

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 21, 2006  
Tuesday, 9:05 A.M.

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

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

Pastor Janice Martin, Book of Acts Tabernacle of Praise, gave the invocation.

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

The Minutes of the November 14, 2006 meeting were approved 7 to 0.

## AWARDS AND PROCLAMATIONS

Proclamations

### Proclamations:

Mayor Mayans read aloud the following Proclamations:

- Andy Roddick Day
- Methamphetamine Awareness Day

## CONSENT AGENDA

Motion--  
--carried

Mayans moved that Consent Agenda items 1-15b, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

**BOARD OF BIDS**

## REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 20, 2006.

Bids were opened November 17, 2006, pursuant to advertisements published on

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

30th Street South between Custer and St. Paul to serve Builders 14th Addition - south of Pawnee, east of West. (472-84215/765944/490057) Does not affect existing traffic. (District IV)

Kansas Paving Company - \$80,423.20

2006 Sanitary Sewer Reconstruction, Phase 6 - various locations north of 31st Street South, east of Seneca. (468-84268/6204665/666584) Traffic to be maintained during construction using flagpersons and barricades. (Districts III,IV)

WB Carter Construction - \$310,201.00

Lateral 398 Four Mile Creek Sewer to serve Bellechase Addition - north of Harry, east of 127th Street East. (468-84203/744198/480886) Does not affect existing traffic. (District II)

McCullough Excavation - \$136,950.00

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Lateral 506 Southwest Interceptor Sewer to serve Prospect Park Addition - north of 35th Street South, east of Ridge. (468-83953/744107/480795) Does not affect existing traffic. (District IV)

WB Carter Construction - \$14,460.00 (Base Bid)  
\$ 5,460.00 (Add Alternate)  
\$19,920.00 (Total Bid)

Water Main Replacement to serve Powell's Addition - along 15th Street, Sherwood to Broadway and along Topeka, 13th to 18th. (448-90197/636170/776563) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Mies Construction - \$817,965.20

Motion--

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 and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace Roofs Various Residential Sites.

Arambula Construction Company Inc. - \$32,244.00 (Group 1/total net bid)  
\$29,000.00 (Group 2/total net bid)  
\$30,105.00 (Group 3/total net bid)

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace Driveway, Sidewalk Various Sites.

S & A Construction Inc. - \$38,229.00 (Total Net Bid)

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace Driveway, Sidewalk Various Sites.

S & A Construction Inc - \$44,932.00 (Total Net Bid)

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Chainlink Fencing and Concrete Mow Strip.

Parga Construction - \$125,000.00 (Total Net Bid)

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior/Ext Modification Residential.

Arambula Construction Company Inc. - \$98,125.00 (Total Net Bid)

WATER AND SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: 4 Stage Vertical Line Shaft Turbine Pump.

Clarke Well & Equipment Inc. - \$37,735.00 (Total Net Bid)

PARK AND RECREATION DEPARTMENT/RECREATION DIVISION: Concrete Pathway Schweiter Park.

Parga Construction - \$31,860.00 (Total Net Bid)

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PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Herman Miller Systems Office Furniture //RQ601969; 1ST Floor Remodel Security and Express Office.

John A. Marshall\*- \$36,359.39 – per State of Kansas Contract #: 30880  
\* Purchases Utilizing Government Entities Contracts, Cooperative Contracts and Agreements, Ordinance No. 38-122 Section 2.64.020 (j)

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## CMBS

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

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
John J. Murphy	Pizza Hut #301008*	1708 East Pawnee
John J. Murphy	Pizza Hut #301020*	8977 West Central
John J. Murphy	Pizza Hut #301073*	1035 North Broadway
<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Jayanti B. Patel	Food Mart #210	10723 West Kellogg
<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Michael Olderbak	Kabredlos, Inc.	11931 West Central Avenue

\*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 7 to 0.

## PRELIM ESTS.

### PRELIMINARY ESTIMATES:

- a) Cost of Asphaltic Mat Pavement on Bolin Drive, from the east line of the plat, to West Street o serve Blue Lake Addition - north of MacArthur, west of West Street. (472-84078/765906/490-019) (District IV) – Total Estimated Cost \$170,970.00
- b) Cost of construction of Lateral 58, Main 3, Southwest Interceptor Sewer to serve Sycamore Pond Addition - south of 47th Street South, east of Seneca. (District IV) (468-84191/744193/480-881) – Total Estimated Cost \$241,820.00

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

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## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners Regular Meeting, July 17, 2006  
Board of Park Commissioners Interim Meeting, August 03, 2006  
Board of Park Commissioners Regular Meeting, August 14, 2006  
Design Council, August 17, 2006  
District VI Advisory Board, September 20, 2006  
Wichita Employees' Retirement Annual Board Meeting, September 20, 2006  
Police & Fire Retirement System Regular Meeting, September 27, 2006  
District II Advisory Board, October 02, 2006  
District VI Advisory Board, October 02, 2006  
District IV Advisory Board, October 04, 2006  
Wichita Employees' Retirement Board/Police & Fire Retirement Board Joint Investment Committee, October 05, 2006  
Wichita Public Library, October 17, 2006  
Design Council, October 19, 2006  
Wichita Historic Preservation, October 19, 2006

Motion--carried                      Mayans moved that the minutes be received and filed be received. Motion carried 7 to 0.

## STREET CLOSURE

### NIGHT WITH SANTA, DECEMBER 7, 2006-5:30 P.M. TO 8:00 P.M.

Agenda Report No. 06-1173

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

The following street closure request has been submitted:

Night With Santa December 7, 2006, 5:30 pm – 8:00 pm  
§        Douglas Avenue, Main Street to McLean Blvd.  
§        Tlalnepantla Drive, Main Street to Douglas Avenue  
§        First/Second, Waco to McLean Blvd.  
§        Sycamore, Douglas Avenue to McLean Blvd.

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

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

Enhance the Quality of Life

Motion--  
--carried                      Mayans moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 7 to 0.

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**STREET CLOSURE**     **STREET CLOSURE: 37TH STREET NORTH FROM RIDGE RD. TO TYLER RD. (DISTRICT V)**

Agenda Report No. 06-1200

Lafarge North America, Inc. has contracted to reconstruct 37th St. North between Ridge Rd. and Tyler Rd. in west Wichita. This project was approved by the City Council on November 7, 2006. Project specifications allow for the full closure of 37th from a point east of Lakecrest to Ridge Rd. during the construction of a bridge over the drainage area. The existing roadway is an asphalt mat surface with open ditches and the new street will be a five-lane pavement with curb and gutter and a storm drainage system. The bridge reconstruction is scheduled to begin approximately 9:00 am, Monday, November 27th and completion is expected by May 1, 2007.

During the street and bridge reconstruction between Lakecrest and Ridge Rd. the neighborhoods west of the bridge area will need to access the area from Tyler Rd. The remainder of the street reconstruction will carry two-way traffic through the work area. Lafarge North America is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the closure of the east half mile of 37th St. traffic will be detoured as follows:

Eastbound 37th St. traffic will be detoured south on Tyler Rd., then east on 29th St. to Ridge Rd., then north to return to 37th St.

Westbound 37th St. traffic will be detoured south on Ridge Rd., then west on 29th St. to Tyler Rd., then north to return to 37th St.

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

Motion--carried     Mayans moved that the street closure be approved. Motion carried 7 to 0.

**STREET CLOSURE**     **135<sup>TH</sup> STREET WEST FROM 13<sup>TH</sup> STREET NORTH TO CENTRAL (DISTRICT V)**

Agenda Report No. 06-1202

Nowak Construction Co. has contracted to accomplish the installation of a sanitary sewer main in west Wichita in advance of the reconstruction of 135th St. West between 13th St. N. and Central. This project was approved by the City Council on August 8, 2006. The project specifications allow for the full closure of 135th St. W. during the construction. The depth of the excavation and its proximity to the existing roadway will require the closure of 135th St. W. for the safety of both the contractors' workers and the traveling public. The existing roadway is an asphalt mat surface with open ditches and will be reconstructed as a 26' wide 6" thick asphalt pavement with a rock sub grade. The closure of 135th St. W. is scheduled to begin approximately 9:00 am Monday, November 27th in the section from 13th St. N. to Ponderosa St. The street closure area will expand toward Central as the installation continues to the south. The total project completion is expected by July 31, 2007.

During the closure of 135th St. W. the neighborhoods adjacent to the work area will need to use access from either 13th St. N. or by using 135th St. W. from Central. Nowak Construction is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the street closure 135th St. W. traffic will be detoured as follows:

Southbound 135th St. W. traffic will be detoured east on 13th St. N., then south on 119th St. W. to Central, then west to return to 135th St. W.

Northbound 135th St. W. traffic will be detoured east on Central, then north on 119th St. W. to 13th St. N., then west to return to 135th St. W.

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This project addresses the Efficient Infrastructure goal by improving the sanitary sewer system for this area of west Wichita.

Motion--carried

Mayans moved that the street closure be approved. Motion carried 7 to 0.

## **CHEDDAR'S**

### **DRAINAGE AGREEMENT, CHEDDAR'S CASUAL CAFÉ, INC. SOUTH OF 13TH STREET, EAST OF GREENWICH. (DISTRICT II)**

Agenda Report No. 06-1174

An acceleration/deceleration lane is being built on the south side of 13th Street, east of Greenwich. The storm water runoff from the new pavement will drain across adjacent private property.

An agreement has been prepared with the owner of the adjacent property, Cheddar's Casual Café, Inc., to accept the storm water runoff from public right-of-way.

There is no cost for the City of Wichita.

This project addresses the Efficient Infrastructure goal by improving drainage and access to a new commercial development.

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

Motion--  
--carried

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

## **CLIFTON COVE**

### **CONSTRUCTION ENGINEERING AND STAKING IN CLIFTON COVE ADDITION, SOUTH OF 63RD STREET SOUTH, WEST OF CLIFTON. (DISTRICT III)-SUPPLEMENTAL.**

Agenda Report No. 06-1175

The City Council approved the water and paving improvements in Clifton Cove Addition on November 15, 2005. On June 6, 2006 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

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

Payment to Baughman will be on a lump sum basis of \$29,145 and will be paid by special assessments.

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

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

Motion--  
--carried

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

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21<sup>ST</sup> ST. KIDS

## 21ST STREET KIDS AND FAMILY EMPOWERMENT, NORTH OF 21ST STREET, WEST OF GROVE. (DISTRICT D)-SUPPLEMENTAL.

Agenda Report No. 06-1176

On December 13, 2005, the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) for designing paving improvements in 21st Street Kids & Family Empowerment Addition. The fee was \$54,000. On March 21, 2006, the City Council approved Supplement No. 1 for staking the improvements. The fee was \$15,250.

The old Institute of Logopedics buildings were demolished and the basement/foundation holes were filled loosely. After the new street was built, the pavement began to settle due to the lack of fill compaction from the prior demolition activities. PEC has been requested to prepare plans and specifications to eliminate two large sinkholes in Jardine Drive. The proposed Supplemental Agreement between the City and PEC provides for the additional design.

Payment to PEC will be on a lump sum basis of \$16,000 and will be paid by General Obligations Bonds.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving improvements for the community.

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

Motion--  
--carried

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

WEST STREET

## CONSULTANT SERVICES FOR ACQUISITION AND RELOCATION: IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS III AND VI)

Agenda Report No. 06-1177

The widening and improvement of West Street from Maple to Central requires the acquisition of 33 commercial or residential tracts. The project will also require the relocation of approximately 3 businesses with another 25 relocations of personal property (business signs). The size and complexity of the project, coupled with current internal staffing levels, requires the utilization of an outside firm to complete the acquisitions in a timely manner.

Proposals to provide acquisition and relocation services were solicited from fifteen firms listed by KDOT as being qualified to do relocation and acquisition work for KDOT. Four firms responded to the proposal request. The review committee based on qualifications and lowest cost selected Land Acquisitions, Inc. from among the proposals. Based on the estimated number of acquisitions and relocations and Land Acquisitions proposed fees, \$60,000 will be sufficient to complete the assignment.

Funding is available within the project budget to fund the proposed increase. Project costs will be funded with general obligation bonds.

The acquisition of required right of way in a timely manner will allow the efficient improvement of infrastructure to serve this rapidly growing area.

The Law Department has approved the contract as to form.

Motion--  
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## SYCAMORE POND

### CONSTRUCTION ENGINEERING AND STAKING IN SYCAMORE POND ADDITION, SOUTH OF 47TH STREET SOUTH, EAST OF SENECA. (DISTRICT IV)-SUPPLEMENTAL.

Agenda Report No. 06-1178

The City Council approved the drainage improvements in Sycamore Pond Addition on June 6, 2006. On October 3, 2006 the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering and staking services if requested by the City.

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

Payment to Baughman will be on a lump sum basis of \$34,200 and will be paid by special assessments.

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

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

Motion--  
--carried

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

## MAIN 22

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

Agenda Report No. 06-1179

On November 2, 2004, the City entered into an Agreement with Poe & Associates of Kansas, Inc. for designing Main 22, Southwest Interceptor Sewer. The fee was \$28,000.

Poe has been asked for additional work required by Sedgwick County for construction of the sewer in their right-of-way. The proposed Supplemental Agreement between the City and Poe provides for additional design services.

Payment to Poe be on a lump sum basis of \$5,200, and will be paid by the Water Utility.

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

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

Motion--  
--carried

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

# CITY COUNCIL PROCEEDINGS

**CHANGE ORDER**      **WATERLINE ALONG HOOVER, NORTH OF ZOO BOULEVARD. (DISTRICT V)**

Agenda Report No. 06-1180

One June 20, 2006 the City Council approved a contract with Mies Construction, Inc. to construct a waterline along Hoover, north of Zoo Boulevard. During construction of the project, it was determined that an existing 36" concrete tee joint should be removed and replaced.

