

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 3, 2007

Tuesday, 9:07 A.M.

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

Cathy Holdeman, Assistant City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Lakshmi Kambampati, Hindu faith, gave the invocation.

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

The Minutes of the regular meeting of June 26, 2007, approved 7 to 0.

### Recognitions

#### Recognitions:

Mayor Brewer recognized Jerry Blaine and David Warren and presented them with the Kansas Society of Professional Engineers-Special Recognition Award and the American Water Works Association-George Warren Fuller Award for water projects that they were involved with.

### PUBLIC AGENDA

Jake Lowen-Support of the Wichita Labor Federation for the City firefighters in their efforts to secure a contract from the City and appeal to the City Council to take appropriate action in negotiating.

### Jake Lowen

Mr. Lowen stated that in the last 30 years Wichita has grown by almost 100,000 people and added almost 60 square miles to its total size. Stated our commitment to the safety of Wichitans has not kept pace with this growth and we have actually employ less fire fighters today then we did 30 years ago. Stated we ask so much of our fire fighters and expect them to risk their own lives to protect ours and expect them to respond immediately and perform professionally to a wide variety of emergency calls, 41,000 times in 2006. Stated we are asking a smaller work force to work 476% harder then their peers 30 years ago. Stated he and his family live on the south side, which is not close to a city fire station and falls far outside of the four minute response time. Stated we cannot blame the fire fighters for this and they work on average 56 hours a week and many have to work second jobs to support their families. Stated fire fighters in similar size and smaller cities, earn 25 to 30% more then our Wichita fire fighters. Stated our fire fighters are overworked and under-paid and under increasing demand. Stated the City officials have failed to negotiate in good faith with the International Association of Fire Fighters who members have been working without a contract since December of 2006. Asked the Council to step up and give our fire fighters what they need to do their job. Stated on behalf of the Wichita, Hutchinson Labor Federation and the over 30,000 union families that they represent in this area, they ask that the City meet its obligations to its citizen's safety by establishing a contract and equip our fire fighters with the necessary tools to save lives.

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## CONSENT AGENDA

Motion-- Brewer moved that consent agenda items 2-15a. be approved in accordance with the recommended  
--carried action shown thereon. Motion carried 7 to 0.

## **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 2, 2007

Bids were opened June 29, 2007, pursuant to advertisements published on:

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

Pavement and Drainage Improvements to Greenwich, Central Avenue to 13th Street North. 472-84435 (706959/766140/766141/766142/206425/490158/490159/490160) Greenwich to be closed during construction. (District II)

Cornejo & Sons Construction - \$2,106,275.50

Lateral 26, Main 19 Southwest Interceptor Sewer to serve Avalon Park 3rd & 4th Additions north of 37th Street North, east of Tyler. (468-84216/744237/480925) Does not affect existing traffic. (District V)

Utility Contractors - \$249,115.00

Water Distribution System to serve Avalon Park 3rd & 4th Additions north of 37th Street North, east of Tyler. (448-90225/735367/470040) Does not affect existing traffic. (District V)

Utilities Plus - \$68,381.00

Motion-- Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest  
--carried and best bid within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 7-0.

## **CMBS**

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

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Robin Ezell Forbis	Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #3283	10600 West 21st Street

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

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## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a. 29th Street North, 119th Street West to Maize Road (KDOT) (87N-0348-01/472-84185/706919/766134/766133/766131/766132/205385/490152/490151/490149/490150) See special provisions. (District V) - \$5,441,000.00
- b. 2007 Sanitary Sewer Rehabilitation, Phase C - various locations east of Meridian, north of Pawnee. (468-84362/620481/667599) Traffic to be maintained during construction using flagpersons & barricades. (Districts I,II,III,IV,VI) - \$260,000.00
- c. Water Distribution System to serve Silverton Addition - north of 13th Street North, west of 135th Street West. (448-90238/735366/470039) Does not affect existing traffic. (District V) - \$148,000.00
- d. Woodridge from the north line of The Fairmont 3rd Addition south to the north line of Lot 22, Block A; Woodridge Circle from the north line of Lot 22, Block A, south to and including the cul-de-sac; Woodridge Court from the west line of Woodridge south to an including the cul-de-sac to serve The Fairmont 3rd Addition - north of 21st Street North, west of 127th Street East. (472-84137/766143/490161) Does not affect existing traffic. (District II) - \$188,640.00

Motion--carried

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

## DEEDS/ESMNTS

### DEEDS AND EASEMENTS:

- a. Storm Water Drainage and Detention Basin Improvements Easement dated June 19, 2007 from SNAR LLC for a pond lying within Reserve C, Emerald Bay Estates, an addition to Wichita, Sedgwick County, Kansas, (OCA # 751417) No cost to City.

Motion--carried

Brewer moved to accept documents. Motion carried 7 to 0.

## BOARDS/COMMISS.

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District III, Advisory Board, April 4, 2007  
Wichita Public Library Monthly Report, May 2007  
District III Advisory Board, May 2, 2007  
Wichita Employees' Retirement board/Police & Fire Retirement Board, May 3, 2007  
District VI Advisory Board, May 7, 2007  
Wichita Airport Advisory Board, May 7, 2007  
Board of Electrical Appeals, May 8, 2007  
Wichita Public Library-Regular Meeting of the Board of Directors, May 15, 2007

Motion--carried

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

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

Agenda Report No. 07-0626

In accordance with the Community Events Procedure, Wichita Festivals, Inc. is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

### Wichita Flight Festival, August 24, 25 and 26 Jabara Airport 3512 N. Webb Road

- 3500 block of Webb Road including the intersection of 43rd Street North and Webb Road.  
Friday, August 24th 6:00 pm – 11:00 pm  
Saturday, August 25th 10:00 am – 5:00 pm  
Sunday, August 26th 10:00 am – 5:00 pm

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--

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

--carried

## **NORTHGATE      CONSTRUCTION ENGINEERING AND STAKING IN NORTHGATE ADDITION, NORTH OF 53RD STREET NORTH, WEST OF MERIDIAN. (DISTRICT VI)-SUPPLEMENTAL.**

Agenda Report No. 07-0627

The City Council approved the drainage improvements in Northgate Addition on October 24, 2006. On May 15, 2007 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 \$17,250 and will be paid by special assessments.

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

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

Motion--

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

--carried

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## CHANGE ORDER

### PHASE I, 2007 SANITARY SEWER RECONSTRUCTION PROGRAM, NORTH OF 2ND STREET, WEST OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 07-0628

On February 6, 2007, the City Council approved a construction contract with Dondlinger & Sons Construction, Inc. to reconstruct a sanitary sewer located north of 2nd, west of Meridian. A part of the sewer line is under railroad tracks and was planned to be repaired by a pipe reaming method. After the work began, it was determined that the line had sagged and should be replaced by boring and jacking casing pipe under the tracks.

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

The total cost of the additional work is \$11,550 with the total paid by the Sanitary Sewer Utility. The original contract amount is \$196,939. This Change Order represents 5.87% of the original contract amount.

This project addresses the Efficient Infrastructure goal by providing ongoing maintenance of the City's sanitary sewer 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

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

## CHANGE ORDER

### SANITARY SEWER IN WHISTLING WALK ESTATES ADDITIONS, SOUTH OF 13TH STREET, WEST OF 119TH STREET WEST. (DISTRICT V)

Agenda Report No.07-0629

On June 28, 2005, the City Council approved a contract with Wildcat Construction Company to construct a sanitary sewer for Whistling Walk Estates Additions, an existing residential neighborhood. A part of the work required the removal of mature trees adjacent to a home where an easement was needed. The homeowner granted the easement with the stipulation that the trees be replaced

A Change Order has been prepared for the replacement of trees. Funding is available within the project budget.

The total cost of the additional work is \$18,010 with the total paid by the Sewer Utility. The original contract amount is \$137,785. This Change Order plus previous Change Orders represents 27.4% of the original contract amount.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer service for an existing residential neighborhood.

The Law Department has approved the Change Order as to legal form. City Council policy limits Change Order totals to 25% of the contract budget. As a result, a policy waiver is needed for this Change Order

Motion--  
--carried

Brewer moved that the 25% limit on Change Order costs for this project be waived; the Change Order approved and the necessary signatures authorized. Motion carried 7 to 0.

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## CLAIMS

### REPORT ON CLAIMS ALLOWED FOR THE MONTH OF MAY, 2007:

<u>Name of Claimant</u>	<u>Amount</u>
Adams, Valera	\$415.25
Briley, Clifford	\$30,000.00**
Edwards, Pamela	\$250.00
Halsey, Cynthia	\$659.90
Huggins, Phillip	\$448.14
Jamaledine, Sam	\$4,457.63
Pierce, Ricky	\$9,226.08
Rowe, L. Mark	\$64.95
Sharp, Greg	\$2,637.41
Westar Energy	\$2,748.35**

\*\* Settled for lesser amount than claimed.

Motion--carried

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

## COURT FINES

### MUNICIPAL COURT DEBT COLLECTIONS AGREEMENT FOR THE COLLECTION OF COURT FINES AND COSTS.

Agenda Report No. 07-0630

The City has contracted with the Gila Corporation d/b/a Municipal Services Bureau for collection of delinquent Municipal Court fines and costs since 1997. Currently the Court processes an average \$25,000-\$45,000 each business day inclusive of delinquent and non-delinquent accounts. On a monthly basis, the City outsources from 900-1,300 delinquent cases with average balances of \$300-\$380. Prior to sending to the collection service, the age of the account since the last payment is 45 days.

Recently the Kansas Legislature passed a bill authorizing the Court to assess the costs of collection to the defendant. The authorization to assess the collection costs goes into effect July 2007, and will be assessed on those accounts that are delinquent after this date.

The City of Wichita requested proposals from qualified businesses to provide a detailed operational plan that demonstrated understanding of and capability to assume responsibility for collecting delinquent Court fines, fees and costs. Forty-one requests for proposals were mailed to collection agency companies and attorneys; the proposal was posted on the City's Website; and the notice of solicitation was published in the Wichita Eagle. Nine responses were received and reviewed by a staff screening and selection committee of seven members from five departments, including Purchasing. Gila Corporation, d/b/a Municipal Services Bureau (MSB) offered the best value overall for the City and was selected as the proposed vendor. Municipal Services Bureau is a collection agency based in Austin, Texas, which specializes in collections for municipal and district courts and has provided collection services to the City of Wichita Municipal Court since 1997. Costs to the City of Wichita for collection services was lowered from 19.5% to 16% of collected amounts; a guaranteed monthly minimum recovery rate of 20% was proposed; and MSB agreed to forfeit 25% if the guaranteed monthly minimum recovery rate is not met. The proposed vendor will continue collection efforts on those cases assigned prior to July 2007 at the reduced percentage, but it will continue to be the City's responsibility to fund those collection services. Collection costs that are delinquent after July 2007 forward will be assessed to the defendants' accounts.

These commissions are budgeted in the Municipal Court's operating budget.

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The utilization of a collection agency services addresses the Safe and Secure Community Goal by assisting in the defendants' compliance to judicial orders and improving the perception of public safety. In addition, this contract will help the Court reduce costs, which is a component of the internal perspective.

The contract will be reviewed and approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the contract with Gila Corporation, d/b/a Municipal Services Bureau be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **PARK LIGHTING**

### **PARK LIGHTING. (DISTRICTS I, V, AND VI)**

Agenda Report No. 07-0631

In keeping with the recent approved Safe and Secure Community Goal approved by City Council, the Park and Recreation Department strives to improve nighttime use of park facilities and recreation centers through these various lighting projects.

The 2005 and 2007 Park Capital Improvement Program (CIP) includes \$100,000 per year, for the placement of outdoor lights in new and existing parks and replacement of damaged or obsolete light fixtures at existing parks, park facilities, and recreation centers. The 2005 Park Lighting CIP improvements, approved by City Council on April 5, 2005, included McAdams Park, which has been completed, Orchard Park Playgrounds, the pathway from the Linwood Recreation Center parking lot to the Swimming Pool/Tennis Court parking lot, replacement fixtures in Central Riverside Park, additional fixtures around Park Villa in North Riverside Park and additional fixtures in Sycamore Park. The 2007 Park Lighting CIP, approved by City Council on December 19, 2006, includes improvements to Country Acres Park, additional fixtures in Sycamore Park and Park Villa.

Funding provided for the necessary installations and safety improvements exceeds the \$100,000 for each year. Staff recommends the reallocation of available funding from the 2005 Park Lighting CIP and combine it with the funding for the 2007 Park Lighting CIP to complete the lighting improvements at Country Acres, Park Villa, Linwood Park, and Orchard Park, based on condition assessment and the remaining budget.

The 2005 Park Lighting CIP includes a remaining budget amount of \$60,000 and the 2007 Park Lighting CIP includes \$100,000 for the construction and replacement of park lighting at City parks, park facilities, and recreation centers. Staff recommends the remaining budget in the 2005 Park Lighting CIP, \$60,000, be transferred to the 2007 Park Lighting CIP for consolidation of expenditures. The 2007 Park Lighting CIP will be amended to include Country Acres, Park Villa, Linwood Park, and Orchard Park and eliminating Sycamore Park and Central Riverside Park. The funding source for the improvements is general obligation bonds.

Replacement and additional new lighting for parks will help to improve community safety and will satisfy citizens with improved quality of life through extended park hours.

The Law Department has approved the resolution as to form.

Motion--  
--carried

Brewer moved that the bonding resolution be adopted; the initiation of the project authorized; and the necessary signatures authorized. Motion carried 7 to 0.

### **RESOLUTION NO. 07-384**

Resolution amending Resolution No. 06-675, and authorizing the issuance of bonds by the City of Wichita at large for labor, material, and equipment for the placement of outdoor lights and replacement of damaged or obsolete light fixtures at park villa shelter in North Riverside Park. Brewer moved the resolution be adopted. Motion Carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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CPI

## CONSUMER PRICE INDEX (CPI) ADJUSTMENT FOR BROOKS C&D (CONSTRUCTION AND DEMOLITION) LANDFILL CONTRACTOR. (DISTRICT VI)

Agenda Report No. 07-0632

On June 6<sup>th</sup> 2001, the City of Wichita entered into a contract with Herzog Environmental, Inc. to operate the Brooks C&D Landfill. A tipping fee of \$20 was approved with \$9.00 of that fee going to Herzog for operations and \$11 to the City.

Herzog's contract provides for an annual increase not to exceed the CPI. They have not requested an increase since the onset of the operations, but are now requesting a 10% increase from \$20 to \$22. The U.S. Department of Labor Consumer Price Index for the Midwest Urban area shows a total increase of 20.2% from 2001 to 2006. The requested tipping fee increase for Herzog falls well within these parameters.

By increasing the tipping fee by \$4 per ton (to \$24 per ton), the fee increase over the term of the agreement (20%) will be just less than the original fee adjusted for the change in the consumer price index. The City is able to adjust tipping fees for the portion of the fee coming to the City as the City Council finds appropriate.

The recommended increase would raise Herzog's portion of the tipping fee from \$9.00 to \$11.00 per ton (\$2/ton) and provide a \$2 increase to the City's share effective August 1, 2007 and an additional \$1 effective January 1, 2008.

The requested increase of \$2 per ton for the Contractor and \$3 per ton for the City will provide adequate revenue to maintain current operations. The City share of the first increase could be expected to generate up to \$200,000 annually. This amount is based on the record high waste receipts of the last twelve months. The actual revenues to the Contractor and the City vary depending on building activity, storm damage, and the share of the total market that is received by the Brooks site.

The new total tipping fee for the Brooks site of \$24 per ton compares favorably with the other C&D landfills in the local market. The average price charged by the two other C&D landfills in the local market is \$24 per ton. On January 1, 2008, the \$25 tipping fee would be no higher than the current tipping fee of the Cornejo and Sons landfill.

This project will support the Safe and Secure Community Goal by affording a cleaner, more environmentally friendly City by continued availability of affordable, efficient C&D landfill services for both the citizens of Wichita and City operations.

Based on the CPI, Herzog's contract provides for periodic adjustments in the tipping fee. The requested increases fall well within that scope.

Motion--

Brewer moved to increase the current total tipping fee from \$20 to \$24 effective August 1, 2007; 2) Increase the total tipping fee from \$24 to \$25 effective January 1, 2008; and 3) Approve a \$2 increase in the contractor's portion of the tipping fee to become effective August 1, 2007. Motion carried 7 to 0.

--carried

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## CIP FUNDS

### TRANSFER OF CIP FUNDS.

Agenda Report No. 07-0633

Each year the City Council authorizes Water Utilities Capital Improvement Program expenditures for: reconstructing old sanitary sewers (S-4) installing sewer mains for future development (S-5) installing water mains to meet the needs of current development (W-65) replacing old water mains (W-67)

Subprojects are defined and identified as necessary, or as development is taking place. When the subproject is defined, the cost is estimated and a budget is set up using funds from the appropriate project. When the subproject is complete, the remaining budget is transferred to the main project, available to be used for other subprojects initiated in that same year. However, not all projects are completed in one fiscal year; therefore, not all of the funds approved are able to be spent during the year for which they were approved.

Staff requests authorization to transfer 2006 funds remaining in S-4, S-5, W-65, and W-67 to the current year's budget, and to amend bond resolutions for the current year. This will clarify spending and bonding authority for projects not completed in one fiscal year, and for funds remaining when subprojects are completed during a subsequent fiscal year. Most 2006 subprojects are substantially complete and the 2006 projects will be closed. This process avoids the need to over budget for projects in order to cover estimated costs, rather than actual costs.

The following amounts were not used in 2006 and are needed in 2007.

- S-4 \$1,272,256
- S-5 \$721,464
- W-65 \$3,221,000
- W-67 \$257,210

Transferring these funds will not increase CIP expenditures.

As an internal perspective, this is an effective way for maintaining adequate cost accounting. To ensure efficient infrastructure, these projects will provide reliable, compliant and secure utilities.

City Council approval is required to transfer CIP budget authority.

Motion--  
--carried

Brewer moved that the transfer of funds be approved; the CIP amended; the amended Resolutions adopted; and the necessary signatures authorized. Motion carried 7 to 0.

#### RESOLUTION NO. 07-385

Resolution amending Resolution No. 06-699 pertaining to the reconstruction of old sanitary sewers (S-4) in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

#### RESOLUTION NO. 07-386

Resolution amending Resolution No. 06-701 pertaining to the construction of sewer mains for future development (S-5) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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## RESOLUTION NO. 07-387

Resolution amending Resolution no. 06-696 pertaining to the construction of water mains for future development (W-65) in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

## RESOLUTION NO. 07-388

Resolution amending Resolution no. 06-600 pertaining to the replacement and relocation of distribution water mains (W-67) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

## LITIGATION

### SETTLEMENT OF LITIGATION.

Agenda Report No.07-0648

This dispute arose from the damage caused in November 2004 by a water line failure adjacent to an office plaza and the Murdock Street Bridge, which was under construction at the time. The failure is alleged to have arisen from bridge construction work. The resulting erosion undermined the building foundation, causing a corner of the building to break away. The parking lot of the plaza collapsed under a construction crane. The mediation involved participation from two other parties and two insurance companies.

Based on an evaluation of the legal and factual issues involved, resolution of all claims for a compromise lump sum is in the best interests of the City.

Funding for this settlement is from Wichita Water Utility funds.

This resolution will conclude an outstanding liability, and thereby contribute to program and budget certainty for the Wichita Water Utility, enhancing the goal of efficient infrastructure.

The Law Department recommends acceptance of the mediated resolution. This will resolve all claims for damages relating to this multi-party incident.

Motion--

Brewer moved to ratify the mediated agreement, and authorize payment of \$280,000.00 divided between Diane Wingate, Travelers Indemnity Company, and Triplett, Woolf & Garretson, LLC., as their interests may appear, and \$907.50 to Depew Gillen Rathbun & McInteer, LC for mediation services. Motion carried 7 to 0.

--carried

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## ORDINANCES

### SECOND READING ORDINANCE: (FIRST READ JUNE 26, 2007)

#### ORDINANCE NO. 47-508

- a. Acquisition of eminent domain of tracts required for improvement project of West Street from Maple to Central. (Districts IV and VI)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of the planned West Street Road and Storm Water Project between Maple Avenue and Central Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the district court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

Motion--carried

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

### UNFINISHED BUSINESS

#### **BRENTWOOD APTS. PUBLIC HEARING-REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS, BRENTWOOD APARTMENTS. (DISTRICT II)**

Mark Stanberry

Housing Specialist reviewed the item.

Agenda Report No. 07-0635

The City has received a request from Inner City Development Company, LC (ICDC) for a City Council resolution of support for its application for 4% Low-Income Housing Tax Credits in connection with the acquisition and rehabilitation of the Brentwood Apartments. (The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.) The developer is also requesting a letter of intent to issue qualified residential housing revenue bonds in an amount not-to-exceed \$8,000,000.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy also requires a review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) review the project for design appropriateness, and consistency with applicable neighborhood plans and zoning. Once the project is reviewed by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application and, in this case, issuance of the letter of intent for the housing revenue bonds.

The Brentwood Apartments complex is located at 6602 E. Harry, and consists of 196 apartment units, including 60 one-bedroom units, 114 two-bedroom units, and 22 three-bedroom units. Amenities include a swimming pool, and common laundry rooms.

The proposed project rehabilitation budget (hard costs) is estimated to be \$4,500,000. The proposed scope of work for the exterior includes new roofing, new siding, new guttering/downspouts, painting, installation of new landscaping and sprinkler system, resurfacing of the parking lots, new windows and sliding doors, architectural enhancement of the balcony structures, and correction of drainage problems. The proposed scope of work for the interior includes new carpet and flooring for each unit, new heating and air conditioning systems, new cabinets and counter tops, new appliances, including built-in microwave ovens, new bathroom fixtures, new lighting, new doors and re-painting.

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The complex is currently subject to affordability restrictions as a result of a prior issuance of bonds. The bonds were originally issued in 1995, primarily for the purpose of financing the acquisition of the complex by Christian Relief Services, a Virginia-based not-for-profit corporation. At the time, \$300,000 in exterior and interior renovation was required.

Preliminary apartment rent amounts, upon completion of the proposed renovation, net of utility allowances, are expected to be a minimum of \$425 for one-bedroom apartments, a minimum of \$525 for two-bedroom apartments, and \$650 for three-bedroom apartments. Although the developer intends to comply with the City's requirement for 20% of the units to be designated as market-rate units, the rent amounts for the market-rate units will not be significantly greater than the proposed tax credit rent amounts.

Planning Department staff members have indicated that they have no comments or concerns with respect to the design guidelines. The Office of Central Inspection (OCI) has indicated that the landscaping ordinance will apply, including a solid screen fence and landscaping along the north side of the property adjacent to the street and across from the park property. In addition, OCI recommends landscaping/screening for the parking lot on the east side of the complex, across from the single-family homes, between the sidewalk and the parking lot. Americans with Disabilities Act Accessibility Guidelines will be applicable to the project with respect to re-stripping/improving the parking lot and in connection with access paths to apartments.

The proposed project has been reviewed by the Housing and Community Services Department, and has received a recommendation for adoption of the resolution of support from the HAB, by a 10-0 vote. The proposed project was presented to DAB II for comment on June 4, 2007. Representatives of the Eastridge Neighborhood Association were invited to attend the meeting. There were no concerns, specifically related to the project that could not be addressed. The DCC has approved a recommendation for adoption of the resolution of support.

The official name of the ownership entity upon completion of the transaction will be Brentwood Apartments, LLC. Inner-City Development Company/Christian Relief Services Charities, (ICDC/CRSC) Joint Venture, LLC will be the Managing Member, and an as-yet to be determined investor for the 4% housing tax credits will be the equity investor and member at-large.

The resolution of support does not constitute final plan or design approval. If the project is awarded tax credits, the project developer must comply with all requirements associated with appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita's LIHTC Policy design guidelines. Further, the developer must comply with any additional reviews that may be requested by the City Council member in whose district the proposed project is planned.

Under federal law, a developer must use tax-exempt bonds to finance a multi-family housing project in order to qualify for 4% low income housing tax credits. The City's economic development incentive policy allows the issuance of bonds for this purpose, provided that the property shall not receive property tax abatements. Property purchased with bond proceeds, such as construction materials and furnishings, is eligible for sales tax exemption, with authorization of the City Council. The developer has agreed to comply with the City's letter of intent conditions for the issuance of the housing revenue bonds.

The total project cost is estimated to be approximately \$11,178,623. The applicant intends to finance the project utilizing funding from the sale of 4% housing tax credits, an Affordable Housing Program (AHP) loan from the Federal Home Loan Bank, and partial deferral of the developer fee. The 4% housing tax credits do not involve a competitive application process, but require the issuance of tax-exempt qualified residential housing revenue bonds for the debt-financed portion of the project, which is expected to be approximately \$8,000,000. The developer agrees to pay all of the City's costs associated with the issuance of the bonds and to pay the City's \$2,500 annual administrative service fee. The bonds issued for the acquisition of the property in 1995 will be redeemed.

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The proposed project contributes to the goal of Economic Vitality and Affordable Living.

In accordance with City Council Resolution No. R-95-479, ICDC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Brewer

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

Motion--

Schlapp moved that the public hearing be closed; the resolution of support for the ICDC application for Low-Income Housing Tax Credits subject to all local building and zoning codes, ordinances, design recommendations provided by the Planning Department and the Office of Central Inspection, and any additional design review requirements, and subject to the conditions specified in the resolution document be adopted; the issuance of a letter of intent to issue the qualified residential housing revenue bonds in the amount not to exceed \$8,000,000 and application for a sales tax exemption certificate approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 07-389

A Resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Schlapp moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

## NEW BUSINESS

CONDEMNATION

### REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICT VI)

Kurt Schroeder

OCI Superintendent reviewed the item.

Agenda Report No. 07-0636

On April 24, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the property below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on July 3, 2007.

On April 2, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on one (1) property. The one (1) property is listed below:

Property Address

a. 1149 North Market

Council District

VI

Detailed information/analysis concerning this property are included in the attachments.

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.

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Pursuant to State Statute, the Resolutions were duly published twice on April 26, 2007, and May 5, 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.

- Council Member Fearey Council Member Fearey stated she would like to defer action on this item for another 30 days. Stated that the person who is trying to buy it has been mowing the yard and she spoke to him a couple of days ago and they are still working on this. Stated this is an extremely complicated title search with people being in prison and deceased and it is difficult for the realtor and prospective buyer to track people down.
- Motion-- Fearey moved to defer action for an additional 30 days.
- Gary Rebenstorf Director of Law asked if the property owner knows of the action that is going to be taken and the reason that he is asking is that this is set for 9:30 a.m. and is time certain and it is not quite 9:30 a.m. Stated he would like to make sure that the property owner does not try to show up at 9:30 a.m. or soon thereafter.
- Council Member Fearey Council Member Fearey stated they would love it if the property owner showed up and it is 9:28 a.m.
- Kurt Schroeder OCI Superintendent stated they have not heard from the owner in months.
- Gary Rebenstorf Director of Law stated to make sure, the motion should be amended to state "subject to the property owner showing up at some time during today's Council Meeting."
- Amended Motion-- Fearey amended her motion. To defer action for 30 days subject to the property owner showing up sometime this morning during the City Council Meeting because there was a 9:30 a.m. time certain and we are a minute ahead. Motion carried 7 to 0.  
--carried

## **HENRY HELGERSON HENRY HELGERSON COMPANY STORAGE LEASE AGREEMENT. (DISTRICT I)**

Doug Kupper Director of Parks and Recreation reviewed the item.

Agenda Report No. 017-0638

Henry Helgerson Company, an independent decorator at Century II, has stored decorating equipment and supplies inside Century II for many years. Investigation of this arrangement shows no formal agreement with Century II except a letter dated August 16, 1995, stating that rates would be increased to \$2.00 per square foot. At that time the Henry Helgerson Company was utilizing 1,500 square feet. Staff has found no proof or documentation that the rate increase was ever implemented.

Century II has had no official documentation as to the arrangement with the Henry Helgerson Company. The Henry Helgerson Company is currently paying \$1.13 per square foot and utilizing 4,971 square feet, well below market value.

Century II staff did a storage analysis to determine competitive rates for commercial storage. Rates ranged from \$3.89 to \$10.30 with the average of \$6.35 per square foot. In addition to the Henry Helgerson Company having their equipment on site, Century II also offers climate controlled storage and 24 hour access as this company utilizes the equipment for outside sales.

The key elements of the agreement include the following:

- Four months plus a three (3) year term with the option to renew every three (3) years.
- Lump sum and quarterly payments.
- During the initial term, the rental rate applicable to storage space shall be the sum of three dollars (\$3.00) per square foot, per year. This rental rate shall progressively increase by the additional sum of one dollar and fifty cents (\$1.50) per square foot, per year.
- Henry Helgerson Company agrees to carry public liability insurance.

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- Henry Helgerson Company may remove their property from the premises for other business ventures.

The Henry Helgerson Company storage lease agreement is critical to improving the business practices at Century II and clarifying financial arrangements. No additional expenditures are expected.

This project will impact the Quality of Life by ensuring that citizens receive a positive return on all of their quality of life investments through improved financial management.

The City Attorney has approved the contract as to form.

Mayor Brewer

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

Motion--  
--carried

Williams moved that the Storage Lease Agreement with the Henry Helgerson Company and the necessary signatures authorized. Motion carried 7 to 0.

## MARTIAL ARTS

### MIXED MARTIAL ARTS EVENT(S) AT CENTURY II. (DISTRICT I)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 07-0639

Promoters Mr. Dave Mains and Mr. Joshua Lebeda of Wichita Mixed Martial Arts (MMA) Promotions, LLC, has requested usage of Century II for a MMA event on September 1, 2007. State statute 74-50,189 requires a license from the Kansas Athletic Commission and the governing body of the City to adopt a resolution approving professional and amateur boxing, kickboxing, full-contact karate and mixed martial arts.

Event staff investigated other MMA events in Tulsa and Oklahoma City, Oklahoma and received positive reports from the facilities where these events were held. In addition, Century II event staff inquired into the business references of Mr. Mains. Both references have had no problems with the business dealings of Mr. Mains.

Mr. Dave Mains and Mr. Joshua Lebeda have successfully obtained a promoters license with the Kansas Athletic Commission to conduct professional and amateur MMA events. Mr. Mains is a full-time promoter and has requested to lease Expo Hall at Century II to conduct an event on September 1, 2007 and possible other future events.

Wichita MMA Promotions, LLC, is expecting 2,500 attendees and will sign a facility use lease. Wichita MMA Promotions, LLC assured Century II that they would have a \$1,000,000 liability insurance policy on file for the event. Event security will consist of eight (8) uniformed police officers and six (6) t-shirt security. Alcohol and full concessions will be available for consumption.

Century II could expect approximately \$5,000 in revenue from this event.

This project will impact the Quality of Life goal by providing a variety of entertainment options to citizens.

The City Attorney has reviewed and approved this request as to form.

Mayor Brewer

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

Motion--  
--carried

Williams moved that the Wichita Mixed Martial Arts Promotions, LLC, to hold the September 1, 2007 event and any other future events at Century II be approved. Motion carried 7 to 0.

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## **21<sup>ST</sup> STREET BRIDGE 21ST STREET BRIDGE REHABILITATION OVER THE ARKANSAS RIVER.** **(DISTRICT VI)**

Chris Carrier

Public Works Director reviewed the item.

Agenda Report No.07-0642

The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project to rehabilitate the 21st St. Bridge over the Arkansas River at Westridge. The bridge, which was constructed in 1972, is in need of repair. The bridge carries four lanes of traffic with a raised center lane median and sidewalk on both sides. Based on recent traffic counts, 14,000 vehicles per day use the bridge. District VI Advisory Board sponsored a February 5, 2007, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project consists of removing and reconstructing the outer portions of the bridge on both sides, including new sidewalk, and new vehicular/pedestrian rails. The raised central median will be removed and a new wearing surface constructed. New approach pavement at each end of the bridge will be constructed, and repairs will be made to numerous features of the bridge substructure. Construction is planned to begin late this summer. One lane of traffic in each direction will be provided during construction.

The current project budget is \$2,250,000 with \$250,000 paid by the City and \$2,000,000 by Federal Grants administered by the Kansas Department of Transportation. The proposed revised budget is \$3,200,000, with \$1,200,000 paid by the City and \$2,000,000 paid by Federal Grants. Additional City funding is necessary due to the rapid deterioration of portions of this bridge since the project was developed in the CIP, and since the Federal funding portion is capped at the \$2,000,000. This increased GO funding is proposed in the new 2007-2016 CIP.

This project addresses the Efficient Infrastructure goal by rehabilitating a bridge on an important transportation route.

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

Mayor Brewer

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

Motion--  
--carried

Fearey moved that the project be approved; the authorizing Ordinance placed on first reading and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

### ORDINANCE

An ordinance declaring the 21st Street Bridge at the Arkansas River (472-84569) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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MT. VERNON

## MT. VERNON IMPROVEMENT, BETWEEN THE ARKANSAS RIVER AND BROADWAY, (DISTRICT III)

Chris Carrier

Public Works Director reviewed the item.

Agenda Report No. 07-0643

The 2005-2014 Capital Improvement Program includes funding to reconstruct Mt. Vernon between the Arkansas River and Broadway. On December 13, 2005, the City Council approved an agreement with MKEC Engineering Consultants to prepare a design concept for the project. On May 2, 2007, District III Advisory Board held a neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the design concept and project.

The proposed design concept is to construct a large concrete box drain along Mt. Vernon from near Topeka to the Arkansas River. The existing two lane pavement will be replaced with a new two lane street that has left turn lanes at the east and west approaches to Broadway and sidewalk on both sides of the street. New traffic signals will be installed at Broadway. The project is planned to begin in the spring, 2008. The size of the drainage structure will necessitate the closure of Mt. Vernon during construction. A supplemental agreement with MKEC has been developed for the preparation of construction plans. In addition, it is proposed that funding for right-of-way acquisition be approved at this time.

The existing design budget is \$27,500. The proposed revised budget for design and right-of-way is \$367,500. The MKEC design fee is \$125,000. The estimated right-of-way acquisition and administrative cost is \$215,000. The funding source is General Obligation Bonds. Approval of the right-of-way funding will expedite the project. The project will be returned to the City Council at a future date for consideration of the construction budget.

This project addresses the Efficient Infrastructure goal by improving traffic flow and drainage in an existing residential and commercial area.

The Law Department has approved the Supplemental Design Agreement and Amending Ordinance as to legal form.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Lily Joyce

Ms. Joyce stated she resides at 2001 South Main, which is on the corner of Main and Mt. Vernon and is in one of the biggest flood zones in that area. Stated the last time work done on the curb, her house flooded more and she had water up to her front door. Asked if the drainage system will be put in on certain corners or will the drainage system be put in anywhere along Mt. Vernon to stop the flooding?

Chris Carrier

Director of Public Works explained that they are going to put a new box culvert all the way from the river up through Mt. Vernon, so drainage will be dramatically improved when they are done with this project and should take care of her problem.

Lily Joyce

Ms. Joyce asked several more questions of Staff and was instructed to meet with Jim Armour for answers regarding her concerns.

Motion--

Skelton moved that the design concept and Supplement Design Agreement be approved; the budget increased; the Amending Ordinance placed on First Reading and the signing of State/Federal

--carried

Agreements as required authorized. Motion carried 7 to 0.

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## ORDINANCE

An ordinance amending ordinance no. 46-851 of the City of Wichita, Kansas declaring Mt. Vernon, between Broadway and the Arkansas River (472-84289) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

## PETITION

### PETITION TO PAVE BAEHR BETWEEN NEWELL AND ST. LOUIS. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 07-0644

The signatures on the Petition represent 13 of 23 (57%) resident owners and 43% of the improvement district area. District IV Advisory Board sponsored a June 6, 2007, neighborhood hearing on the project. The Board voted 8-2 to recommend approval of the project.

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

The estimated project cost is \$155,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.81 per square foot of ownership.

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

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

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Mary Foulk

Ms. Foulk stated she resides on the 500 block of North Baehr and has questions regarding the validity of the petition. Stated the 400 and 600 block of Baehr is graveled and they had distributed petitions saying that they did not want their roads paved. Stated she collected signatures for a petition in her block to find out who did and did not want paving in this area and has a copy of the City's original petition and said there is confusion regarding signatures on this petition and her husband was excluded from the petition. Asked if there could be another petition circulated with a two week delay to find out what the correct numbers are regarding the land owners. Stated if her block is the only block paved in this area, then there are safety concerns because her street will be the place where all the children will go to skate, play, etc.

Gary Rebenstorf

Director of Law explained how the calculations are made and that the Engineering Department looks at the owners of record based upon the records of the Register and Deeds and that is where the information comes from to determine whether a person is a resident owner of record. Stated when it comes to determining whether there is a sufficient petition or not, the statute provides two different methods, which is the majority of the resident owners of record of the improvement district and if there is more then 50% then that petition is valid and in this case we have 57%. Stated that based upon the statute, this is a valid petition because 57% of the resident owners have signed the petition. Stated the law also requires that if someone wants to remove their name from the petition, they have to do it seven days before the hearing of this matter, and at this point in time anybody that has signed this petition would not be eligible to remove their name from the petition.

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- Mary Foulk Ms. Foulk stated this petition is confusing and there are serious discrepancies regarding if you own more than one house on one block you only get to sign the petition once.
- Gary Rebenstorf Director of Law stated under state law the petition is valid because you have a majority of the resident owners of record that have signed the petition, which is 57%.
- Mary Foulk Ms. Foulk stated it also states that this will increase 1% each month and has increased up to \$6,000.00 already. Stated it will continue to be assessed up to 1% each month until the project is done.
- (Council Member Skelton momentarily absent)
- Council Member Gray Council Member Gray explained that the 1% does not necessarily have to go up 1% each month. Stated the law allows it if inflation in construction costs go up, then you can cover those with the ability to have it increase no more than 1% a month but if the project becomes more expensive and fall out of that range, and then the petition becomes no longer valid. Stated it is a safe guard to cover for inflation and also a safeguard to make sure if prices get out of control, the petition will become void so that people are not hit with an expense they were not expecting.
- Motion-- Gray moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.  
--carried

## RESOLUTION NO. 07-390

Resolution of findings of advisability and resolution authorizing constructing pavement on Baehr from the south line of Newell to the north line of St. Louis (south of central, west of West St.) 472-84570 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

## PLANNING AGENDA

- Motion-- Brewer moved that Planning Consent items 27-29 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.  
--carried

### **A07-13R**

#### **A07-13R-REQUEST BY WANDA KLEIN TO ANNEX LAND GENERALLY LOCATED SOUTH OF 47TH STREET SOUTH, BETWEEN WEST STREET AND MERIDIAN AVENUE. (DISTRICT IV)**

Agenda Report No. 07-0645

The City received a request to annex 1.01 acres of land generally located south of 47th Street South, between Meridian Avenue and West Street. The property is currently developed with a single-family residence and the property owner does not anticipate any further development of the property.

Land Use and Zoning: The proposed annexation consists of approximately 1.01 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property directly to the north is developed and is zoned "SF-20" Single-Family Residential. Properties to the south, east and west are a mix of agricultural land and scattered single-family homes and are zoned "SF-20" Single-Family Residential.

Public Services: This property is currently being served with City of Wichita water from a 12" water main in 47th Street South. This property does not currently have sewer service, but could be connected at the northeast corner of the property.

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**Street System:** The subject property borders 47th Street South to the north, which is a paved, two-lane road. The City of Wichita Capital Improvement Program (CIP) 2005-2014 and the 2006 Transportation Improvement Program have scheduled 47th Street South, between Meridian Avenue and Seneca Road, to be widened, as well as, Meridian Avenue, between 47th Street South and I-235, both of which are approximately 1/2 mile east of the annexation area. In addition, the Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled Meridian Avenue, between 47th Street and 71st Street South, to be widened, which is approximately 1/2 mile east of the annexation area. The Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have also scheduled West Street, between 47th Street South and I-235, to be widened, which is approximately 1/4 mile west of the annexation area.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a ten (10) to eleven (11) minute approximate response time from City Station No. 12, located at 3443 S. Meridian. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

**Parks:** The South Lakes Park, a 250-acre park, is located approximately 1 mile east of the annexation area and contains 16 soccer fields, 8 softball fields, a football field, 3 concession stands and 4 fishing lakes. The Southview Park, a 20-acre park, is located approximately 3/4 mile to the east of the subject property and contains 2 tennis courts, 6 soccer fields, a children's play area and a restroom. In addition, Alice Wall Memorial Park, a 12-acre park, is located approximately 1 mile to the northwest of the annexation area. According to the 1996 Parks and Open Space Master Plan, no improvements are scheduled adjacent to the annexation area.

**School District:** The annexation property is part of the Unified School District 261 (Haysville School District). Annexation will not change the school district.

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

The current approximate appraised value of the proposed annexation lands, according to County records, is \$115,950 with a total assessed value of \$13,334. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$419 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. The property owner does not anticipate any further development at this time.

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

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

Motion--  
--carried

Brewer moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A07-13)

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SUB2007-38

**SUB2007-38-PLAT OF HIDDEN ESTATES SECOND ADDITION LOCATED ON THE NORTH SIDE OF 39TH STREET SOUTH AND WEST OF 159TH STREET EAST. (COUNTY)**

Agenda Report No. 07-0646

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on five acres, is located within three miles of Wichita's city limits. The site is zone "RR" Rural Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for future sewer and water improvements. Sedgwick County Code Enforcement has approved the use of on-site sewerage and water wells.

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

Ensure Efficient Infrastructure.

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

Motion--  
--carried

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

## RESOLUTION NO. 07-391

Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90304 (north of 39th St. South, west of 159th St. East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

## RESOLUTION NO. 07-392

Resolution of findings of advisability and resolution authorizing construction of lateral 405, four mile creek sewer (north of 39th St. South, west of 159th St. East) 468-84379 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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VAC2005-00037

**VAC2005-00037-REQUEST TO VACATE A PLATTED ALLEY RIGHT-OF-WAY,  
GENERALLY LOCATED BETWEEN CENTRAL AVENUE AND ELM STREET, ON THE  
EAST SIDE OF BROADWAY. (DISTRICT VI)**

Agenda Report No. 07-0647

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicants are requesting consideration to vacate the 15-foot wide by approximately 140-foot long eastern portion of the platted alley. The Catholic Diocese has development abutting the north and south sides of the alley, including the Lord's Diner on the south side. A portion of the roof for the Lord's Diner encroaches into the alley. There is a sewer line to the east of the proposed vacated alley. Westar had equipment in the alley, which have been relocated. There are no other utilities in the alley. Staff could not clearly read the date when the plat was recorded, but it appears that the JP Hilton's Addition was recorded with the Register of Deeds in the 1870s.

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

Ensure efficient infrastructure.

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

Motion--  
--carried

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

## **CITY COUNCIL**

### **BOARD APPTS.**

### **BOARD APPOINTMENTS.**

Council Member Longwell Council Member Longwell requested that Mike Siewert be appointed to the Historic Preservation Board, reappoint Clarke Sanberg to DAB V, and Joey Ellzey as an alternate for DAB V.

Council Member Fearey Council Member Fearey requested that Troy Jordan be reappointed to Police and Fire Retirement Board and they are still working on the Design Council appointments.

Council Member Gray Council Member Gray requested that Tom Engleman and Roger Woods be reappointed to the Library Board.

Mayor Brewer Mayor Brewer requested that Claire Willenberg be appointed to the Historic Preservation Board.

Motion--carried Brewer moved to approve the appointments. Motion carried 7 to 0.

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**TRAVEL EXPEND.**      **APPROVAL OF TRAVEL EXPENDITURES FOR MAYOR BREWER AND COUNCIL MEMBERS GRAY AND WILLIAMS ATTEND VISIONEERING WICHITA 2007 REGION TO REGION LEADERSHIP VISIT IN JACKSONVILLE, FLORIDA, SEPTEMBER 11-14, 2007.**

Motion--carried      Fearey moved to approve the expenditures Motion carried 7 to 0.

**RECESS**                      **EXECUTIVE SESSION.**

Motion--                      Brewer moved that the City Council recess into Executive Session at 10:10 a.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, legal advice, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier then 10:50 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 City Council Chambers at 10:53 a.m.

Mayor Brewer                      Mayor Brewer announced that the City Council has returned from Executive Session, there was no action taken and there is no action needed as a result of the Executive Session.

Motion--carried                      Brewer moved to close the Executive Session. Motion carried 7 to 0.

Motion---                      Brewer moved to adjourn the regular meeting. Motion carried 7 to 0.

**ADJOURNMENT**                      The meeting was adjourned at 10:55 a.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk