized; and all necessary signatures authorized. Motion carried 7 to 0.

Ed Flentje

Interim City Manager stated that Council Member Skelton makes a good point with reference to the agenda and he has begun discussions with Staff on how the agenda could be more productive to the Council and these two particular items that Council Member Skelton referenced 16a and 28 did not seem appropriate for the Consent Agenda.

## RESOLUTION NO. 08-007

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the land acquisition of the property located at 159th Street East and Pawnee for Park purposes and related costs, including surveys, environmental review, title work, closing costs, interest and taxes, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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(Item 16b)  
PROP. ACQUIS.

## ACQUISITION OF UTILITY EASEMENTS IN THE 1100 BLOCK OF WEST 52ND AND 51ST STREETS SOUTH. (DISTRICT IV)

John Philbrick

Office of Property Management reviewed the item.

Agenda Item No. 16b.

Section 7-205 of the subdivision regulations requires that if a lot split or vacation is requested in an area where the public utility easements are less than the minimum width established in Section 7-205 additional easements should be requested. A request for a lot split has been received for 1134 West 52nd Street West. In this area, the utility easements across the rear of the lots are eight feet wide rather than the required 10 feet.

Pursuant to Section 7-205, the nine property owners in the block where 1134 West 52nd Street is located were contacted. A request was made that they dedicate an additional two feet for public utility easement. As required by Section 7-205, an amount for \$100 was offered for this additional easement. Two property owners accepted the offer for the additional easement.

A budget of \$1,000 is requested. This includes funds for the easements and associated fees and recording.

This acquisition addresses the goal of ensuring efficient infrastructure by providing uniform easements throughout the area.

The Law Department has approved the easements as to form.

Motion--  
--carried

Skelton moved that the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROP. ACQUIS.

## PARTIAL ACQUISITION OF VACANT LAND AT 2659 SOUTH 119TH STREET WEST FOR THE MID-CONTINENT INTERCEPTOR SANITARY SEWER PROJECT. (DISTRICT IV)

Agenda Item No. 16c.

On December 19, 2006, City Council approved the funding and installation of new water mains where development is occurring and in areas where future growth is anticipated. One such area is in Southwest Wichita near Mid-Continent Airport, more specifically, a half-mile south of Pawnee between Tyler Road and 135th Street West. Phase one of the proposed line is approximately 3-miles long. It is necessary to acquire a sanitary sewer easement from eight parcels within this corridor. This particular acquisition is from a 75-acre residential/agricultural assemblage at 2659 South 119th Street West. Two of the three parcels are impacted by the proposed easement however, no improvements are impacted.

A 50-foot easement consisting of 3.39-acres and 150-foot temporary construction easement consisting of 8.48-acres are required. The owner rejected the appraised offer \$19,630 which is comprised of \$5,850 (a percentage based on \$6,800 an acre and at \$8,500 an acre) for the land, \$655 as damages for crops & temporary construction easements, and \$13,125 as compensation for the loss of two preliminary platted residential lots. The owner agreed to convey the necessary easements for \$29,880; this is based on 30% of fee value for both parcels at \$8,000 an acre and \$9,000 an acre respectively, or \$3,940 and \$4,630 for the land, \$16,000 for the residential lots, \$1,310 for the temporary construction easements, and \$4,000 to correct drainage on the subject property impacted by the easement. Based on recent market data and drainage cost to cure estimates, this is a reasonable settlement.

\$30,880 is requested budget for the acquisition. \$29,880 towards the purchase price and \$1,000 for closing costs and title insurance. The funding source is future revenue bonds and/or Water Utility cash reserves.

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

The Law Department has approved the contract as to form.

Motion--  
--carried

Brewer moved that the budget expenditure and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

**NUISANCE ACESS.**

## **NUISANCE ABATEMENT ASSESSMENTS.**

Agenda Item No. 17.

The Department of Environmental Services supported neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code in 2007. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performed the work and Environmental Services billed the cost to the property owner.

State law and city ordinances allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Services is requesting permission for the Department of Finance to process the necessary special assessments.

Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$113,233.26 and weed-mowing charges total \$61,191.18.

This action supports the goal of Core Area and Vibrant Neighborhoods by continuing cleanup and abatement for properties that are detrimental to Wichita neighborhoods.

These assessments are in accordance with Chapters 7.40.050 and 7.40.060 of the City Code. This agenda report has been reviewed and approved by the Law Department.

Motion--  
--carried

Brewer moved that the proposed assessments be approved and the ordinances placed on first reading. Motion carried 7 to 0.

### ORDINANCE

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

### ORDINANCE

An ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot cleanup) under the provision of section 7.40.050 of the code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

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## ARKANSAS RIVER

### ARKANSAS RIVER CORRIDOR ACCESS PLAN. (DISTRICTS I, III, IV, V, & VI)

Agenda Item No. 18.

On August 9, 2005 City Council approved \$30,000 for the Arkansas River Corridor Access Plan. The purpose of the study was to identify key access points along the Arkansas River from Rice County to the Oklahoma border for recreation purposes.

Applied Ecological Services in association with Patti Banks Associates were selected to provide services to develop the Arkansas River Corridor Access Plan (ARCAP). The ARCAP project is a multi-jurisdictional plan that included project partners from a three county area. The partners in this plan include the Arkansas River Coalition, Reno County, Sedgwick County, Sumner County, Hutchinson, South Hutchinson, Wichita, Derby, Oxford, and the Kansas Department of Wildlife and Parks. Each partner provided financial contributions to this plan.

Council Minutes from August 9, 2005 and the Park and Recreation Department agenda report verifies Council's approval of a bond resolution for \$30,000 for the Arkansas River Corridor Access plan. The resolution was not signed and published at the time the item was approved by the City Council.

On August 9, 2005, the City Council approves the substitution of \$30,000 from the 2005 Park CIP funding for Athletic Field Master Planning in order for the Park and Recreation Department to participate in the Arkansas River Corridor Access Plan study. The funding source is general obligation bonds.

This project will greatly enhance the Quality of Life for citizens of Wichita and surrounding communities along the Arkansas River by increasing the recreational opportunities and activities for them to participate in.

The Law Department has recommended resubmission of the resolution and has approved the bonding resolution as to form.

Motion--  
--carried

Brewer moved that the bonding resolution be adopted and all necessary signatures authorized. Motion carried 7 to 0.

#### RESOLUTION NO. 08-008

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for the development of the Arkansas River Corridor Access Plan Study from Rice County to the Oklahoma borders, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## SIDEWALK ASSESS.

### SIDEWALK REPAIR ASSESSMENT PROGRAM.

Agenda Report No. 19.

State Law and City Policy provide that sidewalk maintenance is the responsibility of abutting property owners. When sidewalk trip hazards are identified, property owners are required to make repairs, either with their contractor or with the City's contractor. Property owners who use the City's contractor have the opportunity to spread the cost over five years as a special assessment.

Sidewalks are condemned in all districts and then listed in a logical order for the contractor to repair. The first list of sidewalk repair included Districts 1 through 5. The lists do not go to City Council until the sidewalks have been repaired. This is the second list of sidewalks that has been repaired under this year's contract.

Ordinance has been prepared to establish authority to use special assessment funding for the current list of repaired sidewalks.

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Statements of Charges will be mailed to the property owners on January 18, 2008. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the February 2008 bond sells. The principal and interest will then be spread over 5-years and placed on the 2008 tax roll.

This program addresses the Dynamic Core Area and Vibrant Neighborhoods goal and the Ensure Efficient Infrastructure goal by reducing sidewalk trip hazards and improving the appearance of sidewalks.

These assessments are in accordance with City Code 12.18.

Motion--  
--carried

Brewer moved that the proposed Assessments be approved and the Ordinances placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

## ENCROACHMENT

### **CORRECTION OF ENCROACHMENT: DOUGLAS AND HILLSIDE REDEVELOPMENT DISTRICT. (DISTRICT II)**

Agenda Item No. 20.

On February 6, 2007, the City Council approved the development agreement with College Hill Urban Village, LLC for the redevelopment of property in the area of Hillside and Douglas as part of the Douglas and Hillside Redevelopment District. Under the terms of the development agreement, the developer was to acquire all land for the redevelopment project. The land would then be transferred to the City until such time as physical redevelopment was initiated. As part of the redevelopment process, a Planned Unit Development plan (PUD) has been prepared.

A survey of the subject property is required for a PUD submission. When the legal descriptions of the land acquired were tied to the survey, it was discovered that the site improvements associated with 3225 East Victor, which is privately owned, encroached on the land associated with 3241 East Victor, which is part of the redevelopment district. In order to bring the land ownership in compliance with the existing improvements, it is proposed that the land be transferred by quit-claim deed to the adjacent owner. The tract to be transferred is triangular in shape with a width of 6 feet and a length of 135.5 feet. Total square footage is 416 square feet.

This transfer has no financial impact.

The redevelopment project will positively impact Core Area and Neighborhoods, Quality of Life and Economic Vitality by redeveloping blighted and declining areas, thus reversing economic stagnation.

The Law Department has approved the deed as to form.

Motion--  
--carried

Brewer moved that the transfer be approved and all necessary transfers authorized. Motion carried 7 to 0.

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## RESOLUTION

### CORRECTING RESOLUTION: WATER DISTRIBUTION SYSTEM TO SERVE AND AREA ALONG MEAD, BETWEEN 55TH STREET SOUTH AND 57TH STREET SOUTH. (DISTRICT III)

Agenda Item No. 21.

On August 15, 2006, the City Council approved a petition to construct a water distribution system along Mead Street, between 55th Street South and 57th Street South. It has since been determined that there are errors in the description of the improvement district.

A Resolution has been prepared to correct the errors.