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

The total cost of the additional work is \$53,480 with the total paid by the Water Utility. The original contract amount is \$833,755. This Change Order represents 6.41% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving the water distribution system.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy

Motion--  
--carried

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

**CONDEMNATIONS**      **REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, III AND VI)**

Agenda Report No. 06-1181

On November 6, 2006, the Board of Code Standards and Appeals (BCSA) held a hearing on the following five (5) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

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

<u>Property Address</u>	<u>Council District</u>
a. 4031 East Stearman	III
b. 1421 North Madison (Garage)	I
c. 416 North Ash	I
d. 2232 North Woodland	VI
e. 2222 South Washington	III

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

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

Motion--  
--carried

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on January 9, 2007 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

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## RESOLUTION NO. 06-615

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 17, except the South 20.93 feet more or less taken in condemnation case A-56278 By Kansas Turnpike Authority, Block 1, Planeview Sub. No. 2, Wichita, Sedgwick County, Kansas, known as 4031 East Stearman Ct. may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-616

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 165,167,169,171,173 and 175, on Campbell, now Madison Avenue, Logan Addition to Wichita, Sedgwick County, Kansas, known as 1421 North Madison (Garage) may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-617

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 14 and the south half of Lot 16, on Ash Avenue, Devore's Subdivision of Lot 3 in Butler and Fisher's Addition, to Wichita, Sedgwick County, Kansas, known as 416 North Ash may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-618

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the south half of Lot 20 and all of Lots 22 and 24, on Armstrong Avenue, Buena Vista Subdivision in Guthrie's Addition to Wichita, Sedgwick County, Kansas, known as 2232 North Woodland may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-619

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 118 and 120, on Washington Avenue, Campbell's Addition to Wichita, Sedgwick County, Kansas, known as 2222 South Washington may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## **PURCHASE OPTION PURCHASE OPTION, CHERRY CREEK VILLAGE. (DISTRICT II)**

Agenda Report No. 06-1182

On July 2, 1985 the City Council approved the issuance of \$1.1 million in Industrial Revenue Bonds, Series IX, 1985 and Series XI, 1985, for the purpose of financing the construction of additional apartment housing and nursing facilities for Wichita's older citizens located at 8100 E. Pawnee, and making improvements to the facility. On October 1986, City Council approved an Assignment of the Lease to change the Tenant entity from Cherry Creek Village Partnership to Health Care Property Investors, Inc.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for the bond series, Health Care Property Investors, Inc. has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City of Wichita on October 24, 2006, received notice of the Tenant's intention to exercise its purchase option.

Under the terms of the Lease, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

Economic Vitality and Quality of Life. Cooperating with the Tenant and Trustee on IRB issues is a necessary part of preserving the credibility and integrity of the City's IRB program for future projects.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Special Warranty Deed and the Termination of Lease Agreement (each in substantially the form attached to the Resolution).

Motion--  
--carried

Mayans moved that the Resolution approving the Special Warranty Deed and the Termination of Lease Agreement be adopted and the necessary signatures authorized. Motion carried 7 to 0.

### RESOLUTION NO. 06-634

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Cherry Creek Village Partnership and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith; presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## **SALE OF PARCEL SALE OF PARCEL AT THE NORTHWEST CORNER OF REDBARN AND WOODCHUCK. (DISTRICT V)**

Agenda Report No. 06-1183

Bishop Carroll High School has approached the City about acquiring the City-owned lot at the northwest corner of Redbarn and Woodchuck. The City acquired the 7,840 square foot lot in 1962 when the Countryside Improvement District was annexed. Due to its irregular shape, there is limited development potential for the site.

Although the lot has not been formally marketed, it has been in City ownership since 1962 with no previous offers. Bishop Carroll has offered \$2,500 for the lot. They will incorporate into the school ownership. The lot will be used for parking with landscaping along Redbarn and Woodchuck.

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The City will receive cash consideration for the sale of the property. Upon sale, the City will be relieved of maintenance responsibility.

The proposed sale insures efficient infrastructure by optimizing public assets. As this parcel is surplus to the City's needs, the sale will provide additional revenue for the City.

The Law Department approved the contract as to form.

Motion--  
--carried

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

## PROPERTY ACQ.

### VACANT LAND FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 06-1184

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program where residential properties having habitable floors below the one hundred year flood elevation are eligible for the program. One such property having been identified as a necessary acquisition is a vacant strip of land encompasses the creek at the Orme Street Bridge.

The site is 20 feet wide by 135 feet deep containing a total of 2,700 square feet. The owner agreed to sell the property for the appraised amount of \$1,400, or \$0.50 per square foot. The property will be used as open space.

A budget of \$1,650 is requested. This includes \$1,400 for the acquisition and \$250 for closing costs and title insurance. The funding source is the Storm Water Utility.

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

The Law Department has approved the contract as to form.

Motion--  
--carried

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

## SETTLEMENT

### SETTLEMENT OF LAWSUIT-YOUNG'S GENERAL CONTRACTING V. CITY OF WICHITA.

Agenda Report No. 06-1185

The plaintiff was the contractor hired by the City in early 2005 to provide storm cleanup services after the January 2005 ice storm. The plaintiff was the low bidder for the work and the contract between the plaintiff and the City was a unit price contract providing for payment per ton of eligible debris delivered to the landfill. The plaintiff performed the contract and the work was completed around April 1, 2005. The City had estimated that there was approximately 60,000 tons of eligible debris to be hauled. It turned out that the amount of eligible debris was considerably less than that. The plaintiff hauled approximately 30,000 tons of debris and City forces hauled approximately 3,000 tons during the period from February 1, 2005 through March 2005. In late 2005, the plaintiff filed a lawsuit against the City seeking an additional \$165,000 under the contract. Its claim was that it should be paid for tonnage hauled by the City and that the City had deprived it of the benefit of that tonnage without reason.

The plaintiff's claims against the City are essentially that the City benefited from the low price bid by the plaintiff for the work and that the actions of the City in deciding to haul certain debris with its own forces caused the plaintiff to lose profit that it had anticipated and that allowed it to submit such a low bid. There is a substantial risk that the plaintiff will prevail in presenting this case to a jury. There are

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legal issues that might result in a jury verdict in favor of the plaintiff being reversed on appeal to the appellate courts. Expenses for the City to prepare this matter for trial are estimated at \$4,000. The most likely jury verdict plus the costs of preparing the case for trial is estimated at \$40,000. The plaintiff has indicated its willingness to accept a settlement for that amount. It is recommended that the City accept the plaintiff's offer of settlement.

The cost of this settlement will be paid from cash reserves and will be allocated to the Department of Public Works.

The Law Department recommends acceptance of the plaintiff's offer of settlement of this lawsuit.

Motion--  
--carried

Mayans moved that the payment of \$40,000 as a settlement of the pending lawsuit be approved. Motion carried 7 to 0.

## SETTLEMENT

### SETTLEMENT OF EMINENT DOMAIN CASE NO. 05 CV683, KELLOGG AND ROCK ROAD PROJECT. (DISTRICT II)

Agenda Report No. 06-1186

The City acquired a tract of land located along the west and north sides of the tract of land located at the southeast corner of Kellogg and Rock in connection with improvements to East Kellogg. This tract of land was owned by J. Larry Fugate and Dana M. Fugate. It is developed with a building that houses tenants---Blockbuster Video and T-Mobile. In December of 2005 the City paid \$75,500 for the acquisition of the property. This was the award of the three, court-appointed appraisers. The owners appealed.

The owners have offered to settle the pending appeal for payment of an additional \$30,000. Outside eminent domain counsel and the Law Department both recommend acceptance of this offer. The likely cost (attorney fees and expert witness fees) in continuing this matter through trial and the risks that a jury might award additional damages exceed \$30,000. Settlement is in the best interests of the City.

The settlement payment will be paid from the Kellogg Project fund.

The proposed settlement offer is recommended.

Motion--  
--carried

Mayans moved that the settlement be approved and the payment of \$30,000 in settlement of the pending lawsuit authorized. Motion carried 7 to 0.

## BNSF AGRMNT

### AMENDMENT TO CONSTRUCTION AND MAINTENANCE AGREEMENT WITH BNSF FOR WORK ON THE CENTRAL RAIL CORRIDOR PROJECT.

Agenda Report No. 06-1201

On September 12, 2003, the City and the BNSF entered into an agreement defining the parties' obligations and rights concerning the construction of the Central Rail Corridor Project. Earlier this year it was discovered that many of the T-wall panels manufactured for use on the Project did not meet the specifications of the contract between the City and the general contractor. These specifications were, by reference, contained in the agreement between the City and BNSF. The City reached an agreement with the general contractor which addressed the correction of those panels that could be brought into substantial compliance with the contract specifications and an agreement that provided for a reserve fund to address any future repair, maintenance or replacement costs associated with any of the panels that had been installed in the project which were not in compliance with the contract specifications.

The BNSF believes that it is necessary to amend the agreement between the City and the BNSF to reflect the terms of the settlement agreement between the City and the general contractor. The City and the BNSF have negotiated several changes that redefine the City's obligations with respect to the T-wall panels that did not meet the contract specifications.

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There is no immediate cost associated with the amendment. Several of the amended provisions are likely to generate future costs and those can be paid from the reserve fund that has been established in connection with the settlement agreement previously entered into between the City and the general contractor.

The Law Department has approved the amendment to the agreement as to form.

Motion--  
--carried

Mayans moved that the amendment to the Construction and Maintenance Agreement be approved and the Mayor authorized to sign. Motion carried 7 to 0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ NOVEMBER 14, 2006)

- a) StopBlight: (1) New Neglected Buildings Code Ordinance (Title 30.01), (1) Amended Housing Code Ordinance (Title 20.04).

#### ORDINANCE NO. 47-301

1. An Ordinance creating Chapter 30.01 of the Code of the City of Wichita, Kansas, pertaining to the registration of neglected buildings, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

#### ORDINANCE NO. 47-302

2. An Ordinance amending Sections 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.04.055, 20.04.060, 20.04.100, 20.04.110, 20.04.155 and 20.04.200, of the Code of the City of Wichita, Kansas, all pertaining to the Housing Code of the City of Wichita, Kansas and repealing the originals of Sections 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.04.055, 20.04.060, 20.04.100, 20.04.110, 20.04.150 and 20.04.200 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- b) Public Hearing and Issuance of Taxable Industrial Revenue Bonds, Spirit AeroSystems, Inc. (District III)

#### ORDINANCE NO. 47-303

An Ordinance approving and authorizing the execution of a lease agreement between Spirit Aerosystems, Inc. and the City of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said city and the Bank of New York Trust Company, N.A.; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of Industrial Revenue Bonds Series IV, 2006 (Spirit Aerosystems, Inc. Project) of said city in the principal amount of \$252,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of Spirit Aerosystems, Inc., a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds; authorizing the sale of said bonds and the execution of a bond purchase agreement therefor; approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments, read for the second time. Skelton moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Martz, Schlapp, Skelton and Mayans; (Brewer abstained due to conflict of interest).

# CITY COUNCIL PROCEEDINGS

## NEW BUSINESS

### **DEAN & DELUCA**

### **EXTENSION OF IRB TAX EXEMPTION, DEAN AND DELUCA, INC. (DISTRICT I)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1187

On December 12, 2000, City Council approved issuance of Industrial Revenue Bonds in three series: Series IX-A in the aggregate principal amount of \$2,760,000; Series IX-B, in the aggregate principal amount of \$660,724, and Series IX-C in the aggregate principal amount of \$1,568,751 to Dean and DeLuca, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement on bond-financed property for a 5-year, plus a second 5 years subject to Council review. Bond proceeds were used for the expansion of a 52,000 s.f. building addition at Dean & DeLuca's existing facility located 2526 E. 36th Street N. Circle.

On December 31, 2005, the initial five-year period for tax exemption expired. On February 14, 2006, City Council approved a one-year extension of the ad valorem property tax exemption. Dean & DeLuca requests the City Council approve the remaining four-years tax exemption on bond-financed property.

Dean & DeLuca, Inc. is a purveyor of gourmet and specialty foods, wines and kitchenware. In addition to five specialty markets, eight cafés and one wine store spread throughout the United States, bulk of sales are made through the company's Internet/Direct operations—comprised of a Website and mail order catalogues, with expected circulation of approximately thirteen million orders filled during the year 2000 from the distribution center in Wichita.

As a condition of the bond issue and tax exemption, Dean & DeLuca committed to construct a 52,000 s.f. building addition with a total investment of \$4,989,475, and create 255 new jobs within five years of the bond issue.

A measure of Dean & DeLuca's initial five-year project commitments and outcomes are as follows:

2000 Commitment	October 31, 2006 Status
· Construct new building addition	Completed 52,000 s.f. building addition
· Create 255 new jobs in five years:	Created 168 new jobs

Staff conducted a site-monitoring visit on September 30, 2004. Dean & DeLuca has come more than 3/4 of meeting its job projection by now creating 168 new permanent jobs. The company reports that the terrorist attacks of 9-11-2001 and the ensuing economic downturn has prevented the company from adding employees. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again. Since February 2006, the company has added 31 new additional employees.

Dean & DeLuca has recently expanded its presence in Wichita by purchasing a former radio station facility at 2416 E.37th St. N. for use as a corporate office for Dean & DeLuca and other Leslie Rudd-owned enterprises.

In 2001, the appraised value of the exempted property was approximately \$3,894,350. That property's current appraised value is approximately \$3,387,240 Based on the 2005 mill levy; the 2006 taxes on the exempted property will be approximately \$11,026. Dean & DeLuca is current in payments of administrative service fees.

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New benefit-to-cost ratios are as follow:

City of Wichita 1.23 to one  
Sedgwick County 1.04 to one  
USD 259 1.00 to one  
State of Kansas 2.31 to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

- Mayor Mayans Mayor Mayans asked why we have not opened a store here in Wichita in Old Town.
- Allen Bell Economic Development Administrator stated that there has been some very preliminary conversation of that possibility and if it were to happen it would be a great thing for Wichita.
- Council Member Fearey Council Member Fearey stated that they would really want them to locate in the downtown area such as the WaterWalk, Old Town or the Delano area.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Brewer moved that the tax exemption on Dean & DeLuca's IRB Bond-financed property for a one-year period and review the further extensions at the end of year 2007 be extended. Motion carried 7 to 0.  
--carried

## **AIRTECHNICS EXTENSION OF IRB TAX EXEMPTION, AIRTECHNICS, INC. (DISTRICT II)**

Allen Bell Economic Development Administrator reviewed the item.

Agenda Report No. 06-1188

On May 1, 2001, City Council approved issuance of Industrial Revenue Bonds in the amount of \$4,300,000 to Airtechnics, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a five-plus-five-year term on bond-financed property. Bond proceeds were used for the construction of a new manufacturing, warehouse, administrative, and sales facility and the acquisition of equipment and furniture, located at 38th St. North and Webb Road.

On December 31, 2006, the initial five-year period for tax exemption will expire. Airtechnics requests City Council extend the tax exemption to include the second five-years on the 2001 bond-financed property.

Airtechnics, founded in 1957, is a manufacturer and distributor of eletromechanical component parts for the aircraft industries, such as switches, relays and circuit breakers. The company sells its product throughout the United States and overseas. Airtechnics, Inc. has sales offices in California, Florida, Indiana, Texas, New York, England. All manufacturing is done at the Wichita facility.

As a condition of the bond issue and tax exemption, Airtechnics committed to: construct a new manufacturing, warehouse, administrative, and sales facility worth \$3,600,000, purchase equipment worth \$675,000; and, create 50 new jobs within five years of the bond issue. A measure of Airtechnics' initial five-year project commitments and outcomes are as follows:

2001 Commitment	October 31, 2006 Status
Construct new corporate headquarters:	Completed new 62,000 s.f. building addition
Create 50 new jobs in five years:	Created 28 new jobs

# CITY COUNCIL PROCEEDINGS

Staff conducted a site-monitoring visit on August 5, 2005. Airtechnics has fallen short of meeting its projection of 50 new permanent jobs, by creating 28 new jobs. The company reports that the terrorist attacks of 9-11-2001 and the ensuing economic downturn has prevented the company from adding employees. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again. Airtechnics additional goal relating to the bond-financed project was an overall increase in sales. Airtechnics increased sales by more than 33 % since 2001.

In 2001, the appraised value of the exempted property was approximately \$3,463,520 That property's current appraised value is approximately \$4,317,500. Based on the 2005 mill levy, the 2006 taxes on the exempted property will be approximately \$11,026. Airtechnics is current in payments of administrative service fees.

New benefit-to-cost ratios are as follow:

City of Wichita	1.44 to one
Sedgwick County	1.13 to one
USD 259	1.00 to one
State of Kansas	4.75 to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

Mayor Mayans

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

Motion--  
--carried

Schlapp moved that the tax exemption on Airtechnics IRB-financed property be extended for a one-year period and review the further extensions at the end of year 2007. Motion carried 7 to 0.

## **NMB AMERICA**

### **EXTENSION OF IRB TAX EXEMPTION, NMF AMERICA, INC. (DISTRICT II)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1189

On July 18, 2000, City Council approved issuance of Industrial Revenue Bonds in the amount of \$5 million to NMF America, Inc. In conjunction with the bond issue, City Council approved 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to construct and equip a 40,000 s.f. manufacturing plant.

On November 18, 2003, the City Council approved the consent to transfer and sale of NMF America to SONACA America. NMF America had experienced severe financial pressures. SONACA (Societe Nationale de Construction Aeospaciale) NMF is a Belgian aerospace company. On December 31, 2005, the initial five-year period for tax exemption expired. On February 14, 2006, City Council approved a one-year extension of the ad valorem property tax exemption. NMF America, Inc. requests the City Council approve the remaining four-years tax exemption on bond-financed property.

NMF America, Inc. is a leader in the aerospace niche market of wing skin manufacturing, with annual sales of \$20 million. NMF America, Inc. manufacturing process involves the forming and finishing of aluminum wing panels used in the manufacture of business and regional jets, primarily for the Bombardier line of aircraft. NMF's decision to come to the Wichita area was motivated in large part by Bombardier's desire to have this prime sub-contractor located closer to what has become an important production center for Bombardier. They are also motivated by the opportunity to develop business relationships with the other aircraft manufacturers located in Wichita. NMF estimates that their products are present on 80% of all business jets being currently manufactured.

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As a condition of the bond issue and tax exemption, NMF America committed to construct and install certain manufacturing equipment, with a total investment of \$5,000,000, and create 100 new jobs within five years of the bond issue.

A measure of NMF America's initial five-year project commitments and outcomes are as follows:

2000 Commitment	December 31, 2005 Status
· Construct new building addition	Completed 40,000 s.f. manufacturing plant
· Purchase Manufacturing Equipment:	Purchased equipment worth over \$2,120,300
· Create 100 new jobs in five years:	Created 81 new jobs

Staff conducted a site-monitoring visit on June 15, 2005. NMF has come more than 3/4 of the way of meeting its job projection by now creating 81 new permanent jobs.

NMF has expanded its client base to include the military aerospace industry. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again. Since February 2006, the company has added 5 new additional employees. The company often receives international visitors from Japan, Brazil, Canada, and Belgium on a monthly basis.

In 2001, the appraised value of the exempted property was approximately \$3,611,215. That property's current appraised value is approximately \$3,596,320. Based on the 2005 mill levy, the 2007 taxes on the exempted property will be approximately \$423,632. NMF America is current in payments of administrative service fees. New benefit-to-cost ratios are as follow:

City of Wichita	1.64 to one
Sedgwick County	1.15 to one
USD 259	1.00 to one
State of Kansas	4.40 to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

Mayor Mayans

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

Motion--  
--carried

Schlapp moved that the tax exemption on NMF's IRB Bond-financed property be extended for a one-year period and review the further extensions in December 2007. Motion carried 7 to 0.

**ZTM, INC.**

## **AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, ZTM, INC. (DISTRICT III)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1190

On December 19, 2000, City Council approved an Economic Development Tax Exemption for ZTM, Inc. (ZTM). Under the previous City's Business Incentive Policy, ZTM qualified for a 98 percent tax exemption for real and personal property, and 49 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption will expire. ZTM requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

As a result of the tax exemption, ZTM committed to undertake an expansion consisting of construction of a 33,000 s.f. additional manufacturing space, at an investment of \$1,000,000, and acquisition of new manufacturing equipment, and creation of 4 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

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2001 Commitment	October 31, 2006
· Construction of building addition	Completed 33,000 s.f. facility by December, 2001
· Purchase Manufacturing Equipment	Purchased equipment worth over 1,544,200
· Create 4 new jobs in five years	Created 12 new jobs

Staff conducted a site-monitoring visit on March 17, 2005. ZTM has exceeded its projection of 4 new permanent jobs by creating 12 new jobs. ZTM increased sales by more than 40% since 2001, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita	1.49 to one
Sedgwick County	1.38 to one
USD 259	1.37 to one
State of Kansas	2.18 to one

Under the City's old Business Incentive Policy, the Company qualifies for a 49% ad valorem tax exemption for an additional five-years on real property only.

The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Mayor Mayans

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

Motion--  
--carried

Skelton moved that a second five-year ad valorem tax exemption at 49 percent on real property only be approved. Motion carried 7 to 0.

**EXCEL**

**AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, EXCEL MANUFACTURING, INC. (DISTRICT IV)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1191

On January 15, 2002, City Council approved an Economic Development Tax Exemption for Excel Manufacturing, Inc. (Excel Manufacturing). Under the previous City's Business Incentive Policy, Excel Manufacturing qualified for a 100 percent tax exemption for real and personal property, and 50 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption will expire. Excel Manufacturing requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

As a result of the tax exemption, Excel Manufacturing committed to undertake an expansion consisting of construction of a 38,250 s.f. additional manufacturing space, at an investment of \$741,360, and acquisition of new manufacturing equipment, and creation of 19 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2001 Commitment	October 31, 2006
· Construction of building addition	Completed 38,250 s.f. facility by December, 2001
· Purchase Manufacturing Equipment	Purchased equipment worth over 3,554,572
· Create 19 new jobs in five years	Created 19 new jobs

Staff conducted a site-monitoring visit on October 12, 2004. Excel Manufacturing has met its projection of 19 new permanent jobs by creating 19 new jobs. Excel Manufacturing increased sales by more than 90% since 2001, and diversified its customer base.

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A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita 2.02 to one  
Sedgwick County 1.70 to one  
USD 259 1.69 to one  
State of Kansas 3.73 to one

Under the City's old Business Incentive Policy, the Company qualifies for a 50% ad valorem tax exemption for an additional five-years on real property only.

The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Mayor Mayans

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

Motion--  
--carried

Gray moved that a second five-year ad valorem tax exemption at 50 percent on real property only be approved. Motion carried 7 to 0.

## COX MACHINE

### AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, COX MACHINE, INC. (DISTRICT V)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-1192

On November 20, 2001, City Council approved an Economic Development Tax Exemption for Cox Machine, Inc. (Cox Machine). Under the previous City's Business Incentive Policy, Cox Machine qualified for a 98 percent tax exemption for real and personal property, and 49 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption will expire. Cox Machine requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

As a result of the tax exemption, Cox Machine committed to undertake an expansion consisting of construction of a 36,000 s.f. additional manufacturing space, at an investment of \$1,554,788, and acquisition of new manufacturing equipment, and creation of 14 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2001 Commitment	October 31, 2006
· Construction of building addition	Completed 36,000 s.f. facility by December, 2001
· Purchase Manufacturing Equipment	Purchased equipment worth over 435,104
· Create 14 new jobs in five years	Created 14 new jobs

Staff conducted a site-monitoring visit on August 4, 2004. Cox Machine has met its projection of 14 new permanent jobs by creating 14 new jobs. Cox Machine increased sales by more than 87% since 2001, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita 1.38 to one  
Sedgwick County 1.13 to one  
USD 259 1.09 to one  
State of Kansas 2.72 to one

Under the City's old Business Incentive Policy, the Company qualifies for a 49% ad valorem tax exemption for an additional five-years on real property only.

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The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Mayor Mayans

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

Motion--  
--carried

Martz moved that a second five-year ad valorem tax exemption at 49 percent on real property only be approved. Motion carried 7 to 0.

## **2007 HEALTH INS.**

### **2007 SELF-INSURANCE HEALTH INSURANCE PROGRAM.**

Kelly Carpenter

Finance Director reviewed the item.

Agenda Report No. 06-1193

The City uses a Health Insurance Advisory Committee (HIAC) to monitor health insurance programs for employees, and recommend new/renewal programs or changes in health coverage and cost, as required. The Committee includes representatives from the Fraternal Order of Police, International Association of Firefighters, Service Employees International, Teamsters unions, as well as the (non-union) Employees Council and Management staff.

The City Council directed staff to receive competitive bids for the City of Wichita's 2005 health insurance plan. On October 12, 2004, the City Council accepted the recommendation of the Health Insurance Advisory Committee to approve Coventry Health Care of Kansas, Inc. as the medical and prescription provider for 2005 and 2006 with an option for renewal in 2007.

Coventry Health Care was selected as the preferred vendor as being most responsive to the competitive Request For Proposal. Coventry was the low responder for the 2005 and 2006 fully insured medical plan and a fully insured prescription drug plan, with a total estimated aggregate cost for both medical and prescription of \$20,851,766 (exclusive of any plan changes) for 2005. This was approximately 3.3% less than the 2004 medical and prescription drug plan. Coventry Health Care also provided a 2006 rate cap guarantee of not more than 10.9%, which also was approved. The agreement also included a limitation of the 2007 premium rates using a blended (medical and drug) trend assumption of 11.1% per annum. Through the diligent efforts of Hilb, Rogal & Hobbs (HRH), the City's benefit consultant, a fully insured 2007 premium rate increase of 9.5% was negotiated.

The Health Insurance Advisory Board met on March 28, 2006 and recommended the acceptance of the 9.5% rate increase from Coventry Health Care for 2007. The City Council approved the fully insured premium increase of 9.5% on April 11, 2006. There are no changes to the Coventry health plan for 2007.

Recently, as a part of their due diligence, Hilb Rogal & Hobbs requested Coventry Health Care of Kansas submit a Self-Insured price quote for 2007. The Self-Insured price quoted provided by Coventry was very favorable. That is because Coventry's Self-Insurance quote does not include a payment for premium tax or a payment for "risk.

If accepted by the City Council, the Self-Insured quotation from Coventry Health Care, Inc. includes plan savings and an estimated first year positive cash flow of approximately \$4.1 million. Plan savings and positive cash flow are derived from the change in payment of monthly premiums to payment of actual claims. The positive cash is not on going or permanent; as claims are finalized and paid, the dollar amount will decrease. In addition, the City would purchase a \$400,000 stop-loss insurance policy to keep high cost claimants from materially affecting the Self-Insurance Fund. In addition, the known large-claim claims would be subject to the \$500,000 yearly maximum on medical.

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Coventry's Third Party Administrator (TPA) administrative fees would be \$27.17 per employee per month (excluding stop loss charges) in 2007. Coventry has guaranteed that their TPA administrative fees will increase by no more than 4% per annum for 2008 and 2009.

If Self-Insurance is approved, staff recommends all financial efficiencies derived from plan savings to initially be used to absorb future risk potential from self-insuring and additionally to maintain the stability of future health insurance rates. Staff also recommends that the 2007 rates remain as previously approved by the Health Insurance Advisory Committee and the City Council.

The employee health and prescription drug program is a part of the Internal Perspective goal. The Self-Insured health and prescription drug program is also a part of the City's strategic health care plan to combine employee Wellness programs, self-insured health and Rx plans which provides the City with much more flexibility and disease management and nurse coaches, to minimize future health insurance premium increases for the employee and the City.

Under a Self-Insurance program, Coventry would become a Third Party Administrator (TPA) to the City of Wichita. Coventry would handle all claims and operate the health care and prescription drug programs just as they do now with no changes. To City employees, the program would be "transparent" from a benefit perspective. However, the City would have all of the risk and Coventry would have no risk. While the City would have all of the risk, measures are included to reduce the City's risk, such as transferring savings to City Self-Insurance Health reserves, stop-loss insurance, future administrative fees (excluding stop-loss charges) guaranteed at a 4% increase for each of the next two years and large cost claimants being subject to the \$500,000 yearly medical maximum. The contracts and related documents will be approved as to form by the City Attorney's office.

- Council Member Gray Council Member Gray inquired about the plan for the prescriptions and how will that work.
- Kelly Carpenter Finance Director stated that it will be the same thing and we will be self-insured on prescriptions.
- Council Member Gray Council Member Gray asked if we would be self-insured with dental and vision as well.
- Kelly Carpenter Finance Director stated yes and they have calculated that into their projections and will also be self-insured for the dental and eye care.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Mayans moved that the Coventry Health Care, Inc. Self-Insurance quote for 2007-2009 be accepted and authorize staff to negotiate a Third Party Agreement (TPA) with Coventry Health Care, Inc. to be effective January 1, 2007. Motion carried 7 to 0.
- carried

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## PLANNING AGENDA

Motion-- Mayans moved to approve Planning Consent items 24-26 in accordance with the recommended  
--carried action shown thereon. Motion carried 7 to 0.

### **DR2006-10**

#### **DR2006-10: K-96 CORRIDOR ECONOMIC DEVELOPMENT PLAN.**

John Schlegel

Planning Director reviewed the item and introduced Harland Priddle, Executive Director of the K-96 Corridor Development Association, Inc.

Agenda Report No. 06-1195

The counties of Sedgwick and Reno and the cities of Maize, Mt. Hope, Haven and South Hutchinson have undertaken a collaborative planning effort for the K-96 highway corridor between the Wichita and Hutchinson metropolitan areas. The planning effort resulted in an economic development plan for the corridor. The plan contains 37 implementation strategies for the promotion of economic development along the corridor. The implementation strategies address issues such as ongoing or future planning efforts, land development regulations, capital improvement programming, public/private partnerships, development incentives, non-local government programs, private investment and citizen and community organization initiatives.

The Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) has reviewed the plan and recommends adoption of the plan as an amendment of the Comprehensive Plan. However, the MAPC recommends that the plan be modified so as to be more consistent with the Comprehensive Plan. The MAPC's recommended modifications are contained in Attachment A of the attached resolution. Essentially, the MAPC's recommended modifications provide greater flexibility by recommending adopting general policy positions as opposed to adopting regulations to require compliance with the plan's policy direction.

The Sedgwick County Board of Commissioners will consider adoption of the plan, as recommended by the MAPC, at their November 15, 2006 meeting. The result of that meeting will be reported at the November 21, 2006 City Council meeting.

Adopting the K-96 Corridor Economic Development Plan involves no commitment of funding. Funding decisions, if any, associated with the plan's recommended implementation actions will receive separate approval.

The plan addresses the Economic Vitality and Affordable Living Goal by establishing reasonable economic development and growth management policies for the K-96 corridor between Wichita and Hutchinson. The recommendations address the Efficient Infrastructure Goal by establishing policies for the efficient extension of municipal services to support land development along the K-96 corridor.

The MAPC, in accordance with Kansas state statutes, held a public hearing for the proposed K-96 Corridor Economic Development Plan on October 19, 2006, with the required notice of public hearing published in the official City newspaper on September 28, 2006. The MAPC approved a resolution adopting the plan, with recommended modifications, as an amendment to The Wichita-Sedgwick County Comprehensive Plan.

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Harland Priddle

Mr. Priddle gave a presentation on the Plan to the Council.

John Schlegel

Planning Director stated that this plan has been reviewed by the MAPC and they recommended some relatively minor modifications to the language of the plan and those modifications went on to the Sedgwick County Board of Commissioners at their meeting last Wednesday at which time they adopted the Plan as part of the Wichita/Sedgwick County Comprehensive Plan, which now stands ready for the Council's adoption as part of that plan.

Motion--

Mayans moved that the K-96 Corridor Economic Development Plan, with recommended modifications, as an amendment to The Wichita-Sedgwick County Comprehensive Plan be approved and the ordinance placed on first reading. Motion carried 7 to 0.

--carried

## ORDINANCE

An Ordinance adopting the K-96 Corridor Economic Development Plan, as modified in Attachment A as an amendment to the Wichita-Sedgwick County Comprehensive Plan introduced and under the rules laid over.

**SUB2006-47**

**SUB2006-47-PLAT OF FONTANA THIRD ADDITION, LOCATED ON THE NORTH SIDE OF 29TH STREET NORTH AND EAST OF 119TH STREET WEST. (DISTRICT V)**

Agenda Report No. 06-1196

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-1)

The negative vote reflected a Commissioner's concern regarding approval of the drainage plan.

This site, consisting of 48 lots on 14.2 acres, is a replat of a portion of the Fontana Addition and is located within Wichita's city limits. The site is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, drainage, sidewalk, sewer and water improvements. Since this plat proposes the platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements, a Restrictive Covenant was submitted outlining restrictions for lot-owner use of these easements. The Restrictive Covenant also provides for the continued sharing in the ownership and maintenance responsibilities of previously platted reserves and four off-street parking spaces per dwelling unit on each lot, which abuts a 32-foot street. An off-site Street Drainage and Utility Easement have also been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenant and off-site Street Drainage and Utility Easement will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 06-620

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90004 east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

# CITY COUNCIL PROCEEDINGS

## RESOLUTION NO. 06-621

A Resolution of findings of advisability and resolution authorizing construction of Lateral 5, Main 7, Northwest Interceptor Sewer, east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North 468-83877 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-622

A Resolution of findings of advisability and resolution authorizing construction of Lateral 10, Main 7, Northwest Interceptor Sewer, east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North 468-83882, 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-623

A Resolution of findings of advisability and resolution authorizing improving Storm Water Drain Number 236, east of 119<sup>th</sup> Street West, North of 29<sup>th</sup> Street North 468-83883, 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-624

A Resolution of findings of advisability and resolution authorizing improving Storm Water Drain Number 237, east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North 468-83884, 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-625

A Resolution of findings of advisability and resolution authorizing improving Storm Water Drain Number 238, east of 119<sup>th</sup> Street West, North of 29<sup>th</sup> Street North 468-83885, 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO.06-626

A Resolution of findings of advisability and resolution authorizing improving Storm Water Drain Number 239, east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street north 468-83886, 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-627

A Resolution of findings of advisability and resolution authorizing improving Storm Water Drain Number 313 north of 29<sup>th</sup> Street North, east of 119<sup>th</sup> Street West 468-84275 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 06-628

A Resolution of findings of advisability and resolution authorizing constructing pavement on Covington from the north line of 29<sup>th</sup> Street North to the east line of Lot 30, Block 1, Fontana 2<sup>nd</sup> Addition; Shefford from the east line of Lot 30, Block 1, to the east line of Covington; Covington Court to and including the cul-de-sac; Fontana Circle to and including the cul-de-sac; Fontana Court to and including the cul-de-sac; and Landon Circle to and including the cul-de-sac, east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North 472-84086 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-629

A Resolution of findings of advisability and resolution authorizing improving Chambers from Fontana to the west line of Lot 35, Block 3; Park Ridge from Fontana to the west line of Lot 35, Block 3, and Fontana from Covington to the east line of Lot 23, Block 3, all in Fontana Addition, east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North 472-84087 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-630

A Resolution of findings of advisability and resolution authorizing improving Pine Grove from the north side of Fontana to Santana; Santana from Pine Grove to Judith; Judith from Santana to Fontana including the cul-de-sac and Fontana from the west line of Lot 24, Block 3 to 119<sup>th</sup> Street West, all in Fontana Addition east of 119<sup>th</sup> Street west, north of 29<sup>th</sup> street north 472-84089 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-631

A Resolution of findings of advisability and resolution authorizing construction pavement on Mark Randal from the east line of Covington to the north line of Lot 27, Block 1; Cortina from, the south line of Mark Randal to the east line of: Lot 8. Block 2 including the cul-de-sac and Shefford from the east line of Lot 8, Block 2, to the north line of Lot 27, Block 1 east of 119<sup>th</sup> Street West, north of 29<sup>th</sup> Street North 472-84091 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SUB2006-86

### **SUB2006-86-PLAT OF GOLDEN CORRAL ADDITION, LOCATED WEST OF GREENWICH ROAD AND ON THE NORTH SIDE OF KELLOGG. (DISTRICT II)**

Agenda Report No. 06-1197

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 2.11 acres, is located within Wichita's city limits. The site is zoned "GC" General Commercial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for water and drainage improvements. A Restrictive Covenant was submitted providing for the ownership and maintenance responsibilities of the reserves being platted for drainage purposes.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 06-632

A Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90255 west of Greenwich, north of Kellogg in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 06-633

A Resolution of findings of advisability and resolution authorizing improving Storm Water Drain number 312 west of Greenwich, north of Kellogg 468-84273 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 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

Z-3341 & DP-249

### **Z-3341 AND DP-249-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE EWALD'S SOUTH TOWN CENTER COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM "SF-5" SINGLE-FAMILY TO "GC" GENERAL COMMERCIAL. GENERALLY LOCATED SOUTH OF 47TH STREET SOUTH AND EAST OF BROADWAY. (DISTRICT IV)**

Agenda Report No. 06-1198

On November 23, 1999, the City Council approved the creation of DP-249 and a zone change from "SF-5" Single-Family to "GC" General Commercial. Approval of the request was subject to the condition of platting the property within one year. Three platting extensions granted for this request have extended the platting deadline to November 23, 2005.

The applicant indicates in the attached letter from their agent that platting the property has been delayed due to bankruptcy proceedings. Therefore, the applicant has requested a two-platting extension with a new deadline of November 23, 2007.

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

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

Motion--  
--carried

Mayans moved that the extended platting deadline of November 23, 2007 be approved. Motion carried 7 to 0.

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## AIRPORT AGENDA

### CHANGE ORDER

### TAXIWAY A AND A-1, CHANGE ORDER NO. 3.

Agenda Report No. 06-1199

On July 13, 2004 the Wichita Airport Authority approved a contract with Cornejo & Sons for construction of Taxiway A and A-1.

A change order has been prepared to modify the contracted work.

The change order represents a deduction of \$1,560. With this change order the total change orders are approximately 0.5% of the initial construction contract amount.

The Airport's contribution to the economic vitality of Wichita is promoted through infrastructure improvements.

The change order has been approved by the Law Department and the Federal Aviation Administration.

Motion--  
--carried

Mayans moved that the change order be approved and the necessary signatures authorized. Motion carried 7 to 0.

## CITY COUNCIL

### BOARD APPTS.

### BOARD APPOINTMENTS.

Council Member Gray

Council Member Gray requested to appoint John Riggerbach to the Public Building Commission.

Motion--carried

Mayans moved that the appointment be made. Motion carried 7 to 0.

### TRAVEL EXPEND.

### APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND U.S. CONFERENCE OF MAYORS WINTER MEETING IN WASHINGTON, D.C., JANUARY 24-26, 2007.

Motion--carried

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

### TRAVEL EXPEND.

### APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO THE LEAGUE OF KANSAS MUNICIPALITIES GOVERNING BODY MEETING IN TOPEKA, DECEMBER 14-15, 2006

Motion--carried

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

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## RECESS

Motion--

Mayans moved that the City Council recess at 10:05 a.m. into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, preliminary discussions relating to the acquisition of real property for public purposes and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 10:40 a.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

## RECONVENE

The City Council reconvened in the Council Chambers at 10:52 a.m. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 10:52 am to close the Executive Session. Motion carried 5 to 0, (Schlapp and Skelton absent).

Mayor Mayans

Mayor Mayans wished everyone a Happy Thanksgiving Day and stated that America is a land of abundance, of prosperity and of hope, which we must never take for granted and that the foundation that makes our country great are freedom, justice, equality and a belief in our democratic rule of law and rise together and speak and to worship freely. Stated that we also must remember the less fortunate among us and be committed to reaching out to them and all of those in need in our community. Stated that the gratitude of the city, state and nation goes out to the brave men and women in uniform who are serving to defend peace around the world. May God continue to watch over them and may God Bless America.

Motion--carried

Mayans moved at 10:53 am to close the Regular Meeting. Motion carried 6 to 0, (Skelton absent).

## ADJOURNMENT

The City Council meeting adjourned at 10:53 a.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk