

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 20, 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; Skelton, and Williams present.

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

Rick Cline, Central Church of Christ, gave the invocation.

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

The Minutes of the regular meeting of November 6, 2007, approved 7 to 0.

### AWARDS AND PROCLAMATIONS

Proclamations

#### National Hospice Month

Mayor Brewer read aloud the proclamation.

### PUBLIC AGENDA

#### Cindy Claycomb, PhD-Tobacco Free Wichita.

Cindy Claycomb

Ms. Claycomb reported that she is the co-chair of Tobacco Free Wichita and resides at 151 North Rock Island. Stated their coalition is made up of citizens who care about clean indoor air as it relates to public health. Stated they are asking the Council to adopt a comprehensive clean indoor air ordinance for Wichita. Stated this ordinance should ban smoking in all work places including restaurants and bars. Stated that a survey which was conducted, shows that 73% of the respondents favor a clean indoor ordinance for workplaces in Wichita including restaurants and bars and 18% stated they would visit restaurants more often if such an ordinance were passed and 17% stated the same for bars while only 5% said they would visit restaurants and bars less often. Stated the financial and social burdens of second hand smoke are tremendous and health care related to second hand smoke cost Wichitans approximately \$4.5 million dollars per year. Stated this can be reversed and tobacco use has decreased by 38% in California since 1998 when their law was enacted and such a ban in Wichita would help support Visioneering's goal to reduce tobacco use by 50% by the year 2014. Stated clean indoor air ordinances are now the norm rather than the exception and more than 57% of the U.S. population lives in a community or State that has adopted a smoking ban and we are behind these progressive communities. As a show of support, asked all supporters of a clean indoor air ordinance to stand and be recognized. Stated they are leaving for each Council Member a booklet that includes the preliminary results of their study of Wichita voters, a list of doctors and others who signed their online statements of support to show their backing for their efforts today. Stated everyone has a right to breathe clean smoke free air and urged the Council to adopt this ordinance.

Vice-Mayor Fearey

Vice-Mayor Fearey stated she would like the Council to look at this issue in depth and asked if there was Council support to direct Staff to put something together along the lines of the Lawrence ordinance and take it out to their DABs and bring back to Council in a workshop in December.

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Mayor Brewer Mayor Brewer stated this is something that can be done and it is time that the Council starts looking that this particular issue.

Council Member Longwell Council Member Longwell stated he feels also that it is time but would like to listen to all of the speakers today on this topic. Stated he would prefer that it come to a workshop before it goes out to the DABs.

Mayor Brewer Mayor Brewer asked to continue on with the other speakers and when completed they can discuss further.

## Pete Dominguez, Operation Southwind-Licenses and zoning for the three Family Video stores in Wichita.

Pete Dominguez Mr. Dominguez reported that they are concern about the zoning ordinances that are affecting four or five of the sexually oriented businesses (SOBs) in Wichita that is suppose to take affect at the end of the year. Stated they have questions as to how that is progressing and if they have appealed to that and the end of two years will take place at the end of 2007. Stated the Family Video Stores that have cropped in the Wichita area in the last couple of years have three locations that are a concern to him. Stated the store at 8787 West 29<sup>th</sup> Street North has 650 videos that are x-rated and they also have a room in the back of the store where these videos can be viewed. Stated at 1759 South Hillside, there is also a Family Video Store that has 525 x-rated videos and the store at St. Paul and Central has and adult room along with x-rated videos. Stated they want to know if these Family Video Stores have a license to sell, rent, or market in some way x-rated videos and that is their concern.

Joe Lang City Attorney stated the City does have an adult entertainment license provision, ordinances but to their knowledge these facilities do not have such licenses and generally video stores do not. Stated to be required to have an adult entertainment license, the principle business purpose of the facility must be one that contains materials that depict or describe specific sexual activities or specific anatomical areas. Stated this would not have been something that the City would initiate looking at and as far as they know the facilities have the proper zoning for the type of operations they are currently licensed to do.

Council Member Skelton Council Member Skelton stated if there is any doubt then someone from the City should go and investigate this.

Council Member Gray Council Member Gray stated he visited one of these stores and asked if these rooms were monitored and they are and we need to be careful and know the facts before we make assumptions but agrees it needs to be investigated.

Mayor Brewer Mayor Brewer asked the City Manager to have Staff check into this.

## James H. Wear-Smoking in bars and grills.

James H. Wear Mr. Wear reported that he is the owner and operator of a bar and grill on South Seneca and 95% of his clientele are smokers. Stated he would prefer that there be a list of smoking establishments to give people the choice. Stated that smoking is a right that he has and ask that they be given a right to choose.

Mayor Brewer Mayor Brewer stated it is time to look at this issue and asked the City Attorney get a copy of the Lawrence ordinance and bring a copy to each Council Members, draft an ordinance for the City of Wichita based on the City Council's input, and bring it back to the City Council to review then each City Council Member can tell the City Attorney if they want it sent out to their DAB or not.

Joe Lang City Attorney stated they could proceed that way and it would probably contain the comments from various Council Members. Stated there would be options in it rather than a final version on how they would want to proceed on the scope, timing, and some of those things.

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## CONSENT AGENDA

Motion--  
--carried

Brewer moved that Consent items 4 to 24k be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 19, 2007**

Minutes of the regular meeting dated October 29, 2007, were read and on motion approved.

Bids were opened November 9 and November 16, 2007 pursuant to advertisements published on:

2007 Sanitary Sewer Reconstruction, Phase 11 (various locations east of Maize, north of Pawnee) (468-84443/620492/667610) Traffic shall be maintained during construction using flagpersons and barricades. (District I, II, III, V, VI)

WB Carter Construction - \$131,131.00

Hillside Bridge at Range Road over Gypsum Creek (87N-0359-01/472-84395/715711/636148/246127/775542) Traffic shall be maintained during construction using flagpersons and barricades. (District III)

Dondlinger & Sons Construction - \$1,254,051.31

Lateral 501 Southwest Interceptor Sewer to serve Shady Ridge Addition (south of Central, east of Ridge) (468-83838/744248/480936) Does not affect existing traffic. (District V)

Duling Construction - \$22,130.00

Water Distribution System to serve Tara Creek Addition (north of Pawnee, west of 127th Street East) (448-90297/735376/470049) Does not affect existing traffic. (District II)

Duling Construction - \$26,032.00

Lateral 53 War Industry Sewer to serve Greenwich Office Park (north of 13th Street North, west of Greenwich) (468-84408/744251/480939) Does not affect existing traffic. (District II); Lateral 55 War Industry Sewer to serve Waterfront 6th Addition (north of 13th Street North, west of Greenwich) (468-84427/744253/480942) Does not affect existing traffic. (District II)

Mies Construction - \$42,731.00 Group 1  
- \$32,208.00 Group 2  
\$74,939.00 Total Aggregate Bid

Lateral 56 War Industry Sewer to serve Waterfront 6th Addition (north of 13th Street North, west of Greenwich) (468-84428/744254/480943) Does not affect existing traffic. (District II)

Mies Construction - \$25,525.00

High Point, from the east line of Lot 5, Block B, west and south to the north line of Conrey; Conrey from the west line of Lot 9, Block C, west to the west line of High Point; High Court from the east line of High Point east to and including the cul-de-sac; sidewalk on High Point and Conrey to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler) (472-84496/766168/490186) Does not affect existing traffic. (District V)

Kansas Paving Company - \$194,507.60

Water Distribution System to serve Falcon Falls 2nd Addition (north of 45th Street North, west of Hillside) (448-90107/735385/470058) Does not affect existing traffic. (District I)

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Duling Construction - \$39,238.00

Stormwater Sewer Improvements to serve Westlink Village 14th Addition (north of 13th Street North, west of Maize Road) (468-84448/660529/857106) Traffic to be maintained during construction using flagpersons & barricades. (District V)

Nowak Construction - \$43,758.50

Stormwater Sewer Improvements to serve Aberdeen 1st Addition (north of 21st Street North, east of 119th Street West) (468-84435/660528/857105) Traffic to be maintained during construction using flagpersons & barricades. (District V)

Utilities Plus - \$36,908.00

2008 Contract Maintenance Utility Cut Repair of Streets, Driveways and Sidewalks (north of 71st Street South, east of 167th Street West) (472-84628/132035/620469/133116/\_/667587/\_ ) Traffic to be maintained during construction using flagpersons & barricades. (District I, II, III, IV, V, VI)

Pavers, Inc. - \$1,617,800.00 (Engineer's Estimate)

2008 Contract Maintenance Preparatory Curb & Gutter Repairs (north of 71st Street South, east of 167th Street West) (472-84623/132720/) Traffic to be maintained during construction using flagpersons & barricades. (District I, II, III, IV, V, VI)

Parga Construction - \$399,800.00 (Engineer's Estimate)

Water Distribution System to serve Shady Ridge Addition (south of Central, east of Ridge) (448-89979/735381/470054) Does not affect existing traffic. (District V)

Duling Construction - \$18,238.00

Lateral 54 Main 24 War Industry Sewer to serve Waterfront Residential Addition (north of 13th Street North, west of Greenwich) (468-84422/744252/480940) Does not affect existing traffic. (District II)

Nowak Construction - \$237,237.12

Lateral 41, District T, Sanitary Sewer #12 to serve Power CDC 3rd Addition (south of 29th Street North, east of Hydraulic) (468-83627/744255/480944) Does not affect existing traffic. (District I)

Nowak Construction - \$43,811.32

2007 Sanitary Sewer Reconstruction, Phase 13 (Volutsia, north of 31st Street South, south of Dunham) (468-84459/620495/667613) Traffic to be maintained during construction using flagpersons & barricades. (District III)

WB Carter Construction - \$60,000.00

Lateral 1, Main 16, Sanitary Sewer #23 to serve Edwards Gardens Addition (south of 53rd Street North, east and west of Arkansas) (468-84149/744172/480860) Traffic to be maintained during construction using flagpersons and barricades. (District VI); Lateral 2, Main 16, Sanitary Sewer #23 & Main 16 to serve Earhart Elementary School to serve Edwards Gardens Addition (south of 53rd Street North, east and west of Arkansas) (468-83876/744088/480776) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Dondlinger & Sons - \$ 397,189.00 Group 1  
- \$1,662,865.20 Group 2  
\$2,060,054.20 Total Aggregate Bid

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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.

Motion--

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

--carried

Motion carried 7 to 0.

## PUBLIC WORKS DEPARTMENT/FLEET DIVISION: Automobiles, Cargo Vans, Pickup Trucks

Don Hattan Chevrolet, Inc.                      Groups 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18,  
19, 21, 22, 23; all options

Rusty Eck Ford, Inc.                              Groups 4, 16, 20, 25; all options

\*Estimate-Contract approved on unit cost basis; refer to attachment

## PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: 96" Rotary Mowers

Price Bros Equipment Co. - \$57,750.00

## PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Trencher w/Backhoe-Backfill Attachments

Ditchwitch of Kansas, Inc. - \$33,900.00 Base Bid  
- \$ 690.00 Option 1  
\$34,590.00 Total Bid

## PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Riding Front Deck Mowers

Conrady Western, Inc. - \$160,589.00\*

\*Quantity increase from 9 to 11

## WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION: Auto-Titration System

Mettler-Toledo, Inc. - \$27,250.00

## WATER UTILITIES DEPARTMENT/PRODUCTION & PUMPING DIVISION: Hess Pumping Station Electrical Improvements

Shelley Electric, Inc. - \$2,476,425.00

## PARK DEPARTMENT/PARK MAINTENANCE DIVISION: Herbicides, Fertilizer, Fungicides.

UAP Distribution, Inc.	Group 1	\$1,425.00
Van Diest Supply Company	Group 2	\$5,964.40
UAP Distribution, Inc.	Group 3	\$2,904.00*
UAP Distribution, Inc.	Group 4 (Winner by Drawing)	\$5,817.00*
Helena Chemical Company	Group 5	\$5,099.40
Vegetation Mgmt Supply Co.	Group 6	\$5,274.60
	Group 7 (All Bids Rejected)	
Helena Chemical Company	Group 8	\$ 483.00

\*Quantity Increase

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PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Material Spreaders

Midwest Truck Equipment - \$ 44,580.00\* Base Bid

\*Quantity increase from 4 to 6 each

FIRE DEPARTMENT: OPERATIONS DIVISION: Labor, Material and Equipment to furnish and install AirMation Exhaust filtration System at Fire Stations No. 1, 2, 3, 5, 8, 9, 11, 14, 15, 16, 17 and 18

Air Technology Solutions - \$387,968.00\*

\*Purchases utilizing Sole Source of Supply Ordinance No. 35-856, Section 2.(b)

AIRPORT/ADMINISTRATION: Live Scan Fingerprint System

Cross Match Technologies, Inc. - \$41,509.00\* (per Sedgwick County purchase)

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

FINANCE/PENSION MANAGEMENT: Oracle Programs License & Support Fees

Oracle USA - \$27,440.85\* (per State of Kansas contract)

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

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

## CMBS

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

<u>Renewal</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Wayne R. Larson	United Golf of Wichita Inc.*	13420 East Pawnee
John Darryl Fitzgerald	HAC, Inc. dba Homeland, #648	640 North West Street
John Darryl Fitzgerald	HAC, Inc. dba Homeland, #641	3137 South Seneca
John Darryl Fitzgerald	HAC, Inc. dba Homeland, #642	1910 West 21st Street North
John Darryl Fitzgerald	HAC, Inc. dba Homeland, #645	1607 South Georgetown
John Darryl Fitzgerald	HAC, Inc. dba Homeland, #647	3020 East Douglas Avenue
<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Vilma R Arias	El Rahia	2855 South Hydraulic
<u>New Operator</u>	<u>2007</u>	<u>(Consumption off Premises)</u>
Terry Lee Davis	C&T Davis Corp dba Hillside Valero	248 South Hillside

\*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 7 to 0.

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## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a. 24 Inch Water Supply Line in 159th Street East to serve Serendipity Addition (south of Central, west of 159th Street East) (448-90296/635684/767734) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$165,455.00
- b. Water Distribution System to serve Parkstone Addition (north of Douglas, east of Hillside) (448-90303/735380/470053) Does not affect existing traffic. (District II) - \$185,000.00
- c. Relocate part of District B, Sanitary Sewer #12 to serve Parkstone Addition (north of Douglas, east of Hillside) (468-84376/744247/480935) Does not affect existing traffic. (District II) - \$285,000.00
- d. The cost of construction of Water Distribution System to serve Terradyne West Addition (north of Central, west of 159th Street East). (District II) (448-90250/735340/470-013) – Total Estimated Cost \$66,950.00
- e. The cost of construction of Water Distribution System to serve The Fairmont 3rd Addition (north of 21st Street North, west of 127th Street East). (District II) (448-90028/735364/470-037) – Total Estimated Cost \$45,100.00
- f. 21st Street Bridge Rehabilitation over the Big Arkansas River (21st Street North, east of West Street) (87N-0362-01/472-84569/715713/247129) Traffic shall be maintained during construction using flagpersons and barricades. (District VI) - \$3,200,000.00
- g. Water Distribution System to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler) (448-90271/735384/470057) Does not affect existing traffic. (District V) - \$84,000.00
- h. 13th Street Water Main to serve Waterfront 6th Addition, Waterfront Residential Addition, and Greenwich Office Park (north of 13th Street North, west of Greenwich) (448-90342/735383/470056) Does not affect existing traffic. (District II) - \$280,000.00
- i. 51st Street North from Meridian to Athenian (south of 63rd Street North, east of Meridian) (472-84545/766149/490167) Traffic shall be maintained during construction using flagpersons and barricades. (District VI) - \$334,860.00
- j. 51st Street North from Athenian to Delaware (south of 63rd Street North, east of Meridian) (472-84551/766150/490168) Traffic shall be maintained during construction using flagpersons and barricades. (District VI) - \$305,250.00

Motion--carried

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

## PETITION

### SANITARY SEWER TO SERVE EARHART SCHOOL AND EXISTING RESIDENTIAL DEVELOPMENT, EAST AND WEST OF ARKANSAS AVENUE, FROM SOUTH OF 41ST STREET SOUTH TO NORTH OF 43RD STREET NORTH. (DISTRICT VI)

Agenda Item No. 7a.

On July 18, 2007, the City Council approved a Petition to construct a sanitary sewer to serve Earhart School and the nearby residential area. An attempt to award a construction contract within the budget set by the Petition was not successful. The School District has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

Earhart School, which is being expanded and the residential area are currently served by a private septic tank systems.

The existing Petition totals \$1,325,000 with \$75,000 assessed to the improvement district and the balance paid by the Sanitary Sewer Utility. The new Petition totals \$1,900,000 with \$100,000 assessed to the improvement district and the balance paid by the Sanitary Sewer Utility. The Utility share is for the cost of the sewer main that will be built to serve areas outside the improvement district.

This project addresses the Efficient Infrastructure goal by providing sanitary sewer service to a school and existing residential development.

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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 City Council approve the new Petition, adopt the Resolution and authorize the necessary signatures. Motion carried 7 to 0.

## RESOLUTION NO. 07-653

A Resolution of findings of advisability and Resolution construction of Lateral 2, Main 16, Sanitary Sewer No. 23 and Main Sanitary Sewer No. 23 and Main 16 Sanitary Sewer No. 23 (west of Arkansas, north of 41st Street North) 468-83876, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

## DEEDS/EASEMENTS

### DEEDS AND EASEMENTS:

- a. Sanitary Sewer Easement dated August 24, 2007 from Koch Real Estate Holdings, Inc., a Delaware Corporation for a tract of land lying in Lot 1, Block A, Koch Community Park Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- b. Utility Easement dated September 12, 2007 from The Waterfront Holding Co., LLC A Kansas Limited Liability Company for a tract of land lying in the Southwest Quarter of Section 9, Township 27 South, Range 2 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- c. Utility Easement dated September 11, 2007 from Waterfront Office Park Development, LLC, a Kansas Limited Liability Company for a tract of land lying in the Southwest Quarter of Section 9, Township 27 South, Range 2 East of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- d. Drainage Easement dated August 13, 2007 from Cornerstone Properties II, LLC, a Kansas Limited Liability Company for a tract of land lying in Lot 5, Reed Commercial Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- e. Utility Easement dated July 26, 2007 from Fox Ridge Development Company, Inc. for a tract of land lying in Reserve B, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- f. Utility Easement dated August 23, 2007 from Vantage Point Waterfront Properties, LLC, a Kansas limited liability company for a tract of land lying in a portion of Lot 4, Block 1, The Waterfront Addition, an Addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- g. Easement dated September 21, 2007 from The Sisters of St. Joseph of Wichita, Kansas, a Kansas not-for-profit corporation for tracts of land lying in the SE 1/4 of Sec. 26, T27S, R1E of the 6th P.M., Sedgwick County, Kansas together with a portion of Lot 1, Block 1, Sisters of St. Joseph 2nd Addition, Wichita, Sedgwick County, Kansas (OCA # 607861). No Cost to City
- h. Utility Easement dated September 28, 2007 from Monarch Landing LLC, a Kansas Limited Liability Company; and Ink-Drumright Builders, LLC, a Kansas Limited Liability Company; and Craig Sharp Homes, Inc. for a tract of land lying in a portions of Lot 12 through 20 inclusive, Block 1, Monarch Landing Addition, an addition to Wichita, Sedgwick County, Kansas and a portion of Reserve B in said addition (OCA # 607861). No Cost to City

Motion--carried

Brewer moved that the documents be accepted. Motion carried 7 to 0.

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## STMNT OF COSTS

### STATEMENT OF COSTS:

- a. K-15 (Southeast Boulevard) from 31st Street South to I-135 (Construction). Total Cost - \$681,683.87; (plus temporary note financing - \$0; less idle fund interest - \$1,883.86; - less KDOT reimbursements - \$350,000.01; less financing from interfund transfers - \$315,000.00; less financing previously issued - \$0). Financing to be issued at this time – \$14,800.00. (706815/472-83363/201-281).
- b. 29th Street North from 1/2 mile west of Maize Road to Maize Road (Design). Total Cost - \$64,659.16; (plus temporary note financing - \$533.63; plus idle fund interest - \$407.21; - less financing from interfund transfers - \$53,000.00; less financing previously issued - \$0). Financing to be issued at this time – \$12,600.00. (706858/472-83752/203-324).
- c. Bike Path along the former MOPAC/UP Railroad tracks from the intersection of Central at Waco to the intersection of 15th Street North at Broadway (Design). Total Cost - \$59,856.95; (plus temporary note financing - \$601.44; plus idle fund interest - \$3,141.61; - less financing from interfund transfers - \$55,000.00; less financing previously issued - \$0). Financing to be issued at this time – \$8,600.00. (706884/472-84008/204-350).

Motion--carried

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

## STREET CLOSURES

### CHRISTMAS TREE LIGHTING AND NIGHT WITH SANTA. (DISTRICT D)

Agenda Item No. 10a.

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

The following street closure request has been submitted:

Christmas Tree Lighting & Night With Santa December 5, 2007, 5:00 pm – 8:00 pm

- Douglas Avenue, Main Street to McLean Blvd.
- Tlalnepantla Drive, Main Street to Douglas Avenue
- First/Second, Waco to McLean Blvd.
- Sycamore from old railroad track site north to First/McLean
- Waco from First Street south to Douglas
- McLean from First Street south to Douglas

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. Motion carried 7 to 0.

--carried

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## **STREET CLOSURE**      **2008 FROSTY 5K FUN RUN. (DISTRICT VI)**

Agenda Item No. 10b.

In accordance with the Community Events procedure the Robert D. Love Central Branch YMCA is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

### 2008 Frosty 5K Fun Run January 1, 2008 10:00 am – 3:00 pm

- 3rd Street, Market Street to Waco Avenue
- Waco Avenue, 3rd Street to 1st Street
- Lewis Street Bridge, Wichita Street to McLean Blvd. 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 7 to 0.

--carried

## **STREET CLOSURE**      **13<sup>TH</sup> STREET, WEST OF 135<sup>TH</sup> STREET WEST. (DISTRICT V)**

Agenda Item No. 10c.

Kansas Paving has contracted to install a 26' wide, 6" thick asphalt pavement over a 6" rock base on 13th Street North between 135th and 151st Streets West. This project was approved by the City Council on October 23, 2007. The contractor intends to start work on the project near November 21st, weather permitting, with completion expected near January 10, 2008 if daytime temperatures allow the laying of asphalt at the necessary time. The existing roadway has a sand/gravel surface and the contractor is requesting a full street closure to allow a shorter construction period.

During the street closure, local traffic along this section of 13th Street will be allowed to access the subdivision east of the work area from the intersection of 135th Street and 13th Street. Kansas Paving is responsible for the placement of the required construction signs and barricades and the notification of area businesses and residents.

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

Motion--carried

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

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## RAILROAD SIGNALS AGREEMENT FOR THE INSTALLATION OF RAILROAD SIGNALS. (DISTRICTS IV AND V)

Agenda Item No. 11b.

Representatives of the City, State, and Railroad Company reviewed the railroad crossings on 29th St. North, east of Ridge Rd.; Douglas, east of Millwood; Millwood, south of Douglas; and Maple, east of Athenian earlier this year. As a result of these reviews the installation of new warning devices or signal system upgrades along with the installation of improved crossing material (where applicable) was recommended at these locations.

The Agreements authorize the recommended signal system installation or upgrade and crossing surface replacement as necessary. The Kansas & Oklahoma Railroad (K&O) will coordinate the installation and/or upgrade of the existing signal system and the installation of improved crossing material. The proposed signal installation work should have minimal impact to the existing traffic at these locations. The replacement of rail, ties, ballast and crossing material will require 2 to 5 day street closures at the crossing area.

This project requires no monetary funding from the City. The total cost of the proposed signal system improvements will be funded one hundred percent (100%) using Federal Section 130 Funds. The estimated costs of the signal improvements are as follows:

Location	Estimated Federal Section 130 Funds
29th St. North, east of Ridge Road	\$ 181,957.19
Douglas, east of Millwood and Millwood, south of Douglas	\$ 400,909.28
Maple, east of Athenian	\$ 234,390.41
Total	\$ 817,256.88

The Kansas and Oklahoma Railroad (K&O RR) and the State (using Federal Section 130 Funds) will share the cost of replacing the crossing and installing improved crossing material as follows:

Location	Estimated Cost	Railroad Funds	Federal Section 130 Funds
29th St. North	\$ 27,925.00	\$ 13,375.00	\$ 14,550.00
Douglas	\$ -- 0 --	\$ -- 0 --	\$ -- 0 --
Millwood	\$ 22,385.00	\$ 9,875.00	\$ 12,510.00
Maple	\$ 50,490.00	\$ 17,825.00	\$ 32,665.00
Totals	\$ 100,800.00	\$ 41,075.00	\$ 59,725.00

The Agreements obligate the City to install and maintain the necessary advance warning signs and pavement markings at the crossing area. The advance warning signs are presently in place at these locations.

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

The Law Department has approved the Agreements as to legal form.

Motion--  
--carried

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

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37<sup>TH</sup> STREET N.

## 37TH STREET NORTH FROM TYLER TO RIDGE. (DISTRICT V)-SUPPLEMENTAL

Agenda Item No. 11c.

On June 22, 2004, the City entered into an Agreement with Baughman Company, P.A. for designing improvements to 37th Street North from Tyler to Ridge. The fee was \$173,000. On April 25, 2006, the City Council approved Supplemental No. 1 to include traffic signals at the intersection of 37th and Ridge. The fee was \$9,400.

Baughman has been asked to design the Maize South School entrance lane into the campus located south of 37th and Tyler Road. The proposed Supplemental Agreement provides for the additional design services.

Payment to Baughman will be on a lump sum basis of \$5,400 and will be paid by General Obligations Bonds.

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

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 7 to 0.

LONG DISTANCE

## LONG DISTANCE CONTRACT.

Agenda Item No. 11d.

The City of Wichita's contract with AT&T for long distance service expired September 30, 2007. Request for Proposal FP700038 was sent to 4 vendors.

Three responses to the Request for Proposal were received and evaluated. Only AT&T's response was complete. An evaluation committee unanimously recommended the AT&T proposal on August 8, 2007.

The City purchases approximately \$25,000 of long distance service annually. AT&T's rates are not changing under the new contract.

Internal Perspective. Long distance telephone service is provided to all departments by IT/IS as a standard service offering.

The contract has been reviewed and approved by the Department of Law.

Motion--  
--carried

Brewer moved that the contract be approved and authorize the Purchasing Manager to sign it. Motion carried 7 to 0.

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CMF EXPANSION

## CENTRAL MAINTENANCE FACILITY (CMF) EXPANSION. (DISTRICT IV)

Agenda Item No. 11e.

On June 7, 2005, City Council approved the CMF Expansion Project and authorized staff to select a consultant to re-evaluate the 1995 CMF Maintenance Master Plan.

On November 5, 2005, City Council approved a contract with Schaefer Johnson Cox Frey & Associates, P.A. (SJCF) to do a Concept Study and Preliminary Design as Phase I of a project to expand the CMF campus and/or relocate some operations into other City-owned facilities.

Schaefer Johnson Cox Frey & Associates, P.A. (SJCF) has completed the Concept Study and Preliminary Design for this project. Ultimately, it is envisioned that the entire project will include a new stand-alone Engineering Building to be located on the CMF campus which would free up existing space in the main CMF office area, allowing other Public Works and Park Department users to expand into the vacated spaces. Also included is a recommended remodeling of the Fleet Maintenance area to provide, as a minimum, a new restroom for females, climate controlled areas, vehicle literature library, service writer area, expanded office area, more accessible shop space, new overhead doors and other miscellaneous improvements. All of these improvements can not be done at the same time due to the way the CIP is structured. Priorities will be established and work scheduled accordingly.

The project is authorized in the 2007 – 2016 Capital Improvement Program (CIP) (Project No. 435404, OCA No. 792455). GO funding is a total of \$750,000 in 2007, \$1,750,000 in 2008, \$1,750,000 in 2009 and \$ 1,100,000 in 2010. Staff is requesting that the 2007 to 2009 funding be authorized at this time, for \$4,250,000.

This project addresses the Efficient Infrastructure goal by providing maintained and optimized public facilities and assets.

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

Motion--  
--carried

Brewer moved that the contract be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

### RESOLUTION NO. 07-654

A Resolution amending Resolution No. R-050299 of the City of Wichita, Kansas authorizing a project to conduct a design study of the possible consolidation of field operations of Public Works, Parks and Water and Sewer Departments at the City's existing central Maintenance Facility at 1801 S. McLean Boulevard, authorizing additional design work for a new Engineering building at such location and facility modifications and construction as supported by the design studies, authorizing the acquisition of land for campus expansion and installation of HVAC improvements for the fleet areas, and authorizing issuance of bonds by the City of Wichita at large to pay all or a portion of the costs thereof, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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## HILLSIDE BRIDGE

### HILLSIDE BRIDGE AT RANGE ROAD. (DISTRICT III)-SUPPLEMENTAL

Agenda Item No. 12a.

On May 4, 2004, the City entered into an Agreement with Cook, Flatt & Strobel Engineers, P.A. (CF&S) for designing a plan to rehabilitate the Hillside Bridge at Range Road. The fee was \$27,000. Further engineering review revealed that it would be more economical in the long run to replace the bridge rather than rehabilitate it. On February 14, 2006, the City approved a Supplemental Agreement for the additional design services to completely replace the bridge. The fee was \$13,660.

The scope of services has changed to include the replacement of additional pavement and additional storm sewer work. A Supplemental Agreement has been prepared with CF&S for the additional design services.

Payment to CF&S for the Supplemental Agreement will be made on a lump sum basis of \$2,368 and will be paid by General Obligations Bonds.

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

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 7 to 0.

## PROP. ACQUIS.

### PROPOSED PARTIAL ACQUISITION OF 1825 BUTTERNUT DRIVE FOR MAIN 21, FOUR MILE CREEK SANITARY SEWER EASEMENTS. (COUNTY)

Agenda Item No. 13a.

On December 19, 2006, the City Council approved a resolution authorizing construction of Main 21, Four Mile Creek Sanitary Sewer Interceptor. This sanitary sewer will service an area north and east of East Pawnee and 143rd Street South. The project requires the acquisition of permanent and temporary easements across the middle of the property located at 1825 South Butternut. The total property site area is 40.36 acres. The project requires a permanent easement of approximately 1.22 acres of the site and two temporary easements consisting of 4.11 acres.

The owner has agreed to accept the appraised offer of \$9,737, or \$0.07 per square foot. The easement was valued at 30% of the full value of \$9,800 per acre. The temporary easements were valued at \$2,137, or 5% of the \$9,800 per acre value. The remaining \$4,000 is for damages to the crops, trees and to replace fencing.

A budget of \$9,800 is requested. This includes \$9,737 for the easements and \$63 for recording costs.

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

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

Motion--  
--carried

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

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PROP. ACQUIS.

## PARTIAL ACQUISITION OF 160 SOUTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)

Agenda Item No. 13b.

On October 18, 2005, the City Council approved the improvement of West Street between Maple and Central. Existing pavement will be replaced, a center turn lane added, traffic signals will be upgraded and a new storm water sewer will be installed. The project requires the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. This particular acquisition consists of the west 10 feet (800 square feet) of the commercially zoned site at 160 South West Street. The property is improved with a 2,852 square foot retail building on a 11,109 square foot lot.

It is necessary to acquire a ten-foot strip of land along the east right-of-way line of West Street, a total of 800 square feet. As a result of the take, some parking, landscaping will be lost and the business advertising sign must be relocated. The offer, based on appraised value was \$9,999, or \$11.00 psf for land, was rejected by the owner. The owner agreed to accept \$13,361 for the partial acquisition, or \$15.00 per square foot for the land and \$861 for fees associated with the relocation of his sign. In lieu of pursuing this property through eminent domain, the counter offer is reasonable. Other properties along the project's corridor were compensated \$15.00 per square foot for improved land.

The funding source for the project is General Obligation Bonds. A budget of \$20,861 is requested. This includes \$13,361 for the acquisition and \$7,500 for sign relocation, closing costs and title insurance.

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

The Law Department has approved the contract as to form.

Motion--  
--carried

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

PROP. ACQUIS.

## ACQUISITION OF 5022 EAST GILBERT COURT FOR THE DRY CREEK BASIN PROJECT. (DISTRICT III)

Agenda Item No. 13c.

On June 13, 2006, City Council approved a creek channel improvement project to improve stormwater channel conveyance intended to reduce flooding. Five properties, all residential, were identified as being at or below a certain elevation and are required for acquisition. Property owners and or occupants will be relocated using project funds for reasonable housing and replacement housing costs. One such property is 5016 East Gilbert Court. It is a 1956, three-bedroom, single-family ranch style house.

The appraised value of \$78,000, or \$46.01 per square foot was offered to the owner. During the onset of the appraisal and acquisition process, the property went into foreclosure. Veterans Affairs purchased the loan out of foreclosure and has agreed to sell the property to the City for \$78,000. The improvements will be razed and the site maintained as open space.

\$98,000 is requested budget for the acquisition. \$78,000 towards the purchase price, \$20,000 for demolition, closing costs and title insurance. The funding source is the Storm Water Utility.

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

The Law Department has approved the contract as to form.

Motion--  
--carried

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

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**BOARD/COMMISS.      MINUTES OF ADVISORY BOARDS/COMMISSIONS, NOVEMBER 20, 2007.**

Board of Park Commissioners, September 22, 2007  
Board of Code Standards and Appeals, October 1, 2007  
District VI Advisory Board, October 1, 2007  
Wichita Airport Advisory Board, October 8, 2007  
Wichita Historic Preservation Board, October 8, 2007

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

**PUBLIC EXIGENCY      PUBLIC EXIGENCY-EMERGENCY SANITARY SEWER REPAIRS. (DISTRICT III)**

Agenda Item No. 15.

Sewer Maintenance crews have discovered a 36-inch sanitary sewer main that is deteriorated to the point of collapse. This particular main parallels another 36-inch main and both mains should be able to carry equal capacity. Currently, the entire flow is being carried by only one of the mains and that pipe is at full capacity. This creates a potential health and safety issue when the remaining pipe fails to carry the extra volume for any reason. The site is located just east of Sewage Treatment Plant #1 and is in an area where several large diameter pipes converge. The City Manager approved proceeding with informal bids on an emergency basis.

Due to the size and depth of the sewer main, it is necessary to hire an outside contractor. Specialized equipment will also be required. Staff contacted seven (7) sewer main contractors for informal bids and received four responses.

The lowest bid was received from W.B. Carter Construction in the amount of \$24,546. Funds are available in CIP S-4, Reconstruction of Old Sanitary Sewers. The project will be funded from future sewer revenue bonds and/or Sewer Utility cash reserves.

This project addresses the goal of ensuring efficient infrastructure by providing reliable sewer service to the Sewer Utility customers.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion--  
--carried      Brewer moved that the City Manager's Public Exigency approval of the project be affirmed. Motion carried 7 to 0.

**VACANT PARCEL      SURPLUS OF VACANT PARCEL AT KELLOGG AND EDGEMOOR. (DISTRICT III)**

Agenda Item No. 16.

The property under consideration includes three, continuous vacant lots at 532-544 South Edgemoor. These properties were originally improved with residences when they were acquired as part of the Kellogg and Edgemoor road project. The improvements were razed and the sites were used for staging during construction. Now that the project is complete at Edgemoor, the lots are available.

All City departments have been notified and have shown no interest in the property.

The City will receive cash consideration for the sale of the property, less any marketing costs. In addition, the sale of this property to a private party will place additional value into the tax base and relieve the City of any maintenance costs.

The sale and redevelopment of this property will support a dynamic core area and vibrant neighborhood.

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Motion--  
--carried

Brewer moved to declare the property as surplus and designate it as available for sale to the general public. Motion carried 7 to 0.

## 1137 N. BROADWAY

### SALE OF 1137 NORTH BROADWAY. (DISTRICT VI)

Agenda Item No. 17.

The City owns the Comley house located at 1137 North Broadway and an adjacent vacant lot, each about 10,500 square feet. The two and a half story house was built in 1900 with 3,941 square feet of living space. Both the house and the former carriage garage had been converted into numerous apartments that served as a half-way home for adults. The house is zoned Multi Family-29 and the vacant lot, Limited Commercial. In May 2006, the City concluded the designation process to protect the Comley house and the house was placed on the national, state and local registers. Following the designations, the property was available for sale through the City's internet listing web page and local real estate agents were provided with information as to its availability.

Numerous parties have expressed interest in the property; however, the contingency free offer of \$50,000 is the most advantageous received to date. It was submitted by a local buyer. The property will require extensive rehabilitation and will be in accordance with the Secretary of the Interior's Standards for Rehabilitation. The buyer has indicated that he intends to rehabilitate the property for the purpose of tourism and build a compatible, separate structure on the vacant lot. The new building will be used for retail purposes and primarily for the sale of antiques.

The City will receive cash consideration for the sale of the property, less any marketing costs. In addition, the sale of this property to a private party will place additional value into the tax base and relieve the City of any maintenance costs.

The sale and redevelopment of this property will support a dynamic core area and vibrant neighborhood.

The Law Department has approved the contracts as to form.

Motion--  
--carried

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

## VACANT PARCELS

### SURPLUS OF VACANT PARCELS ALONG HILLSIDE AT FIRST AND SECOND STREETS. (DISTRICTS I AND II)

Agenda Item No. 18.

The properties under consideration are two remnant lots from the Hillside, Kellogg to Central road project. More specifically, the lots are located at the northwest corner of Hillside and 1st Street and the southeast corner of Hillside and Chatfield. The 1st and Hillside parcel has a remnant of approximately 5,000 square feet. The Hillside and Chatfield parcel is approximately 3,000 square feet. The City will retain access control along Hillside from both properties.

All City departments have been notified and have shown no interest in the property.

The City will receive cash consideration for the sale of the property, less any marketing costs. In addition, the sale of this property to a private party will place additional value into the tax base and relieve the City of any maintenance costs.

The sale and redevelopment of these properties will support a dynamic core area and vibrant neighborhood.

Motion--  
--carried

Brewer moved to declare the properties as surplus and designate it as available for sale to the general public. Motion carried 7 to 0.

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## CONTRACTS

### CONTRACTS AND AGREEMENTS FOR OCTOBER 2007.

Motion--carried

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

## BOND

### BOND FOR SUPERINTENDENT OF WATERWORKS.

Agenda Item No. 20.

State law under Kansas Statute Annotated (K.S.A.) 13-2402 requires that the Superintendent of Waterworks (Director of Utilities) give a good and sufficient surety bond to the City in the sum of \$5,000 for the faithful performance of duties and for the true and faithful accounting of all funds that may come into his possession by virtue of his or her position.

The State law requires the Superintendent shall have charge of the Waterworks and all property connected therewith. The Superintendent of Waterworks (Director of Utilities) shall inspect all parts of the Waterworks and see that they are maintained in good condition for use, and that the employees of the Wichita Water Utilities attend to their respective duties. Further, the Superintendent of Waterworks (Director of Utilities) shall keep in good repair the pumps, hydrants, and all other Waterworks property.

The state law requires the Superintendent of Waterworks (Director of Utilities) give a good and sufficient surety bond to the City in the amount of \$5,000 to be approved by City Council. The cost of the surety bond shall be paid out of Wichita Water Utilities revenue. The bond has been purchased in the amount of \$5,000 in compliance with state law.

The City Council must approve the \$5,000 surety bond.

The surety bond is a part of the Internal Perspective goal. The approval of the bond is to ensure the proper financial management and compliance with the state law.

Motion--  
--carried

Brewer moved that the surety bond for the Superintendent of Waterworks (Director of Utilities) in the amount of \$5,000 pursuant to the requirements of K.S.A. 13-2402 be approved and filed. Motion carried 7 to 0.

## CENTURY II

### CLARIFICATION OF FUNDING SOURCE - CENTURY II ARTS AND CONVENTION CENTER.

Agenda Item No. 21.

On September 11, 2007 the City Council approved a project for Century II improvements.

The 2007-2016 Capital Improvement Program (CIP) includes funding for the redecorating, technical improvements and kitchen improvements for Century II. These improvements are funded by the Transient Guest Tax, consistent with the CIP. Previous Council approval was for General Obligation At-Large funding.

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 the Transient Guest Tax. Repayment from the Guest Tax to the project would be made over several years, as funds are available.

This project will impact the Quality of Life, Core Area and Neighborhood and Efficient Infrastructure Goal 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 citizens receive a return on their quality of life investment.

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The Law Department previously approved the Bonding Resolution as to form.

Motion--  
--carried

Brewer moved that the change from General Obligation At-Large funding to Transient Guest Tax funding for this project be approved. Motion carried 7 to 0.

## **R/R CROSSING PRGM 2007-2008 RAILROAD CROSSING IMPROVEMENT PROGRAM.**

Agenda Item No. 22.

The 2007-2016 Capital Improvement Program (CIP) adopted by the City Council includes funding for an ongoing City/Railroad Company partnership to improve the railroad crossings throughout the community. The City contributes an amount equal to \$250 per lineal foot of crossing material at the identified locations. The Railroad Company typically replaces the rail and ballast before installing the new crossing material. The Railroad Company's expenses will be two to four times the amount of the City's contribution. Short-term street closures will be required to accomplish the crossing improvements.

Agreement has been reached to improve the crossings at the following locations:

Oklahoma, Kansas, Texas Railroad (OKT) Eastbound Kellogg Frontage Road, west of Meridian  
Westbound Kellogg Frontage Road, west of Meridian

West Street, south of Pawnee

Pawnee, east of West Street

Dodge, north of Orient Boulevard

McLean, north of Walker

Union Pacific Railroad (UPRR)

45th Street North, east of Rock Road

Burlington Northern Santa Fe Railroad (BNSF)

Washington, north of Zimmerly

29th Street North, east of Broadway

Pawnee, west of Southeast Boulevard

Harry, west of Southeast Boulevard

Lincoln at Mosley

Lincoln, west of Mosley

26th Street, east of Mead

Wichita Terminal Association (WTA)

29th St. North at St. Francis

The CIP budget is \$150,000 per year for a total of \$300,000 for years 2007/2008. The funding source is General Obligation Bonds.

This project addresses the Efficient Infrastructure goal by improving the traffic capacity and safety along a major transportation corridor.

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

Motion--  
--carried

Brewer moved that the project be approved; the Ordinance adopted; and the necessary signatures authorized. Motion carried 7 to 0.

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## ORDINANCE

An ordinance declaring the railroad crossings at Harry, west of Southeast Boulevard; 29th, East of Broadway; Kellogg frontage road between Meridian and Edwards; west street, south of Pawnee; 45th, East of Rock Road; 29th, West of St. Francis; Pawnee, West of Southeast Boulevard; Washington, North of Zimmerly; Lincoln, at Mosley; Lincoln, West of Mosley; 26th, East of Mead; Dodge, North of Orient Boulevard; Mclean, North of Water; Pawnee, East of West Street 472-84629 (2007-2008 Railroad Crossing Improvement Program) to be a main traffic way within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main traffic way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## GRANT PROJECT

### WICHITA COMMUNITY FOUNDATION GRANT PROJECT.

Agenda Item No. 23.

The Career Development Office (CDO) has been working with a number of Community not-for-profit organizations to form the Wichita Women's Assistance Network (WWAN). The mission of WWAN is to increase access and enhance service delivery to disadvantaged women, with or without children, who are experiencing obstacles in completing the education or vocational training necessary to achieve self-sufficiency and independence. WWAN has proposed a pilot project, to be funded by a grant made available by a donor through the Wichita Community Foundation (WCF), which will improve the quality of service delivery to area women confronting these disadvantages. A recommendation to authorize the City's participation in this grant project is being brought before the City Council.

Lead WWAN agencies, including Catholic Charities, Inc., Dress for Success, Episcopal Social Services and the CDO, acting as the organization's fiscal agent, will administer this 18-month grant project. The demonstration project will establish a coordinated network of governmental and non-governmental providers of supportive services and direct financial assistance to single women who are engaged in activities of an educational or vocational nature that will enable them to become economically self-sufficient and independent.

All services and funds provided through the Grant will address financial needs beyond the scope of tuition and book costs. The projected 35 grant participants will receive a comprehensive initial assessment and individual case management designed to maximize access to counseling, community resources, and disbursement of direct financial assistance. Direct payment of supportive expenses, such as childcare, transportation, supplies and equipment for job training or placement, career counseling, and individual tutoring services will directly relate to participants completing their education or training. No grant funds may be used for scholarship assistance but help in locating scholarships and completing applications will be made available through each participant's case manager.

Reimbursement of grant expenses will be provided to WWAN agencies through submission of invoices to the CDO. The operational structure and service delivery process of the WWAN will be developed during the first four months of the demonstration period and codified through Memoranda of Understanding (MOU).

The \$138,132 grant budget will include a ten percent fee payable to the City for fiscal agent activities. City participation in grant activities will not obligate general fund monies.

The City's participation in WWAN and the pilot project will promote economic vitality and affordable living by providing services to promote economic self-sufficiency and independence.

The Department of Law has reviewed the grant document and will review as to form all MOU prior to signature.

Motion--  
--carried

Brewer moved that the City's participation in the Wichita Community Foundation Grant project be approved and the necessary MOU signatures authorized. Motion carried 7 to 0.

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## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ NOVEMBER 6, 2007)

- a. Structural Inventory and Bridge Appraisal Program.

ORDINANCE NO. 47-677

An ordinance of the city of Wichita, Kansas authorizing the issuance of its general obligation bonds to pay a portion of the costs of a city-wide structural inventory and appraisal of 266 bridges (472-84564); and authorizing and providing for the issuance of temporary improvement notes of the city from time to time as funds are needed for such purpose, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- b. Public Hearing and Issuance of Taxable Industrial Revenue Bonds, The Boeing Company, (District III)

ORDINANCE NO. 47-678

An ordinance approving and authorizing the execution of a lease agreement between the Boeing company and the city of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said city and the bank of New York Trust Company, N.A.; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of industrial revenue bonds series vi, 2007 (The Boeing Company project) of said city in the principal amount of not to exceed \$12,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of the Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds; authorizing the sale of said bonds and the execution of a bond purchase agreement therefore; approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- c. Public Hearing and Issuance of Industrial Revenue Bonds, Lee Real Estate, LLC. (District II)

ORDINANCE NO. 47-679

An ordinance authorizing the city of Wichita, Kansas to issue its taxable industrial revenue bonds, series v, 2007 (Lee Real Estate, LLC), in the aggregate principal amount of \$3,300,000 for the purpose of constructing and acquiring a manufacturing facility; and authorizing the execution of certain documents in connection with the issuance of the bonds, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- d. Ordinance amendment-Charter Ordinance 192, relating to Pawnbrokers and Second Hand Dealers.

CHARTER ORDINANCE NO. 206

An ordinance amending sections, 3 12, 13, 20 and 21 of Charter Ordinance No 192 relating to pawnbrokers, second hand dealers, precious metal dealers and repealing the originals of Section 2, 3, 12, 13, 20 and 21 of Charter Ordinance no 192, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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- e. 13th St. Improvement, I-135 Freeway to Oliver. (District I)

ORDINANCE NO. 47-680

An ordinance amending ordinance no. 46-838 of the city of Wichita, Kansas declaring 13th street, between I-135 freeway and Woodlawn (472-84320) to be a main trafficway within the city of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- f. DR 2005-08: Arena Neighborhood Redevelopment Plan - Proposed Amendment to the Wichita-Sedgwick County Comprehensive Plan. (Districts I and VI)

ORDINANCE NO. 47-682

An ordinance adopting the Arena Neighborhood Redevelopment Plan as an amendment to the Wichita-Sedgwick County comprehensive plan, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- g. ZON2007-44-Zone change from "LI" Limited Industrial to "GC" General Commercial. Generally located north of Kellogg Drive between Laura Avenue and Pattie Avenue and on the east side of Pattie Avenue. (District I)

ORDINANCE NO. 47-683

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- h. SUB2005-77-Plat of Greenwich Business Center Addition located on the east side of Greenwich Road and on the south side of 29th Street North. (District II)

ORDINANCE NO. 47-684

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

ORDINANCE NO. 47-685

an ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, , read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer

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- i. SUB2007-36-Plat of The Waterfront Residential Addition located on the north side of 13th Street North and west of Greenwich Road. (District II)

ORDINANCE NO. 47-686

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

- j. A07-20R-Request by John Dugan of John E. Dugan Family Partnership, LP, to annex land generally located southwest of the intersection of Maize Road and 31st Street South. (District IV)

ORDINANCE NO. 47-687

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (A07-20)

- k. A07-21R-Request by Allan and Carolyn Hartman to annex land generally located east of 135th Street West, between 21st Street North and 13th Street North. (District V)

ORDINANCE NO. 47-688

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer. (A07-21)

## UNFINISHED BUSINESS

### APPEAL

#### APPEAL OF DENIAL OF MANUFACTURED HOME PARK ANNUAL LICENSE RENEWAL, REED-A-WAY MOBILE HOME PARK, 2635 SOUTH HYDRAULIC. (DISTRICT III) (DEFERRED NOVEMBER 6, 2007)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 25.

The owners of Reed-A-Way Mobile Home Park, 2635 S. Hydraulic, have appealed the Office of Central Inspection's refusal to renew their manufactured home park license. The City Council appeal hearing, which first appeared on the November 6, 2006 City Council Agenda, was deferred for two weeks at the request of the manufactured home park owner (the appellant).

Reed-A-Way Mobile Home Park's most recent license expired on October 2, 2007. Such appeal is allowed per Section 26.04.038 of the Code of the City of Wichita. The appellants state that they have been working to correct code violations in the park, and are requesting additional time to complete the required improvements. The appellants are also requesting the City Council to approve issuance of the park's annual license renewal application.

Wichita first adopted manufactured home park regulations in 1964. Since 1964, the City has required manufactured home parks to be licensed, and to be re-licensed on an annual basis. Manufactured home parks that were developed after adoption of the 1964 ordinance have been required to meet certain manufactured home park development standards, and to be located in a manufactured housing zoning

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district. Manufactured home parks that were developed prior to adoption of the 1964 ordinance have been allowed to renew their annual licenses and to operate as “legal non-conforming” or “non-standard” parks, without being required to meet current park design and/or zoning standards.

In mid-2006, the City amended its Manufactured Home Park ordinance, adding additional park maintenance and licensing standards, as well as new provisions for denial and/or revocation of manufactured home park licenses. On September 21, 2007, the Office of Central Inspection refused to renew the Mobile Home Park License for Reed-A-Way Mobile Home Park based upon the significant number of active Minimum Housing Code violation cases (16), as well as an active environmental premise violation case.

Reed-A-Way Mobile Home Park was first established in the early 1950’s. The property is zoned “SF-5” Single Family, and has been operated as a legal non-conforming mobile home park since 1964. Originally, the mobile home park was developed/licensed for 50 spaces. Most recently, the mobile home park has been licensed for 44 spaces. Presently, there are 31 mobile homes in the park; 25 homes appear to be occupied at this time.

Pursuant to Section 26.04.036 of the Mobile Home and Mobile Home Park Regulations, a Notice of Violation was sent by certified mail to the property owners on September 24, 2007, with a target date for compliance of October 24, 2007. Included with the September 24, 2007, notice were copies of other code violation notices/cases that had been sent/initiated relating to Chapter 20.04 minimum housing code and Chapter 7 environmental premise condition code violations within Reed-A-Way Mobile Home Park.

Section 26.04.035 of the Code of the City of Wichita provides that an application for license renewal shall be denied by the Superintendent of Central Inspection for a violation by the licensee or applicant of a provision of Chapter 26.

The regulations relating to conditions of mobile home parks provide that the Superintendent of Central Inspection, or his designee, and the Director of Environmental Health, or his/her designee, are authorized to inspect and approve the licensee’s premises, and to insure compliance with all the ordinances of the City of Wichita governing public health, safety, and welfare.

Section 26.04.115 of the Code of the City of Wichita

Based on the significant number of Minimum Housing Code case violations present in the park, and the environmental premise condition case, the application for the license was denied.

Minimum Housing Code Case Summary:

Of the 16 minimum housing code violation cases that were active on September 24, 2007, one case has been on-going since 2001; the other 15 cases were started in mid-2007. Two (2) of the 16 cases have now been resolved by the park owners (see below).

- Eight (8) of the 15 cases started in 2007 are either owned by the Mobile Home Park owner, or the Mobile Home Park owner is responsible for them (due to abandonment). Two (2) of these eight (8) mobile home cases have now been resolved as a result of the Mobile Home Park owner removing them from the park.
- Seven (7) of the 15 cases started in 2007 are individually owned.
- The one case started in 2001 is individually owned.
- Current compliance dates for outstanding Chapter 20.04 minimum housing code violation notices range from 11-20-07 through 12-24-07.

NOTE: Prior to OCI staff receiving a requested rent roster from the Mobile Home Park owner, staff sent notices to the Park owner. Upon receiving a rent roster, updated notices with current ownership information were sent out 10-01-07 and 10-18-07.

See Minimum Housing Code Case Enforcement Summary table.

Environmental Premise Maintenance Code Case Summary:

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As of September 24, 2007, there was one active environmental premise maintenance case active within the park. This case is still on-going. Since September 24, 2007, Environmental Services has initiated an additional nine (9) cases, all with compliance deadlines of November 2, 2007.

See Reed-A-Way Mobile Home Park Environmental Services Report.

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: Continued Revitalization of the Core Area and Neighborhoods.

The applicant was properly notified by the Superintendent of Central Inspection of the code violations and the denial of the license renewal. The applicant has timely filed an appeal of the license denial. The basis for the appeal appears to be a request for additional time to bring the property into compliance with the code provisions. The City Council may sustain, reverse or modify the denial of the license requested.

- James Thompson Mr. Thompson stated he is representing Mr. and Mrs. Leach who are the owners and that this mobile home park has been in existence for 50 years and they have owned the park since 1999. Stated there are 29 mobile homes in this park and 25 families who could be displaced depending on the Council's decision today. Stated this mobile home park allows a certain section of our society an affordable place to live. Stated most of the violations in this case were minor and have been addressed and would ask that the Council renew the license, reverse the decision, or allow another 90 days for them to finish revitalizing their own community, or grant the license with some conditions and come back in six months and show the Council the progress that has been made. Mr. Thompson distributed a list of the work that has been done, to each Council Member.
- Council Member Skelton Council Member Skelton stated he is hearing from the appellate that he needs more time. Stated the City has been giving this place more time for many years and there has been an incredible amount of tax payer money that has been put into code enforcement and has been a drain on those resources. Stated he deferred this last week because he thought according to Mr. Leach showing the ultimate goals of the enterprise, which he does not have those today. Stated Mr. Leach said he would like to show realistic timelines, a business plan, and financial feasibility, which he does not have of those today and that was the basis for the deferral. Stated he has had a lot of complaints from the residence in this area for two years and are looking at him to do something. Stated every time he goes to the South City Neighborhood Organization, this comes up. Stated he cannot in good conscious overturn the decision of the zoning administrator.
- Motion-- Skelton moved to uphold the decision of OCI.
- Council Member Williams Council Member Williams asked if these people could have applied for assistance through the housing department to make repairs on their mobile homes.
- Kurt Schroeder Office of Central Inspection stated he did not believe so because they are not permanent real estate and they do not own the land.
- James Thompson Mr. Thompson stated the Leaches are doing everything they can to get these homes up to City Code and have asked the City for some help. Stated they are doing the best they can to get the 25 families in line and it is hard to make somebody do these things. Asked that the Council take seriously that their decision today could displace 25 families that otherwise own their homes. Stated most of these violations have been addressed and hopes that the Council helps to protect these families.

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- Council Member Skelton Council Member Skelton stated he has seen a pattern here of asking for more time and in 2004 there were 20 cases started, in 2005 there were 44 cases started and in 19 so far this year. Stated the applicant did not bring the information he said he would and they have been to court and were given more time for compliance. Stated if they were going to be serious, they would have already done that by now. Stated this has been eating up code enforcement resources for years and this has hampered the City's ability to look at other problems because we are stuck here and have seen nothing today that will convince him otherwise. Stated the biggest disappointment that he has that he was told two weeks ago why this applicant needed a deferral, it was granted and it has come time for the hearing today and no information based on the request for the deferral was offered. Stated he is not supportive of continuing this situation in South Wichita and a stand has to be taken against this type of environment and asked the Council to support his motion.
- Council Member Gray Council Member Gray stated customarily we give extensions all the time for people in condemnation cases. Stated in light of the history he does not think the owner should have his license given to him but thinks he should be granted 90 days to see what he can do. Stated he makes his decision based on the list that was distributed today of what they have done to bring things into compliance. Stated the old cases in 2004, 2005, 2006, were closed and if we still had the open cases and nothing had changed, then he would be more sympathetic to the decision Council Member Skelton would like to take. Stated he is willing to give them 90 days and nothing more than that.
- Vice-Mayor Fearey Vice-Mayor Fearey stated the absentee landlord issue really bothers her and does in this case, however is very concerned about the 25 families and whether we as a community have the ability to take care of them in a short time. Stated she would like to look at the 90 days and then something figured into this where she will not see something in 2007 a certain number of cases were started and they were closed. Stated she does not want to see any new cases started and does not know how we get to that and if we see another case she is ready to pull the plug. If we give them 90 days today this will have to come back to City Council at the end of the 90 days and at that time we could grant a license with several conditions to it.
- Joe Lang Law Department stated you would have that option of deferring the action and bringing it back and the right to modify the decision in any way to put conditions on it.
- Council Member Longwell Council Member Longwell this is a tough issue when you talk about displacing people but also hears the frustration from Staff. Stated he does not know if we can put an additional regulation on this proposal today. Stated he would suggest that if we are going to look at giving them 90 days and if there could be new cases in that time, that we put a moratorium on anybody moving in within that 90 day period.
- Amended Motion Skelton amended his motion to defer this issue for 90 days, as a condition of this deferral no new residences will be permitted to move in or occupy structures in the park, like to see a plan submitted to Kurt Schroeder within 30 days for improvement of this area and an agreement for progress that will show realistic timelines, the ultimate goals of this enterprise, shows a business plan for this enterprise and would like to see financial feasibility also. Motion carried 7 to 0.
- carried

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## UNSAFE STRUC.

### REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES, 631 WEST 47<sup>TH</sup> STREET SOUTH. (DISTRICT IV)

Kurt Schroeder

Office of Central Inspection reviewed the item.

(Council Member Williams momentarily absent)

(Vice-Mayor Fearey momentarily absent)

Agenda Item No. 26.

This property was before the Board of Code Standards and Appeals (BCSA) on June 4, 2007. Mr. Craig Gable represented this property by letter. Mr. Gable informed the Board that there were issues regarding the ownership of this property, and he requested that the Board defer action on this case for thirty days. The BCSA recommended deferring action on the property for thirty days.

This property was before the Board of Code Standards and Appeals (BCSA) on July 9, 2007. The ownership is tied up in legal proceedings, but the interested parties 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.

On September 11, 2007 this case was deferred by City Council until October 2, 2007.

On October 2, 2007 this case was deferred by City Council until November 20, 2007.

Staff made an inspection of the property on November 1, 2007. No repairs have been made to structure. The structure is open. The premise condition is fair. The overgrown tree saplings around the perimeter of the structure have been removed.

Taxes: As of November 1, 2007, the 2004, 2005, 2006, and 2007 taxes are delinquent in the amount of \$4,589.19. There are no special assessments.

The owner/s have been informed of the date and time of the hearing.

Deborah Spicer

Ms. Spicer stated that she has been in a legal battle for over six years and have fought numerous defendants for corporations trying to get the assets back in her name and in the corporation's name. Stated she lives in the house next to this building and her plans are to level this building and the land is all adjacent. Stated the judge has ordered the defendants to get the paper signed so that the final journal entry could be done so that the properties could get back in her name, give her the money that is do to her so that she can get things taken care of. Stated she was told they still have one more thing to add to the journal entry which was a bankruptcy issue that she would release the bankruptcy court and she has agreed to it. Stated she has another court date on November 27<sup>th</sup> and she is presuming that everything will be done since the judge has ordered them the defendants to quit messing around. Stated she cannot legally demolish the building and was advised by her attorney that this is not her property and she should not be doing anything to it at this time.

Council Member Gray

Council Member Gray stated he understands her difficulty regarding not being able to do anything because of the ownership issues and that it is in bankruptcy court. Inquired whether she had the financial capability to pay the back taxes once she secures ownership.

(Council Member Longwell momentarily absent)

Deborah Spicer

Ms. Spicer stated there is money held in the trust in the bankruptcy court for the assets that were sold and she will have plenty of money to pay for all of the back taxes for all of the properties.

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- Council Member Gray Council Member Gray stated since all the condemnation is going to do for us is demo the property and since there is an ownership issue that is in court, and her intention is to demo the property, he sees no reason for the City to go in and incur that cost on her at this time. Stated until the ownership issue is taken care of the City has does not have any opportunity to get our money back out of it once a contractor is paid to demo it and would rather leave that money in the bank.
- Motion-- Gray moved to grant a 120 day deferral and once ownership is secured, all of the back taxes need to be  
--carried paid within two weeks. Motion carried 7 to 0.
- MASTER PLAN** **MASTER PLAN FUNDING FOR THE CURRENT NEW COMMUNITIES INITIATIVE AREA.**  
**(DEFERRED OCTOBER 16, 2007)**
- George Kolb City Manager reviewed the item.
- Agenda Item No. 27.
- The City of Wichita, Sedgwick County and the State of Kansas have joined together to launch the New Communities Initiative (NCI). The initiative is designed to: provide quality housing for all incomes; provide employment opportunities for those needing and seeking jobs; enhance the learning environment across all age groups; reduce the conditions of blight and revitalize the neighborhood; address and positively impact quality of life issues; and develop nurturing opportunities for children and youth. The overall goal is to support and enhance successful families and sustaining communities. On October 16, 2007, the City Council deferred action on this item until November 20, 2007, and directed that staff present it to all District Advisory Boards. Presentations were made to all District Advisory Boards on November 5 and 7, 2007.
- The NCI has an oversight Policy Group which includes representatives of government, education, business, philanthropic and social service sectors. The Policy Group wants to embark upon a comprehensive Master Plan for the current NCI area to provide a framework for the comprehensive development of the area and to identify the kind and quantity of housing appropriate for the area that will meet the identified needs.
- It is anticipated that Policy Group members and other members of the community will share the Master Plan cost, which is estimated to be \$800,000. This action will commit \$250,000 toward the cost of the Master Plan. The source of funding is from the Capital Improvement Program within the Landbank project (Economic and Redevelopment allocation).
- The Master Plan will impact the goals of Economic Vitality and Affordable Living, Core Area and Neighborhoods, and Quality of Life.
- The procurement of a Master Plan developer will follow City policy for procurement.
- Mayor Brewer Mayor Brewer inquired if he is talking about the \$250,000.00 being set aside and not being used until he captures the other financial partners.
- George Kolb City Manager stated that is correct.
- Mayor Brewer Mayor Brewer stated once they invest their dollars and we have the total amount, then we will move forward.
- George Kolb City Manager stated yes we will award the contract for the implementation of the plan and that would come back to the City Council. Stated he is hoping that by March 2008, it will have been decided what is going to happen.

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- Vice-Mayor Fearey Vice-Mayor Fearey stated she is in support of moving ahead with this and thinks it is a very good thing for not only this neighborhood but for the City. Stated we have Staff in our Planning Department that does these types of plans all the time and asked how involved will they be in writing the Request for Proposal (RFP).
- George Kolb City Manager stated they will be intimately involved and he has a draft of some comments regarding the scope of works and they will be working with them in helping us put that together. Stated the Planning Department has had a chance to look at other plans and have provided some very good comments as to what they believe ought to be in the RFP.
- Vice-Mayor Fearey Vice-Mayor Fearey stated she admires the work that Urban Strategies from St. Louis has done and liked having an opportunity to see the rehabilitation work that they have done in St. Louis and she has also visited Quality Hill in Kansas City and seen their work there. Stated she feels Wichita is not at the point where a lot of those communities were when they started and one thing we have is three or four plans that are already adopted as part of our Comprehensive Plan for that area including the core area, which is going to have to be one of the key areas to get new housing to start bringing people into quality housing. Stated she is hopeful that in the end this is not the \$800,000.00 that we have talked about and thinks there is a lot that we can do with working with our Staff and then keeping watch over it as a Council to keep this at a realistic and very doable cost figure.
- Council Member Gray Council Member Gray stated he is very skeptical about this and asked why does all the show case cities that we have seen are done by one group and if this is a great idea and it works, then why are we not seeing more groups doing this. Stated he is concerned that we already have it in our mind that this is the group McCormick, Berean, and Salazar, is who we are going to hire and has heard the rumor that that decision has already been made.
- George Kolb City Manager stated one of the reason that you are seeing McCormick , Berean, and Salazar is because we have been working with them for over a year and went to their project initially and were very impressed. Stated he has seen their work in Georgia and is aware that there are other projects. Stated there are other larger urban communities that had older public housing that have used this process to revitalize their neighborhoods and he will be seeking them out. Stated what he has seen from McCormick, Berean, and Salazar is that they are highly qualified to help us make this project very successful but we have not pre-selected or made up our minds as to who that planner might be.
- Council Member Schlapp Council Member Schlapp stated if we need work done in certain parts of town, it is worthy and many times needs to be done. Stated she is concerned about how things get funded and if the City takes the lead in this, sometimes the private sector tends to sit back and let the City do it. Stated she thinks if this project overall is so important to the community, she would like to see the private sector stepping up first. Stated she has great concern that the City taking the charge will keep those people from coming in and they will want the City to do as much as we can do and then maybe they will fill in the gaps and she thinks it should be the other way around. Stated this is a community project and about the entire City and her reticence is that the process that we are using in the City going first and would like to see these other stakeholders step up and then she would feel much more comfortable even discussing the fact that the City would put money into the project.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard.
- John Todd Mr. Todd stated that he is a real estate broker and developer and is opposed to this \$250,000.00 funding proposal for the current New Communities Initiative (NCI) because he believes this program in reality represents the resurrection of the failed government urban renewal housing programs of the 1960's and 1970's. Stated we have affordable housing all over the City and have given the City officials all the tools to deal with blight. Stated he is of the opinion that projects of this nature involve a mixture of privately owned Townhomes with Section 8 rental subsidy units with a common area owned by some sort of non-profit organization with ties to city government and other groups but safely outside of the control of the policy making City Council. Stated that financing of these types of projects relies heavy on private gifts, other government grants and subsidies, and this type of money by many groups is viewed as free money. Stated the Council considers promoting any public housing projects for the NCI area tracts known as 67214, to please take time to consider several concerns that he has, which he read from his handout.

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- Karl Peterjohn Mr. Peterjohn stated he is the Executive Director for the Kansas Taxpayers Network and expressed his concerns regarding redevelopment, urban renewal, and eminent domain.
- Kathy Dittmer Ms. Dittmer asked the City Council to please do something for that area of town that is in desperate need of assistance and help. Stated the NCI is not the old urban renewal, tear it down and let the absentee landlord come in and build whatever he wants there. Stated this is a concrete thorough plan that will include housing,, businesses, schools, and hopefully retrain non-violent offenders who are looking for work and needing jobs. Stated she believes that a \$250,000.00 investment by the City will come back to that a hundred fold. Asked the City Council to have a bit of vision and invest a little money into this core City area.
- Bud Henson Mr. Henson stated he resides at 3310 Woodrow and started a small business 44 years ago and became acquainted with subsidized housing in St. Louis and it was an absolute disaster. Stated he believes that the City has a Staff that is second to none and does not need a lot of advice from somebody from St. Louis or wherever and we do not need another developer contractor to do this type of work. Stated he feels that there is enough capacity in Wichita without bringing in anyone else.
- (Council Member Skelton momentarily absent)
- Bickley Foster Mr. Foster stated if you do something with this area you will have to go all the way because everything is inter-related. Stated it is fully justified to spend the money to make the plan to do this right because it is difficult and that is the way you get it done by spending the proper amount of money to do it.
- Council Member Gray Council Member Gray stated this is going to cost hundreds of millions of dollars and it will not all come from the community and a lot of it will come from the City. Stated it is great to want to do things for people and believes that there are things we can do in that area. Stated he believes in four of the five pillars of the NCI but we have to recognize the fact that there is a difference in wanting to do something for nice for people but these people should reach in their pockets and do something instead of reaching into everybody else's pockets and that is why he is very interested in seeing if these other partners are really going to step up and put money forward. Stated he does not mean to come up with \$800,000.00 with all tax supported and tax payer funded organizations but with real partners that are going to put community money into it that they did not just reach in and take out of people's pockets because that is where our taxpayers dollars come from.
- (Council Member Schlapp momentarily absent)
- Council Member Skelton Council Member Skelton stated he is concerned about eminent domain and asked if we will have to rely on it.
- George Kolb City Manager stated that is part of the plan but he has not considered it a tool in his portfolio because when you go through the impacted area there are enough vacant , abandoned houses and vacant lots that you have enough to work with in trying to inquire them and many of them are tax foreclosed. Stated that the stop blight program is attempting to identify tax foreclosed and abandoned properties. Stated he does not think there is going to be a heavy reliance on eminent domain if any.
- Council Member Longwell Council Member Longwell stated that this went before his DAB last month and he asked them to vote on this issue and there were several concerns that were shared. Stated we are acting as a redevelopment authority on this premise and part of their concern was that there was an outside committee that would usurp any of our authority he shared with them that would not happen. Stated he does not intend to give away any authority in regards to eminent domain, a separate entity out there made up of community members to have any kind of taxing authority, and we are not asking for anyone from the community to go out and condemn properties. Stated the goals of this are very noble and is what DAB V had stated also. Stated they have some real concerns on how this is going to be enacted, what true dollar involvement will come out of the City, but they think the noble goals are worth pursuing. Stated he will support today's action with some trepidation. Stated we utilize a variety of tools to spur economic development to stop blight to create and build safer neighborhoods and some of this does not have a monetary base to it, which is to try and come up with a comprehensive plan that will look at some of those tools and how we can utilize them. Stated he is willing at this point to move it forward and set

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that \$250,000.00 aside for now but would want to weigh in before we spend that money and see what those partnerships are going to look like because it will make a difference on how he will react to that ultimate vote to move this forward.

- Council Member Williams Council Member Williams stated this is a step to just put the money aside until we can talk to the rest of the community and thinks the plan is something that is needed but if we go further and we work through this plan, there is no way she would go back to a community if that community were losing all of their land or being asked to be obliged to eminent domain. Stated there is no way that she would not monitor District I as we go forward. Stated we have to move forward and have a vision.
- Council Member Gray Council Member Gray stated we are talking about affordable housing and home ownership and these are rental units. Stated he spoke to Richard Berean when he was in town and he asked him about this and was told that rental is a huge component and his organization owns nearly 20,000 rental units. Stated that is what we are talking about and not talking about building people new homes but subsidizing an out of town company that own thousands of rental units that we subsidize for people in our community to live in and will have to tear down houses.
- Council Member Schlapp Council Member Schlapp stated her vote today will probably be against this and it is not to say you cannot continue on and that she is against the City taking the lead because she does not want other people to not contribute and if she votes against this today she is not saying do not go to the public and pursue this. Stated she is saying the private sector has to step up and show her that these millions of dollars are going to be shared by the community and she is voting against the process of the City taking the lead and not against the ability for the City to move forward. Stated to say a vote against this is a vote against everything is an unfair statement.
- Vice-Mayor Fearey Vice-Mayor Fearey stated that she heard at our Policy Group Meeting, that they were not comfortable in stepping forward until they knew the City was at least serious in taking a look at this and they wanted the City to step forward first.
- Motion-- Fearey moved that the allocation of up to \$250,000 to help fund a Master Plan for the current New Communities Initiative area be approved.
- Mayor Brewer Mayor Brewer stated this is not something that is new and has never been done before. Stated we are talking about investing \$250,000 to look at what we can do to improve a community, to improve children's lives, improve a community's self-esteem, which is a small investment. Stated we need to start looking at addressing human needs and improving the quality of life.
- carried Motion carried 5 to 2. (Nays- Gray and Schlapp).

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## NEW BUSINESS

### **RACIAL PROFILING**

### **PRESENTATION BY WALT CHAPPELL-RACIAL PROFILING.**

Walt Chappell

Mr. Chappell stated that he chairs the Wichita Police Department's Racial Profiling Citizen Advisory Board and presented his information and recommendations to the Council.

### **UNSAFE STRUC.**

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

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Item No. 29.

On October 2, 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 November 20, 2007.

On September 10, 2007 the Board of Code Standards and Appeals (BCSA) held a hearing on eight (8) properties listed below:

<u>Property Address</u>	<u>Council District</u>
a. 910 North Ohio	I
b. 212 North Madison	I
c. 515 North Poplar	I
d. 1248 North Green	I
e. 1711 North Volutsia	I
f. 1807 East 24th St. North	I
g. 300 South Elizabeth	IV
h. 1139 North Fairview	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 October 5, 2007, and October 12, 2007. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder

Office of Central Inspection stated that no one has shown up on six of the eight properties and there are owners here for items e) 1711 North Volutsia and g) 300 South Elizabeth that would like to request some additional time to repair the buildings. Stated Staff's recommendation is that Council take the recommended action to demolish items a) 910 North Ohio, b) 212 North Madison, c) 515 North Poplar, d) 1248 North Green, f) 1807 East 24<sup>th</sup> St. North and h) 1139 North Fairview.

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Motion--

Brewer moved that the public hearing be closed; the resolutions declaring the building a dangerous and unsafe structure adopted, and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures accepted. 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 November 20, 2007; (2) the structure has been secured as of November 20, 2007 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of November 20, 2007, and will be so maintained during renovation for items a) 910 North Ohio, b) 212 North Madison, c) 515 North Poplar, d) 1248 North Green, f) 1807 East 24<sup>th</sup> Street North, and h) 1139 North Fairview. Motion carried 7 to 0.

--carried

## Resolution No. 07-656

A Resolution finding that the structure/s located on, Lot 44 and the North 15 feet of Lot 46, on Ohio Avenue, Moore's 2nd Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 910 N. Ohio, Wichita, Kansas , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 07-658

A Resolution finding that the structure/s located on, Lot 19 on Locust, now Madison Avenue, in Park Place Addition to the to the City of Wichita, Sedgwick County, Kansas, commonly known as 212 N. Madison, Wichita, Kansas , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 07-659

A Resolution finding that the structure/s located on, Lots 1 and 3, on Mona Avenue, now Poplar Avenue, Mossman's Second Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 515 N. Poplar, Wichita, Kansas , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 07-660

A Resolution finding that the structure/s located on, Lots 54 and 56 on Alice Avenue, now Green Street, in Fairmount Park Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1248 N. Green - Shed , is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 07-661

A Resolution finding that the structure/s located on, the South 52 feet of the North 77 feet of Lot 39, on Academy, now Volutsia Avenue, in Getto's 3rd Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1711 N. Volutsia, Wichita, Kansas, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, and Williams. (Brewer absent)

## Resolution No. 07-662

A Resolution finding that the structure/s located on, Lot 2, Block 5, J. Walter Ross Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1807 E. 24th St North, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

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## Resolution No. 07-663

A Resolution finding that the structure/s located on, Lots 1030 and 1032, Wichita Street, Lewellyn's Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1139 N. Fairview, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

## Resolution No. 07-664

A Resolution finding that the structure/s located on, Lots 24 and 36 on Elizabeth Avenue, Lawrence's 4th Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 300 S. Elizabeth, Wichita, Kansas, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Longwell, Williams and Brewer.

Kurt Schroeder

Office of Central Inspection reviewed item e) 1711 North Volutsia. Stated a week ago there were delinquent taxes for 2004, 2005, 2006, and 2007 in the amount of almost \$1,100.00 and there is also a pending special for \$116.00 for weed mowing. Stated the property is secured, the premise in fair condition but there is some junk and debris in the rear of the property, and no work has ensued on this building in any recent months. Stated Staff recommends that Council proceed with condemnation and removal of the building.

Ed Davis

Mr. Davis stated he is the owner's son and is going to help him get the house into compliance and asked for a 60 to 90 day extension and he will oversee the project.

(Mayor Brewer left the bench, Vice-Mayor Fearey in the chair)

Motion--carried

Williams moved to take the recommended action from Staff. Motion carried 6 to 0, (Brewer absent).

Kurt Schroeder

Office of Central Inspection reviewed item g) 300 South Elizabeth. Stated this property was sold in September at the property tax foreclosure sale and the new owner is here today. Stated the new owner does not have a deed to the property yet but the premise is clean and the property is secured. Stated the owner is asking for approximately 60 to 90 days to finish the exterior repairs of the property once he gets the deed, which they anticipate the deed to come in December or early January from that tax foreclosure sale. Stated Staff would support giving him some time as a new owner once he gets the deed to get this property repaired and up to code.

Glen McDonald

Mr. McDonald stated he recently purchased the property and it was not disclosed to him that it was under a condemnation. Stated he does plan to renovate it once he gets the deed and is asking for maybe the end of March and will have new windows in place and can then start on the roof.

Motion--  
--carried

Gray moved to defer this item and give 90 days after the deed is secured and for all exterior issues to be resolved and brought up to proper code. Motion carried 7 to 0.

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COLEMAN CO.

## PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, THE COLEMAN COMPANY, INC. (DISTRICT I)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 30.

Between 1993 and 2006, the City Council has approved Letters of Intent to issue Industrial Revenue Bonds (IRBs) up to \$170 million to the Coleman Company, Inc., and has approved the issuance of \$157.9 million. Bonds were issued to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize. The Cities of Wichita and Maize have entered into an inter-local agreement for this purpose. In addition, the City Council also approved a 100% five-plus-five-year ad valorem tax exemption on all bond-financed property.

On November 16, 2004, City Council approved a new Letter of Intent for a term ending December 31, 2007, in an amount not-to-exceed \$35,000,000. The bond proceeds were used for the redesign of factory space and for the purchase of additional manufacturing equipment, primarily machinery, tooling and technological equipment at the existing Wichita and Maize facilities. Under the 2004 Letter of Intent there is a remaining balance of approximately \$14,625,341, in which the balance will be used to finance a portion of the 2007 capital expenditures.

The Coleman Company is now asking the City to issue a new Letter of Intent for a term ending December 31, 2011, in an amount not-to-exceed \$35,000,000, and request a 100% tax exemption on all bond-financed property for a five-year term, plus a second five years subject to City Council review.

In addition, on June 14, 2005, City Council reviewed the second five-year exemption for Coleman's 1999 Industrial Revenue Bonds and approved a one-year extension. On January 10, 2006, City Council approved a one-year extension of the tax exemption on the bond-financed property from their 2000 IRBs. On December 12, 2006, City Council approved a one-year extension of the tax exemption on the bond-financed property on the 2001 IRBs. Bonds issued in 2002 are also due for the five-year review of the property tax exemption. The Coleman Company is now requesting another one-year extension of the tax exemption on the 1999, 2000, 2001 and 2002 bond-financed property.

The Coleman Company, Inc. is engaged in the manufacturing and distribution of outdoor recreational products. The Company's principal products include a comprehensive line of pressurized lighting, cooling and heating appliances for camping and outdoor recreational use (such as Coleman lanterns and stoves), fuel-related products, including disposable propane-filled cylinders, a broad range of insulated food and beverage containers (such as coolers and jugs), sleeping and slumber bags, tents portable electric lights, and other products and accessories for recreational use and do-it-yourself markets.

The bond proceeds will be used for building and land improvements and for the purchase of additional equipment, primarily machinery, tooling and technological equipment, including computer software and hardware at the existing Wichita facilities.

In early 2002, the Coleman Company began a series of steps to reestablish its worldwide headquarters in Wichita. The Wichita-based management team assumed direction of international operations in January 2002. The Coleman Company employs 974 people at its Wichita facilities. The average salary for full time employees is \$44,880. Under current plans, the Company does not anticipate increases in employment in the near term.

The uses of bond proceeds are as follows:

Building Improvements	\$2,650,000
Machinery, Furniture and Fixtures, Equipment and Tooling	32,350,000
Total Bond Proceeds	35,000,000

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The City's bond counsel firm Kutak Rock LLP, will serve as bond counsel in the IRB transaction. The Coleman Company will purchase the bonds and the bonds will not be offered to the public. The Coleman Company agrees to comply with the Standard Conditions contained in the City's IRB Policy.

As a condition of previous bond issues and tax exemption approvals, Coleman committed to: construct a new corporate headquarters, expand existing manufacturing facilities, and purchase machinery and equipment, with a total investment amount of \$33,000,000 between years 1999 and 2002; and create 200 new jobs within five years of the bond issue.

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

1999, 2000, 2001 and 2002 Commitment	October 31, 2007 Status
• Construct new building addition	Completed new building additions totaling approximately \$27,900,000
• Purchase Manufacturing Equipment:	Purchased equipment worth over \$14,400,000
• Create 200 new jobs in five years:	No jobs were created

Coleman has recently undergone an extensive corporate restructuring, following acquisition of Coleman's parent company by Jarden Corporation. The corporate headquarters of the Coleman Company was moved back to Wichita from Chicago, and the new company leadership has stabilized employment levels at the Wichita plant by consolidating operations from other locations. However, the company does not anticipate a significant increase in employment levels.

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

The estimated taxes on Coleman's proposed \$35,000,000 expansion would be \$76,892, on real property improvements based on the 2006 mill levy. Using the allowable tax exemption of 100 percent, the City could be exempting \$76,892 of new taxes from the property tax rolls, once the full amount of bonds are issued. In 2006, Coleman paid approximately \$913,558 in real and personal property taxes. The appraised value of exempted property is currently \$19,493,170.

In addition, the project will qualify for a sales tax exemption on bond-financed purchases. The estimated amount of exempted sales taxes is \$96,725, including \$70,225 state tax and \$26,500 county sales tax.

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

City	3.17 to one
County	2.12 to one
USD 259	1.17 to one
State	21.40 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.

Bond Counsel will prepare bond documents needed for the issuance of the bonds. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Brewer

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

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Motion--

Williams moved that the public hearing be closed; a new Letter of Intent for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$35,000,000 million for a term ending December 31, 2011 approved; a 100% tax exemption on all bond-financed property for a five-year term, plus a second five years subject to City Council review, and subject to Standard Letter of Intent conditions granted; the tax exemption on the 1999, 2000, 2001, and 2002 IRB bond-financed property for a one-year period and review the further extensions at the end of year 2008 extended; and the necessary signatures authorized.

--carried

Motion carried 7 to 0.

**KAMEN WIPING**

## **PUBLIC HEARING AND TAX EXEMPTION REQUEST, KAMEN WIPING MATERIALS CO., INC. (DISTRICT VI)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 31.

Kamen Wiping Materials Co., Inc. (Kamen Wiping) located at 441 N. Santa Fe in downtown Wichita, was locally formed in 1947. Kamen Wiping is a manufacturer of wiping materials to the aerospace industry and others. Kamen Wiping has experienced rapid growth in sales since its inception and as a result has expanded its manufacturing capacity to include additional manufacturing space and acquisition of new manufacturing equipment in the amount of \$1,169,952. Kamen Wiping is now requesting approval of an Economic Development Tax Exemption on the construction of a building addition and newly acquired equipment in conjunction with the expansion project.

Kamen Wiping Co., Inc., is a manufacturer and distributor of wiping materials such as cloths, rags, and spill products to the aerospace, paint sundries, oil fields, and automotive industry. The wipers are manufactured from both new and reclaimed materials. To remove sizing and soil, all wipers are washed in a proprietary 165 degree cleaning solution, sanitized and dried in the industry's most modern state-of-the-art laundry. Every wiper is cut to generous size and graded according to material and color. Kamen Wiping processes more than 100 grades of high quality wipers and provides expertise and individual attention to help their customers select the right products for their cleaning, wiping, polishing or absorption needs.

Kamen Wiping currently employs 32 employees and plans to add at least 5 new jobs over the next five years. The expansion project includes construction of a 8,000 s.f. building addition with a cost of \$408,535, and purchase of additional machinery equipment at \$761,417.

Kamen Wiping's expansion project is itemized in Exhibit I attached hereto. Under the Economic Development Incentives Policy, Kamen Wping is eligible for the following:

### TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
22.0%	New Job Creation:	Kamen Wiping will create at least 5 new jobs.
18.00%	Capital Improvements:	Kamen Wiping will invest at least \$1,169,952.
40.00%	Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)	
20.00%	Location Premium:	Kamen Wiping is not located in the central redevelopment area.
60.00%	TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY	

Under the City's Business Incentives Policy, Kamen Wiping is eligible for a 60% tax exemption for a five-year term on the identified real and personal property, plus an 60% tax exemption for a second five-year term on real property only, subject to City Council approval. A notice of public hearing has

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been published. Kamen Wiping has agreed to comply with the conditions set forth in the Economic Development Incentive Policy.

The estimated first year taxes on the proposed \$1,169,952 expansion would be \$30,787 on real and personal property, based on the 2006 mill levy. Using the allowable tax exemption of 60 percent, the City would be exempting (for the first year) \$18,472 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$5,085; County/State - \$5,223; and USD 259 - \$8,164.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.24 to one
Sedgwick County	2.03 to one
USD 259	1.35 to one
State of Kansas	3.37 to one

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.

Mayor Brewer

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

Motion--

Fearey moved that the public hearing, be closed and first reading of the Ordinance, granting a 60% tax exemption on the identified real and personal property improvements for a five year term, plus a 60% tax exemption for a second five-year term on real property only, subject to City Council approval approved. Motion carried 7 to 0.

--carried

## 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 Kamen wiping materials co., inc., so exempted, introduced and under the rules laid over.

Mayor Brewer

Mayor Brewer requested a recess for lunch and executive session.

David Warren

Director of Water and Sewer stated we have visitors here from Bel Aire for item 40 and asked if the Council would address this item before recessing into Executive Session.

Motion--

Fearey moved that the Council move to item 40. City of Bel Aire Wholesale Water Purchase Agreement. Motion carried 7 to 0.

--carried

### ITEM 40.

#### WATER PURCHASE

#### CITY OF BEL AIRE WHOLESALE WATER PURCHASE AGREEMENT.

(Action shown in agenda order)

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## RECESS

### EXECUTIVE SESSION.

Motion--

Brewer moved that the City Council recess into Executive Session at 1:10 p.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice, contract negotiations, and personnel matters of non-elected personnel and that the Council return from Executive Session no earlier than 2:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 7 to 0.

--carried

## RECONVENED

The Council reconvened in the City Council Chambers at 2:05 p.m. Mayor Brewer stated no action was taken.

Motion--carried

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

## AIRXCEL, INC.

### AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, AIRXCEL, INC. (DISTRICT VI)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 32.

On September 21, 2001, City Council approved an Economic Development Tax Exemption for Airxcel, Inc. (Airxcel) located at 3050 N. St. Francis. Under the previous City's Business Incentive Policy, Airxcel qualified for a 100 percent tax exemption for real and personal property, and 50 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption expired. Airxcel requests City Council extend the tax exemption to include the second five-years tax exemption on real property only.

As a result of the tax exemption, Airxcel committed to undertake an expansion consisting of construction of a 52,870 s.f. additional manufacturing space, at an investment of \$1,200,000, and acquisition of new manufacturing equipment at \$219,500, and creation of 35 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2001 Commitment	October 31, 2007
• Construction of building addition	Completed 52,870 s.f. facility by December, 2001
• Purchase Manufacturing Equipment	Purchased equipment worth over 219,500
• Create 35 new jobs in five years	Created 35 new jobs

Staff conducted a site-monitoring visit on August 17, 2005. Airxcel has met its projection of 35 new permanent jobs by creating 35 new jobs. Airxcel increased sales by more than 25% since 2001, and diversified its customer base.

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

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

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

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

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Mayor Brewer

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

Motion--  
--carried

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

## RAND GRAPHICS

### EXTENSION OF IRB TAX EXEMPTION, RAND GRAPHICS, INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 33.

On November 19, 2002, City Council approved issuance of Industrial Revenue Bonds in the amount of \$2.3 million to Rand Graphics, Inc. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to pay the costs of purchasing and installing additional machinery and equipment to be located at Rand's two printing plants at 2820 South Hoover and 500 South Florence. On December 31, 2007, the initial five-year period for tax exemption will expire. Rand Graphics, Inc. requests City Council extend the tax exemption to include the second five years on bond-financed real property.

Rand is a graphics arts and commercial print and screen products manufacturing company. Rand offers full creation and production and fulfillment services to its customers as well as complete finishing operations. Much of Rand's recent growth has come from its screen printing division. Among others items, Rand manufactures large and small banners and life size point of sale displays. Customers include Chevron, Hallmark, Inc., Chrysler Corporation, Apple Computer and RJR/Nabisco. Rand exports over 60% of its products outside the State of Kansas.

As a condition of the bond issue and tax exemption, Rand committed to: purchasing and installing additional machinery and equipment, an investment of \$2,353,059; and, create 32 new jobs within five years of the bond issue. A measure of Rand's initial five-year project commitments and outcomes are as follows:

2002 Commitment	December 31, 2007 Status
Purchasing additional machinery and equipment	Purchased Machinery and Equipment
Create 32 new jobs in five years:	Created 32 new jobs

Staff conducted a site-monitoring visit on August 15, 2006. Rand Graphic has met its projection of creating 32 new permanent jobs. Rand Graphics increased sales by more 7% since 2002, and diversified its customer base. Rand's products are ultimately exported all over the United States and at least 3% internationally.

In 2006, Rand Graphic paid approximately \$82,075 in real and personal property taxes. The appraised value exempted property is currently \$6,169,320. Rand Graphic is current in payments of administrative service fees.

New benefit-to-cost ratios are as follow:

City of Wichita	1.67 to one
Sedgwick County	1.78 to one
USD 259	1.25 to one
State of Kansas	6.21 to one

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.

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

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

Mayor Brewer

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

Motion--  
--carried

Gray moved that the tax exemption on Rand Graphics' IRB-financed property for a second five-year period be extended. Motion carried 7 to 0.

## **BIG DOG**

### **EXTENSION OF IRB TAX EXEMPTION, BIG DOG MOTORCYCLES, LLC. (DISTRICT I)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 34.

On October 1, 2002, City Council approved issuance of Industrial Revenue Bonds in the amount of \$800,000, to Big Dog Motorcycles, L.L.C. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a five-plus-five-year term on bond-financed property. Bond proceeds were used to construct a 20,000 s.f. warehouse building located at 1520 East Douglas in central Wichita. On December 31, 2007, the initial five-year period for tax exemption will expire. Big Dog Motorcycles, L.L.C. requests City Council extend the tax exemption to include the second five-years on the 2002 bond-financed property.

Big Dog Motorcycles originated as a small shop performing custom work on Harley Davidson motorcycles. Following a move to its previous location at 140 N. Ohio, Big Dog Motorcycles developed its own product designs and became a licensed manufacturer of high-end, deluxe cruiser motorcycles. The business has expanded and currently has 50 dealers around the country. Big Dog Motorcycles has grown from one part-time employee to a national headquarters. In 1999, over 850 high-end motorcycles were manufactured in eight different models. The majority of the Big Dog sales are exports outside Kansas. As a result of rapidly increasing sales and strong sales projections, Big Dog Motorcycles acquired and equipped a new corporate headquarters/manufacturing facility in Wichita.

As a condition of the bond issue and tax exemption, Big Dog Motorcycles committed to: 1) construct a 20,000 s.f. warehouse building addition at a cost of \$800,000; and, 2) create 29 new jobs within five years of the bond issue. A measure of Big Dog Motorcycles' initial five-year project commitments and outcomes are as follows:

2002 Commitment	October 31, 2007 Status
• Construct a warehouse building:	Completed 20,000 s.f. building worth \$800,000
• Create 29 new jobs in five years:	Created 29 new jobs

Staff conducted a site-monitoring visit on November 8, 2005. Big Dog Motorcycles has met its projection of creating 29 new permanent jobs.

In 2006, Big Dog Motorcycles paid approximately \$13,011 in personal property taxes. The appraised value exempted property is currently \$1,217,750. Big Dog Motorcycles is current in payments of administrative service fees.

New benefit-to-cost ratios are as follow:

City of Wichita	2.67 to one
Sedgwick County	1.52 to one
USD 259	1.00 to one
State of Kansas	5.42 to one

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

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

Mayor Brewer

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

Motion--  
--carried

Williams moved that the tax exemption on Big Dog Motorcycles' IRB-financed property for a second five-year period be extended. Motion carried 7 to 0.

## **DECORATOR/CRAFT**

### **AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, DECORATOR AND CRAFT CORPORATION. (DISTRICT II)**

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 35.

On December 19, 2001, City Council approved an Economic Development Tax Exemption for Decorator & Craft Corporation (Decorator & Craft). Under the previous City's Business Incentive Policy, Decorator & Craft qualified for a 68.5 percent tax exemption for real and personal property, and 35 percent on the real property only, for a second five-year period. On December 31, 2006, the initial five-year period for tax exemption expired. On December 19, 2006, City Council approved a one-year extension of the ad valorem property tax exemption because the company had fallen short of its job commitment. Decorator & Craft Corporation requests the City Council approve the remaining four-years of the tax exemption on the real property only.

As a result of the tax exemption, Decorator & Craft committed to undertake an expansion consisting of construction of a 10,800 s.f. additional warehouse facility, at an investment of \$350,000, and acquisition of new manufacturing equipment, and creation of 5 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2001 Commitment	October 31, 2007
• Construction of building addition	Completed 10,800 s.f. facility by December, 2001
• Purchase Manufacturing Equipment	Purchased equipment worth over 10,000
• Create 5 new jobs in five years	Created 5 new job

Staff conducted a site-monitoring visit on May 25, 2006. Decorator & Craft has met its job projection by now creating 5 new permanent jobs. Since December 2006, the company has added 4 new additional employees. A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita	1.32 to one
Sedgwick County	1.13 to one
USD 259	1.09 to one
State of Kansas	1.72 to one

Under the City's old Business Incentive Policy, the Company qualifies for a 35% ad valorem tax exemption for an additional five-years on real property only.

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 remaining four-years tax exemption on the real property in conjunction with the original expansion project is at the discretion of the City Council.

Mayor Brewer

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

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Motion--  
--carried

Schlapp moved that the remaining four-years of the tax exemption on Decorator & Craft Corporation's real property only through December 31, 2011 be approved. Motion carried 7 to 0.

## AIRTECHNICS

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

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 36.

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

On December 31, 2006, the initial five-year period for tax exemption expired. On November 21, 2006, City Council approved to extend the tax exemption for a one-year term because the company had fallen short of its job commitment. Airtechnics now requests the City Council approve the remaining four-years of the tax exemption on the IRB bond-financed property.

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

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

2001 Commitment	October 31, 2006 Status
• Construct new corporate headquarters:	Completed new 62,000 s.f. building addition
• Create 50 new jobs in five years:	Created 52 new jobs

Staff conducted a site-monitoring visit on August 5, 2005. On Airtechnics had fallen short of meeting its projection of 50 new permanent jobs, by creating 28 new jobs. The company reports that the terrorist attacks of 9-11-2001 and the ensuing economic downturn has prevented the company from adding employees. As of October 31, 2007, reports show that the company has started to rebound, and now has exceed the original job commitment of 50 by adding an additional two new jobs. Airtechnics additional goal relating to the bond-financed project was an overall increase in sales. Airtechnics increased sales by more than 33 % since 2001.

In 2006, Airtechnics paid approximately \$17,057 in real and personal property taxes. The appraised value exempted property is currently \$3,746,050. Airtechnics is current in payments of administrative service fees.

New benefit-to-cost ratios are as follow:

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

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

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

Mayor Brewer

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

Motion--  
--carried

Schlapp moved that the remaining four-years of the tax exemption on Airtechnic's IRB-financed property through December 31, 2011 be approved. Motion carried 7 to 0.

**NMF AMERICA, INC.**

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

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Item No. 37.

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

On November 18, 2003, the City Council approved the consent to transfer and sale of NMF America to SONACA America. NMF America had experienced severe financial pressures. SONACA (Societe Nationale de Construction Aeospaciale) NMF is a Belgian aerospace company. On December 31, 2005, the initial five-year period for tax exemption expired. On February 14, 2006, City Council approved a one-year extension of the ad valorem property tax exemption. On November 21, 2006, City Council approved a one-year extension of the ad valorem property tax exemption. NMF America, Inc. requests the City Council approve the remaining three-years tax exemption on bond-financed property.

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

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

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

2000 Commitment

October 31, 2007 Status

- |                                      |  |
|--------------------------------------|--|
| • Construct new building addition    | Completed 40,000 s.f. manufacturing plant  |
| • Purchase Manufacturing Equipment:  | Purchased equipment worth over \$2,120,300 |
| • Create 100 new jobs in five years: | Created 86 new jobs                        |

Staff conducted a site-monitoring visit on September 15, 2005. NMF has come more than 3/4 of the way of meeting its job projection by now creating 86 new permanent jobs. Since November 2006, the company has added 5 new additional employees.

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

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In 2006, NMF paid approximately \$12,639 in real and personal property taxes. The appraised value exempted property is currently \$2,453,490. NMF America is current in payments of administrative service fees.

New benefit-to-cost ratios are as follow:

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

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

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

Mayor Brewer

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

Motion--  
--carried

Schlapp moved that the tax exemption on NMF's IRB Bond-financed property for a one-year period and review the further extensions in December 2008 be extended. Motion carried 7 to 0.

**DEAN & DELUCA**

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

Allen Bell

Economic Development Administrator reviewed the item.

(Council Member Schlapp left the bench)

(Council Member Gray momentarily absent)

Agenda Item No. 38.

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

On December 31, 2005, the initial five-year period for tax exemption expired. On February 14, 2006, City Council approved a one-year extension of the ad valorem property tax exemption. On November 21, 2006, City Council approved a one-year extension of the property tax exemption. Dean & DeLuca requests the City Council approve the remaining three-years tax exemption on bond-financed property.

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

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

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

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2000 Commitment

- Construct new building addition
- Create 255 new jobs in five years:

October 31, 2007 Status

- Completed 52,000 s.f. building addition
- Created 230 new jobs

Staff conducted a site-monitoring visit on September 30, 2005. Dean & DeLuca has come more than 3/4 of meeting its job projection by now creating 230 new permanent jobs. The company reports that the terrorist attacks of 9-11-2001 and the ensuing economic downturn has prevented the company from adding employees. As the economy has started to rebound, the company has started to increase its capacity and begin hiring again. Since October 2007, the company has added 62 new additional employees.

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

In 2006, Dean & DeLuca paid approximately \$11,026 in personal property taxes. The appraised value exempted property is currently \$3,007,220. Dean & DeLuca is current in payments of administrative service fees.

New benefit-to-cost ratios are as follow:

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

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

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

Mayor Brewer

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

Motion--  
--carried

Williams moved that the tax exemption on Dean & DeLuca's IRB Bond-financed property for a one-year period and review the further extensions at the end of year 2008 be extended. Motion carried 5 to 0. (Gray and Schlapp absent).

## **2008 FLIGHT FEST.**

## **2008 WICHITA FLIGHT FESTIVAL.**

John D'Angelo

City Arts Director reviewed the item.

(Skelton left the bench)

Agenda Item No. 39.

WFI successfully fulfilled the requirements as stipulated in their contract with the City for completion of the 2007 Wichita Flight Festival. Upon completion of a successful 2007 festival, WFI has concluded they have the professional services to produce, market, and manage the 2008 Wichita Flight Festival, which will include the following components:

- Concept development and strategic planning
- Site evaluation and planning
- Promotion/marketing plan
- Budget planning
- Ticketing
- Facility preparation and operations
- Festival Airshow and attractions

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- Performance criteria and financials

The City Council has deemed that WFI is the best choice to produce, market, and manage the 2008 Wichita Flight Festival. WFI can provide the professional services necessary to accomplish the 2008 Wichita Flight Festival, and has a successful track record of successful production, marketing, and management of the River Festival and the 2006 Wichita Flight Festival. The proposed WFI contract will require an initial payment of \$25,000 from the City, with additional amounts to be paid based on the completion of agreed project milestones. A \$10,000 retainer will be withheld pending successful completion of all the tasks outlined in the contract and this scope of work. The City desires a festival that is successful on both economic and public appeal fronts. An expected performance benchmark is 9,000 in paid ticket sales. WFI will submit financial reports to the City detailing budget projections and actual expenditures. The reports will be due six months from the contract execution date, two months before the event, and 30 days after the event.

The City of Wichita will provide \$75,000 in funding for successful completion of this contract. A project budget of \$336,000 is proposed for the 2007 Wichita Flight Festival. This will fund primarily entertainment, security, facilitated charges, promotion, and a variety of ancillary costs. Revenue is estimated at \$246,121, derived mostly from sponsorships, admission fees and concessions. An operating deficit of \$89,774 is assumed for the 2008 festival. However, the actual deficit numbers can vary. After the conclusion of the festival, a transfer from the Tourism and Convention Fund will offset any projected deficit.

## Quality of Life

Law Department has prepared and approved the Agreement for Production, Marketing and Management of the 2008 Wichita Flight Festival.

Mayor Brewer

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

Motion--

Brewer moved that the contract with WFI for \$75,000 be approved; the 2008 Wichita Flight Festival project budget of \$336,000 be approved; and the transfer of funds project deficit, up to \$336,000 be approved. Motion carried 5 to 0. (Schlapp and Skelton absent).

--carried

## (ITEM 40 SHOWN IN AGENDA ORDER)

### **WATER PURCHASE CITY OF BEL AIRE WHOLESALE WATER PURCHASE AGREEMENT.**

David Warren

Director of Water and Sewer reviewed the item.

Agenda Item No. 40.

Staff has been negotiating with officials from the City of Bel Aire for roughly the last two years concerning the renewal of the existing wholesale water Agreement with the City of Wichita. Bel Aire is a growing community with a current population of 6,600 and encompasses approximately 2,860 acres. The community is being served by the City of Wichita as well as the Chisholm Creek Utility Authority.

The terms of the Agreement, as negotiated with Bel Aire, contain the following provisions which are in accordance with City Council Policy No. 32:

1. Service Area Boundaries. The boundaries, as negotiated, are reflected in "Attachment 3" of the Agreement. These service area boundaries have been determined to be compatible with the long-term development and growth concerns of the City of Wichita and the City of Bel Aire.
2. Maximum Water Use Schedule. The "Schedule of Projected Water Use" appears as "Attachment 2" of the Agreement and delineates annual consumption volume limitations throughout the twenty-year term of the Agreement with a penalty for exceeding the same.
3. Terms for Rates to be charged. The Agreement indicates that the rates charged shall be in accordance with those charged to similar classes of customers (the wholesale rate as currently enacted and as it may be amended by City Council action from time-to-time).

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4. Use Restrictions. The Agreement prohibits sale of water to customers outside of the City of Bel Aire, or outside the designated service boundaries, or to other incorporated cities or improvement districts.
5. General Terms Regarding Agreement Length, Renegotiation, and Termination. The term of the Agreement, as proposed, is for twenty (20) years through 2028. Provisions are contained in the Agreement relating to renegotiation for noncompliance for connection of unauthorized customers and for exceeding Agreement volume limitations. Also included are provisions for payment of a surcharge for consumption volumes in excess of the yearly contracted volumes.
6. Provision for Adoption and Enforcement of Conservation Measures Equivalent to those of Wichita. Provisions governing these requirements are contained in Article 5.

Provision of water service to Bel Aire is fully compatible with the adopted Water Supply Plan which provides for adequate supplies through 2050.

Based on consumption history, Bel Aire currently uses approximately 130,000 million gallons of water per year. That equates to less than one percent of all water used annually. This Agreement will provide approximately \$118,000 in annual revenue.

This action supports the goal of Efficient Infrastructure by providing reliable, compliant and secure utilities.

The proposed Agreement 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 Agreement for the sale of treated water to Bel Aire at wholesale rates be approved. Motion carried 7 to 0.

**CHAUCER ESTS.**

**AMENDMENT TO CHAUCER ESTATES LAND USE RESTRICTION AGREEMENT AND APPROVAL OF ASSUMPTION AND CONSENT AGREEMENT. (DISTRICT II)**

Joe Lang

Law Department reviewed the item.

Agenda Item No. 41.

In 1996, the City issued Revenue Bonds to finance independent living facilities and assisted care facilities operated by Chaucer Estates, LLC. All of the Bonds were paid in or prior to 2002, as a result of a HUD-supported refinancing, and the City conveyed the project back to Chaucer Estates, LLC. Because the 1996 Bonds were issued as tax exempt, under the Tax Code rules for qualified residential rental facility bonds (sometimes referred to as affordable housing bonds), the property had to be subjected to certain restrictions and requirements for occupancy by low-income tenants, for a period of years that has not yet expired. These requirements and restrictions were imposed by a Land Use Restriction Agreement filed of record in 1996, and that agreement (with a 2002 amendment requested by HUD) continues to affect the property until the end of the restricted period, even though the Bonds have been paid and the property has been conveyed back to Chaucer Estates, LLC. Chaucer Estates, LLC would now like to sell the property to another entity, WC-Chaucer LLC, but under the terms of the Land Use Restriction Agreement, may do so only with the consent of the City and the Bond Trustee, and only after the proposed transferee agrees to assume all Chaucer Estates, LLC's obligations under the Land Use Restriction Agreement. The proposed transferee must also furnish an opinion of its legal counsel that its agreement in this regard is binding. WC-Chaucer has indicated it is willing to comply with these conditions to obtain the City's consent. The transferee has also asked the City to amend the Land Use Restriction Agreement to specify that future transfers will also be approved if the future transferees enter into substantially the same form of Assumption and Consent Agreement and provide substantially the same form of supporting legal opinion. The amendment would also identify the specific date on which the terms of the restrictions will end (assuming no assistance for the Project then exists under Section 8 of the United States Housing Act of 1937).

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It has been the practice of the City to permit requested transfers of previously-financed housing projects that are subject to Land Use Restriction Agreements, so long as the conditions that the applicable Land Use Restriction Agreement imposes for transfers have been satisfied. The transferee will agree to assume the transferor's obligations under the Land Use Restriction Agreement as part of the Assumption and Consent Agreement. The Trustee that administered the 1996 Bonds will also need to approve the Assumption and Consent Agreement, and, after WC-Chaucer and the Trustee have executed it, and WC-Chaucer has provided a legal opinion of its counsel that the assumption of obligations is binding upon it, the City can execute and deliver the Assumption and Consent Agreement. The proposed Second Amendment to Land Use Restriction Agreement must be authorized by Ordinance (given that the original agreement and the prior, HUD amendment were approved by Ordinance), and will require the approval of the Trustee and Chaucer Estates, L.L.C., as well as a consent or waiver of consent from HUD, and an approving opinion of Bond Counsel. The Ordinance is drafted to authorize the execution and delivery of the amendment when the necessary approvals, consent and opinion have been obtained.

The requested consent and amendment will be without cost to the City, except for the cost of publication of the Ordinance. The conditions which the Land Use Restriction Agreement requires to be met prior to the delivery of the City's consent are designed to ensure that the land use restrictions continue to be binding on any transferee until such time as the period of the required restrictions expires under the terms of the agreement.

Economic Vitality and Affordable Living. The approval of the Assumption and Consent Agreement, and approval of the requested Second Amendment to Land Use Restriction Agreement (with delivery subject to satisfaction, in each case of the applicable conditions) will demonstrate the continued flexibility of the City's bond financing program for housing developers, while at the same time preserving the affordable housing character of the project through the applicable period of restrictions.

The City Attorney's Office has reviewed the Assumption and Consent Agreement and the Second Amendment to Land Use Restriction Agreement, and approved them as to form, and has also prepared the Ordinance necessary to authorize the amendment to the Land Use Restriction Agreement.

Mayor Brewer

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

Motion--

Brewer moved that the execution and delivery of the Assumption and Consent Agreement consenting to the proposed transfer, subject to conditions be authorized and the Ordinance that will conditionally authorize the amendment to the Land Use Restriction Agreement be placed on first reading. Motion carried 5 to 0. (Schlapp and Skelton absent).

--carried

## ORDINANCE

An ordinance of the city of Wichita, Kansas, approving a second amendment to the land use restriction agreement executed in connection with the issuance by the city of its assisted care and independent living facility revenue bonds, series ix, 1996 (Chaucer estates, L.L.C.), introduced and under the rules laid over.

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## HYDRAULIC IMPROV HYDRAULIC IMPROVEMENT BETWEEN HARRY AND KELLOGG. (DISTRICT I)

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 42.

On December 13, 2005, the City Council approved an agreement with Baughman Company to prepare a design concept to improve Hydraulic, between Harry and Kellogg. On October 22, 2007, District I Advisory Board held a neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the design concept and project.

The existing roadway is a two-lane urban section with parking on the west side that is underutilized. The proposed design concept is a three lane roadway with two through lanes and a center two-way left turn lane. On street parking will be eliminated. Improved traffic signals will be installed at the intersection of Hydraulic at Harry and Lincoln. The storm water sewer system will be upgraded and 5' wide sidewalk installed along both sides of the street.

The City Council previously approved a budget of \$27,500 for the design concept. An additional \$250,000 is needed to complete construction plans for a total budget of \$277,500. The funding source is General Obligation Bonds. Estimated construction cost if \$3,500,000-\$4,000,000. Funding to construct the project is not included in the current Capital Improvement Program. Funding to prepare construction plans is requested at this time so that the project can be expedited at a future date if federal and local funds become available.

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

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

Mayor Brewer

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

Motion--  
--carried

Williams moved that the design concept be approved; the Ordinance placed on First Reading and the signing of State/Federal Agreements as required authorized. Motion carried 5 to 0. (Schlapp and Skelton absent).

### ORDINANCE

An ordinance amending ordinance no. 46-847 of the city of Wichita, Kansas declaring hydraulic, between Harry and Kellogg (472-84310) to be a main traffic way within the city of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main traffic way; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

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## PETITION

### PETITION FOR STORM WATER DRAIN TO SERVE AN AREA SOUTH OF 29TH STREET NORTH, ALONG BOTH SIDES OF MAIZE. (DISTRICT V)

Chris Carrier

Public Works Director reviewed the item.

Agenda Item No. 43.

The developers of Pearson Commercial Addition and Newmarket V Addition have submitted a Petition to construct drainage improvements to serve an area south of 29th St. North, along both sides of Maize. The signatures on the Petition represent 100% of the improvement district area. On November 6, 2007, the City Council adopted a Resolution setting November 20, 2007, as the public hearing date for consideration of the project.

The completed project will provide drainage improvements required for new commercial development and improve drainage for existing residential development.

The estimated project cost is \$2,900,000 with \$1,200,000 assessed to the improvement district and \$1,700,000 paid by the City. The funding source for the City share is General Obligation Bonds.

The project addresses the Efficient Infrastructure goal by improving drainage for existing and future commercial and residential development.

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

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Bickley Foster

Mr. Foster stated he is with Foster and Associates Planning Consultants and is appearing on behalf of Jeff and Linda Bannon in regard to the Spencer Cove Project. Stated on March 20<sup>th</sup> the City Council considered the developers agreement and at that time a motion was made to approve the developer's agreement and indicated that there was a need to move ahead so that the project would not be delayed. Stated it was also indicated to Staff that they work with the Bannon's to try and resolve some of their problems. Stated when this was considered on March 6<sup>th</sup> just previous to this, the Bannon's had talked to Staff and the developers were asked to provide the Bannon's with a proposal so that they could join the agreement. Stated this was done and right after that the developers returned with the idea that they wanted the Bannon's to prepare the agreement for it. Stated this was a very difficult position for them to be placed into of having to prepare something when the developers had all of the information, facts, and figures. Stated the Bannon's were able to turn in a proposal to the developers to show their interest in doing this. Stated they were later informed by the developers that it was going to delay the project and they were not prepared to receive their proposal. Stated it has been eight months and asked why not something could have been done to include the Bannon's in an eight month period. Stated the Bannon's have spent out of their own pocket \$200,000.00 to try to present to this City to be included in this project and yet they have not been allowed to join this project.

Hank Blasé

Mr. Blasé stated he resides at 2302 North Hood and represents Jeff Bannon. Stated he would like to point out a few flaws in this drainage petition and ask more questions. Stated his client has always supported the global solution to the drainage issues in the Cadillac Lake basin that has frequently indicated his interest to participate in this solution. Stated in going through the process of reviewing the developers' agreement, the Cadillac Lake Drainage Study Report, and the internal modeling, his client has found out what appears to be outright purposeful deception. Asked why the property to be dedicated to the City of Wichita, not included in the improvement district petition. Stated the petition is currently defective and to accept this petition as submitted is to tell the tax paying public that the City is willing to pay 58.6% of a \$2.9 million dollar private project for the benefit of two private developers. Stated no where in the petition is the word "wetlands" used and is not in the Council's proposed resolution, yet it is assumed to be part of this project. Stated this drainage petition and associated wetlands will cause damage to his client by arbitrarily establishing Corp of Engineer wetlands jurisdiction where it would otherwise be invalid. Stated his client continues to be damaged by the actions of the City in excluding it from participation in the developer's agreement and now in this improvement district petition.

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Chris Carrier

Director of Public Works stated there were some things that were said that are not true. Stated the first statement on this handout is taken completely out of context. Stated during every discussion that was had on this project everyone of them they have said the reason we are doing this project is to make development in the upper parts of Cadillac Lake possible and without this project, there would have to be some severe development restrictions placed on lands upstream of Cadillac Lake including Bannon's and including our own 29<sup>th</sup> Street project, which is under construction. Stated it is very important that we do this project. Stated this is probably the first time in history that anyone has come before this Council begging to be included in the petition and asked the Council why they want to be included in this petition and suggested that it is because of the wetland mitigation issue and the fact that there is wetlands on Mr. Bannon's property and he sees this as a way to be able to develop his property and take advantage of the wetland mitigation that the other developers are proposing to do. Stated the construction on New Market property when done, is going to be private development on that property and the City is not going to own or maintain those detention ponds or the pump systems that are on the New Market property. Stated all of our construction that is anticipated in this petition with the exception of moving dirt, is going to occur on the east side development property and that will be the excavation of the detention area, the wetland mitigation areas, and the pump station and that is what this petition is for.

Council Member Longwell Council Member Longwell stated we have taken this project out to the citizens in that community and had some public meetings and asked for their input on that project that directly affects their neighborhoods and it is very easy to tell if you go out there and look that they need more flood control projects in those neighborhoods. Stated the feeling that he got from the public meetings is that the citizens south of this project are excited about getting an opportunity to have some additional flood control that can dramatically improve their neighborhoods. Stated this project has been going on for more than four years and is not willing to delay it any more. Stated if the Bannon's want to come forward with their own project, they are more than willing to do that and we will listen to them just like any developer.

Motion--  
--carried

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

## RESOLUTION NO. 07-655

Resolution of findings of advisability and resolution authorizing improving Storm Water Drain No. 332 (along Maize, south of 29th St. North) 468-84396 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented, presented. Longwell moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Schlapp and Skelton absent).

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## PLANNING AGENDA

Motion--  
--carried

Brewer moved that Planning Consent items 45 to 47 be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0, (Schlapp and Skelton absent).

(ITEM 44)  
CON2007-38

### CON2007-38 – CONDITIONAL USE FOR AN ACCESSORY APARTMENT; GENERALLY LOCATED WEST OF 127TH STREET EAST AND NORTH OF DOUGLAS AVENUE. (DISTRICT II)

John Schlegel

Planning Director reviewed the item.

Agenda Item No. 44.

MAPC Recommendations: Approve (12-0).  
MAPD Staff Recommendations: Approve.

The applicants are requesting a Conditional Use to allow an accessory apartment on Lot 16, Gilda's Gardens Addition, a 5-acre lot located at 200 N Jackson Heights Street. The applicants will live in their existing 16-foot (x) 76-foot manufactured home, while one of the couple's 77 & 79 year old parents will live in either a stick frame, modular or residential designed manufactured home. Because of the parents' age and medical conditions they require care. The subject site is zoned "SF-5" Single-family Residential. Because the proposed additional structure will contain a kitchen, bathroom and sleeping quarters, it is classified as a dwelling unit and thus requires a "Conditional Use" approval for an accessory apartment.

The immediate area is characterized by large lot/tract single-family residential development with "SF-5" zoning located on the north side of Douglas Avenue. The exceptions are five (5) "TF-3" Duplex-residential zoned (ZON2004-10) lots, abutting the south side of the subject site. The other exception is the applicants' residence, which is one of three mobile homes in the larger area between 127th Street East to Jackson Heights Street, north of Douglas, which staff found when driving the area.

The lots and tracts in the area generally range from 0.25-acres to over 4-acres with the houses on them having been built (GIS sampling) anywhere from the 1920s to 1980, with the majority having been built during the 1940s and 1950s. Materials used on the houses vary from brick, to brick and wood or composite siding, to wood or composite siding, or vinyl siding. Some of the larger lots, with houses on them, also have outbuildings on them, allowing these property owner's to keep their horses on their properties. The area also features lots of mature trees, landscaping and some mixed tree hedges. South of Douglas Avenue there is undeveloped, "SF-20" zoning, in a small isolated part of Sedgwick County, and a large manufactured housing park. The subject site is on Jackson Heights Street, a two-lane asphalt residential street with open ditches.

The site plan shows the applicants' residence, the proposed accessory apartment located in front of the existing residence, and a 30-foot (x) 50-foot pole barn. No size is given for the proposed accessory apartment. The applicants' manufactured home is registered with the Office of Central Inspection (OCI) as a legal nonconforming land use, a 'mobile home' on "SF-5" zoned property; a movable (not located on a permanent foundation) detached dwelling unit that was manufactured according to standards prior to 1976 or that does not conform to the Manufactured Home Construction and Safety Standards Act (HUD code), per Art II. Sec II-B, 8(k) of the Unified Zoning Code.

The proposed accessory apartment will have to meet the standards for a conforming single-family residence, which include the UZC's 'residential-design manufactured home' standards, which is an upgrade to the applicants' legal non-conforming mobile home. Because the accessory apartment will have to meet the City's standards for a permanent single-family residence it will in fact become the primary residence, while the legal non conforming mobile home becomes a temporary accessory apartment, where the care givers/applicants will continue to live.

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The Unified Zoning Code's Conditional Use requirements for accessory apartments are as follows:

- (a) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (b) The appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood;
- (c) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium.
- (d) The water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

There was one speaker in opposition to the request at the MAPC meeting on October 18, 2007. The speaker's protest was in regards to the accessory apartment not having its own sewer and water and thus avoiding the cost of having a separate water and sewer system for the accessory apartment. The MAPC voted unanimously (12-0) to recommend approval of the Conditional Use, subject to the following conditions being completed within two (2) years:

- (1) The existing legal nonconforming mobile home shall become a temporary accessory apartment at the time that a stick frame house, a modular home or a residential designed manufactured home is placed on Lot 16, Gilda's Gardens Addition, a 5-acre lot located at 200 N Jackson Heights Street; the site. The stick frame house, modular home or residential designed manufactured home shall become the primary residence on the site and conform to Art. IV, Sec IV-D of the Unified Zoning Code (UZC) for residential design manufactured homes and shall comply with the all of the City's standards, permits and inspections for a permanent single-family residence. The appearance of the primary structure shall be compatible with the single-family residences of the neighborhood. The applicants have two-years to place a permanent primary residence on the site or the Conditional Use shall be considered null and void.
- (2) The primary structure and the temporary accessory apartment shall be subject to all requirements of Art III, Sec III-D.6.a of the UZC, for accessory apartments
- (3) A restrictive covenant will be recorded with the Register of Deeds that will state that the existing legal non conforming mobile home will be removed from the site within 90 days when care of the current applicants' parents is no longer required or ceases. This will end the Conditional Use for an accessory apartment.
- (4) The site will be generally developed as shown on an approved site plan, obtaining and conforming to all applicable permits, including but not limited to building, health, and zoning, including connection to City water & sewer.
- (5) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

During the subsequent two-week protest period following the MAPC meeting, Staff received two (2) protests, however only one was within the 200-foot protest area. Because of the protest the Conditional Use request must proceed to the Council for consideration and final action. The protest equals 28.09% of the total land area, which (because it is over 20% of the total land area) requires a  $\frac{3}{4}$  majority vote by the Council to override neighborhood protest. The other protest has appeal standing. The protester gave no reason for their protest, while the neighbor with appeal standing thought that the applicant was trying to avoid the cost of having separate water and sewer systems for the accessory apartment.

Promote Economic Vitality and Affordable Living.

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

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Council Member Longwell Council Member Longwell stated that Council Member Schlapp briefed him on this and asked to defer it to give her enough time to take this back to her DAB and then bring back to the Council.

Motion-- Longwell moved to send this to the District II Advisory Board in the December meeting and then defer any action coming back to the Council first meeting in January. Motion carried 5 to 0, (Schlapp and Skelton absent).  
--carried

**A07-18R**

**A07-18R-REQUEST BY VICTOR WHITE, DIRECTOR OF AIRPORTS, ON BEHALF OF THE WICHITA AIRPORT AUTHORITY, TO ANNEX LAND GENERALLY LOCATED EAST OF WEBB ROAD, TO THE NORTH AND SOUTH OF 45TH STREET. (DISTRICT II)**

Agenda Item No. 45.

The City received a request to annex 187.58 acres of land generally located east of Webb Road, to the north and south of 45th Street North. The annexation area abuts the City of Wichita to the south and southwest. The property owner does not anticipate development of this property, because a portion of this property is within the Runway Protection Zone and the Runway Approach area.

Land Use and Zoning: The proposed annexation consists of approximately 187.58 acres of property currently zoned "RR" Rural Residential. Upon annexation, the "RR" Rural Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north and east is primarily undeveloped, of which property within the County is zoned "RR" Rural Residential. Property directly to the northeast is within the City of Bel Aire and is zoned as Agricultural. Property to the south is the Colonel James Jabara Airport and is zoned as "LI" Limited Industrial. Property to the west, south of 45th Street, is currently being developed and is zoned as "SF-5" Single-Family Residential. Property to the west, north of 45th Street is within the City of Bel Aire and is zoned as Agricultural at this time. Bel Aire's Planning Commission recently recommended approval of a zone change from Agricultural to "C2" Commercial with a PUD Overlay, and it is currently awaiting City Council approval and publication.

Public Services: There is a 20" water main along the west side of the subject property, along the west side of Webb Road, with stubs across Webb Road at 43rd Street North and 45th Street North. There is an 8" sewer line in the Sand Plum Addition, across Webb Road from the southwest corner of the subject property.

Street System: The subject property borders Webb Road to the west, which is a paved, four-lane road. 45th Street North runs through the subject property, which is a dirt road. 43rd Street North runs directly south of the subject property and then curves south, turning into Lindberg Street and running along the west edge of the subject property. 43rd Street North is a paved, two-lane road. The City of Wichita Capital Improvement Program (CIP) 2007-2016, the 2006 Transportation Improvement Program, and the Sedgwick County Capital Improvement Program 2008-2012 do 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 five (5) to six (6) minute approximate response time from City Fire Station No. 18, located at 2808 North Webb Road. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

Parks: The Northeast Sports Complex, a 60-acre park, is located 1 1/2 miles to the south of the proposed annexation site and is currently being developed for youth athletics. Chisholm Creek Park, a 281-acre park, is located approximately 3 miles to the southwest of the proposed annexation site and contains a 4.2-mile nature trail, two fishing ponds, picnic tables, grills, an open shelter, and two restroom facilities. According to the 1996 Parks and Open Space Master Plan, a potential future pathway has been proposed that would run along the west edge of the subject property on Webb Road, as well as, through the property starting at the intersection of 45th Street and Webb Road, running southeast toward the intersection of Greenwich Road and 37th Street North.

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School District: The annexation property is part of the Unified School District 375 (Circle 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 \$237,460 with a total assessed value of \$31,232. This property is owned by the Wichita Airport Authority and is therefore tax exempt.

Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in maintaining safe and dependable transportation systems by ensuring that the Wichita Airport Authority's Runway Protection Zone and Runway Approach area is within the City of Wichita's jurisdiction.

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 5 to 0. (Schlapp and 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. (A07-18), introduced and under the rules laid over.

**A07-19R**

**A07-19R-REQUEST BY CORY SHACKELFORD OF LCS ENTERPRISES, INC. TO ANNEX LAND GENERALLY LOCATED EAST OF 143RD STREET EAST, BETWEEN PAWNEE ROAD AND HARRY STREET, ISLAND ANNEXATION. (DISTRICT II)**

Agenda Item No. 46.

The City received a request to annex 46.9 acres of land generally located east of 143rd Street East, between Pawnee Road and Harry Street. Since the subject property does not abut the City of Wichita, this is an island annexation request. The property owner anticipates that the proposed property will be developed as Cambria Addition, with 40 single-family homes within the next five years. A plat was submitted to the Metropolitan Area Planning Department and is currently under review.

Land Use and Zoning: The proposed annexation consists of approximately 46.9 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, south and west is primarily undeveloped, with only a few scattered homes, and is zoned "SF-20" Single-Family Residential.

Public Services: The closest water line is a 16" line that runs east, west and north at the intersection of Harry Street and 143rd Street East. A sewer main is currently in design to serve the subject property, as well as, other areas. It will be coming from an existing 18" main in the Whispering Lake Estates Addition to the northeast of the subject property.

Street System: The subject property borders 143rd Street East to the west, which is a paved, two-lane road. The City of Wichita Capital Improvement Program (CIP) 2007-2016, the Sedgwick County Capital Improvement Program 2008-2012 and the 2006 Transportation Improvement Program do not call for improvements adjacent to the proposed annexation site. Future improvements to 143rd Street East may be required as a condition of plat approval.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Fire Station No. 6 and 38, located at 1010 North

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143rd Street East. In addition, the City is currently in the process of designing a new Fire Station No. 20, which will be located at Kincaid and Greenwich Road. This new fire station would have about the same response time as Fire Station No. 6 and 38, but would serve as an additional resource to this area. 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 1/2 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.

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 \$8,300 with a total assessed value of \$2,490. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$78 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 40 single-family homes will be developed in the next five years. The total appraised value of this development after completion is estimated at \$14,000,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$50,564 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 effective delivery of municipal services in support of urban growth and development.

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

Motion--  
--carried

Brewer moved that the annexation process be initiated and the resolution adopted. Motion carried 5 to 0. (Schlapp and Skelton absent).

## RESOLUTION NO. 07-657

A Resolution of the City of Wichita, Kansas requesting the Board of County Commissioners of Sedgwick County, Kansas to make certain findings regarding the annexation of property, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer. (Schlapp and Skelton absent).

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A07-22R

**A07-22R-REQUEST BY ROB RAMSEYER OF RITCHIE DEVELOPMENT CORPORATION & GREENWICH/4, LLC TO ANNEX LAND GENERALLY LOCATED TO THE SOUTHWEST OF THE INTERSECTION OF 29TH STREET NORTH AND 127TH STREET EAST. (DISTRICT II)**

Agenda Item No. 47.

The City has received a request to annex 78.94 acres of land generally located southwest of the intersection of 29th Street North and 127th Street East. The annexation area abuts the City of Wichita to the south and west. The property owner anticipates that the proposed property will be developed with approximately 178 single-family units.

**Land Use and Zoning:** The proposed annexation consists of approximately 78.94 acres of property currently zoned "RR" Rural Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property to the north and east of the subject property is zoned "RR" Rural Residential and is primarily undeveloped at this time. Property to the south and west is zoned "SF-5" Single-Family Residential. Property to the south is currently being developed as The Fairmont Addition with single-family residential. Property to the west is currently undeveloped, but it is anticipated that commercial and industrial property will be developed within the next ten years, a development known as the Greenwich Business Center.

**Public Services:** The nearest water line is a 16" line in 127th Street East, coming from 21st Street North and ending at the southeast corner of the subject property. The nearest sewer line is a 15" main near the middle of the south line of the subject property, which is ready to be extended north through the subject property.

**Street System:** The subject property borders 29th Street North to the north and 127th Street East to the east, both of which are dirt roads. The City of Wichita Capital Improvement Program (CIP) 2007-2016 calls for improvements along 127th Street East from 13th Street to 29th Street North. The 2006 Transportation Improvement Program and the Sedgwick County Capital Improvement Program 2008-20012 do 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 five (5) to six (6) minute approximate response time from City Station No. 18, located at 2808 N. Webb Rd. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

**Parks:** The Northeast Sports Complex is located approximately one mile to the west of the proposed annexation site and is currently being developed to accommodate youth athletics including softball, baseball and soccer. In addition, a pathway has been developed to the southwest of the subject property.

**School District:** The annexation property is part of the Unified School District 375 (Circle 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 \$15,710 with a total assessed value of \$4,199. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$132 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 approximately 178 single-family units will be developed within the next four years. The total appraised value of the property after completion is estimated at \$21,360,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$77,146 in City annual tax revenues.

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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 5 to 0. (Schlapp and 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. (A07-22) introduced and under the rules laid over.

## AIRPORT AGENDA

Motion--  
--carried

Brewer moved that Airport consent items 48 and 49 be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0, (Schlapp and Skelton absent)

## **DRAINAGE STUDY**

### COLONEL JAMES JABARA AIRPORT - DRAINAGE STUDY.

Agenda Item No. 48.

Airfield development projects are included in the Capital Improvement Program.

Pending tenant development requires the study of airport drainage. Professional Engineering Consultants submitted the only proposal and the Staff Screening and Selection Committee concurred with Airport staff to enter into a contract for services.

The contract with Professional Engineering Consultants for the drainage study is \$70,824. The project budget is \$80,000 and funding will be from General Obligation bonds paid for with Airport Revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through the development of infrastructure to serve the aviation community.

The Law Department has approved the contract and the authorizing resolution as to legal form.

Motion--  
--carried

Brewer moved that the contract be approved; the resolution adopted; the capital budget approved; and the necessary signatures authorized. Motion carried 5 to 0. (Schlapp and Skelton absent).

## RESOLUTION NO. A07-010

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

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## RENT-A-CAR

### AGREEMENT - ENTERPRISE LEASING COMPANY - SOUTHWEST D/B/A ENTERPRISE RENT-A-CAR.

Agenda Item No. 49.

In 1993, Enterprise entered into an agreement with the WAA to operate as an off-airport rental car provider. In 2003, they began leasing space within the terminal as an on-airport provider. As a result of increases in their airport transactions, Enterprise is desirous of constructing a service center on Mid-Continent Airport to make their operations more economical and to better serve their airport customers.

Enterprise is desirous of leasing three acres of land to construct a vehicle service center north of the Hertz Service Center in the midfield area of Mid-Continent Airport.

Land rent is established per Wichita Airport Authority policy. Land rent during the first year will be approximately \$39,363, depending upon the date of beneficial occupancy, and will increase 5% each year.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which improve customer services and allow the Airport to continue its operation on a self-sustaining basis.

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 5 to 0. (Schlapp and Skelton absent).

### CITY COUNCIL

## BOARD APPTS.

### BOARD APPOINTMENTS.

There were no appointments to be made.

## TRAVEL EXPEND.

### APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND LEAGUE OF KANSAS MUNICIPALITIES GOVERNING BODY MEETING IN TOPEKA, KS, DECEMBER 6-7, 2007.

Motion--carried

Vice-Mayor Fearey moved that the expenditures be approved. Motion carried 5 to 0. (Schlapp and Skelton absent).

Motion--carried

Brewer moved that the Council Meeting be adjourned. Motion carried 5 to 0, (Schlapp and Skelton absent).

## ADJOURNMENT

The meeting was adjourned at 3:08 p.m.

\*\*\*Workshop was cancelled\*\*\*