The project budget is not affected.

The project will address the Efficient Infrastructure goal by providing water service to an existing residential area.

State Statutes provide the City Council the authority to correct the errors by resolution.

Motion--carried

Brewer moved that the Resolution be adopted. Motion carried 7 to 0.

Resolution No. 08-009

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90222 (south of 55th St. South, east of Broadway), 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## EASEMENT

### EASEMENT ACROSS CITY OWNED PROPERTY NEAR 13TH STREET NORTH AND THE LITTLE ARKANSAS RIVER IN CONJUNCTION WITH THE IMPROVEMENT OF THE MINISA BRIDGE. (DISTRICT VI)

Agenda Item No. 22.

On May 8, 2007, the City Council approved a major rehabilitation of the bridge of the Little Arkansas River at 13th Street North, commonly known as the Minisa Bridge. The capital project to improve the bridge calls for the widening of the driving surface, which will require the relocation of the natural gas line currently located along the north side of the right of way of 13th Street North. Due to space constraints, the line cannot be moved further north within the existing right-of-way. The most efficient option is to relocate the line in an easement that lie immediately north of the existing right of way in property owned by the City.

The easement area for the new line location lies within Minisa Park. Aquila Gas Company will be responsible for securing all permits required to relocate the line. They will also be responsible for trenching and laying the actual service line. Once the line is constructed, they will restore the surface back to its current condition. On November 19th, the proposed easement was presented to and supported by the Park Board.

There is no cost to the City.

Granting this easement assists in providing efficient infrastructure and supporting core neighborhoods.

The Law Department has approved the easements as to form.

Motion--  
--carried

Brewer moved that the easement be approved and all necessary signatures authorized. Motion carried 7 to 0.

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## **BOARDS/COMMISS. MINUTES OF ADVISORY BOARDS/COMMISSIONS, JANUARY 8, 2008.**

Board of Park Commissioners, November 19, 2007  
District Advisory Board I, November 5, 2007  
District Advisory Board V, December 3, 2007  
Wichita Public Library, November 20, 2007

Motion--carried Brewer moved to receive and file. Motion carried 7 to 0.

## **ABATEMENT ABATEMENT OF DANGEROUS AND UNSAFE STRUCTURES.**

Agenda Report No. 24.

The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or board up and secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor, or City staff performs the work, and the Office of Central Inspection bills the cost to the property owner.

State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the demolition and board up abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

Statements of Charges will be mailed to the property owners on January 18, 2008. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the February 2008 bonds sell. The principal and interest will then be spread for 1-year and placed on the 2008 tax roll.

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

The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

Motion-- Brewer moved that the proposed assessments be approved and the ordinances placed on first reading.  
--carried Motion carried 7 to 0.

### ORDINANCE

An ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building condemnation-demolition) under the revision of sections 18.16.010 to 18.16.090 of the code of the city of Wichita, Kansas, introduced and under the rules laid over.

### ORDINANCE

An ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building emergency board-up) under the provision of sections 18.16.010 to 18.16.090 of the code of the City of Wichita, Kansas, introduced and under the rules laid over.

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

Motion--carried      Brewer moved to receive and file. Motion carried 7 to 0.

**EXPENSE REPORT**      **SENIOR MANAGEMENT EXPENSES, NOVEMBER 2007.**

Motion--carried      Brewer moved to receive and file. Motion carried 7 to 0.

**CITY7**      **CITY COUNCIL POLICY REGARDING CITY7, THE COX COMMUNICATION CHANNEL ASSIGNED TO THE CITY OF WICHITA.**

Agenda Item No. 27.

The CMO Communications Team has worked to increase the resources for City7 with the intent of improving the quality and increasing the quantity of programming. Council input will be an integral part of the planning and production process, and the policy formalizes the relationship between Council and staff.

Adoption of the policy will provide a consistent guide for future City7 programming and production plans.

Adoption of the policy will contribute to the Internal Perspectives services goal relating to overall management, function and policy direction of the City of Wichita.

Motion--  
--carried      Brewer moved that the City7 policy be approved and the necessary signatures authorized. Motion carried 7 to 0.

**(Item 28)**  
**2008 LEGISLATIVE**      **2008 STATE LEGISLATIVE AGENDA.**

Agenda Item No. 28.

The contents of the proposed legislative agenda have been reviewed during an earlier City Council workshop and adjusted following subsequent discussion. The agenda is the same presented to Council workshop in October, minus the issue relating to arrestee health care costs.

Adoption of the agenda provides a starting point for the Council's involvement in the 2008 state legislative session. Additional agenda items may come forward as the session proceeds, and they will be brought to Council attention at the appropriate opportunity.

Adoption of the policy will contribute to the Internal Perspectives services goal relating to overall management, function and policy direction of the City of Wichita.

Council Member Skelton      Council Member Skelton stated the Council should have more discussions from the bench and that this item should have been on New Business.

Motion--carried      Brewer moved that the legislative agenda be approved. Motion carried 7 to 0.

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## INTERVENTION

### EARLY INTERVENTION SYSTEM.

Agenda Item No. 29.

In 1981, the U.S. Commission on Civil Rights recommended that all police departments create an Early Warning System to identify officers, "who are frequently the subject of complaints or who demonstrate identifiable patterns of inappropriate behavior."

Early Intervention Systems are databases used by police management to identify officers whose behavior is problematic, and provide a form of intervention to correct that performance. As an early response, the department intervenes before an officer is in a situation that warrants formal disciplinary action. The system alerts the department to at risk officers so the officers can be provided early intervention in the form of counseling or training to help them change their problematic behavior.

The Wichita Police Department recently established an Early Intervention System Committee. The purpose of the committee was to research and make recommendation for implementing an early intervention system within the Police Department. As a result, the Early Intervention System Committee recommends the purchase of IPro and BlueTeam as the method and software to track indicators/triggers. Early Intervention Systems have been shown to be proactive in reducing citizen complaints and other problematic behavior demonstrated by officers. Departments use such systems to salvage officers' careers and increase public trust. The purchase of BlueTeam supports the Wichita Police Department's Wireless Project, which will allow officers to enter such forms as Vehicle Pursuit and Use of Force directly into the system.

The Early Intervention System will cost the Wichita Police Department \$39,600 for the first year and an additional \$7,000 the second year for maintenance; funding will be through Grant Funding.

Provide a Safe and Secure Community by maintaining and improve citizen perception of public safety.

Required by state statute for reporting arrests and is part of the Kansas Standard Arrest Report.

Motion--  
--carried

Brewer moved that the contract for IPro and BlueTeam from C.I. Technologies, Inc. be approved.  
Motion carried 7 to 0.

## SURPLUS PROP.

### SALE OF SURPLUS PROPERTY LOCATED TO THE WEST OF A RESIDENCE AT 905 NORTH ARAPAHO. (DISTRICT V)

Agenda Item No. 30.

An offer of \$1,000 was received from Charles Vrana for a portion of the excepted floodway located directly behind and to the West of his property at 905 N. Arapaho. The property adjacent to the Big Ditch Floodway was acquired at no cost to the City as an exception in the platting process of West Central Gardens Third Addition. On May 30, 1995, City Council declared the exception as surplus. The property is currently vacant and contains approximately 11,500 square feet. The property will be utilized by the proposed purchaser as extra yard space for their property at 905 N. Arapaho.

Due to the location and inaccessibility of the tract, the adjacent homeowner is the sole market for the property. Three other homeowners in this area have previously purchased sites adjacent to their properties for \$1,000.00 each. Many of the other property owners have already fenced or improved the land with buildings in that portion adjacent to their property and also provide regular maintenance. If these other properties are to be sold in the future, they will be sold in such a way as to not land lock or block access to City owned property.

The City will receive cash consideration from the sale of the property at closing and be relieved of maintenance. After the property is sold, the property will return to the tax rolls which will place additional value into the tax base. The City will receive all proceeds from the sale minus any associated administrative costs.

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Enhance the quality of life for citizens and support neighborhood vibrancy.

The Law Department has approved the contract as to form.

Motion--  
--carried

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

## FLOOD MAPPING

### **BUDGET ADJUSTMENT, STORMWATER UTILITY FLOOD MAPPING. (DISTRICTS I, II, III, IV, AND V)**

Agenda Item No. 31.

The Stormwater Utility commissioned several studies in 1999 to analyze flooding issues in Wichita and make appropriate FEMA flood map revisions. The studies and the consultants involved were:

P.E.C.	Big Slough South
H.N.T.B.	Gypsum Creek-mouth to upper end
M.K.E.C.	Third Street Drain
	Wichita Drainage Canal
	Dry Creek to Gypsum Creek

The cost of these contracts were \$255,710.17. In addition, the City contracted with the U.S. Geological Survey for \$123,439.34 for Cowskin Creek flood inundation mapping. The combined cost of the studies is \$379,149.51, and we originally proposed to pay for these with Capital Project funds. We are now advised that stormwater operating funds should pay for this work.

The Stormwater Utility Fund has sufficient revenue to cover this charge.

\$279,140.51 of the costs associated with these studies can be paid for with offsetting savings within the Stormwater Utility contractual services budget. However, a budget adjustment of \$100,000 to transfer funds from the Stormwater fund to Stormwater Utility contractual services budget is necessary to pay for the balance of the studies.

This action supports the Efficient Infrastructure and Safe and Secure Community goals by providing reliable flood mapping information to this community.

City Council approval is required for budget transfers in excess of \$25,000.

Motion--  
--carried

Brewer moved that the budget adjustment be approved and the transfer in a not to exceed amount of \$100,000 from the Stormwater Utility Fund authorized. Motion carried 7 to 0.

