

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 6, 2007  
Tuesday, 9:04 A.M.

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

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

David Kimble, Bahai' Faith, gave the invocation.

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

The Minutes of the January 9, 2007 meeting were approved 6 to 0.

Mayor Mayans Mayor Mayans requested a Moment of Silence in memory of Council Member Bob Martz.

## AWARDS AND PROCLAMATIONS

Proclamations

### Proclamations:

Mayor Mayans read aloud the following Proclamations:

- Girl Scout Cookie Month
- KSNA 85<sup>th</sup> Anniversary Day
- EITC Awareness Month

## PUBLIC AGENDA

WPYC

Jordan Carney and Suzan Lisenby-Wichita's Promise Youth Council (WPYC)-Update on their Fall semester accomplishments and requesting the City's support in their goals for the Spring semester.

Reported that WPYC is an entire youth led organization and acts as a positive voice for youth in Wichita and Sedgwick County and every three years they identify the top five concerns of the local youth in our area, which are drugs, teen sex, alcohol, teen pregnancy and suicide. Stated they are addressing these concerns with four committees and each committee sponsors a concern and works to address the issue. Thanked the City Council for their support and their cooperation and hope that they continue their partnership with the City Council in the future.

Jeanine Brizendine, R.Ph.-Discuss plans for a Wichita campus of the University of Kansas School of Pharmacy.

J. Brizendine

Ms. Brizendine stated that she is a pharmacist in Wichita and represents the Pharmacists of Kansas and the Wichita Academy of Pharmacist. Stated that she would like to give the Council information about the potential Wichita Campus of the University Of Kansas School Of Pharmacy and would like to share why this is a great idea and why it will be a great benefit for the City of Wichita and to the health care of Kansas as well. Stated that experts predict even further increases in the number of prescriptions filled as Baby Boomers begin to age and need medications associated with elder care. Stated that the data from September 2006 showed that Kansas was one of nine states that showed the highest possible level of pharmacist shortage. Stated that currently, Wichita is experiencing a pharmacist shortage, with both retail and hospital-based settings searching for pharmacists to fill immediate openings. Stated that there is no shortage of students interested in going to pharmacy school and becoming pharmacists. Stated that at the University of Kansas School of Medicine there were 500 applicants for 120 spots.

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Stated this program would help manage the local pharmacist shortage and would boost Wichita's economy as well as help meet some of the City's current existing goals. Stated this development would also help meet several goals of Visioneering Wichita including retaining young people in the City, helping to minimize financial and brain drain and if there is a Wichita campus of the pharmacy school, then those students could complete their pre-pharmacy education here at WSU, Newman, Friends, etc and then go through pharmacy school in Wichita. Stated that Wichita would have a better chance retaining these students in our area once they graduate, if they do not have to leave for their education. Stated this would be a boost for the local economy and makes sense for health care in Kansas.

## CONSENT AGENDA

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

Motion-- Mayans moved that Consent items 3-25h be pulled in accordance with the recommended action shown  
--carried thereon excluding item 23. Motion carried 6 to 0.

## **BOARD OF BIDS**

### **REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 22, JANUARY 29 AND FEBRUARY 5, 2007.**

Bids were opened January 19, 26, and February 2, 2007, pursuant to advertisements published on:

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

2007 Sanitary Sewer Reconstruction, Phase 1 various locations north of MacArthur, west of Broadway (468-84277/620466/666585) Traffic to be maintained during construction using flagpersons and barricades. (District I, IV, VI)

Dondlinger and Sons - \$196,939.00

2007 Sanitary Sewer Rehabilitation, Phase A across Lincoln, west of Minneapolis (468-84299/620468/666586) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Insituform Technologies USA Inc. - \$59,088.00

Gouverneur from the south line of Harry to the south line of Osie Circle; Osie Circle from the east line of Gouverneur to the cul-de-sac to serve Grillot Addition & East Substation Addition south of Harry, west of Rock (472-84428/766107/490124) Does not affect existing traffic. (District III)

Cornejo & Sons - \$155,488.50

Lateral 7, Main 15, Sanitary Sewer #23 to serve Northcrest Estates Addition south of 53rd Street North, east of Meridian (468-84258/744202/480890) Does not affect existing traffic. (District VI)

WB Carter Construction - \$58,966.00

Lateral V, Sanitary Sewer #8 to serve Santa Fe Orient Industrial District 3rd Addition north of Harry, east of Meridian (468-84282/744207/480895) Does not affect existing traffic. (District IV)

McCullough Excavation - \$11,000.00

Water Distribution System to serve Santa Fe Orient Industrial District 3rd Addition north of Harry, east of Meridian (448-90259/735344/470017) Does not affect existing traffic. (District IV)

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Utilities Plus - \$13,188.54

Storm Water Sewer #623 to serve Santa Fe Orient Industrial District 3rd Addition north of Harry, east of Meridian (468-84281/751433/485324) Does not affect existing traffic. (District IV)

WB Carter Construction - \$29,534.00 (Negotiated to Engineer's Estimate)

UPRR Drainage Improvements of Harry Street and Meade Harry Street, east of Broadway (468-84219/751429/636180/485320/776752) Traffic to be maintained during construction using flagpersons and barricades. (District I, III)

Mies Construction - \$195,000.00

Doonan Storm Water Sewer Extension to serve the Intersection of Ringer and Lark north of Kellogg, west of Maize Road (468-84297/660491/854101) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Nowak Construction - \$88,022.00

Bracken/Troon/Woodridge from the north line of Central to the north line of Central; Bracken Court from the west line of Bracken to and including the cul-de-sac; Troon Court from the south line of Troon to and including the cul-de-sac; White Tail from the north line of Troon to a point approximately 50 feet north of the north line of Crestlake to serve Crestlake Addition north of Central, west of 127th Street East (472-84406/765994/490111) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$355,024.05

Spring Hollow Drive from the north line of Clear Creek Addition to the west line of Creekside Lane; Watson from the west line of Lot 3, Block 4 to the west line of Creekside Lane; Clear Creek from the north line of Clear Creek Addition to the south line of Lot 2, Block 10; St. Andrews Drive from the north line of Watson to the north line of Clear Creek Addition; Sidewalk along one side of all through, non cul-de-sac streets to serve Clear Creek Addition south of Kellogg, west of 143rd Street East (472-84448/766114/490131) Does not affect existing traffic. (District II)

Cornejo and Sons Construction - \$275,565.70

Upland Hills from the south line of Lot 11, Block D, south to the south line of the plat; Rogers Lane from the west line of Lot 16, Block A, south to the west line of Upland Hills; Haskell from the east line of Upland Hills, east to the west line of Rogers Lane; Upland Hills Court from the east line of Upland Hills, east to and including the cul-de-sac; Sidewalk along one side of Upland Hills, Rogers Lane, to serve Turkey Creek 2nd Addition north of Pawnee, west of 119th Street West (472-84030/766111/490128) Does not affect existing traffic. (District IV)

Cornejo and Sons Construction - \$453,090.30

Storm Water Drain #297 to serve Bellechase Addition north of Harry, east of 127th Street East (468-84204/751430/485321) Does not affect existing traffic. (District II)

Nowak Construction - \$118,761.38

Motion--

--carried

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

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WATER AND SEWER DEPARTMENT/PRODUCTION AND PUMPING DIVISION: Liquid Polyelectrolyte

Nalco Company\* - \$32,400.00

\*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS/STREET MAINTENANCE: Salt and Sand For Ice Control.

Cornejo Materials\* - \$577,450.00

\*Estimate – Contract approved on unit cost basis.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Improving /Constructing Cowskin Creek Wetlands.

Pearson Excavating Inc. - \$209,645.00 (Base Bid)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Schweiter Park Improvements.

Hahner Foreman & Harness, LLC - \$142,000.00 (Base Bid)

\$11,250.00 (Group 1 Option 1)

\$5,000.00 (Group 1 Option 2)

\$158,250.00 (Total Bid)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Three John Deere Tractors Model 5225 @ \$19,760.14 each for a total of \$59,280.42 as per the Kansas League of Municipalities Contract.

Conrady Western Inc. as per the Kansas League of Municipalities Contract\* - \$59,280.42

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

WATER AND SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Labor, Material, and Equipment for the removal and onsite disposal of the Old Filter Bed Material and the complete installation of wood chips and media furnished by the City at each site, Base Bid@ \$127,500; Option 1: Offsite Disposal of the Old Filter Bed Material, \$12.00 per cubic yard.

Dondlinger and Sons Construction Company Inc\* - \$127,500.00

\*Purchases under Ordinance No. 35-856, Section 2.64.020 (d) - No Bids Received. in those instances when no bids have been received after formal advertising, the Purchasing Manager is authorized to negotiate those purchases subject to ratification and approval by the Governing

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 6 to 0.

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## APPLICATIONS

### APPLICATION FOR LICENSES.

<u>Renewals</u>	<u>2007</u>
Saundra Jean Lacy	Jessie's Primetime Entertainment
Robert Floyd	Amour Gift Shop Inc. dba Priscilla's

Motion--  
--carried

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

## CMBS

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

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Paul Oropesa	Tex Consolver Golf Course*	1931 South Tyler Road
Chad B. Mullens	Arthur B. Sim Municipal Golf Course*	2020 West Murdock
Matthew Ryan	Ryan Boys North, Inc. dba Two Brothers BBQ*	3750 North Woodlawn
<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Kenny Nguyen	PP Station	7601 North Broadway
Dwayne Kahns	Sunrise Car Care	6327 East 13 <sup>th</sup> Street
<u>New Operator</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Javier Sacco	San Nicholas Market	328 East Pawnee

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

Motion--  
--carried

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

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a) Cost of 21st Street North from K-96 to 159th Street East (472-84394/706954/206-420) (District II) – Total Estimated Cost - \$100,000.00
- b) Kellogg/Rock (US-54, US-400) Mainline and Bridges from Gouverneur to Cypress, not including the Eastern Bridge; (472-84457/702349/401363) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$49,126,860.60
- c) Water Line along West Street, from 47th Street South to approximately 1/3 mile north of 47th Street South; (448-89939/633958/754826) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$180,000.00
- d) Lateral 3, Main 6 Cowskin Interceptor Sewer to serve Turkey Creek 2nd Addition north of Pawnee, west of 119th Street West; (468-83820/744197/480885) Does not affect existing traffic. (District V) - \$214,000.00
- e) Water Distribution System to serve Turkey Creek 2nd Addition north of Pawnee, west of 119th Street West; (448-89963/735334/470007) Does not affect existing traffic. (District IV) \$117,000.00
- f) Wichita Transit Bus Passenger Bench & Shelter Installation, Phase I north of 47th Street South, east of 135th Street West; (472-84485/629550/629551/616004/616005) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, VI) - \$208,000.00

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- g) Two-Lane Asphalt Mat on 143rd Street East, from the north line of 21st Street North to the north line of 24th Street North to serve Krug North, Krug North 2nd, & East Side Community Church 2nd Additions 143rd Street East, north of 21st Street North; (472-83979/766115/490132) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$195,800.00

Motion--carried Mayans moved that the file be received. Motion carried 6 to 0.

## PETITION

### **CONSTRUCT A SANITARY SEWER LATERAL FOR SCHULTE COUNTRY STORE ADDITION, NORTH OF MACARTHUR, WEST OF MAIZE. (DISTRICT IV)**

Agenda Report No. 07-0038

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer service to an existing business located north of MacArthur, west of Maize.

The Petitions totals \$33,000. The funding source is special assessments.

This project addressed the Efficient Infrastructure goal by providing sanitary sewer service for an existing business.

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

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

### RESOLUTION NO. 07-037

Resolution of findings of advisability and resolution authorizing construction of Lateral 1, Main 7, Cowskin Interceptor Sewer (north of MacArthur, west of Maize) 468-84309, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## PETITION

### **CONSTRUCT A SANITARY SEWER LATERAL TO SERVE PART OF LOT 1, BLOCK 1, MERE RIDGE ADDITION, EAST OF RIDGE, SOUTH OF 29<sup>TH</sup> STREET NORTH. (DISTRICT V)**

Agenda Report No. 07-0039

The Petition has been signed by two owners representing 100% of the improvement district.

The project will provide sanitary sewer service to a residential lot located east of Ridge, south of 29th St. North.

The Petition totals \$37,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer service for a residential lot.

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

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Motion--  
--carried

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

## RESOLUTION NO. 07-038

Resolution of findings of advisability and resolution authorizing construction of Lateral 43, Main 15, Southwest Interceptor Sewer (east of Ridge, south of 29<sup>th</sup> Street North) 468-84306, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## PETITION

### STREET PAVING IN RIVENDALE ADDITION, NORTH OF 55<sup>TH</sup> STREET SOUTH, WEST OF HYDRAULIC. (DISTRICT III)

Agenda Report No. 07-0040

On November 14, 2006, the City Council approved a Petition for street paving in Rivendale Addition. Based on recent bid prices, it is doubtful that there is sufficient funding in the Petition budget to award a construction contract. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 55th St. South, west of Hydraulic.

The existing Petition totals \$513,000. The new Petition totals \$753,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing paving improvements required for a new residential subdivision.

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

Motion--  
--carried

Mayans moved that the new Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

## RESOLUTION NO. 07-039

Resolution of findings of advisability and resolution authorizing constructing pavement on Victoria Ct., from Victoria South to and including the Cul-de-sac, to serve Lots 30 through 43, Block C, and on Pattie, north from Maywood to the south line of Lot 26, Block B, on Maywood, from the west line of Lot 19, Block B, east to Victoria, on Victoria, from 55th St. South, north to the south line of Lot 10, Block E, and on Maywood Ct. from Maywood, south to and including the cul-de-sac and that sidewalk be constructed along one side of Pattie, Maywood and Victoria (north of 55th St. South, west of Hydraulic) 472-83868 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

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## PETITION

### CONSTRUCT A SANITARY SEWER MAIN TO SERVE AN AREA NORTH OF MACARTHUR, WEST OF MAIZE. (DISTRICT IV)

Agenda Report No.07-0041

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer main service to a church, school, existing residential area and businesses located north of MacArthur, west of Maize. The area is currently served by private septic tank systems and lagoons.

The Petition totals \$275,000, with \$200,000 paid by the Sewer Utility and \$75,000 assessed to the improvement district. City Council policy provides that sanitary sewer mains are funded 50% by the Sewer Utility and 50% by special assessments. Sewer Main Benefit fees will be assessed to adjacent areas as lateral sewers are extended and will recover a large part of the Utility's share the project cost.

This project addresses the Efficient Infrastructure goal by extending sanitary sewer main service to an existing area of homes, businesses, schools and a church.

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

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolutions adopted; the notice of intent to issue revenue bonds approved and the necessary signatures authorized. Motion carried 6 to 0.

#### RESOLUTION NO. 07-040

Resolution of findings of advisability and resolution authorizing construction of Main 7, Cowskin Interceptor Sewer (north of MacArthur, west of Maize) 468-84025, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

#### RESOLUTION NO. 07-041

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$200,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

District I Advisory Board, January 09, 2006  
District I Advisory Board, February 06, 2006  
District I Advisory Board, March 06, 2006  
District I Advisory Board, April 03, 2006  
District I Advisory Board, May 01, 2006  
District I Advisory Board, June 05, 2006  
District I Advisory Board, June 19, 2006  
District I Advisory Board, July 10, 2006  
District I Advisory Board, August 07, 2006  
District I Advisory Board, September 11, 2006  
District I Advisory Board, October 02, 2006  
District I Advisory Board, November 06, 2006

Motion--carried      Mayans moved that the file be received. Motion carried 6 to 0.

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

## ASSESS. ROLLS

### PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for Twenty one (21) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 26, 2007 at 11:00 a.m.

Motion--  
--carried      Mayans moved that the hearing on the Proposed Assessment Rolls be set for 9:30 a.m., Tuesday, March 6, 2007 and the City Clerk be directed to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing. Motion carried 6 to 0.

## UNSAFE STRUC.

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

Agenda Report No. 07-0042

On January 8, 2007, 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. 2234 North Woodland	VI
b. 1927 South Mosley (Front)	III
c. 1927 South Mosley (Rear)	III
d. 500 North Clara	IV
e. 7412 West Hale	V

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and

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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--

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on March 20, 2007 at 9:30 a.m. or as soon thereafter be adopted.

--carried

Motion carried 6 to 0.

## RESOLUTION NO. 07-032

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 16 and 18 and the north 1/2 of Lot 20, Armstrong Avenue, Buena Vista Subdivision in Guthrie's Addition to Wichita, Sedgwick County, Kansas known as 2234 North Woodland: 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 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-033

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 and 167, on Mosley Avenue, Ranson and Kay's 2nd Addition to Wichita, Sedgwick County, Kansas known as 1927 South Mosley (front) 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 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-034

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 and 167, on Mosley Avenue, Ranson and Kay's 2nd Addition to Wichita, Sedgwick County, Kansas. known as 1927 South Mosley (rear) 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 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-035

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 8, Block 4, Kell Hawkins Addition, Sedgwick County, Kansas. known as 500 North Clara 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 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-036

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 8, Block 26, Country Acres Second Addition, Wichita, Sedgwick County, Kansas known as 7412 West Hale 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 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

### LEGACY PARK

#### **RESPREAD ASSESSMENTS, LEGACY PARK WILSON ESTATES SECOND ADDITION, SOUTH OF 21<sup>ST</sup> STREET NORTH, WEST OF WEBB ROAD. (DISTRICT II)**

Agenda Report No. 07-0043

The landowners, Retail Partners, L.L.C. and Legacy 21, L.L.C., have submitted an Agreement to respread special assessments within Legacy Park Wilson Estates 2nd Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments from one parcel making it easier for the landowners to market the lot.

There is no cost to the City.

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

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 6 to 0.

### HOMELESS

#### **HOMELESS MANAGEMENT INFORMATION SYSTEM.**

Agenda Report No. 07-0044

On August 3, 2004 the City Council approved funding to provide a portion of the matching funds for the 2004 HUD Continuum of Care Supportive Housing Program (Homeless SuperNOFA) to fund the continuation of the Homeless Management Information System (HMIS) managed by the United Way of the Plains. The contract expired June 2006 and at this time a request is being made to approve a contract extension to June 2007.

United Way of the Plains will use funding from the 2004 HUD Continuum of Care Supportive Housing Program (Homeless SuperNOFA) to install additional hardware in homeless shelters, upgrade software, connectivity, training and personnel for the collection of homeless data for the Wichita-Sedgwick County community. Computer software compatibility issues have delayed the United Way of the Plains from requesting payment of the funds.

The grant award from HUD is \$254,000. It is a three-year grant with a local match requirement of \$84,750. The match requirement was met as follows: United Way - \$50,530, Sedgwick County - \$10,000 and the City - \$24,220 (CDBG).

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Although the contract has expired, the City's match has not yet been paid. CDBG funds in the amount of \$24,220 remain available to provide matching funds for this grant.

Enhance the Quality of Life

The terms and conditions of the original contract remain with the exception of the time of performance being extended until June 30, 2007. The contract amendment has been negotiated with the United Way of the Plains and signed by their authorized representative. The Law Department has approved the contract amendment as to form.

Motion--  
--carried

Mayans moved that the contract amendment be approved and the necessary signatures authorized. Motion carried 6 to 0.

## **BANNER UPGRADE**

### **BANNER UPGRADE.**

Agenda Report No. 07-0045

Banner is the Customer Information System (CIS) utilized by the Water & Sewer Department to store customer meter readings, generate bills and accept payments. The current system has been in place since September of 2000, with the most recent upgrade being done in April of 2002. Previous Council actions have approved the project and authorized expenditures of \$748,475.00 for the purpose of upgrading the Water & Sewer Department's CIS system.

To ensure that the CIS system used by the Water & Sewer Department will remain sustainable in the long-term and to acquire new functionality, it is necessary to upgrade the CIS software to a new version.

Project expenditures have been previously authorized in the Capital Improvement Program.

This project addresses the Efficient Infrastructure goal by providing reliable and secure utilities.

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

Motion-  
--carried

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

## **ATN**

### **ATN ENHANCEMENT.**

Agenda Report No. 07-0046

In 2003, the Wichita Police Department migrated to a new Records Management System, E\*Justice, provided by Northrop Grumman Corp. E\*Justice maintains incident and arrest information for the Wichita Police Department, Municipal Court and Prosecutor's Office. It is the sole link for mandated crime information required by the KBI and FBI. In 2006, E\*Justice was upgraded to improve information management and to provide additional data, including MO (Method of Operation), to the KBI.

This request automates reporting of required data from the Wichita Police Department to the State of Kansas (KBI). It is a public safety initiative that provides the Arrest Transaction Number to local, state and federal data repositories. The Arrest Transaction Number (ATN) is a unique number that is specific to an individual and the case and is required by the State of Kansas (KBI) and at the federal level by the FBI. It is generated at time of arrest and is printed on an individual's fingerprint card. It is cross-referenced through local, state and federal databases from arrest through judicial proceedings to incarceration and probation. This request automates reporting of this required data to the KBI while at the same time allowing local investigators to research arrest information not currently available electronically or on printed reports. Currently, this information is entered manually for transmission to the KBI Repository.

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The Wichita Police Department will fund the enhancement from a combination of grant funds and general funds. The total project will cost \$52,435; 96% of the project cost will be covered by grant funds and 4% will be covered by general fund.

Safe and secure community, this automated process will make the Wichita Police Department, Municipal Court and Prosecutor's Office more efficient.

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

Motion--carried

Mayans moved that the contract for ATN enhancements be approved. Motion carried 6 to 0.

## WESTAR ENERGY

### **RELOCATION OF WESTAR ENERGY INC, UTILITIES ALONG MACARTHUR, BETWEEN MERIDIAN AND SENECA. (DISTRICT IV)**

Agenda Report No. 07-0047

On February 7, 2006 the City Council approved a project to improve MacArthur, between Meridian and Seneca. A portion of the necessary work requires relocation of a Westar Energy, Inc. electric line located on the south side of MacArthur, from the project limits west of Meridian to an a point west of Seneca. This line is presently located in a private easement. So, it is the responsibility of the City of Wichita to pay for this relocation

Cost to relocate Westar Energy, Inc. electric lines is not to exceed \$244,000. An Agreement has been prepared to authorize these expenditures.

Funds are available in the project to provide for utility relocation costs. The funding source is GO bonds.

This Agreement addresses the Efficient Infrastructure goal by improving an important transportation route.

The Law Department has approved the Agreement as to form.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

## AUBURN HILLS

### **CONSTRUCTION ENGINEERING AND STAKING IN AUBURN HILLS COMMERCIAL FOURTH ADDITION, EAST OF 135<sup>TH</sup> STREET WEST, SOUTH OF MAPLE. (DISTRICT V)- SUPPLEMENTAL.**

Agenda Report No. 07-0048

The City Council approved the water and drainage improvements in Auburn Hills Commercial 4th Addition on November 1, 2005. On September 12, 2006 the City approved an Agreement with MKEC Engineering Consultants, P.A. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC 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 MKEC will be on a lump sum basis of \$28,700 and will be paid by special assessments.

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

The 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 6 to 0.

## FIRE STATIONS

### FIRE STATIONS #20, #21 AND #22. (DISTRICTS II, III AND V)

Agenda Report No. 07-0049

In August of 2000 the City Council adopted the Fire Station Construction and Relocation Study. The Study, performed by the TriData Company, recommended a multi-year plan to construct ten Fire Stations. Under the plan, some stations would be relocated and some would be new stations. To date, six stations have been relocated.

The next phase of construction is scheduled for 2007 – 2008, when Fire Stations #20, #21 and #22 will be built.

On September 12, 2006, Council approved the project, adopted the bonding resolution and authorized staff to begin land acquisition activities.

On September 6, 2006, Purchasing advertised Request for Proposal No. FP600095 for consultant services for design, construction documents and construction administration for Fire Stations #20, #21 and #22.

Proposals were received from Kenneth V. Brown Architect, Cathcart Architects, Gossen Livingston Architecture, Hanney & Associates, Howard & Helmer, Richard B. Kraybill Architect, Law/Kingdon, Inc., McCluggage Van Sickle & Perry Corp., Places Architects and Schaefer Johnson Cox Frey. The Staff Screening and Selection Committee short-listed and interviewed the firms of Gossen Livingston, McCluggage Van Sickle & Perry Corp., Hanney & Associates and Richard B. Kraybill.

The selection screening staff selected Hanney & Associates to perform the Design Services based on the firm's experience and the company's response to direct questions that were asked during the interview process.

A single stipulated lump sum fee of \$90,000 for the first fire station and \$29,400 for each subsequent fire station that repeats the design for a total of \$148,000 has been negotiated.

The Adopted 2005 – 2014 Capital Improvement (CIP) Program includes \$7.3 million for three Fire Stations. The funding includes land acquisition, architectural design, construction and equipment, including up to three new Fire Engines. The operating costs for staffing the stations is included in the 2007 – 2008 Adopted Budget.

Construction and staffing of these Fire Stations will impact the Provide a Safe and Secure Community Goal. Specifically, the stations will address the maintained and/or improved response times indicator.

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

Motion--  
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 6 to 0.

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## CHANGE ORDER

### 2006 SANITARY SEWER RECONSTRUCTION PROGRAM, NORTH OF PAWNEE, EAST OF BROADWAY. (DISTRICT III)

Agenda Report No. 07-0050

On July 11, 2006, the City Council approved a construction contract with Wildcat Construction, Inc. to reconstruct sanitary sewers located north of Pawnee, east of Broadway. After the work began, it was determined that a number of additional work items were needed including encasement of the sewer line over an existing water line, replacing the frame and cover on an old sewer manhole, and removing and replacing an additional 74' of sewer line.

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 \$12,810 with the total paid by the Sanitary Sewer Utility. The original contract amount is \$391,315. This Change Order represents 3.27% 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

Mayans moved that the Change Order be approved and the necessary signatures authorized.  
Motion carried 6 to 0.

## CHANGE ORDER

### 21<sup>ST</sup> STREET ACCELERATION/DECELERATION LANE TO SERVE OAK CREEK ADDITION, SOUTH OF 21<sup>ST</sup> STREET, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 07-0051

On August 15, 2006, the City Council approved a construction contract with Cornejo & Sons, Inc. to construct an acceleration/deceleration lane on the south side of 21st Street, west of Greenwich. After the work began, it was determined that a high-pressure gas line would be in conflict with the new pavement and should be relocated. Relocation of private utility lines for new subdivisions is the responsibility of the improvement district.

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 \$14,086 with the total paid by Special Assessments. The original contract amount is \$201,392.60. This Change Order represents 7% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving vehicular access to a new development.

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

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.  
Motion carried 6 to 0.

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PROP. ACQUIS.

**PARTIAL ACQUISITION OF 1400 NORTH MARKET FOR THE NORTH BROADWAY AND 13<sup>TH</sup> STREET INTERSECTION IMPROVEMENT PROJECT. (DISTRICT VI)**

Agenda Report No. 07-0052

On July 19, 2005, City Council approved a project to improve the intersection of Broadway and 13th Street North. The project will provide left turn lanes at all approaches to the intersection.

To accommodate the project, right-of-way must be acquired from eleven tracts of land. This particular acquisition is the seventh of the eleven. The 1,535 square foot take is along the southern part of the property and is irregular in size. The acquisition will require the owner to relocate the store advertising sign, the venting structure for underground fuel tanks and a single light pole. A temporary construction easement of 935 square feet is also required. The owner has agreed to a sale at the appraised value of \$28,520, or \$5 per square foot.

A budget of \$34,000 is requested. This includes \$28,520 for the acquisition, \$5,480 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the agreement as to form.

Motion--  
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

PROP. ACQUIS.

**PARTIAL ACQUISITION OF 1424 WEST MACARTHUR FOR THE MACARTHUR ROAD IMPROVEMENT PROJECT, MERIDIAN TO SENECA. (DISTRICT IV)**

Agenda Report No. 07-0053

On February 7, 2006, City Council approved a project to improve MacArthur, between Meridian and Seneca. The road will be widened to four lanes with left turn lanes and landscaped medians. The intersection of MacArthur and Meridian will be signalized with left turn lanes at all four approaches to the intersection. A new storm water sewer system will be built. To accommodate the project, right-of-way must be acquired from fifteen tracts of land.

The project requires the southern 10 feet of the whole parcel for road right-of-way. This proposed acquisition area consists of 1,650 square feet. A tree in the proposed acquisition area will be removed. The improvements are removed from the road and will not be impacted. The owner agreed to accept

A budget of \$1,315.00 is requested. This includes \$1,145.00 for the acquisition, \$170.00 for title work and recording fees. The funding source is General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the easement as to form.

Motion--carried

Mayans moved that easement be approved. Motion carried 6 to 0.

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PROP. ACQUIS.

**PARTIAL ACQUISITION OF 1634 WEST MACARTHUR FOR THE MACARTHUR ROAD IMPROVEMENT PROJECT, MERIDIAN TO SENECA. (DISTRICT IV)**

Agenda Report No. 07-0054

On February 7, 2006, City Council approved a project to improve MacArthur, between Meridian and Seneca. The road will be widened to four lanes with left turn lanes and landscaped medians. The intersection of MacArthur and Meridian will be signalized with left turn lanes at all four approaches to the intersection. A new storm water sewer system will be built. To accommodate the project, right-of-way must be acquired from fifteen tracts of land.

The project requires the southern 10 feet of the whole parcel for road right-of-way. This proposed acquisition area consists of 150 square feet. The improvements are removed from the road and will not be impacted. The owner agreed to accept the appraised value of \$82, or \$0.55 per square foot on the land.

A budget of \$310.00 is requested. This includes \$82.00 for the acquisition, \$228.00 for title work and recording fees. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the easement as to form.

Motion--carried

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

PROP. ACQUIS.

**ACQUISITION OF PERMANENT EASEMENTS FOR MAIN 20, FOUR MILE CREEK SEWER PROJECT AT 15349 EAST 21<sup>ST</sup> STREET. (DISTRICT II)**

Agenda Report No. 07-0055

On August 15, 2006 the City Council approved the petition for Main 20, Four Mile Creek Sewer. This petition calls for the provision of sanitary sewer service to an area north of Twenty-first Street North and west of 159th Street East. The project requires the acquisition of permanent and temporary easements across the property located at 15349 East 21st. The total site area is approximately 45 acres. The project requires a permanent easement over approximately 1.35 acres of the site and a temporary easement over .92 acres of the site. The permanent easement will require the removal of approximately 60 small cedar trees.

The acquisition was valued at \$39,410. This includes \$36,360 (\$.37 per square foot) for the land impacted by the easements and \$3,505 to replace the cedar trees. The owner has agreed to accept this amount.

A budget of \$44,410 is requested. This includes \$39,410 for the easements and \$5,000 for closing costs, title insurance and other transaction costs.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

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

Motion--  
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

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## PROP. ACQUIS.

### ACQUISITION OF PERMANENT EASEMENTS FOR MAIN 20, FOUR MILE CREEK SEWER PROJECT AT 15129 EAST 21<sup>ST</sup> STREET. (DISTRICT II)

Agenda Report No. 07-0056

On August 15, 2006 the City Council approved the petition for Main 20, Four Mile Creek Sewer. This petition calls for the provision of sanitary sewer service to an area north of Twenty-first Street North and west of 159th Street East. The project requires the acquisition of permanent and temporary easements across the property located at 15129 East 21st. The total site area is 31.47 acres. The site is developed with a single family residence and outbuildings. The project requires a permanent easement over approximately .58 acres of the site and a temporary easement over .41 acres of the site. The permanent easement will require the removal of approximately 26 trees of various types and sizes.

The acquisition was valued at \$82,000. This includes \$17,100 (\$.43 per square foot) for the land impacted by the easements, \$15,500 for damages to the drive, fence and grass, and \$49,400 for the trees that will be removed. The owner has agreed to accept this amount.

A budget of \$87,000 is requested. This includes \$82,000 for the easements and \$5,000 for closing costs, title insurance and other transaction costs.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

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

Motion--  
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

## PROP. ACQUIS.

### ACQUISITION OF PERMANENT EASEMENTS FOR MAIN 19, FOUR MILE CREEK SEWER PROJECT AT 15455 EAST 13<sup>TH</sup> STREET. (DISTRICT II)

Agenda Report No. 07-0057

On August 22, 2006, the City Council approved the petition for Main 19, Four Mile Creek Sewer. This petition calls for the provision of sanitary sewer service to an area north of 13th Street North and west of 159th Street East. The project requires the acquisition of permanent and temporary easements across the property located at 15455 East 13th. This property consists of 170 acres and is developed with a 37,751 square foot equestrian facility with stables and an indoor arena and a 5,044 square foot residence. The project requires a permanent easement over approximately 1.5 acres of the site and a temporary easement over 8.5 acres of the site. The easements will lie between the residence and the equestrian facility.

An offer of \$75,000 was made for the acquisition. The owner requested \$192,000 plus no charges for the sewer assessment district or any future sewer hookups. The owner has agreed to accept a negotiated amount of \$108,704 (\$.25 per square foot).

A budget of \$113,704 is requested. This includes \$108,704 for the easements and \$5,000 for closing costs, title insurance and other transaction costs.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

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

Motion--  
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

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## PROP. ACQUIS.

### ACQUISITION OF PERMANENT EASEMENT FOR MAIN 8, COWSKIN INTERCEPTOR SEWER PROJECT. (DISTRICT V)

Agenda Report No. 07-0058

On February 14, 2006 the City Council approved the resolution authorizing construction of Main 8, Cowskin Interceptor Sewer. This sanitary sewer will service an area south and east of West Central and 135th Street North. The project requires the acquisition of permanent and temporary easements across the east portion of a property located at 14601 West Central. The total site area is approximately 75 acres. The project requires a permanent easement of approximately .94 acres of the site and a temporary easement over 1.17 acres of the site.

The acquisition was valued at \$25,000. This includes a permanent sewer easement and a temporary construction easement. The \$25,000 is equivalent to \$.19 per square foot. The owner has agreed to accept this amount plus \$4,000 as damages to mature tree row for a total of \$29,000. This is a reasonable value attributed to the anticipated loss of a mature tree row.

A budget of \$30,800 is requested. This includes \$29,000 for the easements and \$1,800 for closing costs, title insurance and other transaction costs.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

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

Motion--  
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

## SIDEWALK ASSESS.

### SIDEWALK REPAIR AND SIDEWALK CLEANING ASSESSMENT PROGRAM.

Agenda Report No. 07-0059

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

Sidewalks are condemned in all districts and then listed in a logical order for the contractor to repair. The first list of sidewalk repair included Districts 1 through 6. The lists do not go to City Council until the sidewalks have been repaired. This is the second list of sidewalks that has been repaired under this years contract.

Ordinances have been prepared to establish authority to use special assessment funding for the current list of repaired and cleaned sidewalks.

Statements of Charges will be mailed to the property owners on February 16, 2007. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the January 2007 bond sold. The principal and interest will then be spread over 5-years and placed on the 2007 tax roll.

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

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These assessments are in accordance with City Code 12.18.

Motion--  
--carried

Mayans moved to approve the proposed assessments and place the ordinances on first reading.  
Motion carried 6 to 0.

## ORDINANCE

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

## ORDINANCE

An ordinance making a special assessment to provide a tax levy for the cost of sidewalk cleaning in the city of Wichita, Kansas, introduced and under the rules laid over.

## IRRIGATION SYS.

### IRRIGATION SYSTEMS REPLACEMENT AND UPGRADE. (DISTRICTS I, II AND III)

Agenda Report No. 07-0060

In the past fifteen years the City has invested heavily into irrigation systems for parks and right-of-ways for improved visual image of landscaping and for safety of athletic fields. Renovation and updating of central controls and system components is necessary to maintain operational and efficient irrigation systems. It is also necessary to maintain compliance of new city and state codes for protection of the city's potable water through backflow prevention and to protect the investment in landscaping with fully operational irrigation systems. Irrigation system expansion and new irrigation systems will also eliminate costly and inefficient manual watering in several areas.

The City has extensive irrigation systems with over 190 irrigation controllers, over 1,800 irrigation valves, and over 22,000 irrigation heads scattered throughout the city parks and right-of-ways.

Planned investment will be installation of Calsense Centralized Irrigation Control Systems for the softball, baseball, football, and soccer fields at South Linwood Park, Stryker Soccer Complex, and Planeview Park.

The Park Capital Improvement Plan includes \$200,000 in 2007 for irrigation system renovation and replacement. The funding source is General Obligation bonds.

Investment into irrigation systems on athletic fields will help to ensure quality turfgrass and safe playing surfaces. This relates directly to satisfying citizens with recreational opportunities for quality of life and players/teams receive a positive return for their fees.

The Law Department has approved the Resolution as to form.

Motion--  
--carried

Mayans moved to adopt the bonding resolutions, authorize initiation of the project and authorize the necessary signatures. Motion carried 6 to 0.

## RESOLUTION NO. 07-042

A Resolution authorizing the issuance of bonds by the City of Wichita at Large for the installation of an irrigation control system at Linwood Park, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-043

A Resolution amending Resolution authorizing the issuance of bonds by the City of Wichita at Large for the installation of an irrigation control system at Stryker Soccer Complex, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-044

A Resolution amending Resolution authorizing the issuance of bonds by the City of Wichita at Large for the installation of an irrigation control system at Planeview Park, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

### **PUBLIC EXIGENCY PUBLIC EXIGENCY-REPAIR OF WATER TRANSMISSION MAIN. (DISTRICT III)**

Agenda Report No. 07-0061

On December 19, 2006, a 20-inch concrete water main was damaged by underground boring equipment in front of 2334 South Greenwood. The main was shut down and removed from service. Investigation determined that no customers were affected, but due to the force and volume of water from the break, the street pavement was undermined.

On December 20, 2006, Water Distribution crews excavated to determine the extent of the damage and develop a plan of action. Due to the extent of the damage, Water Distribution crews were unable to complete the repairs and found that larger and more specialized equipment was needed.

WB Carter Construction was working on a project less than a block away and was extremely helpful in determining the extent of damage. Staff asked WB Carter and Dondlinger Construction for cost estimations to complete the repairs; however, Dondlinger declined due to their current heavy workload.

WB Carter submitted an estimate of \$9,966. Distribution Main Replacement, CIP W-67, has a budget of \$5 Million for 2007. The repair will be set up as a subproject and will be funded from Water Utility Revenues and Reserves and/or a future revenue bond issue.

This project addresses the goal of ensuring efficient infrastructure by providing reliable, compliant and secure water transmission mains to the Water Utility's customers.

City Ordinance 2.64.020.5 "Public Exigency," authorizes the City Manager to approve emergency work to be performed by a contractor without formal bidding. The City Manager authorized Staff to precede hiring WB Carter construction on December 21, 2006, to make the repairs.

Motion--  
--carried

Mayans moved to affirm the City Manager's Public Exigency approval of the project. Motion carried 6 to 0.

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**PUBLIC EXIGENCY**     **PUBLIC EXIGENCY PROJECT, REPLACEMENT OF KITCHEN SEWER LINE AT CENTURY II. (DISTRICT I)**

Agenda Report No. 07-0062

Century II has a full service kitchen operation that is contracted out for use by Wichita Canteen to prepare and service meal orders for numerous customers throughout the city and county. Some of these customers include, nearly all City of Wichita functions, Cowley County Correctional, Cessna, Royal Caribbean, Park Board and the Rotary Club. This kitchen has been in operation since January 1986. Over recent years there have been increasing problems with the kitchen sewer drains and in 2002 part of the system was replaced due to failure.

Recent months have shown the partial collapse of the remaining original sewer line and now the line is at risk of eminent total failure. It is the recommendation of a consultant that the line be replaced to allow the kitchen operations to continue.

On January 10, 2007 the City Manager exercised his authority to declare an emergency repair in accordance with Purchasing Ordinance 35-856, Section (a), Emergencies, so that repairs could quickly proceed. In accordance with the "Public Exigency" Ordinance 2.64.020, City Council is notified that the 2006 CIP Budget must be amended to cover the cost of the purchase of the needed equipment and professional services from Five Star Mechanical, Inc.

Funds are currently available in the 2006 – 2007 Enhanced Building Maintenance CIP (OCA 792310) for securing the services of Five Star Mechanical, to supply the necessary materials and labor to affect the needed repairs in the amount of \$26,385.00.

Ensure Efficient Infrastructure – Maintain and Optimize Public Facilities and Assets.  
Due to the obligations of Wichita Canteen to service its customers contracts, any further delay in completing the repairs to this system will have a significantly adverse impact on our ability to maintain the integrity of the sewer system in Century II and ensure the effective delivery of Canteen services to its Public and private sector customers.

City Ordinance 2.64.020, "Public Exigency", allows the City Manager to authorize work to be performed by a contractor without formal bidding, but Council action is needed to amend the budget.

Motion--  
--carried

Mayans moved to affirm the City Manager's Public Exigency approval of the project and that the 2006-2007 CIP budget be amended. Motion carried 6 to 0.

**ELECTRICAL SYS.**     **ELECTRICAL SYSTEM MODEL FOR THE AQUIFER STORAGE AND RECOVER PROJECT.**

Agenda Report No. 07-0063

On October 3, 2000, the City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply Plan. The plan identified cost-effective water resources that would be adequate to meet Wichita's water needs to the year 2050.

The electrical power system that serves the Equus Beds Wellfield is owned and operated by the City. The system connects to Westar at two locations and contains more than 44 miles of overhead power lines, as well as transformers and other electrical components. Fifty-five municipal supply wells are provided power by this system. The new facilities associated with the Aquifer Storage and Recovery (ASR) Project will greatly increase the electrical to this system.

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In 2003, the City had a preliminary design study prepared by Burns & McDonnell on the electrical system to identify improvements needed to support the new facilities. The study, incorporated in the design of the electrical facilities needed for Phase I, recommended that a computer model of the electrical system be created to be used to optimize the design of electrical improvements needed for future project phases. This Contract with Burns & McDonnell will allow them to create the recommended model of the electrical system. The information will then be available to the firm selected to design the electrical improvements for future phases of the ASR project.

The cost to create the electrical system model will not exceed \$59,448. Water Supply Plan (CIP W-549) has a budget of \$5,000,000 in 2007. The project will be funded by Water Utility revenues and reserves, and/or a future revenue bond issue.

The project will help ensure efficient infrastructure by assisting in the evaluation of facilities required to provide reliable, compliant and secure utilities. Careful evaluation of design alternatives will assure that the City invests appropriately in the construction of facilities needed to maintain future water supply needs.

The Law Department has approved the Contract as to form.

Motion--  
--carried

Mayans moved to approve the contract with Burns and McDonnell; approve the project expenditures for 2007; adopt the Resolution, and authorize the necessary signatures. Motion carried 6 to 0.

## RESOLUTION NO. 07-045

A Resolution amending Resolution No. 06-160 pertaining to the Water Supply Plan (W-549) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

## ADVANCE TRANS.

### ADVANCE TRANSPORTATION MANAGEMENT SYSTEM, (ATMS).

Agenda Report No. 07-0064

In January of 2002, the City of Wichita Council approved a Memorandum of Understanding (MOU) with Sedgwick County and the Kansas Department of Transportation (KDOT) for the participation of the City of Wichita in Intelligent Transportation Systems (ITS) for the Wichita-Sedgwick County Area. This agreement identified \$6,250,000 (comprised of \$3,750,000 from KDOT, and \$1,250,000 each from Sedgwick County and the City of Wichita) for ITS projects. A Supplemental Agreement was approved in September of 2004 to share an additional \$5,742,782 of federal funds for ITS in this region, resulting in a grand total of \$11,992,782 for ITS projects.

The Advanced Transportation Management System, or ATMS, is a system that uses technology to provide real-time traffic information. This information/data is transmitted back to a central location known as the Traffic Operations Center (TOC) where it is reviewed and provided to the traveling public, emergency personnel, first responders and media. This is accomplished through the use of dynamic message signs (DMS), website or even a direct feed. The information that can be provided includes incidents, AMBER and national alerts, and travel time information. The incident information can have an impact on local roads if the interstates or state roads are closed. The system will then coordinate with the traffic signal system to allow for the increased traffic on local roads. This system will allow the traveling public to make informed decisions about their daily travels. The information shared with the emergency responders can improve response time and coordination and allow the incident to be cleared quicker which in turn improves traffic flow. A primary result of the system is to increase safety and efficiency on the surface transportation system. The system will also be useful for the planning and preparation of transportation needs during special events, such as will be required by the downtown arena.

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Total cost of this phase of the project is \$800,000. In 2002, the Intelligent Transportation Systems (ITS) Integration Program for the State of Kansas was generally outlined for the Wichita-Sedgwick County region. In the City Council Adopted 2004 Supplemental Agreement, the ATMS project was specifically identified. The funding was designated to establish a program, entitled the "Advanced Transportation Management System (ATMS) and Traffic Operations Center (TOC)". This funding breakout is as follows: 1) KDOT will provide total not to exceed \$480,000; 2) Sedgwick County will provide up to a total of \$100,000; 3) the City shall then provide the remainder, with a project total not to exceed \$220,000.

Assure efficient infrastructure.

The Legal Departments of KDOT, Sedgwick County and the City of Wichita have reviewed a Supplemental Agreement detailing the expenditures for this project.

Motion--

Mayans moved to approve the Supplemental Agreement Advanced Transportation Management System with KDOT and Sedgwick County, authorizing the necessary fund transfers and signatures. Motion carried 6 to 0.

--carried

**MTG, LLC**

## **PURCHASE OPTION (MTG, L.L.C.). (DISTRICT V)**

Agenda Report No. 07-0065

On August 17, 1999, the City Council approved the issuance of \$3.6 million in Industrial Revenue Bonds, Series VIII, 1999. Bond proceeds were used to construct a new national corporate headquarters which consist of 33,000 square feet of new construction attached by a breezeway to 12,000 square feet of pre-existing office space located at 2872 N. Ridge Road in northwest Wichita. On November 18, 2003, City Council approved a Resolution consenting to the sub-sublease of a portion of the land to United Bio Energy Partners, L.L.C., ("United") a Kansas Limited Liability Company. The Bonds are secured, in part, by a Lease Agreement with MTG, L.L.C. ("Tenant").

Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$1,000. The City received notice from the Tenant's attorney of a request to call outstanding bonds and of the company's intention to exercise its purchase option on or after March 1, 2007.

Under the terms of the Lease, the City is required to convey its interest in 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 Series VIII, 1999 Bonds will be paid by on or before March 1, 2007. The City has received Trustee certification that the Bonds will be called for prepayment prior to maturity on March 1, 2007, and it will be appropriate for the City to deliver the instruments needed to deed the bond-financed property back to MTG, LLC and terminate the IRB lease. The City has already received payment of the \$1,000 purchase option price.

The purchase price is \$1,000 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.

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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 Termination of Lease Agreement (each in substantially the form attached to the Resolution), and the delivery of such documents following satisfaction of applicable conditions.

Motion--

Mayans moved that the bond call be authorized; the Resolution approving the Special Warranty Deed and the Termination of Lease Agreement adopted and the necessary signatures authorized.

--carried

Motion carried 6 to 0.

## RESOLUTION NO. 07-046

A Resolution authorizing the City of Wichita, Kansas, to call all remaining revenue bonds and to convey certain real property to MTG LLC, 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 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

### (Item 23) BIKE PATH

#### **RENAME PORTION OF NORTH RIVERSIDE BIKE PATH. (DISTRICT VI).**

Agenda Report No. 07-0066

City Council Policy 13 delineates the requirements for naming public facilities "... in accordance with their intended use ... "The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council appointed the Board of Park Commissioners the official naming committee for all park property and related facilities.

Members of the North Riverside Neighborhood Association (NRNA) presented the Park Board with a letter on January 5, 2007, expressing their desire to rename a portion of the Riverside Bike Path in honor of Rosalee Bradley, who passed away in 2006. Bradley was a resident of North Riverside and was involved in the organization and meetings of the neighborhood association. She served as both the Secretary and President of the NRNA and worked with projects including trash pickups, picnics, garage sales, zoning issues, and the development of the North Riverside bike path. Additionally, she was the only resident of North Riverside to serve on the District Advisory Board for District VI.

On January 8, 2007, The Board of Park Commissioners unanimously voted, after hearing public comment, to recommend to the City Council rename the section of the North Riverside Bike Path, between 13th and 21st street, to the "Rosalee Bradley Bike Path."

The costs to the Park and Recreation department will be limited to labor for installation of a new sign and can be absorbed in the current operating budget.

The renaming of the bike path will encourage neighborhood vibrancy by enhancing the sense of community by honoring the memory of a neighborhood activist.

The Board of Park Commissioners action as naming authority for park and recreation areas is consistent with the provisions of City Council Policy 13.

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Council Member Fearey Council Member Fearey stated that the Council is naming part of a bike path after Rosalee Bradley who was a very dedicated volunteer for the City of Wichita and this bike path was one of the very last things that she was able to do. Stated she had served on the Sixth District Advisory Board and you could not find someone who was more committed. Stated that she was often down speaking in front of the City Council about important issues and was effective in organizing the Wichita Independent Neighborhood Association and their efforts in getting the new Stop Blight Program passed. Stated that on the day that Rosalee passed away, she was emailing people about neighborhood issues.

Motion-- Mayans moved that the portion of the North Riverside Bike Path, from 13th to 21st Street be renamed  
--carried to the "Rosalee Bradley Bike Path." Motion carried 6 to 0.

## **WORKERS' COMP. PROFESSIONAL LEGAL SERVICES – WORKERS' COMPENSATION.**

Agenda Report No. 07-0067

The City retains outside legal counsel to provide legal advice and handle workers' compensation claims, litigation and related assignments. Because workers' compensation litigation has become a specialized area of law, it is necessary to retain outside legal counsel to perform these services.

Because of the variety and volume of legal issues and services that the claims will generate, the selected law firm will be utilized to assist the Department of Law and the Risk Manager in performing a broad range of professional services related workers' compensation. To select legal representation in workers compensation cases commencing in 2007, a request for proposal was sent to 11 local attorneys and law firms who handle workers compensation matters. Four attorneys and firms responded to the request and two were interviewed by a panel. Those who were interviewed were evaluated on their experience, approach to problems, legal skills and knowledge, price and overall value. Mr. Heath was ranked the highest following the interviews. Mr. Heath has performed fully through 2006 and has agreed to continue to perform, without an increase in cost.

This agreement provides authority for \$60,000.00, to be paid upon receipt of detailed billings of hourly work and expenses. The charges are reasonable for the amount of legal services involved. Payment will be from the Workers Compensation fund.

The worker's compensation services under this contract will be for all departments.

The City Attorney's office has prepared the Agreement and has approved it as to form.

Motion-- Mayans moved that the Ed Heath law firm be selected to provide workers' compensation professional  
--carried legal services and the necessary signatures to sign the Agreement for Professional Services authorized. Motion carried 6 to 0.

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## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ JANUARY 9, 2007)

- a) 21st Street Improvement, between the K-96 Expressway and 159th Street East. (District II)

#### ORDINANCE NO. 47-332

An Ordinance amending Ordinance No. 46-994 of the City of Wichita, Kansas declaring 21st St. North, between the K-96 Expressway and 159th St. East (472-84394) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

- b) Amendment of Industrial Revenue Bond Documents, Airtechnics, Inc. (District II)

#### ORDINANCE NO. 47-337

1. An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and consenting to, a third amendment of a certain equipment trust indenture by and between the City of Wichita, Kansas, as issuer, and the Bank of New York Trust Company, N.A., St. Louis, Missouri, a national Banking Association, as Trustee, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

#### ORDINANCE NO. 47-338

2. An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and consenting to, a third amendment of a certain real estate trust indenture by and between the City of Wichita, Kansas, as issuer, and the Bank of New York Trust Company, N.S., St. Louis, Missouri, a national banking association, as trustee, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

- c) Pawnee Improvement, between 119th Street West and Maize. (District IV)

#### ORDINANCE NO. 47-339

An Ordinance amending Ordinance No. 47-127 of the City of Wichita, Kansas declaring Pawnee, between 119th Street West and Maize (472-84357) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

- d) Public Hearing and Tax Exemption Request, Leading Technology Composites, Inc. (District IV)

#### ORDINANCE NO. 47-330

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

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- e) Public Hearing and Tax Exemption Request, The Print Source, Inc. (District IV)

ORDINANCE NO. 47-331

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem tax Exemption; and describing the property of the Print Source, Inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, and Mayans, (Skelton abstained).

- f) A07-02R-Request by Shonda Chapa, of Rain Link, LLC to annex land generally located east of West Street, between I-235 and MacArthur Road. (District IV)

ORDINANCE NO. 47-333

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries 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 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans. (A-06-02)

- g) A07-03R-Request by Rob Ramseyer, of Ritchie Development Corp., to annex land generally located southwest of the intersection of 21st Street North and 143rd Street East. (District II)

ORDINANCE NO. 47-334

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries 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 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans. . (A07-03)

- h) ZON2006-49-Zone change from “TF-3” Two-family Residential to “GO” General Office. Generally located north of Central and west of Grove, east of Spruce Street. (District I)

ORDINANCE NO. 47-335

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans. . (ZON2006-49)

# CITY COUNCIL PROCEEDINGS

## NEW BUSINESS

### DOUGLAS/HILLSIDE PUBLIC HEARING AND ADOPTION OF DOUGLAS AND HILLSIDE REDEVELOPMENT PROJECT PLAN. (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0068

On August 8, 2006, the City Council took the necessary legal steps to establish the Douglas & Hillside Redevelopment District for the purpose of using tax increment financing ("TIF") to pay for eligible improvements located within the district. The action taken by the City Council established 2006 as the base year, from which the increase in property tax revenues (the tax increment) will be measured. The boundaries of the Redevelopment District are Douglas Avenue on the south, Hillside on the west, First Street on the north, and including those parcels immediately east of Rutan on the east.

The next step to be taken in the TIF process is the adoption of a redevelopment project plan which includes a feasibility study and a description of the redevelopment project being funded with TIF proceeds. With the adoption of the redevelopment project plan, the County Treasurer will be authorized and directed to begin capturing the tax increment and distributing the money to the City to pay project costs. On December 19, 2006, the City Council adopted a resolution stating it is considering the adoption of the Redevelopment Project Plan and directed the City Clerk to give notice that a public hearing would be held on the matter on February 6, 2007.

K.S.A. 12 1770 et seq. sets forth the procedures and requirements for the establishment of a TIF district and the capture of TIF dollars. In order for the County Treasurer to be authorized to set aside the increment of increased property tax revenues collected in the district, to pay for eligible redevelopment costs, the City must adopt a redevelopment project plan that describes the district and the projects being financed with the TIF, and also establishes the financial feasibility of the TIF to finance the public improvements. The statute also directs the City to prepare the redevelopment project plan "in consultation with the planning commission of the city." On December 7, 2006, the Wichita-Sedgwick County Metropolitan Area Planning Commission met to consider the College Hill Urban Village ("CHUV") Project Plan and found that the Plan is consistent with the general comprehensive plan for development of the City.

The Financial Feasibility Study contained in the Redevelopment Project Plan examines the County's assessed valuation of the property located within the Douglas & Hillside Redevelopment District, with respect to the value of the property in the base year (2006) to the year in which planned redevelopment projects will be fully reflected in the County's database of property values (2010). The following table summarizes the revenue side of the analysis:

	<u>2006 Base Year</u>	<u>2010 Projected</u>
Appraised Value	\$3,107,425	\$61,817,932
Assessed Value	\$672,061	\$7,576,876
Captured Value	\$0	\$6,904,815
2006 Mill Levy	94.564	94.564
Annual Tax Increment	\$0	\$652,947

The analysis assumes that only those projects which are currently planned will be constructed, that assessed property values in the district will not grow over time, and that the 2006 City/County/School District mill levy will not increase or decrease. The analysis shows that the stream of projected tax increment revenues is sufficient to retire the principal and interest on a \$4.95 million taxable general obligation tax increment bond issue over a seven-year period.

# CITY COUNCIL PROCEEDINGS

The plan for redevelopment of the CHUV Project Area includes the demolition of the existing structures in the Project Area and the construction of four major project components and associated infrastructure and landscaping. Property within the Project Area, which includes property on both sides of Rutan, between Douglas and First, is currently owned by or is under contract to Loveland Properties, LLC., a real estate holding company related to the developer. The four project components include:

1. Northeast Brownstone Complex – located at the northeast corner of Victor and Rutan, the residential condominium complex will consist of multi-level brownstone-type row houses with incorporated 2-car garages and storm shelters. Amenities may include guest parking, common landscaped areas, pool and recreation shelter. Construction is anticipated to begin in mid 2007 and be completed in the spring of 2008 at an estimated construction cost of approximately \$5.1 million.
2. Condominium Tower and Brownstone Complex – located at the northwest corner of Victor and Rutan, the residential condominium complex will consist of a central high-rise tower with underground resident parking and surface parking for guests, and adjacent multi-level brownstone-type row houses with incorporated 2-car garages and storm shelters. The high-rise condominium tower will include units varying in size of approximately 1,000 SF and up. Lower levels of the tower will contain service and amenity areas that may include offices, common multi-purpose rooms, fitness center and pool. Construction is anticipated to begin in the fourth quarter of 2007 and be completed in the first quarter of 2009 at an estimated construction cost of approximately \$30.5 million.
3. West Brownstone Complex – located immediately west of the high-rise condominium tower, the residential condominium complex will consist of multilevel brownstone-type row houses with incorporated 2-car garages and storm shelters. Amenities may include guest parking, common landscaped areas, pool and recreation shelter. Construction is anticipated to begin in the first quarter of 2008 and be complete in the fourth quarter of 2008 at an estimated construction cost of approximately \$4.6 million.
4. South Retail/Residential Complex – located generally at the northwest corner of Douglas and Rutan, south of the high-rise condominium tower, the retail/residential condominium complex will consist of a multi-story mixed-use building along Douglas at the corner of Rutan, multi-level brownstone type row houses with incorporated 2-car garages and storm shelters and retail space at the corner of Rutan and Victor, and a multi-story building of flats facing Victor. Depending on market demand, the brownstone component and flat component may be replaced with additional retail/office space or other uses allowable under the PUD. The flats building will be supported with surface parking and the retail space will have dedicated parking lots containing approximately 69 cars. Construction is anticipated to begin in the second quarter of 2008 and be completed in the second quarter of 2009 at an estimated construction cost of approximately \$6.7 million.

## USE OF TAX INCREMENT FINANCING

Upon adoption of the redevelopment project plan, the City will have established its authority under state law to issue general obligation bonds to finance the TIF-funded improvements, which bonds will be repaid from the incremental increase in property taxes resulting from the redevelopment of the Project Area. The TIF-funded improvements consist of the following:

- Property acquisition – The City will purchase the property within the Project Area from Loveland Properties, LLC and other property owners for a total cost not-to-exceed \$3,050,000, and convey parcels to CHUV Inc. as it is needed for each phase of the project.
- Demolition costs – The City will pay the cost to demolish and remove the existing buildings from the Project Area, at an estimated total cost of \$100,000.
- Public improvements – The City will undertake public improvements at the site, including reconstruction of Victor Place and Rutan Avenue, a round-about with public art at the intersection of the two streets, utility relocations, landscaping and decorative street lights in the public right-of-way, two public parking lots and the conversion of a short segment of Victor Place east of Rutan into a public park area, at an estimated cost of \$1.3 million.

# CITY COUNCIL PROCEEDINGS

## DEVELOPMENT AGREEMENT

The Development Agreement between the City and College Hill Urban Village, LLC and CHUV, Inc., provides the contractual framework for the redevelopment project. Under the terms of the agreement, the developer (CHUV, LLC) is obligated to construct the redevelopment project outlined above and the City is obligated to acquire the project site and convey it in phases to CHUV, Inc. and to construct the related public improvements listed above. In addition to all the terms, conditions and procedures for fulfilling these obligations, the Development Agreement also provides for a Tax Increment Shortfall Guaranty in which the developer and other private entities with ownership interest in the project are required to pay the City any shortfall in TIF revenue available to pay debt service on TIF bonds. The agreement also stipulates that the conveyance of land to CHUV, Inc. will be considered a capital contribution for tax purposes.

It is anticipated that the projects funded with tax increment financing will be financed with general obligation bonds. In the event that tax increment revenues fall short of projections, City at large funding will be required to supplement tax increment revenues.

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

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

- Council Member Fearey Council Member Fearey asked once the public park has been built, will our park maintenance and public works department be required to maintain that or is there a maintenance agreement.
- Allen Bell Economic Development Administrator stated there is not a maintenance agreement but it is their intent and understanding that the development would pay the cost of maintaining the park.
- Council Member Fearey Council Member Fearey stated that she is also concerned about having a fountain in a roundabout and the City has to maintain with brick around it. Stated she would like to see a maintenance agreement for this. Stated that she is still extremely disappointed that there is no affordable housing component to this. Stated she has seen in other communities where you can put affordable housing into a project like this and make it work and sometimes even use those income housing tax credits to help finance the project. Stated as we do these things, it is like we are talking here that we want a good development and that we have got to have more affordable housing and this is a chance to bring those two things and affordable housing does not mean people who cannot take care of housing. Stated she has seen it work so many times and is so sad that we cannot work on it in a development like this.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Council Member Schlapp Council Member Schlapp stated this is going in a neighborhood in College Hill and the only information that she has received has been very positive and there was one request to possibly make the TIF district even larger. Stated she sees this as good development in an area that needs good development.

Motion-- Schlapp moved that the Public Hearing be closed; the Ordinances adopting College Hill Urban Village Project Plan and authorizing the TIF-funded improvements be placed on first reading; the Development Agreement approved and the necessary signatures authorized.

Council Member Fearey Council Member Fearey stated she would like staff to go back to the developer and make sure we have the maintenance agreements on the roundabout fountain and if they do not want to do that then we need to look at whether or not it should be a fountain or more of a just a green area and the park maintenance plan.

Amended Motion-- Schlapp amended her motion to include that staff check with the developer to see that we get a maintenance agreement and whatever goes in there, that it is something that they can maintain.  
--carried Motion carried 6 to 0.

## ORDINANCE

An Ordinance of the City of Wichita establishing the Douglas & Hillside Redevelopment District, introduced and under the rules laid over.

## ORDINANCE

An ordinance adopting a project plan for the College Hill urban Village Project in the Douglas and Hillside Redevelopment District, introduced and under the rules laid over.

## **CAPPS MANUFAC. PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, CAPPS MANUFACTURING, INC. (DISTRICT IV)**

Allen Bell Economic Development Administrator reviewed the item.

Agenda Report No. 07-0069

On November 14, 2006, City Council approved a two-year Letter of Intent to issue IRBs in the amount not to exceed \$2,840,000, and a 100% five-plus-five-year property tax exemption on bond financed property to Capps Manufacturing, Inc. The bonds will be used to finance the cost of acquiring, constructing, and equipping a new 79,750 s.f. building, located at 2222 S. Custer Avenue in southwest Wichita. Capps Manufacturing is requesting the issuance of IRBs at this time, in the amount not-to-exceed \$2,840,000.

Capps Manufacturing, Inc., located at 2121 S. Edwards in southwest Wichita, is a local corporation founded in 1983. Capps Manufacturing has grown to a complete fabrication and assembly facility for aircraft products, manufacturing such items as tooling and components for the Boeing 737 sound suppressor, thrust reversers, winglets, door assemblies, detail sheet metal parts and machined parts for most of the major aircraft companies. The company also manufacturers component parts for in-house assembly which includes stretch formed skins, stretch formed shapes, hydro formed parts, brake formed parts, punch press stamping and forming, certified spot welding and machined parts.

Capps Manufacturing currently employs 85 people and plans to add 63 new jobs over a five-year period, at an average wage of \$37,960 per year.

# CITY COUNCIL PROCEEDINGS

An estimated analysis of the sources and uses of project funds is:

## SOURCES OF FUNDS

Tenant's funds	\$ 632,384
Bond Proceeds	<u>2,840,000</u>
Total Sources	\$3,472,384

## USES OF FUNDS

Building costs	\$2,432,384
Equipment	1,000,000
Cost of Issuance	<u>40,000</u>
Total Uses	\$3,472,384

GE Capital Public Finance, Inc. will purchase the tax-exempt bonds to hold as an investment, and as a result the bonds will not be offered to the public. Capps Manufacturing has complied with the City's requirements contained in the Letter of Intent.

Capps manufacturing agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Economic Development Incentive Policy, the Company qualifies for a 100% five-plus-five-year tax exemption on property purchased with bond proceeds.

The estimated first year's taxes on Capps Manufacturing's proposed \$3,472,384 expansion would be \$63,886, on real property improvements, based on the 2005 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$63,886 of new taxes from the real property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$17,961; County/State - \$17,038; and USD 259 - \$28,887.

In addition, the project qualified for sales tax exemption on bond-financed purchases. The estimated amount of exempted sales taxes is \$125,282, including \$108,120 state sales tax and \$17,162 county sales tax.

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

City of Wichita	1.91 to one
Sedgwick County	1.31 to one
USD 259	1.00 to one
State of Kansas	7.33 to one

Economic Vitality and Affordable Living. Providing low-cost financing and granting an ad valorem property tax exemption and sales tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

Bond documents and a form of a bond counsel engagement letter needed for the issuance of the bonds have been prepared by bond counsel. The law firm of Gilmore and Bell is serving as bond counsel on this transaction because the City's contract bond counsel serves as borrower's counsel for GE Capital. The public hearing held in conjunction with this item satisfies the TEFRA hearing requirement in the federal tax code for tax-exempt bonds. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans

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

Motion--

Gray moved that the public hearing, be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of tax-exempt Industrial Revenue Bonds in an amount not-to-exceed \$2,840,000 placed on first reading; the Engagement Letter approved and the necessary signatures authorized. Motion carried 6 to 0.

--carried

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## ORDINANCE

An Ordinance authorizing the city of Wichita, Kansas to issue its industrial revenue bonds, series I-A, 2007 and Series I-B, 2007 (Capps Manufacturing, Incorporated) in the principal amount of \$2,800,000 for the purpose of acquiring, constructing and equipping an addition to an existing manufacturing facility; authorizing execution of a trust indenture by and between the city and UMB Bank, N.A. Kansas City, Missouri, as trustee; authorizing the city to lease such facility to Capps manufacturing, incorporated and authorizing execution of a lease agreement between said City and Capps Manufacturing, Incorporated; authorizing execution of a tax compliance agreement between the city, Capps Manufacturing, Incorporated and UMB Bank, N.A.; approving the form of a personal guaranty by and between Barney L. Capps and Ron L. Capps, as personal guarantors, and GE Capital Public Finance, Inc.; authorizing the execution of a bond purchase agreement for the bonds by and between the City, Capps Manufacturing, Incorporated and GE Capital Public Finance, Inc., as purchaser of the bonds; and authorizing the execution of additional documents necessary or desirable to effect the transaction contemplated hereby, introduced and under the rules laid over.

### **BURNHAM**

#### **FORGIVABLE LOAN AGREEMENT-BURNHAM COMPOSITE STRUCTURES, INC.** **(DISTRICT IV)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 07-0070

On December 19, 2006, the City Council approved an economic development incentive package for Burnham Composites Structures, Inc. to ensure that the company will construct its new corporate headquarters and manufacturing facility in Wichita. The incentive package was negotiated with the assistance of the Greater Wichita Economic Development Coalition (GWEDC) and includes a \$62,000 forgivable loan from the City of Wichita and Sedgwick County each, and a 100% property tax exemption on real property improvements for a 5+5 year term.

The forgivable loan requires the execution of a loan agreement, which must be authorized by means of a home-rule ordinance.

Burnham Composite Structures, Inc. will establish its new corporate headquarters and manufacturing facility on a 10-acre site located in the Ecco Industrial Park on South Hoover Road south of 31st Street South, immediately south of the Case New Holland plant.

Burnham commits to maintaining the current 29 jobs and to adding 60 jobs over the next five years at an average wage of \$32,665. The company also plans a capital investment of \$5.55 million. The terms and conditions of the Forgivable Loan Agreement include expectations of growth in the number of jobs and total wages per year until December 1, 2011. If annual employment and wage commitments are met, a proportional share of the loan will be forgiven each year, over a five-year period. The Agreement also includes remedies if benchmarks are not reached or terms of the agreement are breached. The entire amount of the loan, including any previously forgiven portions, plus interest, will be immediately due and payable if the company should close its Wichita facility during the term of the loan.

As part of its due diligence, GWEDC commissioned an analysis of the fiscal impact the Burnham expansion would have on the City of Wichita, which shows a ratio of benefits to costs of 1.84 to one.

The forgivable loan to Burnham Composite Structures, Inc. will be paid by funds encumbered in the City's Economic Development Fund for this project.

Economic Vitality. This economic development incentive will strengthen the area's aerospace industry, stimulate the economy through the creation of new jobs and diversify the economy by nurturing a composite materials cluster.

# CITY COUNCIL PROCEEDINGS

The forgivable loan agreement and ordinance have been approved as to form by the City's Law Department.

Mayor Mayans

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

Motion--

Gray moved that the forgivable loan agreement with Burnham Composite Structures, Inc. be approved; the authorizing ordinance placed on first reading and the necessary signatures authorized. Motion carried 6 to 0.

--carried

## ORDINANCE

An Ordinance of the city of Wichita, Kansas, authorizing, prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Burnham Composite Structures, Inc. and the City of Wichita, Kansas, introduced and under the rules laid over.

### UNSAFE STRUC.

### REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICTS I AND II)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No. 07-0108

On December 19, 2006 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on February 6, 2007.

On December 4, 2006 the Board of Code Standards and Appeals (BCSA) held a hearing on five (5) properties. The five (5) properties are listed below:

<u>Property Address</u>	<u>Council District</u>
a. 917 North Beech	II
b. 2207 East Mossman	I
c. 2715 East 13th Street North	I
d. 1954 North Ash	I
e. 9743 East Chamberlin	II

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

Pursuant to State Statute, the Resolutions were duly published twice on December 21, 2006, and December 28, 2006. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder

Office of Central Inspection stated no one showed up for the properties listed as items a, b, c, and d and asked that the City Council takes the action to proceed with condemnation and removal of these four properties. Stated that the property listed as item e. 9743 East Chamberlin, there is a new owner and they have recorded a new deed a paid all the back taxes as well as all of the specials that were owed to the City. Stated the new owner has a detailed plan of action and has taken bids to get the work done within 60 days.

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Mayor Mayans

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

Motion--

Brewer moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures adopted and accept the BCSA recommended action to precede with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of February 6, 2007; (2) the structures have been secured as of February 6, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of February 6, 2007 and will be so maintained during renovation for the properties listed as items a) 917 North Beech, b) 2207 East Mossman, c) 2715 East 13<sup>th</sup> Street North and d) 1954 North Ash.

--carried

Motion carried 6 to 0.

Kurt Schroeder

Office of Central Inspection stated that the property listed as e) 9743 East Chamberlin, there is a new owner who has already gotten bids for new sewers and has a very detailed schedule to get the work done by the end of March and he has already been out there to clean up the premises and has paid all of the back taxes and specials that were owed and that staff is recommending that the City Council give him an opportunity to fix this property up and allow him 60 days to do so.

Motion--

Schlapp moved to give the owner 60 days to come into compliance. Motion carried 6 to 0.

--carried

## RESOLUTION NO. 07-048

A Resolution finding that the structure/s legally described as Lots the south half of Lot 4, Block 3, Lynch Addition to Travel Air City, Wichita, Sedgwick County, Kansas. Known as 917 North Beech is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-049

A Resolution finding that the structure/s legally described as Lot 2, Block 4, Parkmore Addition to the City of Wichita, Sedgwick County, Kansas. Known as 2207 East Mossman ,is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-050

A Resolution finding that the structure/s legally described as east half of Lot 2,4,6 and 8, on Mabe, now Estelle Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas. Known as 2715 East 13<sup>th</sup> Street North, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-051

A Resolution finding that the structure/s legally described as Lots 1 and 3, on Strong, now Ash Street, Stout's Addition to Wichita, Sedgwick County, Kansas. Known as 1954 North Ash, is unsafe or dangerous an directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-052

A Resolution finding that the structure/s legally described as Lots 1 and 2, Block 2, Travel Air City, Wichita, Sedgwick County, Kansas. Known as 9743 East Chamberlin, is unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

### WATER AGRMNT

### AMENDMENT OF WHOLESALE WATER AGREEMENT WITH VALLEY CENTER.

David Warren

Water and Sewer Director reviewed the item.

Agenda Report No. 07-0072

In October 1997, Wichita and Valley Center signed an Agreement for a wholesale water service to the City of Valley Center. The Agreement contained a Schedule of Projected Water Usage from 1997 through 2016.

Valley Center has requested that the Schedule of Projected Water Usage be amended to provide for an approximate forty (40) percent reduction in the annual volume of water sold to Valley Center. Comparison of actual water usage by Valley Center indicates that the original projected volumes in the Agreement have consistently been greater than the actual usage.

The Agreement with Valley Center provides for a fifty (50) percent take-or-pay provision, which means that Valley Center is obligated to pay for at least half of the volumes listed annually, whether the total volume is used or not. The level of usage over the past several years indicates that Valley Center was at the margin in terms of being below these take-or-pay volume limits.

Section 5.2 of the Agreement outlines the process relating to the amendment of usage volumes. This requested amendment is consistent with the terms of this process.

The approval of the revised Schedule of Projected Usage may result in a lowering of revenues from Valley Center, since the schedule is tied to a fifty (50) percent take-or-pay provision. There is, however, provision in the Agreement for the possible need to amend the schedule based on revised and updated usage patterns. This has been done and the request is consistent with actual usage in the past few years. The usage limits expressed in the revised schedule are very close to the actual historic usage volumes, plus projected future growth; thus, there is little likelihood of reduction in revenues. The primary impact of the amended schedule is avoidance of the potential on Valley Center's part to be in violation of the take-or-pay provision of the Agreement.

This proposed action will promote achievement of the following goal: Ensure efficient infrastructure. A subcategory of this goal is to "provide reliable, compliant, and secure utilities." Wholesale service agreements provide for economies of scale in the service area, thereby helping to assure good service at economical rates.

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

Mayor Mayans

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

Motion--  
--carried

Mayans moved that the amendment be approved and the necessary signatures authorized.  
Motion carried 6 to 0.

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**WATER AGRMNT. AMENDMENT OF WHOLESALE WATER AGREEMENT WITH DERBY/EL PASO.**

David Warren

Water and Sewer Director reviewed the item.

Agenda Report No. 07-0073

In June 2001, Wichita and Derby/El Paso signed an Agreement for a wholesale water service to the City of Derby. The Agreement contained a Schedule of Projected Water Usage from 2002 through 2022 and established service area boundaries.

Derby/El Paso has requested that the Schedule of Projected Water Usage be amended to provide for a ten (10) percent reduction in the annual volume of water sold to Derby/El Paso. Experience has shown that the original projected volumes were too high, partially due to the impacts of the pricing signal sent to customers by the required conservation-based rate structure applied to Derby/El Paso's retail customers.

The approval of the revised Schedule of Projected Usage will result in lower revenues from Derby/El Paso since the schedule is tied to a 100 percent take-or-pay provision. There is, however, a provision in the Agreement for the possible need to amend the schedule based on revised and updated usage patterns. The revised schedule will provide for adequate cash flow to recover the capital expense incurred in order to bring service to Derby/El Paso. The revision has been completed and the request is consistent with actual usage in the past few years.

This proposed action will promote achievement of the following goal: Ensure efficient infrastructure. A subcategory of this goal is to "provide reliable, compliant, and secure utilities." Wholesale service agreements provide for economies of scale in the service area, thereby helping to assure good service at economical rates.

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

Mayor Mayans

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

Motion--  
--carried

Mayans moved that the amendment be approved and the necessary signatures authorized.  
Motion carried 6 to 0.

**WATER AGRMNT. ORDINANCE CREATING A NON-POTABLE WHOLESALE WATER USE RATE.**

David Warren

Water and Sewer Director reviewed the item.

Agenda Report No. 07-0074

On July 18, 2006, the City Council approved an Agreement to supply water to Abengoa Bioenergy Corporation. The water supplied will be non-potable, that is, not suitable for human consumption.

The negotiation of this Agreement with Abengoa Bioenergy Corporation and subsequent approval necessitated the creation of a non-potable wholesale water use rate. The firm of Raftelis Financial Consultants, Inc. was retained to calculate the cost for a service-based rate for this category of usage. The resulting rate, as calculated, will be applicable to Abengoa Bioenergy Corporation and any similar class of customer. This group currently includes the City of Bentley, since Bentley receives non-potable water from Wichita.

The proposed non-potable wholesale rate of sixty-five (65) cents per thousand gallons contains a rate of return and covers utility overhead costs. The application of this rate, therefore, will produce positive financial benefits to the Water Utility.

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The proposed action will promote achievement of the following goal: Ensure efficient infrastructure. A subcategory is to “provide reliable, compliant, and secure utilities.” Effectively partnering with a private entity, in this case Abengoa Bioenergy Corporation will promote economic development in the metropolitan area by providing efficient and cost-effective utility services.

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

Council Member Skelton Council Member Skelton inquired why it is necessary to retain a consultant to calculate the costs for service here.

David Warren Director of Water and Sewer explained that having someone who is familiar with rate development is essential in order for them to get a quick turnaround on this project. Stated they have staff that could have done some of this work but he would have had to pull them off of things that he feels are more important, such as an upgrade to their customer information system, which is a huge project. Stated that the cost for having this work done was under \$15,000.00.

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

Motion--carried Mayans moved that the Ordinance be placed on first reading. Motion carried 6 to 0.

## ORDINANCE

An ordinance amending section 17.12.090 of the code of the City of Wichita, Kansas, as amended by Ordinance No. 47-124, pertaining to schedule of rates and charges for water service, and repealing the original of said section, introduced and under the rules laid over.

### **TURTLE CREEK PUBLIC HEARING, REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS, TURTLE CREEK TOWNHOMES APARTMENTS. (DISTRICT I)**

Mary K. Vaughn Director of Housing and Community Services reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 07-0076

The City has received a request from YARCO Companies, for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the acquisition and renovation of the Turtle Creek Townhomes. (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.)

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 requires a subsequent 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. 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.

YARCO Companies proposes to acquire and renovate the 126-unit Turtle Creek Townhomes development, which is located at 1329 Williamsburg Road. The project is to be partially financed through the LIHTC program. Turtle Creek, originally known as Williamsburg, was originally developed with funding provided through the LIHTC program, approximately 18 years ago. The federal compliance period has expired.

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YARCO became managing agent for the property in December of 2003. The occupancy rate at the apartment community was 65%, and cash flow was in decline. Since that time, YARCO has addressed immediate property needs such as repairing of air conditioning and heating systems, plumbing and hot water heating systems, replacement of some of the kitchen appliances, replacement of flooring, and repair of exterior wood decks. Water damage to basements resulting from storm water infiltration has been addressed, as well as resultant mold issues. As a result, YARCO has succeeded in increasing occupancy, which is currently 93%. Although YARCO has addressed immediate needs, additional funding is required to complete full renovation of property and to complete the acquisition. The proposed project rehabilitation budget is estimated to be \$1,680,000, and will include roof replacement, painting of exterior siding and trim, concrete repairs, drainage and irrigation/landscaping improvements, new garage doors, replacement of heating and air conditioning units and appliances, replacement of floor coverings and interior repairs.

The project, as proposed, will offer 125 residential units. One unit will be retained as a management office. Upon completion of renovation, 67 three-bedroom, two-bathroom units and 44 four-bedroom, two-bathroom units will be reserved for tenants at or below 60% of median income, with rent amounts estimated to be \$600 and \$690, respectively. Six three-bedroom, two-bathroom units and eight four-bedroom, two-bathroom units will be offered as market-rate apartments and will have no income restriction. Monthly rent amounts for these units are estimated to be \$625, and \$725, respectively.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (in this case, 25 total units) for market rate tenants. YARCO is seeking a waiver of this requirement. The tax credit policy allows for a reduction of market rate units if the project is to be occupied by special needs populations, or if there are extenuating circumstances, or if market conditions support a deviation from the guideline. In this case, YARCO is asking for a partial waiver, due to extenuating circumstances and market conditions. YARCO is attempting to reposition the apartment community as a mixed-income community, but due to the extensive renovations required, additional equity from the tax credit program is required. Thus, YARCO is requesting approval to provide 10% of the units as market-rate units. The additional tax credit equity secured for the project as a result of a partial waiver will allow for a reduction in the amount of long-term debt service, thus improving the outlook for long-term viability of the project.

YARCO also proposes to offer the townhomes for sale to existing tenants for owner-occupancy, upon the end of the 15-year tax credit compliance period, and proposes to create a homeowners association in order to ensure maintenance of the common areas and building exteriors, through the filing of restrictive covenants.

The City's Office of Central Inspection has reviewed the project proposal, and has expressed support of adoption of a resolution of support. The Planning Department has reviewed the project and did not identify any inconsistencies with zoning or any neighborhood plans.

The project has been reviewed by the Housing and Community Services Department, and has received recommendation for adoption of the resolution of support from the DAB and the HAB with partial waiver of the market-rate unit requirement. The Housing Advisory Board reviewed the project at its December 20, 2006 meeting, and approved recommendation of the adoption of a resolution of support by an 8-0 vote, and the District I Advisory Board reviewed the project at its January 8, 2007 meeting, and recommended adoption of a resolution of support, by a 9-0 vote. The DCC has also approved recommendation of adoption of the resolution.

The resolution of support will 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.

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The total development cost is projected to be \$6,995,393. The applicant intends to finance the project utilizing funding from the sale of housing tax credits in the approximate amount of \$2,606,770. The proposal also includes a permanent loan in the amount of \$3,800,000, deferred developer fees in the amount of \$219,323, and income received during rehabilitation in the amount of \$369,300. The City will not directly participate in the financing of the project.

The proposed project contributes to the goal of Economic Vitality and Affordable Living.  
Legal Considerations: In accordance with City Council Resolution No. R-95-479, YARCO 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 Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Brewer moved that the public hearing be closed; the resolution of support for the TRC application for Low-Income Housing Tax Credits with partial waiver of the market-rate unit requirement, in order to provide for 10% of the units as market-rate units, subject to all local building and zoning codes, ordinances and any additional design review requirements be adopted and the necessary signatures authorized. Motion carried 6 to 0.

--carried

## RESOLUTION NO. 07-054

A Resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

## CDBG FUNDS

### CDBG FUND RE-ALLOCATION.

Mary K. Vaughn Director of Housing and Community Services reviewed the item.

Agenda Report No. 07-0077

On 11/14/06 the City Council approved the substantial amendment to the City's Consolidated Plan to create a new activity to address substandard housing and blight at scattered sites throughout the community. It was recommended that funding for the activity would be reallocated from the Community Housing Services (CHS) revolving loan program to the new activity.

The StopBlight Program is a joint effort between multiple City departments to reduce substandard housing and blight at scattered sites throughout the city of Wichita. A property is blighted when it is deteriorating and/or hazardous to the public or neighboring property, resulting in a distressed neighborhood. This special housing repair program, titled Hazardous Housing Prevention/Elimination, will focus on boarded up and/or abandoned buildings as well as other problem properties.

Under this program, Community Housing Development Organizations (CHDOs) and other developers can acquire and rehabilitate blighted properties to increase quality affordable housing stock for low to moderate-income individuals and families, as well as provide market rate housing. CHDOs and/or other developers will be given specific timeframes to complete renovations, but deadline extensions can be granted provided effort is being made to restore the property. One of the program's operating tools will be the State law provision governing abandoned property. (K.S.A. 12-1756a)

Funds will be used to cover costs associated with compliance with all federal regulations and can include, but are not limited to, financial feasibility reviews, title searches, construction inspections, environmental review, acquisition, demolition, rehabilitation, reconstruction, architectural design, site improvement, maintenance, developer fees and marketing for sale properties. Program income generated by property sales will be properly allocated to allow for program continuation.

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For the past several years, funds have been rolled over into the current program year. However, the 2005/2006 contract expired as of June 30, 2006 and \$126,476.73 remains in the account. Reallocation of the \$126,476.73 will be used to initiate the Hazardous Housing Prevention/Elimination Program.

Support a Dynamic Core Area and Vibrant Neighborhoods.

All proposed Council actions and program activities are consistent with HUD regulations and requirements and the City of Wichita 2004/2008 Consolidated Plan. This included advertising the required public hearing notice that allowed citizens to comment from November 20, 2006 through December 22, 2006. No comments were received.

The allocation of funds to implement the Hazardous Housing Prevention/Elimination Program requires City Council approval. The funding agreement has been drafted by Housing and Community Services staff and approved as to form by the City Law Department.

- Council Member Skelton Council Member Skelton stated that he has a lot of concerns about vacant properties in his district and asked if this would be used primarily to address vacant properties.
- Mary K. Vaughn Director of Housing and Community Services stated yes, abandoned properties and that this is an existing law and something that we can use without any additional action on our part.
- Council Member Fearey Council Member Fearey asked how many properties they expect to fix up with this money.
- Mary K. Vaughn Director of Housing and Community Services stated depending on the needs of the property, probably no more than two initially but the goal is to fix the property and then sell it and as they receive proceeds from the sales they will be able to continue. The money will go back into their program income that could be allocated to community housing or it could go to other non-profits.
- Council Member Fearey Council Member Fearey stated if she is not mistaken, community housing focuses on just one part of town.
- Mary K. Vaughn Director of Housing and Community Services stated that they have a specific target area, which is expanding but generally it is in District I but they are starting to do some work in District III. Stated it is not city wide
- Council Member Fearey Council Member Fearey stated she is okay with this today but thinks they can do more than one property and this should be leverage money that they can use to bring in other resources and as houses are rehabbed and sold, that we need to look carefully at either community housing services expanding to city wide or the four districts eligible for CDBG money or some of that money being put into other uses for the same use but other agencies.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion--  
--carried Mayans moved that the reallocation of CDBG funds from the 2005-2006 contract between the City and Community Housing Services to establish the Hazardous Housing Prevention/Elimination Program be approved and the necessary signatures authorized. Motion carried 6 to 0.

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WATERMAN

## WATERMAN STORM WATER DRAIN AND PAVING IMPROVEMENTS, BETWEEN MAIN STREET AND WASHINGTON. (DISTRICT I)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 07-0078

The construction of the downtown sports arena will necessitate the installation of a storm water drainage system for the immediate arena area. An opportunity exists to improve drainage within the surrounding central business district, as well as to improve Waterman street paving to provide an improved central corridor to and from the arena. On May 16, 2006, the City Council approved Phase I of the project from the Arkansas River to Main Street. All District Advisory Boards have reviewed the project and have indicated support of it. Sedgwick County has agreed to fund the storm water sewer portion of the project that relates to the size needed for the sports arena. A City/County agreement has been prepared to provide a basis for the County's contribution.

The project will reconstruct Waterman from Main Street to approximately 150 feet west of Washington. Waterman, from Main to the railroad overpass will be reconstructed to provide two through lanes in each direction. The new lanes will be wider than the existing lanes. Parallel parking along Waterman will be eliminated, but sidewalk on both side of the street will increase to 10 feet in width. Trees, pedestrian lighting and raised planters will be incorporated into the sidewalk areas. Waterman from the railroad overpass to Washington will be reconstructed to provide two through lanes in each direction and a two-way center left-turn lane. The sidewalks in this area will be seven feet in width. Pedestrian lighting will be incorporated into this section, but no trees or planters due to the narrower sidewalks.

Phase I of this project extended a large storm sewer box and a 48" waterline from the Arkansas River to Main Street. The same storm sewer system will be extended east to and under the railroad underpass, past the Sports Arena site. The 48" waterline will be extended east to the project limits. An additional storm sewer will be constructed from the east side of the railroad overpass to Washington to provide drainage for the east project area. The project also includes construction of a common utility duct bank from Main to Washington to be used by Westar and Cox Communication so that their facilities will be underground as required by their franchise agreements. Westar and Cox will reimburse the City for their respective costs of the duct bank. AT& T will reimburse the City for the cost of project modifications to allow their existing facilities to remain in place. Relocation of the AT&T facilities would have delayed the project.

On May 16, 2006, the City Council authorized \$1,500,000 for Phase I (Arkansas River to Main Street) of the Waterman project. \$300,000 is remaining in that budget. The estimated cost of Phase II (Main Street to Washington) is \$9,125,000 with \$3,900,000 paid by General Obligation (G.O.) bonds, \$3,000,000 by the Water Utility, \$1,100,000 more or less by the County, and \$1,125,000 by private Utility funds. Funding for the G.O. bond share of the project is available from the Downtown Parking/Street Improvement project contained in the current Capital Improvement Program, which includes a total of \$3,000,000 available funding through 2008, \$600,000 from the Emporia, Kellogg to Lewis, project and the \$300,000 remaining from the Phase I project.

This project addresses the Efficient Infrastructure goal by improving an important transportation link through downtown. It also addresses the Dynamic Core area and Vibrant Neighborhoods goal by providing drainage and street improvements needed for the new arena and surrounding area.

The Law Department has approved the authorizing Resolution and City/County agreement as to legal form. The agreements with the private Utilities will be returned to the City Council at a later date.

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Mayor Mayans

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

Motion--  
--carried

Brewer moved that the project be approved; the Resolution adopted; the City/County Agreement approved and the necessary signatures authorized. Motion carried 6 to 0.

## RESOLUTION NO. 07-055

A resolution amending Resolution No. 06-223 of the City of Wichita, Kansas, authorizing the issuance of bonds by the City of Wichita at large to construct a storm water drain along Waterman Street, between the Arkansas River and Washington (468-84167), presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

PETITION

**PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LOTS 8, 9, AND 10, BLOCK 1, BELLE TERRE SUTH SECOND ADDITION, NORTH OF KELLOGG, WEST OF 159<sup>TH</sup> STREET EAST. (DISTRICT II)**

Jim Armour

City Engineer reviewed the item.

(Council Member Fearey momentarily absent)

Agenda Report No. 07-0079

The signatures on the Petition represent 2 of 2 (100%) resident owners and 63.77% of the improvement district area. District II Advisory Board sponsored a January 8, 2007, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

The project will construct a sanitary sewer for an undeveloped residential area.

The estimated project cost is \$25,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.48 per square foot of ownership.

This project addresses the Efficient Infrastructure goal by extending sanitary sewer service required to develop vacant lots.

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

Mayor Mayans

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

Motion--  
--carried

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

## RESOLUTION NO. 07-056

Resolution of findings of advisability and resolution authorizing construction of Lateral 403, Four Mile Creek Sewer (north of Kellogg, west of 159<sup>th</sup> Street East) 468-84311, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## PETITION

### PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE LOTS 9, 10, AND 11, BLOCK 1, BELLE TERRE SOUTH SECOND ADDITION, NORTH OF KELLOGG, WEST OF 159<sup>TH</sup> STREET EAST. (DISTRICT II)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 07-0080

The signatures on the Petition represent 2 of 2 (100%) resident owners and 65.37% of the improvement district area. District II Advisory Board sponsored a January 8, 2007, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

The project will construct a water distribution system for an undeveloped residential area.

The estimated project cost is \$10,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.23 per square foot of ownership.

This project addresses the Efficient Infrastructure goal by extending a water distribution system necessary to develop vacant lots.

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

Mayor Mayans

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

Motion--  
--carried

Schlapp moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

#### RESOLUTION NO. 07-057

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90274 (north of Kellogg, west of 159<sup>th</sup> Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## PETITION

### PETITION TO PAVE GRAND MERE COURT ADJACENT TO LOTS 9, 10, 11 AND 12, BLOCK 1, BELLE TERRE SOUTH SECOND ADDITION, NORTH OF KELLOGG, WEST OF 159<sup>TH</sup> STREET EAST. (DISTRICT II)

Agenda Report No. 07-0081

The signatures on the Petition represent 2 of 2 (100%) resident owners and 74.54% of the improvement district area. District II Advisory Board sponsored a January 8, 2007, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

The project will provide street paving for an undeveloped residential area.

The estimated project cost is \$40,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.76 per square foot of ownership.

This project addresses the Efficient Infrastructure goal by providing street paving necessary to develop vacant lots.

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

Mayor Mayans

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

Motion--  
--carried

Schlapp moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

## RESOLUTION NO. 07-058

Resolution of findings of advisability and resolution authorizing constructing pavement on Grand Mere Ct., west of the cul-de-sac (north of Kellogg, west of 159th St. East) 472-84502, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## PETITION

### **PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE THE SCHULTE AREA, NORTH OF MACARTHUR, WEST OF MAIZE. (DISTRICT IV)**

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 07-0082

The signatures on the Petition represent 18 of 31 (58.06%) resident owners and 53.65% of the improvement district area. District IV Advisory Board sponsored a January 10, 2007, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

The project will construct a sanitary sewer for a developed residential and commercial area that is currently served by private septic tank systems.

The estimated project cost is \$167,000 with the total assessed to the improvement district. In addition, a sewer main benefit fee of \$16,800 will be assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.35 per square foot of ownership plus \$00.035 per square foot for the main benefit fee.

This project addresses the Efficient Infrastructure and Vibrant Neighborhoods goals by extending sanitary sewer service to 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 property in the improvement district.

Mayor Mayans

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

Motion--  
--carried

Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0.

## RESOLUTION NO. 07-059

Resolution of findings of advisability and resolution authorizing construction of Lateral 2, Main 7, Cowskin Interceptor Sewer, (north of MacArthur, west of Maize) 468-84310, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## FLOOD DAMAGE

### ADOPT UPDATED FLOOD DAMAGE PREVENTION.

Chris Carrier

Public Works Director reviewed the item.

Agenda Report No. 07-0083

In 1986, the City of Wichita entered the Federal Flood Insurance Program. Flood Insurance was made available to the citizens of our community providing that the City began regulating development near floodplains in accordance with minimum Federal Emergency Management Agency (FEMA) standards, as adopted in City Code Chapter 27.04.

FEMA will be publishing new flood maps and flood insurance study for our community on February 2, 2007. The new maps will be in a countywide format that includes all incorporated communities and unincorporated Sedgwick County. FEMA is requiring our flood ordinance to be replaced with their model ordinance to be consistent with the requirements of the National Flood Insurance Program (NFIP) as defined in 44 Cod of Federal Regulations (CFR) 59.22(a)(3) and 44 CFR 60.3(d). The following items are the major differences between our current Flood Damage Prevention ordinance and FEMA's model ordinance:

- Removed special requirements for development within the North Fork Calfskin Creek, new maps include the Dry Creek Diversion.
- The format and organization of the flood ordinance is standardized similar to other cities in Kansas.
- The following definitions were added: 100-year Flood; Accessory Structure; Administrator; Agency; Appurtenant Structure; Basement; Building; Chief Engineer; Chief Executive Office or Chief Elected Official; Community; Elevated Building; Eligible Community or Participating Community; Existing Construction; Existing Manufactured Home Park or Subdivision; Expansion to an Existing Manufactured Home Park or Subdivision; Flood or Flooding; Flood Elevation Determination; Flood Elevation Study; Floodplain or Flood-prone Area; Floodplain Management; Floodplain Management Regulations; Floodproofing; Floodway Encroachment Lines; Freeboard; Functionally Dependent Use; Historic Structure; Lowest Floor; Map; Market Value or Fair Market Value; Mean Sea Level; New Manufactured Home Park or Subdivision; NFIP; Participating Community; Permit; Person; Principally Above Ground; Reasonably Safe From Flooding; Recreational Vehicle; Remedy A Violation; Risk Premium Rates; Special Flood Hazard Area; Special Hazard Area; State Coordinating Agency; Substantial improvement to existing manufactures home parks or subdivisions; Violation; and Water Surface Elevation.
- The following definitions were revised: Actuarial Rates; Appeal; Area of Shallow Flood; Area of Special Flood Hazard; Develop; Existing Construction; Flood Fringe; Flood Insurance Rate Map (FIRM); Flood Insurance Study (FIS); Floodway or Regulatory Floodway; Manufactures Home; Manufactured Home Park or Subdivision; New Construction; Start of Construction; Structure; and Variance.
- Raised the lowest floor elevation for all new residential structures and nonresidential construction to two (2) feet above the base flood elevation in all flood zones. Current ordinance requires the lowest floor to be elevated one foot above the base flood elevation.
- Raised the lowest floor elevation for all new residential structures and nonresidential construction in areas of shallow flooding to be elevated two (2) feet above the depth number specified on the Flood Insurance Rate Maps (FIRM) and three (3) feet if no depth is specified. Current ordinance requires the lowest floor to be elevated one foot above the depth number on the FIRM and two feet if no depth is specified.

There will be no impact to the city's budget by the approval of this Ordinance. The impact on the development community will be relatively minor due to the current design standards by most engineering consultants. Any increase in building costs could easily be offset by a future reduction in flood losses.

This ordinance addresses the Ensure Efficient Infrastructure goal by requiring development standards to reduce flooding risks in and near flood prone properties.

The Law Department has approved the ordinance as to form.

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- Mayor Mayans Mayor Mayans asked if the elevation is from one foot to two feet is it retroactively imposed.
- Chris Carrier Public Works Director explained that it would be for construction from the date of the passage of the ordinance on.
- Mayor Mayans Mayor Mayans stated that in the news media they reported that staff wanted us to do this and that we would also have a consultant looking into how to refute some of the things that the federal agencies are saying.
- Chris Carrier Public Works Director stated that the action that the Council took a few weeks ago has to do with the northfork of the Calfskin Creek and in the 1986 flood maps, there were no flood hazard areas identified out in the area of 135<sup>th</sup> and 13<sup>th</sup> Street where this diversion occurs. Stated that these new flood maps that were just issued Friday do show an area of diversion and does map an area of diversion. Stated that is the best available information that they have now and that study was done by the Core of Engineers. Stated that they have reason to question some of the things they did when they studied that and they think that diversion may not be mapped as accurately as it could be and so the action that the Council took a few weeks ago was to hire a company to go out and actually do some on ground surveys to make sure that they have that right and that may or may not result in a future map amendment to the maps that FEMA published last week, depending on what that shows. Stated that none of that necessarily affects this ordinance that staff is asking the Council to place on first reading today. Stated those standards that are in ordinance apply to all flood hazard areas that are mapped no matter where they are.
- Mayor Mayans Mayor Mayans asked what the consequences would be if this ordinance was not adopted.
- Chris Carrier Public Works Director stated it would put us not in compliance with the National Flood Insurance Program and would probably result in FEMA taking some action to withdraw flood insurance from the properties that have it inside of our City. Stated that the flood insurance is made available through the Federal Government and this is part of the flood insurance program, having an ordinance to regulate flood plain development. Stated it is a condition to having that insurance available in Wichita.
- Council Member Skelton Council Member Skelton stated he lives along the Gypsum Creek and is also on a member of the Flood Plain Task Force and they have discussed some of these issues. Stated that for year's people have lived in the flood plain and some did not know that they lived in the flood plain and it was discussed that maybe these people should be notified of this. Stated there was no requirement to carry insurance and asked why all of a sudden thousands of people in this community are now going to be required and where is this requirement coming from.
- Chris Carrier Public Works Director stated it is part of the National Flood Insurance Program and not everybody that has property in a flood plain is going to have to go out and buy flood insurance because of this ordinance or the maps that were issued by FEMA last week. Stated any lending institution that loans money to people that buy property now require that if you have a mortgage you are going to have to buy flood insurance and that is their stipulation and not the City's. If you do not have a mortgage you do not have to buy it.
- Council Member Skelton Council Member Skelton stated that when we looked at the 1986 maps there was an error in his neighborhood and there were houses depicted outside of the flood plain and they were actually in the flood plain. Stated his house was depicted in the flood plain, which was an error. Stated that he had to pay \$350.00 to prove to the feds and this is a public costs for an error that he feels should not have been his responsibility. Asked how accurate the new maps are and he finds it unfair when he is faced with an inaccuracy from the federal government that he has to rectify the cost himself as a private citizen.

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- Chris Carrier Public Works Director stated the initial flood maps that were put out in 1986 by FEMA were not the most accurate flood maps and that is why every since 1986, staff has continually pushed to update those flood maps through FEMA's processes when staff found that there were errors in those maps. Stated the maps that were published last week are a lot more accurate than the maps that were published in 1986 but they still have a ways to go. Stated that part of the problem deals with how flat our community is. Stated FEMA can map within a foot to a half a foot accuracy and that is all. Stated that there are a lot of lots in town that are very flat and when you get to that point you almost have to look at the exact structure and survey it to make a determination whether it is in or out. Stated that the requirement for flood insurance is a lending institution requirement and not a City requirement.
- Council Member Skelton Council Member Skelton stated that we build these new projects and what exist there today may be different from a couple of years from now and asked about the flood elevations in those areas and will we have to revise the flood elevations in those areas to the FEMA maps after the project construction and asked how that will work.
- Chris Carrier Public Works Director explained that as development occurs in the City, there are two things you have to look at, what is going on within that development and what is going on outside of that development either upstream or downstream. Stated one of the things they are beginning to work on now as they get better with the flood maps is to look at what they call an ultimate built-out develop scenario in a basin. Stated they will try to determine what might that additional development do to flood levels in the future and how much more will it increase those flood levels in the future and some of the studies that they are doing now, require that the people who do the studies actually determine that so they can bracket the bounds of what you might expect during a flood event. Stated they did that in Spring Creek out in southeast Wichita a couple of years ago with a study that they did there and it showed that whole area could develop in only increase flood levels a half a foot.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Council Member Skelton Council Member Skelton stated he knows this needs to be done and it is imperative that the community have accurate flood maps and one of his biggest concerns was about those inaccuracies. Stated that he does not like the part where the private sector has to bare the cost of providing a letter of map amendment to the federal government to prove that their property is out of the flood plain.
- Motion--carried Gray moved that the Ordinance be placed on first reading. Motion carried 5 to 1, (Mayans-nay).

## ORDINANCE

An Ordinance repealing Chapter 27.04 and creating Chapter 27.08 of the code of the City of Wichita, Kansas all pertaining to flood damage prevention, introduced and under the rules laid over.

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## PLANNING AGENDA

Motion--  
--carried

Mayans moved that Planning Consent items 46-60 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0.

CUP2006-00044

### CUP2006-00044-AMENDMENT #5 FOR PARCEL 3A OF DP-151 DUGAN CENTRE COMMERCIAL COMMUNITY UNIT PLAN TO ALLOW THREE MONUMENT STYLE SIGNS. GENERALLY LOCATED SOUTH OF TAFT AND WEST OF DUGAN ROAD, 6803 WEST TAFT. (DISTRICT V)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 07-0086

MAPC Recommendations: Deny, based on staff recommendation (9-3).

MAPD Staff Recommendations: Deny.

DAB Recommendations: Deny, based on staff recommendation (8-0).

The applicant requests Amendment #5 for Parcel 3A of DP-151 Dugan Centre Commercial Community Unit Plan to change the signage provisions for this parcel. The applicant wishes to have three monument style signs on this parcel, where no signs are currently permitted, for retail strip-type commercial development.

The subject property is located south of Taft, between Dugan Road and Ridge Road. North of the site is the "SF-5" Single-family Residential zoned Westerlea Village Addition residential neighborhood, and south of Taft is the "GC" General Commercial zoned DP-151 and associated commercial development.

DP-151 General Provisions 3.c. and 3.d. state:

Signs shall not exceed 20 feet in height on Parcels 1, 3A, 3C, and 4, except that one sign shall be permitted at a height not to exceed 40 feet (per Amendment #4 approved 02/05/04).

Parcels 1, 3A, and 3C shall be limited to 2 monument-type freestanding signs along the Taft street frontage. Parcel 4 shall be limited to 1 monument-type sign along the Taft street frontage.

Parcel 3C was split off from Parcel 3A via a recent administrative adjustment involving the current applicant. Parcel 1 constructed a 40-foot tall sign for a department store, and Parcel 3C constructed a 10-foot tall monument sign for a restaurant. As these two signs now exist, no additional signage rights under the CUP exist for the applicant on Parcel 3A. The applicant desires more signage for Parcel 3A and therefore filed this CUP amendment for three monument signs. The application area is currently developed with two of four planned strip commercial buildings located 58 feet south of Taft. The buildings are authorized for lit building signage in accordance with the Sign Code.

# CITY COUNCIL PROCEEDINGS

The subject site is part of a CUP with many changes through amendments and adjustments. The CUP was originally designed to protect the Westerlea Neighborhood from incompatible commercial development; this was originally achieved through a 100-foot building setback from Taft. Amendment #3 in 2003 reduced the building setback from 100 feet to the current building setback of 35-feet. This amendment was done with provisions for a 20-foot landscape buffer along Taft, and sign limitations to two 20-foot tall monument signs on Parcels 1 and 3A. A subsequent adjustment reduced the landscape strip to 10-foot width provisions for specific plantings. Amendment #4 in 2004 allowed the sign on Parcel 1 to increase in height to 40 feet. The Westerlea Neighborhood has been involved in all public hearings regarding this CUP; they have generally opposed an increase in signage visible from their neighborhood.

DAB V heard this request on December 4, 2006. Two residential neighbors of the site spoke against the request. The DAB recommended denial by a vote of 8-0. MAPC then heard the request on December 7, 2006. One residential neighbor spoke against the request. MAPC denied the request by a vote of 9-3. The applicant protested the MAPC decision, sending the request to the City Council.

Ensure Economic Vitality.

Motion--  
--carried

Fearey moved that the Council concur with the findings of the MAPC and deny the request. Motion carried 6 to 0.

## DR2005-21

### DR2005-21-PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE PERTAINING TO THE RECOMMENDATIONS FROM THE MCCONNELL AIR FORCE BASE JOINT LAND USE STUDY.

John Schlegel

Planning Director reviewed the item.

(Council Member Skelton momentarily absent)

(Council Member Brewer momentarily absent)

Agenda Report No. 07-0087

On November 14, 2006, the City Council accepted the recommendations of the McConnell Air Force Base Joint Land Use Study Implementation Coordinating Committee and directed staff to proceed with implementing the recommendations, including several proposed amendments to the Wichita-Sedgwick County Unified Zoning Code. Staff has devised a four-step process for considering the proposed amendments to the Unified Zoning Code and applying these amendments to properties surrounding McConnell Air Force Base.

Each step in the process provides opportunities for public input, including in some cases an "open house" to informally answer citizen's questions one-on-one. Also, property owners will receive notification in the mail for each step in the process that involves changing the zoning of their property. The following table describes the proposed implementation steps, and the anticipated date of consideration by the City Council.

Implementation Step	Council Meeting
1. Create the Air Force Base and Industrial Park – Airport Zoning Districts and the Anti-Terrorism/Force Protection Overlay District	February 6, 2007
2. Rezone properties to the Air Force Base Zoning District and the Anti-Terrorism/Force Protection Overlay District	April 10, 2007
3. Amend the Airport Overlay District	June 12, 2007
4. Rezone properties to the Industrial Park – Airport Zoning District	September 11, 2007

# CITY COUNCIL PROCEEDINGS

Step one in the process is amending the Unified Zoning Code to create the Air Force Base and Industrial Park – Airport Zoning Districts and the Anti-Terrorism/Force Protection Overlay District. The proposed amendments are shown in detail in the ordinance. The following is a summary of the proposed amendments:

1. A new AFB, Air Force Base Zoning District is proposed to be created. This zoning district would be the most intense zoning district in the zoning code hierarchy, meaning that properties in the other zoning districts would not be required to provide screening or buffers from McConnell Air Force Base. Additionally, this zoning district will impose no use restrictions or development standards, which formalizes current practice.
2. A new AT/FP-O, Anti-Terrorism/Force Protection Overlay District is proposed to be created in order to reduce potential threats to base property and personnel from terrorists. The overlay district would limit new structures within the overlay district to a height of 25 feet. Existing structures would be allowed to remain and could even be reconstructed at their existing height. Also, an administrative process is proposed that would allow new structures to exceed 25 feet in height if base property would not be visible from the new structure.
3. A new IP, Industrial Park – Airport Zoning District is proposed to be created that would permit industrial uses that are classified as compatible with the operation of an Air Force Base by the Federal Land Use Compatibility Guidelines. The proposed new zoning district would include a provision that would allow non-conforming uses in the district to continue and/or to be replaced, including with a use of equal or lesser intensity.

On January 4, 2007, the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) held a public hearing regarding the proposed amendments to the Unified Zoning Code. Notification of the public hearing was published in the official County newspaper on December 14, 2006. No citizens attended the public hearing to express their views on the proposed amendments. The MAPC voted (12-0) to recommend adoption of the proposed amendments.

The proposed amendments address the Safe and Secure Community Goal by establishing zoning restrictions that help protect McConnell Air Force Base from terrorist attack. The proposed amendments address the Economic Vitality and Affordable Living Goal by establishing reasonable growth management policies that help balance future operations at McConnell with the growth needs of the City.

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

Motion--  
--carried

Mayans moved that the proposed amendments to the Wichita-Sedgwick County Unified Zoning Code be adopted and the ordinance placed on first reading. Motion carried 5 to 0, (Brewer absent).

## ORDINANCE

An Ordinance creating Section III-b.16a., Section III-b.21., Section III-c.9., Section III-d.6.11., Section V-I-2.o., and Section VII-a.4. of the Wichita-Sedgwick County Unified Zoning Code and amending the use regulations schedule of Section III-d. and Section III-d.6. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, pertaining to the recommendations from the McConnell Air Force Base Joint Land Use Study, introduced and under the rules laid over. (DR2005-21),

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ZON52005-00017

**ZON2005-00017-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM “SF5” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF HARRY AND 600 FEET WEST OF WEBB ROAD. (DISTRICT II)**

Agenda Report 07-0088

On July 12, 2005, the City Council approved the zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial. Approval of the request was subject to the conditions of platting the property within one year, dedication of 20 feet of right-of-way on Harry and dedication of access control on Harry, except for one opening to be determined at the time of platting. The applicant has failed to plat within the one-year time limit, and now requests a one-year platting extension.

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 zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

Ensure Efficient Infrastructure.

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 July 12, 2007 be approved. Motion carried 6 to 0.

ZON2006-00051

**ZON2006-00051-ZONE CHANGE FROM “SF-5” SINGLE FAMILY RESIDENTIAL TO “LI” LIMITED INDUSTRIAL. GENERALLY LOCATED MIDWAY BETWEEN 29<sup>TH</sup> STREET NORTH AND 37<sup>TH</sup> STREET NORTH, WEST OF RIDGE ROAD. (DISTRICT V)**

Agenda Report No. 07-0089

MAPC Recommendations: Approve, subject to staff recommendations (13-0).

MAPD Staff Recommendations: Approve, subject to platting within one year.

DAB Recommendations: N/A

The applicant requests a zone change from “SF-5” Single-Family Residential to “LI” Limited Industrial on a 1.50-acre platted tract located midway between 29th Street North and 37th Street North, west of Ridge Road. The subject property was developed as a sand pit, but is now currently undeveloped. The applicant proposes the zone change to allow expansion of the undeveloped existing “LI” zoning abutting the subject’s property to the south and west sides. This case was published as a “SF-20” to “LI” request, since the site was located in the county at the time of application. A request to annex the property was filed after the county zone change was filed.

The surrounding area is characterized by The Big Slough North drainage, sandpits and retention ponds/drainage reserves, large undeveloped industrial and single-family residential tracts, commercial and office developments, medical and dental services, mixed with the predominate single-family residential developments and small duplex and multi-family residential development. Nonresidential construction is a recent development, with building beginning in 2000 and continuing to the present. Residential construction appears to have begun in the 1990s and continues to the present. There has not been any industrial development in the area. Railroad right-of-way (ROW) runs northwest to southeast through the area. The undeveloped industrial portion of the area abuts and runs parallel to the railroad ROW.

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The large tract abutting the north side of the subject property is zoned "SF-5" and was a large sandpit. The subject site is a part of this tract. An isolated section of the "SF-5" zoned tract, across the sand pit and a drainage channel northeast of the subject site, is also a part of the above-mentioned large tract. The properties south and east of the subject site are zoned "LI". There is currently no development occurring on this eastern property. Property abutting the north side of the subject property is zoned "SF-5" and the property directly west of the subject site is zoned "RR," with both sites not currently developed.

At the MAPC meeting held December 7, 2006, MAPC voted (13-0) to approve subject to platting within one year. Subject site was annexed into the city by the Wichita City Council on November 14, 2006.

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

Promote Economic Vitality.

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

Motion--

Mayans moved that the findings of the MAPC be adopted and the zone change subject to platting within one year be approved and the publication of the ordinance withheld until the plat is recorded.

--carried

Motion carried 6 to 0.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (ZON2006-00051)

ZON2006-00055

**ZON2006-00055-ZONE CHANGE FROM "SF-5" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL. GENERALLY LOCATED SOUTH OF I-235 AND NORTH OF MACARTHUR ROAD ON THE EAST SIDE OF WEST STREET. (DISTRICT IV)**

Agenda Report No. 07-0090

MAPC Recommendations: Approve, subject to staff recommendations (11-0).

MAPD Staff Recommendations: Approve, subject to platting within one year.

DAB Recommendations: N/A

The applicant requests a zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial on a 1.60-acre unplatted tract located one-quarter mile south of I-235 on the east side of West Street. The subject property was used as a warehouse/storage oriented use, but the existing structures are now currently vacant. The applicant proposes the zone change to develop the land for limited industrial uses, one of which being an irrigation system contractor and to allow expansion of the existing development of "LI" zoning abutting the subject's property to the north, south and east sides. This case is published as a "SF-20" to "LI" request, but annexation for the subject property has been requested.

The surrounding area is characterized by large developed and undeveloped industrial tracts, with the developed tracts containing industrial and commercial uses. North of the application area is an "LI" zoned property used for plastic material manufacturing. East of the site is an "LI" zoned property developed with commercial uses. South of the site is an "LI" zoned property developed with warehouses/storage-oriented uses. West of the site is an "LI" zoned property developed with contract construction services.

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At the MAPC meeting held January 4, 2007, MAPC voted (11-0) to approve subject to platting within one year. Subject site was annexed into the city by the Wichita City Council on January 9, 2007.

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

Promote Economic Vitality.

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

Motion--

Mayans moved that the findings of the MAPC be adopted and the zone change subject to platting within one year be approved and the publication of the ordinance withheld until the plat is recorded.

--carried

Motion carried 6 to 0.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. (ZON2006-00055)

**DR2006-19**

**DR2006-19-REQUEST FOR A STREET NAME CHANGE FROM ANDREA COURT TO MICHELLE COURT, LOCATED SOUTH OF HARRY AND WEST OF 127<sup>TH</sup> STREET EAST; AND DR2006-20-REQUEST FOR A STREET NAME CHANGE FROM ANDREA COURT TO MICHELLE STREET, LOCATED SOUTH OF HARRY AND WEST OF 127<sup>TH</sup> STREET EAST. (DISTRICT II)**

Agenda Report No. 07-0091

Staff Recommendation: Approve the street name changes.

On November 6, 2006, the Address Committee recommended that the street name changes be approved. The Metropolitan Area Planning Commission approved the requests on January 4, 2007.

The intent of the street name changes is to have Andrea Court (Lots 7-12, Block E, Tara Falls Addition) renamed as Michelle Court and to have Andrea Court (Lots 13, 20-23, Block E, Tara Falls Addition) renamed as Michelle Street to match the connecting street to the south.

Ensure Efficient Infrastructure.

Motion--

Mayans moved that the street name changes be approved and the Ordinance placed on first reading.

--carried

Motion carried 6 to 0.

## ORDINANCE

An Ordinance changing a street name from Andrea Court to Michelle Court and Andrea Court to Michelle Street introduced and under the rules laid over. (DR 2006-19)

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SUB2004-147

## SUB2004-147-PLAT OF PIER 37 ADDITION, LOCATED ON THE SOUTH SIDE OF 37<sup>TH</sup> STREET NORTH AND ON THE WEST SIDE OF RIDGE ROAD. (DISTRICT V)

Agenda Report No. 07-0092

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 31 lots on 59.29 acres, has recently been annexed into Wichita's city limits. A portion of this site was approved for a zone change (ZON 2004-42) from "SF-20" Single-family Residential District to "LC" Limited Commercial District. This plat is also subject to a Protective Overlay (P-O #146) addressing permitted uses, signs, screening and building materials. A Notice of Protective Overlay has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water and paving improvements. An Access Easement for Emergency Ingress and Egress has also been submitted.

Restrictive Covenants were submitted to: 1) provide maintenance of the emergency access easement; 2) provide for the ownership and maintenance of the proposed reserves and private street; and 3) provide four off-street spaces per dwelling unit on each lot. Narrow street right-of-way with adjacent 15-foot street drainage and utility easements will be platted; therefore, a Restrictive Covenant was submitted outlining restrictions for lot-owner use of these easements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Protective Overlay, Certificate of Petitions, Cross-lot Access and Easement, Cross-lot Drainage Agreement and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the ordinance placed on first reading. Motion carried 6 to 0.

### RESOLUTION NO. 07-060

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90272 (south of 37<sup>th</sup> Street North, west of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

### RESOLUTION NO. 07-061

Resolution of findings of advisability and resolution authorizing construction of Lateral 518, Southwest Interceptor Sewer (south of 37<sup>th</sup> Street North, west of Ridge) 468-84303, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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SUB2006-29

## SUB2006-29-PLAT OF TURKEY CREEK THIRD ADDITION, LOCATED ON THE NORTH SIDE OF PAWNEE AND ON THE EAST SIDE OF 135<sup>TH</sup> STREET WEST. (DISTRICT IV)

Agenda Report No. 07-0093

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-1) The negative vote reflected a Commissioner's concern regarding the paving of 135th Street West.

This site, consisting of 536 lots on 247.4 acres, was recently annexed into the City of Wichita and is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, drainage, paving and left-turn lane improvements. A Restrictive Covenant was submitted to provide for the ownership and maintenance responsibilities of the reserves being platted and to maintain the parking strip located between this site's south property line and driving surface for Pawnee. A Restrictive Covenant was also submitted to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Notice to Public was submitted outlining restrictions involving access from this subdivision to 135th Street West.

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

There are no financial considerations.

Ensure Efficient Infrastructure.

The Certificate of Petitions, Restrictive Covenants and Notice to Public will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved to approve the documents and plat; authorize the necessary signatures and adopt the resolutions. Motion carried 6 to 0.

### RESOLUTION NO. 07-062

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90262 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

### RESOLUTION NO. 07-063

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90263 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

### RESOLUTION NO. 07-064

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90264 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-065

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90265 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-066

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90266 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-067

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90267 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-068

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System No. 448-90268 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-069

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90269 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-070

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Nu. 448-90270 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-071

Resolution of findings of advisability and resolution authorizing construction of Later Lateral 4, Main 6, Cowskin Interceptor Sewer, 468-84287 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-072

Resolution of findings of advisability and resolution authorizing construction of Lateral 5, Main 6, Cowskin Interceptor Sewer, 468-84288 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-073

Resolution of findings of advisability and resolution authorizing construction of Lateral 6, Main 6, Cowskin Interceptor Sewer, 468-84289 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-074

Resolution of findings of advisability and resolution authorizing construction of Lateral 7, Main 6, Cowskin Interceptor Sewer, 468-84290 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-075

Resolution of findings of advisability and resolution authorizing construction of Lateral 8, Main 6, Cowskin Interceptor Sewer, 468-84291 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-076

Resolution of findings of advisability and resolution authorizing construction of Lateral 9, Main 6, Cowskin Interceptor Sewer, 468-84292 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-077

Resolution of findings of advisability and resolution authorizing construction of Lateral 10, Main 6, Cowskin Interceptor Sewer, 468-84293 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-078

Resolution of findings of advisability and resolution authorizing construction of Lateral 11, Main 6, Cowskin Interceptor Sewer, 468-84294 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-079

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 314, 468-84296 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-080

Resolution of findings of advisability and resolution authorizing constructing pavement on Wheatland, from the south line of the plat, north to the north line of Lot 119, Block A, on Blake, from the west line of Wheatland, West to the west line of Lot 17, Block B, and on Limuel from the north line of Blake, north to the north line of Lot 16, Block G and on Wheatland Ct. from the east line of Wheatland East and south to and including the cul-de-sac, on Limuel Cir. from the south line of Blake, south to and including the cul-de-sac, and on Limuel Ct. from the east line of Limuel, east to and including the cul-de-sac and that sidewalk be constructed along one side of Wheatland, Blake and Limuel, 472-84486 north of Pawnee, east of 135<sup>th</sup> St. West) IN the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-081

Resolution of findings of advisability and resolution authorizing construction pavement on Wheatland, from the north line of Lot 119, Block A, north to the west line of Lot 104, Block A, on Grant, from the west line of Wheatland, west to the west line of Lot 73, Block H, and on Limuel from the north line of Lot 16, Block G, north to the south line of Grant and on Grant Ct. from the north line of Grant, north to and including the cul-de-sac, and on Limuel ct. from the east line of Limuel, east to and including the cul-de-sac and that sidewalk be constructed along one side of Wheatland, Limuel, and Grant 472-84487 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-082

Resolution of findings of advisability and resolution authorizing construction pavement on Wheatland, from the west line of Lot 104, Block A, north to the south line of Jewell, and on Jewell, from the east line of Wheatland, west to the west line of Lot 24, Block H and on Wheatland Ct. from the west line of Wheatland, west to and including the cul-de-sac, on Jewell Cir. from the north line of Jewell, north and east to and including the cul-de-sac, on Jewell Ct. (Lots 68 through 81, Block A) from the north line of Jewell, north to and including the cul-de-sac; and on Jewell Ct. (Lots 56 through 67, Block A) from the north line of Jewell, north to and including the cul-de-sac and that sidewalk be constructed along one side of Wheatland and Jewell, 472-84488 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-083

Resolution of findings of advisability and resolution authorizing construction pavement on Jewell, from the west line of Lot 24, Block H, west to the west line of Lot 36, Block D, and on Hickory Creek from the south line of Jewell, south to the south line of Lot 77, Block H and on Jewell Ct. (Lots 44 through 55, Block A) from the north line of Jewell, north to and including the cul-de-sac; on Jewell Ct. (Lots 36 through 45, Block D) from the south line of Jewell, south to and including the cul-de-sac, on Hickory Creek Ct. (Lots 1 through 18, Block H) from the east line of Hickory Creek, east to and including the cul-de-sac; and on Hickory Creek Ct. (Lots 30 through 43, Block A) from the north line of Jewell, north to and including the cul-de-sac and that sidewalk be constructed along one side of Jewell and Hickory Creek, 472-84489 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-084

Resolution of findings of advisability and resolution authorizing constructing pavement on Jewell, from the west line of Lot 36, Block D, west to the west line of the plat and on Jewell Ct. (Lots 1 through 7, Block A), from the north line of Jewell, north to and including the cul-de-sac, on Jewell Ct. (Lots 8 through 23 Block A), from the north line of Jewell, north to and including the cul-de-sac, on Jewell Ct. (Lots 1 through 13, Block D), from the south line of Jewell, south to and including the cul-de-sac, on Jewell Ct. (lots 14 through 25, Block D), from the south line of Jewell, south to and including the cul-de-sac, and on Jewell Ct. (Lots 26 through 35, Block D) from the south line of Jewell, south to and including the cul-de-sac and that sidewalk be constructed along one side of Jewell, 472-84490 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-085

Resolution of findings of advisability and resolution authorizing constructing pavement on Blake, from the west line of Lot 17, Block B, west to the west line of Lot 19, Block C, on Liberty from the north line of Blake, north to the north line of Lot 12, Block E, and on Hickory Creek from the south line of the plat, north to the south line of Blake and on Liberty Cir. from the south line of Blake, south to and including the cul-de-sac, on Blake Ct. (Lots 33 through 47, Block F), from the north line of Blake, north to and including the cul-de-sac, and on Blake Ct. (Lots 18 through 31, Bblock B), from the south line of Blake, south to and including the cul-de-sac and that sidewalk be constructed along one side of Blake, Liberty, and Hickory Creek, 472-84491 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-086

Resolution of findings of advisability and resolution authorizing constructing pavement on Blake, from the west line of Lot 19, Block C, west to the east line of Saddle, on Saddle from the south line of Blake, north to the south line of Grant, on Grant from the west line of Lot 73, Block H, west to the west line of Lot 76, Block D, on Liberty from the north line of Lot 12, Block E, north to the south line of Grant, and on Hickory Creek from the north line of Grant, north to the south line of Lot 77, Block H and on Saddle Cir. (Lots 20 through 34, Block C) from the west line of Saddle, west and south to and including the cul-de-sac, on Saddle Cir. (Lots 64 through 76, Block D), from the north line of Grant, north to and including the cul-de-sac, on Grant Ct. (Lots 11 through 19, Block F), from the south line of Grant, south to and including the cul-de-sac, and on Grant Ct. (Lots 56 through 63, Block D), from the north line of Grant, north to and including the cul-de-sac and that sidewalk be constructed along one side of Blake, Saddle, Grant, Liberty, and Hickory Creek, 472-84492 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-087

Resolution of findings of advisability and resolution authorizing constructing pavement on Grant from the west line of Lot 76, Block D, west to the west line of the plat and on Forestview Cir. (Lots 77 through 87, Block D) from the north line of Grant, north to and including the cul-de-sac, on Grant Ct. (Lots 88 through 98, Block D), from the north line of Grant, north to and including the cul-de-sac, on Grant Ct. (Lots 66 through 82, Block C), from the south line of Grant, south to and including the cul-de-sac, and on Forestview Cir. (Lots 44 through 65, Block C), from the south line of Grant, south to and including the cul-de-sac and that sidewalk be constructed along one side of Grant, 472-84493 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-088

Resolution of findings of advisability and resolution authorizing constructing a left turn lane on Pawnee Ave. to serve the westbound traffic, 472-84494 (north of Pawnee, east of 135<sup>th</sup> Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

**SUB2006-39**

### **SUB2006-39-PLAT OF JOHNSON COMMERCIAL CENTRE ADDITION, LOCATED ON THE SOUTHWEST CORNER OF 53<sup>RD</sup> STREET NORTH AND MERIDIAN. (DISTRICT VI)**

Agenda Report No. 07-0094

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 12.75 acres, was recently annexed into the City of Wichita. The site has been approved for a zone change (ZON 2005-42) from "SF-20" Single-family Residential District to "LC" Limited Commercial District. The Johnson Commercial Centre Community Unit Plan (CUP 2005-46, DP-289) was also approved for this site. A Notice of Community Unit Plan has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, drainage, left-turn, right-turn, accel and decel lane improvements. A Restrictive Covenant was submitted providing for the ownership and maintenance responsibilities of the reserves being platted. Cross-lot Access and Joint Access Easements have been submitted.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Certificate of Petitions, Restrictive Covenant Cross-lot Access and Joint Access Easements will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 6 to 0.

## RESOLUTION NO. 07-089

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90273 (south of 53rd Street North, west of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-090

Resolution of findings of advisability and resolution authorizing construction of Lateral 9, Main 15, Sanitary Sewer No. 23, 468-84304 (south of 53rd Street North, west of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-091

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 316, 468-84305 (south of 53rd Street North, west of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-092

Resolution of findings of advisability and resolution authorizing constructing a southbound right turn lane and Accel/decel lane on Meridian to serve the major opening on Meridian in Johnson Commercial Centre, 472--84498 (south of 53rd Street North, west of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-093

Resolution of findings of advisability and resolution authorizing constructing a left turn lane on Meridian to serve the major opening on Meridian in Johnson Commercial Centre, 472-84499 (south of 53rd Street North, west of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 07-094

Resolution of findings of advisability and resolution authorizing constructing an eastbound right turn lane and Accel/decel lane on 53<sup>rd</sup> Street North from Meridian to the westernmost minor opening in Johnson Commercial Centre, 472-84500 (south of 53rd Street North, west of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-095

Resolution of findings of advisability and resolution authorizing constructing a westbound left turn lane on 53<sup>rd</sup> Street North to serve the major opening o 53<sup>rd</sup> Street North in Johnson Commercial Centre, 472-84501 (south of 53rd Street North, west of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## ORDINANCE

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

SUB2006-52-

### **SUB2006-52-PLAT OF STONERIDGE ESTATES ADDITION, LOCATED SOUTH OF 61<sup>ST</sup> STREET NORTH AND ON THE WEST SIDE OF RIDGE ROAD. (COUNTY)**

Agenda Report No. 07-0095

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of nine lots on 17 acres, is located within three miles of Wichita's city limits. This site has been approved for a Sedgwick County zone change (ZON 2006-27) from "RR" Rural Residential District to "SF-20" Single-family Residential District.

County Code Enforcement has approved the use of on-site sewerage and water wells. A guarantee for the street installation has been submitted to the County.

A Restrictive Covenant was submitted to provide for the ownership and maintenance of the proposed reserves.

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

Efficient Infrastructure.

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

Motion--

--carried

Mayans moved that the document and plat be approved and the necessary signatures authorized.

Motion carried 6 to 0.

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SUB2006-69

**SUB2006-69-PLAT OF NORTHWEST METHODIST ADDITION, LOCATED NORTH OF 29<sup>TH</sup> STREET NORTH AND ON THE EAST SIDE OF TYLER ROAD. (DISTRICT V)**

Agenda Item No. 07-0096

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of one lot on 9.9 acres, is located within Wichita's city limits. This site is zoned "SF-5" Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer and waterline improvements. A Restrictive Covenant was submitted to provide for the ownership and maintenance of the reserves being platted for drainage purposes.

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 Petition 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 6 to 0.

RESOLUTION NO. 07-096

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90254 (north of 29<sup>th</sup> Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 07-097

Resolution of findings of advisability and resolution authorizing construction of Lateral 27, Main 19, Southwest interceptor Sewer, 468-84267 (north of 29<sup>th</sup> Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

SUB2006-74

**SUB2006-74-PLAT OF PRICE TRANSPORTATION ADDITION, LOCATED ON THE NORTH SIDE OF MACARTHUR AND WEST OF BROADWAY. (DISTRICT III)**

Agenda Report No. 07-0097

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This site, consisting of one lot on 6.43 acres, is located within Wichita's city limits. The site has been approved for a zone change (ZON 2005-56) from "SF-5" Single-family Residential District to "LI" Limited Industrial District.

A Petition, 100 percent, and a Certificate of Petition have been submitted for sanitary sewer improvements. Water service is available to serve this site. A Restrictive Covenant was submitted

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providing for the ownership and maintenance responsibilities of the reserves being platted for drainage purposes.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Certificate of Petition 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; the Resolution adopted and the Ordinance placed on first reading. Motion carried 6 to 0.

## RESOLUTION NO. 07-098

Resolution of findings of advisability and resolution authorizing construction of Lateral 516, Southwest Interceptor Sewer, 468-84301 (north of MacArthur, west of Broadway), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## ORDINANCE

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

SUB2006-77

### **SUB2006-77-PLAT OF HOSKINSON THIRD ADDITION, LOCATED ON THE SOUTH SIDE OF 37<sup>TH</sup> STREET NORTH AND WEST OF RIDGE ROAD. (DISTRICT V)**

Agenda Report No. 07-0098

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on .97 acres, was recently annexed into the City of Wichita. The site has been approved for a zone change (ZON 2004-47) from "SF-20" Single-family Residential District to "LC" Limited Commercial District. This plat is also subject to a Protective Overlay (P-O #147) addressing signs, lighting, building height, permitted uses, landscaping, screening, architectural controls and building setbacks. A Notice of Protective Overlay has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer and water improvements. A Cross-lot Access and Easement and Cross-lot Drainage Agreement have been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Protective Overlay, Certificate of Petitions, Cross-lot Access and Easement and Cross-lot Drainage Agreement will be recorded with the Register of Deeds.

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Motion--  
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 6 to 0.

## RESOLUTION NO. 07-099

Resolution of findings of advisability and resolution authorizing construction of water Distribution System Number 448-90276 (south of 37<sup>th</sup> Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 07-100

Resolution of findings of advisability and resolution authorizing construction of Lateral 517, Southwest Interceptor sewer, 468-84300 (south of 37<sup>th</sup> Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Schlapp, Skelton, and Mayans.

## ORDINANCE

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

VAC2004-00055

### **VAC2004-00055-REQUEST TO VACATE PLATTED ELDORA STREET RIGHT-OF-WAY THAT IS LOCATED EAST OF MOSLEY AVENUE BETWEEN DEWEY STREET AND ORME STREET. (DISTRICT I)**

Agenda Report No. 07-0099

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting consideration to vacate that portion of Eldora Street as previously described. Eldora, at this location, is an uneven right-of-way (ROW) in width and is generally used by the abutting properties that are the applicants. They propose to vacate the ROW to allow opportunities for expansion of their businesses and to control access onto their properties. There is a sewer line and manholes in a portion of Eldora. There is an inlet groundwater pipe with a cleanout manhole and valve and an extraction well site, all part of the Gilbert-Mosley Groundwater Remediation System that is within the entire proposed vacated ROW. The Kansas Department of Transportation (KDOT) uses Eldora for access to perform maintenance and repair on Kellogg/US-54, which crosses over the middle portion of the proposed vacated ROW; federal funding is involved in Kellogg/US-54 through KDOT. There are franchised utilities in the ROW. Eldora was originally platted in the Santa Fe Addition (recorded 1884) as Topeka Street on that portion generally located north of the Kellogg/UWS-54 overpass. That portion south of the Kellogg/US-54 overpass was a platted alley in the Tush's Addition, recorded on June 5, 1886.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A paving petition has been submitted to Public Works.

Ensure efficient infrastructure.

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A certified copy of the Vacation Order, dedications by separate instruments of public right-of-way and a cross lot access agreement will be recorded with the Register of Deeds. The entire vacated right-of-way will be retained as an easement.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 6 to 0.

VAC2006-00030

**VAC2006-00030-REQUEST TO VACATE A PORTION OF A PLATTED SETBACK ON THE SOUTHEAST CORNER OF MACARTHUR ROAD AND ELLIS AVENUE, WEST OF HYDRAULIC AVENUE. (DISTRICT III)**

Agenda Report No. 07-0100

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the platted 30-foot setback on Lot 1, Block 2, Louis Addition, which is a key corner lot. The Louis Addition was recorded with the Register of Deeds on October 22, 1948. This case is associated with SUB2006-64, a residential lot split of Lot 1, Block 2, Louis Addition, which was recorded with the Register of Deeds on August 21, 2006 (FILM/PAGE #28809627). The lot is zoned "SF-5" Single-family Residential. The lot split created Parcels 1 (subject site) and 2. Parcel 1 is the smaller western portion of Lot 1 and remains a key corner lot. The short side of Parcel 1 is on the Ellis Avenue side, where the platted 30-foot setback becomes a "SF-5" street side yard setback. Whereas, the MacArthur Road side becomes the front of the lot, as defined by the Unified Zoning Code (UZC). The UZC, for "SF-5" zoning, requires a minimum of a 15-foot street side yard setback (the Ellis side) and 25-foot front yard setback (the MacArthur side). The applicant's request is to replace what was a platted 30-foot front setback (Ellis side) with the UZC's minimum 15-foot street side yard set back. There is a platted 10-foot setback along the MacArthur side of the site that will be eliminated/vacated by a 10-foot street dedication on the Lot Split. There are no platted easements, manholes, sewer line or water located in the subject platted setback.

The MAPC voted (9-0) 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

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 6 to 0.

VAC2006-00042

**VAC2006-00042-REQUEST TO VACATE A UTILITY EASEMENT DEDICATED BY SEPARATE INSTRUMENT, GENERALLY LOCATED SOUTHWEST OF THE 21<sup>ST</sup> STREET NORTH AND MAIZE ROAD INTERSECTION. (DISTRICT V)**

Agenda Report No. 07-0101

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant has applied for the vacation of the described portion of the easement dedicated by separate instrument (Film 2351 Page 755). The sewer line and manholes in the easement have been relocated as part of a Private Project; 1688 PPS. The relocated sewer line is covered by a recorded easement (Film/Page 28824295). There is no water line in the easement. There are no franchised

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utilities in the easement. The Westlink Christian Church Addition was recorded with the Register of Deeds on June 15, 1998.

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. An easement dedicated by separate instrument has been recorded with the Register of Deeds (Film/Page 28824295).

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 6 to 0.

**A06-25**

**A06-25R-REQUEST BY DALE GRAHAM OF UNIFIED SCHOOL DISTRICT NO. 385, ROB RAMSEYER OF RITCHIE INVESTMENT COMPANY AND STEVEN C. LEE OF LEE BUILDERS, INC., TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF 21<sup>ST</sup> STREET NORTH AND 159<sup>TH</sup> STREET EAST. (DISTRICT II)**

Agenda Report No. 07-0102

The City has received a request to annex 127.5 acres of land generally located northwest of the intersection of 159th Street East and 21st Street North. The subject property does not abut the City of Wichita, and therefore is an island annexation request. The property owner anticipates that the proposed property will be developed with 160,000 square feet of office or commercial development and 80,000 of institutional development over the next 5 years. The Subdivision Committee of the Metropolitan Area Planning Commission approved the preliminary plat and authorized the preparation of the final plat at its regular meeting on Thursday, October 12, 2006.

**Land Use and Zoning:** The proposed annexation consists of approximately 127.5 acres of property currently zoned "RR" Rural Residential. Upon annexation, the "RR" Rural Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is undeveloped and is zoned "RR" Rural Residential. Property to the east is primarily undeveloped and is zoned as "SF-5" Single Family Residential. Property to the south is a mixture of single-family homes and agricultural property zoned as "SF-20" Single-Family Residential. Property to the west of the subject property is primarily undeveloped with a few farm homes and is zoned "RR" Rural Residential.

**Public Services:** The closest water line is a 30" water main along the south side of 21st Street North--south of the subject property. The closest sewer main is in the Krug North Addition, west of 143rd Street East, but it does not have the capacity for all of the subject area. So, a sewer main is under design that would come from the south, about mid-mile, between 143rd Street East and 159th Street East to serve the subject area.

**Street System:** The subject property borders 21st Street to the south and 159th Street to the east. 21st Street North is a paved, two-lane road, and 159th Street East is a gravel road. The Sedgwick County Capital Improvement Program 2006-2010, the 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled improvements to 21st Street North from K-96 to 159th Street East--along the southern edge of the subject property. In addition, the Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled improvements to 159th Street East from 21st Street North to Kellogg--south of the subject property.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within an eight (8) to nine (9) minute approximate response time from City Station No. 18, located at 2808 North Webb Road. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

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Parks: The Northeast Sports Complex, a 60-acre park, is located approximately 2 1/2 miles to the northwest of the proposed annexation site and is currently being developed for youth athletics.

School District: The annexation property is part of the Unified School District 385 (Andover School District). Annexation will not change the school district.

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

The current approximate appraised value of the proposed annexation lands, according to County records, is \$7,960 with a total assessed value of \$2,388. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$75 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 160,000 square feet of office or commercial property and 80,000 square feet of institutional property will be developed within the next five years. The total appraised value of this development after completion is estimated at \$25,600,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$161,804 in City annual tax revenues.

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

On November 28, 2006, as per K.S.A. 12-520c, the City Council adopted a resolution requesting the Sedgwick County Board of County Commissioners to make a finding that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other city located within the County. On December 20, 2006, the Board of County Commissioners adopted a resolution, finding that the proposed annexation by the City will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Sedgwick County. Therefore the finding is favorable to the City, and the City Council can proceed to give first reading of an ordinance annexing the requested property into the City of Wichita.

Motion--  
--carried

Mayans moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 6 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. (A06-25)

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## AIRPORT AGENDA

Motion-- Mayans moved that Airport Consent items 61 to 65 be approved in accordance with the  
--carried recommended action shown thereon. Motion carried 6 to 0.

## **HANGAR 16**

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

Agenda Report No. 07-0103

A request for proposals was issued seeking consulting services for the rehabilitation of Hangar 16. A submittal was received from Hanney and Associates Architects and a contract was developed for the study phase.

The facility is in poor condition and rehabilitation must be accomplished prior to the office area and south hangar being occupied. A study developed by Hanney & Associates Architects identified the work items needed, and the tenant, Koch Industries, indicated a desire to include other work.

A contract with Hanney & Associates Architects for design and bid phase services has been developed with a fee of \$46,743. A budget of \$940,000 is established. The project will be funded with General Obligation bonds paid for with airport revenue and reimbursements from Koch Industries.

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

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

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

### RESOLUTION NO. A07-002

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray Schlapp, Skelton, and Mayans.

## **GROUNDS MAINT.**

### GROUNDS MAINTENANCE SERVICES-WICHITA MID-CONTINENT AIRPORT, SELECTION OF VENDOR.

Agenda Report No. 07-0104

Requests for Proposals (RFPs) were accepted by the City of Wichita Purchasing Manager on Thursday, November 9, 2006 for the provision of ground maintenance services in non-secure areas on Wichita Mid-Continent Airport. The term of the contract will be for three years commencing January 1, 2007, and allows for two, one-year options. Four firms responded to the RFP.

The City selection committee, composed of representatives from the Airport, City Manager's Office, Finance and Purchasing, heard presentations from each company on December 22, 2006. Commercial Lawn Management, whose RFP submittal met all of the requirements, was selected based on the highest unanimous ranking of the selection committee.

The proposal submitted by Commercial Lawn Management is \$65,490. Funds for this service are included in the airport budget.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through providing services which enhance the appearance and safety of the Airport for users of Mid-Continent Airport.

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

Motion--  
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0.

**ARSTRONG/SHANK**

**ARMSTRONG/SHANK ADVERTISING AGENCY CONTRACT RENEWAL.**

Agenda Report No. 07-0106

It is the policy of the Wichita Airport Authority to fund marketing programs aimed at promoting the use of Wichita Mid-Continent Airport and the Airport System. Several years ago, the Wichita Airport Advisory Board (WAAB) voted in favor of implementing an airport advertising campaign to promote Mid-Continent Airport for use by regional air travelers. The Advisory Board also acknowledged the importance of increased passenger travel because it results in enhanced air service, business expansion, increased tourism, and other economic benefits to the community. It is critical to the success of the Airport System that customers in Mid-Continent Airport's catchment area be aware of these services and continue to utilize them for the betterment of the airports. Effective marketing efforts should contribute to the growth of airline passengers using Mid-Continent Airport, as well as General Aviation activity at both airports, and assist with the attraction of additional industrial tenants to the Airport System.

In December 2005, a formal request for proposal process was conducted to identify area advertising and marketing firms interested in this project. The recommendation of the nine-member selection committee was to contract with Armstrong/Shank as the agency of record. A contract was developed for one year, with two one-year options for renewal. The agency will complete its first year of the contract at the end of February 2007.

At its meeting on December 4, 2006, the Wichita Airport Advisory Board voted to recommend that the contract with Armstrong/Shank as the Airport's Agency of Record be renewed for an additional year so that continuity in the focus of the advertising campaign be maintained. In addition, new strategies and tactics will be developed to carry on the theme of the previous campaign and to broaden the types of efforts used to market the Airport System for airline passengers, General Aviation, and industrial tenants. The original contract was between the City and the agency, so this contract will be transferred to the Airport Authority as a technical correction.

The new contract will pay the agency on a retainer basis of \$3,000 per month, plus a billing rate of \$85 per hour beyond the basic services that are covered in the retainer. Media purchases, direct expenses for printing, production, special events, etc., will be at cost. An amount of \$400,000 from the approved Department of Airports budget will be allocated to this contract extension period.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which assist the Wichita Airport Authority in developing marketing programs to increase passenger travel; thereby resulting in enhanced air service, business expansion, increased tourism, and other economic benefits to the community.

The contract amendment has been approved as to form by the Department of Law.

Motion--  
--carried

Mayans moved that the contract amendment be approved and the necessary signatures authorized. Motion carried 6 to 0.

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**FAA MASTER SITE FAA MASTER SITE LEASE-COLONEL JAMES JABARA AIRPORT, LEASE NUMBER DTFACE-06-L-0021, SUPPLEMENTAL AGREEMENT NO. 1.**

Agenda Report No. 07-0107

On January 10, 2006, the WAA entered into a lease with the FAA for use of land on Jabara Airport. The lease, referred to as the Master Site Lease, provides for use of various areas on the airport for the installation, operation and maintenance of the navigational aides necessary for the operation of an airport. The equipment is provided and maintained by the FAA.

For a number of years, the FAA housed radio frequency equipment in the interior of an office building on Jabara Airport. The FAA is now desirous of removing this equipment from that facility, and locating it in a small fiberglass equipment shelter to be constructed by the FAA near the existing antenna tower. Relocation of this equipment will make it more accessible for maintenance and repair. In addition, it will free up space in its current location for use by future prospective tenants.

There are no monetary considerations.

The Airport's contribution to the economic vitality of Wichita is promoted by facilitating modifications to better serve the airport's requirements and the services offered to its users.

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

Motion--  
--carried  
Mayans moved that the supplemental agreement be approved and the necessary signatures authorized. Motion carried 6 to 0.

## **CITY COUNCIL**

**BOARD APPTS. BOARD APPOINTMENTS.**

Council Member Gray Council Member Gray requested that Mark Deray be appointed to DAB IV.

Mayor Mayans Mayor Mayans requested that Council Member Fearey be appointed as the ex-officio City Council representative on the Arts Council and that Council Member Fearey be appointed to the Park and Recreation Open Space Advisory Committee.

Motion--carried  
Mayans moved that the appointments be made. Motion carried 6 to 0.

**TRAVEL EXPEND. APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER SKELTON TO ATTEND NATIONAL LEAGUE OF CITIES CONFERENCE IN WASHINGTON, DC, MARCH 10-14, 2007.**

Motion--carried  
Mayans moved that the travel expenditure be approved. Motion carried 6 to 0.

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## **VACANCY PROCED.    CITY COUNCIL VACANCY PROCEDURE.**

Mayor Mayans                      Mayor Mayans directed the Council Members attention to option two of the different options presented.

Motion--                              Mayans moved that the City Council suspend the vacancy procedure Ordinance, Section 2.04.040 of the  
--carried                              City Code. Motion carried 6 to 0.

Motion--                              Mayans moved that the City Council not fill the vacancy in City Council District V and allow the  
--carried                              vacancy to be filled by the upcoming election. Motion carried 6 to 0.

## **RECESS**

Motion--                              Mayans moved that the City Council recess into Executive Session at 11:30 a.m. to consider:  
consultation with legal counsel on matters privileged in the attorney-client relationship relating to:  
pending litigation, potential litigation, legal advice and matters relating to employer-employee  
negotiations and that the Council return from Executive Session no earlier than 12:10 p.m. and  
reconvene in the City Council Chambers on the first floor of City Hall.  
--carried                              Motion carried 6 to 0.

## **RECONVENE**

The Council reconvened in the Council Chambers at 12:15 p.m. Mayor Mayans announced that no action was taken.

Motion--carried                      Mayans moved at 12:15 p.m., that the Executive Session be closed. Motion carried 4 to 0, (Brewer and Skelton not present).

Motion--carried                      Mayans moved at 12:16 p.m. that the regular meeting be closed. Motion carried 4 to 0.1 (Brewer and Skelton not present).

## **ADJOURNMENT**

The City Council meeting adjourned at 12:16 p.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk

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