

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 20, 2007

Tuesday, 9:03 A.M.

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

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

Reverend Mike Snow, Grace Point United Methodist Church, gave the invocation.

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

The Minutes of the regular meeting of March 13, 2007, approved 6 to 0.

PUBLIC AGENDA

Jennifer Lee, Old Cowtown Museum Board of Trustees President-Update on Museum.

Jennifer Lee

Ms. Lee stated she is the President of the Old Cowtown Museum and gave a brief update on what is happening with Cowtown.

Rickie Coleman, President of Sunflower Community Action-The urgency to remove blight out of our neighborhoods in light of the recent mauling of an infant by a rat in Kansas City.

Charles Maxey

Mr. Maxey stated Rickie Coleman could not appear this morning and would be speaking on her behalf. Stated he is here to speak on the blight being a dangerous problem within the northeast community and referenced a story about an infant being bitten by a rat in Kansas City. Stated high rat population is linked to urban blight and they have also seen a surge in crime. Stated blight is a problem in Wichita and our public officials must treat this issue as a significant issue. Stated the Sunflower Community Action invited some to their public meeting to discuss what has been listed as the "Dirty 20", which are 20 properties that have been identified as the worst blight of properties in their area. Stated the residents of northeast Wichita and Sunflower Community Action Group are submitting these concerns to the Council so that the City is fully aware of the problem and can enter each of these properties into their appropriate programs. Stated they would like the Council to instruct the City Manager to report on the progress of these properties at the April 3rd City Council Meeting. Asked Ms. Catherine Perry Fisher to address the Council.

Catherine Perry Fisher

Ms. Fisher stated that the rats are still running all over her property at 10th and Volutsia because the duplex is still there. Stated the duplex is full of trash and needs to come down.

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CONSENT AGENDA

Motion--
--carried

Mayans moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 19, 2007.

Bids were opened March 16, 2007, pursuant to advertisements published on:

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

Pawnee, from west of 119th Street West to east of Maize Road (87N-0353-01/472-84357/706951/636174/206417/776567) Traffic to be carried through construction using flagpersons and barricades. (District IV)

APAC-Kansas Inc.* - \$5,208,498.20
*subject to KDOT approval

Water Distribution System to serve Tyler's Landing 3rd Addition south of 37th Street North, east of Tyler (448-90104/735347/470020) Does not affect existing traffic. (District V)

WBW Contractors - \$38,998.00

Main 22 Four Mile Creek Sewer to serve Brentwood South Addition north of Pawnee, east of Webb Road (468-84262/744204/470892) Does not affect existing traffic. (District II)

Mies Construction - \$139,148.00

Lateral 7, Main 14 Four Mile Creek Sewer to serve Krug South Addition south of 21st Street North, west of 143rd Street East (468-84321/744218/480906) Does not affect existing traffic. (District II)

Mies Construction - \$633,358.50

Water Distribution System to serve Krug South Addition south of 21st Street North, west of 143rd Street East (448-90277/735354/470027) Does not affect existing traffic.

Utilities Plus - \$139,595.80

Motion--
--carried

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 6 to 0.

PUBLIC WORKS MAINTENANCE: Neighborhood Cleanup and Bulky Waste Service.

Waste Connections* - \$104,000.00
*Estimate – Contract approved on unit cost basis.

ENVIRONMENTAL SERVICES DEPARTMENT: Mowing, Private lot.

Complete Landscaping Systems* - \$79,365.45
*Estimate – Contract approved on unit cost basis.

AIRPORT/ENGINEERING: 2006 Roof Replacement Program Airport.

JB Turner & Sons Roofing & Sheet Metal - \$562,033.00

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PARK & RECREATION DEPARTMENT/ACQUATIC DIVISION: Diving Boards and Standards.

Swimming Pool Supply Company - \$39,481.00

TRANSIT AUTHORITY: Bus Passes.

Electronic Data Magnetics Inc.* - \$7,070.00

*Estimate – Contract approved on unit cost basis;.

AIRPORT/ENGINEERING: Runway Shoulder & Taxiway D Rehab.

Vance Bros Inc. - \$720,502.70

Motion--
--carried

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

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Jose A. Garcia	Garcia's Tacos*	2138 North Market
Lan Thy Ta	Kim Huong Restaurant*	1015 North Broadway
<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Hossfin Haeri	Diamond Shamrock	851 South Meridian

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

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- Orchard Park Tennis and Basketball Court Reconstruction east of Hoover, north of Central (472-84436/785054/395186) Does not affect existing traffic. (District VI) - \$288,941
- Jardine Drive, Phase 2 to serve 21st Street Kids & Family Empowerment Addition north of 21st Street North, east of Hydraulic (472-84282a/706930/205396) Does not affect existing traffic. (District I) - \$594,200
- 20 Inch Water Main in Woodlawn, north of Kellogg to 2nd Street North 448-90120/633775/755834 Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,270,000
- Water Distribution System to serve Rivendale Addition north of 55th Street South, west of Hydraulic (468-89889/735352/735352) Does not affect existing traffic. (District IV) - \$147,000

Motion--carried

Mayans moved to receive and file. Motion carried 6 to 0.

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BOARDS/COMM. MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Code Standards and Appeals, February 5, 2007
Design Council, February 15, 2007
District I Advisory Board, January 8, 2007
District I Advisory Board, February 5, 2007
District II Advisory Board, February 5, 2007
District VI Advisory Board, February 5, 2007
Wichita Airport Advisory Board, March 5, 2007
Wichita Historic Preservation Board, February 12, 2007
Wichita Public Library, February 20, 2007

Motion--carried Mayans moved to receive and file. Motion carried 6 to 0.

STREET CLOSURE CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

CERT. OF CANVASS CERTIFICATE OF CANVASS.

Certificate of Canvass of the votes cast in the Primary Election on February 27, 2007, determining that the following candidates were duly nominated for the General Election to be conducted on April 3, 2007:

Mayor, (At large)

Carl Brewer Carlos Mayans

Council Member, District II

Susan Schlapp Elizabeth Bishop

Council Member, District IV

Paul Gray Michael O'Donnell, II

Council Member, District V

Paul Tobia Jeffrey S. Longwell

Motion--carried Mayans moved to receive and file. Motion carried 6 to 0.

SENIOR MANAG. SENIOR MANAGEMENT EXPENSES FOR MONTH OF JANUARY 2007.

Motion--carried Mayans moved to receive and file. Motion carried 6 to 0.

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CLAIMS

REPORT OF CLAIMS FOR FEBRUARY 2007.

Name of Claimant	Amount
Allen, Daniel	\$690.00
Ferraro, Claudio	\$633.61
Fitzsimmons, Clifton	\$130.00
Fulgham, Craig	\$1,337.91
Herrian, Tim	\$91.21
Klenda, Nancy	\$1,076.34
Martin, Charles	\$401.77
McGinn, Mark	\$250.00
Prior, Linda	\$445.15
Raghavan, Parkash	\$197.70
Schrepel, Sam	\$1,000.00
Westar Energy	\$1,956.38**
Withrock, Isabelle	\$110.00

** Settled for lesser amount than claimed.

Motion--carried Mayans moved to receive and file. Motion carried 6 to 0.

DRAINAGE CANAL

WICHITA DRAINAGE CANAL CONTRACT MAINTENANCE REPAIRS-SOUTH OF ENGLISH. (DISTRICT III)

Agenda Report No. 07-0247

In the late 1970's, the Wichita Drainage Canal was constructed from the Arkansas River north along I-35 to 21st St. North. Parts of the canal were improved with a concrete lined channel from the confluence with the Arkansas River to near Douglas and then from 17th St. North to 21st St. North. The area of the canal between Douglas St. and 17th St. is an improved section, but not concrete lined. The concrete sections of the canal were designed with a life expectancy of approximately 30 years. The lining is nearing the end of its design life and parts of it have started to deteriorate, crack, settle and collapse. For this reason, funds were included in the recently approved CIP to continue the needed maintenance over a seven-year period. Using 2004 and 2005 funding, last year the City contracted to fill voids under the concrete lining.

The rate of deterioration of the lining will increase rapidly, unless the previously approved maintenance program is continued. The authorization requested at this time is for the third and fourth years work.

Funding for this project is included in the City's current Capital Budget (Project No. SW860409), with \$150,000 each in years 2006 and 2007. Project costs will be paid through Storm Water Utility Fees.

This project will support the Efficient Infrastructure Goal by restoring the structural integrity of this drainage system.

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

Motion--
--carried Mayans moved that the project expenditure be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

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RESOLUTION NO. 07-199

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements; authorizing and providing for the making and financing of the improvements in accordance with the findings of the governing body and directing the publication of this Resolution, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton and Mayans.

RESOLUTION

CORRECTING RESOLUTION-GOVENEOUR AND OSIE CIRCLE PAVING, SOUTH OF HARRY. (DISTRICT III)

Agenda Report No. 07-0248

On August 1, 2006, the City Council approved a petition to pave Gouverneur and Osie Circle south of Harry. It has since been determined that there are errors in the description of the improvement district and the fractional assessments.

A Resolution has been prepared to correct the errors.

The estimated assessments to individual properties are not increased.

The project will address the Efficient Infrastructure goal by providing paved access for commercial development.

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

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 6 to 0.

RESOLUTION NO. 07-200

Resolution of findings of advisability and resolution authorizing constructing PAVEMENT ON Gouverneur from the south line of Harry to the south line of Osie Cir., and on Osie Cir. From the east line of Gouverneur to the cul-de-sac (south of Harry, west of Rock) 472-84428, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

WEAPONS

WEAPONS DESTRUCTION.

Agenda Report No. 07-0249

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided : Exhibit A – 40 long guns and 78 handguns. The destruction of the weapons will be witnessed and monitored by Staff.

Provide a Safe and Secure Community. Destruction of weapons on a timely basis will maintain adequate storage facilities for property and evidence stores by the Wichita Police Department.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion--carried

Mayans moved to receive and file the list of weapons. Motion carried 6 to 0.

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FIREFIGHTERS

DECLARATION FOR PARTICIPATION IN FIREFIGHTERS RELIEF FUND FOR 2007.

Agenda Report No. 07-0250

The Declaration for Participation must be executed and filed each year to allow the local Firefighters Relief Association to participate in the distribution of the State Firefighters Relief Fund Tax. This Firefighters Relief Fund Tax distribution will be from all fire and lightning insurance premiums collected. The certification indicates that the Wichita Fire Department is a full paid, public fire department with 412 salaried firefighters, and has fire apparatus and necessary equipment that is in serviceable condition with a value exceeding \$25,000,000.00.

By State Statute, two percent of the total premium on fire and lightning insurance written within the State during a calendar year goes to the Commissioner of Insurance to establish the State Firefighter's Relief Fund. After certain payments required by law, the balance of the fund is paid to local firefighters relief associations to be used for benefits for firemen injured, disabled, or killed in the line of duty, payment of funeral expenses, payment of a pension benefit for full-time firemen who are unfit for service after serving 20 years with the department, and to purchase insurance which would provide any of the listed benefits. The Wichita Firemen's Relief Association received \$832,849.16 in the 2005 distribution and received \$810,593.90 in the 2006 distribution. Distribution of the fund to over 575 Associations throughout the state is calculated using the valuation and population of the area the department provides fire protection. The City of Wichita has had a Wichita Firemen's Relief Association since 1896 and has participated in the State Firefighters Relief Association for more than 80 years. The certification is for calendar year 2007.

The Firefighters Relief Fund was created by K.S.A. 40-1701, et seq., and K.A.R. 40-10-1, et seq.

Increase employee satisfaction and enhance workforce recruitment and retention.

There will be no expense to the City.

Motion--
--carried

Mayans moved that the Declaration for Participation in the Firefighters Relief Association for 2007 be approved and the Mayor authorized to sign. Motion carried 6 to 0.

EVERGREEN

CANCELLATION OF LEASE OF SPACE AT EVERGREEN RECREATION CENTER WITH USD 259. (DISTRICT VI)

Agenda Report No. 07-0251

On June 20, 2006 the City Council approved an agreement with Unified School District 259 to lease 2,122 square feet in the Evergreen Recreation Center from the City of Wichita in conjunction with the early childhood program at Cloud Elementary School. The lease term was one year with nine one-year options. The lease term started July 1, 2006. Base rent was \$748 per month. This amount approximated the operating costs for the leased space. Rent is current.

USD 259 has been unable to secure all the approvals to allow the leased space to be used as intended. Also, they have discovered certain restrictions that make the use impractical even if all approvals were received. Therefore, they have requested that the City allow them to immediately terminate the agreement. They can terminate the agreement per its terms on June 31, 2007, the anniversary date of the lease. Approval of the cancellation will demonstrate cooperation between the two governmental units.

The termination of the lease will have no impact on the operating budget of the Park Department. Costs of operating the facility are fully budgeted. Any monies received from the lease were unbudgeted revenue.

The termination will allow USD 259 to reallocate the lease payments to other educational service areas thus enhancing the quality of life in the community.

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The lease can be terminated upon approval by the respective governing bodies.

Motion--
--carried

Mayans moved that the termination of the lease agreements be approved and the necessary signatures authorized. Motion carried 6 to 0.

PROP. ACQUIS.

PARTIAL ACQUISITION OF 130 SOUTH WEST STREET FOR IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Report No. 07-252

On October 18, 2005 the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project will require the acquisition of all or part of 36 parcels. This particular acquisition consists of ten-foot strip of land along the West street frontage from the parcel at 130 South West Street. The site is improved with a fast food restaurant. The acquisition does not impact the improvements. It will require the relocation of a sign.

The acquisition involves 987 square feet of land and paving. The appraiser valued the land at \$10,857 (\$11.00 per square foot) with an additional \$2,110 for paving and \$7,500 as damages to the remainder, the loss of four of thirteen parking spaces. This amount, \$20,467 was offered to the owner and was rejected. The owner agreed to accept \$23,000, an additional \$2,533 as compensation to lost landscaping and proximity of improvement to right-of-way line. This is deemed reasonable as a fifth parking space will be lost as a result of replacement landscaping. The relocation of the sign will be handled separately as relocation items.

The funding source for the project is General Obligation Bonds. A budget of \$30,500 is requested. This includes \$23,000 for the acquisition, \$4,000 for relocation, and \$3,500 for closing costs, title insurance and other costs.

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

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0.

PARTIAL ACQUIS.

PARTIAL ACQUISITION OF 2801 SOUTH HILLSIDE FOR THE GYPSUM CREEK DRAINAGE PROJECT BETWEEN HILLSIDE AND INTERSTATE 135. (DISTRICT III)

Agenda Report No. 07-0253

In 1998, the Gypsum Creek channel improvements project, west of Hillside Avenue, was expanded from a bank stabilization project to include a 100-year flood control component. The project will follow the creek through the property at 2801 South Hillside. This property is improved with an amusement park. The project will require 41,128 square feet of fee acquisition from the 60-acre site, 2,129 square feet of permanent easements and 893 square feet of temporary construction easements along the creek channel. Other than one workshop building that will be relocated to another location, the improvements will not be directly impacted.

Originally the project required 40,863 square feet. Due to a design change, 41,128 square feet, or an additional 264.8 square feet is now needed. The owner has agreed to accept the original appraised offer of \$51,079. This equates to \$1.24 per square foot. The cost to relocate the workshop building is \$28,600. No compensation was directly applied to the easements.

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The funding source for the project is Storm Water Utility. A budget of \$88,000 is requested. This includes \$79,679 for the acquisition, \$4,821 for demolition, and \$3,500 for closing costs, title insurance and other costs.

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

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0.

TRANSPORT. SYS.

INTELLIGENT TRANSPORTATION SYSTEM TRAFFIC SIGNAL SYSTEM UPGRADE PROJECT.

Agenda Report No. 07-0254

In 2002 the City of Wichita entered into a Memorandum of Understanding committing \$1,250,000 matching funds to regional Intelligent Transportation System projects. The most current project was first brought to the Council in December of 2006 when the City of Wichita entered into a Supplemental Agreement with the Kansas Department of Transportation (KDOT) and Sedgwick County to design and implement a communication network, traffic signal controllers and software. Unforeseen delays caused the project to move out of FFY 2006 and into FFY 2007 (Section 3b). In addition, the FFY 2003 Federal ITS Earmark Fund has been changed to a FFY 2003 Federal ITS Demonstration Funds (Section 3a) bringing added flexibility in the City's ability to spend these federal dollars.

The Wichita Area Metropolitan Planning Organization (WAMPO) is facilitating the funding, enabling the City of Wichita Public Works Department to pursue the Traffic Signal Project. This project will be administered by the Public Works Department. The Traffic Signal Project will consist of replacing existing signal controllers that were originally installed in 1989, for which replacement parts are no longer available. This project will include software to program traffic controllers and to allow communication between the central office and the field. The completed project will allow all signalized intersections to be on one control system.

Total cost for this portion of this Traffic Signal Project is \$3,344,629. The funding sources are:

- a. \$1,000,000 FFY2007 Federal STP funds (20% match required);
- b. \$250,000 20% match for STP funds City of Wichita*;
- c. \$993,500 FFY2003 Federal Surface Transportation Project Section 330 Funds;
- d. \$1,101,129 as described below:
 - i. \$660,677 KDOT ITS Set-Aside Program
 - ii. \$5,316 Sedgwick County
 - iii. \$435,136 City of Wichita* (from the initial \$1,250,000)

* City of Wichita General Obligation Bonds programmed in the 2005-2014 Capital Improvement Program.

This project addresses the Efficient Infrastructure goal by improving traffic flow at signalized intersections located throughout Wichita.

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

Motion--
--carried

Mayans moved that the project and agreement be approved; and the Resolution adopted; and the signing of State/Federal agreements as required authorized. Motion carried 6 to 0.

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SETTLEMENT

SETTLEMENT OF LITIGATION.

Agenda Report No. 07-0270

This is a condemnation lawsuit where the City exercised its powers of eminent domain to acquire a portion of the owner's property for drainage dedication, permanent stormwater sewer easement, access to Cowskin Creek and a temporary construction easement. The City appealed the award made by the court-appointed appraisers which has been paid into the court to acquire the property.

After reviewing the matter, evaluating the evidence and the expected costs and expenses of the litigation and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the case for an agreed amount as full settlement of the award to be paid to the property owner all. The City will be refunded the amount which is in excess of the amount to be paid to the property owner. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

The property owner will receive \$650,000 of the amount paid into the court and the excess amount paid into the court from the award by the court-appointed appraisers (\$97,500) will be refunded to the City.

The acquisition of the property addresses the City's Efficient Infrastructure Goal to provide flood control and drainage.

The Law Department recommends acceptance of the offer of settlement.

Motion--carried

Mayans moved that the settlement agreement be approved. Motion carried 6 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MARCH 13, 2007)

- a. Public Hearing and Tax Exemption Request, Commtech, Inc. (District II)

ORDINANCE NO. 47-448

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Commtech, Inc. so exempted. read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton and Mayans.

- b. Acquisition by Eminent Domain of tracts required for the North Broadway and 13th Street Intersection Improvement Project. (District VI)

ORDINANCE NO. 47-449

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton and Mayans.

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SECOND READING PAVING ORDINANCES: (FIRST READ MARCH 6, 2007)

ORDINANCE NO. 47-423

- a. (490-060/472-83485) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING MAINSGATE, THE FAIRMONT, EAGLE, MAINSGATE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 21st, West of 127th Street East); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-424

- b. (490-044/472-83837) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the costs of IMPROVING PALMETTO CIRCLE INCLUDING THE CUL-DE-SAC (North of 37th Street North, East of Tyler); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-425

- c. (490-045/472-83838) - An Ordinance levying assessments on lots pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the costs of IMPROVING PALMETTO, HAVENHURST & SIDEWALK (North of 37th Street North, East of Tyler); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-426

- d. (490-046/472-83839) - An Ordinance levying assessments on lots pieces, and parcels of land in the City Of Wichita, Kansas, for the purpose of paying a portion of the costs of IMPROVING PALMETTO & SIDEWALK (North of 37th Street North, East of Tyler); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-427

- e. (490-019/472-84078) - An Ordinance levying assessments on lots pieces, and parcels of land in the City Of Wichita, Kansas, for the purpose of paying a portion of the costs of IMPROVING ASPHALTIC MAT PAVEMENT ON BOLIN DRIVE (West of West Street, North of MacArthur); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-428

- f. (490-074/472-84082) - An Ordinance levying assessments on lots pieces, and parcels of land in the City Of Wichita, Kansas, for the purpose of paying a portion of the costs of IMPROVING MAINSGATE/LOCH LOMOND & WILLIAMSGATE (North of 21st, East of 127th St. East); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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ORDINANCE NO. 47-429

- g. (490-033/472-84139) - An Ordinance levying assessments on lots pieces, and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the costs of IMPROVING STOUT, HUNTERS VIEW/BELLICK, STOUT CT. AND INCLUDING CUL-DE-SAC (North of 13th, West of 135th St. West); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-430

- h. (490-049/472-84209) - An Ordinance levying assessments on lots pieces and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the costs of IMPROVING OAK CREEK PARKWAY, 21ST STREET N., GREENWICH ROAD & CHATEAU PARKWAY (South of 21st St., West of Greenwich); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-431

- i. (490-050/472-84213) - An Ordinance levying assessments on lots pieces and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the costs of IMPROVING DEN HOLLOW, WESTLAKES PARKWAY, WILD THICKET COURT, & INCLUDING THE CUL-DE-SAC (North of 29th St. North, West of Tyler); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-432

- j. (490-076/472-84214) - An Ordinance levying assessments on lots pieces and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the costs of IMPROVING WILD THICKET, WESTLAKES PARKWAY, WILD THICKET COURTS (North of 29th St. North, West of Tyler); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-433

- k. (490-063/472-84225) - An Ordinance levying assessments on lots pieces and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the costs of IMPROVING GOVERNOUR CIRCLE (North of 29th St. North, West of Rock); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-434

- l. (490-094/472-84229) - An Ordinance levying assessments on lots pieces and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the costs of CONSTRUCTING A DECEL LANE ON 21ST. STREET (South of 21st. St., East of Greenwich), as authorized by Resolution No. 05-341, adopted June 28, 2005; read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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ORDINANCE NO. 47-435

- m. (491-013/472-84242) - An Ordinance levying assessments on lots pieces and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the costs of IMPROVING FACADE AT 535 W. DOUGLAS (South of Douglas, East of Seneca); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-436

- n. (490-082/472-84249) - An Ordinance levying assessments on lots pieces and parcels of land in the City of Wichita, Kansas for the purpose of paying a portion of the costs of IMPROVING CASTLE ROCK, 24TH ST. N., MAINSGATE, MAINSGATE CIR., SPRING HOLLOW ST., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 21st, West of 143rd St. East); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-437

- o. (490-067/472-84262) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING CONREY, CONREY CT., FOREST RIDGE, LAKE RIDGE, LAKE RIDGE CT., FOREST RIDGE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (South of 37th St. North, East of Tyler); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-438

- p. (490-088/472-84264) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING KITE, MARBLEFALLS, KITE CT., INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 45th St. North, West of Hillside); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-439

- q. (490-070/472-84270) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING STAFFORD, PAWNEE, STONEYBROOK, STAFFORD CT., INCLUDING THE CUL-DE-SAC (East of Webb, North of Pawnee); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-440

- r. (490-077/472-84277) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING WESTLAKES PARKWAY & SIDEWALK (North of 29th St. North, West of Tyler); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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ORDINANCE NO. 47-441

- s. (490-080/472-84285) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING FAWN GROVE, SMITHMOOR/SMITHMOOR CIRCLE, CHATEAU CIRCLE, INCLUDING THE CUL-DE-SAC (South of Kellogg, West of Greenwich); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-442

- t. (491-018/472-84381) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING FACADE AT 1409 E. DOUGLAS (South of Douglas, East of Washington); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 47-443

- u. (491-019/472-84382) - An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING FACADE AT 111 ELLIS (South of Douglas, East of Washington); read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

UNFINISHED BUSINESS

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES – 221 NORTH SPRUCE. (DISTRICT D) **(CONTINUED FROM DECEMBER 12, 2006)**

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No. 06-1001b.

This property was before the Board of Code Standards and Appeals (BCSA) on August 2, 2006. No-one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended ten (10) days to start and an additional ten (10) days to complete demolition.

This case was before Council on October 3, 2006. No-one appeared, and Council adopted a resolution allowing 10 days to start and 10 days to complete the demolition of the structure.

On October 17, 2006, Ms. Maria Mata, new owner of the property came to talk to staff. She had purchased the property about a month prior, and the previous owner had not informed her about the condemnation action pending against the property.

On December 12, 2006, Council held a review hearing of this property. At that hearing, the new owners were present to represent the property. Council adopted a resolution giving the owners ninety (90) days to pay the taxes and repair the property. Failing completion, staff will return the case to City Council for further resolution.

On February 22, 2007, staff made an inspection of the property. Work is in progress on the front porch and roof. There is a remodel permit, BLD2006-21065, issued to Hilger construction on 11/17/06, for the work. There is construction material and waste on the premises.

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Taxes: As of February 27, 2007, the 2005 and 2006 taxes were still delinquent in the amount of \$2,296.75, which includes special assessments for weed mowing and lot cleanup.

Ms. Mata has been informed of the date and time of the hearing.

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, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area and 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.

- Mr. Manta Mr. Manta stated he has paid \$200.00 towards the balance of the back taxes and will try to make \$200.00 to \$300.00 each month and if he can he will pay off as soon as possible. Stated the cold weather prevented them from working on the property and then he was out of work for approximately five weeks.
- Council Member Brewer Council Member Brewer asked the Director of Law if we give an additional extension would it be out of the norm of what we normally do.
- Gary Rebenstorf Director of Law stated yes but it is a Council policy and if the Council wants to extend the policy, they can do that.
- Council Member Fearey Council Member Fearey stated if they get the work done but still do not have the taxes paid, could the County come in and sell it out from under them at a tax sale because she would not want that to happen.
- Gary Rebenstorf Director of Law stated there is a right of redemption under the procedure to sell a property for back taxes so they would still have the opportunity if it did go to a tax sale to redeem the property within a certain time period.
- Council Member Gray Council Member Gray stated he would not be sympathetic if it was this individuals fault that the taxes were not paid but the fact that he bought a property and was encumbered with that expense he feels more lenience should be given contrary to our normal policy because he is taking on the burden and he is making the effort to pay those taxes back, which is typically an exorbitant amount by most of the standards that we have seen and if he had not taken on that property those dollars would have been lost. Stated this winter has been extremely harsh for the people in the construction industry and it has been difficult for most people to get work done and thinks there have been extenuating circumstances this winter that should be worth giving him an additional amount of time.
- Council Member Skelton Council Member Skelton stated his recommendation would be that if you are going to give these people another extension, then we need to hold them to it and does not know what a reasonable time table would be. Stated that he would give no more than 60 to 90 days and hold them to it.
- Council Member Schlapp Council Member Schlapp stated she feels we have a great good faith effort here and when people are trying hard she would like to see them given an opportunity to carry on.
- Mayor Mayans Mayor Mayans asked the owner if he is able to commit \$300.00 a month on his income.
- Mr. Manta Mr. Manta stated he could come up with \$200.00 a month and if he can he will do \$300.00 a month.
- Mayor Mayans Mayor Mayans stated that their total income together is where they are not making much money and he does not know if the \$300.00 a month would be a real challenge to them. Stated these people are not making the minimum wage of about \$6.00 an hour.
- Council Member Fearey Council Member Fearey stated if we said we do not want to hear this again unless there is a problem, could OCI staff monitor and make sure that the house is brought up to code and watch that payments are being made on the taxes. If we defer this for 60 days even if they get the outside work done, they still have not paid off those taxes.

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- Kurt Schroeder OCI Administrator stated that they could check on a monthly basis on the county records and can check on the house.
- Council Member Fearey Council Member Fearey stated she knows that the back taxes are an issue but as long as they can pay something we are keeping this house on the tax rolls and providing a family with some housing that they want and need in order to raise their family and have a place to live and the City's other option was to demolish it. Stated she would be willing to give them whatever time as long as we can keep tabs on it and make sure through OCI that things are moving forward.
- Council Member Brewer Council Member Brewer stated there should have been some form of payments made per our original agreement on the taxes and it did not happen.
- Motion-- Brewer moved to grant an additional 90 days and Staff work on paying the taxes and making the improvements on the house and ask Kurt Schroeder to monitor it and to come back before the Council for a review in 90 days. If the taxes are not paid and there is no progress being made, then we proceed with Staff's recommendation of condemnation.
- Council Member Schlapp Council Member Schlapp stated the motion states that the "taxes are paid". We know that they will not be paid in full and did you mean that there be a good faith effort to pay taxes or the taxes be paid in full.
- Council Member Brewer Council Member Brewer stated yes a good faith effort to pay the taxes.
- Motion carried-- Motion carried 6 to 0.

RESOLUTION NO. 07-201

A Resolution finding that the structure/s legally described as Lot 16, Spruce Avenue, Park Place Addition to Wichita, Sedgwick County, Kansas, known as 221 North Spruce Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton and Mayans.

CADILLAC LAKE **DEVELOPMENT AGREEMENT-29TH AND MAIZE ROAD, CADILLAC LAKE.** **(DISTRICT V)** **(DEFERRED MARCH 6, 2007)**

- Chris Carrier Director of Public Works reviewed the item.
- (Council Member Fearey momentarily absent)
- Agenda Report No. 07-0207a.

For many years, drainage from the very upper end of the Westlink Tributary to Cowskin Creek in West Wichita has been largely controlled by a natural wetland feature commonly known as Cadillac Lake, located at 29th Street and Maize Road. This feature has always had the tendency to reduce flows in downstream areas by holding back water for many days allowing for maximum infiltration. Through the years this area has developed into a wetland area, which is now protected by the U.S. Army Corps of Engineers.

As Wichita continues to develop to the west, it was only a matter of time until development would be proposed in the drainage basin north of 29th Street that feeds into Cadillac Lake. This was a concern to staff because more impervious area in this basin could result in overtaxing the ability of the existing Cadillac Lake to reduce peak flows, thus endangering existing development downstream in Chadsworth and other subdivisions. Additionally, our ability to control development patterns in the upper part of the basin is limited as much of that land is in either Sedgwick County or the City of Maize.

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In addition to the drainage considerations, some specific development proposals were put forth: Newmarket V, L.L.C., a Slawson venture, on the west side of Maize Road, south of 29th; and Eastside Development L.L.C. with Bruce and Esther Pearson on the east side of Maize Road, south of 29th Street. Both parcels proposed for development are located within the body of Cadillac Lake and contain protected wetland areas. Staff was concerned that development in the main body of Cadillac Lake would reduce its available storage volume, further compounding the drainage concerns discussed above.

Beginning a couple of years ago, staff sat down with the developers and their engineers to see if there was some way to allow the basin to develop, including the Newmarket V and Pearson proposals, and still protect the properties downstream from increased flooding. After much discussion and study, the arrangement that is outlined in the Development Agreement was developed. In general terms, the Agreement calls for the following:

- A. In turn for allowing Pearson and Eastside to develop a strip of land immediately east of Maize Road, south of 29th Street, Pearson will dedicate to the City 54 acres of ground in the main body of Cadillac Lake for drainage and wetland mitigation purposes.
- B. A wetland mitigation area and a stormwater detention facility will be constructed on the land given to the City. The wetland mitigation will be to replace wetlands lost by development. The storm water detention facility will control downstream flooding with full basin development.
- C. The cost of constructing the wetland mitigation and detention facilities is estimated at \$2.9 million. The cost of the project would be split between the City and Developers as proposed in the improvement district petition.
- D. The project will require a 404 Environmental Permit from the Corps because of the wetlands. The City and developers will be joint permit applicants.
- E. Once construction is complete, the development interests will be responsible for maintenance of the wetland areas, while the City will maintain the storm water facilities.
- F. Should, for some reason, the Corp denies the 404 Permit, the project will not be built. In that case, the City would be responsible for paying the cost of the P.E.C. Drainage Study that was necessary to determine that this proposal is feasible. The estimated study cost is \$65,000.

This project contributes to the Economic Vitality goal by allowing the development of a large area in and near our City while protecting downstream lands from increased flooding.

The Law Department has approved the Development Agreement as to form.

Council Member Fearey Council Member Fearey read aloud a section on page 3, item c in the agreement and stated if we approve this today we are saying we are going to come up with this CIP money to construct this.

Gary Rebenstorf Director of Law explained that is always an issue for the Council and this has to keep coming back to the Council for further approval and review and the contract is stated and other provisions in the agreement, which protect the City from the standpoint of if things are not done properly or if the City Council does not feel that there has been adequate action being taken then the Council always has the right to take whatever action is necessary. Stated he does not think this obligates us to a point that we cannot turn back.

Council Member Fearey Council Member Fearey stated she would like to make sure we can turn back if we just say we have gone through the CIP and we do not want to allocate 1.5 or 1.7 million to this project.

Gary Rebenstorf Director of Law stated if that is done in good faith then the Council has the authority to do that.

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- Council Member Skelton Council Member Skelton stated he does not think it is right to ask people to pay for other people's stormwater and asked how future development could help pay for this through the collection of ERU tax.
- Chris Carrier Public Works Director stated future development will pay an ERU fee to help fund the improvements that are constructed by the stormwater utility. Stated what is being proposed here is that in addition to that the east side interest and the New Market Square interest are willing to be assessed for the wetlands improvements and the detention improvements that would be constructed on the Pearson property. This would be in addition to fees for the stormwater utilities.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Tim Austin Mr. Austin stated he is with Poe and Associates and since the last Council Meeting when this was deferred for two weeks, they did have the open house meeting with the neighborhood and felt like it was a positive meeting. Stated they have had ongoing dialogue with that neighborhood for a period of four years and as they continue to get into more specifics about pond locations and configurations, they will have better information to share with them. Stated they did reach out to Mr. Bannon and offered to assist him with whatever they could do as it related to the improvement district that is being proposed. Stated they did discuss his situation with the Corp of Engineers to see what affect that would have on their 404 permit application and found that it would create a substantial delay with the existing permit as it would have to be amended and put out for re-notice. Stated Mr. Bannon at this point still does not have an approved jurisdictional determination relative to his wetlands and he would need to work through that. Stated they are committed to having some dialogue with him to assist him however they can and the Corp of Engineers offered up some other solutions that would be available to him to either partner with other people within the drainage basin that are still faced with going through the permit process or put forth his own petition and Developer's Agreement. Stated the detention that is being proposed on this project is not only for the detention to serve the land that is being developed but it is to provide additional detention for areas well beyond his client's property interest. Stated they are replacing lost storage and creating new storage that does not exist in the basin today. Stated the petition is the same one that was a draft that the Council received with the Developer's Agreement but it contemplates two ownerships in the benefit district. Stated he will have that to Mr. Carrier later today.
- Paul Tobia Mr. Tobia stated that he resides at 12102 Ridgepoint and there is no doubt in his mind that both the developers and the City administration had nothing but good intentions in the Cadillac Lake development. Stated their stated goal is to enhance and increase the wetlands, to address flooding concerns, and to increase economic opportunity. Stated during the planning and the execution of this project one major constituency was left out, that being the homeowners in the Bradford and Chadsworth Developments and found out about this project through letters sent to those who are living on the border of the development area by the Corp of Engineers. Stated since then they have been playing catch up to find out the details of the project and its impact on them. Stated their main concerns are as follows: 1) will they be included as part of the development district and have their taxes increased. Stated that they have already paid for the retention ponds in their developments and the storm drains in those areas. Stated they should not see their taxes increased now or in the future. Stated that future City Councils might include them regardless of any decision that this Council makes, however, they feel that this Council needs to send a strong message to the future City Councils and vote to leave them out of this district; 2) will a safety fence be placed around the retention pond at the expense of the project. Stated the homeowners had the option originally of being on the ponds and lakes in their development area and in some cases some individuals chose not to be there because of their very young children and the danger proposed by that pond. Stated these same people are going to be put at risk because of nothing that they have done and feel that the project should address this pond and the potential it proposes to their children; 3) will the wetlands be restocked with wildlife. Stated after the project drives out the wildlife will the project restock the area not only with the plants but with quail and pheasant, which he has been told are actually roosting in the area.; 4) as the details are developed will there be continued community involvement and what recourse does the community have if there is an increase in either silting or erosion as a result of this project and will and can it be measured. Stated the largest concern that these people have is the lack of a Council Member from District V. Stated when the public comment portion is closed today, the discussion will return to the bench and there is no representative from the 5th district to participate in the Council discussion. Stated this will complete the alienation that these two communities feel about this project and strongly recommends that this Council delay any

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decision on this project until April 10th and in the meantime direct the City Administration, not the developers, to continue to hold additional public meetings with the neighbors to address their concerns.

(Council Member Fearey momentarily absent)

- Robert Timmons Mr. Timmons stated their big concern was not to be included in the tax base of the improvement district. Stated the only problem he has with the Developer's Agreement are that they did not get included through platting and have been deprived of their due process rights of lack of information from the start and the timeframe once the information was made available, was one business day, two weekend days before the first City Council Meeting to look at the Developer's Agreement. Stated his problem with the Agreement and the homeowners concerns are that the drainage improvement petition has not been put across the City Council's desks. Stated if you sign this Agreement, whatever that petition calls for when it does show up on the Council Member's desk, you are bound to sign it. Stated if it is altered between the Council's signing of the Agreement and today, then the private sector has levied taxes of the citizens of Wichita and that is not representative style of government that we have in this wonderful country. Stated if there is to be a petition for an improvement district, which is a tax base, that needs to be brought to the Council first and it can be looked at and then choose who they will tax for a City funded project. Stated if you sign this agreement today, without knowing who is on the petition, then the private sector determines at a later date that will be taxed for these improvements and the City Council will be bound by contract to sign it and make it happen. Stated this is the only flaw he has with the entire process.
- Council Member Gray Council Member Gray this Board has no intention of assessing any kind of drainage assessment to any of the existing neighborhoods in that area. Stated he gives his word today that he will not do that. Stated there is nothing that they can put in writing that guarantees him those Council Members 10 years from now cannot negate and that is the concern. Stated he does not recall anytime in the City where they have gone back and done things such as that and that is more of a testament of the people of Wichita and the kind of character that they have.
- Gary Rebenstorf Director of Law explained the process for approving a petition is set out by state law and there is a statutory process that the City Council has to follow for that and then becomes a legislative decision of the City Council. Stated the contract was never intended to take away the City Council's legislative authority to make a decision about that petition so once a petition is presented to the City Council, then the Council will follow its legal authority under state law to follow that statutory procedure and if the Council chooses not to approve the petition then that is a legislative decision of the Council that a contract cannot take away.
- Mayor Mayans Mayor Mayans asked if the petition is to assess these people, then the Council will vote whether or not to do that.
- Gary Rebenstorf Director of Law stated yes.
- Mayor Mayans Mayor Mayans asked who that petition would come from.
- Gary Rebenstorf Director of Law stated the developers will present the petition to the Council and then Staff will work with the developers and the Law Department to make sure that the petition is a valid petition and then it will be presented to the City Council for approval. Stated the Council cannot bind future Councils.
- Mayor Mayans Mayor Mayans stated it is about intent and would feel better if those assurances were in writing.
- Melinda Bannon Ms. Bannon stated she resides at 201 North Wood and their engineer was not able to be here today and read aloud the letter that he had prepared for the City Council.

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Bickley Foster

Mr. Foster stated he has had a planning consultant firm for 35 years and was on the City's CPO for five years, on the Landmark Committee for five years, has been on the DAB's since the first meeting, served seven years on the BZA, and today is representing the Bannons. Stated 99% of his time is spent on working with governments and about once a year he works for an individual whom he might know or has a particular problem. Stated in 2005 Mr. Bannon came forward and brought to the City's staff a preliminary drainage plan for his property, 20 acres on South 29th Street and was told that it could not be approved because Staff did not have the information to make a drainage decision at that time and he had to wait for a global decision and the impression he was left with was that he would be part of that global decision. Stated the graphics for the DAB V and what has been shown today have never shown a picture of his property. Stated it was shown at a MAPC meeting and the meeting of the MAPC Committee. Stated when he was the City's Planning Director 30 years ago, he often had people come in for this land wanting to develop it and when the described to them the problems of flooding and wetlands and all the obstacles they would have to go through, nobody was able to pull it off. Stated this is the most difficult and important drainage area in this City and deserves the attention you are giving to it and should not be done precipitously. Stated this is extremely difficult for any one person to pull off. Stated that it defies logic not to include the Bannon property and that it defies logic from the standpoint of economics.

(Council Member Skelton momentarily absent)

Hank Blasé

Mr. Blasé stated the contract is what the Council is here today to approve and asked what conditions the developers are committing to. Mr. Blase reviewed and critiqued the contract.

Gary Rebenstorf

they

Director of Law stated that he disagrees with Mr. Blasé rendition of the contract and that the two parties were represented by legal counsel and both legal counsel represented their interest of the parties that were representing and the contract contains terms that are appropriate and reserve the rights of the City and reserves the rights of the developers and there is a lot of law that always hangs around by an action being taken by a governmental body. Stated there are provisions, statutes, and, procedures that the Council has to follow and those are recognized by the law, the courts and recognized by the parties that enter into an agreement with a municipal governing body. Stated he does not agree with his analysis.

(Mayor Mayans momentarily absent, Vice-Mayor Gray in the chair)

Council Member Schlapp

problems with

Council Member Schlapp stated one of the really binding issues for her is that we have an ability to improve drainage, ability to get some partnering from outside of the City and not paid for by the tax payers, and asked if deferring this until there is representation from District V would cause that developer to not be able to continue with those people that would be in the project and would it cause moving forward and lose the ability to have that partnership.

Tim Austin

Mr. Austin stated any further delays would significantly affect the ability to develop this project. Stated it is public knowledge that Lowes wants to locate there and they originally had intended to build that store in 2005. Stated this project in terms of the Developer's Agreement, the petition, and the structure of the business deal has been discussed with Mr. Carrier for well over a year and there were a lot of questions that had to be answered. Stated to add further delay when we have already been delayed two years is a very significant thing. Stated that it would not only affect the payment of the development group but the donation of the land that is contemplated by Mr. Pearson, so there is a very significant cost here. Stated that they are ready to move forward and to not want the neighborhoods in this petition and are not going to add them and would object if the City wanted to add them. Stated that Council Member Martz was very instrumental in this project and he had ongoing meetings with him for five years on this project and the project that you see today and the structure of the agreement, Council Member Martz was there and District V has been represented.

(Council Member Skelton momentarily absent)

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- Mayor Mayans Mayor Mayans stated he hears the word finding a global solution to this and thinks that the decision that we may be making today, a lot of people are going to have to live with for many years. Stated if we do not do it correctly it could cost a lot more than this project was ever envisioned to cost. Stated as we continue the growth in northwest Wichita, that the county and the City of Maize should sit down with Staff and Chris Carrier and give us an idea of where they plan to develop so as when we create more surface runoff issues, northwest of there as that water precipitates down into this area could cause more problems.
- Chris Carrier Public Works Director stated that early on in this process when they started the meetings that they had with a number of engineering people that represented a number of different interests including Maize and the county, they had them at the table and talked about the need to have more than a piece-meal solution for drainage problems out in this area. Stated they have had discussions with them there and they are aware of our concerns. Stated we do need to have further discussions with them and will. Stated they are proposing with this development and Development Agreement today is just a part of the solution to the drainage problems that could exist if we do not take control of it.
- Mayor Mayans Mayor Mayans asked if the county and Maize have offered any input on Cadillac Lake.
- Chris Carrier Public Works Director stated as far as this proposed solution and what we intend to do on the Pierson Property, he has not had discussions with them. Stated the discussions that he has had is about the control of runoff from properties within their jurisdiction as those properties develop.
- Mayor Mayans Mayor Mayans stated looking at all of the maps, it just makes sense to incorporate this other property that Mr. Bannon and others have been addressing here because of the way that the water runs. Stated he is more concern as a property owner in these two neighborhoods, the impact and costs that may be assessed to those properties and he looks at this a little differently and would rather err on the side of the people in the neighborhoods.
- David Dennis Mr. Dennis stated he is a member of District V Advisory Board and is here to speak as a representative of that DAB. Stated they have not held an additional meeting since the last City Council Meeting, but has had an opportunity to communicate with a number of the DAB members since that time and feels that he has an idea of their feelings today. Stated this is the fourth meeting that they have had and is not certain that another meeting on this is going to be beneficial. Stated speaking as only a member of DAB V, he thinks it is time to move on.
- Jay Schwieker Mr. Schwieker stated he is a resident of Chadsworth and requested a two week deferral.
- Council Member Gray Council Member Gray stated to say that this is not a global solution is inaccurate. Stated this project is the beginning of this process and without this nothing else goes on after it. Stated Chris Carrier stated there is going to be needs for other drainage and retention ponds throughout the entire Cadillac basis for other developments to facilitate proper drainage and water retention so this is not a cure all or the one project that is going to facilitate all development. Stated this is just protecting many people downstream and is the last line of defense so we cannot include everybody in this project. Stated other developers are going to have to provide their own drainage and retention basins and have to deal with their own wetland mitigation. Stated to say that all developers in the area should be included in this is not logistically possible. Stated there is many other commercially developable property in this adjacent area. Stated it is not unfair to say that this one developer is going to have to go through that because of the other developers in the area will have to do that same thing and it is not unfair to say he has to be included in this or this project is not viable or right. Stated he feels it is a good project and if we do not start moving forward on this we will continue to delay development in this area and lose projects, agreements, and options that people have. Stated this project is good for that community and it is going to facilitate the development of 2,600 acres, which could have an appraised value of a billion dollars and without moving forward we could negate some of that. Stated he does not see the benefit in continuing to delay this project.

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- Council Member Skelton Council Member Skelton stated the unfortunate side that makes it very difficult for him is the absence of Council Member Martz and that is why this decision is difficult for him today. Stated but if we have a developer that is willing to donate land and help pay for this project, it is a good thing. Stated this project is going to have to happen sometime or another or we will end up with a drainage disaster like he has experienced in his part of town. Stated this is proactive and the way that it should occur and drainage infrastructure should occur before development.
- Council Member Fearey Council Member Fearey stated this will be difficult for her to vote in favor of this today because she has so many questions. Stated one of her major questions is that it does not address the drainage problems in District III or her district and at the same time that the Council is going to be asked to find this 1.5 million dollars to do this we are begging the federal government to give us the money to do a \$300,000 drainage plan for one neighborhood in her district and for the money to do a city wide drainage study. Stated we seem to often to find the money to do these little projects so that we can have one new development but cannot look at the big picture and say next year we are going to find the money to do the master drainage study that this City needs and because of that, it is going to be difficult for her to approve this today.
- Council Member Schlapp Council Member Schlapp stated whenever you start working towards something you have to take a first step and when the private sector are willing to help us come up with those funds, it changes that discussion from my district needs help because these are people available from us to take care of that. Stated she appreciates the fact that there is going to be other monies involved in the project and thinks it is important and does not think it exempts us from looking at this further and thinks we need to do that.
- Council Member Brewer Council Member Brewer stated if the Corp of Engineers does not approve it then the project will not continue. Stated he feels we need to continue working on this and try to move forward with the project.
- Mayor Mayans Mayor Mayans stated the Development Agreement will contractually commit the City to certain things whether or not the project happens that the City will be financially responsible for. Stated that he does not believe that today anyone here has said that this was not a good project or is a project that is not needed. Stated what he has heard about the process and the questions remain. Stated he is surprised that we had discussions about District V not having a representative and the fact is that all of us on the Council represent the City of Wichita and District V is part of the City of Wichita and we should be focused on the entire City and not a particular district. Stated he understands the concerns regarding the CIP and how that particular money is going to be spent. Stated he thinks the project is a good one and the process is not there yet where it is suppose to be. Stated he will not be supporting this because he feels a lot of questions remain but does believe that it is a global answer and the county should have some input as the City of Maize. Stated there are a lot of questions relating to the two neighborhoods. Stated that approving the Developmental Agreement would be premature so he does not plan to support this at this time.
- Council Member Gray Council Member Gray stated he would like to make sure that Staff does everything they can to accommodate and assist all the developers including Mr. Bannon in trying to have successful applications on 404 permits with the Corp of Engineers and thinks if Mr. Bannon is ultimately not a part of this, then as we move forward there are still opportunities that may exist but if he is not a part of this in the final decision of the 404 permit he would like to make sure that Staff does everything they can to assist him because his property is valuable.
- Motion-- Gray moved that the Development Agreement be approved. Motion carried 4 to 2;
-- carried (Fearey and Mayans, no).

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NEW BUSINESS

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICTS III, IV, V, AND VI)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No. 07-0255

On February 6, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on March 20, 2007.

On January 8, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on five (5) properties. The five (5) properties are listed below:

<u>Property Address</u>	<u>Council District</u>
a. 2234 North Woodland	VI
b. 1927 South Mosley (Front)	III
c. 1927 South Mosley (Rear)	III
d. 500 North Clara	IV
e. 7412 West Hale	V

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 February 8, 2007, and February 15, 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

OCI Administrator stated staff's recommendation is to proceed with condemnation removal for the structures listed as a) 2234 North Woodland; d) 500 North Clara; and e) 7412 West Hale. Stated that is someone who wants to buy the two structures listed as b and c, 1927 North Mosley (front and rear). Stated they have a plan of action for that and intend to close on that property fairly soon.

Motion--

Fearey moved that the public hearing be closed; the resolutions on (a) 2234 North Woodland; (d) 500 North Clara; and (e) 7412 West Hale, declaring the buildings dangerous and unsafe structures adopted; and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of March 20, 2007; (2) the structures have been secured as of March 20, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of March 20, 2007 and will be so maintained during renovation accepted for items a), d) and e). Motion carried 6 to 0.

--carried

RESOLUTION NO. 07-202

A Resolution finding that the structure/s legally described as Lots 16 and 18 and the north 1/2 of Lot 20, Armstrong Avenue, Buena Vista Subdivision in Guthrie's Addition to Wichita, Sedgwick County, Kansas known as 2234 North Woodland is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 07-205

A Resolution finding that the structure/s legally described as Lot 8, Block 4, Kelly Hawkins Addition, Sedgwick County, Kansas. Known as 500 North Clara is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-206

A Resolution finding that the structure/s legally described as Lot 8, Block 26, Country Acres Second Addition, Wichita, Sedgwick County, Kansas known as 7412 West Hale is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

(Council Member Fearey momentarily absent)

Kurt Schroeder

OCI Administrator stated items b and c are 1927 South Mosley and there is a single family house in the front and the back. Stated they have been working this case for about 2 ½ years and last summer took the owner to court. Stated a potential owner has stepped forward by the name of Zach Guthridge and he has closing papers for April 24, 2007 at which time he hopes to take over the property and pay off all the back taxes that are owed. He is asking 60 days from that time to complete the exterior repairs to both of the buildings and has a good track record in this area of town with a number of properties that he has fixed up. Stated Staff's recommendation on this is to give this new owner an opportunity to close on this property by April 24th and have all the taxes paid current at the closing and if that is done allow 60 days to actually fix up both properties and get them off of the City's condemnation list.

Motion--
--carried

Skelton moved to allow Mr. Guthridge 60 days upon closing on April 24, 2007 and have the back taxes paid within 48 hours. Motion carried 6 to 0.

RESOLUTION NO. 07-203

A Resolution finding that the structure/s legally described as Lots 165 and 167, on Mosley Avenue, Ranson and Kay's 2nd Addition to Wichita, Sedgwick County, Kansas known as 1927 South Mosley (front) is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-204

A Resolution finding that the structure/s legally described as Lots 165 and 167, on Mosley Avenue, Ranson and Kay's 2nd Addition to Wichita, Sedgwick County, Kansas. Known as 1927 South Mosley (rear) is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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BROADWAY & 47TH

PUBLIC HEARING AND ADOPTION OF BROADWAY AND 47TH REDEVELOPMENT PROJECT PLAN. (DISTRICT IV)

Terry Cassady

Development Assistance Director reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 07-0256

On April 25, 2006, the City Council took the necessary legal steps to establish the Broadway & 47th Redevelopment District for the purpose of using tax increment financing ("TIF") to pay for eligible improvements located within the district. The action taken by the City Council established 2006 as the base year, from which the increase in property tax revenues (the tax increment) will be measured. The boundaries of the Redevelopment District are Broadway Avenue on the east, 47th Street South on the north, Water Street on the west, and 48th Street South on the south.

The next step to be taken in the TIF process is the adoption of a redevelopment project plan which includes a feasibility study and a description of the redevelopment project being funded with TIF proceeds. With the adoption of the redevelopment project plan, the County Treasurer will be authorized and directed to begin capturing the tax increment and distributing the money to the City to pay project costs. On February 13, 2007, the City Council adopted a resolution stating it is considering the adoption of the Redevelopment Project Plan and directed the City Clerk to give notice that a public hearing would be held on the matter on March 20, 2007.

K.S.A. 12 1770 et seq. sets forth the procedures and requirements for the establishment of a TIF district and the capture of TIF dollars. In order for the County Treasurer to be authorized to set aside the increment of increased property tax revenues collected in the district, to pay for eligible redevelopment costs, the City must adopt a redevelopment project plan that describes the district and the projects being financed with the TIF, and also establishes the financial feasibility of the TIF to finance the public improvements.

The statute also directs the City to prepare the redevelopment project plan "in consultation with the planning commission of the city." On February 8, 2007, the Wichita-Sedgwick County Metropolitan Area Planning Commission met to consider the Broadway & 47th Redevelopment District Project Plan and found that the Plan is consistent with the general comprehensive plan for development of the City.

PROJECT DESCRIPTION

D.J. Christie, Inc., the developer of the proposed Broadway and 47th Project, contemplates the total redevelopment of the Project Area from its current condition to a retail commercial center. The center will contain approximately 175,000 square feet of retail space, including a 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. The western retail strip center will commence construction in the 2nd phase when Developer is able to secure approvals from KDHE that the building pad and site are in compliance with environmental state regulatory standards.

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USE OF TAX INCREMENT FINANCING

Upon adoption of the redevelopment project plan, the City will have established its authority under state law to issue special obligation bonds to finance the TIF-eligible costs, which bonds will be repaid solely from the incremental increase in property taxes resulting from the redevelopment of the Project Area. The TIF-eligible costs include land acquisition, demolition, site preparation, utility extensions, drainage improvements, paving, lighting, drives, sidewalks, parking and landscaping. TIF funding cannot be used for construction of privately-owned or leased buildings. The Developer estimates the total amount TIF-eligible costs to be \$2,500,000. The Development Agreement limits the total amount of project costs to be funded with TIF at \$1,500,000.

FINANCIAL FEASIBILITY

The Financial Feasibility Study contained in the Redevelopment Project Plan examines the County's assessed valuation of the property located within the Broadway & 47th Redevelopment District, with respect to the value of the property in the base year (2006) to the year in which planned redevelopment projects will be fully reflected in the County's database of property values (2009). The following table summarizes the revenue side of the analysis:

	<u>2006 Base Year</u>	<u>2009 Projected</u>
Appraised Value	\$2,247,100	\$10,696,560
Assessed Value	\$488,585	\$2,674,140
Captured Value	\$0	\$6,904,815
2006 Mill Levy	95.466	95.466
Annual Tax Increment	\$0	\$208,646

The analysis assumes that only those projects which are currently planned will be constructed, and that the 2006 City/County/School District mill levy will not increase or decrease. The analysis shows that the stream of projected tax increment revenues is sufficient to retire the principal and interest on a \$1.9 million tax-exempt special obligation tax increment bond issue over a 20-year period.

DEVELOPMENT AGREEMENT

The Development Agreement between the City and Broadway 47, LLC provides the contractual framework for the redevelopment project. Under the terms of the agreement, the developer (Broadway 47, LLC) is obligated to construct the redevelopment project outlined above, at a minimum cost of \$15,000,000, and the City is obligated to reimburse the developer for TIF-eligible project costs up to a maximum of \$1,500,000 plus costs related to the issuance of TIF bonds. Because the TIF bonding is not general obligation, and therefore the City is not at risk, the development agreement does not require the developer to pay any shortfall in tax increment revenues. For the same reason, the development agreement does not include any clawback features mentioned in the City's economic development incentive policy.

It is anticipated that the projects funded with tax increment financing will be financed with special obligation bonds, paid solely from the incremental increase in taxes collected on property located in the redevelopment district. The bonds will be underwritten by Piper Jaffray & Co. and resold to investors who assume the risk of tax increment revenues being insufficient to meet debt service requirements.

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

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The Law Department has reviewed and approved as to form the ordinance, which is required for the adoption of a redevelopment project plan under the state tax increment financing statutes and bonding ordinance needed to initiate the TIF-funded improvement projects. The notice for a public hearing on the City's intent to adopt the redevelopment plan has been given pursuant to law. In order to adopt the redevelopment plan, the ordinance must be approved by a two thirds majority.

Mayor Mayans

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

Motion--

Gray moved that the public hearing be closed; the first reading of the ordinance adopting Broadway & 47th Project Plan be approved; first reading of the ordinance authorizing the TIF-funded improvements approved; the clawback provisions of the Economic Development Incentive Policy waived; the Development Agreement approved; and the necessary signatures authorized.

--carried

Motion carried 6 to 0.

ORDINANCE

An Ordinance adopting a project plan for the Broadway and 47th Redevelopment District, introduced and under the rules laid over.

ASSESSMENTS

PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR TWENTY-TWO (22) WATER PROJECTS, TWENTY-THREE (23) SEWER PROJECTS, AND THIRTEEN (13) STORM SEWER PROJECTS IN JULY 2007 BOND SALE SERIES 790. (ALL DISTRICTS)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 07-0257

The City Council was notified on February 13, 2007 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Notice of hearing letters were published February 16, 2007 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing March 5, 2007 at 11:00 a.m. for the water and sewer projects.

Financial Considerations: Statements of Special Assessment will be mailed to the property owners on April 6, 2007. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2007 Bond Sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2007 tax roll.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

These projects were initiated pursuant to provisions of KSA 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

470-980 448-90160 Water Distribution System (81.40% Petition)

480-812 468-84005 Lateral 6, Main 4, Northwest Interceptor Sewer (53.70% Petition)

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WATER PROJECTS:

- A. (470-958/448-89614) Construction of Water Distribution System No. 448-89614 TO SERVE EQUESTRIAN ESTATES ADDITION, South of Harry, East of 127th Street East, as authorized by Resolution No. R-01-371, rescinded by Resolution No. R-05-510, adopted September 11, 2001 & October 18, 2005, and published September 15, 2001 & October 21, 2005, corrected & republished November 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$99,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- B. (470-982/448-89788) Construction of Water Distribution System No. 448-89788 TO SERVE WOODLAND LAKES ESTATES 3RD & 4TH ADDITIONS, South of Lincoln, West of 127th Street East, as authorized by Resolution No. R-03-133, rescinded by Resolution No. R-04-520, adopted March 18, 2003 & September 21, 2004, and published April 4, 2003 & September 24, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$51,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- C. (470-969/448-89789) Construction of Water Distribution System No. 448-89789 TO SERVE WOODLAND LAKES ESTATES 3RD & 4TH ADDITIONS, TRACTS C & D, South of Lincoln, West of 127th Street East, as authorized by Resolution No. R-03-134, rescinded by Resolution No. R-04-521, adopted March 18, 2003 & September 21, 2004, and published April 4, 2003 & October 4, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$26,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- D. (470-976/448-89850) Construction of Water Distribution System No. 448-89850 TO SERVE HARVEST RIDGE ADDITION, West of Maize, South of 31st Street South, as authorized by Resolution No. R-03-368, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$61,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- E. (470-994/448-89857) Construction of Water Distribution System No. 448-89857 TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, as authorized by Resolution No. R-03-381, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$37,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- F. (470-977/448-89895) Construction of Water Distribution System No. 448-89895 TO SERVE LIBERTY PARK 2ND & 3RD ADDITIONS, South of 13th, East of 135th Street West, as authorized by Resolution No. R-03-604, rescinded by Resolution No. R-04-394, adopted November 18, 2003 & August 3, 2004, and published November 21, 2003 & August 6, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$105,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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- G. (470-961/448-89957) Construction of Water Distribution System No. 448-89957 TO SERVE REED'S COVE 3RD ADDITION, East of 127th Street East, South of 21st, as authorized by Resolution No. R-04-267, adopted May 18, 2004, and published May 21, 2004 corrected & republished March 10, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$49,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- H. (470-975/448-89962) Construction of Water Distribution System No. 448-89962 TO SERVE TURKEY CREEK 2ND ADDITION, North of Pawnee, West of 119th Street West, as authorized by Resolution No. R-04-255, rescinded by Resolution No. R-05-101, adopted May 18, 2004 & March 1, 2005, and published May 21, 2004 & March 4, 2005 corrected & republished March 10, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$84,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- I. (470-974/448-89984) Construction of Water Distribution System No. 448-89984 TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, as authorized by Resolution No. R-04-362, adopted July 20, 2004, and published July 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$67,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- J. (470-959/448-89999) Construction of Water Distribution System No. 448-89999 TO SERVE FONTANA & FONTANA 2ND ADDITIONS, East of 119th Street West, North of 29th Street North, as authorized by Resolution No. R-04-486, rescinded by Resolution No. R-05-616, adopted September 14, 2004 & November 22, 2005, and published September 17, 2004 & November 25, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$181,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- K. (470-949/448-90013) Construction of Water Distribution System No. 448-90013 TO SERVE EVERGREEN 5TH ADDITION, South of 29th Street North, West of Maize, as authorized by Resolution No. R-04-528, adopted September 21, 2004, and published September 24, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$55,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- L. (470-964/448-90045) Construction of Water Distribution System No. 448-90045 TO SERVE FONTANA ADDITION, North of 29th Street North, East of 119th Street West, as authorized by Resolution No. R-05-094, adopted March 1, 2005, and published March 4, 2005 corrected & republished March 23, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$119,900.00 is to be apportioned 35% payable by the improvement district & 65% payable by the City of Wichita Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

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- M. (470-916/448-90060) Construction of Water Distribution System No. 448-90060 TO SERVE PARCELS 1, 2 & 3, North of Kellogg, East of 167th Street East, as authorized by Resolution No. R-05-134, adopted March 22, 2005, and published March 28, 2005, corrected & republished April 8, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$417,200.00 is to be apportioned 40% payable by the improvement district & 60% payable by the City of Wichita Water Utility Funds to the improvement district. The cost has been assessed on a square foot basis.
- N. (470-929/448-90062) Construction of Water Distribution System No. 448-90062 TO SERVE NORTH RIDGE VILLAGE ADDITION, North of 37th Street North, West of Ridge, as authorized by Resolution No. R-05-145, adopted March 22, 2005, and published March 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$56,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- O. 470-981/448-90096) Construction of Water Distribution System No. 448-90096 TO SERVE KRUG NORTH 2ND ADDITION, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-05-394, rescinded by Resolution No. R-06-005, adopted August 2, 2005 & January 10, 2006, and published August 5, 2005 & January 13, 2006 corrected & republished January 23, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$68,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- P. (470-966/448-90112) Construction of Water Distribution System No. 448-90112 TO SERVE CASA BELLA ADDITION, North of Pawnee, West of 127th Street East, as authorized by Resolution No. R-05-675, rescinded by Resolution No. R-06-331, adopted December 20, 2005 & June 6, 2006, and published December 29, 2005 & June 8, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$139,000.00 is to be apportioned 66% payable by the improvement district & 34% payable by the City of Wichita Water Utility to the improvement district. The cost has been assessed on a fractional basis.
- Q. (470-955/448-90121) Construction of Water Distribution System No. 448-90121 TO SERVE AUBURN HILLS 16TH ADDITION, South of Maple, East of 151st Street West, as authorized by Resolution No. R-05-551, adopted November 1, 2005, and published November 5, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$155,100.00 is to be apportioned 86.86% payable by the improvement district & 13.14% payable by the City of Wichita Water Utility Improvement Funds to the improvement district. The cost has been assessed on a fractional basis.
- R. (470-985/448-90125) Construction of Water Distribution System No. 448-90125 TO SERVE TIMBERLANDS ADDITION, North of Harry, West of 127th Street East, as authorized by Resolution No. R-05-548, adopted November 1, 2005, and published November 5, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$20,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

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- S. (470-957/448-90127) Construction of Water Distribution System No. 448-90127 TO SERVE R & P ADDITION, South of Harry, West of West Street, as authorized by Resolution No. R-05-537, adopted November 1, 2005, and published November 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$12,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.
- T. (470-965/448-90140) Construction of Water Distribution System No. 448-90140 TO SERVE EBERLY FARM OFFICE PARK, East of 135th Street West, South of 21st, as authorized by Resolution No. R-05-564, adopted November 1, 2005, and published November 5, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$29,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- U. (470-980/448-90160) Construction of Water Distribution System No. 448-90160 TO SERVE BLUE SKY & ISEMINGER ADDITIONS, North of Douglas, West of West Street, as authorized by Resolution No. R-06-023, adopted January 10, 2006, and published January 13, 2006. Petition for this improvement was signed by owners representing 81.40% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$17,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- V. (470-978/448-90173) Construction of Water Distribution System No. 448-90173 TO SERVE REED'S COVE 4TH ADDITION, East of 127th Street East, South of 21st, as authorized by Resolution No. R-06-099, adopted February 28, 2006, and published March 3, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$47,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

SEWER PROJECTS:

- W. (480-843/468-83318) Construction of LATERAL 314, FOUR MILE CREEK SEWER, South of Harry, East of 127th Street East, as authorized by Resolution No. R-01-374, rescinded by Resolution No. R-05-511, adopted September 11, 2001 & October 18, 2005, and published September 15, 2001 & October 21, 2005 corrected & republished November 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$171,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- X. (480-866/468-83589) Construction of LATERAL 346, FOUR MILE CREEK SEWER, South of Lincoln, West of 127th Street East, as authorized by Resolution No. R-03-136, rescinded by Resolution No. R-04-522, adopted March 18, 2003 & September 21, 2004, and published March 22, 2003 & September 24, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$73,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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- Y. (480-862/468-83660) Construction of LATERAL 2, MAIN 5, COWSKIN INTERCEPTOR SEWER, West of Maize, South of 31st Street South, as authorized by Resolution No. R-03-372, rescinded by Resolution No. R-06-210, adopted July 15, 2003 & May 9, 2006, and published July 18, 2003 & May 11, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$155,600.00 is to be apportioned 85.81% payable by the improvement district & 14.19% payable by the City of Wichita Sanitary Sewer Utility Fund. The cost has been assessed on a fractional basis.
- Z. (480-863/468-83730) Construction of LATERAL 7, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, East of 135th Street West, as authorized by Resolution No. R-03-608, rescinded by Resolution No. R-04-396, adopted November 18, 2003 & August 3, 2004, and published November 21, 2003 & August 6, 2004 corrected & republished August 14, 2004 corrected & republished December 11, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$176,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AA. (480-861/468-83819) Construction of LATERAL 2, MAIN 6, COWSKIN INTERCEPTOR SEWER, North of Pawnee, West of 119th Street West, as authorized by Resolution No. R-04-259, rescinded by Resolution No. R-05-105, adopted May 18, 2004 & March 1, 2005, and published May 21, 2004 & March 4, 2005, corrected & republished March 23, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$195,500.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AB. (480-800/468-83842) Construction of LATERAL 1, MAIN 15, SANITARY SEWER NO. 23, North of 61st Street North, West of Meridian, as authorized by Resolution No. R-04-324, adopted June 15, 2004, and published June 18, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$302,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AC. (480-844/468-83877) Construction of LATERAL 5, MAIN 7, NORTHWEST INTERCEPTOR SEWER, East of 119th Street West, North of 29th Street North, as authorized by Resolution No. R-04-492, rescinded by Resolution No. R-05-229, rescinded by Resolution No. R-05-618, rescinded by Resolution No. R-06-621, adopted September 14, 2004, May 3, 2005, November 22, 2005 & November 21, 2006, and published September 17, 2004, May 6, 2005, November 25, 2005 & November 27, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$368,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AD. (480-825/468-83972) Construction of LATERAL 507, SOUTHWEST INTERCEPTOR SEWER, North of 2nd, East of Ridge, as authorized by Resolution No. R-05-135, rescinded by Resolution No. R-06-585, adopted March 22, 2005 & November 7, 2006, and published March 28, 2005 & November 10, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$44,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

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- AE. (480-814/468-83977) Construction of LATERAL 21, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Ridge, as authorized by Resolution No. R-05-141, rescinded by Resolution No. R-06-092, adopted March 22, 2005 & February 28, 2006, and published March 28, 2005 & March 3, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$239,010.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AF. (480-812/468-84005) Construction of LATERAL 6, MAIN 4, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 119th Street West, as authorized by Resolution No. R-05-233, rescinded by Resolution No. 07-008, adopted May 3, 2005 & January 9, 2007, and published May 6, 2005 & January 12, 2007. Petition for this improvement was signed by owners representing 53.70% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$215,400.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AG. (480-826/468-84018) Construction of LATERAL 69, MAIN 9, SANITARY SEWER NO. 23, North of 29th Street North, West of Rock, as authorized by Resolution No. R-05-278, rescinded by Resolution No. R-05-630, adopted May 17, 2005 & December 13, 2005, and published May 21, 2005 & December 15, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$56,400.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AH. (480-854/468-84023) Construction of LATERAL 1, MAIN 1, BOEING SANITARY SEWER, South of 63rd Street South, West of Clifton, as authorized by Resolution No. R-05-604, adopted November 15, 2005, and published November 21, 2005, corrected & republished January 10, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$541,600.00 is to be apportioned 92.58% payable by the improvement district & 7.42% payable by the City of Wichita Sewer Utility Fund. The cost has been assessed on a fractional basis.
- AI. (480-865/468-84055) Construction of LATERAL 379, FOUR MILE CREEK SEWER, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-05-398, rescinded by Resolution No. R-06-199, adopted August 2, 2005 & May 2, 2006, and published August 5, 2005 & May 4, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$147,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AJ. (480-835/468-84065) Construction of LATERAL 6, MAIN 13, SANITARY SEWER NO. 23, North of 45th Street North, West of Hillside, as authorized by Resolution No. R-05-429, adopted August 16, 2005, and published August 19, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$615,100.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AK. (480-836/468-84066) Construction of LATERAL 7, MAIN 13, SANITARY SEWER NO. 23, North of 45th Street North, West of Hillside, as authorized by Resolution No. R-05-467, rescinded by Resolution No. R-05-593, adopted September 20, 2005 & November 8, 2005, and published September 23, 2005 corrected & republished October 7, 2005, & November 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$91,600.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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- AL. (480-853/468-84072) Construction of LATERAL 2, MAIN 18, FOUR MILE CREEK SEWER, North of Pawnee, West of 127th Street West, as authorized by Resolution No. R-05-678, adopted December 20, 2005, and published December 29, 2005, corrected & republished January 10, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$145,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AM. (480-842/468-84089) Construction of LATERAL 12, MAIN 2, COWSKIN INTERCEPTOR SEWER, South of Maple, East of 151st Street West, as authorized by Resolution No. R-05-566, adopted November 1, 2005, and published November 4, 2005 corrected & republished July 21, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$180,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AN. (480-867/468-84093) Construction of LATERAL 385, FOUR MILE CREEK SEWER, North of Harry, West of 127th Street East, as authorized by Resolution No. R-05-549, adopted November 1, 2005, and published November 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$88,000.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AO. (480-869/468-84096) Construction of LATERAL 9, MAIN 13, SANITARY SEWER NO. 23, North of 45th Street North, West of Hillside, as authorized by Resolution No. R-05-594, adopted November 8, 2005, and published November 17, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$187,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AP. (480-852/468-84109) Construction of LATERAL 6, MAIN 3, NORTHWEST INTERCEPTOR SEWER, East of 135th Street West, South of 21st, as authorized by Resolution No. R-05-565, rescinded by Resolution No. R-06-094, adopted November 1, 2005 & February 28, 2006, and published November 5, 2005 & March 3, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$97,730.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AQ. (480-849/468-84124) Construction of LATERAL 5, MAIN 10, FOUR MILE CREEK SEWER, at Greenwich, North of 13th, as authorized by Resolution No. R-05-631, adopted December 13, 2005, and published December 15, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$66,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AR. (480-856/468-84142) Construction of LATERAL 394, FOUR MILE CREEK SEWER, South of Harry, West of 159th Street East, as authorized by Resolution No. R-06-031, adopted January 24, 2006, and published January 27, 2006 corrected & republished October 17, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$74,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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AS. (480-864/468-84153) Construction of LATERAL 6, MAIN 14, FOUR MILE CREEK SEWER, East of 127th Street East, South of 21st, as authorized by Resolution No. R-06-100, adopted February 28, 2006, and published March 3, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$108,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

STORM SEWER PROJECTS:

AT. (485-291/468-83598) Construction of SWD NO. 201, TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, as authorized by Resolution No. R-03-084, adopted February 11, 2003, and published February 20, 2003, corrected & republished February 7, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$129,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AU. (485-265/468-83750) Construction of SWD NO. 224, TO SERVE AVALON PARK 2ND ADDITION, North of 37th Street North, East of Tyler, as authorized by Resolution No. R-04-349, amended by R-05-042, amended by R-05-118, adopted July 13, 2004, January 11, 2005 & March 8, 2005, and published July 19, 2004, January 14, 2005 & March 14, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$306,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AV. (485-296/468-83793) Construction of SWD NO. 228, TO SERVE KRUG NORTH ADDITION, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-04-182, Rescinded by R-05-396, Rescinded by R-05-443, adopted April 13, 2004, August 2, 2005 & August 23, 2005, and published April 16, 2004, August 5, 2005 & August 26, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$496,000.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AW. (485-280/468-83938) Construction of SWD NO. 249, TO SERVE CHERYL'S HOLLOW ADDITION & UNPLATTED TRACT A, North of 13th, West of 135th Street West, as authorized by Resolution No. R-04-686, rescinded by R-06-455, adopted December 21, 2004 & August 22, 2006, and published December 28, 2004 & August 25, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$193,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AX. (485-285/468-83950) Construction of SWD NO. 250, TO SERVE THE WATERFRONT ADDITION, North of 13th, East of Webb, as authorized by Resolution No. R-05-129, rescinded by R-05-424, adopted March 22, 2005 & August 16, 2005, and published March 28, 2005 & August 19, 2005, corrected & republished September 2, 2005, corrected & republished June 8, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$304,100.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

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- AY. (485-297/468-83968) Construction of SWD NO. 253, TO SERVE SOUTHERN RIDGE 3RD ADDITION, South of Pawnee, West of Maize, as authorized by Resolution No. R-05-155, adopted March 22, 2005, and published March 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$665,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- AZ. (485-298/468-83995) Construction of SWS NO. 614, TO SERVE MAPLE SHADE ADDITION, East of Webb, North of Pawnee, as authorized by Resolution No. R-05-219, adopted April 26, 2005, and published April 30, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$78,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- BA. (485-289/468-83996) Construction of SWD NO. 262, TO SERVE FOX RIDGE ADDITION, North of 29th Street North, West of Tyler, as authorized by Resolution No. R-05-220, adopted April 26, 2005, and published April 30, 2005, corrected & republished June 14, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$173,700.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- BB. (485-292/468-84011) Construction of SWD NO. 264, TO SERVE AVALON PARK 3RD ADDITION, North of 37th Street North, East of Tyler, as authorized by Resolution No. R-05-272, adopted May 17, 2005, and published May 21, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$169,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- BC. (485-293/468-84012) Construction of SWD NO. 265, TO SERVE AVALON PARK 3RD ADDITION & AVALON PARK, North of 37th Street North, East of Tyler, as authorized by Resolution No. R-05-273, adopted May 17, 2005, and published May 21, 2005, corrected & republished June 8, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$232,100.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- BD. (485-288/468-84014) Construction of SWD NO. 267, TO SERVE PRAIRIE POND PLAZA ADDITION, North of Kellogg, East of 143rd Street East, as authorized by Resolution No. R-05-295, adopted May 24, 2005, and published May 27, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$126,300.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- BE. (485-309/468-84092) Construction of SWD NO. 278, TO SERVE AUBURN HILLS 16TH ADDITION, South of Maple, East of 151st Street West, as authorized by Resolution No. R-05-557, Rescinded by R-06-139, adopted November 1, 2005 & March 21, 2006, and published November 5, 2005 & March 23, 2006, corrected & republished June 12, 2006, January 30, 2007 & February 2, 2007. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$655,200.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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BF. (485-308/468-84140) Construction of SWD NO. 286, TO SERVE EMERALD BAY ESTATES ADDITION & UNPLATTED TRACT A, West of West Street, North of 21st Street, as authorized by Resolution No. R-06-038, adopted January 24, 2006, and published January 27, 2006. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved December 19, 2006, in the amount of \$519,800.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Orlin Wagner

Mr. Wagner stated he lives in the Woodland Lakes Estates Third Addition, lot 4 block 2, which is 1017 South Zelta. Stated there was a poor formal hearing and no one seemed to be present and aware from the City to even suggest anything except that this affects water. Stated he would suggest that there is no way that there has been any water activity within the last two years that would be an improvement to either property in blocks 1 and 2 and it is questionable whether there is any benefit to blocks 3 and 4. Stated he has only been there for about six months and knows that the water has been in existence at this location for at least two years and there have been two water assessments on his property already by the City along with storm, a lateral, street, and sewer improvements. If there is no improvement to that area then there is no basis for assessing.

Jim Armour

City Engineer explained they did meet with Mr. Wagner in an informal hearing and his concern here is that the water line projects were built in phases by the developer and it was a 100% petition and developers often try to spread the assessments equally to a lot of the lots and by doing so, sometimes later phases of a water line may come into being assessed after they have already had a water line running in front of their residence. Stated that is the case in this instance.

Orlin Wagner

Mr. Wagner requested to speak again.

Motion--carried

Motion to allow him to address the Council for a maximum of one minute. Motion carried 6 to 0.

Orlin Wagner

Mr. Wagner stated the law requires 2/3 of the ownership. Stated the properties in blocks 1 and 2, clearly were owned at that point and once that resolution was rescinded he respectfully suggest the new resolution is controlling and at that point, the original developer did not own all the property as was just stated.

Motion--

Fearey moved that the City Council close the Public Hearing, approve the proposed assessments and place the ordinances on first reading and asked that Jim Armour and Gary Rebenstorf visit with Mr. Wagener a little bit further and try to help him see where we are coming from on this. Motion carried 6 to 0.

--carried

WATER PROJECTS:

ORDINANCE

A. (470-958/448-89614) Construction of Water Distribution System No. 448-89614 TO SERVE EQUESTRIAN ESTATES ADDITION, South of Harry, East of 127th Street East, introduced and under the rules laid over.

ORDINANCE

B. (470-982/448-89788) Construction of Water Distribution System No. 448-89788 TO SERVE WOODLAND LAKES ESTATES 3RD & 4TH ADDITIONS, South of Lincoln, West of 127th Street East, introduced and under the rules laid over.

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ORDINANCE

- C. (470-969/448-89789) Construction of Water Distribution System No. 448-89789 TO SERVE WOODLAND LAKES ESTATES 3RD & 4TH ADDITIONS, TRACTS C & D, South of Lincoln, West of 127th Street East, introduced and under the rules laid over.

ORDINANCE

- D. (470-976/448-89850) Construction of Water Distribution System No. 448-89850 TO SERVE HARVEST RIDGE ADDITION, West of Maize, South of 31st Street South, introduced and under the rules laid over.

ORDINANCE

- E. (470-994/448-89857) Construction of Water Distribution System No. 448-89857 TO SERVE BRIGHTON COURTS ADDITION, South of 21st, West of Webb, introduced and under the rules laid over.

ORDINANCE

- F. (470-977/448-89895) Construction of Water Distribution System No. 448-89895 TO SERVE LIBERTY PARK 2ND & 3RD ADDITIONS, South of 13th, East of 135th Street West, introduced and under the rules laid over.

ORDINANCE

- G. (470-961/448-89957) Construction of Water Distribution System No. 448-89957 TO SERVE REED'S COVE 3RD ADDITION, East of 127th Street East, South of 21st, introduced and under the rules laid over.

ORDINANCE

- H. (470-975/448-89962) Construction of Water Distribution System No. 448-89962 TO SERVE TURKEY CREEK 2ND ADDITION, North of Pawnee, West of 119th Street West, introduced and under the rules laid over.

ORDINANCE

- I. (470-974/448-89984) Construction of Water Distribution System No. 448-89984 TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, introduced and under the rules laid over.

ORDINANCE

- J. (470-959/448-89999) Construction of Water Distribution System No. 448-89999 TO SERVE FONTANA & FONTANA 2ND ADDITIONS, East of 119th Street West, North of 29th Street North, introduced and under the rules laid over.

ORDINANCE

- K. (470-949/448-90013) Construction of Water Distribution System No. 448-90013 TO SERVE EVERGREEN 5TH ADDITION, South of 29th Street North, West of Maize, introduced and under the rules laid over.

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ORDINANCE

- L. (470-964/448-90045) Construction of Water Distribution System No. 448-90045 TO SERVE FONTANA ADDITION, North of 29th Street North, East of 119th Street West, introduced and under the rules laid over.

ORDINANCE

- M. (470-916/448-90060) Construction of Water Distribution System No. 448-90060 TO SERVE PARCELS 1, 2 & 3, North of Kellogg, East of 167th Street East, introduced and under the rules laid over.

ORDINANCE

- N. (470-929/448-90062) Construction of Water Distribution System No. 448-90062 TO SERVE NORTH RIDGE VILLAGE ADDITION, North of 37th Street North, West of Ridge, introduced and under the rules laid over.

ORDINANCE

- O. (470-981/448-90096) Construction of Water Distribution System No. 448-90096 TO SERVE KRUG NORTH 2ND ADDITION, North of 21st, West of 143rd Street East,

ORDINANCE

- P. (470-966/448-90112) Construction of Water Distribution System No. 448-90112 TO SERVE CASA BELLA ADDITION, North of Pawnee, West of 127th Street East, introduced and under the rules laid over.

ORDINANCE

- Q. (470-955/448-90121) Construction of Water Distribution System No. 448-90121 TO SERVE AUBURN HILLS 16TH ADDITION, South of Maple, East of 151st Street West, introduced and under the rules laid over.

ORDINANCE

- R. (470-985/448-90125) Construction of Water Distribution System No. 448-90125 TO SERVE TIMBERLANDS ADDITION, North of Harry, West of 127th Street East, introduced and under the rules laid over.

ORDINANCE

- S. (470-957/448-90127) Construction of Water Distribution System No. 448-90127 TO SERVE R & P ADDITION, South of Harry, West of West Street, introduced and under the rules laid over.

ORDINANCE

- T. (470-965/448-90140) Construction of Water Distribution System No. 448-90140 TO SERVE EBERLY FARM OFFICE PARK, East of 135th Street West, South of 21st, introduced and under the rules laid over.

ORDINANCE

- U. (470-980/448-90160) Construction of Water Distribution System No. 448-90160 TO SERVE BLUE SKY & ISEMINGER ADDITIONS, North of Douglas, West of West Street, introduced and under the rules laid over.

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ORDINANCE

- V. (470-978/448-90173) Construction of Water Distribution System No. 448-90173 TO SERVE REED'S COVE 4TH ADDITION, East of 127th Street East, South of 21st, introduced and under the rules laid over.

SEWER PROJECTS:

ORDINANCE

- W. (480-843/468-83318) Construction of LATERAL 314, FOUR MILE CREEK SEWER, South of Harry, East of 127th Street East, introduced and under the rules laid over.

ORDINANCE

- X. (480-866/468-83589) Construction of LATERAL 346, FOUR MILE CREEK SEWER, South of Lincoln, West of 127th Street East, introduced and under the rules laid over.

ORDINANCE

- Y. (480-862/468-83660) Construction of LATERAL 2, MAIN 5, COWSKIN INTERCEPTOR SEWER, West of Maize, South of 31st Street South, introduced and under the rules laid over.

ORDINANCE

- Z. (480-863/468-83730) Construction of LATERAL 7, MAIN 5, NORTHWEST INTERCEPTOR SEWER, South of 13th, East of 135th Street West, introduced and under the rules laid over.

ORDINANCE

- AA. (480-861/468-83819) Construction of LATERAL 2, MAIN 6, COWSKIN INTERCEPTOR SEWER, North of Pawnee, West of 119th Street West, introduced and under the rules laid over.

ORDINANCE

- AB. (480-800/468-83842) Construction of LATERAL 1, MAIN 15, SANITARY SEWER NO. 23, North of 61st Street North, West of Meridian, introduced and under the rules laid over.

ORDINANCE

- AC. (480-844/468-83877) Construction of LATERAL 5, MAIN 7, NORTHWEST INTERCEPTOR SEWER, East of 119th Street West, North of 29th Street North, introduced and under the rules laid over.

ORDINANCE

- AD. (480-825/468-83972) Construction of LATERAL 507, SOUTHWEST INTERCEPTOR SEWER, North of 2nd, East of Ridge, introduced and under the rules laid over.

ORDINANCE

- AE. (480-814/468-83977) Construction of LATERAL 21, MAIN 19, SOUTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Ridge, introduced and under the rules laid over.

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ORDINANCE

- AF. (480-812/468-84005) Construction of LATERAL 6, MAIN 4, NORTHWEST INTERCEPTOR SEWER, South of 13th, West of 119th Street West, introduced and under the rules laid over.

ORDINANCE

- AG. (480-826/468-84018) Construction of LATERAL 69, MAIN 9, SANITARY SEWER NO. 23, North of 29th Street North, West of Rock, introduced and under the rules laid over.

ORDINANCE

- AH. (480-854/468-84023) Construction of LATERAL 1, MAIN 1, BOEING SANITARY SEWER, South of 63rd Street South, West of Clifton, introduced and under the rules laid over.

ORDINANCE

- AI. (480-865/468-84055) Construction of LATERAL 379, FOUR MILE CREEK SEWER, North of 21st, West of 143rd Street East, introduced and under the rules laid over.

ORDINANCE

- AJ. (480-835/468-84065) Construction of LATERAL 6, MAIN 13, SANITARY SEWER NO. 23, North of 45th Street North, West of Hillside, introduced and under the rules laid over.

ORDINANCE

- AK. (480-836/468-84066) Construction of LATERAL 7, MAIN 13, SANITARY SEWER NO. 23, North of 45th Street North, West of Hillside, introduced and under the rules laid over.

ORDINANCE

- AL. (480-853/468-84072) Construction of LATERAL 2, MAIN 18, FOUR MILE CREEK SEWER, North of Pawnee, West of 127th Street West, introduced and under the rules laid over.

ORDINANCE

- AM. (480-842/468-84089) Construction of LATERAL 12, MAIN 2, COWSKIN INTERCEPTOR SEWER, South of Maple, East of 151st Street West, introduced and under the rules laid over.

ORDINANCE

- AN. (480-867/468-84093) Construction of LATERAL 385, FOUR MILE CREEK SEWER, North of Harry, West of 127th Street East, introduced and under the rules laid over..

ORDINANCE

- AO. (480-869/468-84096) Construction of LATERAL 9, MAIN 13, SANITARY SEWER NO. 23, North of 45th Street North, West of Hillside, introduced and under the rules laid over.

ORDINANCE

- AP. (480-852/468-84109) Construction of LATERAL 6, MAIN 3, NORTHWEST INTERCEPTOR SEWER, East of 135th Street West, South of 21st, introduced and under the rules laid over.

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ORDINANCE

- AQ. (480-849/468-84124) Construction of LATERAL 5, MAIN 10, FOUR MILE CREEK SEWER, at Greenwich, North of 13th, introduced and under the rules laid over.

ORDINANCE

- AR. (480-856/468-84142) Construction of LATERAL 394, FOUR MILE CREEK SEWER, South of Harry, West of 159th Street East, introduced and under the rules laid over.

ORDINANCE

- AS. (480-864/468-84153) Construction of LATERAL 6, MAIN 14, FOUR MILE CREEK SEWER, East of 127th Street East, South of 21st,

STORM SEWER PROJECTS:

ORDINANCE

- AT. (485-291/468-83598) Construction of SWD NO. 201, TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, introduced and under the rules laid over.

ORDINANCE

- AU. (485-265/468-83750) Construction of SWD NO. 224, TO SERVE AVALON PARK 2ND ADDITION, North of 37th Street North, East of Tyler, introduced and under the rules laid over.

ORDINANCE

- AV. (485-296/468-83793) Construction of SWD NO. 228, TO SERVE KRUG NORTH ADDITION, North of 21st, west of 143rd Street East, introduced and under the rules laid over.

ORDINANCE

- AW. (485-280/468-83938) Construction of SWD NO. 249, TO SERVE CHERYL'S HOLLOW ADDITION & UNPLATTED TRACT A, North of 13th, west of 135th Street West, introduced and under the rules laid over.

ORDINANCE

- AX. (485-285/468-83950) Construction of SWD NO. 250, TO SERVE THE WATERFRONT ADDITION, North of 13th, East of Webb, introduced and under the rules laid over.

ORDINANCE

- AY. (485-297/468-83968) Construction of SWD NO. 253, TO SERVE SOUTHERN RIDGE 3RD ADDITION, South of Pawnee, West of Maize, introduced and under the rules laid over.

ORDINANCE

- AZ. (485-298/468-83995) Construction of SWS NO. 614, TO SERVE MAPLE SHADE ADDITION, East of Webb, North of Pawnee, introduced and under the rules laid over.

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ORDINANCE

- BA. (485-289/468-83996) Construction of SWD NO. 262, TO SERVE FOX RIDGE ADDITION, North of 29th Street North, West of Tyler, introduced and under the rules laid over.

ORDINANCE

- BB. (485-292/468-84011) Construction of SWD NO. 264, TO SERVE AVALON PARK 3RD ADDITION, North of 37th Street North, East of Tyler, introduced and under the rules laid over.

ORDINANCE

- BC. (485-293/468-84012) Construction of SWD NO. 265, TO SERVE AVALON PARK 3RD ADDITION & AVALON PARK, North of 37th Street North, East of Tyler, introduced and under the rules laid over.

ORDINANCE

- BD. (485-288/468-84014) Construction of SWD NO. 267, TO SERVE PRAIRIE POND PLAZA ADDITION, North of Kellogg, East of 143rd Street East, introduced and under the rules laid over.

ORDINANCE

- BE. (485-309/468-84092) Construction of SWD NO. 278, TO SERVE AUBURN HILLS 16TH ADDITION, South of Maple, East of 151st Street West, introduced and under the rules laid over.

ORDINANCE

- BF. (485-308/468-84140) Construction of SWD NO. 286, TO SERVE EMERALD BAY ESTATES ADDITION & UNPLATTED TRACT A, West of West Street, North of 21st Street, introduced and under the rules laid over.

GRANT APP.

FEDERAL HIGHWAY ADMINISTRATION-TRANSPORTATION, COMMUNITY, AND SYSTEM PRESERVATION (TCSP) PROGRAM GRANT APPLICATION.

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 07-0258

The Federal Highway Administration has recently published an announcement for the Transportation, Community, and System Preservation (TCSP) Program. The program provides funding on an 80% Federal/20% local basis. Grant applications are proposed for the following projects:

Integrated Multimodal Transportation System (IMTS). The various plans for the downtown area and surrounding neighborhoods identify what transportation improvements are needed. However, these plans do not identify how these improvements should be designed so that they are coordinated with the transportation networks of Wichita's core area, the City in general, the State of Kansas and the national system. Also, current and future redevelopment in downtown Wichita has necessitated the development of a modern transportation system. This system must integrate multiple modes of transportation into a design that facilitates economic development, mitigates congestion and improves the viability of downtown residential and commercial districts. The Metropolitan Area Planning Department proposes to submit a grant application requesting \$960,000 in federal funding for "An Integrated Multimodal

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Transportation System for Downtown Wichita.” This project will include recommended transportation and implementation strategies, pre-engineering design concepts and project cost estimates with possible funding strategies to guide redevelopment in the core area. It is proposed that the City match of \$240,000 be allocated from the Economic and Redevelopment Capital Improvement Program to leverage the \$960,000 in federal funding.

47th St. South Corridor Improvements. Rapid commercial and residential development in South Wichita has severely increased traffic congestion in the corridor along 47th St. South, between I-135 and Broadway (US Highway 81). As a vital link between a US Highway and two interstate freeways, the operating conditions are of considerable impact to regional transportation mobility and trade access. In response to growing concerns various studies have been undertaken, including a Corridor Improvement Study, completed by the Kansas Department of Transportation (KDOT) and a South Area Transportation Study initiated by the Wichita Area Metropolitan Planning Organization. In addition the improvement was identified as a high priority by a local Neighborhood Plan. The 2004 KDOT study revealed several traffic movements to be operating at saturated levels, including an eastbound weave on the 47th St. South overpass and a northbound weave on I-135. When completed, the project will facilitate continued commercial and residential development in the area.

13th St. Bridge at the Little Arkansas River. This bridge, also know as the Minisa Bridge, serves as one of the primary connecting links between the east and west sides of Wichita. Located adjacent to North High School, the bridge incorporates the distinct decorative elements of the high school building. Since construction of the bridge in 1932, 13th Street has evolved into one of Wichita’s most heavily trafficked and congested corridors.

Integrated Intermodal Transportation System. The ultimate outcome of the action plan will be a “how to” manual for implementing a multimodal downtown transportation strategy. This includes project identification, justification, concept design, timing and coordination, cost estimates and funding strategies. This document will allow the City to assemble a multi-year capital improvement program for transportation infrastructure in Wichita’s urban core, which will then be used to initiate project-specific design and construction. Once obligated, this project has an anticipated timeframe of approximately 21 months, including document approval processes. The application has targeted a June 2009 project completion date.

47th St. South Corridor Improvements. This grant will fund the design and right-of-way acquisition costs associated with the reconstruction of the roadway between I-135 and Broadway (US 81). The City of Wichita, Sedgwick County, the Kansas Department of Transportation and local businesses are partnering to implement improvements that will maximize traffic safety and efficiency; and encourage continued economic development in the area. The estimated cost is \$1,000,000 with \$200,000 paid by the City and \$800,000 by the Federal grant.

13th St. Bridge at the Little Arkansas River. This project will rehabilitate the bridge structure including replacement of the existing abutments and support beams. When completed the bridge will have a new support deck for the existing brick that will be replaced as the driving surface. The new driving surface will be wider than the existing, while maintaining all existing features on the outer edges of the bridge. The estimated cost is \$1,250,000 with \$250,000 paid by the City and \$1,000,000 by Federal grants.

If awarded, the impact on the Economic and Redevelopment Capital Improvement Program will be \$690,000, which is a 20% match of the grant funding. This expenditure is not approved in the current CIP, but would need to be added if the City is awarded and subsequently accepts the grant.

The grants, if awarded will have impact on the following goals:

Core Areas and Neighborhoods – The IMTS project will develop an action plan and design concepts to improve access to and from downtown residential and commercial districts, the Old Town district, the downtown arena, Century II Convention Center, the WaterWalk Development and the Central Business District.

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Efficient Infrastructure – The 47th St. South and 13th St. Bridge projects will improve vehicular traffic flow through major transportation corridors. The IMTS project will develop an action plan and design concepts to improve the downtown transportation system and integrate multiple modes of transportation.

Promote Economic Vitality and Affordable Living – The IMTS project will develop an action plan and design concepts to improve access to downtown area retail and entertainment activities, governmental functions, medical services and the Central Business District.

Safe and Secure Community – The improvements suggested in the IMTS action plan will identify safety improvements to the transportation system and improve access of emergency vehicles to the downtown area.

Quality of Life – The IMTS action plan will suggest strategies and prepare design concepts to improve bicycle and pedestrian travel, integrate transit, and increase access to cultural attractions and events, the arts and future sporting events.

Council Member Skelton Council Member Skelton he received an email that said the three applications that we requested approval to submit have already been ranked by the State. Stated if we are here to authorize to submit this, how did this happen.

George Kolb City Manager explained they submitted the grant applications and if you had decided that you did not want to submit them they would withdrawn them or turned the money back otherwise we would have missed the deadline.

Council Member Skelton Council Member Skelton stated if we have to approve the submittal, this is step A and it seems that communication with the State is step B and is confused by that. Stated if it is the Council's legislative duty to approve this application then how did the State get the information to rank this.

George Kolb City Manger explained it is not the Council's legislative duty. Stated it is an administrative regulation that the Council approves the submission of grants but it is not mandatory that we do that. Stated we submitted the applications in anticipation of making the deadline and if it were discussed today, we would have missed the deadline. Stated the Council can withdraw the application if they choose to.

Council Member Skelton Council Member Skelton stated he would like more information about what the technicalities are and where do we lack the specialization that is needed in the City Government to do this.

John Schlegel Planning Director stated he does not know if it is that we lack the technical capabilities but it is a matter of having Staff resources to be able to do that type of effort. Stated we have worked on the arena neighborhood redevelopment plan and have tried to coordinate that planning effort with the other City departments but there are only so many hours in a day and so many staff people available for doing that type of work. Stated everybody already has a full plate of duties and to ask them to put other work activities aside so they can do this type of planning effort is asking a lot and it needs a very protracted planning process. Stated if we would be funded under that grant application is to also move toward pre-engineering design of many of these improvements that they are anticipating are going to be needed downtown and for that they would have to hire outside engineering and design firms to do that.

(Mayor Mayans momentarily absent, Vice-Mayor Gray in the chair)

Council Member Skelton Council Member Skelton stated this is going to cost over a million dollars and if the City has the technical capacity to do this, how far would a million dollars go here in this organization. Stated he does not agree with the use of this consultant and thinks there should be alternatives especially when we have \$240,000.00 local match option, which is enough to pay for a salary for an assistant to the traffic engineer.

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- George Kolb City Manger explained we always try to hire to take care of a normal workflow. Stated in some years we have more of a workload than we can handle in other years we are just barely able to meet the workload that we have. Stated we anticipate those workloads and in those cases that is where we try to go out and either get temporary help or get consultants to do the work for us. State it is more cost efficient and it is a better utilization of our Staff's resources. Stated we will continue to come to the Council with these requests in the future where we feel using a consultant or temporary staff is more important or else the project will not get done. Stated we feel this is the best way to approach this particular project or we cannot do it.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Council Member Fearey Council Member Fearey stated to her this study is similar to what we were talking about earlier with the flooding, that this is an opportunity to look at the "big picture" and knows that consultants have gotten a bad name lately but the reason consultants started being used not only by government but by private industries is because the can bring together a whole group of experts and sometimes partner with other groups. Stated for Staff to pull those people in, what will we do with them when we are done with this study because the probably will not have the same expertise for the next study that we need. Stated she feels consultants are good and do a lot of wonderful work but we always have to be careful but she feels this is a case where they could come in and do this work that looks at a "big picture" of our downtown transportation that does need looked at.
- Motion-- Mayans moved that the grant applications be approved; the necessary signatures authorized; and matching funds up to \$690,000 from the Economic and Redevelopment Capital Improvement Program, if the grant is awarded, be approved. Motion carried 5 to 1; (Skelton, no).
- carried

CENTURY II

EXTENSION OF CATERING AND CONCESSIONS CONTRACT FOR CENTURY II.

- Doug Kupper Director of Parks and Recreation reviewed the item.
- Agenda Report No. 07-0259
- Approve the revised Amendment and Extension of Catering and Concession Agreement.
- Century II is a multipurpose public convention and performing arts venue constructed and completed in 1969. Century II has served the community by providing a multifunctional public facility that offers a wide variety of events including performing arts, theater, concerts, and conventions.
- On November 1, 2001, the Eastbank Hotel Associates, L.L.C., transferred and assigned to the City the leasehold interest under that certain Catering and Concession Agreement dated March 1998, and commencing April 1, 1998, between Eastbank Hotel Associates, L.L.C, and Wichita Canteen Company, INC. The City and Canteen entered into this Catering and Concession Agreement November 1, 2001, and this agreement expires March 31, 2007.
- It is desired by the City and Canteen to extend the term of the Catering and Concession Agreement for six (6) months covering the period from April 1, 2007, to September 30, 2007, with compensation for the Extension in the same amount as that provided for in the current terms of the agreement.
- Century II has been operating with the same vendor for a number of years. Although it is a good relationship, staff would like the time to research other peer cities' facilities and their concession contracts, in order to be able to move forward with new contracts or request for bids. We believe that within the 6 months requested, we will be better prepared to advise council of any necessary action.
- Compensations will be in the same amounts as that provided for in the current terms of the agreement.
- This Extension will enhance Quality of Life by ensuring that citizens receive a positive return on all their Quality of Life Investments.

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The City Attorney has approved the Amendment and Extension of Catering and Concession Agreement as to form.

(Skelton momentarily left the bench)

Mayor Mayans

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

Motion--

-- carried

Mayans moved that the City Council approve the Amendment and Extension of Catering and Concession Agreement and authorize the necessary signatures. Motion carried 5 to 0; (Skelton, absent).

POLICE & FIRE

POLICE AND FIRE RETIREMENT SYSTEM, PROPOSED REVISIONS OF CHARTER ORDINANCE SECTIONS 3, 12, 13, 14, 20, 22, AND 25.

Kelly Carpenter

Finance Director reviewed the item.

Agenda Item Report No. 07-0260

The programming and testing for all pension benefits is in process for the implementation of the System's new V3 pension administration software. Several inconsistencies have been identified in the System's current Charter Ordinance 195 that need to be addressed in order to move forward with programming of the new software, scheduled for implementation later in 2007. The provisions that need to be addressed are related to the compounding period for interest calculations, post retirement adjustments, indexing of deferred retirement benefits, and sick leave service credits applied to non-service connected disability benefits.

The Board of Trustees has also approved the addition of private equity to the Investments section of the Charter Ordinance. This addition was made upon the recommendation of the Joint Investment Committee and the System's investment consultant, Callan Associates, Inc.

Charter Ordinance Sections 3, 13, and 22 provide for interest on refunds of employee contributions, purchases of prior service, and BackDROP accounts. Currently, these Sections do not specify the frequency of compounding for interest calculations, except for the annual compounding of interest for purchases of prior service. The Board recommends amending these Sections to provide for the monthly compounding of interest, resulting in a single and consistent method for all interest calculations, which also validates the current administration and Retirement System Rules.

Charter Ordinance Section 25 provides for post retirement adjustments for plan members. The current wording of this Section is somewhat inconsistent with the administration of this benefit. The Board reviewed the Charter Ordinance, Retirement System Rules, and current calculations and recommended that the Charter Ordinance language be revised to coincide with the long-term administration of the benefit, which grants the benefit in the thirty-sixth month after retirement, rather than upon completion of thirty-six full months of retirement.

Charter Ordinance Section 14 provides for indexing of deferred retirement benefits. The current language of this Section results in operational issues, since the total indexing earned cannot be calculated at the time the member's final pension benefit is calculated. This is because the National Average Earnings, published by Social Security, is not available until the fourth quarter of each year. Currently, retroactive payments are necessary for all deferred retirees that begin drawing a pension benefit in the months of January through October. The revised Charter Ordinance language addresses this issue and simplifies the administration of this benefit by utilizing year-end data available at the time of the final benefit calculation.

Charter Ordinance Section 20 provides for non-service connected disability benefits, but is silent regarding the member's ability to be granted service credit for accumulated unused sick leave in the calculation of this benefit. The Board recommends that the Charter Ordinance be revised to clarify this provision to coincide with the long-term administration of the benefit, granting service credit for accumulated unused sick leave.

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These revisions to Charter Ordinance 195 were unanimously approved by the Board of Trustees at their meeting on January 24, 2007.

The current Charter Ordinance 195, Section 12 provides investment authority for the assets of the System. The Joint Investment Committee (JIC) is charged with the duty of investing all assets of the joint Fund. In 2006, the JIC conducted an asset allocation study with the System's investment consultant, Callan Associates, Inc. The consultant also provided an educational session on private equity investments. At the conclusion of the study, the JIC made a recommendation to the Retirement Board to adopt language to allow for future investments in private equity, which would be limited to a commingled fund-of-funds vehicle. The Board of Trustees approved this language on October 25, 2006.

The net effect of these changes is not material to the funding of the Retirement System.

The City of Wichita, by offering this Retirement System, impacts the Internal Perspective goal by increasing employee motivation and satisfaction.

The Law Department has approved the proposed revisions to the Charter Ordinance as to form.

Mayor Mayans

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

Motion--
--carried

Mayans moved to approve first reading of the Charter Ordinance revising Sections 3, 12, 13, 14, 20, 22, Motion carried 6 to 0.

CHARTER ORDINANCE

A Charter Ordinance of the city of Wichita Kansas, amending Charter Ordinance No. 195 relating to the Police and Fire Retirement System of the City of Wichita and repealing the original of said charter ordinance, introduced and under the rules laid over.

EMP. RETIREMENT

WICHITA EMPLOYEE'S RETIREMENT SYSTEM PROPOSED REVISIONS OF CITY CODE SECTIONS 2.28.020, 2.28.100, 2.28.110, 2.28.140, 2.28.160, 1.28.200, 2.28.230, 2.28. 240, 2.28.50 AND 2.28.090.

Kelly Carpenter

Finance Director reviewed the item.

Agenda Report No. 07-0261

The programming and testing for all pension benefits is in process for the implementation of the System's new V3 pension administration software. Several inconsistencies have been identified in System's current plan provisions, governed by Chapter 2.28 of the City Code, that need to be addressed in order to move forward with programming of the new software, scheduled for implementation later in 2007. The plan provisions that need to be addressed are related to the service credits, compounding period for interest calculations, post retirement adjustments, and indexing of deferred retirement benefits.

The Board of Trustees has also approved the addition of private equity to the Investments Section 2.28.090 of the City Code. This addition was made upon the recommendation of the Joint Investment Committee and the System's investment consultant, Callan Associates, Inc.

The V3 pension administration software requires the assignment of service credits as employee contributions are deposited to the System. Currently, monthly service credits are granted based on the employee's date of hire, with adjustments for breaks in service. To be consistent with the City's payroll processing, the Board selected the method of assigning one service credit every biweekly pay period and determined that twenty-six biweekly service credits would be equivalent to one year of service. City Code Section 2.28.020 defines terms in the Retirement System. The Board recommends revision of the terms "Service" and "Vested" to incorporate this service credit assignment method.

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City Code Sections 2.28.100, 2.28.110, 2.28.200, 2.28.230, 2.28.240 and 2.28.250 provide for interest on refunds of employee contributions, purchases of prior service, and DROP accounts. Currently, these Sections do not specify the frequency of compounding for interest calculations, except for the annual compounding of interest for purchases of prior service. The Board recommends amending these City Code Sections to provide for monthly compounding of interest, resulting in a single and consistent method for all interest calculations, which also validates the current administration and Retirement System Rules.

City Code Section 2.28.160 provides for post retirement adjustments for Plan 1 and Plan 2 members. The current wording of this Section is somewhat inconsistent with the administration of this benefit. The Board reviewed the City Code, Retirement System Rules, and current calculations and recommended that the language contained in this City Code Section be revised to coincide with the long-term administration of the benefit, which grants the benefit in the twelfth month after retirement, rather than upon completion of twelve full months of retirement.

City Code Section 2.28.140 provides for indexing of deferred retirement benefits. The current language in this Section results in operational issues, since the total indexing earned cannot be calculated at the time the member's final pension benefit is calculated. This is because the National Average Earnings, published by Social Security, is not available until the fourth quarter of each year. Currently, retroactive payments are necessary for all deferred retirees that begin drawing a pension benefit in the months of January through October. The Ordinance revising the language in this Section of the City Code addresses this issue and simplifies the administration of this benefit by utilizing year-end data available at the time of the final benefit calculation.

These proposed revisions to Chapter 2.28 of the City Code were unanimously approved by the Board of Trustees at their meeting on January 17, 2007.

City Code Section 2.28.090 provides investment authority for the assets of the System. The Joint Investment Committee (JIC) is charged with the duty of investing all assets of the joint Fund. In 2006, the JIC conducted an asset allocation study with the System's investment consultant, Callan Associates, Inc. The consultant also provided an educational session on private equity investments. At the conclusion of the study, the JIC made a recommendation to the Retirement Board to adopt language to allow for future investments in private equity, which would be limited to a commingled fund-of-funds vehicle. The Board of Trustees approved this language on October 18, 2006.

The net effect of these changes is not material to the funding of the Retirement System.

The City of Wichita, by offering this Retirement System, impacts the Internal Perspective goal by increasing employee motivation and satisfaction.

The Law Department has approved the proposed Ordinance revisions as to form.

Mayor Mayans

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

Motion--

Mayans moved the City Council approve the first reading of the Ordinance revising City Code Sections 2.28.020, 2.28.100, 2.28.110, 2.28.140, 2.28.160, 2.28.200, 2.28.230, 2.28.240, 2.28.250 and 2.28.090.

--carried

Motion carried 6 to 0.

ORDINANCE

An Ordinance amending Sections 2.28.020, 2.28.090, 2.28.100, 2.28.110, 2.28.140, 2.28.160, 2.28.200, 2.28.230, 2.28.240 and 2.28.250 of the Code of the city of Wichita, Kansas, pertaining to administration of the Wichita Employees' Retirement System, and repealing the originals of said sections, introduced and under the rules laid over..

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HISTORIC PRES.

APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING THE PROJECT DESIGN OF THE KELLY HOTEL AND CONFERENCE CENTER AT 111-125 EAST DOUGLAS HCP2005-0025. (DISTRICT I)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 07-0262

At the February 12, 2007, Historic Preservation Board meeting, the applicant requested approval for the architectural design of a hotel and conference center and parking garage facility.

This property is located within 500 feet of the Old City Hall – 204 S. Main, the Carnegie Library – 220 S. Main, the Wheeler Kelly Hagny Building – 120 S. Market, the Michigan Building – 206 E. Douglas, the Kress Building – 224 E. Douglas, and the Kaufman Building – 208 S. Market, all of which are listed in the Wichita Register of Historic Places, the Register of Historic Kansas Places and the National Register of Historic Places. Kansas State Statute K.S.A. 75-2715 – 75-2725 requires that projects occurring within 500 feet of a state or national register listed property or district be reviewed. The review guidelines set forth specific considerations for evaluation.

Guideline #6 specifies, “New additions, exterior alterations, infill construction, or related new construction should not destroy character-defining features or spatial relationships that characterize the environs of a property. The new work shall be compatible with the historic materials, character-defining features, size, scale and proportion, and massing of the environs.”

In November 2005, the Historic Preservation Board (HPB) reviewed a request for approval of rehabilitation of the Caldwell-Murdock Building at 111 East Douglas and demolition of two buildings located at 115-121 East Douglas for construction of a multi-level parking garage to be built in its place. HPB granted approval of the Caldwell-Murdock rehabilitation and the demolition with condition that the applicant present the final design of the parking garage exterior for approval. The 123-125 East Douglas property was incorporated into the design approximately 18 months later. The entire design was resubmitted for approval by HPB as required by state statute and local ordinance.

By a 4-2 vote, the HPB found the design did not comply with environs review standards outlined in K.S.A. 75-2715 – 75-2727 and would erode the historic context of the Old City Hall, Carnegie Library, Wheeler Kelly Hagny Building, the Kress Building, the Michigan Building and Kaufman Building for the following reasons:

1. The exterior cladding materials of the new design are not appropriate – glass, marble, redwood screens and stainless steel framing are not within the period of significance of the listed buildings (1900-1935). Material components of the historic structures are glazed terra cotta, brick, and double-hung or casement windows;
2. The renovation of the Caldwell Murdock Building completely obscures the historic elements of the building that are compatible in the historic environs;
3. The horizontal banding of the windows does not attempt to conform to the window banding of the Caldwell Murdock Building and the Woolf Brothers Building;
4. The marble vertical bands are not visually consistent with the Caldwell Murdock and Woolf Brothers stacking of floors;
5. The cantilevered cornice on the Caldwell Murdock Building and the vertical bands do not maintain the street wall in the same plane and extend into public right-of-way;
6. The projecting balconies are not a compatible architectural feature for the historic environs; and

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7. The project visually presents one structure where four buildings once occupied the same space.

The applicant is appealing the decision of the HPB. By state statute, the HPB cannot consider any mitigating issues in the evaluation of the project. However, it is the purview of City Council to evaluate mitigating circumstances as directed by state law. Staff recommends that the Council consider the positive contribution that this project will make to downtown redevelopment in general and to Douglas Street in particular. The applicant's design maintains the street wall along Douglas and provides first floor retail space.

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use".

Council Member Gray Council Member Gray stated what concerns him more than anything is the fact that this is not a one time problem and is a consistent issue we continue to have and he does not want to assign blame to a Staff member, the Board, or State legislation because he does not know whose fault it is that we continue to have this problem. Stated he has looked at other communities that have continued to develop in and around our State in redeveloped areas and they do not seem to have as often a lot of the same problems that we have in regards to the constraints the developers are held to. Stated that is why he is wondering how much of our problems are self-imposed subjectivness as opposed to what is mandated, which concerns him because we are constantly having issues come to this Council for appeal and then we ultimately overturn a great portion of those because we feel that they do not take into account the greater community benefit. Stated he has heard from many people that the process in not user friendly to the applicants, which concerns him as well. Stated in our efforts to preserve a small portion of our history, we continue to deny ourselves the opportunity to move forward.

Council Member Fearey Council Member Fearey asked how many cases the Board reviews and that Kathy Morgan administratively reviews every month.

Kathy Morgan Senior Planner stated last year they reviewed 813 cases and a lot of those are Staff review and approvals. Stated generally the Board hears about four applications per month, which are what they call major certificates of appropriateness, that they have in their policy adopted that they want to hear to review and approve those items. Stated they have done several projects within that area, the Exchange Building, Michigan Building Development, the Kauffman Building, Brown Building, and the Petroleum Building, have all come under design review within this last year.

Council Member Fearey Council Member Fearey asked how many of those cases that came before her in 2006 were denied an appeal to City Council.

Kathy Morgan Senior Planner stated between this one and the arena case those are the only two that she recalls but there could have been others. Stated some have been submitted but are deferred at this point that have to do with the LED signs.

Council Member Fearey Council Member Fearey stated the Board works under the State and also the Secretary of Interiors Guidelines on these issues so most communities that have historic preservation ordinances and laws throughout the Country follow the Secretary of Interior Standards?

Kathy Morgan Senior Planner stated yes.

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

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- Stan Sheldon Mr. Sheldon stated he is with Sheldon Architecture the architect for the project and also representing the owner Kelly Donham. Stated regarding the timeline, they have been working on this project for 2.5 years and when he originally presented it to the Historic Preservation Board two years ago; he did bring to them the discussion that this will be a changing project over the life of the project and as soon as he is aware of major changes he will bring them back to the Board for their review, which they tried to do in December and again in February. Stated they are hoping to get moving as soon as they can after a favorable vote today and put together an overall time frame. Stated there are a lot of infrastructure involved, they have to work with City engineering and a lot of coordination issues that they have to go through. Stated it will be at least a year and a half to build it and to take the next several months to get everything figured out. Stated back in the 1890's that was the original City Hall building, which is directly across the street from the downtown library. Stated that building which was built in the 1890's was a wonderful landmark structure and it has remained. Stated there were several buildings, the ones that were now in the environs of the Crest Energy Center, Board of Trade Building, and the Woolf Brothers Building. Stated those buildings were primarily built in the 1920's and prior to their construction, were some fabulous old buildings built in the 1890's, 1805 and 1810 that were there that got torn down to make way for the Woolf Brothers building, the Board of Trade Building and the Crest Energy Center. Stated all three of those buildings are very different in style, scale, and proportion, all within about a two to three block area. Stated we have a similar situation today and are making way for something that is new that is in scale with the block, has similar materials to others that are in downtown, and they feel that is an appropriate use for this spot and an exciting development. Stated for a high-end hotel not to have balconies looking up and down Douglas Street, they think would be a horrific mistake. Stated that is a major issue with the look of the building and they feel it will bring a vibrancy and excitement and it is an appropriate use for that type of location.
- Council Member Brewer Council Member Brewer stated one of the things he is concerned about is the assurance that if this happened, he does not want the building torn down and then six months from now someone comes back and says they are not going to build. Stated he does not want that to happen and does not know if we have something in place to make sure that does not happen.
- John Schlegel Planning Director explained that on these types of decisions there are currently no mechanisms for guaranteeing that they will actually go through with this project. Stated the Council is reviewing this and if you approve it you are approving it on good faith that they will move forward with what they are saying they are going to do.
- Council Member Fearey Council Member Fearey stated they have been working on this for 2.5 years but there were some property acquisition issues in there too, so the whole 2.5 years does not fall under the Historic Preservation Board being difficult to work with.
- Stan Sheldon Mr. Sheldon stated no and in fact he has never felt that they were and they felt that they think they did exactly what they had to do but at the same time he thinks balconies and the openness that this type of design presents, is completely appropriate to a downtown understanding their purview and what they what they needed to do. Stated he has no argument with it or their process and that is what they are trying to follow at this point. Stated Kelly has purchased this whole block except for the Center Pointe Building in hopes of making this a grand block again with parking that takes care of that entire block and not just this one building. Stated when the originally presented it was their intention to use Historic tax credits for the renovation of the original structure. Stated they went through that process and it took several months to go through that to find out that the building had too many significant alterations in the 30's and in the 60's to apply for the tax credits. Stated it made this renovation idea kind of off the table as far as Kelly is concerned because of the funding with the tax credits were not available at that time. Stated that is why there is such a significant change.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

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Ed Wolverton

Mr. Wolverton stated this is a classic case of what happens in downtown. Stated that the Historic Preservation Board rejected the design based on their interpretation of the State guidelines and the rules that they had to follow. Stated as this was in District I, it went to their DAB for them to review and they evaluated the project based on their knowledge and experience and belief in the neighborhood that they are engaged with. Stated they voted to approve the design by an 8 to 1 vote. Stated it went to the Design Council who is charged with reviewing and improving any kind of projects that have City money involved and this is one that the developer is considering going after and industrial revenue bonds and has not made that final decision yet but that Design Council would actually weigh in on that decision. Stated the Design Council reviewed it and liked it and endorsed it unanimously. Stated the Downtown Development Board, which is another stakeholder group charged with downtown, reviewed the project design also endorsed it. Stated all these different view points came into play and three of them were the same and one of them was different and all of them interpreting different things. Stated height, mass, scale, and materials as we apply them to this and interpret those again, we are right in line with what is the environ buildings that we are talking about from a historical prospective. Stated this is really the first significant development in our downtown core in decades and it will stimulate the adaptive reuse of the adjacent buildings next to it and the Woolf Brothers building will allow for upper floor development that has had some code issues in the past in terms of providing that egress and it is going to connect privately owned parking. Stated all of these buildings will be energized by the parking and by the hotel uses and urge the City Council to move forward with this action and to override the HPB decision on the design.

Mick Halgren

Mr. Halgren stated he is the asset manager for Transpacific Properties and they own the Center Pointe Building, which is west of this proposed project. Stated their product that they offer is office space and whenever they show office space the first question people always ask is how much and where do they park. Stated he has a real parking problem downtown and sees this as a way to solve that and they are talking about punching holes into two points of their building to allow access to the parking garage. Stated it is a wonderful addition to something that has not been happening in our downtown block and it will add to their block and help them lease a building and is in favor of it.

Motion--

Brewer moved that the Council determine, after consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use and that the City Attorney be directed to prepare more detailed findings of fact in support of this determination and submit them for adoption by the Council at the next regular meeting. Motion carried 5 to 1, (Fearey no).

--carried

(Council Member Schlapp momentarily absent)

PLANNING AGENDA

Motion--

Mayans moved that the Planning Consent items 30-34 be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0.

--carried

VAC2005-00028

VAC2005-00028-REQUEST TO VACATE A PORTION OF A PLATTED ALLEY RIGHT-OF-WAY, GENERALLY LOCATED BETWEEN 13TH STREET NORTH TO 14TH STREET NORTH FROM ST. FRANCIS TO SANTA FE AVENUE. (DISTRICT VI)

Agenda Report No. 07-0263

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting consideration to vacate the 16-foot wide by approximately 350-foot long portion of a north-south platted alley right-of-way (ROW). The proposed vacated portion of the alley does not extend to 14th Street North. The applicant has provided access onto Santa Fe Avenue to prevent the alley from dead-ending. There is a sewer line and manholes in the length of the alley. Westar has equipment in the alley. All the abutting property owners have signed the petition and

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application to vacate. The North Park Addition was recorded with the Register of Deeds on February 16, 1886. The Roser's Subdivision of the North Park Addition was recorded with the Register of Deeds on June 4, 1887. The Mentzer's Subdivision of the North Park Addition was recorded with the Register of Deeds on February 6, 1888.

The MAPC voted (10-0) 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.

A paving petition has been submitted to Public Works.

Ensure efficient infrastructure.

A certified copy of the Vacation Order, dedications by separate instruments of a utility easement and public right-of-way will be recorded with the Register of Deeds. The alley will be retained as an easement.

Motion--
--carried

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

VAC2006-00011

VAC2006-00011-REQUEST TO VACATE A PLATTED EASEMENT ON MULTIPLE LOTS, GENERALLY LOCATED NORTH OF 21ST STREET NORTH AND EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 07-0264

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the platted 10-foot utility easement, located on Lots 49-53, all in Block 1, Hawthorne Third Addition. A 10-foot replacement easement is proposed and is located in Reserve "H," which abuts and runs parallel to the north side of the subject lots. The proposed replacement easement abuts and runs parallel to a 50-foot KANEB pipeline easement, which occupies most of Reserve "H." Per the plat's text for the Hawthorne Third Addition, "Reserve... 'H'... is platted for drainage, utilities in designated locations, irrigation, landscaping, berming, monuments, sidewalks, and open spaces." There is also language in the plat's text about the homeowners association being responsible for maintenance and repair of the reserve. There are no utilities, manholes, sewer or water lines in the easement proposed to be vacated. The Hawthorn Third Addition was recorded with the Register of Deeds on August 30, 2004.

The MAPC voted (10-0) 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 and a utility easement dedicated by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

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

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VAC2006-00045

VAC2006-00045-REQUEST TO VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL, GENERALLY LOCATED ON THE NORTH SIDE OF 31ST STREET SOUTH, EAST OF WEST STREET. (DISTRICT IV)

Agenda Report No. 07-0265

The applicant has applied for vacation of the complete access control along the site's east 30-feet of its 31st Street South frontage. The request will allow two points of access onto the site to allow better circulation of the site's truck/freight traffic. The site currently shares access (30-foot joint access) with the abutting western property, Lot 3, Kessler Addition. The proposed access is approximately 130-feet from its shared/joint access (west) and a public street, Illinois Circle (east). The proposed access is not located in line with the street (Illinois) directly south, across 31st Street South, but is offset to the west. There are no manholes, sewer or water lines in the proposed access, nor are their platted easements. The Kessler-Koch Addition was recorded with the Register of Deeds on September 26, 1975. A subsequent replat of this subdivision created the Kessler Addition (December 21, 1992) resulting in the site's current configuration and the shared/joint access on its west side. There is a restrictive covenant, Covenant #11, on this property with restrictions on uses, outside storage, noise and additional screening requirements.

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.

A letter of credit has been submitted to Public Works.

Ensure efficient infrastructure.

A certified copy of the Vacation Order and dedication by separate instrument of public right-of-way will be recorded with the Register of Deeds.

Motion--

Mayans moved that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

--carried

Motion carried 5 to 0, (Schlapp absent).

VAC2006-00047

VAC2006-00047-REQUEST TO VACATE A PORTION OF PLATTED STREET RIGHT-OF-WAY, GENERALLY LOCATED SOUTH OF 27TH STREET NORTH BETWEEN CHAUTAUQUA AND LORRAINE AVENUES. (DISTRICT I)

Agenda Report No. 07-0266

The applicants are requesting vacation of the platted undeveloped portion of 26th Street North right-of-way (ROW) that is located between Chautauqua and Lorraine Avenues. There are sewer lines and manholes in this portion of the ROW, but no water lines. Westar has utilities in this portion of the ROW. There are no platted setbacks that run parallel to the proposed vacated ROW. The Agee - Hunter Addition was recorded with the Register of Deeds on June 2, 1954. The Calvary Baptist Addition, which was a replat of a portion of the Agee - Hunter Addition, was recorded with the Register of Deeds on July 30, 1973.

The MAPC voted (10-0) 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.

A certified copy of the Vacation Order and utility easements dedicated by separate instruments will be recorded with the Register of Deeds. Retain portions of the vacated ROW as utility easements.

Petitions for paving Lorraine Avenue and extending water to service the area to be developed around Lorraine from 26th to 27th Streets North.

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Ensure efficient infrastructure.

Motion-- Mayans moved that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.
--carried Motion carried 5 to 0, (Schlapp absent).

VAC2006-00050

VAC2006-00050- REQUEST TO VACATE A PORTION OF A PLATTED SETBACK, A PORTION OF A PLATTED RESERVE AND THE RESTRICTION OF USES IN THAT PORTION OF THE DESCRIBED PLATTED RESERVE, GENERALLY LOCATED MIDWAY BETWEEN 13TH AND 21ST STREETS NORTH, WEST OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 07-0267

The applicants are requesting consideration for the vacation of the south 10-foot of the platted 35-foot front yard setback on Lot 6, Block 2, Foliage Addition. The Unified Zoning Code's minimum front yard setback for the "SF-5" Single-family Residential zoned lot is 25-feet. The applicants also propose to vacate the portion of platted Reserve "B" that is located between Lots 5 and 6, Block 2, the Foliage Addition. This is a 30-foot wide portion of the reserve. The uses for Reserve "B" have been set aside to include sidewalks, recreation, drainage, open spaces and the construction and maintenance of public utilities. Both Lots 5 and 6 have a platted easement that abuts the side of the reserve. There is a manhole and sewer line located in the platted easement and the reserve. There are no storm water or franchised utilities in the described reserve. Per the plat's text, a landowners association had owned the described portion of the reserve, but the ownership list (provided by the applicant) shows the reserve to be owned by the applicants. The Foliage Addition was recorded with the Register of Deeds on November 20, 1980.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing. One member of the Subdivision Committee voted against the request at that meeting. This member then voted to approve the request at the following MAPC meeting. No written protests have been filed.

A certified copy of the Vacation Order and a utility easement dedicated by separate instrument will be recorded with the Register of Deeds.

Ensure efficient infrastructure.

Motion-- Mayans moved that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.
--carried Motion carried 5 to 0, (Schlapp absent).

AIRPORT AGENDA

Motion-- Mayans moved that the Airport Consent items 35-36 be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0, (Schlapp absent).
--carried

MID CONT. AIRPORT MID-CONTINENT AIRPORT-RUNWAY AND TAXIWAY SHOULDERS REHABILITATION.

Agenda Report No. 07-0268

The airfield paving projects are included in the Capital Improvement Program.

The rehabilitation of runway and taxiway shoulders and runway blast pads is needed to preserve the infrastructure and minimize the occurrence of foreign object debris. Professional Engineering Consultants was selected by the Staff Screening and Selection Committee.

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A pre-design project budget was established in early 2006 for \$700,000. The project has now opened construction bids and it has been determined a budget increase of \$225,000, for a total budget of \$925,000, is needed. The budget increase is due to 1) the purchase of two Light Runway Closure Crosses 2) more damage discovered on the shoulders than initially estimated resulting in a higher number of repairs and more extensive repairs 3) more damage was discovered on the blast pads of Runway 1R-19L than initially estimated resulting in resurfacing vs. resealing and 4) key material prices escalating more than anticipated. Funding is expected from AIP Federal Grant funds, PFC funding, and General Obligation bonds paid for with Airport Revenue.

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

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

Motion--

Mayans moved to recommend that the Wichita Airport Authority approve the capital project budget adjustment, adopt the resolution, and authorize necessary signatures contingent on FAA approval.

--carried

Motion carried 5 to 0, (Schlapp absent).

RESOLUTION NO. A07-004

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the payment of same presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Skelton and Mayans, (Schlapp absent).

ROCKWELL LEASE

ASSIGNMENT AND ASSUMPTION OF LEASE-ROCKWELL COLLINS.

Agenda Report No. 07-0269

In 1978 Rockwell International Corporation entered into an agreement with the Wichita Airport Authority for the construction of a facility at 2051 Airport Road on Wichita Mid-Continent Airport. This agreement was subsequently assigned to Rockwell Collins, Inc. in 1996. Rockwell Collins is now requesting the WAA's consent to further assign the agreement to Rockwell Collins Sales & Services, Inc.

This assignment was necessitated by an internal reorganization. In an effort to more effectively manage the cost of doing business, Rockwell Collins Sales and Services, Inc., a wholly-owned subsidiary that combines Rockwell Collins' domestic sales and service functions, was established. Per the agreement between the Wichita Airport Authority and Rockwell, the Landlord's consent is required.

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 on the airport in the most effective way possible, thereby improving services to their customers.

The Assignment and Assumption of Lease has been approved by the Law Department as to form.

Motion--

Mayans moved that it is recommended that the Wichita Airport Authority approve the Assignment and Assumption of Lease, and authorize the necessary signatures. Motion carried 5 to 0, (Schlapp absent).

--carried

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CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

(There were no appointments to be made)

NLC UPDATE

NATIONAL LEAGUE CONFERENCE (NLC) UPDATE, COUNCIL MEMBER SKELTON.

Council Member Skelton Council Member Skelton stated that he considered it an honor to travel to the nations capitol, attending the National League of Cities Conference representing the City of Wichita, and the citizens of District III. Stated he found this conference to be a great tool for networking with public service professionals of all types. This was very educational and helped him to see the larger picture of how our City shares the concern of many other cities from across the nation. Stated some of which are urban blight/neighborhood issues; tight financial budgets; a need for infrastructure funding; and continuing to provide excellent public safety service. Stated it is interesting to see how different communities are addressing these issues. Stated he was a student in three classes while there, the classes were Introduction to the Federal Budget Process, Crisis Communications Planning and Preparation: Dealing with Risk, Facing Responsibility, and a class called Effective Parliamentary Procedure for Dynamic Council Meetings. Stated he found the class on Parliamentary Procedure to be of particular interest because this Council is currently reviewing its own rules of procedure. Stated while attending the conference, he took advantage of the opportunity to personally meet with Congressman Tihart , Phillip Ovitt and Charles Alderson from Senator Brownback's office. Stated he discussed the City's federal agenda and provided them with feedback on the City's process and format for submitting these documents in the future. Stated he found the trip to be enlightening, informative, education, and was very happy to have had the opportunity to discuss the City of Wichita's issues with our federal delegation.

EXECUTIVE SESSION

Motion-- Mayans moved that the City Council recess into Executive Session at 1:05 p.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation and legal advice and that the Council return from Executive Session no earlier than 1.15 p.m. and reconvene in the City Council Chambers on the First Floor of City Hall. Motion --carried carried 6 to 0.

RECONVENE

The City Council reconvened in the City Council Chambers at 1:17 p.m. Mayor Mayans reported no action was taken.

ADJOURNMENT

Motion--carried Mayans moved to close the Executive Session at 1:17 p.m. Motion carried 6 to 0.

Motion--carried Mayans moved to close the regular meeting at 1:18 p.m. .Motion carried 6 to 0.

Respectfully submitted,

Karen Sublett CMC
City Clerk

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The Workshop was cancelled