

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 11, 2007
Tuesday, 9:05 A.M.

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

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

Mayor Brewer reflected on the events of 9/11 and asked for a moment of silence.

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

The Minutes of the regular meeting of August 28, 2007, approved 6 to 0.

PUBLIC AGENDA

Saul Jones

Saul Jones, Jr-Sunflower Community Action-Beehive and blight on the 1700 block of Northeast Parkway.

Rikki Coleman stated that she would be filling in for Mr. Jones and thanked the Council for the cameras in police cars and for taking care of the beehive. Stated she would like to have the Council sign a document for the pilot program regarding cameras so that she can initiate support from Topeka. Stated she would like to schedule a meeting with Council Member Williams, Mayor Brewer, and Police Chief Stolz to discuss funding.

Ryan Johnson

Ryan Johnson-Impeding Traffic Ordinance (cab drivers in Old Town).

Mr. Johnson stated he is a cab driver and received a citation in Old Town for impeding traffic. Stated that several of his co-workers and competitors are also being cited for impeding traffic and he feels that the problem is the shuttle buses and limousines who are taking up to four parking spaces that the cab could be using. Mr. Johnson asked if there would be any way to create more parking just for cabs.

Mayor Brewer

Mayor Brewer asked City Manager George Kolb to check with the Police Department regarding this issue.

Council Member Fearey

Council Member Fearey suggested to also contacting Terry Cassidy.

CONSENT AGENDA

Council Member Fearey

Council Member Fearey asked that item 24 be pulled for discussion.

Motion--
--carried

Brewer moved that Consent Agenda items 3-33a be approved in accordance with the recommended action shown thereon excluding item 24. Motion carried 6 to 0, (Skelton absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 10, 2007

Minutes of the regular meeting dated August 27, 2007 were read and on motion approved. There was no meeting on September 3, 2007.

Bids were opened August 31, 2007 and September 7, 2007 pursuant to advertisements published on:

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Douglas Avenue Drainage Outfall Phase I; Wabash Sanitary Sewer Replacement; Douglas Water Main Replacement (west of the Wichita Drainage Canal, north of Douglas) (468-84060/468-84352/448-90289/660798/620477/636183/864501/667595/777574) (District I,VI)

Wildcat Construction - \$5,081,022.00*
(*Negotiated to Engineer's Estimate)

2007 Contract Maintenance Pedestrian Bridge Replacement (Fabrique & Funston over the Fabrique Branch of Gypsum Creek) (472-84510/132720/) Traffic to be maintained during construction using flagpersons and barricades. (District III)

MCCA Construction - \$62,000.00 (Award Amount)

2007 Sanitary Sewer Reconstruction, Phase 9 (various locations north of Central, east of I-135) (468-84392/620488/667606) Traffic to be maintained during construction using flagpersons and barricades. (District I, II)

WB Carter Construction - \$231,000.00

Water Distribution System to serve West Ridge Commercial Addition (south of 29th Street North, east of 119th Street West) (/735175/470845) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Mies Construction - \$24,221.00

Water Distribution System to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich) (448-90306/735373/470046) Does not affect existing traffic. (District II)

McCullough Excavation - \$28,500.00

Water Distribution System to serve Maple Shade Addition (north of Pawnee, east of Webb) (448-90318/735375/470048) Does not affect existing traffic. (District II)

Utilities Plus - \$21,854.15

Lateral 407 Four Mile Creek Sewer to serve Maple Shade Addition (north of Pawnee, east of Webb) (468-84391/744244/480932) Does not affect existing traffic. (District II)

McCullough Excavation - \$24,400.00

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

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

WATER UTILITIES DEPARTMENT/SEWAGE TREATMENT DIVISION: Reclamation Facility Improvements

Dondlinger & Sons Construction Co., Inc. - \$85,000.00

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior and Exterior modifications to 2 houses

S & A Construction - \$62,560.00

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior and exterior modifications at 1 house

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Arambula Construction Co., Inc. - \$36,628.00

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

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

Motion--
--carried

Brewer moved to receive and file report; approve Contracts; and authorize necessary signatures. Motion carried 6 to 0, (Skelton absent).

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Jeffery Thomas Arensdorf <u>Special Event</u>	Diamond W Chuckwagon, LLC*	1865 South Museum Boulevard
Molly Audley	Artichoke Sandwich Bar/ 26th Annual Catfish Fry	811 North Broadway

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

Motion--
--carried

Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0, (Skelton absent).

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a. 2007 Contract Maintenance Area Concrete Phase 2 (north of MacArthur, east of 135th Street West) (472-84520/132720/620469/) Traffic to be maintained during construction using flagpersons and barricades. (District I, IV, V, VI) - \$308,200.00
- b. Storm Water Drain #298 to serve Lillie 2nd Addition (south of Maple, west of Maize) (468-84208/751432/485323) Does not affect existing traffic. (District V) - \$340,000.00
- c. The cost of construction of North Sanitary Sewer Pump Station and Main 15, Sanitary Sewer 23 (along Meridian from south of 53rd Street North to 61st Street North). (District VI) (468-3682/744009/622083/480-697/671-118) – Total Estimated Cost \$3,052,500.00

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0, (Skelton absent).

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PETITON

DRAINAGE IMPROVEMENTS TO SERVE REED COMMERCIAL ADDITION, SOUTH OF 21ST, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Item No. 6a.

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

The project will provide drainage improvements for a new commercial development located south of 21st, east of 127th St. East.

The Petition totals \$28,000. The funding source is special assessments.

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

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

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

RESOLUTION NO. 07-496

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Sewer No. 633, south of 21st, east of 127th St. East, 468-84399, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

PETITION

SANITARY SEWER TO SERVE PARTS OF LUBBERS, PINKSTONS SECOND AND DOUTY ADDITIONS, NORTH OF 31ST STREET SOUTH, EAST OF HOOVER. (DISTRICT IV)

Agenda Item No. 6b

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

The project will provide sanitary sewer service for existing commercial development located north of 31st St. South, east of Hoover.

The Petition totals \$39,100. The funding source is special assessments.

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

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

Brewer moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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RESOLUTION NO. 07-495

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 524 Southwest Interceptor Sewer north of 31st St. South, east of Hoover, 468-84397, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

PETITION

STREET PAVING IN LEGACY THIRD ADDITION, NORTH OF 47TH STREET SOUTH, WEST OF MERIDIAN. (DISTRICT IV)

Agenda Item No. 6c

On March 13, 2007, the City Council approved a Petition to pave streets in Legacy 3rd Addition. The developer has submitted a new Petition with an increased budget to increase the scope of the project to include the construction of a concrete box culvert. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 47th St. South, west of Meridian.

The existing Petition totals \$414,000. The new Petition totals \$668,000. 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

Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

RESOLUTION NO. 07-494

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on 44th St. South, from the west line of Lot 6, Block 6 to the east line of Legacy 3rd Addition; St. Paul, from the south line of Legacy 3rd Addition to the south line of 44th St. South; St. Paul Court, from the west line of St. Paul to and including the cul-de-sac, Lots 1 through 5, Block 3); and Chase from the north line of 44th St. South to the north line of Lot 1, Block 6, (north of 47th St. south, west of Meridian) 472-84527, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

BOARDS/COMM.

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Library Board, July 17, 2007

Library Board, August 21, 2007

Wichita Employees' Retirement System, July 18, 2007

Motion--carried

Brewer moved to receive and file. Motion carried 6 to 0, (Skelton absent).

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STREET CLOSURE **REGIONAL EXERCISE FOR PUBLIC SAFETY. (DISTRICT I)**

Agenda Item No. 8a

The Wichita Police Department and Wichita Fire Department are participating in a Regional Training Exercise, "Responding to Terrorist Incidents and Major Disasters," sponsored by Kansas University Medical School. This preparedness training will culminate in a 48-hour simulation exercise.

The following street closure requests have been submitted:

Set up and demolition for the training

Washington Street from Waterman to English

From 6:00 AM, Tuesday, September 25, 2007 through 6:00 PM, Thursday, September 27, 2007.

Training and Simulation Event

Washington Street from Waterman to English

From 6:00 AM, Sunday, October 14, 2007 through 6:00 PM, Sunday, October 21, 2007.

Waterman from Mosley to Washington

From 6:00 AM, Sunday, October 14, 2007 through 6:00 PM Sunday, October 21, 2007.

Mosley from Waterman to English

From 6:00 PM, Thursday, October 18, 2007 through 6:00 PM, Sunday, October 21, 2007.

Provide a Safe and Secure Community

Motion--
--carried

Brewer moved that the closure of the above roadways during specified times and dates for safety of motorists and public safety officials participating in the exercise be approved. Motion carried 6 to 0, (Skelton absent).

STREET CLOSURE **GRAND FIESTA PATRIA, SEPTEMBER 15, 2007, 2:00 A.M. TO 10:00 P.M. (DISTRICT VI)**

Agenda Item No 8b

In accordance with the Community Events Procedure, the event promoter Clark Ensz of Run Wichita is coordinating with Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Grand Fiesta Patria, September 15, 2007 2:00 pm – 10:00 pm

- Market Street from 21st Street North to 22nd Street North.

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

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

Enhance the Quality of Life

Motion--

--carried

Brewer moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 6 to 0, (Skelton absent).

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STREET CLOSURE **2007 WAGONMASTERS DOWNTOWN CHILI COOKOFF, SEPTEMBER 29, 2006, 6:00 A.M. TO 6:00 P.M. (DISTRICT I)**

Agenda Item No. 8c

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

The following street closure request has been submitted:

2007 Wagonmasters Downtown Chili Cookoff, September 29, 2006 6:00 am – 6:00 pm

- 500 and 600 block of East Douglas, Emporia to Viaduct Bridge.
- 100 block of North St. Francis
- 100 block of South St. Francis

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

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

Enhance the Quality of Life

Motion--

Brewer moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Event Coordinator. Motion carried 6 to 0, (Skelton absent).

--carried

STREET CLOSURE **MIDTOWN HISTORIC WALKING TOUR, OCTOBER 13 & 14, 2007, 10:00 A.M. TO 5:00 P.M. (DISTRICT VI)**

Agenda Item No. 8d

In accordance with the Community Events Procedure, the event promoter Mid-town Community Resource Center is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Midtown Historic Walking Tour, October 13 & 14, 2007, 10:00 am – 5:00 pm

- North Emporia Street, 11th Street North to 13th Street North, not including intersections.

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

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

Enhance the Quality of Life

Motion--

Brewer moved that the request be approved subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator. Motion carried 6 to 0, (Skelton absent).

--carried

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BROOKS LANDFILL DESIGN OF CLOSURE CAP REHABILITATION, C&D PHASE I CLOSURE, AND STORM WATER SYSTEM MODIFICATIONS AT THE BROOKS LANDFILL - SCS ENGINEERS.
(DISTRICT VI)

Agenda Item No. 9a.

Pursuant to the requirements of the KDHE operating permit, Permit No. 213, Brooks Landfill's last municipal solid waste (MSW) cell, Cell D, was closed in 2003. Subsequent to the closure, significant settlement has occurred on the tops of MSW Cells C and D. While such settlement is expected, continuing requirements of Permit No. 213 require that closed MSW Cells be maintained, and proper drainage be restored. Further, continued development of the of the asbestos waste industrial monofill, located between MSW Cells B and C, has created an eminent, though anticipated, conflict with an existing storm water letdown on Cell C.

In addition, the Phase 1 disposal site at Brooks C&D Landfill is nearing capacity. Once permitted airspace is reached, the Phase 1 disposal site must be closed, per KDHE requirements.

A Request For Proposals (RFP) was developed and released on April 11, 2007.

To satisfy the requirements of Permit No. 213, and continue successful operations under its authorization, maintenance of the closed MSW cells is vital. Expedient resolution of the existing and anticipated drainage problems will minimize future settlement and long-term maintenance costs.

Design of the Phase 1 closure work, based on an accurate survey of the cell's remaining capacity, will ensure that maximum airspace utilization is achieved, and requirements of the KDHE operating permit are met.

Five proposals were received. The Staff Screening and Selection Committee invited three of the five responding firms to interview on June 28, 2007. Following the interviews, SCS Engineers was the unanimous recommendation of the SSSC to the City Council for this work.

SCS Engineers, the consultant selected for the design, has provided the City with costs to accomplish the design, develop an integrated bid package, and provide construction quality assurance services. The cost and details are outlined in the Agreement (attached). SCS Engineers is prepared to begin this work immediately. Funds are available in the 2007 Brooks Landfill Post-Closure Budget for this work. The cost of the work outlined in the agreement is not to exceed \$94,240.

By ensuring compliance with the requirements of the general operating permit, this work will support the Core Area and Neighborhood Goal through continued provision of affordable C&D waste disposal for the public and City of Wichita cleanup crews. The continued operation of the C&D Landfill is vital to maintain the cleanliness and vitality of the city.

The Law Department has approved the agreement with SCS Engineers as to form.

Motion--
--carried

Brewer moved that the agreement be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Skelton absent).

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MIDTOWN BIKE

SUPPLEMENTAL DESIGN AGREEMENT FOR MIDTOWN BIKE PATH. (DISTRICT VI)

Agenda Item No. 9b

On May 4, 2004, the City entered into an Agreement with Ruggles & Bohm, P.A. to design a bike path along the abandoned Union Pacific Railway Corridor in Midtown. The fee was \$51,000.

After the design work began, Kansas Department of Health and Environment Officials required additional analysis and detailed tract descriptions because of possible contamination of the old rail bed. The additional work items should be addressed by a supplemental agreement.

Payment to Ruggles & Bohm for this Supplemental Agreement will be made on a lump sum basis of \$14,600, and will be paid by General Obligation bonds.

This project addresses the Efficient Infrastructure and Quality of Life goals by constructing a bike path through the Midtown Area.

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

Motion--
--carried

Brewer moved that Supplemental Agreement No. 1 be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RIVENDALE ADD.

STAKING IN RIVENDALE ADDITION, NORTH OF 55TH STREET SOUTH, WEST OF HYDRAULIC. (DISTRICT III)-SUPPLEMENTAL.

Agenda Item No. 6c

The City Council approved the paving improvements in Rivendale Addition on November 14, 2006. On April 24, 2007 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

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

Payment to Baughman will be on a lump sum basis of \$14,060 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering services needed for the construction of 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

Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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LEGACY THIRD

STAKING AND CONSTRUCTION ENGINEERING IN LEGACY THIRD ADDITION, NORTH OF 47TH STREET SOUTH, WEST OF MERIDIAN. (DISTRICT IV)- SUPPLEMENTAL.

Agenda Item No. 9d

The City Council approved the drainage improvements in Legacy 3rd Addition on March 13, 2007. On April 24, 2007 the City approved an Agreement with Ruggles & Bohm, P.A. to design the improvements. The Design Agreement with Ruggles & Bohm requires Ruggles & Bohm to provide construction engineering and staking services if requested by the City.

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

Payment to Ruggles & Bohm will be on a lump sum basis of \$22,100 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

MESA VERDE

AGREEMENT TO RESPREAD ASSESSMENTS: MESA VERDE ADDITION, WEST OF MERIDIAN, SOUTH OF 37TH STREET NORTH. (DISTRICT VI)

Agenda Item No. 9e

The landowner, Community Economic Resource Corporation, platted Mesa Verde Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a sanitary sewer lateral project. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

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

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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HESS MOTOR

HESS MOTOR REPLACEMENTS-SUPPLEMENTAL AGREEMENT NO. 3.

Agenda Item No. 9f

Hess Pump Station is a vital component of the City's water supply system. In 2001, two of the eight synchronous pump motors in the pump station burned out and were replaced with larger induction motors. In 2002, a third motor burned out and was replaced, and two more motors were replaced in 2003. Black & Veatch, who designed the original pump station, designed the projects to replace the motors in 2001 and 2003. On March 21, 2006, City Council approved Supplemental Agreement No. 2 with Black & Veatch. Staff asked Black & Veatch to submit a proposal for engineering services for the replacement of the final three motors and two variable speed drives

The remaining three motors are of similar age and condition as the motors that have previously failed and been replaced. Replacement of the remaining three motors is necessary. It is also necessary to replace the variable frequency drive (VFD) on one pump and the eddy-current coupling (an older type VFD) on another pump. Both of these allow the pump to operate at adjustable flow rates enabling water from the pump station to match the needs of the distribution system as water demands vary.

The original scope for improvements of Hess Pumping Station was to replace pump motor Nos. 4, 5, and 7; replace the adjustable frequency drive (AFD) motor/pump No. 7; and provide a new AFD to replace the eddy-current coupling drive on motor/pump No. 4. This was a part of a schedule to eventually replace all of the pumping station motors due to problems with unreliability and premature aging.

The present scope has been expanded to provide the station with much needed additional reliability and flexibility, and to upgrade outdated or out-of-commission equipment. Flexibility is being provided with the design of a synchronous transfer system utilizing two adjustable frequency drives (AFDs). This design is more flexible and more reliable than the existing system.

The water distribution system requires the station to have two variable speed pumps in operation at all times. The pumping station currently only has two variable speed pumps available because the AFD on Pump/Motor No. 7 is out of commission and repair parts are no longer available. The new design utilizes AFDs that will be able to control multiple pumps rather than being dedicated to a single pump; therefore, all pumps can be rotated permitting even wear and tear, rather than on the pumps that had previously been run on the variable speed drives. In addition, since all of the motors will start "slow" rather than at full speed, it will reduce the torque and stress on the motors, and extend their useful lives. The AFDs are much more efficient than technologies currently used. Savings of \$200,000 per year in electrical expense are expected from this change.

Another project under design is to install a standby power supply for the pump station. Significant savings will result from the standby power supply project by utilizing the proposed AFDs. The amount of energy needed to start and run a motor with the AFD is significantly less than the amount of energy needed to start a constant-speed motor.

In addition to the new AFDs and motors, the project will include the replacement of the 5 kV switchgear, power centers, motor control centers, batteries and chargers, and the station control system. The equipment being replaced is the original equipment from 1964 and has outlived its life. Parts are difficult, or impossible to find. The control system is so outdated that Staff is not able to program it. These replacements will restore reliability to Hess Pumping Station which is critical to meet water demands of the City.

The project will be done in two phases. Phase 1, to be completed by April of 2008, will include the purchase of three motors and two AFDs, the installation of one new AFD and connection to one pump so that three pumps can operate with variable speeds in 2008. Phase II, which will be done between November 2008 and April 2009, will include the installation of the second AFD, the three new motors and the rest of the electrical equipment improvements to complete the project.

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When Supplemental Agreement No. 2 was initiated in 2006, it was estimated that the project, including engineering and construction, would cost \$1,605,000. The change in AFD technology, as well as replacing obsolete equipment, has increased the scope and cost of the project. It is now estimated the project will cost \$5,000,000. A portion of the project will be funded through an EPA grant for \$605,000 and the Utility will fund the remaining \$4,395,000.

Hess Motor Replacement, CIP W-902, has a current budget of \$1,605,000. Most of the budget has been expended. The cost of Supplemental Agreement No. 3 with Black & Veatch is \$395,000 and will be funded through CIP W-902. Savings from CIP W-65, Mains for Future Development, will be used to offset the shortfall in the W-902 project budget. The Utility's portion of the costs will be funded from future revenue bonds and/or Water Utility cash reserves.

The project will help ensure efficient infrastructure by providing reliable, compliant and secure utilities. The project helps to improve the flexibility and reliability of the Hess Pump Station, which is a critical component of the City's infrastructure.

The Resolution and Supplemental Agreement have been approved as to form by the Law Department.

Motion--
--carried

Brewer moved that the Supplemental Agreement be approved; the CIP modified; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-511

Notice of intention to construct, reconstruct, alter, repair, improve, extend and enlarge that water and sewer utility owned and operated by the city of Wichita, Kansas, and to issue revenue bonds, in a total principal amount which shall not exceed \$4,395,000 for the purpose of paying certain cost thereof, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent.)

FONTANA 3RD ADD. FONTANA THIRD ADDITION, EAST OF 119TH STREET WEST, NORTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Item No. 10 a

The City Council approved the paving improvements in Fontana 3rd Addition on July 10, 2007.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of paving in Fontana 3rd Addition. Per Administrative Regulation 1.10, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$30,000 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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FAWN GROVE

FAWN GROVE AT SUNSET LAKES, SOUTH OF KELLOGG, WEST OF GREENWICH. (DISTRICT II)

Agenda Item No.10 b

The City Council approved the water, sanitary sewer and paving improvements in Fawn Grove at Sunset Lakes on August 7, 2007.

The proposed Agreement between the City and Ruggles & Bohm provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in Fawn Grove at Sunset Lakes. Per Administrative Regulation 1.10, staff recommends that Ruggles & Bohm be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Ruggles & Bohm will be on a lump sum basis of \$33,350 and will be paid by special assessments.

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

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

Motion--
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Skelton absent).

SEWER LINE

THE RELOCATION/RECONSTRUCTION OF THE EXISTING SANITARY SEWER LINE UNDERNEATH I-135 BETWEEN PAWNEE AND ENGLISH. (DISTRICT IV)

Agenda Item No. 10c

The 2007 Capital Improvement Program includes funds for reconstruction of old sanitary sewers.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for designing a sanitary sewer to replace the line underneath I-135 between Pawnee and English. The Staff Screening and Selection Committee selected PEC for the design on July 26, 2007.

Payment to PEC will be on a lump sum basis of \$466,894 and will be paid by Sewer Utility.

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

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

Motion--
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Skelton absent).

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CHANGE ORDER

2007 STREET MAINTENANCE PROGRAM, MERIDIAN, BETWEEN 42ND STREET NORTH AND HARBOR ISLE. (DISTRICT VI)

Agenda Item No. 11a

On May 15, 2007, the City Council approved a construction contract with Cornejo & Sons Construction, Inc to mill and asphalt overlay streets at various locations. The bid prices for the work were very favorable to the City in comparison to recent bids for similar work. An overlay associated with a sanitary sewer main project on north Meridian, between 42nd St. and Harbor Isle, will be done in connection with this project.

A Change Order has been prepared for the cost of the additional work.

The cost of the Change Order is \$120,000. Funding will be through a combination of Street Maintenance and Sewer Utility funds. The original contract amount is \$720,463. This Change Order represents 16.7% of the original contract amount.

This project addresses the Efficient Infrastructure goal by providing ongoing street maintenance.

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

Motion--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

CHANGE ORDER

NORTH AREA SANITARY SEWER PUMP STATION AND MAIN 15, SANITARY SEWER NO. 23, ALONG MERIDIAN FROM SOUTH OF 53RD STREET NORTH TO 61ST STREET NORTH. (DISTRICT VI)

Agenda Item No.11b

On February 28, 2006, the City Council approved a construction contract with Utility Contractors to construct a sanitary sewer pump station and main for a large area along Meridian, north of 53rd St. North. A part of the work was the extension of a sewer line along the south side of 51st St. North, east of Meridian. After the work began, the City Council approved projects to pave 51st St. North. In order to provide for the future extension of lateral lines north of 51st St. North and to eliminate the necessity to cut the new pavement at a future date, two sewer lines should be extended north across 51st St. North. In addition, the Water Utilities Department has recommended a number of improvements to the pump station that will make it more operationally efficient, as well as replacing 3 existing air releases that were found to be dysfunctional.

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 \$163,934 with the \$162,905 paid by the Sanitary Sewer Utility and \$31,029 by Special Assessments. The original contract amount is \$7,111,940. This Change Order plus previous changer orders represents 3.07% of the original contract amount.

This project addresses the Efficient Infrastructure goal by extending the City's Sanitary Sewer System into an unserved area.

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

Motion--
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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CHANGE ORDER

WATERLINE AT WATERWALK DEVELOPMENT. (DISTRICT I)

Agenda Item No. 11c

On June 27, 2006, the City Council approved a construction contract with W.B. Carter Construction Company, Inc. for public improvements associated with the Waterwalk Development. A part of the work was the installation of a 48" water line across the Arkansas River that connects to an existing waterline at McLean Boulevard. The river crossing required a 17' deep open-cut trench through the River. Old steel and concrete debris was encountered requiring special equipment and sheet pile work for removal. In addition, the Water Department tap into the existing waterline at McLean Boulevard failed and necessitated the removal and replacement of additional pipe and pavement.

Change Orders have been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$230,558 with the total paid by the Water Utility. The original contract amount is \$4,176,631. The Change Orders plus previous change orders represents 7.02% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving the City's water system.

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

Motion--
--carried

Brewer moved that the Change Orders be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

CHANGE ORDER

WATERMAN IMPROVEMENT, BETWEEN MAIN AND WASHINGTON. (DISTRICT I)

Agenda Item No. 11d

On March 27, 2007, the City Council approved a construction contract with Dondlinger & Sons Construction for improvements to Waterman, between Main Street and Washington. A part of the work is the installation of a new 48" waterline. After the work began, an old lead-joint iron waterline was found at Market Street and should be replaced for public health reasons. In addition, it has been determined there is a conflict with an old waterline under

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 \$28,466 with the total paid by the Water Utility. The original contract amount is \$6,776,498. This Change Order represents 00.42% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving water supply and reducing future maintenance costs.

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

Motion--
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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CHANGE ORDER

STORM WATER DRAIN FOR NORTHGATE ADDITION, WEST OF MERIDIAN, NORTH OF 53RD STREET NORTH. (DISTRICT VI)

Agenda Item No. 11e

On April 3, 2007, the City Council approved a construction contract with Mies Construction to construct a storm water drain for Northgate Addition. A part of the work is improving an existing channel that ties into a concrete box culvert. The channel downstream from the culvert was full of silt and debris and also needed to be cleared to increase capacity for the natural storm water flow.

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 \$20,745 with the total paid by Special Assessments. The original contract amount is \$391,309. This Change Order represents 5.30% of the original contract amount.

This project addresses the Efficient Infrastructure goal by providing a storm water drain required for new development.

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

Motion--
--carried

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

CHANGE ORDER

PHASE 4, 2007 SANITARY RECONSTRUCTION PROGRAM, EAST OF HYDRAULIC, AT LINCOLN. (DISTRICT I)

Agenda Item No. 11f

On April 3, 2007, the City Council approved a construction contract with W. B. Carter Construction, Inc. to reconstruct a sanitary sewer located east of Hydraulic at Lincoln. After the work began, it was determined that sewer gasses had eroded the manhole concrete behind plastic liners. As a result, the liners should be replaced with an approved epoxy lining system.

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 \$17,005 with the total paid by the Sanitary Sewer Utility. The original contract amount is \$166,000. This Change Order represents 10.24% of the original contract amount.

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

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

Motion--
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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PROP. ACQUIS.

PARTIAL ACQUISITION OF 5827 EAST SKINNER FOR THE GYPSUM CREEK - PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION PROJECT. (DISTRICT III)

Agenda Item No. 12a

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by channel benching. The project requires partial acquisitions of nine, residential parcels along the north side of the creek as well as a portion of the BOE parcel along the south side of the creek. This will allow for access to the creek and the ability to maintain the creek. The property located at 5927 E. Skinner is the one of the ten parcels.

The proposed acquisition area is located at the southern portion of the property, behind the residential improvements of 5827 E. Skinner and along Gypsum Creek. Other than the fence, the property's improvements are not impacted by the project. The proposed take is 3,179 square feet. The landowner rejected the appraised offer of \$3,975, or \$1.25 per square foot and agreed to settle at \$4,470, an additional .25 cents per square foot. Considering the size of the proposed take, this is a reasonable value.

\$5,225 is the requested budget for the acquisition of this parcel. This amount includes the \$4,470 purchase price and \$1,250 for closing costs and title insurance. The funding source is General Obligation Bonds repaid by StormWater Utility Funds.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and reducing flood losses.

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

Motion--
--carried

Brewer moved that the agreement and budget be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

PROP. ACQUIS.

PARTIAL ACQUISITION OF 5927 EAST SKINNER FOR THE GYPSUM CREEK - PAWNEE TO WOODLAWN FLOOD CONTROL AND STREAM RESTORATION PROJECT. (DISTRICT III)

Agenda Item No. 12b

The 2005-2014 Capital Improvement Program adopted by the City Council includes funding for improving the natural channel of Gypsum Creek between Pawnee and Woodlawn by channel benching. The project requires partial acquisitions of nine, residential parcels along the north side of the creek as well as a portion of the BOE parcel along the south side of the creek. This will allow for access to the creek and the ability to maintain the creek. The property located at 5927 E. Skinner is the one of the ten parcels.

The proposed acquisition area is located at the southern portion of the property, behind the residential improvements of 5927 E. Skinner and along Gypsum Creek. Other than the fence, the property's improvements are not impacted by the project. The proposed take is 3,461 square feet. The landowner rejected the appraised offer of \$4,325, or \$1.25 per square foot and agreed to settle at \$5,175, an additional \$850 to cover the expense and labor of resetting the fence on the new property line.

\$6,425 is the requested budget for the acquisition of this parcel. This amount includes the \$5,175 purchase price and \$1,250 for closing costs and title insurance. The funding source is General Obligation Bonds repaid by StormWater Utility Funds.

This project addresses the Ensure Efficient Infrastructure goal by improving stormwater conveyance and reducing flood losses.

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

Motion--
--carried
Brewer moved that the agreement and budget be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

PROP. ACQUIS. PARTIAL ACQUISITION OF VACANT LAND ON 135TH STREET, HALF-MILE SOUTH OF PAWNEE FOR THE MID-CONTINENT INTERCEPTOR SANITARY SEWER PROJECT. (DISTRICT IV)

Agenda Item No. 12c.

On December 19, 2006, City Council approved the funding and installation of new water mains where development is occurring and in areas where future growth is anticipated. One such area is in Southwest Wichita near Mid-Continent Airport, more specifically a half-mile south of Pawnee between Tyler Road and 135th Street West. Phase one of the proposed line is approximately 3-miles long. It is necessary to acquire a sanitary sewer easement from eight parcels within this corridor. This particular acquisition is from a vacant 80-acre agricultural tract of land off of 135th Street West.

A 50-foot easement consisting of 1.91 acres and 150-foot temporary construction easement consisting of 4.77 acres are required. The owner has agreed to accept the appraised value of the subsurface easement and temporary construction easement totaled \$3,100, or \$6,800 per acre.

\$3,400 is requested budget for the acquisition. \$3,100 towards the purchase price and \$300 for recording fees. The funding source is future revenue bonds and/or Water Utility cash reserves.

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

The Law Department has approved the contract as to form.

Motion--
--carried
Brewer moved that the budget expenditure be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

EXPENSE REPORT SENIOR MANAGEMENT EXPENSE REPORT, JULY 2007.

Motion--carried
Brewer moved to receive and file. Motion carried 6 to 0, (Skelton absent).

ASSESS. ROLLS PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for Twenty two (22) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 1, 2007 at 11:00 a.m.

Motion--
--carried
Brewer moved that the hearing on the Proposed Assessment Rolls be set for 9:30 a.m., Tuesday, October 16, 2007 and direct the City Clerk to publish the notices of hearing at least once not less than 10 day prior to the date of the hearing. Motion carried 6 to 0, (Skelton absent).

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DETERENCE PROG. 2008/09 KANSAS IMPAIRED DRIVING DETERRENCE PROGRAM.

Agenda Item No. 15

Since 2003, the Wichita Police Department has participated in the Kansas Department of Transportation, Impaired Driving Deterrence Program, which provides overtime pay for officers enforcing DUI laws. The program is designed to help local law enforcement agencies dedicate time and resources to increase awareness of the dangers of driving impaired. It emphasizes DUI enforcement coupled with a public education and awareness component designed to deter impaired driving. The enforcement aspect of the program requires the utilization of three DUI checkpoints and five organized saturation patrols in the course of each program year. The grant application has already been signed by the City Manager and submitted in order to meet the deadline of August 31, 2007, pursuant to authority under Administrative Regulation 2.4, where delay would invalidate the grant.

The Wichita Police Department has a comprehensive traffic safety plan that was implemented in conjunction with the reorganization of the Traffic Section that began in 2001. During the past years, alcohol-related crashes have remained nearly the same, while alcohol-related fatality crashes have increased. Participation in the Impaired Driving Deterrence Program will allow the Police Department to supplement normal staffing and routine enforcement efforts with additional, dedicated DUI enforcement personnel. Public education opportunities will accompany the enforcement exercises to heighten awareness, modify perceptions, and deter impaired driving. The grant also includes funding for the purchase of necessary commodities to support the enforcement efforts.

The Kansas Department of Transportation will reimburse the Police Department for overtime incurred while performing DUI checkpoints and saturation patrols and commodities purchased for the program. The grant application includes total funding of \$12,977 for the two program years. No local match is required.

Provide a safe and secure community by placing an emphasis on eliminating alcohol related traffic accidents in our community.

Motion--
--carried

Brewer moved that the City Council review and ratify the grant application. Motion carried 6 to 0, (Skelton absent).

ATHLETIC COURT ATHLETIC COURT IMPROVEMENTS. (DISTRICTS I, IV, AND VI)

Agenda Item No. 16

The Park and Recreation Department has a number of athletic courts across the city which is in need of major repair or replacement. These include basketball/multi-use courts, horseshoe courts, shuffleboard courts, tennis courts, and tetherball courts. Community Development Block Grant (CDBG) and Capital Improvement Program (CIP) funds over the past several years have allowed replacement of numerous deteriorating asphalt tennis courts with post-tension concrete courts.

The 2008 Park CIP includes funding to repair, resurface and improve athletic courts. Osage Park, Woodland Park and McAdams Park are scheduled next for improvements of athletic courts based on court conditions and community need. Planned improvements include:

- Repairs and resurfacing of tennis courts at McAdams Park
- Athletic court improvements at Osage Park
- Athletic court improvements and renovations at North Woodland Park

The 2008 Park CIP includes \$110,000 for the repair and improvement of multi-use athletic courts across the city. The funding source is general obligation bonds.

The repair and improvement of tennis/athletic courts will improve the existing infrastructure and allow more citizens the opportunity to participate in tennis/athletic activities and improve their quality of life.

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The Law Department has approved the resolution as to form and will examine future bond agreements.

Motion--
--carried

Brewer moved that the initiation of the project be authorized; the bonding resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-509

A Resolution authoring the issuance of bonds by the City of Wichita at large for the improvement and renovation of athletic courts, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

AVL PROJECT

MULTI-JURISDICTIONAL AUTOMATIC VEHICLE LOCATOR (AVL) INTEGRATION PROJECT.

Agenda Item No. 17

Sedgwick County operates a public safety Automatic Vehicle Locator (AVL) system; the system was brought online in 2005. The AVL system is currently used by Sedgwick County EMS, Sheriff and Fire Departments and the City of Wichita Fire and Police Departments. Municipalities surrounding Wichita were not included in the 2005 AVL project. The Multi-Jurisdictional AVL Integration Project will allow a coalition of twelve (12) municipalities to integrate with the existing Sedgwick County AVL system. The participating municipalities are as follows: Andale, Bel Aire, Cheney, Colwich, Eastborough, Garden Plain, Goddard, Haysville, Kechi, Maize, Mt. Hope, and Valley Center. The project has been coordinated by the Wichita Area Metropolitan Planning Organization (WAMPO) in cooperation with the Sedgwick County Area Chief's Association (SCACA).

This project is the second phase of the AVL system deployment completed in 2005. The City of Wichita is an anchor tenant to the existing AVL system and for this reason the proposed project has been brought before the Council for approval.

The Wichita Area Metropolitan Planning Organization (WAMPO) is facilitating the funding, enabling the coalition of municipalities to pursue the Multi-Jurisdictional AVL Integration Project. This project will be administered jointly by WAMPO and Sedgwick County. The project will consist of purchasing, installing and configuring radio modems and Mobile Data Computers (MDC) in public safety vehicles. Installation and ongoing maintenance will be provided by Sedgwick County. The completed project will enhance the mobile data infrastructure, thus allowing municipalities to communicate, transmit their location, and receive/send messages to other agencies in the region. This will result in a more efficient use of resources and is expected to reduce incident response time by providing real-time location information to the dispatch center as well as other agencies.

Total cost for this project is \$198,000. A federal earmark, for Intelligent Transportation Systems – Wichita, will finance half of the total project cost. The Coalition of Municipalities will provide the remaining \$99,000. There is no fiscal impact to the City's budget.

This project addresses the Safe and Secure Community and Efficient Infrastructure goals.

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

Motion--
--carried

Brewer moved that the project be approved and the signing of the Supplemental Agreement authorized. Motion carried 6 to 0, (Skelton absent).

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W. DOUGLAS PARK **WEST DOUGLAS PARK. (DISTRICT IV)**

Agenda Item No. 18.

A portion of this 16.77-acre park was formerly the old County Hospital site and was purchased by the Board of Park Commissioners in 1955. An additional 4.77 acres, located south of the original purchase, was added in 1970. Land and Water Conservation Funds, provided by the Kansas Department of Wildlife & Parks and the National Park Service, have been used to develop this park. Park facilities consist of 2 lighted baseball/softball fields and 1 concession area with restroom facilities

The 2007 Park Capital Improvement Program (CIP) includes funding for West Douglas Park improvements and renovations. Planned improvements include demolition of the existing open shelter, construction of a new open shelter with picnic tables and lighting, irrigation of the baseball/softball fields, improvement of the baseball/softball field drainage, demolition of the old restrooms and construction of new restrooms.

The 2007 Park and Recreation Department CIP includes \$450,000 for improvements to West Douglas Park. The funding source is general obligation bonds.

The park improvements and renovations will improve quality of life for citizens. The investment will also help maintain and optimize public facilities and assets.

The Law Department has approved the resolution as to form and will examine future bond agreements.

Motion--
--carried

Brewer moved that the initiation of the project be authorized; the bonding resolution adopted; and all necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-506

A Resolution authoring the issuance of bonds by the City of Wichita at large for the improvement and renovation of park amenities in West Douglas Park, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

WILDWOOD PARK **WILDWOOD PARK IMPROVEMENTS. (DISTRICT IV)**

Agenda Item No. 19

Wildwood Park was acquired in 2002 through a land trade for property between the City and Unified School District #259. The park currently contains an open shelter, playground, two horseshoe courts and a one-half mile paved perimeter pathway.

The 2007 Capital Improvement Program (CIP) includes funding for Wildwood Park improvements and renovations. Planned improvements include the construction of a new basketball court, added park amenities such as drinking fountain, benches, charcoal grill, lighting and possible playground enhancements.

The 2007 Park and Recreation Department CIP include \$100,000 for improvements to Wildwood Park. The funding source is general obligation bonds.

The park improvements and renovations will improve quality of life and help retain citizens in the community. The investment will also help maintain and optimize public facilities and assets.

The Law Department has approved the resolution as to form and will examine future bond agreements.

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Motion--
--carried

Brewer moved that the initiation of the project be authorized; the bonding resolution adopted; and all necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-507

A Resolution authoring the issuance of bonds by the City of Wichita at large for the improvement and renovation of park amenities in Wildwood Park, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

IRRIGATION SYS.

IRRIGATION SYSTEMS REPLACEMENT AND UPGRADE. (DISTRICTS II, III, & VI)

Agenda Item No. 20

In the past fifteen years the City has invested heavily into irrigation systems for park and right-of-way areas for improved visual image of landscaping and the 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.

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

Planned investment will be the installation of a centralized irrigation control system for the Stryker Soccer Complex and on Kellogg from Edgemoor to Woodlawn. New irrigation system construction for Planeview Park football field and the expansion of the irrigation system in Central Riverside Park is also planned.

The Capital Improvement Plan includes \$200,000 in 2008 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 as players and teams receive a positive return for their fees.

The Law Department has approved the resolution as to form and will examine future bond agreements.

Motion--
--carried

Brewer moved that the bonding resolutions be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-503

A Resolution authorizing the issuance of bonds by the City of Wichita at large for the replacement and upgrade of irrigation systems in parks and right-of-way areas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

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N. WOODLAND

NORTH WOODLAND PARK IMPROVEMENTS. (DISTRICT VI)

Agenda Item No. 21

North Woodland Park was acquired by the Park Department in 1921 and currently features the Hispanic Senior Center, two inoperative tennis courts, three horseshoe courts, a croquet court, three shuffleboard courts, a lighted softball diamond, a playground area, lighting and a portion of the Little Arkansas River Pathway and parking areas.

The 2007 Capital Improvement Program (CIP) includes funding for Woodland Park improvements and renovations. Planned improvements include basketball court renovations.

The 2007 Park and Recreation Department CIP include \$190,000 for improvements to Woodland Park. The funding source is general obligation bonds.

The park improvements and renovations will enhance quality of life and help retain citizens in the community. The investment will also help maintain and optimize public facilities and assets.

The Law Department has approved the resolution as to form and will examine future bond agreements.

Motion--
--carried

Brewer moved that the initiation of the project authorized; the bonding resolution adopted; and all necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-508

A Resolution authoring the issuance of bonds by the City of Wichita at large for the improvement and renovation of basketball courts at North Woodland Park, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

KINGSBURY TRACT

KINGSBURY TRACT DEVELOPMENT. (DISTRICT V)

Agenda Item No. 22

On December 14, 2004, the City Council approved a master plan for the development of the Kingsbury Tract, adjacent to Brooks Landfill, into a future park site. Since that time, Quick Sand, Inc. has proceeded with mining operations as part of a lease agreement dating back to October 19, 2004. The lakes, as shown in the master plan, will begin to develop with mining operations and will be ready for the first phases of park development in the near future.

Mining operations at Kingsbury Tract have progressed and basic lake configurations shown in the master plan continue to develop. Improvements within the master plan include such elements as a road system, bridges, bike path system and other important infrastructure items. Design and construction plans are required prior to further mining to prevent unnecessary park development expenses. The future park on the Kingsbury Tract will eventually become the largest park in Wichita.

The 2007 Capital Improve man Program (CIP) includes \$350,000 for land acquisition and development.

This completed project will greatly enhance the quality of life for citizens of Wichita by increasing recreational opportunities.

The Law Department has approved the Resolution as to form and will examine future bond agreements.

Motion--
--carried

Brewer moved that the initiation of the project be authorized; the bonding resolution adopted; and all necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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RESOLUTION NO. 07-504

A Resolution authoring the issuance of bonds by the City of Wichita at large for the improvement and renovation of park amenities at the Kingsbury Tract Development Area, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

VIADUCT

SOUTH BROADWAY VIADUCT, SOUTH OF 31ST STREET SOUTH. (DISTRICT III)

Agenda Item No. 23

On August 16, 2007 the South Broadway Viaduct south of 31st Street South was closed to traffic. The Bridge is a major north-south traffic corridor and repairs need to begin immediately so the bridge can be put back into service as soon as possible. Consultant engineering services have been procured to determine the scope of the needed repairs. A Resolution has been prepared to authorize the construction work to proceed as a public exigency.

Professional Engineering Consultants (P.E.C.) is currently under contract with the City for bridge inspections and has staff available with the necessary expertise to begin engineering work at once. M.K.E.C. Consultant Engineers are also providing engineering services. Wildcat Construction Company, Inc. has the necessary experience and resources to perform the work and can accommodate the desired schedule for repairs.

The estimated project cost is \$500,000. The funding source is General Obligation Bonds. At this time staff is not recommending other adjustments to the CIP. Additional rehabilitation or reconstruction work will need to be programmed in a future CIP.

This project addresses the Efficient Infrastructure goal by expediting the process to reopen an important traffic corridor to vehicular traffic.

The existing emergency and public exigency status are allowed exceptions to the public bidding requirement under City Code Section 2.64.020. the City Council can ratify action to serve the public welfare by resolution as requested here.

Motion--
--carried

Brewer moved that the Resolution to affirm the Public Exigency be adopted; ratify prior staff and approve completion of the project. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-513

A Resolution of the governing body of the City of Wichita authorizing emergency funding of repairs to the South Broadway Bridge.

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(Item 24)
CENTURY II

CENTURY II IMPROVEMENTS.

Agenda Item No. 24

Century II, a multipurpose convention and performing arts venue was completed in 1969. Century II has served the community well and has provided a venue for a wide variety of events. However, the building is showing signs deterioration from years of use.

The 2007-2016 Park Capital Improvement Program (CIP) includes funding for the redecorating, technical improvements and kitchen improvements for Century II. These necessary renovation projects will protect the City's investment in these facilities by keeping them aesthetically attractive to citizen users. These improvements call for utilizing labor, materials, and equipment for replacement of campus marquees, security enhancements, carpet, office and lobby furnishings, kitchen upgrades and meeting room audio visual and stage sound improvements.

The 2007-2016 Park Capital Improvement Program (CIP) includes 2007 funds of \$750,000 and 2008 funds of \$750,000 for a total of \$1,500,000 for Century II. The funding source is general obligation bonds.

This project will impact the quality of life and efficient infrastructure by providing citizens with an aesthetically pleasing facility as well as improved technology. The improvements and renovations will also continue the revitalization of the core area and ensure that citizens receive a return on their quality of life investment.

The Law Department has approved the resolution as to form and will examine future bond agreements.

Council Member Fearey Council member Fearey stated that the Council Members had their agenda review last Friday and there was also an article in the paper. Stated she wanted the public to know that they have received a list of repairs from Park Director Doug Kupper.

Motion-- Fearey moved that the bonding resolution be adopted; initiation of the project
--carried authorized; and all necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-510

A Resolution authoring the issuance of bonds by the City of Wichita at large for the improvement and renovation of Century II, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

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SYCAMORE PARK SYCAMORE PARK IMPROVEMENTS. (DISTRICT VI)

Agenda Item No. 25

Sycamore Park was acquired in 1971 and 1972. Land and Water Conservation Funds were used to develop the park, which contains two lighted tennis courts, a softball diamond, one basketball court, one playground and a paved parking area. The playground renovation was accomplished in 2002 and 2006 with playground Capital Improvement Program (CIP) funds.

The 2007 CIP includes funding for Sycamore Park improvements and renovations. Planned improvements include the construction of a new open shelter with picnic tables, a drinking fountain and parking lot and playground areas to include lighting and renovations.

The 2007 Park and Recreation Department CIP includes \$280,000 for improvements to Sycamore Park. The funding source is general obligation bonds.

The park improvements and renovations will improve quality of life and help retain citizens in the community. The investment will also help maintain and optimize public facilities and assets.

The Law Department has approved the resolution as to form and will examine future bond agreements.

Motion--
--carried

Brewer moved that the initiation of the project be authorized; the bonding resolution adopted; and all necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-505

A Resolution authoring the issuance of bonds by the City of Wichita at large for the improvement and renovation of park amenities in Sycamore Park, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer, (Skelton absent).

MAKE READY APPROVAL OF MAKE READY CONTRACTORS.

Agenda Item No. 26

The Housing and Community Services Department, Public Housing Division's maintenance staff normally makes rental apartments and houses ready for a new resident after a previous resident vacates. Maintenance can make ready an average of 80 units per year. When the number of move-outs exceeds the volume that staff can rehabilitate within a reasonable time, Public Housing supplements the maintenance staff's activities with the use of independent contractors to do the cleaning and repairs necessary to make units ready for occupancy. A contractor is also used when handicap accommodations are requested and constructed for existing residents. To obtain the most qualified contractors to do such work that would be most beneficial; a Request for Proposal was sent to construction contractors. Three qualified responses were received.

A selection committee approved by the City Manager and the Purchasing Department reviewed the proposals. Each proposal was evaluated on the basis of qualifications, experience, references and cost. Based on these criteria, Arambula Construction and Eugene Anderson Construction were selected for the make-ready construction repairs.

The contracts will not obligate the City to any specific purchases or volume of construction repair services.

Improving the Core Area and Neighborhood by turning around the vacant Public Housing units in a timely manner.

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The Law Department has reviewed and approved the contracts as to form. The contract will be for one year, with two annual renewal options.

Motion-- Brewer moved that the selection of Arambula Construction Company and Eugene Anderson Construction be approved and the contracts and necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).
--carried

HOMELESS ASSIST. HOMELESS ASSISTANCE.

Agenda Item No. 27

For the past several years the City of Wichita has participated in funding the winter emergency overflow shelter system. This emergency shelter system was originally organized and coordinated by Inter-Faith Ministries, whereby several downtown area churches donated shelter space when the nighttime temperature fell below 30 degrees and other Wichita shelters were at capacity. In 2004, this system was replaced by issuing an RFP for one provider to offer overnight shelter under the same conditions.

Funding for the emergency overflow shelter system has been equally shared between the City, Sedgwick County and the United Way. Sedgwick County and the United Way have indicated their willingness to jointly fund the 2007-2008 winter emergency overflow shelter system, along with the City.

In Wichita, 526 people were identified as being homeless on a one-day Point-in-Time Count survey conducted over a 24-hour timeframe from January 23-24, 2007. Of those individuals and families, 473 were in shelters and 53 were unsheltered.

The City's funding source for the overflow shelter has been Community Services Block Grant (CSBG) funds. No General Funds have been used for this purpose and no General Funds are recommended at this time.

The City's support of emergency housing is consistent with the City's Economic Vitality and Affordable Living goal.

Prior to execution, the Law Department will review the contract between the City and the provider of the winter emergency overflow shelter system.

Motion-- Brewer moved that the use of \$12,500 of Community Services Block Grant funds for the 2007-2008 winter emergency housing program be approved; the City authorized to participate in the RFP process used to procure a service provider and the necessary signatures for the resulting contract authorized. Motion carried 6 to 0, (Skelton absent).
--carried

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SPIRIT

CONVEYANCE OF EQUIPMENT - SPIRIT AEROSYSTEMS. (DISTRICT III)

Agenda Item No. 28

On November 14, 2006, the City Council approved the issuance of Industrial Revenue Bonds (Series IV, 2006) in the amount of \$252,000,000, for the purpose of financing the costs of acquisition, construction, equipping and furnishing of industrial facilities for Spirit AeroSystems, Inc. Included in the property financed by the 2006 Bonds are certain tooling equipment and certain other capital property. On August 20, 2007, the City of Wichita received notice from Spirit AeroSystems, Inc. of its intention to exercise its option to purchase a portion of the Project consisting of certain tooling equipment and to redeem and pay a like amount of principal of the Series IV, Bonds, in order to convey such property (the "Purchased Property"), or any portion thereof, to, or at the direction of, The Boeing Company.

Pursuant to the terms of Section 10.02 of the Lease, Spirit AeroSystems, Inc. has notified the City of its intent to exercise its option to purchase the Purchased Property. The City has been advised by Bond Counsel that Spirit AeroSystems has the right to obtain release of this property. The company intends to convey the property to Boeing IDS.

There is no financial impact to the City resulting from the requested change. The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement.

Economic Vitality and Affordable Living. Efficient administration of economic incentive programs, such as IRB financing, contributes to the growth of the economy and prosperity of the community.

The City Attorney's office has reviewed and approved the Resolution and all necessary documents as to form.

Motion--

Brewer moved that the Resolution authorizing execution of the Bill of Sale and Certificate of Redemption for the purpose of conveying ownership of the Purchased Property to Spirit AeroSystems in accordance with the 2006 Lease and Indenture and any other necessary and desirable actions be adopted and authorize the necessary signatures.

--carried

Motion carried 6 to 0, (Skelton absent).

RESOLUTION NO. 07-512

A Resolution of the City of Wichita, Kansas, approving and authorizing the delivery of a Certificate of Redemption, Bill of Sale and other appropriate instruments.

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AWARD CASE

PAYMENT OF CONDEMNATION AWARD, CASE NO. 06 CV3695, PROPOSED BIKE PATH FROM NORTH OF PAWNEE TO THE KANSAS TURNPIKE. (DISTRICT III)

Agenda Item No.29.

The City has identified the need to acquire a tract of land located at 2742 South Holyoke needed for the proposed bike path along Interstate I-35, Gypsum Creek and George Washington Boulevard from north of Pawnee to the Kansas Turnpike. This property is owned by Clarence J. and Sandra Horn. The property is a 52 square foot corner clip from the rear of the tract. Last year the City initiated eminent domain proceedings to acquire this property. On August 21, 2007, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the property to be \$100.00. The court awarded the three appraisers fees in the total amount of \$6,000.00. Court costs are \$147.00.

In order for the City to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before September 14, 2007.

The costs of acquiring these properties will be paid from project funds.

This action addresses both Quality of Life, by providing means to expand recreational opportunities, and Efficient Infrastructure, as the means to do so is by bike paths.

The City has until September 14, 2007, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned. In that event the City would still be responsible for the fees, costs, and would have additional liability for the attorney fees of the property owners.

Motion--

Brewer moved that the payment to the Clerk of the District Court in the amount of \$6,247.00 for acquisition of property interests condemned in Case No. 06 CV 3695

--carried

be authorized. Motion carried 6 to 0, (Skelton absent).

KDHE

KDHE WATERSHED RESTORATION AND PROTECTION STRATEGY (WRAPS) GRANT APPLICATION.

Agenda Item No.30

The condition of the Arkansas River, and its supporting watershed, has long been a priority for the City of Wichita. Recent milestones in the City's watershed protection and restoration efforts include the 2000 Arkansas River Symposium, formation of Arkansas River technical and advisory committees in 2001, an in-depth water quality study of point and non-point pollution sources in 2002, and ongoing efforts of maintenance of sewer and stormwater infrastructure. The recently completed Visioning Plan for Wichita included the goal of "cleaning up the Arkansas River" as part of the Quality of Life strategies.

Over the last several years, the Kansas Department of Health and Environment (KDHE) has initiated a program for the development and implementation of Watershed Restoration and Protection Strategies (WRAPS), and is making grant funding available for these efforts. This process is viewed by KDHE as a 15-year or more process. Program elements include identification and assembly of stakeholders, assessment of needs and opportunities, development of goals, and implementation of cost effective strategies relative to watershed restoration and protection.

Previously, with City Council approval, ES applied for a \$50,000 WRAPs Development Grant (Phase 1). This grant was awarded by KDHE earlier this year and ES is in the process of beginning that grant project, which will last 12-18 months. This grant addresses the initial stages of the WRAPs program including identification and assembly of stakeholders. Utilizing the WRAPS process, the City will involve stakeholders who will help define the goals for the Lower Arkansas River watershed.

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This request is for \$350,000 to proceed with a WRAPS Assessment Grant (Phase 2) application which will include hiring a full time ES project coordinator; assessing the condition of priority areas of the Arkansas River and tributaries and designing/installing demonstration projects to identify strategies to address water quality issues including concerns such as bacteria levels and sedimentation. Other factors including flooding may also be addressed. The demonstration projects in this application will be developed to address stormwater quality issues. It is planned that a "green roof" will be partially funded for the City's Rounds and Porter Building. Porous pavement demonstrations and several bio-swale projects are also planned. The WRAPS grant will also fund materials and services to support the program. KDHE has requested that the City of Wichita and Sedgwick County work on this project together and coordinate the efforts. In general, this partnership identifies areas that the City of Wichita will coordinate (predominantly urban) and areas that Sedgwick County will work (predominantly suburban or rural).

The grant application deadline was August 31. Under authority of City of Wichita Administrative Regulation No. 61, the City Manager is authorized to submit the grant application where delay would invalidate the grant application. Per the City Manager's approval ES prepared and submitted a SFY 08/09 KDHE WRAPS grant application for funding of the Assessment Phase II.

The grant supports the goals for Safe and Secure Communities, Core Area, Efficient Infrastructure and Quality of Life. Water quality protection and improvements of the Arkansas River supports economic, recreational, healthy and aesthetic development initiatives in the City's core area. The availability of KDHE WRAPS funding will enhance current and future efforts by the City and its partners in these areas. Future WRAPS phases will refine existing Arkansas River information and education efforts, assess needs and opportunities, develop goals, and implement effective strategies.

The City is requesting \$350,000 for KDHE's Assessment Phase of the WRAPS grant program. The grant requires a minimum of \$525,000 in-kind match grant. The City's Capitol Improvement Program (CIP) already contains funding for repairing the Rounds and Porter roof but additional resources are needed to upgrade those plans to meet a "green roof" concept. The CIP contains other stormwater projects as well. ES intends to use CIP Stormwater funding to meet this match. ES will serve as the project manager of this project. ES and Public Works as well as other City departments will provide staff support. Additionally, this project will also require the technical consulting services and installation contractors.

The Law Department will review and approve documents as to form

Motion--
--carried

Brewer moved that the grant application be approved; the grant award, if applicable be approved; and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

AIR SPARGE

AMENDMENT TO CONTRACT FOR AIR SPARGE/SOIL VAPOR EXTRACTION SYSTEM AT HARCROSS/TRISTATE-SOURCE PROPERTY WITHIN THE GILBERT AND MOSLEY SITE. (DISTRICT III)

Agenda Item No. 31

The City of Wichita has a contract with Burns & McDonnell, an environmental consulting and engineering company, to design and construct an air sparge/soil vapor extraction (AS/SVE) remediation system at the Harcros/TriState source site. City Council approved the contract April 11, 2006 for an amount not to exceed \$500,000, which included contingencies. The initial projected cost of the preliminary design, its construction, and 2 years of operation of the remediation system was \$273,310. Final system costs were to be determined upon completion of a pilot study necessary to determine final system design and overall size of the AS/SVE remedial system.

Burns and McDonnell have completed the pilot study and KDHE has approved the final system design. The updated cost of the modified system design, construction, and 2 years of operation is \$390,500. The amount of increase for the remediation system is \$117,190. Two optional tasks from the contract were also exercised in order to meet public health concerns and KDHE requirements. The optional

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tasks were: Task #7 - indoor air sampling at residential homes adjacent to the source area for \$27,000; Task #10 - additional investigative work inside the TriState building for \$3,300. Under the guidelines set forth for Design/Build projects, City Council approval is required if project costs increase by more than 10% of the original project projections. With approval of the contract amendment for the final AS/SVE system design, construction, two years of operation, and the two optional tasks, total funding for this contract will be \$420,800 - a figure still below the "not to exceed amount" of \$500,000.

This project addresses the Efficient Infrastructure goal through the remediation of groundwater and soil contamination in an existing commercial and residential area.

The action does not exceed contract levels already approved by Council. The Gilbert & Mosley TIF will pay the expenditures.

The Law Department has approved the Contract as to form.

Motion--
--carried

Brewer moved that the contract amendment be approved and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

VOCA GRANT

2008 VICTIMS OF CRIME ACT (VOCA) GRANT.

Agenda No. 32.

The Federal Victims of Crime Act (VOCA) Crime Victim Assistance grant program is administered by the Kansas Governor's Federal Grants Program. In 2001, the City Council approved the initial grant application for VOCA funding, which established a Victim Assistance Unit (VAU) in the Police Department, staffed by two civilian employees. These employees are responsible for providing direct victim assistance and coordination with established community resources. The Police Department's VAU staff work closely with several victim services agencies, including the Wichita Area Sexual Assault Center, YWCA Women's Crisis Shelter, Catholic Charities, U.S. Attorney's Victim Assistance Office, District Attorney's Victim/Witness staff, and Assistant District Attorneys.

The VAU is responsible for facilitating a coordinated response to the needs of crime victims, developing and implementing training programs (internally and externally), and administering a contingency fund to meet the emergency needs of crime victims. Victim assistance is focused on the primary and secondary victims of violent crime, including death cases and elderly burglary victims. The VAU has been instrumental in working with the Wichita Police Department's violent crimes and burglary sections to assist victims with restoring stability to their lives, and aiding in the reduction of secondary victimization.

The grant application seeks funding for the continuation of the Victim Assistance Unit for federal FY 2008, beginning October 1, 2007 through September 30, 2008. The total budget request is \$163,295; 80% (\$130,636) provided by VOCA funding and a 20% (\$32,659) local match requirement, which can be funded from anticipated under expenditures in the Police Department budget or General Fund reserves.

Provide a safe and secure community by providing assistance to victims of Violent Crimes not provided through other agencies.

The City Council has the authority to submit and receive the grant.

Motion--
--carried

Brewer moved that the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 28, 2007)

- a. ZON2005-28 – Corrective ordinance for zone change to “LC” Limited Commercial and amendment to Protective Overlay #11 on property zoned “GO” General Office. Generally located north of Maple and west of 135th Street West. (District V)

ORDINANCE NO. 47-569

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; and repealing the original of Ordinances Nos. 45-755 and 46-653 read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Fearey, Gray, Longwell, Schlapp, Williams, and Brewer.

UNFINISHED BUSINESS

1149 N. MARKET

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES, 1149 NORTH MARKET. (DISTRICT VI)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No 34

This property was before the Board of Code Standards and Appeals (BCSA) on April 2, 2007. No-one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on July 3, 2007 and was deferred until August 7, 2007, at the request of Council Member Fearey. On August 7, 2007, this case was again before the Council and was deferred because of the pending tax foreclosure sale.

On June 15, 2007, this property was secured by OCI at a cost of \$167.25. On August 24, 2007, staff made an inspection of the property. No repairs have been made and there are tall weeds on the premises and tree limbs on the premises. The structure was secure. This structure was sold at tax auction on August 22, 2007.

Taxes: As of August 24, 2007, the 2002, 2003, 2004, 2005 and 2006 taxes were still shown as delinquent in the amount of \$5,859.84. There are 2006 special assessments for lot cleanup and weed mowing in the amount of \$1,108.61, a 2007 weed mowing assessment in the amount of \$116.50, and a pending assessment for emergency board up in the amount of \$167.25.

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

Motion--carried

Fearey moved to defer this item for 90 days. Motion carried 6 to 0, (Skelton absent).

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ECK LEASING

ADOPTION OF TAX EXEMPTION ORDINANCE, ECK LEASING/C.E. MACHINE CO., INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 35

On August 21, 2007, City Council approved first reading of an ordinance granting an 85% ad valorem tax exemption for a five-plus-five-year term on real and personal property to C.E. Machine Co., Inc. C.E. Machine has expanded its manufacturing capacity to include additional manufacturing space and acquisition of new manufacturing equipment in the amount of \$3,486,867. Second reading of the ordinance has been scheduled as "unfinished business" in order to satisfy the statutory requirement for a public hearing.

K.S.A. 79-201a requires a public hearing to be held by the City Council prior to granting a property tax exemption. This is normally done in connection with first reading of the exemption ordinance. However, the required 7-day notice was not published prior to first reading and therefore is being held in connection with second reading and adoption of the ordinance. Proper notice of the public hearing was published by the Wichita Eagle on August 29, 2007.

There is no financial impact as a result of rescheduling the public hearing.

Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

The City Attorney's Office has approved the Ordinance as to form.

Motion--

Gray moved that the public hearing be closed and the Ordinance, granting a 85% tax exemption on the identified real and personal property improvements for a five year term, plus a 85% tax exemption for a second five-year term on real property only, subject to

--carried

City Council approval. Motion carried 6 to 0, (Skelton absent).

ORDINANCE

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 Eck Leasing/C.E. Machine Co., Inc., so exempted, introduced and under the rules laid over.

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NEW BUSINESS

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICTS I, IV, & VI)

Kurt Schroeder Office of Central Inspection reviewed the item.

Agenda Item No.36

On July 24, 2007, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on September 11, 2007.

On July 9, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on eight (8) properties. The eight (8) properties are listed below:

<u>Property Address</u>	<u>Council District</u>
a. 1055 North Poplar	I
b. 1641 North Pennsylvania	I
c. 1442 North Green	I
d. 2535 North Chautauqua	I
e. 533 West 47th St. S.	IV
f. 631 West 47th St. S.	IV
g. 512 East Central	VI
h 2034 North Waco	VI

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

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

Pursuant to State Statute, the Resolutions were duly published twice on July 27, 2007, and August 3, 2007. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Motion-- Brewer moved to close the public hearing, adopt the resolutions declaring the building a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structure would be contingent on the following: (1) All taxes have been paid to date, as of September 11, 2007; (2) the structure has been secured as of September 11, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of September 11, 2007 and will be so maintained during renovation for the properties located at a) 1055 North Poplar, d) 2535 North Chautauqua, and h) 2034 North Waco. Motion
--carried carried 6 to 0, (Skelton absent).

Kurt Schroeder Office of Central Inspection stated that the Staff recommendation is to defer the public hearings on the remaining four properties until October 2, 2007 and that the property owners have been contacted.

Motion-- Brewer moved to defer the public hearing until October 2, 2007 for the properties located at b) 1641 North Pennsylvania, c) 1442 North Green, e) 533 West 47th Street South, f) 631 West 47th Street South, and g) 512 east Central. Motion carried 6 to 0, (Skelton absent).
--carried

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Resolution No. 07-515

A Resolution finding that the structure/s legally described as, 07-422 Lots 42 and 44, Block 1, Esterbrook Park Addition, an addition to the City of Wichita, Sedgwick County, Kansas, known as 1055 N Poplar , 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: Fearey, Gray, Schlapp, Longwell, Williams and Brewer, (Skelton absent.).

Resolution No. 07-516

A Resolution finding that the structure/s legally described as, Lot 6, Block J, Audrey Matlock Heights First Addition, an addition to Wichita Sedgwick County, Kansas to the City of Wichita, Sedgwick County, Kansas, known as 2535 N. Chautauqua, 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: Fearey, Gray, Schlapp, Longwell, Williams and Brewer, (Skelton absent).

Resolution No. 07-517

A Resolution finding that the structure/s legally described as, Lot 6, Block J. Audrey Matlock Heights First Addition, an addition to the City of Wichita, Sedgwick County, Kansas, known as 2034 N. Waco , 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: Fearey, Gray, Schlapp, Longwell, Williams and Brewer, (Skelton absent.).

LEE REAL EST.

PUBLIC HEARING AND REQUEST FOR AMENDED LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, LEE REAL ESTATE, LLC. (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 37

Since 1999, the City of Wichita has issued three separate series of Industrial Revenue Bonds (“IRBs”) in an aggregate amount of \$7.2 million Lee Aerospace, Inc. Proceeds from the three bond issues were used to acquire property and construct a new corporate campus for Lee Aerospace at 34th Street North and Webb Road in northeast Wichita, including 88,000 s.f. of manufacturing space and 8,000 s.f. of office space, in three buildings. Each bond issue also included a five-plus-five year 100% tax exemption on bond-financed property. In 1999, Lee Aerospace, Inc. was purchased by Triumph Aerospace Systems and operates as its Wichita-based subsidiary, under the same management team. The bond-financed real estate is now leased to Lee Real Estate, LLC and sub-leased to Triumph Aerospace Systems-Wichita, Inc.

On June 5, 2007, City Council approved the issuance of a six-month Letter of Intent for IRBs in the amount not-to-exceed \$3,000,000, and a 100% five-plus-five-year property tax exemption, in conjunction with their current expansion project. Bond proceeds will be used to construct a new facility including 39,600 s.f. for manufacturing space on land already owned by an entity related to the company. Lee Real Estate, LLC is now requesting to modify the Letter of Intent to increase the not-to-exceed amount by an additional \$300,000. The proposed amended amount of the Letter of Intent is not-to-exceed \$3,300,000.

Lee Real Estate will sublease the project to Triumph Aerospace Systems-Wichita, Inc. (formerly known as Lee Aerospace, Inc).

In conjunction with its original proposed project, Triumph Aerospace Systems-Wichita has identified additional expansion requirements. The proposed \$300,000 increase is attributed to increased costs for infrastructure, equipment and furnishings for the facility. All other provisions of the Letter of Intent shall remain unchanged.

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An analysis of the amended uses of project funds is:

Leasehold Improvements	\$ 800,000
Building	2,450,000
Landscape	50,000
Total Cost of Project	\$3,300,000

The revised estimated first year's taxes on Triumph Aerospace Systems–Wichita's proposed \$3,300,000 expansion would be \$95,752, on real property improvements, based on the 2006 mill levy. The tax exemption would be shared among the taxing entities as follows: City - \$26,361; County/State - \$27,072; and USD 375 - \$42,319.

The cost-benefit analysis has been revised by the Wichita State University Center for Economic Development and Business Research to reflect the increased investment. New benefit-to-cost ratios are:

City of Wichita	2.57 to one
Sedgwick County	1.80 to one
USD 375	1.00 to one
State of Kansas	12.74 to one

Economic Vitality and Affordable Living. 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.

Legal requirements relating to amending the letter of intent have been satisfied, including publication of a notice of public hearing and revision of the cost-benefit analysis.

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

Motion-- Schlapp moved that the public hearing be closed; an amended Letter of Intent to Lee Real Estate, LLC, for Industrial Revenue Bonds in an amount not-to-exceed \$3,300,000, and a 100% five-plus-five-year property tax exemption, subject to letter of intent conditions approved; and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).
--carried

H2 CORPORATE PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR TAXABLE INDUSTRIAL REVENUE BONDS, H2 CORPORATE OFFICE, LLC. (DISTRICT II)

Allen Bell Economic Development Administrator reviewed the item.

Agenda Item No. 38

H2 Corporate Office, LLC is requesting the issuance of a one-year letter of intent for Industrial Revenue Bonds (IRBs) in an amount not to exceed \$8,500,000. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping an office building to be leased to H2 Corporate Office, LLC. H2 Corporate Office is also requesting the City Council's approval of a 100% five-year tax exemption on bond-financed property, plus a second five-year exemption subject to City Council approval. The new facility will be located at 10918 E. 13th Street North, between Webb Road and Greenwich Road in northeast Wichita. H2 Corporate Office will sublease the project to Hartman Oil Co, Inc. ("Hartman Oil").

H2 Corporate Office, LLC, is a newly incorporated limited liability company, formed to own and develop the proposed facility. The managing member of H2 Corporate Office is Willis E. Hartman. Hartman Oil Co., Inc. is a successful independent oil and natural gas company engaged in the development, acquisition, and operation of oil and gas properties in the Mid-Continent region. Hartman Oil is headquartered in Wichita, and with field offices in Garden City, Ellinwood, and Great Bend, Kansas, the company operates more than 350 wells in Kansas and Oklahoma. Hartman was founded in

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1920 by W.L. Hartman and is now under the leadership of Willis E. Hartman, the founders' grandson and sole stockholder.

H2 Corporate Office proposes to build a new 45,000 square foot two-story office building to serve as the corporate headquarters of Hartman Oil Co. and house the many businesses associated with Willis E. Hartman and the supporting companies of Hartman Oil Co., Inc. Hartman Oil currently employs 10 people in its Wichita headquarters and plans to add 30 new jobs over a five-year period, at an average wage of \$75,000 per year. Hartman Oil may sublease portions of the building to other businesses in order to financially support the expansion, in which case payments-in-lieu-of-taxes may be required to off-set tax abatements.

An analysis of the uses of project funds is:

Land	\$ 900,000	
Building construction		6,000,000
Furniture, Fixtures, and Equipment		1,500,000
Costs of Issuance		100,000
Total Cost of Project:		\$8,500,000

The law firm of Kutak Rock, LLP will serve as bond counsel in the transaction. The Company plans to privately place the bonds with a financial institution with which it has an established banking relationship, using Froggatte & Company as placement agent. The cost/benefit analysis performed by the WSU Center for Economic Development and Business Research reflects the following benefit-cost ratios:

City	1.99 to one
County	1.60 to one
USD 259	1.16 to one
State	4.90 to one

H2 Corporate Office has selected Hutton Construction Company to serve as general contractor for the project. Construction work on the new corporate headquarters building began prior to submitting the request for an IRB letter of intent. The City's IRB Policy requires selection of general contractors based on procedures that do not exclude minority or women-owned firms (referred to as Letter of Intent Condition #7). H2 Corporate agrees to comply with the Letter of Intent Conditions contained in the City's IRB Policy, with the exception of condition #7, and ask that this condition be waived. H2 Corporate Office has agreed to publish an advertisement that invites minority and women-owned firms seek work in the project as sub-contractors and suppliers.

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

The estimated first year's taxes on H2 Corporate Office' proposed \$8,500,000 expansion would be \$174,096 on real property improvements and \$37,300 on personal property, based on the 2006 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$211,396 of new taxes from the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$58,198; County/State - \$59,768; and USD 259 - \$93,430.

In addition, the project will qualify for a sales tax exemption on bond-financed purchases. The estimated amount of exempted sales taxes is \$219,000, including \$159,000 state sales tax and \$60,000 county sales tax.

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Economic Vitality and Affordable Living. 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 needed for the issuance of bonds will be prepared by bond counsel, Kutak Rock, LLP. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. The statutory notice of public hearing has been published and mailed to Sedgwick County and USD 259.

Mayor Brewer

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

Motion--

Schlapp moved that the public hearing be closed; a Letter of Intent to H2 Corporate Office, LLC, for Taxable Industrial Revenue Bonds in an amount not-to-exceed \$8,500,000, subject to the Letter of Intent Conditions with the exception of condition #7, for a term of one-year be approved; a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five years following City Council review, subject to possible payments-in-lieu-of-taxes be approved; and the application for a sales tax exemption on bond-financed property authorized. Motion carried 6 to 0, (Skelton absent).

--carried

LARKSFIELD

PUBLIC HEARING AND ISSUANCE OF HEALTH CARE FACILITIES IMPROVEMENT REVENUE BONDS, LARKSFIELD PLACE. (DISTRICT II)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 39

On March 16, 1999, City Council approved issuance of Health Care Facility Revenue Bonds, in an amount not-to-exceed \$19.5 million, to Wesley Retirement Communities, Inc. for the benefit of Larksfield Place, for the purpose of refunding the Series III - A & B 1994 Bonds and to finance additional improvements at their campus located at 7373 East 29th Street North.

On July 17, 2007, City Council approved a six-month letter of intent to issue its Health Care Facilities Refunding Revenue Bonds in an amount not-to-exceed \$29,000,000. Bond proceeds will be used to construct and equip a new addition to its existing facility. At the time the Letter of Intent was approved it was also planned to use a portion of the bond proceeds to refinance the Series I 1999 bonds. The refunding portion of the bonds has been removed from the original request because in the current market the refunding was not feasible. Larksfield Place is requesting an amendment of the letter of intent to authorize issuance of IRBs in the amount of \$13,000,000, and the issuance of bonds in that amount at this time.

Bond proceeds will be used to construct 27 new independent living apartments in a new 55,000 s.f. building. As a not-for-profit 501 (c)(3) corporation, Larksfield Place is eligible to receive tax-exempt revenue bond financing.

The estimated uses of bond proceeds is as follows:

USES OF FUNDS

Building Addition	\$10,000,000
Other Capital Improvements	1,384,000
Capitalize Interest	356,000
Debt Reserve	912,000
Underwriter's Discount	198,000
Costs of Issuance	150,000
Total Cost of Project:	\$13,000,000

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Ziegler Capital Markets will underwrite the bond issue. The City's bond counsel firm, Kutak Rock LLP, serves as bond counsel in the transaction. Larksfield Place currently has an approved EEO/AA Plan on file with the City's Purchasing Department.

Larksfield Place 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. Larksfield Place is not requesting a property tax exemption in conjunction with issuance of Health Care Facilities Improvement Revenue Bonds.

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

Bond documents needed for the issuance of the bonds has been prepared by bond counsel. The City Attorney's Office has reviewed and approves the final form of bond documents.

Mayor Brewer

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

Motion--

Schlapp moved that the public hearing be closed; the Letter of Intent for Health Care Facilities Improvement Revenue Bonds in the amount not-to-exceed \$13,000,000 amended; place on first reading the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Health Care Facilities Improvement Revenue Bonds to Larksfield Place, in the amount not-to-exceed \$13,000,000; approve the Bond Purchase Agreement; and authorize the necessary signatures. Motion carried 6 to 0, (Skelton absent).

--carried

ORDINANCE

An ordinance authorizing the city of Wichita, Kansas, to issue its health care facilities improvement revenue bonds, series iv, 2007 (Larksfield Place), in the aggregate principal amount of not to exceed \$13,000,000 for the purposes of paying the cost of purchasing, acquiring, constructing, furnishing and equipping certain additions to an existing facility; prescribing the form and authorizing execution of a first supplemental trust indenture by and between the issuer and Commerce Bank, N.A., as trustee; prescribing the form and authorizing the execution of a first supplemental lease agreement by and between the issuer and Wesley Retirement Communities, Inc. d/b/a Larksfield Place; approving the form of a guaranty agreement to be executed in connection with the issuance of said bonds; authorizing execution of a tax compliance agreement by and among the issuer, the trustee and the corporation; authorizing the execution of a bond purchase agreement by and among the issuer, the corporation and Ziegler Capital Markets, as underwriter of the bonds, introduced and under the rules laid over.

SISTER CITIES

SISTER CITIES PROGRAM-BOARD.

Gary Rebenstorf

Director of Law reviewed the item.

Agenda Item No. 40

The Sister Cities Advisory Board was created in 1974 as an advisory board to the City Council on matters relating to the City's implementation and continuation of the Sister Cities Program, with its members appointed by the City Council. Friends of Sister Cities, Inc. was established in 1984 to provide volunteers and fund raising to support the projects of the Wichita Sister Cities Program, with its Board of Directors elected by the members of the Friends of Sister Cities. After a study and discussion by the two boards, it was recommended that the creation of a single entity for governance, fund raising, and advising the City Council regarding the Sister Cities Program would provide a more cohesive program. The merged board is the Wichita Area Sister Cities, Inc. The Sister Cities Advisory Board was officially "sunsetting" at the end of 2000 as part of the Council's review of all of the advisory board of the City, although no ordinance changes were made. On January 23, 2001, the Council also voted (7-0) to merge the two boards. Subsequently the Sister Cities Advisory Board was inadvertently reauthorized by the annual board reviews in June of 2002 and 2003. The annual authorization in 2004 noted the previous sunset and that the merged board no longer reported to the City Council.

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The proposed ordinance repeals the old Code sections pertaining to the Sister Cities Advisory Board, consistent with prior action of the City Council. A new provision in Code sec. 2.12.1008 references the current status: The Wichita Area Sister Cities, Inc., advises on the Sister Cities Program but is not a City advisory board and appointments are not subject to the provisions of Chap. 2.12.

Economic Vitality.

The ordinance reflects prior actions of the City Council and has been approved as to form by the Law Department.

Mayor Brewer

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

Motion--carried

Brewer moved that the ordinance be placed on first reading. Motion carried 6 to 0, (Skelton absent).

ORDINANCE

An ordinance of the city of Wichita pertaining to the merger of the sister cities advisory board; amending sections 2.12.1008 of the code of the city of Wichita; and repealing the original of said section and repealing sections 2.12.1010, 2.12.1012, and 2.12.1014, introduced and under the rules laid over.

WETLANDS DEV.

WETLANDS DEVELOPMENT AT THE COWSKIN CREEK WATER QUALITY RECLAMATION FACILITY. (DISTRICT V)

Council Member Longwell Council Member Longwell reviewed the item.

Agenda Item No. 44a.

As part of the Cowskin Creek Water Quality Reclamation Facility Project in Northwest Wichita, the City acquired an area of natural prairie ecosystem including approximately 20 acres of historic wetlands. The environmentally supportive design of the Facility, as approved by the City Council, allowed for the eventual restoration of the wetlands. The City Council has authorized the City Manager from time-to-time to apply for various grants to fund the wetlands restoration. The City is now in the process of developing approximately 6 acres of the land that had been set aside for wetlands; this phase includes \$19,800 for design and \$209,000 for construction. In discussions with the Corps of Engineers on drainage and wetlands issues in the region, Corps staff has suggested the planned development at the Facility could be considered as public "wetlands" and serve some of the future need for wetlands mitigation and development in Northwest Wichita.

To be able to apply the wetlands development at the Facility for Corps consideration, the City is asked to make a commitment that the City will continue with plans to create and restore an area that is suitable for wetlands designation. The use of a portion of the Facility for wetlands will give the appropriate governmental agencies the opportunity to include these wetlands in their determination of the amount of wetlands that need to be mitigated or developed in the region. This commitment will be made in a form acceptable to the Corps of Engineers. City Staff will assure that the commitment made will not interfere with the function or future development of the Facility and will not negatively impact drainage plans relative to Cowskin Creek and vicinity. Development and maintenance of the wetlands for the future will still require appropriate Council budgetary action at the appropriate times.

Promote the Economic Vitality and Efficient Infrastructure goals through the development of wetlands that will improve the environs of Cowskin Creek, address drainage issues, and assist in the development of northwest Wichita.

The current project has already been budgeted and approved. Future development and maintenance of wetlands may require additional funding. Any future development and maintenance plans will be brought to Council for approval in the same manner as other projects.

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The Law Department will draft and approve the appropriate documents in a form acceptable to the Corps of Engineers. If conditions are attached that are unacceptable to the Law Department or inconsistent with the City's understanding presented above, the documents will not be approved or filed.

Motion--

--carried

Longwell moved to support the continued development of public wetlands at the Treatment Facility and authorize the City Manager to sign the appropriate documents to continue the wetlands project and make the necessary commitments to create and restore wetlands. Motion carried 6 to 0, (Skelton absent).

PLANNING AGENDA

Motion--

--carried

Brewer moved that Planning Consent items 45 to 50 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Skelton absent).

ZON2007-34

ZON2007-34 – ZONE CHANGE FROM “LC” LIMITED COMMERCIAL TO “GC” GENERAL COMMERCIAL; GENERALLY LOCATED NORTHEAST OF THE HARRY STREET AND GEORGE WASHINGTON BOULEVARD INTERSECTION. (DISTRICT I)

Agenda Item No. 45

MAPC Recommendations: Deny (13-0).

DAB I Recommendation: Deny (9-1).

MAPD Staff Recommendations: Deny.

The applicant seeks “GC” General Commercial zoning on a 0.26 acre lot located northeast of the Harry Street and George Washington Boulevard intersection. The “LC” zoned site was a former fire station and is now developed with a vehicle repair business. Vehicle repair, limited is a permitted land use under the current “LC” Limited Commercial zoning. The applicant now wishes to do auto bodywork (see the attached applicant's letter), which falls under the definition of vehicle repair, general and requires “GC” General Commercial zoning. The site received a Conditional Use in 1999 permitting outdoor vehicle sales limited to three vehicles. A variance approved by the Board of Zoning Appeals in 1999 reduced the parking requirement on the site from 12 to 9 spaces.

The Unified Zoning Code (UZC) definition for vehicle repair, limited is: a use providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services within completely enclosed buildings. Typical uses include businesses engaged in the following activities: electronic tune-ups; brake repairs; air conditioning repairs; transmission and engine repairs; generator and starter repairs; tire repairs; front-end alignments; battery recharging; lubrication; sales, repair, and installation of minor parts and accessories, such as tires, batteries, windshield wipers, hoses, windows, etc. The UZC definition for vehicle repair, general is: an establishment primarily engaged in painting or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.

The application area has “GO” General Office, “B” Multi-family Residential and “TF-3” Two-family Residential zoning to the north with an apartment building and single-family residences immediately north of the site. South of the site, across Harry Street, is a “LC” zoned commercial area. Southwest of the site, across Harry Street and George Washington Boulevard, is the “LI” Limited Industrial zoned Coca-Cola bottling facility. East of the site is a “LC” zoned commercial area. West of the site, across George Washington Boulevard, is a “LC” zoned restaurant and commercial area.

There were two speakers in opposition to the request at the MAPC meeting on August 2, 2007. The opposition stated that the existing garage/car sales lot generated repair noise, that repairs seem to be done outside of the garage and that the site was generally full of cars that appeared to be demolished, making the site look like a junkyard. The MAPC voted unanimously (13-0) to recommend denial of the requested “GC” zone change. DAB I considered this request at their August 7, 2007 meeting and recommended denial (9-1) of the requested “GC” zoning. One protest petition has been submitted that

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represents less than 20% (10.59%) of the land within the protest area, thus the ¾ majority vote by the Council is not required to override the neighborhood protest. There were also three protest letters presented that were signed by tenants of the abutting (north of the subject site) apartment complex and a business located in the abutting (east of the subject site) retail strip. None of these three were the property owners, but were leases on the properties, thus they do not have protest status.

Promote Economic Vitality.

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

Motion--
--carried

Brewer moved to concur with the findings of the MAPC and deny the application. Motion carried 6 to 0, (Skelton absent).

A07-17R

A07-17R-REQUEST BY EUGENE VITARELLI OF PALLADIO DEVELOPERS, INC., TO ANNEX LAND GENERALLY LOCATED NORTH OF PAWNEE ROAD, BETWEEN 127TH STREET EAST AND 143RD STREET EAST. (DISTRICT II)

Agenda Item No. 46

The City received a request to annex 10.91 acres of land generally located north of Pawnee Road, between 127th Street East and 143rd Street East. The annexation area abuts the City of Wichita to the west. The property owner anticipates that the proposed property will be developed as Sierra Hills 2nd Addition, with 20 single-family homes within the next three years. On August 2, 2007, the Metropolitan Area Planning Department approved the final plat of the Sierra Hills 2nd Addition was approved as recommended by the Subdivision Committee, subject to a series of conditions.

Land Use and Zoning: The proposed annexation consists of approximately 10.91 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north, east and south is primarily undeveloped and is zoned "SF-20" Single-Family Residential. Property to the west is currently being developed into a residential subdivision known as the Sierra Hills Addition and is zoned as "SF-5" Single-Family Residential. Property to the northwest is being developed into a residential subdivision known as the Equestrian Estates and is zoned as "PUD" Planned Unit Development.

Public Services: There are 8" water and sewer lines in the Sierra Hills Addition to the west of the proposed property.

Street System: No roads connect to the subject property at this time, but when the construction of the Sierra Hills Addition is complete, a local road (Mount Vernon Road) is proposed to run up to the west edge of the proposed property. The City of Wichita Capital Improvement Program (CIP) 2005-2014 and the 2006 Transportation Improvement Program have scheduled Harry Street to be widened, between Greenwich and 143rd Street East, which is approximately 1/2 mile north of the subject property. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a eight (8) to nine (9) minute approximate response time from City Fire Station No. 6 & 38, located at 1010 North 143rd Street East. 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.

Parks: The WB Harrison Park, a 40-acre park, located approximately 3 miles northwest of the subject property and contains 2 tennis courts, a softball diamond, a rugby field, a children's play area with 3 benches, a restroom, a paved 0.75 mile exercise/fitness trail, a fishing pond and two parking areas, one paved and one unpaved. The Towne Park, a 4-acre park, located 3 miles to the southwest of the subject property and contains a children's play area, a paved, exercise/fitness trail, and a pond with a deck.

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School District: The annexation property is part of the Unified School District 259 (Wichita 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 \$630 with a total assessed value of \$189. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$6 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 20 single-family homes will be developed in the next three years. The total appraised value of this development after completion is estimated at \$4,000,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$14,447 in City annual tax revenues.

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

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

Motion--
--carried

Brewer moved that the annexation request be approved; the ordinance placed on first reading and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas, introduced and under the rules laid over.(A07-17)

SUB2007-22

SUB 2007-22-PLAT OF KOCH COMMUNITY PARK ADDITION LOCATED NORTH OF 29TH STREET NORTH AND ON THE WEST SIDE OF OLIVER. (DISTRICT I)

Agenda Item No. 47

Staff Recommendation: Approve the plat.

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

This site, consisting of three lots on 31 acres, is located within Wichita's city limits. This site was approved for a zone change (ZON 2006-57) from "SF-5" Single-Family Residential District to "LC" Limited Commercial District. The Koch Community Park Community Unit Plan (CUP 2006-53, DP-304) was also approved for this site, subject to platting. A CUP Certificate has been submitted identifying the approved CUP and its special conditions for development on this property.

Petitions, 100 percent, and a Certificate of Petitions was submitted for sewer, water, paving and drainage improvements. In accordance with the CUP approval, a Grant of Joint Access Easement and a Cross-lot Circulation Agreement have been submitted. A Restrictive Covenant has been submitted to provide for the ownership and maintenance responsibilities of the proposed reserves being platted for drainage purposes.

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

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

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Motion--
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted; and the first reading of the Ordinance approved. Motion carried 6 to 0, (Skelton absent).

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.

RESOLUTION NO. 07-497

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90320, north of 29th Street North, west of Oliver, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent.)

RESOLUTION NO. 07-498

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90322, north of 29th Street North, west of Oliver, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent.)

RESOLUTION NO. 07-499

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 120, Sanitary Sewer No. 23, north of 29th Street North, west of Oliver, 468-84401, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent.)

RESOLUTION NO. 07-500

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 121, Sanitary Sewer No. 23, north of 29th Street North, west of Oliver, 468-84402, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent.)

RESOLUTION NO. 07-501

Resolution of Findings of Advisability and Resolution authorizing improving Storm Water Drain No. 333, North of 29th street North, west of Oliver, 468-84404, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent.)

RESOLUTION NO. 07-502

Resolution of Findings of Advisability and Resolution authorizing constructing pavement on a northbound left turn lane on Olivier Avenue for the two major openings on Oliver Avenue, north of 29th Street North, west of Oliver, 472-84596, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Williams and Brewer. (Skelton absent.)

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DED2007-19

DED 2007-19 -- DEDICATION OF A UTILITY EASEMENT AND A STREET IMPROVEMENT AGREEMENT LOCATED EAST OF HOOVER ROAD AND SOUTH OF CENTRAL. (DISTRICT IV)

Agenda Item No. 48

Staff Recommendation: Accept the Dedication and approve the Street Improvement Agreement.

The Dedication and Street Improvement are associated with Lot Split Case No. SUB 2007-70 (Lot 1, Block 12, Fruitvale Park Addition). The Dedication is for construction and maintenance of public utilities, and the Street Improvement Agreement is for future paving improvements on Newell. This Agreement assures the City of Wichita that this property will be included in the paving improvements, and the owners have waived their right to protest said paving improvement.

Ensure Efficient Infrastructure.

The Dedication and Street Improvement Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Brewer moved that the Dedication be accepted and the Street Improvement Agreement approved.
Motion carried 6 to 0, (Skelton absent).

VAC2000-00046

VAC2000-00046 REQUEST TO VACATE A PLATTED MAINTENANCE EASEMENT AND A PLATTED SIDE YARD SETBACK; GENERALLY LOCATED EAST OF 143RD STREET, NORTH OF CENTRAL AVENUE, ON THE SOUTH SIDE OF KILLARNEY COURT, (3-MILE RING JURISDICTION, BOCC DISTRICT #1).

Agenda Item No. 49.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The platted maintenance easement and the platted interior side yard setback were established for the development of a zero lot line dwelling on Lot 5, Block 1, Crestview Country Club Estates, Overbrook 4th Addition. The applicant also owns the abutting Lot 4, Block 1, Crestview Country Club Estates, Overbrook 4th Addition and proposes to build over the common lot line of Lots 4 and 5, thus encroaching over the platted maintenance easement and the platted interior side yard setback. The platted maintenance easement and the platted interior side yard setback are located entirely on Lot 4. The Crestview Country Club Estates, Overbrook 4th Addition was recorded with the Register of Deeds on June 24, 1983.

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. Because this vacation case is located in Sedgwick County, but within the City of Wichita's 3-mile ring subdivision jurisdiction, consideration and final action by both the Wichita City Council and the Sedgwick County Board of County Commissioners is required

Ensure efficient infrastructure.

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

Motion--
--carried

Brewer moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Skelton absent).

VAC2007-00025

VAC2007-00023-REQUEST TO VACATE PLATTED SETBACKS, GENERALLY LOCATED MIDWAY BETWEEN 13TH AND 21ST STREETS NORTH, ON THE WEST SIDE OF 127TH

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STREET EAST AND SOUTHEAST OF CASTLEWOOD & TALLOWOOD DRIVES.. (DISTRICT II)

Agenda Item No. 50.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the platted 35 foot and 25 foot platted front yard setbacks on the "SF-5" Single-family Residential zoned Lot 12, Block 1, the Crestview Country Addition. The Unified Zoning Code's (UZC) minimum front yard setback for the "SF-5" zoning district is 25 feet. If the setbacks were the minimum 25 foot setback per the UZC, an Administrative Adjustment could be applied to reduce the 25 foot setback by 20%, resulting in a 20 foot setback. The applicant is requesting the vacation of the platted setbacks to 20 feet. There are platted easements (with sewer line in one, but no water line) that will not be affected by the vacated setbacks. There are no other utilities in the portions of the setbacks that are proposed to be vacated. The Crestwood Country Addition was recorded with the Register of Deeds on August 21, 1980. The single-family residences around the vacant subject site were built between 1992 and 1995; the subject site is the last undeveloped lot in the subdivision.

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

Ensure efficient infrastructure.

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

Motion--
--carried

Brewer moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Skelton absent).

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Longwell Council Member Longwell requested that Roger Dakin be appointed to the Wichita Access Board.

Motion--carried

Brewer moved to approve the appointment. Motion carried 6 to 0, (Skelton absent).

ADJOURNMENT

Motion--carried

Brewer moved to adjourn the meeting at 9:46 a.m. Motion carried 6 to 0, (Skelton absent).