## TORT CLAIMS

### **BUDGET ADJUSTMENT-TORT CLAIMS SUB-FUND.**

Agenda Item No. 32.

On December 4, 2007, Council approved a contract with Employment Research Corporation to provide a statistical analysis of police vehicle stops in the Wichita community, for potential use in litigation arising from allegations of racial profiling. Law Department has since learned that there are not sufficient funds available in the Tort Claims Sub-Fund, and a Budget Adjustment is necessary to provide funding for the contract.

The necessary Budget Adjustment is \$50,000 in amount, and so requires City Council approval..

Funds for the transfers will be available within the Self-Insurance Fund.

Internal Perspective. This expense is related to litigation of police related matters.

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The transfers are necessary to provide an effective defense to pending racial profiling cases.

Motion-- Brewer moved that the Budget Adjustment to transfer \$50,000 to the claims line of the General Liability Tort Sub-Fund from moneys within the Self Insurance Fund be approved. Motion  
--carried carried 7 to 0.

## (Item 33) BONDING ORD.

### BONDING ORDINANCE-SOUTH BROADWAY VIADUCT, SOUTH OF 31ST STREET SOUTH. (DISTRICT III)

Chris Carrier Public Works Director reviewed the item.

(Council Member Gray momentarily absent)

Agenda Item No. 33.

On August 16, 2007, the South Broadway Viaduct south of 31st Street South was closed to traffic. The Bridge is a major north-south traffic corridor and repairs needed to begin immediately so the bridge could be put back into service as soon as possible. On September 11, 2007, a Resolution was adopted to authorize the construction work to proceed as a public exigency.

A Bonding Ordinance has been prepared to provide permanent project financing.

The project budget is \$500,000. The funding source is General Obligation Bonds.

The project will address the Efficient Infrastructure goal by expediting the process to reopen and important traffic corridor to vehicular traffic.

The Ordinance has been approved as to legal from.

Motion-- Skelton moved that the Ordinance be placed on First Reading and the necessary signatures authorized.  
--carried Motion carried 7 to 0.

### ORDINANCE

An ordinance declaring south Broadway bridge (472-84597) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## BANKING RESOL.

### BANKING SERVICES RESOLUTION.

Agenda Item No. 33a.

In September, 2004, the City Council adopted resolution # 04-468 reaffirming the selection of Intrust Bank, N.A. to provide banking services require by the City and updating authorizations for the preparation, execution and delivery of agreements in connection therewith. The term of the original banking services agreement was from June 1, 2003 through May 30, 2004, with options to renew under the same terms and conditions for four (4) successive one (1) year terms by mutual agreement of the parties. The resolution specifically gave authority to the City Manager and Director of Finance to enter into agreements with the bank to establish authorizations and to conduct or establish banking procedures.

The City Council has appointed H. E. Flentje as Interim City Manager, effective January 2, 2008. A new resolution is required granting authority to H. E. Flentje and removing George Kolb's authority.

This action impacts the Internal Perspective and allows continued banking services and efficient delivery of Treasury services to both internal and external customers.

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There are no costs involved in changing the resolution.

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

Motion--

Brewer moved that the resolution updating authorization and providing H. E. Flentje and Kelly Carpenter authority to execute banking documents on behalf of the City of Wichita be adopted.

--carried

Motion carried 7 to 0.

## RESOLUTION NO. 08-028

A Resolution approving the selection of Intrust Bank, N.A., as banking services provider and authorizing the preparation, execution and delivery of certain agreements in connection therewith, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ DECEMBER 18, 2007)

- a. ZON2007-46 – Zone change from “NR” Neighborhood Retail to “LC” Limited Commercial subject to Protective Overlay #200. Generally located on the east side of Maize Road, north of Maize Road Court. (District V)

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 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- b. ZON2007-00051 – Zone change from “SF-5” Single-Family Residential to “LI” Limited Industrial. Generally located ½ mile south of the intersection of South Hoover and West Harry. (District IV)

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 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- c. ZON2007-00052 – Zone change from “SF-5” Single-Family Residential to “LI” Limited Industrial. Generally located southeast of the intersection of Street West Street and West 42nd Street South. (District IV)

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 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- d. ZON2007-53 - City zone change from "TF-3" Two-family Residential to "GO" General Office. Generally located 1/5 mile north of Harry on the west side of Bluffview Drive. (District III)

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 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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- e. Acquisition of 13510 West Central for the Improvement of the Central/135th Street West Intersection. (District V)

An ordinance amending Ordinance No. 46-171 of the City of Wichita, Kansas declaring Central Avenue, between 135th St. West and 119th St. West (472-84017) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Motion--carried Brewer moved that the ordinances be adopted. Motion carried 7 to 0.

## UNFINISHED BUSINESS

### **UNSAFE STRUCTURE REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT I)**

Kurt Schroeder Office of Central Inspection reviewed the item.

Agenda Item No. 35.

This property was before the Board of Code Standards and Appeals (BCSA) on October 1, 2007. No one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This property was before City Council on December 4, 2007, and a resolution was adopted declaring this structure a dangerous and unsafe building, and fixing 10 days to start and an additional 10 days to complete demolition.

The owner of this property did make contact with staff approximately 30-minutes past the scheduled City Council hearing time. He was informed the property had already been presented to City Council and a resolution had been made.

The owner of this property made a request through the Office of Central Inspection for additional time to complete repairs. City Council member Lavonta Williams directed staff to place the matter on the January 8, 2008 agenda.

Staff made an inspection of the property on December 18, 2007. No repairs have been made to the structure. The structure is open. The premise condition is fair, with several piles of tree limbs.

Taxes: As of December 18, 2007, the taxes are current and there are no special assessments.

The owner has been informed of the date and time of the hearing.

Kurt Schroeder Office of Central Inspection stated that Staff's recommendation today is to give the owner an additional 60 days to finish up all of the exterior elements as required.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.

Mr. Tranh Mr. Tranh, owner of the property said 60 days would be okay with him and that they could get everything done by then.

Motion--carried Williams moved to take Staff's recommendation of the additional 60 days. Motion carried 7 to 0.

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## RESOLUTION NO. 08-010

A Resolution finding that the structure/s located on Lots 34, 36 and 38, on Tilford, now Ash street, Eleventh Street Addition, Wichita, Sedgwick County, Kansas, commonly known as 1317 North Ash, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

### NEW BUSINESS

#### **UNSAFE STRUCTURE REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT I)**

Kurt Schroeder Office of Central Inspection reviewed the item.

Agenda Item No. 36.

On November 27, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the property below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on January 8, 2008.

On November 5, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on one (1) property listed below:

<u>Property Address</u>	<u>Council District</u>
a. 713 North Minneapolis	I

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

Pursuant to State Statute, the Resolutions were duly published twice on November 29, 2007 and December 7, 2007. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder Office of Central Inspection stated that Staff's recommendation is to allow an additional 60 days for exterior repairs to the property.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.

Mr. Moore Mr. Moore stated he is the owner's brother and is remodeling the house and they are 80% complete and would like a little more time to complete it.

Motion--carried Williams moved to takes Staff's recommendation of an additional 60 days. Motion carried 7 to 0.

## RESOLUTION NO. 08-011

A Resolution finding that the structure/s located on the South 16 feet of Lot 11 and all of Lot 13, and the north 6 feet of Lot 15, Minneapolis Ave., Oakland Addition to Wichita, Sedgwick County, Kansas, commonly known as 713 North Minneapolis, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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**MECHANICAL CODE** **ORDINANCE CHANGES TO THE CITY OF WICHITA MECHANICAL CODE (TITLE 22), ADOPTING THE 2006 INTERNATIONAL MECHANICAL CODE AND THE 2006 INTERNATIONAL FUEL GAS CODE, WITH LOCAL AMENDMENTS.**

Kurt Schroeder

Office of Central Inspection reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 37.

The City of Wichita's Mechanical Code currently adopts and amends the 2000 edition of the International Mechanical Code (IMC), developed and published by the International Code Council (ICC). The IMC is updated and re-published on a three-year cycle. Wichita's Mechanical Code (Title 22) has generally been updated every three to six years to ensure that Wichita is using the most current national mechanical code standards, as well as current, tested and certified installation practices, materials and products. The 2006 IMC, which also references the 2006 International Fuel Gas Code (IFGC), complements the City's local Building Codes as recently adopted in Title 18 of the Code of the City of Wichita.

Over the past year, the 2006 IMC and IFGC have been reviewed in conjunction with the 2000 editions, current Title 22 Mechanical Code amendments, and other related construction codes (e.g., building and plumbing codes). The review process has included OCI staff; other area code officials; committees with representation from the local heating, refrigeration and air-conditioning industry; area contractors; the design community and the City's Mechanical Board.

During 2007, the City's Mechanical Board reviewed and discussed potential code amendments at many regularly-scheduled monthly meetings. In December 2007, the Mechanical Board voted unanimously to recommend that the City Council adopt the 2006 IMC and IFGC, with local amendments (as presented to the board on December 20, 2007).

Many of the City's current amendments to the 2000 International Mechanical Code (Title 22) are being eliminated. A significant number of previous local amendments are now included in the body of the 2006 IMC and IFGC documents, or into the mechanical provisions of the 2006 International Residential Code (adopted by the City Council in August 2007 in Title 18). However, there are still number if local amendments to the Mechanical Code being proposed, the most significant of which include:

- Section 22. 04. 010: This amendment changes from the 2000 edition of the IMC to the 2006 edition of the IMC.
- Section 22.04.022: This amendment changes IMC violation and penalty language to mirror Wichita's legal practices and procedures.
- Section 306. 5: This amendment increases from fourteen feet to sixteen feet the maximum parapet or roof height that requires a permanent rooftop equipment access ladder, and adds a provision to allow such required access ladders to begin eight feet above grade level (on the building exterior).
- Section 504.6.1: This amendment adds clarifying language in regard to clothes dryer exhaust duct installations.
- Section 507.2.1.1: This amendment modifies language regarding installation of Type I hood systems (for commercial applications).
- Section 22.05.010: This amendment creates a new chapter in the Mechanical Code (Title 22) that adopts the 2006 International Fuel Gas Code (with minor local amendments).

There are no costs to the City associated with the adoption of the amended ordinance. Mechanical permit, contractor license and trade certificate fees are not changed.

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On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. The proposed Mechanical Code ordinance amendments support the "Provide a Safe and Secure Community" goal by ensuring Wichita's use of the most up-to-date and tested/certified construction safety standards, installation methods and products for new, expanded, remodeled and/or repaired buildings in Wichita.

The recommended ordinance revisions have been approved as to legal form by the City Law Department.

Mayor Brewer

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

Motion--

Brewer moved that first reading of the ordinances amending Title 22.04 and creating Title 22.05 of the Code of the City of Wichita, both pertaining to the Air Conditioning, Refrigeration and Warm Air Heating Code (Mechanical Code) of the City of Wichita is approved. Motion carried 7 to 0.

--carried

## ORDINANCE

An ordinance adopting the 2006 international mechanical code and City of Wichita amendments thereto, amending sections 22.04.010, 22.04.022, 22.04.031, 22.04.034, and 22.04.036.16, creating sections 22.04.022 and 22.04.036.20 and repealing the originals of sections 22.04.010, 22.04.012, 22.04.022, 22.04.025, 22.04.030, 22.04.031, 22.04.034, 22.04.036.1, 22.04.036.3, 22.04.036.5, 22.04.036.7, 22.04.036.9, 22.04.036.11, 22.04.036.13, 22.04.036.14, 22.04.036.14a, 22.04.036.15, 22.04.036.16, 22.04.036.17, 22.04.036.19, 22.04.036.23, 22.04.036.24, 22.04.037, and 22.04.037.4 of the code of the City of Wichita, Kansas, introduced and under the rules laid over.

## ORDINANCE

An ordinance adopting the 2006 international fuel gas code and City of Wichita amendments thereto, creating sections 22.05.010, 22.05.020, 22.05.030, 22.05.040 and 22.05.050 of the code of the city of Wichita, Kansas, introduced and under the rules laid over.

## **AMERICAN BAPTIST PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, AMERICAN BAPTIST ESTATES. (DISTRICT IV)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 38.

On February 8, 2005, the City Council approved the issuance of Industrial Revenue Bonds for American Baptist Estates in the amount of \$1,225,000. The proceeds of the bond issue were used to add five duplex buildings to the Prairie Homestead retirement community, located at 1605 May Street in southwest Wichita. On November 6, 2007, the City Council approved the issuance of a letter of intent for a new IRB issue, in the amount not to exceed \$3,155,000, to finance another expansion. American Baptist Estates is requesting the issuance of the IRBs at this time.

American Baptist Estates, doing business as Prairie Homestead, is a Kansas not-for-profit corporation formed in 1963 to provide a continuing care retirement community for older adults. The original campus of Prairie Homestead was developed in 1966. Prairie Homestead provides housing accommodations and care for older adults especially designed to meet their physical, social and spiritual needs. The project offers 168 apartments and accommodates single or double occupancy. The units range from 279 to 1,072 square feet. Prairie Homestead provides health care services that include nursing services through scheduled clinics, 24 hour nursing care, and a multitude of therapies. Prairie Homestead also provides dining services, weekly basic housekeeping, security and safety features, numerous in-house social activities, and scheduled transportation.

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The Bonds are being issued to finance the construction and equipping of an addition which will provide thirty (30) assisted living apartments. A preliminary analysis of sources and uses of project funds is:

Sources of Funds:

Bond Proceeds	\$	2,865,000
Available funds of the Company		45,000
Total Sources of Funds	\$	2,910,000

Uses of Funds:

Project Costs	\$	2,560,000
Costs of Issuance		102,300
Contingencies and Miscellaneous		125,000
Construction Fee		119,050
Bond Issue Round Off		3,650

Total Uses of Funds	\$	2,910,000
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The firm of Kutak Rock, L.L.C., serves as bond counsel in the transaction. Riedl First Securities Company of Kansas has agreed to underwrite the bonds and reoffer them for sale to the public. American Baptist Estates has complied with the City's requirements contained in the Letter of Intent.

American Baptist Estates 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. American Baptist does not request a property tax abatement in conjunction with the IRBs. Sales tax exemption on purchase of bond-financed property will save American Baptist an estimated \$80,640, including \$12,800 in county sales tax.

Economic Vitality and Affordable Living. The Economic Vitality of the community is being enhanced with the continuum of healthcare in Wichita.

Bond documents needed for the issuance of the bonds have been prepared by bond counsel. The City's Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Brewer

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

Motion--

Gray moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not to exceed \$3,155,000 placed on first reading, and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## ORDINANCE

An ordinance authorizing the City of Wichita, Kansas, to issue its health care facilities revenue bonds, series I, 2008 (American Baptist Estates, Inc.), in the aggregate principal amount of not to exceed \$3,155,000 for the purpose of providing funds to acquire, construct and equip a health care facility; and authorizing the execution of certain documents in connection with the issuance of the bonds, introduced and under the rules laid over.

**DOUGLAS/HILLSIDE**

**AMENDMENT OF REDEVELOPMENT PLAN - DOUGLAS AND HILLSIDE REDEVELOPMENT DISTRICT. (DISTRICT II)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 39.

On August 15, 2006 the City Council adopted an ordinance establishing a redevelopment district in the area of Douglas Avenue and Hillside, for the purpose of providing tax increment financing ("TIF") to pay a portion of the costs of constructing a commercial redevelopment project in that area. On February 13, 2007 the City Council approved of the TIF Project Plan. Since that time, College Hill

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Urban Village, LLC (“Developer”) has made changes to the scope of the redevelopment project and has requested an amendment to the TIF Project Plan and Development Agreement in order to proceed with the project. A resolution adopted by the City Council on December 18, 2007 set January 8, 2008 as the date for a public hearing to consider the proposed amendments.

The TIF Project Plan approved by the City Council provides for acquisition of a six-acre site, demolition of remaining structures in the Project Area and development of a 14-story high-rise tower, with 87 residential condominium units and underground parking, over 50 brownstone-type row houses with built-in 2-car garages, a four-story building of residential flats and retail buildings with loft apartments above, with adjacent parking lots. The Project Plan also included an aesthetic feature, a roundabout at the intersection of Rutan and Victor Place. Since the adoption of the TIF Project Plan, the roundabout has had to be removed due to Fire Department access concerns and has been replaced with decorative entry features at the same cost.

The Developer would like to acquire three additional properties within the redevelopment district, but outside of the current Project Area, using TIF funds. The TIF Project Area has been increased to include the properties to be purchased. The Developer has made changes to the project description based on the additional property and other changes needed. The amendments to the Project Plan will increase the residential condominium units from 87 to 94; the Brownstones will increase from over 50 to 65; phase two will include 3,800 sq. ft. of additional retail space; and the Clubhouse/Pool has been removed from phase three.

The additional property and change in design have increased the TIF-eligible development costs by \$1,180,000. The cost increases are in property acquisition, demolition, landscaping, park area, public art, street lighting and public parking lots. A new list of TIF-eligible costs is attached to the First Amendment to the TIF Project Plan as Exhibit B.

The Developer has asked the City to increase the not-to-exceed amount of TIF funding to cover the additional TIF-eligible costs, from \$4,950,000 to \$6,270,000. The increased TIF revenue generated by the larger project will be more than enough to support the increased costs. Revisions to the comprehensive financial feasibility study are included in the First Amendment to the TIF Project Plan as Exhibit C.

The current TIF-bond financing structure calls for the issuance of general obligation bonds, which are secured solely by TIF revenues generated by the property within the TIF district. The \$6,270,000 par amount of TIF bonds includes \$5,630,000 in project costs and \$640,000 in construction period interest, financing costs and Public Works inspection costs. The attached bonding ordinance authorizes the increased amount to be bonded.

Economic Vitality and Affordable Living, Quality of Life, Core Area and Neighborhood. Redevelopment of blighted 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.

Pursuant to state law, the resolution setting the public hearing on the proposed TIF project plan amendments was published on two consecutive weeks in the City’s official newspaper. The attached ordinance, amendment to the TIF project plan and amended bonding ordinance have been reviewed by the Department of Law and approved as to form. Adoption of the ordinance approving the project plan amendments requires a two-thirds majority vote of the City Council. Conforming amendments to the Developer Agreement, required prior to expenditure of additional TIF funds, will be brought to the City Council for approval at a future date.

Mayor Brewer

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

Motion--

Schlapp moved that the public hearing be closed; the ordinance approving the First Amendment to the Douglas and Hillside Redevelopment District Project Plan placed on first reading; and first reading of the amended bonding ordinance approved. Motion carried 7 to 0.

--carried

ORDINANCE

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An ordinance authorizing the issuance of full faith and credit tax increment bonds of the city of Wichita, Kansas to pay all or a portion of the costs of acquiring real property, demolition of existing structures, and design and construction of street improvements, public art, utility relocation, landscaping and decorative lighting in the public right-of-way, public parking facilities and park improvements in the Douglas and Hillside redevelopment project area, introduced and under the rules laid over.

## HOME DEPOT

### ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT FINANCING BONDS, BROADWAY PLAZA HOME DEPOT PROJECT. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

(Vice-Mayor Fearey momentarily absent)

Agenda Item No. 40.

On April 25, 2006, the City Council adopted an ordinance establishing a redevelopment district in the area of Broadway and 47th Street South, for the purpose of providing tax increment financing (TIF) to pay a portion of the costs of constructing a commercial redevelopment project in that area, anchored by a Home Depot store. On March 27, 2007, the City Council approved the TIF Project Plan and Development Agreement with D.J. Christie, Inc. (the "Developer"), which provided for the issuance of special obligation TIF bonds in an amount sufficient to fund \$1.5 million in redevelopment project costs, plus bonding costs. On June 12, 2007, the City Council amended the Project Plan and Development Agreement to include additional environmental remediation and to increase the not-to-exceed amount of redevelopment project costs to \$1.8 million, plus bonding costs. The Developer has requested the issuance of the TIF bonds at this time, in the amount not-to-exceed \$2,450,000.

D.J. Christie, Inc. and Broadway 47 LLC, the developers of the Broadway and 47th Project, propose the total redevelopment of the Project Area from its current condition into a retail commercial center. The center will contain approximately 175,000 square feet of retail space, including a 90,000 sq. ft. Home Depot, two strip centers and two retail pad sites. When completed, it is anticipated that there will be approximately 161,000 square feet of new commercial space in the project. The existing 14,000 sq. ft. of retail strip will be renovated with a new roof, fascia, parking lot, HVAC units, etc. The Redevelopment Plan contemplates implementation of the Project in two phases. A new 20,000 sq. ft. retail strip center will be built in the 2nd phase. The Developer expects that the two retail out-parcels will be developed concurrently with the Home Depot project.

The TIF bond proceeds will be used to finance eligible project costs, including site improvements, environmental remediation and paving. A preliminary analysis of sources and uses of bond funds is:

#### Sources of Funds:

Par amount of Bonds	\$	2,400,000
Accrued Interest		7,467
Total Sources of Funds	\$	2,407,467

#### Uses of Funds:

Deposit to Project Fund	\$	1,800,000
Deposit to Bond Reserve		240,000
Deposit to Capitalized Interest Fund		238,773
Costs of Issuance		72,000
Underwriter's Discount (2.000%)		48,000
Miscellaneous		8,694
Total Uses of Funds	\$	2,407,467

The par amount of bond shown above is based on the maximum amount allowed under the TIF Project Plan and Development Agreement. The actual par amount to be issued will be based on TIF cash flows from projected assessed valuations. In the event the par amount issued is less than the amount shown above, the Development Agreement provides for the Developer to fund the difference, in exchange for a subordinated note that can be repaid from TIF revenues after the senior TIF bonds have been fully paid.

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As an additional security feature for the bondholders, a minor portion of the bond proceeds will be placed in an escrow account with the trustee bank and held until the project has been completed and reappraised by the County Appraiser's Office. The Developer will self-fund TIF project costs equal to the amount in the escrow account. When the completed project has been reappraised, in 2010, any amount of bonds not supported by the actual assessed valuation of the project will be redeemed, using escrowed funds. Any of the escrowed funds not needed for redemption of bonds will be paid to the Developer.

The tax-exempt special obligation TIF bonds will be underwritten by Piper Jaffray & Co. and publicly reoffered to institutional investors. The bonds will include a sinking fund redemption feature that uses any surplus TIF revenue to accelerate the repayment of the bonds. The City's bond counsel firm of Kutak Rock serves as bond counsel for the transaction.

The bonds will be issued as special obligation TIF bonds, payable solely from incremental property tax revenue generated within the Broadway and 47th Redevelopment District. The bonds are not general obligation bonds of the City and the City will have no obligation to make debt service payments from any funds other than the actual tax increment funds generated by the redevelopment project.

Economic Vitality and Affordable Living and Quality of Life. Redevelopment of blighted, contaminated and declining areas is needed to avoid economic stagnation.

Bond documents have been drafted by bond counsel. The City Attorney's Office will review and approve as to form all bond documents prior to the issuance of any bonds.

Mayor Brewer

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

Motion--

Gray moved that the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Special Obligation Tax Increment Financing Bonds in an amount not to exceed \$2,450,000 be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## ORDINANCE

An ordinance authorizing and providing for the issuance of special obligation tax increment revenue bonds (Broadway Plaza Project), of the City of Wichita, Kansas, in an aggregate principal amount not to exceed \$2,450,000, for the purpose of providing funds to pay certain redevelopment project costs in connection with a redevelopment plan; and making certain covenants with respect thereto, introduced and under the rules laid over.

## GOB/NOTE SALE

## GENERAL OBLIGATION BOND AND NOTE SALE.

Gary Rebenstorf

Director of Law stated that the bids open at 10:30 and are not ready at this time. Requested that the Council proceed and return to this item when it is ready.

Motion--carried

Vice-Mayor Fearey moved to defer this item until the bids are ready. Motion carried 7 to 0.

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## PETITION

### PETITION TO PAVE PUEBLO AND MARIPOSA, BETWEEN RIDGE AND SIERRA, AND SIERRA, BETWEEN MARIPOSA AND KELLOGG. (DISTRICT V)

Jim Armour

Director of Engineering reviewed the item.

Agenda Item No. 42.

The signatures on the Petition represent 7 of 25 (28%) resident owners and 51% of the improvement district area. District V Advisory Board sponsored a December 3, 2007, neighborhood hearing on the project. The Board voted 8-2 to recommend approval of the project.

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

The estimated project cost is \$765,000 with \$713,000 assessed to the improvement district and \$52,000 paid by the City. The City share is for the cost of intersection construction with General Obligation bonds as the funding source. The method of assessment is the fractional basis. The estimated assessment to individual properties range from \$5,907 to \$73,745 per tract.

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

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

Mayor Brewer

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

Motion--  
--carried

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

#### RESOLUTION NO. 08-016

Resolution of findings of advisability and resolution authorizing constructing pavement on pueblo and from the east line of Ridge to the west line of Airport Road & Mariposa from the east line of Ridge to the west line of Sierra & on Sierra from the south line of Mariposa to the north corner of Lot 3, Block A Airport Industrial Addition (south of Kellogg, east of Ridge) 472-84646 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Longwell moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## PETITION

### PETITION TO PAVE EVERGREEN, FROM EVERGREEN COURT TO SECOND STREET. (DISTRICT V)

Jim Armour

Director of Engineering reviewed the item.

Agenda Item No. 43.

The signatures on the Petition represent 27 of 54 (50%) resident owners and 51% of the improvement district area. District V Advisory Board sponsored a December 3, 2007, neighborhood hearing on the project. The Board voted 10-0 to recommend approval of the project.

The project will provide paved access to a developed residential area.

The estimated project cost is \$510,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.34 per square foot of ownership.

This project addresses the Efficient Infrastructure goal by providing street paving in an existing residential area.

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

Mayor Brewer

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

Motion--  
--carried

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

## RESOLUTION NO. 08-017

Resolution of findings of advisability and Resolution authorizing constructing pavement on Evergreen Lane from the south line of 2nd St. North to the south line of Lot 29, Evergreen Place Addition (north of Maple, east of Tyler) 472-84647, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Longwell moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

**(Shown in order of action)**

**GOB/NOTE SALE**

**GENERAL OBLIGATION BOND AND NOTE SALE.**

Kelly Carpenter

Director of Finance reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 41.

The City is offering for sale two series of general obligation temporary notes totaling \$85,895,000 (Series 222 and 223) and two series of general obligation bonds (Series 792 and 792A) in an amount not to exceed \$15,250,000 for the purpose of providing permanent financing for capital improvement projects of the City.

The proceeds from the sale of the Series 222 and 223 Improvement and Renewal Notes will be used to provide interim financing for City-at-large, improvement district projects and improvements located within the East Bank Tax Increment Financing District and the Central and Hillside Tax Increment Financing District. Due to the nature of the improvements located within the East Bank Tax Increment Financing District and the Douglas and Hillside Tax Increment Financing District, the Series 223 Renewal Notes are taxable under Federal law. The proceeds from the sale of the Series 792 and 792A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts.

Sealed bids will be accepted electronically through Ipreo/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 222 and 223 Temporary Notes will mature August 19, 2008, and will be retired using cash, the proceeds of both permanent financing bonds and renewal notes issued at that time. The Series 792 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 792A Bonds will mature serially over twenty years and will be paid from special assessments that are levied against benefited property. The Series 792 Bonds will be callable in 2015 and the Series 792A Bonds will be callable in 2018 with a 1% call premium, in accordance with the City's debt management policy.

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This item impacts the Economic Vitality/Affordable Living and Internal Perspectives through the temporary and permanent financing of capital improvements and offering the City's debt obligations through competitive sale.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances and Resolutions which have been prepared by Bond Counsel.

Mayor Brewer

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

Motion--

Brewer moved that the opening and reading of the bids be directed; the sale of the Bonds and Temporary Notes be awarded; find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction; the Bond and Note Ordinances and Resolutions adopted; and the publication of the Bond and Note Ordinances authorized. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 08-012

A Resolution providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 222, of the City of Wichita, Kansas, in the total principal amount of \$77,880,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes, and making certain other covenants and agreements with respect to the notes, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-013

A Resolution providing for the issuance of General Obligation Improvement Temporary Notes, Series 223 (taxable under federal law), of the City of Wichita, Kansas, in the total principal amount of \$8,015,000, for the purpose of providing the necessary funds for the interim financing of costs in connections with certain capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes, and making certain other covenants and agreements with respect to the notes, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-014

A resolution providing for the issuance of general obligation bonds, series 792, of the city of Wichita, Kansas, in the total principal amount of \$11,860,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-015

A Resolution providing for the issuance of general obligation bonds, series 792a, of the City of Wichita, Kansas, in the total principal amount of \$3,390,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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## ORDINANCE NO.47-741

An ordinance authorizing and providing for the issuance of general obligation renewal and improvement temporary notes, series 222, of the City of Wichita, Kansas, in the total principal amount not to exceed \$77,880,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the city, and for the interim financing of costs in connection with newly commenced capital improvements in the city; providing for the payment of the principal of and interest on the notes; and making certain other covenants and agreements with respect to the notes. Brewer moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp; Skelton, and Williams and Brewer.

## ORDINANCE NO. 47-742

An ordinance authorizing and providing for the issuance of general obligation improvement temporary notes, series 223 (taxable under federal law), of the City of Wichita, Kansas, in the total principal amount of \$8,015,000, for the purpose of providing the necessary funds for the interim financing of costs in connection with certain capital improvements in the city; providing for the payment of the principal of and interest on the notes; and making certain other covenants and agreements with respect to the notes. Brewer moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp; Skelton, and Williams and Brewer.

## ORDINANCE NO. 47-473

An ordinance authorizing and providing for the issuance of general obligation bonds, series 792, of the city of Wichita, Kansas, in the total principal amount of not to exceed \$11,860,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Brewer moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp; Skelton, and Williams and Brewer.

## ORDINANCE NO. 47-474

An ordinance authorizing and providing for the issuance of general obligation bonds, series 792a, of the City of Wichita, Kansas, in the total principal amount of not to exceed \$3,390,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Brewer moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp; Skelton, and Williams and Brewer.

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## PLANNING AGENDA

Council Member Schlapp Council Member Schlapp requested that item 49 be pulled.

Council Member Skelton Council Member Skelton requested that item 54 be pulled.

Motion-- Brewer moved that Planning consent items 45 to 58 be approved in accordance with the recommended  
--carried action shown thereon, excluding items 49 and 54. Motion carried 7 to 0.

**ZON2005-47** **ZON2005-47 – EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM “SF-20” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL. GENERALLY LOCATED WEST OF HOOVER ROAD AND SOUTH OF 45TH STREET NORTH. (DISTRICT VI)**

Agenda Item No. 45.

Staff Recommendation: Approve extended platting deadline of December 21, 2008

On December 21, 2005, the Board of County Commissioners approved a zone change from “SF-20” Single-Family Residential to “LC” Limited Commercial, subject to the condition of platting the property within one year. The site has since been annexed into the City of Wichita. The applicant indicates that the owner is seeking a contract purchaser. The applicant requests a three year platting extension to December 21, 2008, in order to complete the platting process. Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

Promote Economic Vitality and Affordable Living.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion-- Brewer moved that the extended platting deadline of December 21, 2008 be approved. Motion  
--carried carried 7 to 0.

**CUP2005-63** **CUP2005-63 (DP-291) AND ZON2005-49 – EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE CEDAR CREEK MARKETPLACE COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL. GENERALLY LOCATED EAST OF GREENWICH ROAD AND SOUTH OF K-96. (DISTRICT II)**

Agenda Item No.46.

Staff Recommendation: Approve extension of platting deadline to August 7, 2008

On February 7, 2006, the City Council approved the creation of DP-291 Cedar Creek Marketplace CUP and a zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial, subject to the condition of platting the property within one year. The applicant’s attached letter indicates that a preliminary plat was conditionally approved. The applicant requests a one year platting extension to August 7, 2008 in order to complete the platting process.

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

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Promote Economic Vitality and Affordable Living.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--  
--carried

Brewer moved that the extension of platting deadline to August 7, 2008 be approved. Motion carried 7 to 0.

ZON2007-00055

**ZON2007-00055 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “GC” GENERAL COMMERCIAL. GENERALLY LOCATED ON THE EAST SIDE OF RIDGE ROAD APPROXIMATELY 300 FEET SOUTH OF WEST TAFT AVENUE 544 AND 560 SOUTH RIDGE ROAD. (DISTRICT V)**

Agenda Item No. 47.

MAPC Recommendation: Approval, vote 10-0.

MAPD Staff Recommendation: Approval

The applicant requests “GC,” General Commercial zoning on two unplatted .55-acre parcels located on the east side of Ridge Rd. approximately 300 feet south of W. Taft Ave. The parcels are currently zoned “SF-5,” Single Family Residential, and are developed with single-family residences.

To the north of the application area are “SF-5” zoned single-family residences. South and east of the application area is a “GC” zoned shopping center (DP-151 The Dugan Center.) West of the application area is an “LC” zoned theater and “LC” zoned restaurant. US-54 (Kellogg) is located approximately 700 feet south of the application area, which is accessible from Mid-Continent Dr., but not S. Ridge Rd., which turns into a cul-de-sac just south of the application area.

The overall character of the area is a mix of “GC” and “LC” zoned shopping, restaurant and entertainment uses along Kellogg Dr., Mid-Continent Dr., Ridge Rd. and Taft Ave. There are two “SF-5” zoned homes on the east side of Ridge Rd. and one “SF-5” zoned home on the south side of Taft Ave. The proposed zone change, from “SF-5” to “GC” would require conformance to all property development standards in the Unified Zoning Code.

At the MAPC meeting held December 6, 2007, the MAPC voted (11-0) to approve subject to staff recommendation. No citizens were present to speak and no protests have been received.

Promote Economic Vitality.

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

Motion--

Brewer moved that the 1. Adopt the findings of the MAPC and approve the zone change subject to platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; OR 2. Return the application to the MAPC for reconsideration.

## ORDINANCE

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

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ZON2007-57

**ZON2007-57 - CITY ZONE CHANGE FROM "MF-29" MULTI-FAMILY TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MERIDIAN AND MERTON, 1702 SOUTH MERIDIAN AVENUE. (DISTRICT IV)**

Agenda Item No. 48.

MAPC Recommendation: Approve (10-1).  
DAB IV Recommendation: Approve (6-2-1).  
MAPD Staff Recommendation: Deny.

The application area has 50 feet of frontage on Meridian with 130 feet of depth along Merton. The site is zoned "MF-29" Multi-family Residential, and it is developed with a single-family residence built in 1950 and a detached garage. The applicant seeks a zone change to "LC" Limited Commercial; the applicant does not specify a future desired LC land use. The proposed zone change to LC would permit a number of uses (such as, vehicle repair and drive-through businesses) which may be out of character with nearby residences, and may not fit on the limited site. The proposed zone change would not conform to the Comprehensive Plan Land Use Guide or all of the Commercial Locational Guidelines. Likewise, the small size of this site would make it difficult to develop within the Access Management Policy or within the UZC standards for setbacks, compatibility standards, parking, screening and landscape requirements.

North of the application area is Merton Street, a local residential street. Merton Street acts as a divider at this location between commercial zoning and development to the north on Meridian, and residential zoning and development to the south on Meridian. North of Merton, on both sides of Meridian, are LC zoned strip malls. South of the application area is an MF-29 zoned legal non-conforming mobile home and MF-29 zoned single-family residences. East of the site is a "TF-3" Two-family Residential zoned church and TF-3 zoned residences. West of the site, across Meridian, is a "SF-5" Single-family Residential zoned neighborhood of single-family residences and vacant properties.

DAB IV reviewed this request on December 5, 2007; one neighbor spoke in opposition to the request and several neighbors spoke in support. The DAB approved the request. MAPC heard this request on December 6, 2007. The MAPC voted (10-1) to approve the request. Several neighbors spoke at the MAPC hearing in support of the request. No protest petitions have been filed.

Promote economic vitality.

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

Motion--

Brewer moved that the 1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change; or 2. Return the application to the MAPC for reconsideration

## ORDINANCE

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

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(Item 49)  
CUP2007-61

**CUP2007-61-ASSOCIATED WITH ZON2007-54-CREATE DP-MIKE STEVEN MOTORS COMMUNITY UNIT PLAN; ZONE CHANGE TO "LC" LIMITED COMMERCIAL. GENERALLY LOCATED BETWEEN KELLOGG DRIVE, GOVERNEOUR ROAD, AND CALHOUN DRIVE. (DISTRICT II)**

Council Member Schlapp Council Member Schlapp stated this item had been pulled but after speaking with legal and because the MAPC has approved it, Council has to take an action on this today. Stated there are a lot of questions that need to be dealt with on this issue.

Motion-- Schlapp moved that the City Council defer planning agenda item 49 for two months and to add  
--carried additional time if needed. Motion carried 7 to 0.

SUB2006-18

**SUB 2006-18-PLAT OF WESTPORT THIRD ADDITION LOCATED WEST OF TYLER ROAD AND ON THE NORTH SIDE OF KELLOGG. (DISTRICT V)**

Agenda Item No. 50.

Staff Recommendation: Approve the plat.

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

This site, consisting of three lots on 5.2 acres, is located within Wichita's city limits. A zone change request (ZON 2005-52) from "LC" Limited Commercial District to "GC" General Commercial District has been approved for this site. A Protective Overlay (PO #167) has also been approved for this site addressing uses, landscape and parking lot screening, setbacks, signs, architectural controls, outside storage and building height. A Notice of Protective Overlay has also been submitted identifying the approved Protective Overlay and the special conditions for development on this property.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for water and paving improvements.

The Planning Commission has approved the plat, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Protective Overlay and Certificate of Petitions will be recorded with the Register of Deeds.

Motion-- Brewer moved that the documents and plat be approved; the necessary signatures authorized; the  
--carried Resolutions adopted; and first reading of the Ordinance approved. Motion carried 7 to 0.

## RESOLUTION NO. 08-018

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90357 (west of Tyler, north of Kellogg), 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-019

Resolution of findings of advisability and Resolution authorizing constructing pavement on the south half of Dubon between Sevelle and Byron (west of Tyler, north of Kellogg) 472-84648, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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## ORDINANCE

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

SUB2007-12

### **SUB 2007-12-THE MOORINGS 10TH ADDITION LOCATED SOUTH OF 53RD STREET NORTH AND WEST OF MERIDIAN AVENUE. (DISTRICT VI)**

Agenda Item No. 51.

Staff Recommendation: Approve the plat.

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

This site, consisting of 96 lots on 57.66 acres, is a replat of a portion of The Moorings North Addition and Northlakes Commercial Addition, along with unplatted property. The north portion of the site is located in the County adjoining Wichita's city limits; therefore, annexation was a condition for approval of this plat. The corresponding annexation case (A08-01) is scheduled on the same agenda. After annexation, the site will be zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, water, sewer drainage and bridge improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the reserves and to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. At the request of City Engineering, an Off-site Drainage Easement has been submitted.

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

Ensure Efficient Infrastructure.

The Certificate of Petition, Restrictive Covenant and Off-site Drainage Easement 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 Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 08-020

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90356 (south of 53rd St. North, west of Meridian), 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-021

Resolution of findings of advisability and Resolution authorizing construction of Lateral 14, Main 15, sanitary Sewer No. 23 (south of 53rd St. north, west of Meridian) 468-84467, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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## RESOLUTION NO. 08-022

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 344 (south of 53rd St. North, west of Meridian) 468-84468, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-023

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 641 (south of 53rd St. North, west of Meridian) 468-84469, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-024

Resolution of Findings of Advisability and Advisability and Resolution authorizing pavement on Crystal Beach Circle from the west line of Portwest to and including the cul-de-sac; paving Crystal Beach from the west line of Portwest to the west line of Boardwalk, paving Portwest from the south line of Crystal Beach to the south line of Lot 21, Block 4; paving Boardwalk from the north line of Bayview to the north line of Lot 1, Block 2; and paving Pierport from the east line of Boardwalk to the east line of Lot 10, Block 2 (south of 53rd St. North, west of Meridian) 472-84642 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## RESOLUTION NO. 08-025

Resolution of findings of advisability and Resolution authorizing constructing a bridge on Westport (south of 53rd St. North, west of Meridian) 472-84643, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

SUB2007-44

### **SUB 2007-44-PLAT OF SKYWAY WEST ADDITION LOCATED ON THE SOUTHWEST CORNER OF MAIZE ROAD AND 31ST STREET SOUTH. (DISTRICT IV)**

Agenda Item No. 52.

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 149.6 acres, has recently been annexed into Wichita's city limits. Zone changes (ZON 2005-18 and ZON 2006-43) from "SF-20" Single-Family Residential Districts to "IP" Industrial Park Districts have been approved for this site. Protective Overlays (PO #176 and PO #183) have also been approved for this site addressing building setbacks and permitted uses. A Notice of Protective Overlays has been submitted identifying the approved Protective Overlays and the special conditions for development of this property.

A Petition, 100 percent, and a Certificate of Petition have been submitted for extension of the sanitary sewer. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves. This site is located within the noise impact area of Mid-Continent Airport; therefore, a Restrictive Covenant and an Avigational Easement have been submitted. A Driveway Closure Certificate has been submitted to guarantee the closure of any driveway openings located in an area of complete access control or that exceed the number of allowed openings.

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The Planning Commission has approved the plat, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Protective Overlays Certificate of Petition, Restrictive Covenants, Avigational Easement and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion--  
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; the Resolution adopted; and first reading of the Ordinance approved. Motion carried 7 to 0.

## RESOLUTION NO. 08-026

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 5, Cowskin Interceptor Sewer (south of 31st St. South, west of Maize) 468-84472, 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 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## ORDINANCE

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

VAC2007-00029

### **VAC2007-00029 REQUEST TO VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL. GENERALLY LOCATED ON THE WEST SIDE OF GREENWICH ROAD BETWEEN 26TH STREET AND K-96. (DISTRICT II)**

Agenda Item No. 53.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant has applied for vacation of a portion of complete access control along the site's (Lot 13, Block 1, Regency Park Addition) Greenwich Rd. frontage. The applicant is proposing a right turn only curb cut, as approved by the Traffic Engineer. Greenwich Rd. is classified as an arterial at this location and has a 60 foot half street right-of-way. There is no complete access control along the site's 26th Street (a local street) frontage. There is complete access control along the site's south side, which abuts the K-96 and Greenwich Rd. interchange. The K-96 and Greenwich Rd. interchange is developed only on its western half, which is this site's side. The proposed 40 foot right-turn only drive onto Greenwich Rd. is located 212 feet south of the 26th Street and Greenwich Rd. intersection and 130.91 feet north of the Greenwich Rd. and K-96 interchange. There is an existing median on Greenwich Rd. at this location. Utilities will not be affected by the vacation of a portion of access control. The Regency Park Addition was recorded with the Register of Deeds on February 29, 2000.

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

Ensure efficient infrastructure.

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

Motion--  
--carried

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

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(Item 54)  
VAC2007-00034

**VAC2007-00034 REQUEST TO VACATE A PORTION OF A PLATTED SETBACK,  
GENERALLY LOCATED SOUTH OF KELLOGG STREET AND EAST OF EDGEMOOR  
AVENUE. (DISTRICT III)**

Agenda Item No. 54.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the platted 30 foot setback on the Waverly Drive side of Lot 35, Block 2, the Prairie Park Addition. The applicant proposes to build a carport. The zoning of the subject corner site is "SF-5." Per the Unified Zoning Code (UZC), the short side of a corner lot is considered the front, which is where the platted 30 foot setback is located. The UZC requires a minimum of a 25 foot front yard setback for the "SF-5" zoning district. If the setback was not platted and it was the minimum 25 foot setback for the "SF-5" zoned site, the applicant could apply for an Administrative Adjustment, which would reduce a 25 foot setback by 20%, resulting in a 20 foot setback. The applicant is requesting a reduction of the platted setback to 20 feet. There are no platted easements, franchised utilities, water lines, manholes or sewer line located in the described portion of the platted setback. The Prairie Park Addition was recorded with the Register of Deeds on May 22, 1950.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. The president of the Fabrique Neighborhood Association, Charlotte Foster, has filed a written protest. There was no vote by the Neighborhood Association to deny the vacation request, thus the letter represents Ms. Foster's protest of the request. Ms. Foster lives approximately 915 feet from the applicant's site, and she is not listed as one of the 25 property owners (on both sides of Waverly Drive, between Orme and Gilbert Streets) on the notification list. Ms. Foster appears to object to the vacation on the basis the vacation will allow the residential character of the home to change. No one within the notification area protested the vacation request.

Ensure efficient infrastructure.

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

Council Member Skelton Council Member Skelton asked if the MAPC conducts public hearings for Vacations?

John Schlegel Planning Director stated yes.

Council Member Skelton Council Member Skelton stated he spoke to someone who had expressed concerns about this and will vote to approve this today as a consent item but has somebody opposed to it.

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

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VAC2007-00036

**VAC2007-00036 REQUEST TO VACATE A PORTION OF PLATTED STREET RIGHT-OF-WAY. GENERALLY LOCATED NORTH OF PAWNEE AVENUE AND WEST OF MERIDIAN AVENUE. (DISTRICT IV)**

Agenda Item No. 55.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting the vacation of the portion of Lydia Street right-of-way (ROW), between Custer and Edwards Streets. At one time, Lydia Street had been an asphalt slag/mat finish at this location. There has been one other vacation of Lydia Street located in this area, within the Southwest Industrial Addition (V-1408, approved July 1986); the vacation of Lydia Street between Edwards Street and Meridian Avenue (located immediately east of the current site/request), was approved with conditions being the reconstruction (provide a guarantee) of the street returns to private drive standards and providing sufficient easement for utilities. This vacation request will not deny access to properties or create a dead end street(s). There are no utilities located within the described ROW. The Southwest Industrial Addition was recorded with the Register of Deeds on August 8, 1953.

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

Ensure efficient infrastructure.

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

Motion--  
--carried

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

DED2007-33

**DED 2007-33-DEDICATION OF A DRAINAGE EASEMENT LOCATED ON THE WEST SIDE OF 119TH STREET WEST AND SOUTH OF MAPLE. (DISTRICT V)**

Agenda Item No. 56.

Staff Recommendation: Accept the Dedication.

This Dedication is associated with Lot Split Case No. SUB 2007-60 (Thunderbird Office Park Addition). The Dedication is for construction and maintenance of a drainage system.

Ensure Efficient Infrastructure.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Brewer moved that the Dedication be accepted. Motion carried 7 to 0.

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DED2007-34

**DED 2007-34 AND DED 2007-35-DEDICATIONS OF SIDEWALK EASEMENTS AND DED 2007-36-DEDICATION OF ACCESS CONTROL LOCATED ON THE SOUTHWEST CORNER OF 29TH STREET NORTH AND WEBB ROAD. (DISTRICT II)**

Agenda Item No. 57.

Staff Recommendation: Accept the Dedications.

The Dedications are associated with Lot Split Case No. SUB 2007-63 (Fox Pointe Addition). The Dedications are for constructing, maintaining and repairing sidewalks and for access control along Webb Road and 29th Street North.

Ensure Efficient Infrastructure.

The Dedications have been recorded with the Register of Deeds.

Motion--carried

Brewer moved that the Dedications be accepted. Motion carried 7 to 0.

A08-01R

**A08-01R-REQUEST BY KURT BACHMAN AND BRAD BACHMAN, OF CBB NORTHLAKES, LLC, TO ANNEX LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 53RD STREET NORTH AND MERIDIAN AVENUE. (DISTRICT VI)**

Agenda Item No. 58.

The City has received a request to annex 10.36 acres of land generally located southwest of the intersection of 53rd Street North and Meridian Avenue. The annexation area abuts the City of Wichita to the south. The property owner anticipates that the proposed property will be developed with 20 single-family residential units, known as the Moorings Tenth Addition, within the next five years. On July 5, 2007, the Metropolitan Area Planning Commission approved the one-step final plat as recommended by the Subdivision Committee, subject to the conditions stated in the MAPD letter dated June 29, 2007.

Land Use and Zoning: The proposed annexation consists of approximately 10.36 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is undeveloped and is primarily zoned "SF-20" Single-Family Residential, with some "OW" Office Warehouse. Property to the east and west is currently undeveloped and is zoned "SF-20" Single-Family Residential. Property to the south is developed with the Mooring Additions and is zoned as "SF-5" Single-Family Residential.

Public Services: The closest water line is an 8" water main in the stub streets of Bayview and Harborside to the south of the subject property. The closest sewer main is a 21" main adjacent to the east end of the subject property.

Street System: The subject property does not border any street at this time. According to the Moorings Tenth Addition plat, the local roadway system will be extended from the Mooring North Addition, south of the proposed property.

Public Safety: Fire services to this site can be provided by the City of Wichita within a three (3) to four (4) minute approximate response time from City Station No. 13, located at 3162 W. 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 E. 21st Street North.

Parks: The Brooks Tract Park is currently being developed, which is a 272-acre park located approximately 1/4 mile to the southwest of the proposed annexation site. In addition, Hellers Park is a 32-acre park, located approximately 1 1/2 miles to the southeast of the proposed annexation site. Hellers Park has a half-mile dirt trail and is designated as a Wichita Wild Habitat Area. According to

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the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along 53rd Street, north of the subject property.

School District: The annexation property is part of the Unified School District 262 (Valley Center 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 \$6,288 with a total assessed value of \$1,641. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$59 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 20 single-family residential units will be developed within the next five years. The total appraised value of this development after completion is estimated at \$6,000,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$21,670 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 7 to 0.

## 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. (A08-01)

## AIRPORT AGENDA

Council Member Skelton Council Member Skelton requested that items 59 and 60 be pulled for discussion.

Motion--  
--carried

Brewer moved that Airport consent items 61 and 62 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## (Item 59)

### **BUDGET TRANSFER**

### **BUDGET TRANSFER - MID-CONTINENT OPERATING BUDGET.**

Victor White

Director of Airports reviewed the item.

Agenda Item No. 59.

An annual budget of \$86,000 was established for the purchase of runway de-icer product in the Airfield Maintenance commodities portion of the Airport operating budget.

Weather events involving ice during 2007 have required the emergency purchase of de-icer product in excess of the budget initially established. There is unspent budget for Administration division consultant services and capital outlay.

A transfer of \$130,000 from the Administration division budget to the Airfield Maintenance division budget is necessary. There is no bottom line change to the Airport operating budget.

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The Airport's contribution to the economic vitality of Wichita is promoted through maintaining a safe operating environment for aircraft.

The Airport budget is not subject to certification with the State of Kansas.

Council Member Skelton Council Member Skelton stated you are taking \$130,000 out of your administrative budget, which is enough for a salary. Asked how much money he will have left over in the administrative budget at the end of the year and what is done with it if there is money left over.

Victor White Director of Airports explained the \$130,000 was set aside for some consultants that were not used and there were a couple of projects that they anticipated using consultants for this year but in conjunction with the Board, decided not to forward with a couple of projects and do them internally with Staff's support as opposed to using consultants.

Motion--carried Skelton moved that the budget transfer be approved. Motion carried 7 to 0.

## **(Item 60) PARKING LOT**

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

Victor White Director of Airports reviewed the item.

Agenda Item No. 60.

On October 23, 2007 the Wichita Airport Authority approved the capital project and a budget of \$4,950,000. A contract for design and bid services was approved by the Wichita Airport Authority with HNTB.

A supplemental agreement has been prepared with HNTB to authorize construction-related services.

The cost of the construction-related services is a not-to-exceed amount of \$128,709. The project will be funded with General Obligation bonds paid for with Airport Revenue, and the existing budget will cover all costs.

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

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

Council Member Skelton Council Member Skelton asked how many spaces the new parking lot will be.

Victor White Director of Airports stated this shuttle lot is a little less than 1,056 spaces and this was in the works several years ago and is a replacement parking facility and is not additional parking and has nothing to do with the parking study that was presented to the Council in the workshop last month. Stated this a replacement for what is currently called the north shuttle lot and is also a replacement for the employee parking lot that is around the terminal facility and when the terminal goes under construction, they will have to close the employee parking facilities and those people will move to this new lot.

Motion--  
--carried Skelton moved that the supplemental agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## CAR RENTALS

### ASSIGNMENT AND ASSUMPTION AGREEMENTS, E&J RENTAL D/B/A DOLLAR RENT A CAR AND FLACKS ENTERPRISES D/B/A THRIFTY CAR RENTAL.

Agenda Item No. 61.

The Wichita Airport Authority currently has concession agreements with E & J Rental d/b/a Dollar Rent A Car and Flacks Enterprises d/b/a Thrifty Car Rental for provision of rental car services on Mid-Continent Airport. Dollar's concession agreement in the terminal building commenced in 1986, and is a locally-owned franchise. Thrifty began serving the airport as an off-airport provider in 1992; and, in 2003, leased space in the terminal to begin service as an on-airport operator.

Effective December 1, 2007, Dollar Thrifty Automotive Group (DTG) acquired Dollar and Thrifty franchises on Mid-Continent Airport, in addition to five other airport markets. DTG is a Fortune 1000 Company headquartered in Tulsa, Oklahoma, serving travelers in approximately 70 countries, with 800 corporate and franchised locations in the United States and Canada. Both agreements require the Wichita Airport Authority's consent to the assignment.

There is no financial impact to the Wichita Airport Authority.

The Airport's contribution to the economic vitality of Wichita is promoted through approving changes to lease agreements which allow tenants to do business at the airport in the most efficient way possible, thereby improving services to their customers.

The Assignment and Assumption Agreements have been approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the Assignment and Assumption Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

## HANGAR 16

### HANGAR 16 REHABILITATION, WICHITA MID-CONTINENT AIRPORT.

Agenda Item No. 62.

On February 7, 2007 the Wichita Airport Authority approved the capital project and a budget of \$940,000, and established a contract with Hanney and Associates Architects for design and bid phase services in the amount of \$46,743.

A supplemental agreement has been prepared to authorize construction-related services.

The cost of the construction-related services is a not-to-exceed amount of \$43,593. The project will be funded with General Obligation bonds paid for with airport revenue and reimbursements from Koch Industries, and the existing budget will cover all costs.

The Airport's contribution to the economic vitality of Wichita is promoted through maintaining hangars that serve the aviation community.

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

Motion--  
--carried

Brewer moved that the supplemental agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## CITY COUNCIL

### BOARD APPTS.

#### BOARD APPOINTMENTS.

There were no appointments to be made.

### RESOLUTION

#### RESOLUTION IN SUPPORT OF THE AVIATION INDUSTRY, (REQUESTED BY MAYOR BREWER).

Agenda Item No. 64.

A primary community issue for the City of Wichita, Sedgwick County and South-Central Kansas is the maintenance and growth of our aerospace industry. Considerable public discussion is expected on this issue during the coming year, and it will be a matter of state legislative debate, as well. The City of Wichita, Sedgwick County and the Wichita Metro Chamber of Commerce have agreed to join forces to emphasize the continued importance of the issue. This resolution formalizes that support on behalf of the Wichita City Council

Adoption of the resolution formally announces the City of Wichita's intense interest in sustaining the aviation industry as the backbone of our local economy. In concert with Sedgwick County, the Wichita Metro Chamber of Commerce and other key community partners, the Wichita City Council joins the common voice of support for the growth of the aviation industry.

Adoption of the policy will contribute to the Economic Vitality and Affordable Living Goal of the City of Wichita.

Motion--carried

Brewer moved that the resolution be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 08-027

A Resolution of the governing body of the City of Wichita, Kansas, proclaiming that "Kansas Aviation is the Envy of the World", presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

### TRAVEL EXPEND.

#### TRAVEL APPROVAL FOR COUNCIL MEMBERS GRAY, SCHLAPP, SKELTON, AND WILLIAMS, JANUARY 24-25, 2008, LKM CITY HALL DAY, TOPEKA, KANSAS.

Motion--carried

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

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## RECESS

### EXECUTIVE SESSION.

Motion--

Brewer moved that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice and matters relating to employer-employee negotiations and that Council return from Executive Session no earlier than 11:15 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

## RECONVENE

The City Council reconvened in the Council Chambers at 11:15 a.m.

Motion--

Brewer moved that the Executive Session be extended for 10 minutes and that the Council returns no earlier than 11:35 a.m. Motion carried 4 to 0, (Vice-Mayor Fearey, Gray, and Longwell were absent).

--carried

## RECONVENE

The City Council reconvened in the Council Chambers at 11:35 a.m.

Mayor Brewer

Mayor Brewer announced that no action was taken.

Motion--carried

Brewer moved that the Executive Session be closed. Motion carried 6 to 0, (Skelton absent).

Motion--carried

Brewer moved that the regular meeting be adjourned. Motion carried 6 to 0, (Skelton absent).

## ADJOURNMENT

The meeting was adjourned at 11:36 a.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk

\*\*\*Workshop followed in the 10<sup>th</sup> Floor MAPC Conference Room\*\*\*