

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 261

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 25, 2008  
Tuesday, 9:44 A.M.

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

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the regular meeting of March 18, 2008 were approved, 6 to 0, (Schlapp absent).

### CONSENT AGENDA

Council Member Skelton Council Member Skelton requested that item 4b, be pulled for questions.

Motion-- Brewer moved that Consent Items 1-12d be approved in accordance with the recommended action  
--carried shown thereon, excluding item 4b. Motion carried 6 to 0, (Schlapp absent).

### **BOARD OF BIDS**

#### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 17, 2008**

Lateral 170, Sanitary Sewer #22 to serve Metal-Fab Addition (north of Pawnee, west of Meridian) (468-84405/744263/480952) Traffic is to be maintained during construction using flagpersons and barricades. (District IV)

Wichita Excavation - \$14,820.00

2008 Contract Maintenance Thermal Crack Repair and Saw & Seal Joints (north of 63rd Street South, east of 135th Street West) (472-84659/132721/) Traffic is to be maintained during construction using flagpersons and barricades. (District I,II,III,IV,V,VI)

Ferguson Paving, Inc. - \$86,620.00

Water Distribution System to serve Harvest Ridge Addition (south of 31st Street South, west of Maize Road) (448-89851/735389/470062) Does not affect existing traffic. (District V)

Mike Love Construction - \$65,954.00

Water Distribution System to serve Wheatridge Addition (north of Kellogg, west of 119th Street West) (448-90367/735406/470079) Does not affect existing traffic. (District V)

Mike Love Construction - \$49,255.00

Motion-- Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest  
--carried and best bids within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 262

## PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Roof Replacement at Four Locations

Midwest Roofing Services, Inc.-	\$169,500.00	- Group 1, Base bid
- \$	4.00 Board Foot	- Group 1, Option A
- \$	10.00 Square Foot	- Group 1, Option B
- \$	50.00 Square Foot	- Group 1, Option C
- \$	4.00 Board Foot	- Group 1, Option D
- \$	14,500.00	- Group 2, Base bid
- \$	2.25 Square Foot-	- Group 2, Option A
- \$	35.00 Each	- Group 2, Option B
- \$	4.00 Board Foot	- Group 2, Option C
- \$	1,500.00 Lump Sum	- Group 2, Option D
Larry Booze Roofing, Inc.	- \$ 75,669.58	- Group 3, Base bid
Midwest Roofing Services, Inc.-	\$ 122,534.00	- Group 4, Base bid
- \$	4.00 Board Foot	- Group 4, Option A
- \$	2.25 Square Foot	- Group 4, Option B
- \$	4.00 Board Foot	- Group 4, Option C

Motion--  
--carried

Brewer moved that the contact(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent).

### CMBS

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

Renewal	2008	(Consumption on Premises)
David Lee	Taiwan Chinese Restaurant*	2140 West 21 Street
Renewal	2008	(Consumption off Premises)
John M. Wright	Braeburn Golf Course at WSU*	4201 East 21st North

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

Motion—carried

Brewer moved to approve licenses subject to Staff review and approval. Motion carried 6 to 0, (Schlapp absent).

### PRELIM EST

#### PRELIMINARY ESTIMATES:

- a. 36 Inch Water Main in Douglas from McComas to Flora (north of Maple, west of Meridian) (448-90141/633781/706965/755192/207431) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$3,269,332.10
- b. 2008 Contract Maintenance Special Concrete Repair, Lincoln & Hydraulic (472-84664/132721/ 620799/133116/) Traffic shall be maintained during construction using flagpersons & barricades. (District I) - \$206,000.00
- c. Manlo from the west line of the plat to the east line of Lot 1, Block D; 34th Street North from the west line of the plat, east to the east line of Lot 6, Block D; Sedgwick from the south line of Manlo, south to the north line of 34th Street North to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (472-84481/766175/490193) Does not affect existing traffic. (District VI) - \$168,000.00

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 263

- d. Storm Water Drain #281 to serve Country Hollow Addition (south of Kellogg, east of 127th Street East) (468-84114/751468/485359) Does not affect existing traffic. (District II) - \$332,000.00
- e. Lateral 43, Main 1 Cowskin Interceptor Sewer to serve Wheatridge Addition (north of Kellogg, west of 119th Street West) (468-84491/744272/480961) Does not affect existing traffic. (District V) - \$109,000.00
- f. Central & I-235 Intersection, Left Turn Lanes and SE Ramp (KDOT)-84639/701232/ 00502) Traffic to be detoured and maintained during construction. (District IV, V, VI) - \$3,760,000.00
- g. Street Paving Improvements for Lorraine Avenue to serve Agee-Hunter Addition (north of 21st Street North, west of Hillside) (472-84603/766174/490192) Traffic to be maintained during construction using flagpersons & barricades. (District I) - \$165,300.00
- h. Water Distribution System to serve Agee-Hunter, Bruce Jones and Chautauqua Additions (north of 21st Street North, west of Hillside) (448-90328/735388/470061) Traffic to be maintained during construction using flagpersons & barricades. (District I) - \$37,120.00
- i. Water Distribution System to serve Webb Business Park Addition (north of 37ty Street North, west of Webb) (448-90333/735410/470083) Does not affect existing traffic. (District II) - \$130,556.00
- j. Lateral 123, Sanitary Sewer #23 to serve Webb Business Park Addition (north of 37ty Street North, west of Webb) (468-84430/744275/480964) Does not affect existing traffic. (District II) - \$55,000.00
- k. Drainage Improvements to serve Cessna Park West & Reserve Addition (south of Mt. Vernon, west of Woodlawn) (468-84387/660804/866005) Traffic to be maintained during construction using flagpersons & barricades. (District III) - \$325,225.00
- l. Storm Water Sewer #638 to serve Waterfront Residential Addition (north of 13th Street North, west of Greenwich) (468-84423/751462/485353) Does not affect existing traffic. (District II) - \$842,000.00
- m. Storm Water Drain #342 to serve Waterfront Residential and Waterfront 6th Additions (north of 13th Street North, west of Greenwich) (468-84449/751459/485350) Does not affect existing traffic. (District II) - \$208,504.00

Motion--carried

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

## AGREEMENT

### **SUPPLEMENTAL AGREEMENT FOR STAKING IN MONARCH LANDING 2ND ADDITION (NORTH OF 21ST, WEST OF 159TH STREET EAST). (DISTRICT II)**

Agenda Item No. 4a.

The City Council approved the drainage improvements in Monarch Landing 2nd Addition on October 16, 2006. On March 18, 2008 the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

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

Payment to MKEC will be on a lump sum basis of \$42,200 and will be paid by special assessments.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 264

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

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

Motion--  
--carried

Brewer moved to approve the Supplemental Agreement and authorize the necessary signatures. Motion carried 6 to 0, (Schlapp absent).

## (Item 4b)

### **EMPLOYMENT SERV. CONTRACT FOR PROVIDING TEMPORARY/SEASONAL EMPLOYMENT SERVICES**

Sarah Gilbert

Human Resources Director gave an overview.

Agenda Item No. 4b.

The City of Wichita uses the services of a private contractor to fulfill its needs for temporary and seasonal workers. The contract of the current contractor, Syndeo Staffing, expires on March 30, 2008.

On December 7, 2007, a Request for Proposals was issued. Nine proposals were received. Negotiations with the top proposer, HRMSStaffing d/b/a Syndeo Staffing, were successful.

Contracting with a private firm for temporary and seasonal employees is more cost-effective than operating the same services in-house. Under the contract, each City department contacts Syndeo directly and most vacancies are filled within one week.

In the last year of the previous contract, the cost of providing services was 31% of the hourly wage. The new contract will be the same rate.

Internal Perspectives. Increased Productivity will result from filling temporary and seasonal vacancies quickly.

The Law Department has reviewed and approved the contract as to form. The contract will be for one year with annual renewable options for four (4) years.

Motion--carried

Brewer moved to approve this contract and authorize the necessary signatures. Motion carried 6 to 0, (Schlapp absent).

## **FLOOD CONTROL**

### **LETTER OF AGREEMENT - WICHITA VALLEY CENTER FLOOD CONTROL LEVEE CERTIFICATION.**

Agenda Item No. 4c.

The City and Sedgwick County signed a FEMA Provisional Accredited Levee (PAL) Agreement last year as the owner and operator of the Wichita Valley Center Flood Control Project. The agreement requires the City to provide certification that the approximately 100 miles of levee surrounding the City meets FEMA levee standards. On February 5, 2008 the City approved an Agreement with AMEC Earth and Environmental to perform the study and approved an Agreement with Sedgwick County to jointly share the cost of the project.

The proposed Letter of Agreement between the City and the U.S. Army of Corps of Engineers provides for assistance from the Corps in the certification process since the Corps Office constructed the project, inspects the project yearly, and is very familiar with the operation of the project.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 265

Payment to the U.S. Army of Corps of Engineer will be a not to exceed amount of \$50,000, and will be shared evenly between Sedgwick County and the City of Wichita. Funding is available in the existing budget.

The information received will help in providing a safe and secure community by ensuring our community's flood control project meets Federal safety requirements for the next fifty years.

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

Motion--  
--carried

Brewer moved to approve the Letter of Agreement and authorize the necessary signatures. Motion carried 6 to 0, (Schlapp absent).

## **PROP. ACQUISITION PARTIAL ACQUISITION OF VACANT LAND AT NORTHEAST SIDE OF NORTH 37TH STREET WEST AND HOOVER FOR THE EDGEWATER WATER PROJECT. (COUNTY)**

Agenda Item No. 5a.

On August 7, 2007, City Council approved the petition and adopted a resolution authorizing construction of the Edgewater Water Distribution System along Hoover, North 37th Street West. The project requires the acquisition of three, twenty-foot wide permanent easements along Hoover. The proposed permanent easement consists of 26,694.8 square feet, or .61 acres from an agricultural property made up of 75.43 acres.

The owner has agreed to accept the appraised offer of \$1,225, or \$0.05 per square foot. The easement was valued at 20% of the full value of \$10,000 per acre.

A budget of \$1,425 is requested. This includes \$1,225 for the easements and \$200 for title work and recording costs. The funding source is through municipal bonds paid for by the benefit district and/or Water Improvement Fund.

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 to approve the agreement and authorize the necessary signatures. Motion carried 6 to 0, (Schlapp absent).

## **PROP. ACQUISITION PARTIAL ACQUISITION OF 100 NORTH WEST STREET FOR THE IMPROVEMENT OF WEST STREET FROM MAPLE TO CENTRAL. (DISTRICTS IV AND VI)**

Agenda Item No. 5b.

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 will require the acquisition of all or part of 36 parcels. The tracts include residential, retail and commercial properties. On June 26, 2007 the City Council gave staff permission to initiate eminent domain on those parcels not yet acquired. The subject was included in this action. This acquisition consists of the south 10 feet (1,200 square feet) of the commercial property at 100 North West Street. The property is improved with a 2,709 square foot commercial/office masonry building on a 32,800 square foot lot and is utilized as a vehicle sales lot.

The acquisition was appraised at \$19,595. This amount did not include costs to relocate site improvements such as signs and fencing. It also did not fully factor in lost value due to the reduction of parking spaces on the property. The owner originally countered at \$250,000 predicated on lost utility, impact on access and the need to reconfigure the site. After negotiation, the owner is willing to accept \$102,000, which includes the taking and moving the business sign. The owner will take responsibility

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 266

for relocation of other improvements, including but not limited to, fencing and reconfiguring parking spaces. Upon approval of the contract, this property will be removed from the eminent domain action.

The funding source for the project is General Obligation Bonds. A budget of \$105,000 is requested. This includes \$92,000 for acquisition, \$10,000 to reset the business sign and \$3,000 for 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 Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## PROP. ACQUISITION

### **PARTIAL ACQUISITION OF 201 EAST MT. VERNON FOR THE IMPROVEMENT OF MT. VERNON BETWEEN THE ARKANSAS RIVER AND BROADWAY. (DISTRICT III)**

Agenda Item No. 5c.

On July 3, 2007 the City Council approved the improvement of Mt. Vernon between the Arkansas River and Broadway. The project will construct a large concrete box drain along Mt. Vernon from near Topeka to the Arkansas River. The existing two lane pavement will be replaced with a new two lane street with left turn lanes at the east and west approaches to Broadway. Sidewalks will be constructed on both sides of Mt. Vernon. The project will require the partial acquisition of four parcels. This acquisition consists of a 15 foot by 22 foot (165 square feet) corner clip and a temporary easement along the north and east sides of the used car sales lot located at 201 East Mt. Vernon.

The owner has agreed to accept the offer amount of \$4,130 consisting of \$3,630 (\$22.00 per square foot) for the acquisition and \$500 for the temporary easement. The City will be responsible for moving the business sign, site lighting and a perimeter fence located in the acquisition area.

The funding source for the project is General Obligation Bonds. A budget of \$18,430 is requested. This includes \$3,630 for acquisition, \$4,000 to move the business sign, \$5,150 to move the fence, \$4,650 to move the site lighting and \$1,000 for 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 Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## PROP. ACQUISITION

### **PARTIAL ACQUISITION OF 747 SOUTH OLIVER FOR THE OLIVER, HARRY TO KELLOGG ROAD PROJECT. (DISTRICT III)**

Agenda Item No. 5d.

On May 14, 2004, the City Council approved the Oliver Road improvements from Harry to Kellogg. The design concept is to replace the existing pavement on Oliver with a new five lane roadway, with four through lanes and a center two-way left turn lane. Left turn lanes would be provided at all four approaches to the Oliver and Harry intersection. To accommodate this, it is necessary to acquire ten to twenty-foot wide strips of land from the east side of eight properties abutting Oliver. Properties consist of commercial, single-family and multi-family. This particular acquisition is from 747 South Oliver, a single-family residential site.

The proposed acquisition is the eastern 10 feet of the subject site and consists of 500 square feet. A 1,408 square foot temporary construction easement is also necessary to match the driveway grade to

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 267

Oliver when completed. The site improvements will not be impacted as a result of the acquisition and access will remain during construction. The appraised value of \$965 was accepted by the owner. The value was derived at using \$1.58 per square foot for the land. This number includes value for the trees and the temporary easement.

The funding source for the project is General Obligation Bonds. A budget of \$1,565 is requested. This includes \$965 for acquisition and \$600 for 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 Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## PROP. ACQUISITION

### **PARTIAL ACQUISITION OF 1962 SOUTH BROADWAY FOR THE IMPROVEMENT OF MT. VERNON BETWEEN THE ARKANSAS RIVER AND BROADWAY. (DISTRICT III)**

Agenda Item No. 5e.

On July 3, 2007 the City Council approved the improvement on Mt. Vernon between the Arkansas River and Broadway. The project will construct a large concrete box drain along Mt. Vernon from near Topeka to the Arkansas River. The existing two lane pavement will be replaced with a new two lane street with left turn lanes at the east and west approaches to Broadway. Sidewalks will be constructed on both sides of Mt. Vernon. The project will require the partial acquisition of four parcels. This acquisition consists of a 13.5 foot by 13.5 foot (91.12 square feet) corner clip and a temporary easement along the south side of retail facility located at 1962 South Broadway.

The owner has agreed to accept the offer amount of \$1,229 consisting of \$729 (\$8.00 per square foot) for the acquisition and \$500 for the temporary easement. The City will be responsible for moving the business sign located in the acquisition area.

The funding source for the project is General Obligation Bonds. A budget of \$6,229 is requested. This includes \$1,229 for the acquisition, \$4,000 to move the business sign and \$1,000 for 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 Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 268

**PROP. ACQUISITION**     **PARTIAL ACQUISITION OF 1963 SOUTH BROADWAY FOR THE IMPROVEMENT OF MT. VERNON BETWEEN THE ARKANSAS RIVER AND BROADWAY. (DISTRICT III)**

Agenda Item No. 5f.

On July 3, 2007 the City Council approved the improvement of Mt. Vernon between the Arkansas River and Broadway. The project will construct a large concrete box drain along Mt. Vernon from near Topeka to the Arkansas River. The existing two lane pavement will be replaced with a new two lane street with left turn lanes at the east and west approaches to Broadway. Sidewalks will be constructed on both sides of Mt. Vernon. The project will require the partial acquisition of four parcels. This acquisition consists of a 15.5 foot by 20 foot (155 square feet) corner clip and a temporary easement along the south side of a retail facility located at 1963 South Broadway.

The owner has agreed to accept the offer amount of \$1,740 consisting of \$1,240 (\$8.00 per square foot) for the acquisition and \$500 for the temporary easement. The City will be responsible for moving the business sign located in the acquisition area.

The funding source for the project is General Obligation Bonds. A budget of \$6,740 is requested. This includes \$1,740 for acquisition, \$4,000 to move the business sign and \$1,000 for 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 Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

**PROP. ACQUISITION**     **PARTIAL ACQUISITION OF 4701 EAST DOUGLAS FOR THE IMPROVEMENT OF THE DOUGLAS/OLIVER INTERSECTION. (DISTRICT II)**

Agenda Item No. 5g.

On October 16, 2007 the City Council approved the improvement of the intersection of Douglas and Oliver. The project will reconstruct the intersection to provide left turn lanes at all four approaches. New traffic signals will be installed and the existing drainage system will be improved. The project will require the partial acquisition of two parcels. This acquisition consists of a ten foot by ten foot (fifty square feet) corner clip from the neighborhood shopping center 4701 East Douglas.

The acquisition impacts landscaping, irrigation, site electrical and a masonry wall. The owner has agreed to accept \$1,000 (\$20.00 per square foot) for the acquisition and \$17,500 as the cost to cure the impact on site improvements for a total cost of \$18,500. The owner will be responsible for the relocation and reconstruction of all impacted improvements.

The funding source for the project is General Obligation Bonds. A budget of \$19,500 is requested. This includes \$18,500 for acquisition and \$1,000 for 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 Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 269

**PROP. ACQUISITION PARTIAL ACQUISITION OF 4722 EAST GILBERT FOR THE OLIVER, HARRY TO KELLOGG ROAD PROJECT. (DISTRICT III)**

Agenda Item No. 5h.

On May 14, 2004, the City Council approved the Oliver Road improvements from Harry to Kellogg. The design concept is to replace the existing pavement on Oliver with a new five lane roadway, with four through lanes and a center two-way left turn lane. Left turn lanes would be provided at all four approaches to the Oliver and Harry intersection. To accommodate this, it is necessary to acquire ten to twenty-foot wide strips of land from eight properties abutting Oliver. Properties consist of commercial, single-family and multi-family. This particular acquisition is from 4722 East Gilbert, a multi-family residential site on the corner of Gilbert and Oliver.

The proposed acquisition is the eastern 20 feet of the subject site and consists of a 1,110 square feet right of way. A 275 square foot temporary construction easement is also necessary to match the driveway grade to Oliver when completed. The site improvements will not be impacted as a result of this acquisition and access will remain during construction. The appraised value of \$3,360 was accepted by the owner. The value was derived at using \$3.00 per square foot for the land. This number includes value for the trees and the temporary easement.

The funding source for the project is General Obligation Bonds. A budget of \$3,960 is requested. This includes \$3,360 for acquisition and \$600 for 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 Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

**PROP. ACQUISITION PARTIAL ACQUISITION OF 4724 EAST DOUGLAS FOR THE IMPROVEMENT OF THE DOUGLAS/OLIVER INTERSECTION. (DISTRICT II)**

Agenda Item No. 5i.

On October 16, 2007 the City Council approved the improvement of the intersection of Douglas and Oliver. The project will reconstruct the intersection to provide left turn lanes at all four approaches. New traffic signals will be installed and the existing drainage system will be improved. The project will require the partial acquisition of two parcels. This acquisition consists of a nine foot by ten foot (45 square feet) corner clip and an 85 square foot acquisition for a retaining wall from the neighborhood shopping center 4724 East Douglas.

The acquisition impacts landscaping, irrigation, site electrical and a masonry wall. The owner has agreed to accept \$2,860 (\$22 per square foot) for the acquisition. This price equates to what the owners paid for the site in 2006.

The funding source for the project is General Obligation Bonds. A budget of \$3,860 is requested. This includes \$2,860 for acquisition and \$1,000 for 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 Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 270

## CLAIMS

### REPORT ON CLAIMS ALLOWED FOR FEBRUARY 2008:

Name of Claimant	Amount
AT & T	\$2,085.40
Kerry Beals	\$ 275.00
John Caporale	\$ 59.00
Ora Ellis	\$ 250.00
Theron Frogatte	\$ 201.00
Steve Hurst	\$ 837.63
Daniel Hysten	\$ 246.80
Ashley Littlejohn	\$ 147.86
Zachary Museousky	\$42,797.00**
Felisha Nesankluah	\$ 171.00
Wilhelmina Powell	\$2,629.40
James Simmerman	\$3,281.26
Shannon Wingert	\$ 246.00

\*\* Settled for lesser amount than claimed.

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

## BOARD MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS.

District II Advisory Board, February 4, 2008  
District V Advisory Board, February 4, 2008  
District VI Advisory Board, February 4, 2008  
Board of Code Standards and Appeals, February 4, 2008

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

## UNSAFE STRUCT.

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

Agenda Item No. 8.

On March 3, 2008, the Board of Code Standards and Appeals held a hearing on nine residential properties listed below. The buildings on all nine properties are considered dangerous and unsafe structures per State statutes and local ordinances, and are being presented in order to schedule a condemnation hearing before the City Council. The Board of Code Standards and Appeals has recommended that the City Council proceed with condemnation, demolition and removal of the dangerous buildings on all nine properties.

Minimum Housing Code violation notices have been issued on these structures; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters have also been issued, and the time granted for repair or removal has expired. No actions have been taken by the property owners and/or other interested parties to repair or remove these dangerous buildings.

<u>Property Address</u>	<u>Council District</u>
a. 1237 North Mathewson	I
b. 708 North Minneapolis	I
c. 731 North Minneapolis	I
d. 1138 North Ash	I
e. 1237 North Green	I
f. 1242 North Volutsia	I
g. 2027 North Minnesota	I
h. 411 West University	IV

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 271

i. 3811 West Taft

IV

Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

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

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

Motion--

Brewer moved to adopt the attached resolutions to schedule public hearings before the City Council on May 6, 2008 at 9:30 a.m. or as soon as possible thereafter, to consider condemnation of structures deemed dangerous and unsafe per Kansas State Statutes and local ordinances. Motion carried 6 to 0, (Schlapp absent).

-carried

## RESOLUTION NO. 08-155

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 60, 62 and 64 on Ewing Avenue, now Mathewson Avenue in Granville Park Addition, Wichita, Sedgwick County, Kansas, known as 1237 N. Mathewson, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## RESOLUTION NO. 08-156

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the south 23 feet of Lot 16, and all of Lot 18, except the East 8 feet, on Minneapolis Avenue, Oakland Addition, Wichita, Sedgwick County, Kansas, known as 708 N. Minneapolis, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## RESOLUTION NO. 08-157

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 1 and the North 15 feet of Lot 3, Minneapolis Avenue, Oakland Addition, Wichita, Sedgwick County, Kansas, known as 731 N. Minneapolis, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 272

## RESOLUTION NO. 08-158

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 18 and 20 on Ash Street in Norris Subdivision of Lot 3, in Tarlton's 2nd Addition, Wichita, Sedgwick County, Kansas, known as 1138 N. Ash, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## RESOLUTION NO. 08-159

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 65 and 67, on Green street, Fairmount Park Addition, Wichita, Sedgwick County, Kansas, known as 1237 N. Green, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## RESOLUTION NO. 08-160

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as Lots 62 and 64, Volutsia Avenue, Fairmount Park Addition to Wichita, Sedgwick County, Kansas, known as 1242 N. Volutsia, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## RESOLUTION NO. 08-161

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 73 and 75, on Sedgwick, now Minnesota Avenue, Parkview Addition, Wichita, Sedgwick County, Kansas, known as 2027 N. Minnesota, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## RESOLUTION NO. 08-162

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: East 20 feet of Lot 18 and west 20 feet of Lot 19, on University Avenue, Winne's Addition, Wichita, Sedgwick County, Kansas, known as 411 W. University, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 273

## RESOLUTION NO. 08-163

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 1, Block 2, in Eureka Gardens Addition, Wichita, Sedgwick County, Kansas, known as 3811 W. Taft, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## PLAYGROUND

### PLAYGROUND REHABILITATION AND DEVELOPMENT. (DISTRICTS V AND VI)

Agenda Item No. 9.

On December 19, 2006, City Council approved general obligation bond funding in the amount of \$200,000 for Buffalo, Sycamore, Watson and West Millbrook Park playground renovations. Sycamore and Watson Park playgrounds have already been completed and include the addition of a new space net climbing structure and swing sets. However, improvements at Buffalo and West Millbrook still need to be accomplished. On February 26, 2008, City Council approved an amended bonding resolution for the remaining projects to be accomplished at these sites.

Park Department staff developed a Request for Proposal (RFP) to select companies that are best qualified to provide design build playground improvements. The Staff Screening and Selection Committee (SSSC) met and reviewed the firm's proposal presentations. The SSSC selected the firm of Athco, L.L.C., based on the specific merits of the proposals as they related to each individual park playground site.

These Park improvements will include new play systems that are replacing the original wood and steel structure and making them ADA compliant and accessible. Transfer stations will be included for increased accessibility and Park staff will be responsible for removal of the old playground equipment.

The funding sources are \$175,000 from the Playground Rehabilitation Development Project general obligation bonds and \$7,135 from the City Facility ADA Compliance Project for a project total of \$182,135.

Playground improvements in these two parks support the City's vibrant neighborhoods and the new playground equipment will increase a sense of community pride, neighborhood involvement and satisfaction.

The Law Department has approved the contract as to form.

Motion--  
--carried

Brewer moved to approve the contract and authorize the necessary signatures. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 274

## 2008 WORK COMP

### 2008 WORKERS COMPENSATION SERVICES.

Agenda Item No. 10.

The City Council has previously approved the use of Via Christi Occupational and Environmental Medicine to provide emergency and short term medical care for injured City employees covered under Workers Compensation. Via Christi provides services at three different locations throughout Wichita, including 2535 East Lincoln, 2778 North Webb Road, and 501 North Maize Road. Via Christi also offers Saturday and Sunday service at the 501 North Maize Road location.

Via Christi Occupational and Environmental Medicine provides primary medical care for employees under the Workers Compensation system. However, the City contracts out specialized services from specialty firms for use by the Via Christi Occupational and Environmental Medicine physicians in treating injured City employees. Such services include Magnetic Resonance Imaging, Physical and Occupational Therapy, and Medical Bill Re-pricing.

Recently, the City competitively procured these services through the Purchasing Office. The firms recommended by the Staff Screening and Selection Committee include the following; Magnetic Resonance Imaging-AMI-Heartland, Inc.; Physical and Occupational Therapy-TheraCare, Inc.; and for Medical Bill Re-pricing-CorVel, Inc.

AMI-Heartland, Inc. fees are generally 50% less than the State of Kansas published Work Comp Medical Fees. TheraCare has offered a 25% discount off of the current Kansas Workers Compensation Medical Fees. For services that are not covered under the Kansas Workers Compensation Schedule of Medical Fees, TheraCare is offering a 30% discount off of their usual and customary fees. CorVel offered to re-price medical bills at \$1.25 per line with a 25% incremental savings above State fee schedule.

The employee occupational health and specialty programs are a part of the Internal Perspective goal. The City's goal is to properly treat employees injured on the job and return them to work as soon as is practicable.

Three separate agreements have been developed to provide these specialty services. The agreements have been approved as to form by the City Attorney's office.

Motion--  
--carried

Brewer moved to approve the agreements with AMI-Heartland, Inc.; TheraCare, Inc.; and CorVel, Inc. and authorize the appropriate signatures. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 275

## 2008 RELIEF FUND

### DECLARATION FOR PARTICIPATION IN FIREFIGHTERS RELIEF FUND FOR 2008.

Agenda Item No. 11.

The Declaration for Participation must be executed and filed each year to allow the local Firefighters Relief Association to participate in the distribution of the State Firefighters Relief Fund Tax. This Firefighters Relief Fund Tax distribution will be from all fire and lightning insurance premiums collected. The certification indicates that the Wichita Fire Department is a full paid, public fire department with 417 salaried firefighters, and has fire apparatus and necessary equipment that is in serviceable condition with a value exceeding \$25,000,000.00.

By State Statute, two percent of the total premium on fire and lightning insurance written within the State during a calendar year goes to the Commissioner of Insurance to establish the State Firefighter's Relief Fund. After certain payments required by law, the balance of the fund is paid to local firefighters relief associations to be used for benefits for firemen injured, disabled, or killed in the line of duty, payment of funeral expenses, payment of a pension benefit for full-time firemen who are unfit for service after serving 20 years with the department, and to purchase insurance which would provide any of the listed benefits. The Wichita Firemen's Relief Association received \$810,593.90 in the 2006 distribution and received \$831,623.63 in the 2007 distribution. Distribution of the fund to over 575 Associations throughout the state is calculated using the valuation and population of the area the department provides fire protection. The City of Wichita has had a Wichita Firemen's Relief Association since 1896 and has participated in the State Firefighters Relief Association for more than 80 years. The certification is for calendar year 2008.

The Firefighters Relief Fund was created by K.S.A. 40-1701, et seq., and K.A.R. 40-10-1, et seq.

There will be no expense to the City.

Motion--  
--carried

Brewer moved to approve the Declaration for Participation in the Firefighters Relief Association for 2008 and authorize Mayor to sign. Motion carried 6 to 0, (Schlapp absent).

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ MARCH 18, 2008)

Tax Exemption Request Fiber Dynamics, Inc. (District IV)

ORDINANCE NO. 47-855

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 TTR, LLC/Fiber Dynamics, Inc., so exempted and repealing ordinance 47-774, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

Ordinance Changes to the City OF Wichita Building Code – Contractors Chapter 18.12 of the Code of the City of Wichita.

ORDINANCE NO. 47-856

An ordinance amending sections 18.12.130, and 18.12.160 of the code of the City of Wichita, Kansas, pertaining to contractors and repealing the originals of said sections, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 276

## Ordinance Changes to the City of Wichita Mechanical Code Title 22.04.

### ORDINANCE NO. 47-857

An ordinance creating section 22.04.070 and amending sections 22.04.100, 22.04.130 and 22.04.220 of the code of the City of Wichita, Kansas, pertaining to air conditioning, refrigeration and warm air heating code and repealing the originals of sections 22.04.100, 22.04.130 and 22.04.220, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

## Council Rules Amendments.

### ORDINANCE NO. 47-858

An ordinance of the city of Wichita pertaining to changes to the rules of procedure of the city council; amending chapter 2.04 of the city code; and repealing the original of said chapter, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0: Fearey, Gray, Longwell, Skelton, Williams and Brewer, (Schlapp absent).

## PLANNING AGENDA

Motion--  
--carried

Brewer moved that Planning Agenda Items 13 through 20 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Schlapp absent)

ZON2008-00001

**ZON2008-00001 – ZONE CHANGE FROM “B” MULTI-FAMILY RESIDENTIAL TO “GC” GENERAL COMMERCIAL WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED ON THE SOUTHEAST CORNER OF MARKET AND EAST 24TH STREET NORTH. (DISTRICT VI)**

Agenda Item No. 13.

DAB VI Recommendation: (March 3, 2008) Approve, subject to Protective Overlay No. 204, vote 9-0.  
MAPC Recommendation: Approve, subject to Protective Overlay No. 204, vote 12-0.  
MAPD Staff Recommendation: Approve, subject to Protect Overlay No. 204

The applicant is requesting “GC” General Commercial zoning on Lots 2, 4, 6, 8 and the north half of Lot 10, Kailer’s Addition, located at the southeast corner of 24th Street North and North Market Street. The site is currently zoned “B” Multi-family Residential, and is used as a storage area for the applicant’s trucks and trailers, which are used for the applicant’s construction business. The site has access to North Market Street and East 24th Street North, both classified as residential streets, and to North Broadway, classified as a minor arterial.

Property to the east of the site is also owned by the applicant, and is zoned “GC” General Commercial, and developed with an office use. Property located north of 24th Street North is zoned GC, and is developed with a mix of commercial uses. Property south of the subject site is zoned “B” Multi-family Residential (but has a pending request for GC zoning (ZON2008-00003)), and is currently being used for vehicle storage, similar to the subject site. Property west of the subject site, across North Market Street, is zoned B, and is developed with single-family residences.

The applicant was contacted by the Office of Central Inspection due to the illegal use of the land as currently zoned. The applicant met with staff and discussed possible options for the site. The applicant was informed that the best route for this property would be to rezone to GC, and dedicate complete access control along North Market. Screening and landscaping requirements will be required. Also, the

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 277

area used for storing/parking the trucks and trailers will need to be paved in accordance to the zoning regulations.

This case was heard at the District VI Advisory Board meeting held on March 3, 2008, and DAB VI voted (9-0) to recommend approval of the request for GC zoning with Protective Overlay #204. At the DAB VI meeting, the DAB members asked if the curbing would be replaced when the driveway is removed and that the applicant not cut down trees when putting up the fence.

At the MAPC meeting held February 21, 2008, the MAPC voted (12-0) to recommend approval of the request for GC zoning with Protective Overlay No. 204. The applicant spoke in favor of the application and there was no opposition.

Promote Economic Vitality and Improve Housing Variety

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

Motion--

Brewer moved to adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay No. 204 and withhold publication of ordinance until conditions of the protective overlay are met. Motion carried 6 to 0, (Schlapp absent).

--carried

## ORDINANCE

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

ZON2008-00003

**ZON2008-00003 – ZONE CHANGE FROM “B” MULTI-FAMILY RESIDENTIAL TO “GC” GENERAL COMMERCIAL WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH 24TH STREET AND NORTH MARKET STREET. (DISTRICT VI)**

Agenda Item No. 14.

DAB VI Recommendation: (March 3, 2008) Approve, subject to Protective Overlay No. 205, vote 9-0.

MAPC Recommendation: Approve, subject to Protective Overlay No. 205, vote 12-0.

MAPD Staff Recommendation: Approve, subject to Protect Overlay No. 205

The applicant is requesting “GC” General Commercial zoning on the south half of Lot 10, and all of Lots 12, 14, 16, 18, 20, 22, 24, 28 and 30, Kailer’s Addition. The site is currently zoned “B” Multi-family Residential, and is used as a storage area for the applicant’s delivery trucks and trailers. The vehicles are used in conjunction with the applicant’s food manufacturing business that is located on the lot located immediately to the east, fronting north Broadway. The application area has direct access to north Market, which is classified as a residential street, and indirectly to north Broadway, classified as a minor arterial.

Zoning east of the site is “GC” General Commercial, and developed with the applicant’s food manufacturing business. Property north of the subject site is zoned B (but has a pending application, ZON2008-01, for GC zoning), and is currently used for vehicle storage similar to the subject site. Property south of the subject site is zoned “B” Multi-family Residential, and is currently developed with a single-family residence. Property west of the subject site, across north Market Street is zoned B, and is developed with single-family residences.

The applicant was contacted by the Office of Central Inspection due to the illegal storage and parking use of the land as currently zoned. The applicant met with staff and discussed possible options for the site. The applicant was informed that the best route for this property would be to rezone to GC, and dedicate complete access control along N. Market. Applicable zoning screening, landscape buffering and compatibility standards will be required. Also, the area used for storing/parking of trucks and trailers will need to be paved in accordance to the zoning regulations.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 278

This case was heard at the District VI Advisory Board meeting held on March 3, 2008, and DAB VI voted (9-0) to recommend approval of the request for GC zoning with Protective Overlay No. 205. At the DAB VI meeting, the DAB members ask if the curbing would be replaced when the driveway is removed and that the applicant not cut down trees when putting up the fence.

At the MAPC meeting held February 21, 2008, the MAPC voted (12-0) to recommend approval of the request for GC zoning with Protective Overlay No. 205. The applicant spoke in favor of the application and there was no opposition.

Promote Economic Vitality and Improve Housing Variety

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

Motion--

Brewer moved to adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay No. 205 and withhold publication of ordinance until conditions of the protective overlay are met. Motion carried 6 to 0, (Schlapp absent).

--carried

## ORDINANCE

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

ZON2008-04

### **ZON2008-04 – ZONE CHANGE FROM “SF-5” SINGLE-FAMILY RESIDENTIAL TO “NO” NEIGHBORHOOD OFFICE; GENERALLY LOCATED WEST OF WEBB RD. AND 700 FEET NORTH OF 13TH STREET. (DISTRICT II)**

Agenda Item No. 15.

MAPC Recommendations: Approve, subject to platting (12-0).

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

DAB Recommendations: NA, DAB II did not hear this request.

The “SF-5” Single-family Residential zoned application area is undeveloped property along Webb Rd., 700 feet north of 13th Street. The applicant wishes to develop the site with office uses and has requested a zone change to “NO” Neighborhood Office.

Surrounding property north and west of the site is under the same ownership as the application area and is undeveloped SF-5 land. Further west of the site is an SF-5 zoned single-family neighborhood. East of the site is the LI Limited Industrial zoned Waterfront development. South of the site is property approved for LC Limited Commercial zoning and the Foliage Commercial CUP, subject to platting. The Foliage Commercial project and the application area are currently in the platting process. The application area plat indicates one access point along the north property line, cross lot access with the CUP to the south, and a wall easement on the north and west property lines, continuing the required wall easement for the CUP to the south.

MAPC heard this request on February 21, 2008 and approved, subject to staff recommendations (12-0). One neighboring property owner spoke with questions about access to property west of the site.

Promote Economic Vitality.

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

Motion--

Brewer moved to adopt the findings of the MAPC and approve the zone change subject to platting within one year and withhold publication of the ordinance until the plat is recorded. Motion carried 6 to 0, (Schlapp absent).

--carried

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 279

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 280

## ORDINANCE

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

CUP2008-01

**CUP2008-01 AND ZON2008-06 – CREATION OF DP-310 RIDGE PORT COMMERCIAL PARK 2ND COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN AND ZONE CHANGE FROM “LI” LIMITED INDUSTRIAL TO “LC” LIMITED COMMERCIAL. GENERALLY LOCATED ONE-EIGHTH MILE NORTH AND ONE-EIGHTH MILE EAST OF THE INTERSECTION OF RIDGE ROAD AND 29TH STREET NORTH. (DISTRICT V)**

Agenda Item No. 16.

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

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to staff recommendations with modification (6-1).

The applicant proposes to create an approximately 13-acre residential and commercial community unit plan of three parcels. The property currently is zoned “LI” Limited Industrial, but would be downzoned to “LC” Limited Commercial. Parcel 1 (2.06 acres) is located along Ridge Road. Parcel 2 (5.39 acres) is an interior tract with a narrow strip of land connected to Ridge Road. Parcel 3 (5.39 acres) is located along the north side of 29th Street North.

The zone change and CUP would eliminate those intensive uses allowed by right in the LI district, including auto-oriented commercial uses such as outdoor vehicle storage, vehicle repair, general (paint and body shops) and industrial and manufacturing uses. Secondly, the CUP would set higher minimum design standards than apply to LI zoned property. Thirdly, residential uses would be added to the market basket of potential uses.

The parcels are designed for accommodating commercial use on Parcel 1 and multi-family use on Parcel 2 and Parcel 3, but with the possibility of developing any or all of the parcels with commercial or single-family use instead. The parcels would permit all uses allowed by right in the LC zoning district except for the following uses: adult entertainment establishments, sexually oriented business, correctional placement residences, group residential, private clubs, taverns and drinking establishments, nightclubs or sexually oriented businesses. Restaurants with drive-through windows, convenience stores, service stations, vehicle repair, limited, and full-service car washes would not be permitted within the northern 100 feet of Parcel 1 and Parcel 2 and the southern 100 feet of Parcel 3. No overhead doors would be allowed within 200 feet of residential uses and could not be facing any residential zoning district. Exterior audio systems would be prohibited from projecting sound beyond the boundaries of the CUP.

Maximum building coverage would be 30 percent; maximum gross floor area would be 35 percent of total land area. Maximum building height would be 35 feet. Residential density for Parcels 2 and 3 would be 16 dwelling units per acre, which is a maximum of 86 dwelling units on each parcel. Two commercial buildings are requested for Parcel 1 and six commercial buildings for Parcels 2 and 3.

The applicant has asked for variations from the standard masonry wall requirement along the northern and eastern property lines. This deviation requires approval by the governing body to override the CUP requirements of the Unified Zoning Code (“UZC”). First, the applicant is requesting to construct a screening fence to match the white screening fence of The Cloisters along Ridge Road instead of a masonry wall. The Cloisters is the abutting residential development to the north of this proposed CUP. A second reason for the requested variation is the presence of a 20-foot utility easement flanking both sides of the north property line, which would require shifting the wall southward 20 feet if constructed of masonry.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 281

Also, the applicant is requesting to waive the masonry wall abutting the east property line on Reserve "C" but with different screening options for residential and commercial use. If Parcels 2 and 3 are developed with residential use, the applicant proposes a decorative wrought iron fence with landscaped berms and landscaping equivalent to a landscape buffer (Wichita Landscape Ordinance). If developed with commercial use, the applicant is requesting that the wrought iron fence be augmented with the equivalent of solid screening (through berming and landscaping equivalent to solid screening per the UZC (Art. IV, Sec. IV-B)). Both of these substitutions are based on the parcels being separated from the residential subdivision to the east (Ridge Port Addition) by a lake and open space 800 feet wide. It should be noted, however, that the terrain is exceptionally flat and the development on Parcels 2 and 3 would be clearly visible from this residential subdivision. In this situation, a larger number of taller evergreen trees probably would serve as a better screen for the residences in Ridge Port Addition than a six to eight foot masonry wall with one tree per 40 linear feet, so long as it is combined with an additional requirement for solid screening with materials similar to the buildings for any and all outdoor work and storage areas, loading docks, trash receptacles and mechanical equipment to ensure screening plus prevent blowing of trash, etc. General Provision #15 already requires this type of screening for trash and mechanical.

A 35-foot building setback/landscape buffer is requested to provide sufficient area to meet the requested buffering and screening. Setbacks shown on the CUP drawing are 35 feet along Ridge, 29th Street North and the northern parcel boundary of Parcel 1. The setback for Parcel 2 is 75 feet. Interior setbacks are 15 feet between the commercial parcels. A 50-foot water system easement flanked by a 20-foot utility easement precludes use of the southwestern 70 feet on all parcels.

Commercial buildings would have uniform architectural compatibility and share similar lighting (24-foot maximum height including base and pedestal, reduced to 16 feet within north 100 feet of Parcels 1 and 2), landscaping and signage elements (maximum height of 16 feet for Parcel 2 and 20 feet for the other monument signs). The water system easement also affects the placement of monument signage along Ridge Road and has resulted in the applicant requesting to reduce the spacing between the two monument signs on Ridge to 75 feet. Sign clutter would be reduced by using a consistent pattern and color for both signs. The amount of sign face requested slightly exceeds the amount permissible along Ridge, based on 0.8 x linear frontage. Two monument signs also are requested along 29th Street North, again with consistent pattern and color for both signs. Flashing signs (except time, temperature, public service messages) moving, portable, billboard and off-site signs are prohibited. Building wall signs would be prohibited on building elevations facing residential zoning unless separated by a public street.

The CUP would provide internal circulation among parcels, cross-lot circulation and pedestrian connectivity between the buildings and the arterial streets.

At the MAPC meeting held February 21, 2008, MAPC voted (12-0) to recommend approval of the CUP and zone change request subject to staff recommendation except for allowing the applicant's request to exceed sign face area restrictions on Ridge Road to accommodate two signs with a maximum size of 250 square feet instead of 0.8 x linear frontage (or 208 square feet). Approval of the modified screening requirement and the increased amount of signage are required to be made by the Wichita City Council per the authorization of the Unified Zoning Code Article III, Section III-C.2.d. A letter received via facsimile from The Cloister Owners Association was distributed and discussed. The letter raised concerns about access rights to the lake, drainage, further limits on commercial use and trash pick-up. A resident abutting the proposed tract requested that the waiver of the masonry screening requirement be set aside and that the developer be required to install a masonry fence. At the District V Advisory Board meeting held March 3, 2008, the DAB voted (6-1) to approve subject to the recommendations of MAPC. The president of The Cloisters Owners Association was present to discuss his concerns. The screening fence issue was discussed at length. It was noted that commercial uses on Parcel 1 are subject to the more rigorous outdoor work and storage areas, loading docks, trash receptacles, etc. screening provisions using materials similar to the main structures as a customary CUP requirement. No modification was made to the MAPC recommendation. No protest petitions have been filed. The MAPC recommendation is to APPROVE subject to the following conditions:

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 282

- A. APPROVE the zone change (ZON2008-00006) to LC.
- B. APPROVE the Community Unit Plan (DP-310), subject to the following conditions:
  - 1. Provide a drainage plan and associated guarantees and a guarantee for a left turn lane into the westernmost entrance on 29th Street North at the time of a lot split (or replat).
  - 2. Add outdoor work and storage areas and loading docks to General Provision #15.
  - 3. Add a 35-foot building setback/landscape buffer along the east property line abutting Reserve "C."
  - 4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
  - 5. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
  - 6. The ordinance/resolution establishing the zone change shall not be published until the lot split (or replat) has been recorded with the Register of Deeds.
  - 7. Prior to publishing the ordinance/resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-310) includes special conditions for development on this property.
  - 8. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Promote Economic Vitality and Affordable Living.

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

Motion--  
--carried

Brewer moved to adopt the findings of the MAPC and approve the community unit plan and the zone change to LC Limited Commercial and withhold the publication of the ordinance until the lot split/replat is recorded. Motion carried 6 to 0, (Schlapp absent).

## ORDINANCE

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

**SUB2007-64**

**SUB 2007-64-PLAT OF PARKSTONE ADDITION LOCATED EAST OF HILLSIDE, BETWEEN DOUGLAS AND 1ST STREET. (DISTRICT II)**

Agenda Item No. 17.

Staff Recommendation: Approve the plat.

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

This site, consisting of four lots on six acres, is a replat of portions of I, R & R Addition, Roembach Addition and College Hill Addition. This site is located within Wichita's city limits. A zone change (PUD #26, PUD 2007-03) from "GO" General Office District, "B" Multi-family Residential District and "TF-3" Two-family Residential District to "PUD" Planned Unit Residential Development District has been approved. A Notice of Planned Unit Development (PUD) has been submitted identifying the approved PUD and its special conditions for development on this property.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, paving and water main improvements.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 283

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

Ensure Efficient Infrastructure.

The Notice of Planned Unit Development and Certificate of Petitions will be recorded with the Register of Deeds.

Motion--

Brewer moved to approve the documents and plat, authorize the necessary signatures for approval of the plat and for ownership of the property, adopt the Resolutions and approve first reading of the Ordinance. Motion carried 6 to 0, (Schlapp absent).

--carried

## RESOLUTION NO. 08-164

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90303 (north of Douglas, east of Hillside) in the City of Wichita, Kansas, pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## RESOLUTION NO. 08-165

Resolution of Findings of Advisability and Resolution authorizing construction of relocation of part of District B, Sanitary Sewer No. 12 (north of Douglas, east of Hillside) 468-84376 in the City of Wichita, Kansas, pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## ORDINANCE

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

SUB2008-04

### **SUB 2008-04-PLAT OF FOLIAGE CENTER SECOND ADDITION LOCATED NORTH OF 13TH STREET AND ON THE WEST SIDE OF WEBB ROAD. (DISTRICT II)**

Agenda Item No. 18.

Staff Recommendation: Approve the plat.

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

This site, consisting of one lot on 1.4 acres, is located within Wichita's city limits. A zone change (ZON 2008-04) from "SF-5" Single-family Residential District to "NO" Neighborhood Office District is on the same agenda for approval.

A Petition, 100 percent, and a Certificate of Petition have been submitted for water improvements. As requested by City Engineering, a Temporary Private Sanitary Sewer Easement Agreement has been submitted for the existing private service line for the property to the west. A Cross-lot Drainage Agreement and Access Agreement have also been submitted. This site is located within the noise impact area of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement have been submitted.

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

Ensure Efficient Infrastructure.

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 284

The Certificate of Petition, Temporary Private Sanitary Sewer Easement Agreement, Cross-lot Drainage Agreement, Access Agreement, Restrictive Covenant and Avigational Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Brewer moved to approve the documents and plat, authorize the necessary signatures, adopt the Resolution and approve first reading of the Ordinance. Motion carried 6 to 0, (Schlapp absent).

## RESOLUTION NO. 08-166

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-90378 (north of 13th, west of Webb) in the City of Wichita, Kansas, pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented.

Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Longwell, Skelton, Williams, and Brewer, (Schlapp absent).

## ORDINANCE

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

VAC2007-00031

**VAC2007-00031- SEDGWICK COUNTY REQUEST TO VACATE A PORTION OF A ROAD INTERSECTION SITE DISTANCE (TRIANGLE) EASEMENT, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 13TH STREET AND 127TH STREET EAST. CITY OF WICHITA THREE-MILE RING JURISDICTION. (DISTRICT II)**

Agenda Item No. 19.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting vacation of the southern 10 foot wide portion of the site triangle/easement dedicated by separate instrument (document number, film and page 28758160, recorded February 22, 2006). The applicant wants to put up a wall with signage in the vacated area. Alternate locations for the proposed wall and signage are limited as the corner is developed with a golf course, and a tee box would have to be moved in order to install the sign if the vacation is not granted. There are not any franchised or public utilities in the easement.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed. This case is within the City of Wichita's 3-mile jurisdiction ring and as such will have to be approved by both the Wichita City Council and the Sedgwick County Board of County Commissioners.

Ensure efficient infrastructure.

A certified copy of the Vacation Order and an easement for right-of-way dedicated by separate instrument will be recorded with the Register of Deeds.

Motion--  
--carried

Brewer moved to follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 285

A08-02R

**A08-02R- REQUEST BY STEVEN R. BARRETT, OF FLKS LAND DEVELOPMENT, LLC TO ANNEX LAND GENERALLY LOCATED NORTH OF 13TH STREET, BETWEEN 143RD STREET EAST AND 159TH STREET EAST. (DISTRICT II)**

Agenda Item No. 20.

The City received a request to annex 73.4 acres of land generally located north of 13th Street, between 143rd Street East and 159th Street East. The annexation area abuts the City of Wichita to the west. The property owner anticipates that the proposed property will be developed with 134 single-family residential units, known as the Stonebridge 2nd Addition, within the next four years. The Stonebridge 2nd Addition plat was recorded in May 2007.

**Land Use and Zoning:** The proposed annexation consists of approximately 73.4 acres of property currently zoned "SF-5" Single-Family Residential. Property directly to the north, east and south is primarily undeveloped and is zoned "SF-20" Single-Family Residential, with some "LC" Limited Commercial to the east. Property to the west is currently developed as the Savanna at Castle Rock Ranch Additions and is zoned "SF-5" Single-Family Residential.

**Public Services:** The property owner petitioned for water and sewer service, and construction of water and sewer lines has begun along the south end of the subject property.

**Street System:** 13th Street runs along the south edge of the subject property and was recently widened to a four-lane road from K-96 to 159th Street East. According to the Stonebridge 2nd Addition plat, the local roadway system will be extended from the Savanna at Castle Rock Ranch Additions, west of the proposed property and from 13th Street.

**Public Safety:** Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita and Sedgwick County will provide fire protection from Fire Station No. 38-6, located at 1010 North 143rd Street with a three (3) to four (4) minute response time. Upon annexation, police protection will be provided to the area by the Patrol East Bureau, Beat 39, of the Wichita Police Department, headquartered at 350 S. Edgemoor.

**Parks:** The Northeast Sports Complex, a 60-acre undeveloped park, and Stryker Soccer Complex, a 48-acre athletic complex, are located approximately 3 1/2 miles to the northwest of the proposed annexation site and currently contain 12 soccer fields, a concession stand, restrooms and paved parking. The WB Harrison Park, a 40-acre park, is located approximately 6 miles to the southwest of the proposed annexation site 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 Eastview Park, a 20-acre park, is located approximately 5 miles to the west of the proposed annexation site and contains a paved 0.77-mile fitness trail with 20 exercise stations, a softball diamond, two lighted tennis courts, a soccer field, a children's play area with three benches and a paved parking area. A potential 14-acre future park site has been purchased on Central Avenue to the east of Greenwich Road. According to the 1996 Parks and Open Space Master Plan, a potential pathway has been identified in the BNSF Rail Corridor that has been rail banked by the City of Wichita. This potential pathway would run along the northern edge of the annexation area. The proposed park and pathway improvements are not currently funded in the Capital Improvement Program.

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

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

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 286

The current approximate appraised value of the proposed annexation lands, according to County records, is \$3,780 with a total assessed value of \$1,134. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$36 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 134 single-family residential units will be developed within the next four years. The total appraised value of this development after completion is estimated at \$22,110,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$79,854 in City annual tax revenues.

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

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

Motion--  
--carried

Brewer moved to approve the annexation request, place the ordinance on first reading and authorize the necessary signatures. Motion carried 6 to 0, (Schlapp absent).

## ORDINANCE

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. Introduced and under the rules laid over. (A08-02)

## CITY COUNCIL

### **BOARD APPTS**

### **BOARD APPOINTMENTS.**

Mayor Brewer

Mayor Brewer appointed Alicia Martinez-Newell to the City Manager's Selection Committee.

Motion--carried

Brewer moved to approve the appointments. Motion carried 6 to 0, (Schlapp absent).

### **RECESS**

### **EXECUTIVE SESSION.**

Motion--

Brewer moved 9:50 a.m. that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice, personnel matters of non-elected personnel, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 10:15 a.m. and reconvene in the first floor board room on the first floor of City Hall. Motion carried 6 to 0, (Schlapp absent).

--carried

### **RECONVENE**

The City Council reconvened at 10:22 a.m. Mayor Brewer announced that there was no action taken and there was no action needed as a result of the executive session.

Motion--carried

Brewer moved to close the Executive Session. Motion carried 6 to 0, (Schlapp absent).

Motion--carried

Brewer moved that the meeting be adjourned. Motion carried 6 to 0, (Schlapp absent).

# CITY COUNCIL PROCEEDINGS

JOURNAL 191

MARCH 25, 2008

PAGE 287

## ADJOURNMENT

The meeting was adjourned at 10: 23 a.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk

\*\*\*Workshop followed in the first floor board room\*\*\*