

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

APRIL 24, 1996

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, April 24, 1996, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Melody C. Miller; Commissioner Betsy Gwin; Commissioner Paul W. Hancock; Commissioner Mark F. Schroeder; Ms. Nola Foulston, District Attorney; Mr. William P. Buchanan, County Manager; Mr. Richard Euson, Assistant County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Louanna Honeycutt Burress, Administrative Officer, Department of Housing and Economic Development; Mr. Phil Rippee, Risk Manager, Department of Risk Management; Ms. Donna Hajjar, Adult Facility Administrator, Department of Corrections Adult Facility; Dr. Corrie May, Coroner, Regional Forensic Science Center; Mr. Gary Branum, Chief Toxicologist, Regional Forensic Science Center; Mr. Forrest Davis, Chief of Physical Evidence, Forensic Science Center; Mr. Steve Gilbert, Regional Forensic Administrator, Regional Forensic Science Center; Mr. Kenneth A. Keen, Director, Information Services; Mr. Jim Elvins, Major, Sheriff's Department; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Susan E. Crockett-Spoon, County Clerk.

GUESTS

Mr. Michael Sikes, President, Derby Days organization

Ms. Jerri Tousley, Proclamation, "Take Our Daughters to Work Day"

Ms. Pat Lehman, Proclamation, "Workers Memorial Day"

Mr. Wayne Youngers, President, Youngers and Sons Manufacturing, 2100 South West,
Wichita, Kansas 67213

Mr. Rod Stewart, Vice President, Snyder, Sheets, Stewart & Goseland, Inc.

Mr. Larry Ross, Metropolitan Area Planning Commission

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INVOCATION

The Invocation was given by Mr. Pete Morris of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that all Commissioners were present.

CONSIDERATION OF MINUTES: Regular Meeting, March 20, 1996.

The Clerk reported that all Commissioners present at the Regular Meetings of March 20, 1996.

Chairman Winters said, "Commissioners, you have had an opportunity to look at these Minutes, what's the will of the Board?"

MOTION

Commissioner Hancock moved to adopt the Minutes of March 20, 1996.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Next item."

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CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Ms. Becky Allen Bouska, Finance Director, greeted the Commissioners and said, "You've previously received the certification of funds for the expenditures on today's regular and sewer agendas. I am available for questions if there are any."

Chairman Winters said, "Seeing no questions. Thank you very much Becky. Next item."

A. PROCLAMATIONS

1. PROCLAMATION DECLARING APRIL 21-27, 1996 AS "NATIONAL COUNTY GOVERNMENT WEEK."

Chairman Winters said, "Thank you very much. Commissioners, I have a proclamation I would like to read into the record at this time."

PROCLAMATION

WHEREAS, County Government has a long and rich history and is one of the oldest forms of local government in America; and

WHEREAS, during the 1800's and the early part of this century, the primary functions of County Government involved the administration of justice, law enforcement and the building and maintenance of roads. In recent decades, the responsibilities of County Government have grown enormously; and

WHEREAS, the duties of our nation's County Governments now range from the preservation of public safety to environmental protection; and

WHEREAS, Counties care for America. For many ill, elderly and low income Americans, the County is often the only available source of help in obtaining health care and other social services; and

WHEREAS, the theme for National County Government Week is, "Community County Down 2000";

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NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim the week of April 21 - 27, 1996,

"NATIONAL COUNTY GOVERNMENT WEEK"

in recognition of the leadership, innovation and valuable services provided by our nation's Counties. Dated April 24.

"Commissioners, that is the Proclamation, is there a Motion to accept that?"

MOTION

Commissioner Hancock moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Schroeder seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Here to accept this is Fred Ervin. Fred would you say a couple of words? Do you have someone else there? Would you say a couple of words please?"

Mr. Fred Ervin said, "Commissioners, thank you for this Proclamation. I think our Countdown to 2000 certainly didn't just begin with this national recognition, our Countdown has been going on for some time with some of the programs that we are doing for those in the dawning of their life that we like to refer to as our youth and those in the twilight, our senior citizens, and of course we work with those in between, especially our youth.

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“With our number of tours, and it's interesting at this point to bring to your attention, our tours have increased over 50%. In fact, it's not just the amount of tours, it's the size of them. An average class size is over 20, it's very challenging to staff. We've had as many as 120 and I think with the advent of the court system's high profile cases, Simpson, the Menendez brothers, you get a lot of requests for courts, 911, Rescue 911, students love those. The Courthouse is a great visual aid for teachers and we're just taking advantage of that. Thank you for this Proclamation and that's all I have.”

Chairman Winters said, "Thank you very much Fred. Next item please."

2. PROCLAMATION DECLARING MAY 2-5, 1996 AS "DERBY DAYS."

Chairman Winters said, "Thank you very much. Commissioners, I have a second Proclamation.

PROCLAMATION

WHEREAS, Derby Days, Inc. is responsible for making an awareness of Derby since 1978. This has been a come-together for all the citizens of Derby, and the surrounding areas, for a weekend of festivities and celebration; and

WHEREAS, the primary objective of Derby Days is to create a joint venture of our professional, educational and cultural levels, as well as social levels of organizations and people; and

WHEREAS, Derby Days, Inc. is a non-profit organization that returns to the community any monies received from contributions or the sale of buttons; and

WHEREAS, this year's theme is, "Discover Derby"

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NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 2-5, 1996, as

"DERBY DAYS"

and encourage all citizens to become aware of the activities and contributions of this organization, and its members to our community.

"Commissioners, that is the Proclamation."

MOTION

Commissioner Hancock moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Schroeder seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Here to accept the Proclamation is Mike Sikes, President of Derby Days."

Mr. Mike Sikes, President of Derby Days, said, "I'd like to thank you Chairman Winters and your fellow Commissioners. As the City of Derby continues to grow, so does our Derby Days celebration. This year will be our biggest and best. I brought a button for you all to welcome each of you down if you have some time over that weekend to embrace our theme, which is to "Discover Derby". So if you haven't been down there for a while, come on down, I think you'll enjoy it."

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Chairman Winters said, "Alright, thank you very much Mike. I think these kinds of events in the cities around the County really speak to the dedication of a lot of volunteers and the involvement of citizens in wanting to participate in these. We wish you the best of luck this year. Next item please."

3. PROCLAMATION DECLARING APRIL 25, 1996 AS "NATIONAL TAKE OUR DAUGHTERS TO WORK DAY."

Chairman Winters said, "Thank you very much. Commissioners, I have the third Proclamation.

PROCLAMATION

WHEREAS, young women need to gain the attention of the work-place and learn about the realities of work, employment opportunities, education and training which jobs require; and

WHEREAS, young women need to be invited into the work place where they are able to meet professionals and gain working knowledge of any career which they may desire; and

WHEREAS, young women need to be listened to respectfully regarding their ideas and opinions; and

WHEREAS, a national public education campaign has been designed to focus attention on our young women -- their ideas, their concerns, their spirit, and their dreams;

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NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim Thursday, April 25, 1996 as

"NATIONAL TAKE OUR DAUGHTERS TO WORK DAY"

in Sedgwick County, and call upon all citizens to give the daughters of our County their support, interest and cooperation in this endeavor.

"Commissioners, that is the Proclamation."

MOTION

Commissioner Gwin moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. This morning, we are very fortunate to have Jerri Tousley here to accept this Proclamation."

Ms. Jerri Tousley said, "Thank you Chairman Winters. On behalf of the Ms. Foundation and the Wichita Commission on the Status of Women, I want to thank the Commission for giving us this Proclamation."

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“This is the fourth year that this day has been in existence and I am proud to say that the County has vigorously supported this day every year. The theme this year is Vote for Me. That is a way that we can cast a decisive vote on behalf of our daughters. Also new this year, is a scholarship sweepstakes. There is a \$60,000 scholarship and a \$4,500 athletic award and three girls will be selected at random to receive \$20,000 in U.S. Savings Bonds for their education and the school of each one of these winners will be awarded \$1,500 to be applied to the girls athletic program. I have made up packets here so that you could have this information. Thank you very much.”

Chairman Winters said, "Okay, thank you very much Jerri. We appreciate your being here and we appreciate your work in this effort. Commissioner Miller."

Commissioner Miller said, "Jerri, I just wanted to be able to give some public time to those that made it possible for the establishment of the scholarship because that's new, isn't it?"

Ms. Tousley said, "That's new this year."

Commissioner Miller said, "And the addition of the bonds, being able to give away savings bonds to three individuals."

Ms. Tousley said, "Three young women."

Commissioner Miller said, "How was this made possible? I would like to be publicly able to thank them."

Ms. Tousley said, "Through the Ms. Foundation in New York."

Commissioner Miller said, "Excellent. I am looking forward to tomorrow and the afternoon session."

Ms. Tousley said, "Thank you very much Commissioner Miller."

Chairman Winters said, "Okay, thank you again. Thank you Commissioner Miller."

Commissioner Miller said, "Thank you."

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Chairman Winters said, "Next item please."

4. PROCLAMATION DECLARING APRIL 28, 1996 AS "WORKERS MEMORIAL DAY."

Chairman Winters said, "Thank you. Commissioners, I have a fourth very important Proclamation concerning Workers Memorial Day."

PROCLAMATION

WHEREAS, 6,588 American workers were killed on the job in 1994, 4% more than the previous year's total; and, many American workers are permanently disabled; and

WHEREAS, 6,737,400 American workers were injured on the job; and

WHEREAS, American workers die from cancer, lung disease and other diseases related to toxic chemical exposure at work; and

WHEREAS, concerned Americans are determined to prevent these tragedies by:

organizing Workers Memorial Day on April 28, a day chosen by the unions of the AFL-CIO as a day to remember these victims of work place injuries and disease;

renewing our efforts to seek stronger safety and health protections; better standards and enforcement, and fair and just compensation;

rededicating ourselves to improving safety and health in every American work place;

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 28, 1996, as

"WORKERS MEMORIAL DAY"

in recognition of workers killed, injured and disabled on the job.

"Commissioners, that's the Proclamation."

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MOTION

Commissioner Miller moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Schroeder seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Here with us today, we have Pat Layman to accept the Proclamation."

Ms. Pat Layman said, "Thank you Commissioner. On behalf of the men and women who work for a living, which is most of us in the state of Kansas, I certainly appreciate your continued support. I would remind you that we have chosen in this area to create living memorials for those who died trying to earn a living for their families. We alternate between public parks and this year we will be in the Sedgwick County Park on Sunday afternoon to again dedicate living trees in memory of those people who died on the job.

"We have an interesting way of keeping a body count for people who died trying to earn a living. Depending upon whose statistics that you use, 64 people died in the state of Kansas from October of 1994, to October of 1995, now that is according to workers comp statistics, which I believe are probably the most accurate. I don't know if people understand that unless you are lying dead and bleeding in the work site, you may not be counted as killed on the job. You are just as dead, but we have an interesting way of doing the body count. We learned about that a lot of years ago from a military operation that some of us remember quite well.

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“Sadly to me, those families are just as devastated and that worker is just as dead, but if you survive an incident for 30 days, you are not considered killed on the job. Isn't that an interesting way to do it? It's not even required to be reported to the Occupational Safety and Health Administration.

"This year marks the 25th anniversary of the Occupational Safety and Health Administration, which was created with a tremendous bipartisan effort by members of Congress and House of Representatives and the United States President who was Richard Nixon at that time. We've seen tremendous strides in trying to prevent these work place tragedies because if 64 Kansas residents had died in any other way, and if they had died all at one time in a tornado or a chain reaction accident, or a bus crash, there would have been tremendous news coverage. I would say to you that most people would not even remember how any of these 64 individuals died because they only died one at a time or two at a time. Some died very quickly in falls, lots of falls. Some died in farm machinery accidents because farming remains one of the most dangerous occupations of all and coming from a farm I can certainly attest to that. Others died slowly and rather horribly in a vat of animal blood and others died trying to rescue them.

“It's not pleasant to talk about and we probably shouldn't mention those horrific details in polite company but I'm getting a little tired of being polite about people dying on the job trying to make a living. Those 64 families are just as devastated as if they had all died at the same time, in the same place, and gathered lots of headlines. They did not, because they died separately and in different parts of our State, but those 64 families have been changed throughout their life because one worker dies, it's like dropping one little rock in a pond and the ripples go throughout the community, throughout the State, and throughout the lives of those people affected. I appreciate your dedication, continued support. Worker safety for us is not a non-partisan issue, it is really our life or death. I know Sedgwick County has a good record as a public entity of supporting safety measures and we truly appreciate that because to us, every member of our community is a valued member and I thank you very much.”

Chairman Winters said, "Alright, thank you very much. Commissioner Miller."

Commissioner Miller said, "How are you this morning?"

Ms. Layman said, "I'm fine, thank you."

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Commissioner Miller said, "I just needed to know, you said the memorial is a traveling memorial and does it go outside of Sedgwick County, it goes all over the State?"

Ms. Layman said, "No, we have two counties that we alternate back and forth between Sedgwick and Reno because we have so many members that live in Reno County. We always chose to purchase and donate to public parks a gift of living trees because we feel that our hope is for the future and we feel that these trees will provide shelter and a breath of life, for children in particular, and so this year, we alternate back and forth between Sedgwick County and Reno County, and this year we will be at Sedgwick County. All of you are welcome to attend. We would love to have any of you. I recognize how precious Sunday afternoons are to families and that is a day that I normally reserve for my family, but in this case, it is for my larger family. If you could join us at Sedgwick County Park at 3:00, you are certainly welcome to."

Commissioner Miller said, "Thank you for the invite. Thank you."

Chairman Winters said, "Alright, thank you very much. Thank you for being here."

PUBLIC HEARINGS

B. PUBLIC HEARING AND RESOLUTION PROVIDING THE TERMS AND CONDITIONS FOR AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION TO YOUNGERS AND SONS MANUFACTURING COMPANY, INC. PURSUANT TO ARTICLE 11 SECTION 13 OF THE KANSAS CONSTITUTION.

Ms. Louanna Honeycutt Burress, Department of Housing and Economic Development, greeted the Commissioners and said, "Article II, Section 13, of the Kansas State Constitution, authorizes counties and cities to grant economic development tax exemptions to businesses that expand their operations and the State will do this if jobs are created as a result of this expansion and it is important to emphasize creation. Although these expansions tend to retain jobs, upgrade existing jobs, it is the creation of jobs that allow counties and cities to grant these exemptions."

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"This morning, we have Youngers and Sons, manufacturers, here, making a request for an economic development tax exemption. They have purchased \$747,446 in new equipment for their operation. Youngers began operation in 1973, so they have been in business for about 23 years. When that company began operation, it had only 10 workers. Today, the end of 1995, it had 59 workers, and as a result of current expansion, will increase their number of workers by at least four. Youngers and Sons is one of the fastest growing businesses in the County today. Just wanted to make that point.

"I have with me Mr. Wayne Youngers, who is President of Youngers and Sons. Ed Dunn, his Accountant, is also with him. If you have any specific questions regarding the equipment that was purchased, they can address those. Other than that, I would recommend that you conduct the public hearing that is required in these cases and approve the exemption. If you have any questions, we'll address those."

Chairman Winters said, "Thank you very much. Commissioners, you've heard Louanna's report, do you have any questions before we open the public hearing? Alright, thank you. At this time, I will open the public hearing. Is there anyone here today who would like to speak to this item B on our agenda? Is there anyone here in the audience today who would like to speak on item B on our agenda? This is a public meeting. Seeing no one, we'll close the meeting and we'll limit discussion to bench and staff. Commissioner Gwin."

Commissioner Gwin said, "Louanna, I appreciate you talking to us a little bit about this request. When you and I were talking in my office though, I think I would like you to explain a little bit more about how do we assure that, in fact, jobs are created. What kind of oversight do we have that the companies live up to what they say they're going to do?"

Ms. Burress said, "That's an important question, because when you grant these exemptions, you are exempting ad valorem property taxes, which means that local government at all levels, have a lot less money to go into their budget. What the staff does, on your behalf, is each January, I send out a form to the businesses you had granted these exemptions to and they provide us with specific information about their businesses. We ask them how many employees do you currently have, how many employees did you have last year, how much have you invested with additional businesses in the Wichita MSA, because we want to see businesses throughout the community benefit from these, there is a ripple affect.

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“Also, we want to know if they have had exemptions from any other community, because that is important to know too, and we do in fact ask this when they come to us with the original application. We compare the responses that they give on this monitoring form to what they promised to do when they came to us originally and asked for the exemption. If they said they are going to create four jobs or ten jobs or even one job, we want to be very sure that they've actually done that. Because you have exempted their taxes, and something that I think is important for the public to know, is that you aren't abating taxes.

"People use the term abating and exempting almost interchangeably, but they do mean different things. Abating means you are taking something off the tax rolls that were already there and you don't do that. Through the exemption, you are simply exempting what goes on the tax rolls for a specific period of time. In the case of the request we have today, Mr. Youngers is asking that he have a five year tax exemption on this property that he has purchased and at the end of the five years it will go on the tax roll and it will remain on the tax roll. Essentially, each year we go back to the businesses that the County Commissioners have given exemptions to and we just ask them certain questions just to verify that they have lived up to what they promised us."

Commissioner Gwin said, "Thank you. I thought it was important for that to be repeated. Thank you Mr. Chairman."

Chairman Winters said, "Thank you Commissioner. I think it is also important, and part of what Louanna has said is that what is actually happening is a delay and that gives all businesses, whether they are small or large, the opportunity to make a new expansion or new growth work in the beginning and once we've started this economic development package and we tend to look short term in thinking well, five years is a long time, but we have equipment and business and real estate coming back on the rolls continually after that five year time period. I think this is a good program and I am glad that Sedgwick County works with the State in making this available. Commissioners, is there any other discussion concerning this Resolution?"

Commissioner Miller said, "I just have one other question I would like to ask. Is Mr. Youngers here?"

Chairman Winters said, "Yes, Mr. Youngers is here."

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Commissioner Miller said, "Okay. How are you this morning?"

Mr. Youngers said, "Just fine."

Commissioner Miller said, "First of all, I am supportive. I just wanted to know from your perspective, from a business perspective, early on and when you initially opened your doors, did you foresee that a tax exemption would definitely be a tool that would assist you in continuing to expand your business. I would just like to ask."

Mr. Youngers said, "Well our doors were opened 20 some years ago and this process wasn't in place then, but since it has come in place, it definitely has been a tool that has been used to help us grow and I think if you look at our history, we've had a number of tax exemptions over the years and as Chairman Winters said, those things are starting to come on the tax rolls now and you are gaining more property all the time, so yes it does help us expand our business and helps us get the start up phase of any new equipment going and rolling. This is high tech equipment that we are putting in place and it takes a good investment to get it up and going and is good for the tax rolls when it gets on there."

Commissioner Miller said, "Thank you and what I'm attempting to do, is in 1987, it appears as though your growth sales were right at a \$1,950,000, and at that time you felt that it was going to be profitable for you and I'm talking about net wise, for you as a business owner to be able to tap into this vehicle, tax exemption vehicle, that would in the end keep more in your reserves so that you could put more into being able to expand this business. The reason why I say this is because sometimes small business owners starting up just simply aren't aware of the vehicles and tools that are available that Sedgwick County does offer that could indeed help to keep a few of those dollars in their reserves that would enable them to continue to maintain or grow that business and it just seems as though your business is a prime example and I thought it would be opportune to be able to illustrate that."

Mr. Youngers said, "Yes, I think our business is a good example of the way tax abatements can work. If it was not available to our business I'm sure the 63 jobs we have predicted at the end of this expansion, if we did not have those tax abatements over that period of years, I am sure it would be somewhat less than the 63."

Commissioner Miller said, "Thank you. Thank you Louanna."

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Chairman Winters said, "Thank you Commissioner. Thank you Mr. Youngers. Any other questions?"

MOTION

Chairman Winters moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Next item please."

PLANNING COMMISSION

C. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD)

- 1. CASE NUMBER CU-392 - CONDITIONAL USE PERMIT TO ALLOW A RADIO COMMUNICATIONS TOWER LOCATED IN AN AREA 1/2 MILE WEST OF SENECA ON THE SOUTH SIDE OF 63RD STREET SOUTH.**

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Two items on the agenda this morning. This first one is a communication tower. Could I have the first slide?"

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SLIDE PRESENTATION

“This area that is shaded is 9½ acres. It lies between 63rd Street and the big ditch and halfway between Meridian and Seneca. It is just north of the Haysville limits. The Haysville limits do include this portion of the flood control ditch and so this is in Haysville's zoning area of influence. The request is by Gateway Communications and they're interested in constructing a 450 foot tall lattice tower on this site for portable radio communications equipment. This area is zoned rural residential. The surrounding area is zoned rural residential. I'll show you some pictures in a minute. It is a scattered area in terms of residential development. There isn't water or sewer to this area and the nearest home to the proposed tower pad itself is about 600 feet away and other homes are further away than that site. The staff recommended approval of this request.

“It is a relatively sparsely scattered area. It is on the edge of a flood control ditch, so that is obviously a buffer. The height was already cleared by the Federal Aviation Administration and is also within the height that is permitted by the Airport Hazard Zoning Code. This is the code that used to be the Wichita City Code and is now a code in the unincorporated area that is under the jurisdiction now with the new amendments that were requested by Beech. This portion is now under the jurisdiction of the County and the height is below the maximum height according to the airport hazard zone.

"The applicant testified at the Planning Commission that there were not suitable locations for this equipment to be located on any towers that would provide the proper service in this area. Also indicated that their plan is to accommodate other companies who would be leasing space on this tower for other kinds of communications equipment so that we can try to combine facilities and have as few towers as possible in the community and still provide the service, the telecommunication service, that is needed.

"The applicant filed this before the new zoning code was enacted. If he had filed a few weeks later he probably wouldn't have to be here this morning, because under the new zoning code if the case is approved by the Planning Commission and there are no protests or appeals from neighboring property owners the issue can stop at that point and doesn't have to go on to the governing body. He is here and the conditions of approval are the same as the conditions of the new zoning code. The deal with the appearance, lighting, and some other factors and with the reasonable accommodation of other users for this tower, so we recommended approval.

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“The Haysville Planning Commission and the MAPC both had public hearings. There were no property owners who were notified who spoke at either of the public hearings, only the applicant. Both of those Boards have recommended unanimously that this application be approved. No written protests were filed after the Planning Commission hearing.

"This is the aerial photograph. You can see the nearest homes to the north and east of the application site. We are looking now, north from 63rd Street from the property across at undeveloped land, and this is looking down 63rd Street to the east toward Seneca and on the right is the home that is on the south side of 63rd Street. It would be as close as any residence in the area. This is looking south at the site itself and I don't know if you can make it out, but the levy is behind that tree line. Then, I think in this slide, you can also see the levy is back here and the tower would be about in this location. The aerial photograph once again and the zoning map. I'll try to answer any questions you have. The applicant is here to make a presentation or answer any questions you have."

Chairman Winters said, "Alright thank you. Commissioners, do you have any questions of Marvin? Commissioners, you've heard Marvin's report, need more information? Is there anyone here who would like to speak to this item? Is there anyone here who would like to speak to this item under our Planning Commission agenda C-1, concerning the communication tower. Anyone here who would like to speak? Seeing no one, reserve comments to bench and staff. Commissioners, you've heard the report."

MOTION

Commissioner Hancock moved to adopt the findings of fact of the Metropolitan Area Planning Commission and approve the Conditional Use Permit, subject to the recommended conditions, and authorize the Chairman to sign the authorizing Resolution.

Commissioner Schroeder seconded the Motion.

There was no discussion on the Motion, the vote was called.

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Next item please."

2. FAR WEST SIDE COMMERCIAL DEVELOPMENT POLICY.

Mr. Krout said, "This may take a little longer Commissioners. This issue was triggered by a City Zoning Case and the CUP (Community Unit Plan). This is not a case that you will probably have to deal with, but this was the southeast corner of 135th and Maple. You may have read a little bit about it. This was a tract of 17 plus net acres on the southeast corner of 135th and Maple, which is off of this map that is in front of you now. It was a request for light commercial zoning and a community unit plan under the City's old zoning code, but under either zoning code now, a Community Unit Plan is required or the equivalent for commercial zoning that is over six acres in size. The case was heard by the Planning Commission. They had a hearing in early January on this case and there was fairly significant opposition from nearby homeowners, especially from homeowners in the nearby Auburn Hills subdivision and they said they had moved there specifically to get away from commercial development, they were willing to drive several miles to get their groceries if it was necessary. They said why can't we be more like Johnson County where you don't have commercial development at every mile line intersection where there is more continuous residential development and they questioned the need not only for commercial development at that corner, but questioned the need for commercial development at that intersection, at any one of the corners of that intersection, or in the larger area that is west of Maize road, why did we necessarily need to have any commercial zoning out in that area."

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"The Wichita City Council got wind of this controversy and in late January they voted to direct the Planning Commission to look at the existing policies in the Comprehensive Plan and consider possible changes for a specific area and that area was defined as west of Maize Road to east of Colwich Road, 167th Street, and from Kellogg to 21st Street North. I think that the Council saw that the issues that were raised here were going to be raised on other cases in the future and thought that maybe some more specific guidelines were appropriate to deal with those cases.

"The applicant voluntarily deferred his case being heard by the City Council until after this issue was reviewed. The City Council motion directed us to have something back in 60 days. I'm sorry to tell you we are at 90 days. It took that long to get as much information as we did and to have the meetings that we did. The applicant is currently expected to be on the City Council's agenda at their next Tuesday meeting.

"The City Council also in their motion realized that the majority of the area that I just defined is still unincorporated and is still in the County's jurisdiction and that is why it is appropriate for the Metropolitan Area Planning Commission and the City-County Advisory Board on land use issues to be looking at the Comprehensive Plan on behalf of both the City and the County and to be making recommendations to both of the governing bodies and that's what they did.

"The current Comprehensive Plan does have some policies that deal with commercial development. They talk about limiting the location of larger scale more region serving uses to some specific locations like Kellogg and Greenwich, and 21st and Maize, and 21st and some other locations. They do also indicate that local-serving commercial is generally appropriate at any mile line intersection, but it is kind of vague about how much is appropriate at any mile line intersection. In one place, it talks about developments may be two to four acres, another place four to fifteen acres. It talks about developments being well planned and goes into a little bit of detail, but most of those guidelines are very general and so the Planning Commission, when they get these cases, are operating pretty much on a case by case basis.

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"That has operated fairly well in areas where there has been a pre-set pattern of zoning and this map in front of you shows where that pre-set has been for fringe areas. Wichita has looked at increases in commercial zoning in the growing urbanizing areas. Back in 1958, and this map dates back to 1958, the County instituted zoning for the first time, not for the whole County, but only for a three mile ring around the City limits. In that area, as part of the initial zoning map that was created in 1958, took each one of the mile line intersections and created and zoned the corners with six acres at each of the four corners at each of the mile line intersections and so you can see the checkerboard pattern on the shaded portion of the map which is a three mile ring and represents about 24 acres of zoning. Then at every one of those mile line roads, and that was the pre-set pattern, and from there some people have developed commercial, some people have developed other uses. People have asked for more zoning at the corner because over time, this idea of six acres has not necessarily been a good size or a good configuration for commercial developments. That's been the starting point and development has occurred from there.

"Now, on the west side, this is Maize Road and Maize Road is the end of the road for the 1958 three mile ring. If you look at other areas of the expanding part of Wichita, those areas are mostly pretty well covered and the growth has not been as rapid and as far west and as far out from the old '58 city boundaries as it has been on the west side. In the Comprehensive Plan, we predict that urban growth is going to extend all the way to Colwich Road in much of that area we described over the next 20 years.

"So, what you have are numerous intersections west of Maize Road where you don't have this pre-set of the four corner zoning that was established back in 1958. If you look at the first street to the west of Maize Road that doesn't have that zoning, 119th Street, the pattern of development is somewhat different than it is for a typical arterial road. The residential developers decided not to come in and ask for zoning, but most of them ended up developing to the corners, backing up the subdivisions. There is only very limited areas along 119th Street that are available for commercial development or have been used for commercial development. I am not saying that pattern is good or bad, but it is a different pattern and the residents in this area, as we've gone through not only this process but earlier have said that's part of the attraction of that area, and residential builders have said that is part of the attraction of this area, is that it is predominately residential in character and is not likely to develop for any large scale commercial uses at those corners.

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"In that short period of time, what we did was we had a workshop and we had a public hearing. On March 12th we had a workshop with an invited group of people representing various points of view. It was about 30 people and they were residents, land owners, developers and business interests. We had representatives of the Planning Commission and of the CPO-5, which is the City's advisory board which covers the City Council district in that area. They were there more as observers. We also had Chairman Winters and Council Member Ferris, who have followed this case also because this whole area is in their district.

"What we tried to do at this workshop was provide some information about what we thought was going to be happening in this area over the next 10 or 20 years and what the demands were going to be for services. We asked people to talk, both in small groups and as a whole, about how they saw this area developing, what were their preferences. On the one extreme, you had people who were calling for, I think the newspaper called it a commercial-free zone, no commercial development anywhere west of Maize Road for this 12 square mile area.

"On the other hand, you had people who were saying that the current system isn't broken, doesn't need to be fixed, and just could continue to take this a case at a time. There did seem to be, at least to the Planning staff, there seemed to be at that workshop and at subsequent discussions, a kind of middle ground and even a consensus in that middle ground area, which was that the idea of a 12 square mile commercial-free zone was not necessarily very reasonable and would create problems, but that some more degree of predictability on the general scale of development people can expect when they move into an area and the general character and appearance of that development might not be a bad idea. I would say that there was consensus on that. There would be people that would probably disagree with that.

"The Planning Commission then on March 25th, by that time we had done a staff report and you have that staff report. You also have the minutes of the MAPC meeting and the CPO meeting after this public hearing. This was a joint hearing of the Planning Commission and the CPO. We had over 100 people who attended. We only had nine people who spoke at that meeting. Most were residents who said they wanted no development or very limited development. We handed out a survey form and we tabulated the results of that survey after the hearing, those people who attended the meeting, and they were about evenly split between people who wanted to maintain a free hand in the terms of development and the people who wanted no commercial development.

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"We presented the staff report at the meeting and let me just talk about a couple of items. First of all, in this area we expect rapid urbanization. Two hundred, three hundred new building permits for homes per year over the next 20 years. What that means is a population of 4,000 will increase to 24,000 people and 24,000 people create a demand for a substantial amount of retail goods and services and based on looking at city-wide averages and based on looking at existing established development in west Wichita, we said about 100 acres at least is going to be needed to support 24,000 population in the future. The staff rejected an idea of a commercial-free zone and we did that because I think it is part of our responsibility not to just listen to the people who are out there today, when there are 4,000 people and we may have heard from eight of them at the public hearing and maybe 15 of them at the workshop, but also to think about the overall future of this area and what the needs and demands are going to be.

"The Comprehensive Plan does talk about convenience of retail goods and services as being important. When we looked at the standards in other cities, we found that all those cities allowed local serving businesses within one mile or two miles of any residential area. When we looked at the map of Johnson County which was referred to, we couldn't find anything near a 12 square mile area that was commercial free. There may be intersections where there was no commercial, but never such a large area. We are also concerned that if you had no commercial at all, it would create development pressures and traffic in established neighborhoods of west Wichita to the east and that would be a concern and would increase traffic, in fact, on some of the east-west streets. So all these people moving farther are taking longer trips to do some of their business activities.

"We did suggest some changes and some limitation on scale and appearance for discussion purposes at that public hearing. What we said was that if you came from a larger metropolitan area and you looked at suburban areas, you would see what are generally called master plan communities, larger scale developments planned for long time horizons by developers who are doing both the commercial as well as the residential area, who are trying to do it so that it all blends together and so they can maximize their property values over the long term. Those developments, you do see a difference in the character as well as the overall structure. It is more orderly and it is better looking, frankly, than some of the commercial development we see in Wichita today. Here is an opportunity because we don't have the pre-sets of zoning and it is a new merging area, to create an area that would live up to those high standards that you see in some other communities. So we did recommend some changes for this area, new guidelines that would deal with scale and with appearance.

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"MAPC and CPO discussed this issue at their regular meetings later that week after the special meeting, the public hearing we had at the zoo. CPO-5 had a long discussion and in the end did make a general recommendation about the commercial developments in this area; should be more aesthetically pleasing and blend in more with the residential areas surrounding them. The MAPC voted for no changes at this time and that was a pretty overwhelming vote at the Planning Commission. No changes to the Comprehensive Plan at this time. I heard statements that they didn't necessarily have a problem with any of the recommendations that the staff was making for this area, but the concern was more that this may have some spill over effects that this may affect how we look at development and commercial development outside of this 12 square mile area that was defined in the Council motion and based on that, they felt that they needed more time to think about the implications before they were ready to take a position on this.

"We knew that we needed to try to meet this time line and get back with some recommendations though, to the governing bodies. So we went ahead with our recommendation and you have that in your staff report. Basically, on scale, what we've recommended is rather than a uniform pattern of commercial development, there be sort of an alternating pattern of development where there would be what we would call, and what the Comprehensive Plan already calls, neighborhood scale development at some corners and convenience scale development at other corners. Neighborhood scale meaning capable of development with supermarket which may take six to nine acres by itself and other ancillary and support uses at any corner.

"So, what we've recommended is that if you're two miles from a substantial commercial development, that commercial development should be limited to be permitted up to 24 acres an intersection, which is up to 12 acres at any corner of that intersection. At any other intersection, which may be one mile from substantial commercial then you would have the convenience scale, up to eight acres of commercial development at the intersection and up to four acres at any corner. Four acres would be enough for a convenience store and some additional support in small retail uses. On the scale of development, we recommended that in general, businesses be limited to 8,000 square feet. Groceries and supermarkets and drug stores would be exceptions.

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“There may be other exceptions as time goes along but they would be treated as exceptions. The general rule is that most businesses, if you look at local serving businesses, can live very well within 8,000 square feet. That is the standard that is the new neighborhood retail district in the new zoning code and we think it will serve most needs. It doesn't mean that someone can't come in and ask for something else, but we felt that it was a good starting place.

"Second, on appearance, we recommended, in general, I won't go into details, stronger controls on architectural design, signs, landscape, lighting, so that the development would blend in better with the surrounding residential neighborhoods. I don't want to pick on Miner Mike's. But for instance, Miner Mike's would not fit into this category either, because of its scale, it is 15,000 square feet, or because of some of the appearance standards that were implied in these guidelines.

“Let me make a couple of last points. The Comprehensive Plan is a set of guidelines. It doesn't prevent a property owner from coming in and asking for something different than the Comprehensive Plan. The Comprehensive Plan is one of ten factors that you're supposed to look at. You don't have to zone consistent with the Comprehensive Plan, we've tried to make that clear before. State law says that if you come in with something that is consistent with the plan, then you presume to be reasonable and so the burden, instead of being on the property owner, the burden is really on the objecting neighbors or someone else who has taken a position opposed to it to prove that this is unreasonable and shouldn't be admitted.

“Second, a plan can always be amended. This set of guidelines, if you adopt them can be changed, refined, can be changed as time goes on. There is nothing to say that they can't be revisited, but the idea is to have some kind of guideline because the zoning cases and requests are not going to stop and we don't have much guideline for this area.

"There is a two thirds vote requirement for the County Commission as there was for the City Council yesterday, because the Planning Commission voted for no change, just like with the zoning case, the first time the governing body hears this, there has to be two thirds vote which is for the County Commissioners to override the recommendation and approve this as an amendment to the Comprehensive Plan. You may want to ask me later what happens if it is not adopted by the County and I can probably answer that.

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"Let me go through a couple of slides real quick and I think it will be helpful. This is the, because we are talking about a specific area, this is the specific area in question. The yellow represents developed urban or suburban development. This is Maize Road, Kellogg, Colwich, 21st Street. You can see that the eastern portion is mostly developed, the southern portion is partially developed. The County Sewer District is out here. The City has extended sewer to most of the yellow areas. You see these lines that cut diagonally through and we think that there is a separate drainage basin in this northwest area which actually drains this way before it gets to Cowskin Creek and that is the very last area that we think will develop in this area and probably not even in the 15 or 20 year horizon. There is enough room in the three quarters of this area we think will develop over the next 15 or 20 years to accommodate a population of 24,000 and to accommodate whatever commercial is permitted.

"This is not a terrific map but you can see the commercial development on Maize Road as it has developed and that is commercial zoning. Then, very little on 119th Street. This is another map that shows you Maize Road, Tyler Road and Ridge Road. The established part of west Wichita. There is an average of 45 acres at each corner that is zoned for commercial development, not all of it has developed. Something less than 30 acres per intersection on the average has developed with commercial. If you look at that commercial, much of it is what we call local serving, but some of it probably doesn't fit into that category. The golf park probably doesn't."

Commissioner Miller said, "Marvin, excuse me. There at Central and it looks like Tyler, approximately how many acres is all of that?"

Mr. Krout said, "In terms of acreage of zoning, that is probably 80 or so acres..."

Commissioner Miller said, "In the red."

Mr. Krout said, "The red means zoning so you can have apartments in that particular intersection, some areas, even though they were zoned commercial haven't necessarily developed commercial. There is some vacant acreage left and some of it has developed for churches and residential uses."

Commissioner Miller said, "So that is approximately 80 acres right there."

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Mr. Krout said, "That's probably about 80 acres. There is more than 100 acres now that is zoned at Maize and 21st Street with the new zoning that was approved at the northwest corner, but that was an area that we designated specifically in the Comprehensive Plan for larger scale more region serving development."

Commissioner Miller said, "Thank you."

Mr. Krout said, "This is a map of Johnson County and then there is a simplified map that we made that we did in the report and what we were trying to do was to understand, because there was discussion about Johnson County, where is commercial development in the suburbs of Kansas City and what we found was that yes, there are intersection. You can see one here, one here, one here, where there is no commercial development at all, so there are places where people may have to drive two miles maybe to get to commercial development but you don't have...a 12 square mile area is an area about like I'm defining now, three by four square miles. There are three or four commercial areas in that. There isn't a square in this 12 square miles that doesn't have several commercial corners. This is the existing pattern of zoning in the far west area and what we said was that we thought that if you really had 24,000 people, where would commercial development happen if it didn't happen here.

"We had, for instance, a representative of Dillons at the workshop and talked about what are the prerequisites for supermarkets, and local serving businesses don't want to be located on Kellogg, and so when people just said they should locate on Kellogg we didn't think that was very realistic. They are also not going to locate out at Colwich Road if there is no residential population to support them. So what will more likely happen is you'll have increased development pressures in this area and increased traffic in that area. This is what commercial development sometimes looks like. I think this has to do with the scale of commercial and we think this is appropriate in certain areas, like Rock Road and Kellogg, but not necessarily at every mile line intersection. This would be a four corner convenience commercial with a convenience store and the other conveniences there at this corner. This is the northeast corner of Central and Maize Road. This is from our report. We talked about scale and we talked about appearance both. If you were going to locate two miles from the nearest substantial commercial businesses, there is very little opportunity to locate anything now on 119th Street, so that means that 135th Street, in our opinion, is even more suitable for commercial development than if there had been opportunities at 119th Street, but not necessarily the same scale of commercial development at every intersection.

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"People who were concerned about appearance, this is an indoor recreation center at 13th and Ridge, that may be a very appropriate location there across from the County's Park. It is related to those uses. It's not in the middle of a growing residential area exactly and so that may be appropriate, but both the scale and appearance of this I think most people agree, leaves something to be desired. The scale is probably okay, but commercial wise, could probably have been done better. This is existing convenience store at 119th Street and Central. This is a bank, nicely done, but not in character with the architecture around it. This is a Denny's which doesn't look like a Wichita Denny's and it's not, it's a Denny's in Scottsdale, Arizona, where there are some pretty strong control about the appearance of development and I don't think too many people in Scottsdale object to the Denny's at that corner. This is a very nice center. This is a center with a supermarket, other stores, 13th and Tyler, consistent architecture, good landscaping, subdued signage and this is another existing established commercial, small scale, on the west side, done with materials that are compatible with residential.

"At the hearing, when we talked to people about...when the Planning Commissioners and CPO members both asked 'do you really mind if it's going to look like this or be in scale,' I think that residents had to say no if it's going to be there, we wouldn't mind as much if it at least looks like, blends into the neighborhood. There is a very nice office park at Webb and Central, residential character, good landscaping, subdued signage and lighting. Some of those character issues where things we talked about at the public hearing and originally presented to the Planning Commission. I think I'm done. Hopefully that was convincing enough for you. I'll try to answer any questions that you have. I'm sure you've heard by now that the City Council, six to zero, voted to adopt the staff recommendations on scale on appearance for this particular area and amend the Comprehensive Plan."

Chairman Winters said, "Thank you very much Marvin. I know that there are a couple of Commissioners who have something to say. I see we've got a rather large audience here today and I know that this has not been advertised as a public meeting, but if we are going to consider the adoption of policy guidelines that affect the Comprehensive Plan, Commissioners, I don't know that this is a public hearing unless one of you doesn't want to open it up, I'd like to hear if there is anyone here who would like to talk about this. Is that acceptable? Is there anyone here in the room today that would like to talk about this agenda item that we're going to be talking about, Planning Commission item number 2. Thank you and come forward please. State your name and address for the record please and your comments are limited to 5 minutes."

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Mr. Rod Stewart said, "I'll do my best to stay within 5 minutes. I'm a commercial real estate broker by profession, not a developer and Vice President of the firm of Snyder, Sheets, Stewart, and Goseland, Incorporated. I'm still here today in front of you applauding City staff for one of the biggest movements toward thievery of property rights that I've seen in my 25 year career. We in the commercial real estate community thought that we had achieved a working relationship with City staff. We've been working for the last 2½ years on the Comprehensive Plan and the follow-up rezoning ordinance, new landscape ordinance, and the new sign ordinance. All of these things dovetailing together to be mutually supporting and to remove lots of controversy that has plagued real estate land use issues during my entire career. We were active participants with the Planning Department staff and my firm was represented at the meetings that have been discussed so far today so ably by your Director of Planning.

"I say thievery because what they're proposing is an outright theft of property rights of people who presently own property in the affected neighborhood. And we note that Mr. Krout very carefully pointed out that we are talking about an area that is three miles by four miles and that is true today. They are only talking about an area that is three miles by four miles in Commissioner Winter's district. Next week, next month, or next year, we'll be talking about an area that is two miles by four miles in your district or some other. There is no point in having a zoning ordinance and a planning ordinance and a Comprehensive Plan and a sign ordinance and a landscape ordinance if you can aggregate it at will. How can anybody, any business person, any investor, any property owner plan for a future when it can be pulled out from under you like a rug in the case of the City without so much as a public comment? Hundreds of people have spent thousands of hours over three years coming up with this plan that we have.

"One of the final obstacles to the agreement on the zoning ordinance which was the key, was architectural controls by City staff. I don't know about you, but I don't want Marvin Krout to decide what my next building is going to look like. According to this plan, he would or someone in his department would. I think there is a theft, it is a theft of my property value, it is a theft of my rights as an individual to build what I want. To have it look the way I want. I am not going to begin to tell you that there are people who have poor taste, but who decides what that taste is, some government functionary, some bureaucrat, or the marketplace? I submit to you, this is the United States of America and it is the marketplace that should determine that, not a bureaucrat that is not even elected by the people.

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“Obviously, I feel quite strongly about this. I feel betrayed. We learned about this entire effort Thursday afternoon when the City Council agendas were published. We also learned that we weren't going to be allowed to make any comments at the City Council meeting which is why I canceled all my appointments this morning and am here before you today. If we are going to aggregate all the work that everybody has already done. If we want to throw over the judgement of your own appointees on the Planning Commission, if we want to go with Marvin suggests, fine, just know that you have done a terrible service to the citizens and the property owners that you are affecting today and you are sending a clear message that is very carefully couched as anti-development to the entire County. Thank you very much.”

Chairman Winters said, "Thank you Mr. Stewart. Anyone else here who would like to speak to this issue today?"

Mr. Larry Ross said, "I am a member of the MAPC (Metropolitan Area Planning Commission). I acknowledge that, however, my opinions are my own, alone and are not intended to represent anyone else or the MAPC itself. I would like to thank you for the opportunity to speak on this subject this morning. The proposed recommendations are indeed a compromise. They have features that I like, some environmental and neighborhood friendly aspects, and they are responsive to the concerns of the residents, some of the residents and some of the concerns. It has features that I do not like. I think it is asking that there be a commercial friendly aspect to any change and to play a role in being a partner in the overall community. I believe that the recommendation that you have before you is a compromise between neighborhood concerns and the status quo and addresses quality of life concerns that we're all interested in. I ask that in consistency with the City Council decision yesterday, that you adopt the compromise recommendation that you received from the Planning Department and not send it back to the MAPC. However, if your decision is to do so, then as one member, then I eagerly look forward to addressing this issue with an open mind and a continued concern for a level playing field in addressing community quality of life issues. I would like to recommend to you that on this issue as others, there are certainly two points of view. Thank you."

Chairman Winters said, "Thank you. Commissioner Gwin."

Commissioner Gwin said, "Just real quickly Mr. Ross. Did you support this when it came before the Metropolitan Area Planning Commission the first time."

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Mr. Ross said, "The recommendation that you have before you did not come before the MAPC as such. It was a compromise that was crafted after the hearing."

Commissioner Gwin said, "So the Metropolitan Area Planning Commission has not had a chance to discuss this proposal in front of them today?"

Mr. Ross said, "I think we had an opportunity to discuss all the essential elements and what is in front of us, because of the materials that were presented to us prior to our decision."

Commissioner Gwin said, "Thank you."

Mr. Ross said, "You're welcome."

Commissioner Gwin said, "Thank you Mr. Chairman."

Chairman Winters said, "Thank you Commissioner Gwin. Anyone else who would like to speak to this issue? Seeing no one, we'll limit discussion to staff and bench and Commissioners, I appreciate your allowing me the latitude to take public input. I think if we're going to err, I would rather err on the side of allowing all those to speak who want. Commissioners, I know that I've had the opportunity to talk to several of you and I know that there is some concern out there about this. I recognize your concern and I recognize the experience and I value your input as we talk about this. So as you have comments, I'm sure you'll openly share them with us. I would like to share just a little bit of how I got to the position I am on this subject and I guess it is kind of unique. I appreciate the comments that Mr. Stewart has said and those of Mr. Ross. I normally kind of agree with Rod and disagree with Larry, but in this case, I'm kind of disagreeing with Rod and agreeing with Larry a little bit, which is a little bit of a change for me.

"Part of this problem developed when rapid housing development exceeded the boundaries of where the original three mile ring around the City. What that three mile ring allowed back in the days when all of those intersections were zoned, was it pre-set the zoning and once you have that pre-set zoning, you have an availability of people to know and anticipate what's going to happen in certain sections of the County that they're interested in. Well, as this process reached its limits and Maize Road became the end of that prezoned area and there was no zoning on further streets, that's when this problem arose.

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“Now Councilman Greg Ferris is the one who first presented this and his first discussion to me was considering making this a 12 mile commercial-free zone and I am not in favor of having a 12 mile commercial free zone. I've visited with Marvin about this on a number of occasions and even have been shown some plans of the real planned cities of this country that take large acreage and plan out how development will happen. In a number of those cities, individuals can walk to the nearest commercial or neighborhood kind of services that they need. So in the real planned cities of today, commercial free is not necessarily what's happened and I don't believe it should happen. But what I've seen here, is what I believe is a compromise that has been developed through conversations with neighborhood associations, neighbors, some of them my neighbors, developers, and land owners.

"I would have to say that Marvin has kind of taken some heat on both sides and I guess this is kind of what happens when you craft a compromise, but I am going to say that I appreciate the work that he and his staff have done. I attended an informal meeting that had a number of neighborhood associations, a number of developers, some Planning Commission members and put together a small round table group discussion where on individual to individual we talked about these issues.

“After that process, there were public hearings. A public hearing was held out at the Sedgwick County Zoo which allowed all to speak, and Marvin, correct me if I'm wrong, but all of those who spoke were residents, homeowners association presidents, or people who live in this area. There was one land owner who spoke. There were no developers, there were no builders, there were no real estate folks that spoke. There were a number of them in the audience, but none of them chose to speak at that public hearing. This is again what I believe is not an elimination of commercial development in this area. I think it is going to allow commercial development to proceed, to develop on a real natural course.

“A couple of these intersections have already got commercial developments right up to the intersections, some of them don't. Some of them are strictly at the present time, farm ground. As I watch 21st Street West develop in my district, I'm very pleased that it is developing in the fashion that it is and I know that you have all heard it compared as the Rock Road of the west side. I think there are other residential and commercial developments that are going to happen in this rapidly growing area and some of them need to be of the same quality character that we see developing in other parts of the city and I think this one section of the County, which is bounded by 13th Street on the north and Maple on the south is one of these areas.

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“What this will do, it will allow really what I think is quality development. Marvin is right, and I disagree with Rod in the fact that a plan is a plan and a Comprehensive Plan is put out there that we can use as a planning tool. At first, I was very leery of the concept of the Comprehensive Plan and it was really one of the first issues I was involved in as I became a Commissioner, is how can we allow these planners and City and County bureaucrats to lay out the whole plan for the County. One of the things that I was confident in is that the plan can be changed as growth patterns change, as development changes, it is a flexible tool. I've come to take a strong advantage of the Comprehensive Plan because if somebody comes to me and says, well if it is shown here in the plan, it must be the Bible. Well no, that is not the Bible, it's not the defining word that is going to exist in every situation, because now is what people look at entire areas and they say ‘well I just know that on any corner now we can go get 24 acres zoned for commercial.’ I think that in certain areas of the County we need to consider whether that is the best thing to do.

"I know a number of you have mentioned, ‘well if this happens Tom, in this limited area in the western part of the County and far west Wichita, what's going to prevent it from happening some place where we don't want it to happen.’ Well, I think we need to look at each one of those sections of the City and determine if it is worthy of consideration, then let's consider it in that area. I'll admit that I don't really know the intersections of the far eastern part of the County well enough to say whether this kind of a situation would have an affect or not. I look at intersections that are developing in the eastern part of the County and I see fine quality developments. I think that is what we want to happen on the west side of Wichita. We want fine quality developments that are going to be representative of the neighborhoods in which they've been done.

"Again, as far as the scale of alternating neighborhood scales and residential convenience scale, again, to me, this is a plan. If we say we've got a residential convenience scale up to eight acres and somebody comes in with a knock out plan that needs ten acres, well I'd say we take a look at it and if you need ten or twelve acres, then maybe this is a plan, but if you want to go put a Best Buy Store here, that's probably not the place to have a big box retail outlet. I think if we consider making these kinds of plans it will allow both neighbors and developers to plan how this rapid growth is going to develop in west Wichita. I know a number of you have serious considerations, but I hope you would think about all of those and if you can support that, I would encourage that, but if we need to re-look at this I would certainly open it to your suggestions. Commissioner Gwin."

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Commissioner Gwin said, "Thank you Mr. Chairman, and I appreciate your eloquent explanation of your support for this proposed change. I also appreciate the growth that is occurring in your district at a phenomenal pace. My district is also growing, however my district is growing and is very close to the Sedgwick-Butler County line, so I don't have the miles and miles of potential development that your district has available to it. I, like you, would find a request for a commercial-free zone impossible to support, I don't care where it would be in this County, whether it is in your district or Commissioner Miller's district. I do appreciate the comments having to do with the hard work that was done on the Comprehensive Plan. The new zoning ordinance, quite frankly, hasn't even had a chance to really be tested at this point and it was also not easy to get to, as both Marvin and Mr. Stewart and Mr. Ross know, some of these amendments or revisions became almost life projects and I appreciate the time and energy that all put into trying to agree on how this county is going to grow and in what fashion.

"I know full well that I am elected by the voters of the first district of Sedgwick County, however, when it comes to planning, when it comes to zoning, when it comes to issues that I believe have potential impact upon the entire County, I take off my first district hat, if you would, and try to make my decisions based upon what I believe is in the best interest of all of Sedgwick County. If I were only concerned about what is important to the voters of the first district, I am afraid that I would not be a very good Commissioner. I'm afraid I would not have my eyes and ears open to what else affects your district, nor do I think I would want any of the rest of you being only interested in what happens in your districts.

"I am concerned that we are talking about a specific area. I am concerned that Sedgwick County is obviously bigger than this area, so I do have concerns about amending a Comprehensive Plan, so specifically that we have not looked at what that might be, is there a ripple effect, if you will, to the rest of the County. That may just be some smoke that someone is putting up in the air, but it also could be a genuine reality. Can I also, just off...maybe it's not off the subject, but it really bothers me when people keep saying Johnson County does this and Johnson County does that. I tell you, we are not Johnson County, we will never be Johnson County and to tell you that God's honest truth, I don't want to be Johnson County. I think Sedgwick County is hands and feet and shoulders and head above Johnson County and I will never want to be Johnson County. I get real tired of that argument, because I think we do things much better and we have a different makeup, we have a different employment base and I am telling you, Sedgwick County just has it all over them. I don't believe I'm going to be able to support the staff's recommendation.

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"I believe if this Commission wants to look at revising the Comprehensive Plan, we need to understand what that potential impact could be to all the County. Maybe there is none, maybe there are not other parts of the County where this will be a problem. I believe it demands more than a single area. I believe Commissioner Winters district has had a chance to speak about it, to hear about, I don't believe my district has. I don't believe people who live in the fourth district have had a chance to kind of think about what intersections might or might not be developable and quite frankly, I have a real problem with an arbitrary and capricious pre-selection for commercial development and I will not support this today. Thank you."

Chairman Winters said, "Alright, thank you. Are there any other Commissioners who would like to speak to this issue? Commissioner Hancock."

Commissioner Hancock said, "Thank you Chairman Winters. This case, much like Commissioner Gwin, this for me has been something in hearing about this and following it along and not actually participating in the discussion until now, it has been something that I couldn't quite frankly believe that would be actually considered and even compromised recommendations taken place by the Metropolitan Area Planning Department. I have always viewed the Comprehensive Plan as something that helps the governing bodies and the citizens in the community, not where things shall occur or will occur based upon the will of the powers of the governing body or even the Planning Department or the Planning Commission, but potentially where it might occur, and where planners and decision makers must focus their attention for future growth. It's been a document, as far as I'm concerned, that has to be flexible, but it only has to be a guideline and over the years, from my observations, both in the small cities and here in Sedgwick County, I viewed their own planning documents such as the Comprehensive Plan have been used as a tool by those who do or those who don't, those who want something, those who oppose something. Whatever it seems to be handy to be used as a tool, those folks pick up the document, shake in our faces and see, I told you so or see, here it is in black and white, but it is merely a guide and it is merely an idea where we think we might be going in the future and it is not in granite and it is something that we looked at where we hoped things would occur in an orderly and organized fashion. It is highly flexible and it needs to be considered and it needs to be a part of our planning and our decision making.

"Recently, we approved a new Zoning Resolution here in Sedgwick County. In it, one of the aspects of the Zoning Resolution was an overlay plan.

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“Not too happy about putting in overlay plans because it requires then that our own Code Enforcement Officers go out and make sure that those overlays are intact in those particularly zoned areas. I'm not too happy about our folks, which essentially have to enforce local covenants, very specific localized covenants. I went with it because the Planning staff assured to me that folks in residential areas around commercial areas be made happy and we could all get along a lot better if we could just simply utilize this new tool of overlay and community development plans. Now, not more than a month and a half later, here we have before us, a situation where we are saying we want a commercially free zone and then in all the discussions, we've arrived at a compromise. But yet we have never considered the lighting in this we are talking about, future of landscaping. I understand there is monument signage that has been requested that hasn't been considered and believe me, signage in a City anymore is quite an issue and the purpose is so that the hows and whys, and who is going to get to do it and who isn't, is a pretty hot topic and you just say from now on, monument signs without discussion from the business owners, you've got your hands full.

"I think citizens who live in residential areas have rights too, but we have a Zoning Resolution, we have a Comprehensive Plan, no matter how you choose to use it, already in place. We already have our rules in place, some of which we haven't even had an opportunity to use, and those rules and those regulations and those requirements and those planning documents tell everybody who owns property in Sedgwick County, tells them in advance, hopefully before they spend their money and they do their design work and they make the investment, of what they can reasonably expect. Yet, if we can at any moment change the rules in the middle of the game without public hearings, without input, without discussion, without looking at the ramifications for the rest of the County, much as Commissioner Gwin has talked about, then we're making a big mistake. We're not being fair ourselves. Each property owner has rights. At least we all know what the game is before we start. So, I can't support the recommendations of this plan and if we're going to fully consider this, I think the best I could do is send it back to the Planning staff to come back and examine it a little bit closer and guarantee to us, let us know that this is fully acceptable by the immediate community and that it has no consequences for the rest of our County. I think we need a level playing field. We need to be fair and we need to give our recently approved Zoning Resolution a chance to function as it was designed to do. Thank you Mr. Chairman."

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Chairman Winters said, "Thank you Commissioner Hancock. Commissioner Miller, I apologize, I should have recognized you before Commissioner Hancock, that was my mistake. Commissioner Miller."

Commissioner Miller said, "Thank you Mr. Chairman. What I have to say is probably already been said by both Commissioner Gwin and by Commissioner Hancock. The only addition that I feel needs to be said, and maybe it has been spoken to and first of all I need to be able to recognize that as an initiator of a compromise or a participant in a compromise, as we all have been, and I know that Marvin has been and will continue to initiate and formulate compromises that it takes a lot of time and energy and it takes giving and it takes being able to let go of some feelings and some very strong points that you happen to believe are right. But the compromise that you came up with, I feel is a palatable one, Mr. Chairman, and my respects to Councilman Ferris and to you Marvin, but I do agree with Commissioner Gwin that in that compromise I think there was a whole set of individuals that were left out and that was the rest of the outer lying County, the rest of the districts that need to be able to feel as though they're a player in this type of a compromise, need to be able to understand that we're not changing policy just on the whims of one sector in this County. I happen to also believe that even though it is a plan, the Comprehensive Plan is a plan, there are individuals that happen to build their goals, their ideas, the way that they are going to do business around that plan. So it should be very, when we are going to tamper with that plan and change it to the extreme that we are attempting to do here, that we need to be able to consider those individuals very carefully and the impact that it will have on them. So I will not be able to support this type of recommended action at this moment either, but I did want to say that I know that a lot of time and energy has gone into building this compromise and I would like to see the MAPC take another look at how it is that we need to change, if we need to change at all. Thank you Mr. Chairman."

Chairman Winters said, "Thank you Commissioner Miller. I would ask perhaps those of you and since I don't see the votes here to count the four for sure, if you would be interested in sending it back to MAPC, what would you anticipate they do? I say that in the light of I've met with neighborhood homeowners associations in this area. I've met with neighbors in this area. I've met with land owners in this area. I've attended one informal meeting. I've attended a public meeting where we discussed this. What would be your intention of what you would want MAPC to do, because I think from my district, I've offered the folks an opportunity to speak and I've heard from them. Commissioner Gwin."

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Commissioner Gwin said, "Mr. Chairman, I agree with you. I think this issue, since it was singular to your district has been hashed, rehashed, discussed and re-discussed and I think you've probably heard from a lot of the people in your district. I don't know that I want to have to put you through that gauntlet again. Nor do I want to encourage those people who think that I'm opposing this, because I want it to be a commercial-free zone. I want those people who had that idea to understand that's not going to happen either. So I don't know whether I want the Planning Commission to talk about it, the Planning Department to talk about it, I don't see that it's necessary that your far west area has to go through the catharsis that it has already been through.

"If there are other public meetings or other public discussion necessary I would say it needs to come from the fourth, the second, the fifth, the first districts and see if there are areas in our districts where this could have an impact. There very well may not be, but I think you've been through your gauntlet and I wouldn't ask that you have to go through it again. The people in my district may find that there are opportunities where this compromise may be appropriate, but I don't want to put you through what you've already been through. If we send it back to the Planning Commission, I would like the Planning Commission to review the Comprehensive Plan to see if there is a need to amend it at this time as far as commercial development is concerned. If they think there is a need to amend the Comprehensive Plan then bring that back to me as it applies to the entire County, not as it applies to a singular district. If they come back and they say 'well, we have looked at it and we don't believe it should apply to the entire County, but in fact, because of the growth out there, we think this is okay and we're going to talk about it'. I don't think they've had a chance to talk about this compromise in detail. I believe Mr. Ross told me that there was a different discussion and that this particular compromise has not been given the light of day at the Planning Commission. I am going to send it back. I would like them to look at the Comprehensive Plan and is it appropriate to amend it for any reason, for any purpose, for any place in the County at this time. That's all that I can think of that they'd discuss."

Chairman Winters said, "Okay, I want to recognize Marvin. Marvin, is that helpful or not?"

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Mr. Krout said, "Well, I think what I'd like is a clarification on whether or not...you talked about people in your districts and maybe they haven't had an opportunity to comment, so are you looking for the Planning Commission to have another public hearing and provide notice to a larger area that includes residents and business interests in all the districts in the County?"

Commissioner Gwin said, "Mr. Krout, my suggestion is at this point is that we refer this back to the Planning Commission for consideration as to whether or not the Comprehensive Plan needs to be amended as to commercial development. If the Metropolitan Area Planning Commission feels strongly that they need to get additional public input as they consider this on a County wide basis, I have no problem with the Planning Commission doing that. I certainly think that's up to them. If they feel like they can look at the Comprehensive Plan, if the majority of the Planning Commission is comfortable with the Plan as it is currently written, then I think that's all they have to tell us, that we believe that this Plan is a good guideline, it's kind of an outline of perspective and anticipated uses, but it does not in fact, we're not comfortable with mandating uses at particular intersections, then that is fine. If they want to amend it, I would certainly leave it to the Planning Commission to make those decisions as to how in depth they want to get regarding an amendment."

Commissioner Miller said, "I might add, Mr. Chairman, that I do think that it's important that the Planning Commission, I would direct them to basically look at the Comprehensive Plan again, just as Commissioner Gwin has stated and simply make the determination if a change needs to be made at all. Now they stated, if I recall, that no change in regards to this specific situation. Now when I was listening to Mr. Ross, he said that all the essential elements of this compromise had been discussed, if I recall that's what you said Mr. Ross, had been discussed in front of the Commission, but not, it seems as though, and if you need to correct me, please feel free to, but not in the form, I'm just assuming, but not in the form of this compromise, so were they exposed to all the essential elements of this compromise or not?"

Mr. Krout said, "The staff report is actually more specific and includes all the elements that are in the compromised proposal that is in your memorandum and so, yes the report was given to them in advance of the public hearing and then I presented it at the public hearing and they had the opportunity to discuss it at their later meeting."

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“One thing back on the public hearing issue is I think legally, we only advertise an amendment as it concerns a specific geographic area and the Planning Commission is required to have a public hearing when they consider an amendment. So if you are asking them to consider amendments for a larger area than that area then I think we would be required to have an advertised public hearing.”

Chairman Winters said, "I think that we need to remember that that's not we're asking. Commissioner Hancock."

Commissioner Hancock said, "I agree, I'm not asking that we have a public hearing, all I'm asking for us to do is we send this back to you and in the Planning Commission Department that they take a look at the tools we have in place now and see if we can't do this job with the tools we have now. If you know enough right now to tell me you can't, then I'd like to hear that, now maybe I'd be willing to debate it with you, but we haven't even had an opportunity to try some of the things that we have in our new Zoning Resolution and I'm pretty proud of that document. It is a wonderful improvement over what we had and I would like to try that on a case by case basis. That's where we've done it before. We've taken a look at each case, made a determination and as far reaching view as we can see in terms of years and how it affects the community, even beyond the 1,000 foot notification, what it's going to look like in the community. Give these tools a chance to work and set up scenarios. Plan like somebody comes in with a 25 acre instead of an eight, but tell us if our tools work. If our tools don't work that we have in place, that we have approved and everybody has not said okay these are the new rules, let us know. But we don't need public hearings to do that. We need the wisdom of professional planners like yourself and decision makers on the Planning Commission who have listened to hundreds and hundreds of cases to let us know what they think. That's all I am asking."

Commissioner Gwin said, "I think that's an excellent idea."

Chairman Winters said, "Okay thank you and I appreciate that. It is interesting that you should mention that because that's exactly what we did at the informal meeting where we had homeowners association presidents, developers, the real estate developer from Dillons Company was there, several developers who work in the area, several builders, and we did the crescendo of okay we've got 24,000 people here, where are the services going to be. We did stick the dot."

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"It was a very interesting and worthwhile experience, so I think Marvin has done part of that, I just feel that you are concerned about how that stretches over out of this particular one locale in the County and affects the other parts of the County and I hear that."

Commissioner Hancock said, "If that's the case, then we need to be sure that this is a one time deal and this is not going to be part of every case that comes along."

Chairman Winters said, "Commissioners, we've got a busy agenda and I hope we can be completed by noon today."

MOTION

Commissioner Hancock moved to send this item back to the Metropolitan Area Planning Department for reconsideration and they bring back any changes in the recommendation should any occur.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	No

Chairman Winters said, "Thank you. We're going to take a very short break. We're going to just take a 5 minute break. Commissioners, sometimes we don't get right back, but let's all be back in 5 minutes. We're in recess."

Chairman Winters said, "Thank you very much, we are back in session after our short recess. Madam Clerk call the next item. Excuse me Madam Clerk, after we take the next item, we may skip around a little bit. I know that there are folks here that need to leave so we're going to take some issues out of order, but we'll go ahead and take the next item."

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NEW BUSINESS

D. AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING REGARDING AMENDMENT OF THE 1996 CENTRAL MOTOR POOL BUDGET.

Mr. William Buchanan, County Manager, said, "Commissioners, William Buchanan, County Bureaucrat, the presentation today is to ask permission to publish a notice to amend the budget. It is called republishing the budget and what this deals with is the parking garage. We have found a solution in which we can amend the budget this year, pay for this parking garage, and get on with the project. The public hearing will be in two weeks and we will then have an opportunity to hear from the public, but I thought it would be helpful to give a quick overview.

VISUAL PRESENTATION

"The proposed parking garage is to go here. This is the existing parking garage, the Black Historical Museum is here and this will all be occupied by grass or new jail construction. You can see that the garage is here and the new garage will be built in this area. This area will all be taken up with jail space."

Commissioner Gwin said, "So what you are showing us is spaces lost."

Mr. Buchanan said, "Spaces lost and area lost and this would be occupied by the new garage, this area."

Commissioner Gwin said, "Okay."

Mr. Buchanan said, "We believe the costs are going to be \$260,000 for architects, engineering costs, designing construction, contingency construction costs, sub-total bond issue project should not exceed \$4,500,000. Now, how are we going to pay for this? We are proposing that we pay for this out of the Central Motor Pool set aside fund balance. A decade or so ago, Sedgwick County started to develop a set aside program for Central Motor Pool and the foundation of that federal revenue sharing dollars were used to build a foundation for the set aside program.

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"The set aside program then was designed to charge using departments, Sheriff's Department, ambulance, Don Brace who had a car, David Spears' truck and cars, based on either miles driven or hours used and that \$4,000,000 was used for them to pay money into the fund and every year monies were paid in and in, most years we spent almost all that was taken in. Sometimes we would have a little surplus. As a matter of fact, the surplus grew and grew and you can see it was pretty stable for those years.

"Now taking at this funding prospect, we took a look at what the future might look like if we took \$4,500,000 from this fund and reduced it, it would reduce from \$6,190,000 to \$1,680,000 in 1996, and you can see from this point forward we still have a \$1,500,000 balance in that fund and that is about 10% of the value of the fleet. That is a years worth of expenditures put in reserve and so it is still a very conservative financial position. Because of the Board of County Commissioners and previous administration and Jerry Harrison and Bob Rogers conservative view of the world, we had an opportunity to, in practical management, to gain funds over a period of years and now we can put them to use in a time when we most need them. So it would be out recommendation that you authorize the public hearing and have the public come and talk to us about whether this is a good plan or not and we will proceed with the project. Thank you."

Chairman Winters said, "Thank you. Commissioner Gwin. Mr. Buchanan, on a previous overhead, you showed a bond issuance of \$95,000. Are we still going to issue bonds for part of this?"

Mr. Buchanan said, "No. That was when we developed the project costs before, that would have been part of the costs in that program, so we could easily do that. What we're suggesting, Commissioner Gwin, is that you authorize us to up to \$4,500,000. If we don't need it all we can either transfer the money back or use it on another project, but in fact that will give us the latitude to get on with this project."

Commissioner Gwin said, "Okay and secondly, in the last slide that shows the 1.68, 1.49 and so on out to the year 2000. These are typically the amounts that we spend in vehicle replacements in an annual basis, are they not?"

Mr. Buchanan said, "That would be the reserve, so with these numbers would be the reserve. We would be receiving about \$1,600,000, \$1,500,000 this year and spending about 1,500,000."

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Commissioner Gwin said, "So those are still reserves."

Mr. Buchanan said, "Right."

Commissioner Gwin said, "I get it, thank you."

Chairman Winters said, "Thank you. Commissioner Miller."

Commissioner Miller said, "I just needed to, for the taxpayer who is out there watching this and they are saying 'okay, we're going to be able to access right at \$4,500,000 that has kind of been sitting there for X number of years. Some of them might be wanting to say, why on earth is the County sitting on literally millions of dollars and now decides to use them. What's the best answer for that?'"

Mr. Buchanan said, "The best answer to that is that this is a fund that had a good foundation of federal revenue sharing dollars that we probably should have looked at sooner, could have used, could have removed those dollars and used them, leveraged them again and again. It wasn't done, there was a new thinking. Some other people took a look at this fund and how to do business and there were several different approaches that could have been done and because we had a couple of new sets of eyes looking at this, we came back bringing to you a different solution to a problem. I think it is one of those issues that two or three different people with philosophical backgrounds could come to three or four different solutions and this is one of them."

Commissioner Miller said, "That we're about to see if we're going to support or not."

Mr. Buchanan said, "Yes."

Commissioner Miller said, "Thank you."

Chairman Winters said, "Thank you Commissioner. Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman, if you please. Bill, when did we start the motor pool set aside fund?"

Mr. Buchanan said, "A decade or so ago."

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Commissioner Schroeder said, "Okay, because it would have been interesting to see how that progressed over those years instead of starting at '90 at \$5,500,000, my guess is it started much smaller and moved its way up."

Mr. Buchanan said, "Yes, it did."

Commissioner Schroeder said, "Over the years, we've just kind of left it in position and did not come back with new eyes and take a look at it."

Mr. Buchanan said, "You see, that is not a whole lot of growth."

Commissioner Schroeder said, "No, it's pretty constant. My next question is, the cost of \$4,500,000, we do sometimes have a process around here of always putting out a little more than we think we need to have. In this case, \$4,500,000, and I've heard possibly \$3,800,000 or \$3,900,000 would take care of the project, it would be well within that and I know, as anybody else knows, if you're building a home or whatever and you've got \$100,000 when you think it will cost you \$90,000, you'll spend \$100,000 if you've got it. I'm just thinking out loud here, if in fact, some of our staff is telling us that \$3,900,000 million will cover it, I would suggest that is what we shoot for in this process. Because \$600,000 is a lot of money today when we are talking the kind of budgets that we are looking at in the next couple of years. It is just food for thought."

Chairman Winters said, "Thank you. Commissioner Miller."

Commissioner Miller said, "Just a follow-up to that. Commissioner Schroeder, the Manager has already said that we could easily take off the \$95,000 which is right at \$100,000, so if we would move that \$3,900,000 up to \$4,000,000 flat, reduce the \$95,000 off of the \$4,500,000. That would be a difference of \$400,000, I'm thinking that \$4,000,000 to me is a reasonable amount to go down to and I'm simply following up on what you stated."

Commissioner Schroeder said, "That's fine."

Chairman Winters said, "Mr. Manager, does that number need to be set today or are we actually just authorizing the publication?"

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Mr. Buchanan said, "What you're authorizing today is to allow us to publish the notice that we're going to amend the budget up to \$4,500,000. That doesn't preclude the fact that we come back in two weeks after the public hearing and say we don't like that number, we want to make it less. I would not recommend you making it four, then I think you would need to go through another public hearing, but by making it more than 4.5. By announcing the public hearing, you're putting the public on notice that you're going to consider an amendment to change the budget to \$4,500,000 and then you could come back and tell us 2, 3, or 4."

Commissioner Schroeder said, "I appreciate that Bill and that's fine. Regardless, I think we just need to talk about that today or at that point, that if the staff truly believes we can bring this in under \$4,000,000 or \$3,900,000, I think it sends a good positive notice to the taxpayers that we are trying to do as much as we can to keep our costs down. It is just something we need to think about."

Mr. Buchanan said, "We'll be happy to do that. At this point, I've not talked to the architect specifically about this. We've had some rough numbers thrown but we've not crunched them."

Commissioner Schroeder said, "Very good. Thank you Mr. Chairman."

Chairman Winters said, "Thank you very much. Are there other questions?"

MOTION

Commissioner Gwin moved to authorize publication of the Notice of Public Hearing.

Commissioner Schroeder seconded the Motion.

There was no discussion on the Motion, the vote was called.

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman, if you please. Bill, I was going to ask you this earlier, the question of replacement funding for all vehicles. If Tom Pollan or Mike Hill or David Spears, who are the big users of Motor Pool were to walk in today and said we've got X amount of cars that we need to replace this year, would we be able to do that? Somebody is not going to come back and tell me we're running short because of this process."

Mr. Buchanan said, "On the schedule that we have used in the past, the replacement schedule, if we continue with that form and continue with that program, we will not run out of funds."

Commissioner Schroeder said, "Alright, thank you. Thank you Mr. Chairman."

Chairman Winters said, "Thank you very much. Madam Clerk, I'd like to ask you to call an item out of order at this time. I'd like to you to call Item F please."

F. RESOLUTION AUTHORIZING THE MAKING OF CERTAIN ADDITIONS AND IMPROVEMENTS TO THE EXISTING SEDGWICK COUNTY COURTHOUSE; PROVIDING FOR PAYMENT OF THE COSTS THEREOF; AND SUPPLEMENTING RESOLUTION NO. 125-1993 OF THE COUNTY.

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SLIDE PRESENTATION

Mr. Buchanan said, "Commissioners, I think it is important for us to begin with where we are in terms of the debt service of this community. Sedgwick County is fortunate to have a pretty conservative debt policy and to begin there, to examine where we are and to examine how this specific project, this \$39,000,000 project will affect it, I think frames the issue and then we can talk about the specifics of the jail expansion itself. The debt limit criteria, we've talked about this in the past, but the statutory debt limit criteria is at 2.52364 of assessed value and allows for certain deductions. We are not anywhere close to our statutory debt limit and you will see that in future slides. You will also see that we have a self imposed debt policy. It is 5% of the assessed value is the total debt limit. It is 1% of the assessed value yearly. It is .5% of assessed value yearly for roads and bridges and it is .2% of assessed value yearly for special projects, special assessment projects.

"This is the summary of projected and outstanding debt per statutory limit. The statutory limit is up here someplace, 100%, we put the 70% line on so that you can see that we are not even close to 70% of the statutory limit. If we proceed with the plans to borrow the funds to build the jail, you can see that in 1997 we will be up a little over 60% and then continues to drop off here. This is our existing debt now. This is the future debt. The future debt would include the new exploration place or science center and the jail, that combination of those numbers.

"This is the projected outstanding debt per statutory limit, level principal and you can see that the statutory limit will continue to rise because we expect growth, we expect growth in the assessed valuation while right here drops off.

"This is the percent of the Sedgwick County and the Public Building Commission project out as a percentage of debt authorized by the County's debt policies. Now you can see that in 1997 we are getting pretty close to our own self-imposed debt limit. But it is still not close if you review the other two slides to the statutory limit. You'll see that the PBC debt, when it in fact in some accounting circles wouldn't count as our debt, we are taking an additional conservative position saying for this purpose, for our public discussion, we are going to include it, because it may be an accounting function not to include that, but in fact, public policy wise, it is our debt. We authorized it, we've told them what to do, we asked them for their help, they issued it and we're responsible for the payments.

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"So whether accounting wise it makes sense is irrelevant, what's relevant is public policy issues and so it needs to be included. So here is the future County debt, future, and then the PBC debt and you can see again this trails off.

"This is again the dollars of the Sedgwick County and PBC projected outstanding debt and County debt level and County debt policy. Here is the future County debt, here's the limits, this is the limits that continue to go up and you'll see that with the continued growth it is fine and as we pay off the debt that goes down. Of course, we would expect and have accounted for some additional debt, but we can't foresee any large projects in the near future that would make a blip here, but even if there were, we have plenty of room.

"I think it is important to understand the importance of the scale. This is \$100,000,000 and that is \$150,000,000, and so here is \$132,000,000 and we're at \$122,000,000, so there is really about a \$10,000,000 difference right there.

"Summary, here is where we violate our own policy and so we want to make sure that we understand that, that in fact a good public policy allows for us to set standards, set a plan, set policy, and when circumstances arise, it seems to me that a violation of policy is a normal way of doing business. So here is the policy as it exists. It says, in one year we won't exceed this debt limit, because if you remember, we have a yearly debt limit. Well we are exceeding it and that's because we are doing two major projects in one year. Does it make sense to put one of the projects off for a year so we don't violate a policy? No. So, what we will do when we get here is to certainly recognize that we have a self-imposed policy and we are choosing, because it is in the best interest of the taxpayers of Sedgwick County in the long run to do that.

"So that is where we are in terms of our debt limit. I thought that would be helpful to put it in perspective to show that number one, we are not close to our statutory limit. Number two, we have plenty of room in our own self-imposed limit. Number three, that because of our self-imposed limit we said we were only going to borrow so much money in one year and we are purposely, planfully choosing to come to you and say yes, we know the policy but we think it is in your best interest and the taxpayers best interest to violate that policy for this jail. Now, let's talk about the jail for a minute..."

Commissioner Miller said, "Before we move to the next..."

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Chairman Winters said, "Commissioner Miller, excuse me, Commissioner Schroeder had his light on first."

Commissioner Miller said, "Oh, I'm sorry, go ahead."

Chairman Winters said, "Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman, if you please. Bill, that self-imposed debt limit, when it exceeds that limit in 1997, do we have to take a special vote of the Board of County Commissioners to do that if it is policy not to do that, then doesn't it require some kind of a policy vote in order to exceed it? I mean, do we just do it and...I mean if we voted to make it a policy it seems like we have to vote to exceed our policy."

Mr. Buchanan said, "That would seem perfectly logical to me. I don't think it takes anything extraordinary except just recognizing that the policy exists, recognizing that we're not going to stick to our policy in this instance."

Commissioner Schroeder said, "Okay, Rich do you have a comment?"

Mr. Richard Euson, Assistant County Counselor, said, "I agree, and the vote you take would be a vote to waive the policy for this particular item."

Commissioner Schroeder said, "That's what I'm asking. Somewhere we have to recognize the policy limit and that's all. Thank you."

Chairman Winters said, "Thank you. Commissioner Miller."

Commissioner Miller said, "Yes, Mr. Chairman. Bill, would the self-imposed County debt limit of the 1% on an annual basis or within a year's time, what was the basis for that policy being put into place? Was there anything that was..."

Mr. Buchanan said, "Commissioner Miller, in the development of the policy, it is my understanding and this was the good work of Bob Rogers. What occurred was an examination of other debt policies that were models from around the country."

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“Other debt policies that took in the frame work of the issue and there were several things when examining debt that one needs to look at, what's the long term affect surely, but to keep your eye focused on that. It is also important to recognize what happens every year and of course, if it builds and builds every year, you're eventually going to hit the limit over here. So it is a recognition that you're not going to violate the total debt policy if you take little wee steps and if you are going to take a bigger step then to recognize that, understand the ramifications as we've done today and we've done in the past and move forward. The purpose of the policy simply is to say, Board of County Commissioners, this is extraordinary, pay attention to it and I think the staff has done that and you certainly have done that in examining this in the past and requiring it be done today.”

Commissioner Miller said, "Okay, just, you know, when policies are put in place you would like to believe there was a reason for it and then when they are indeed going to be violated or waived for a specific reason, then yes that reason should be extraordinary."

Mr. Buchanan said, "Thank you. I think it really is waived, we are intentionally waiving a policy because everyone is doing it with their eyes wide open to the reasons and ramifications."

Commissioner Miller said, "Thank you for that explanation."

Chairman Winters said, "Okay, thank you very much. With that preface then proceed."

Mr. Buchanan said, "I thought it would be helpful to just go through where we've been. In 1993, September 1st, the Board of County Commissioners authorized \$10,000,000 bond issue. In 1994, we finally approved the architectural contract although they had been working for months on that. December 1st, 1994, to 21st, we decided to proceed with the jail expansion based on the relocation of the Calvary Baptist Church. We programmed on March 8th for the safe capacity of 1,200 to 1,400. Continued in 1995, in May, you voted to have a core area designed for 1,400 detainees plus 450 bed addition. On June 28th, you selected the moving company. On August 2nd of last year, an agreement was made with the First National Black Historical Society and in October 4th, we changed the design to 650 beds and the core area for 1,400 detainees was done on May 24th. On January of this year, the site development was presented, the design development was approved and today we are asking for \$39,000,000 authorization.

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"Here is the recap of that activity and I think that is a particularly useful one and we thought of this late yesterday. Here is 1990, and the jail population and here is 1992, and what it was and you can see we have a \$10,000,000 issue here, the jail population was something over 400, the church move was planned here, and there was little over a 520 or so, 450 beds were approved and the jail population was around 600. We had an agreement with the First National Black Historical Museum and it proceeded to climb until we are here today, something over a 740 or 750 people.

"Our project is not to exceed cost. We have rounded it to \$39,000,000. The construction is at \$33,170,000. The development is a 2.4 million. The equipment we've requested and you've seen in the Sheriff's budget, a request for 2.9 million. Some of those items are required to open the facility, and the bond cost of 428. We have scoured this program and will suggest some changes to you at this point.

"In this bond issue, we have \$100,000 legal fees that we think we can take out. We have a cash incentive of \$500,000 that would be to get the jail expanded quickly. The expansion team was supposed to last through 1999. We're suggesting that a couple of people drop off, there would be two people that would drop off the summer of 1998 and that the project be concluded at the end of 1998. There would be no more expansion team and no more need for that cost, so we could remove those salaries from that. We were going to hook the jail onto the KG&E grid, that was a program that we took a look at. That cost was placed in here at \$500,000. There are alternative solutions that provide as much safety and as much protection as the KG&E grid will. This would have perhaps provided the most protection but the risk assessment of a half a million dollars didn't seem to be worth that kind of expenditure based on the risks involved. There was a \$490,000 issue that we had spent some money on last year's program or the last expansion, about half a million dollars. We looked at that list of what was included, what Mr. Arnold and others suggested come out of that fund. I think it could be removed safely. The contingency of \$299,000 for some of these other things I think can be reduced and the bond cost we could take that down to 32. We could reduce then the total project by 2.184 million dollars which would bring the project a new total of \$36,796,900. I would recommend that you authorize \$36,800,000."

Chairman Winters said, "Thank you very much Mr. Buchanan. Commissioner Gwin."

Commissioner Gwin said, "Mr. Buchanan, you proposed moving \$299,000 out of contingency, how much does that leave in contingency, do you know?"

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Mr. Buchanan said, "A lot."

Commissioner Gwin said, "A lot?"

Mr. Buchanan said, "I think we still are 7% or 8%, it's somewhere between 7% to 10% still in contingency which will I believe give us adequate protection for change orders. This is a mirror image. A lot of the construction is a mirror image of what's been done before. The anticipated change orders, the dollars that we anticipate in the program should be sufficient to cover it."

Commissioner Gwin said, "I mean, obviously we know it is an important area, it is one that we always have to call upon so I appreciate that. Thank you Mr. Chairman, that's all for right now."

Chairman Winters said, "Thank you very much. Commissioner Miller."

Commissioner Miller said, "Yes. Mr. Manager, with the item of miscellaneous, we're saying that we can reduce it or take it out by the amount of \$490,000? How did we arrive at that figure?"

Mr. Buchanan said, "It's my understanding that figure was developed based upon some of the excess dollars that were required in start up of the previous jail, in the building of the current facility. That included some of the items, some of the equipment and some of the signage and some of the items that were placed in the current facility that were not included in the design and not included in the requirements for the start up for beds and those sorts of things."

Commissioner Miller said, "Is there someone that can give me a detail of how we can arrive at that \$490,000. Because I am thinking it could be more is what I'm thinking, it could be less. I don't know, so I'd like to know how we arrived at that half million on miscellaneous."

Mr. Buchanan said, "Do you want that now?"

Commissioner Miller said, "Today we are going to agree to a dollar amount, am I correct? I think it's important to know that, yes I do."

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Mr. Buchanan said, "Okay."

Commissioner Miller said, "Or, I'll leave it to the rest of the Board if that's an important area for anyone else, maybe it's not, so I'll look for some direction here."

Commissioner Schroeder said, "If you want to think about that, I can talk."

Commissioner Gwin said, "We're always aware of that."

Mr. Buchanan said, "Yes, Commissioner Schroeder."

Commissioner Schroeder said, "When we started the process, how many years ago was this? Three years ago. I think we started out with an estimate somewhere around \$20,000,000 to build the jail and we bonded what, ten point one,, a little over \$10,000,000, initial cost, et cetera, to get ourselves going. Then as Bill showed us through this process, development, design, decision making, the church had an obvious impact on us and delayed us a little bit. Then we moved from a 300 bed addition to a 450 and then during the next year or so or less, we sent our staff away and they came back with 650 beds, and then I think at that time the estimate was around \$35,000,000. Somewhere in the last few months or year, we had a number \$35.1 million and as of last Friday, my understanding is it was \$39.5 million and you've been able to get it down today to \$36,796,000. As I told Stephanie, when I first heard this, I'm not sure what is driving this, but it's obviously not the Board of County Commissioners. I told her that I said that \$35.1 million was the maximum I could ever go. I had a hard time with a \$40,000,000 addition when we spent \$22,000,000 on the first new jail. I know costs go up over a period of years, but I think I'm going to have a hard time selling this to my constituents, that we're looking at a \$40,000,000 expansion. So what I'm going to suggest, and you can get into details if you want, I don't know what might come out of that, but I think considering what I've been hearing about the next year or two when it comes to budgets, that we look at a \$35.1 million cap and see what you can do with that."

Mr. Buchanan said, "We can do it."

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Commissioner Schroeder said, "And I will tell you that I had no knowledge of \$39,000,000 until last Friday. So \$35.1 million is where I've been thinking and I've been telling my constituents at meetings that I go to, that my staff told me we had a \$35.1 million jail and that is where I'd like to see us stay. Now I am going to put that out for discussion, but that's the way I feel about it."

Chairman Winters said, "Alright. Commissioner Miller."

Commissioner Miller said, "I just was going to give the Manager an opportunity to respond to first of all where the miscellaneous items have come from and I agree with you completely, Commissioner Schroeder, that first of all I was in shock with the \$35,000,000 that was quoted to erect this new jail, but did, with some help, adjust to that and then for it to go up approximately \$5,000,000, maybe \$4,000,000, I'm not sure where the costs are being padded at and then when...it always amazes me that when we increase, we are able to possibly reduce and so that's where this list comes from. So when I look at a miscellaneous being to the tune of a half million dollars and there is no itemization here, there is nothing that says this is what we're going to be able to pull out, a red flag definitely goes up in my mind. I would think anyone else who has to deal with budgets for a living or to make their living, it would certainly be a red flag for them."

Mr. Buchanan said, "Excuse me, that's why it was on the list Ma'am, to raise the red flag and those of us who were reviewing it, there didn't seem to be any adequate justification for the items on the list and that's why they're on there."

Commissioner Miller said, "Okay, well miscellaneous."

Mr. Buchanan said, "Ken."

Mr. Ken Arnold, Capital Projects Director, said, "Commissioners, on the first detention facility, we had about \$450,000 to \$480,000 worth of all kinds of supplies and materials, things like blankets and sheets, linens, furniture, signage, maintenance equipment, filters, all of the things that go on behind the scenes that are needed to get the start-up of the facility going and operating and those were covered in those costs. They add up pretty fast for a facility of that size."

Commissioner Miller said, "That's where we are pulling this miscellaneous from."

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Mr. Buchanan said, "If you take a look, that was included in the overall cost. If you take a look at the request that the Sheriff has submitted to you, you'll see the details of those items, which the expansion team worked on, it seems to me that there was a redundancy. You had supplies and materials covered on one and you had this other set of funds covering what appeared to be essentially the same items. That is why that I recommend to you that it be removed."

Commissioner Miller said, "So this miscellaneous is representative of one of the additional funds that seemed to be redundant, is that what you are saying?"

Mr. Buchanan said, "Yes. See the items that Mr. Arnold just talked about are all covered in the lists supplied by the Sheriff's Department and the supplemental request about the start-up costs of the jail. It talks about mop buckets and clocks and all those items that one needs to make the facility operational."

Commissioner Miller said, "Okay. To your best budgetary...in being able to make the decision that this is unconditionally all the possible reductions that can be made, is that what you're saying at this time? I know we have a contingency, you say that is laying out there, that is approximately 7% or 8%, which would possibly be enough, I'm just wondering what else is lurking in the wings and I think probably someone else would ask that same question."

Mr. Buchanan said, "I can't find anything else that I can specifically point to that makes sense to remove at this point. I do know that I made an impassioned plea for more money for the Forensic Science Center and the Board of County Commissioners said build it for X amount of dollars and it is up and operating and built."

Commissioner Miller said, "So that's in response to Commissioner Schroeder's request of 35.1 and basically what he's asked you to build it for and I would agree with that request at this time. Thank you Mr. Chairman."

Chairman Winters said, "Thank you very much."

Mr. Buchanan said, "I need to say one other thing. When we talked about 35.1 million dollars before, it may have been my understanding that it was for the construction cost, the construction cost would not exceed 35.1 million dollars."

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“That when we start looking at some of the development costs and equipment costs and bond costs, that is what has in fact also driven the price considerably. So when we say, if it is your intent to make the total project 35.1 million dollars, we will examine all those line items.”

Chairman Winters said, "Okay, thank you. Commissioners, is there any other discussion? You've heard Mr. Buchanan's report."

MOTION

Commissioner Schroeder moved to adopt the Resolution with the change to 35.1 million dollars.

Commissioner Miller seconded the Motion.

Chairman Winters said, "We have a Motion and a second, is there other discussion? Commissioner Hancock."

Commissioner Hancock said, "I was just sitting here doing some calculations and the original jail cost of our first 418 beds, which includes of course the medical beds and so forth, it seemed to me that it came in at about \$60,000 per bed and I was just sitting here calculating with about \$25,000,000 which includes the parking garage, the changes here back behind on the west side of the courthouse and I calculated \$58,900 per bed that was built for. The new one is coming in at about \$65,000 per bed as near as I can calculate, you can go either way a few thousand dollars I am sure, but as near as I know, relative to other facilities that are being built in the State of Kansas, that's pretty competitive as I understand it."

Mr. Buchanan said, "Yes sir."

Commissioner Hancock said, "As I understand it, I think there are some jails built here in Kansas that were \$100,000 per bed, so I don't want to run this project short and in many ways I agree with Commissioner Schroeder, but here is the deal. I may or may not approve a \$39,000,000 facility at this time. I am willing to authorize it and I think you whittled it down to what, \$36,400,000, something like that, \$36,800,000. I may or may not be willing to approve that ultimately that we build that jail. I am willing to authorize, does that make sense, to vote for the authorization, may not be willing to vote for a jail.

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"I tended to agree with that assessment of \$35.1 until I looked at these calculations, \$65,000 per bed jail right now, that's the evidence all across the County, that's pretty competitive. That is pretty inexpensive right now, so overall if we take the total of 1,100 beds, add the two projects together, we're about \$58,000 per bed. I am going to go for this authorization here, I don't want to run us short in the project, I want to get the job done and don't want to run into any trouble financing later. I'll reserve decision making of about how much it is going to cost for myself in the future."

Chairman Winters said, "Thank you. Commissioner Gwin."

Commissioner Gwin said, "As I think Commissioner Hancock was quoted in the paper a few days ago, this is not a fun deal. It hasn't been through the whole process and even when the door is open I don't think any of us will be clicking our heels except that it's behind us and we get to plan the next expansion. I agree with Commissioner Schroeder and Commissioner Miller that at some point, at some time, we must set a limit on what this Board is willing to spend to construct the addition. I just think at some point you have to draw a line and say this is not and we'll not exceed that. I am not sure that I'm prepared to draw that line today because I think that our staff, the Sheriff, that others have heard a number of us say you have to convince me, you have to show me that this number is right and that as Commissioner Miller pointed out, if you can find some proposed reductions let's talk a little bit more about those. Maybe there are some other areas within the facility that maybe we choose not to build in a certain manner. I don't know, I don't know what the answer is yet. I understand the necessity to authorize or to adopt the Resolution authorizing a certain amount of money and I'm certainly prepared it not to exceed, however, that does not mean, as Commissioner Hancock said, that I am prepared to approve a \$38,000,000 jail or even a \$36,000,000 jail or even a \$35,000,000 jail until I believe I can be convinced that we have gone through this with a fine tooth comb, that we've looked at everything, everything, for possible reductions. Once I'm convinced that we've done that then I'm prepared to draw a line and say that's the amount. I believe, Commissioner Schroeder, I'm prepared to adopt the Resolution, I'm not prepared to impose a cap today, but I certainly will be in the near future after I've received more information. I don't think I have adequate information today to make that decision and quite frankly, the first time I saw this was when I sat down at the bench today. I think there is more information available to me. I agree with you, there is a point at which we must say this is it and I think I will not support your Motion because I don't believe I'm prepared today to state that amount."

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Chairman Winters said, "Thank you very much. Commissioners, a couple of quick thoughts from my perspective. This chart that you showed of the average daily inmate population and the increases that we've had clearly are evident to the problem that we've got. My concern is though, that as we drive on in this issue, I don't think we're ever going to get ahead of this curve. I think it is going to continue to go up and I want to commend and fully support the team that has been put together to do this program. Sheriff Hill and his staff have done an excellent job. Joe Johnson and the architect I think are putting all of their resources and thinking power into this project and I appreciate that. I know our management staff is working very hard on this project so I am going to kind of throw a second curve into it because I'm going to support Commissioner Schroeder's Motion because I think we need to draw a line and need to work toward it. But on the same token and where the curve comes in is I truly believe an important part of that facility is to have Sheriff's administration located in that facility. So my challenge is to determine how we are going to do this facility for a certain amount of dollars and still be able to support the administration part of this complex and I guess if somebody says to me that's impossible, I guess then I need to be shown how that's impossible, why it is impossible, and I am going to be very reluctant to change this dollar amount again. We've changed it several times and I'm ready to say here's a number, let's build what we can build for this amount of dollars. Any other discussion on this Motion? Seeing no other discussion, please call the vote."

VOTE

Commissioner Betsy Gwin	No
Commissioner Paul W. Hancock	No
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. At this time, I would like to take an off agenda item. Commissioners, yesterday the City Council received their engineering consultants report concerning solid waste disposal."

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MOTION

Chairman Winters moved to take an off agenda item to discuss solid waste.

Commissioner Schroeder seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "I've asked Mr. Buchanan if he would just give us a brief update."

Mr. Buchanan said, "If you've not received it, it will be in your boxes, the alternative solid waste disposal for the City of Wichita and this is the consultant's report that was talked about yesterday and handed to the City Council and reviewed by them. It has several main points. It talks about the local landfill option and as you know, we as a community have identified several places in the County that would support a landfill that would be a local landfill option.

"The second alternative that they suggest is some technological alternatives and there are two of those. One is a plasma arc technology and that was with real high temperatures, somewhere about 3,000 degrees Fahrenheit. It turns the garbage into some gaseous product that can be sold later and produces some glassy residue that supposedly can be used elsewhere. This is very high tech and a very expensive alternative.

"The other one is the paralysis one and we know and we've met Bill Compton who is a resident of Sedgwick County and has pushed this method for lots of years. This is a chemical decomposing by heat that helps the garbage decompose and can be used for all sorts of other products.

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“The report talked about mass burn, waste energy and how you would burn it and then sell the energy, either a steam or heat or electric and you could generate electricity. There was a waste ethanol, ethanol program that was an alternative that was proposed and how that could be done and how successful those programs are.

"Now the last several, the plasma arc, the paralysis, the mass burn and the waste ethanol are all very expensive alternatives although you end up with useable product. The transfer station is one that was also utilized and we've heard a lot about that and I suspect we will continue to talk about those and how you can do it and where you would do it. I think the reports, it is a nice report and it is good, the people in the Sedgwick County Manager's Office and the City Manager's Office in December reported pretty much the same ideas. We didn't spend a lot of time talking about cash and how much dollars would be involved, but these are known technologies. It seems to me the issue is how does this now become the public debate. What is it and how is it that this Board of County Commissioners is going to keep yourself informed and your constituents who may not live in the City of Wichita. I intend to try to find out as much as I can on a regular and routine basis with my colleague across the street, Mr. Cherches, and I would assume that wouldn't be a problem, but I do think that this is an issue that is of importance to us all. We have an agreement with them. They are to take care of the solid waste issues for Sedgwick County. Because we have given them that responsibility doesn't mean that we are not accountable and that doesn't mean that we certainly don't have some ability to influence those decisions. So I think it is an area that we need to keep attentive, certainly receive our best and clear attention on this matter."

Chairman Winters said, "Okay, thank you very much Mr. Buchanan. I think one of the points here that I wanted us to really be aware of and get focused on is this report is now out there and as we discussed it yesterday in our staff meeting and Commissioner Miller asked a very important question when she said how are we going to become informed on what all this report says, the details of it, and so I think it would be my desire to have our staff become very familiar with this report and if it is only part of the report, to try to ascertain what all the report talks about and really become knowledgeable on this subject so you can assist us. Up until this point, the City of Wichita has certainly been in charge of this issue. I believe that if any part of their solution, if any part of their report has a solution that has some kind of a facility outside the present limits of the City of Wichita, I think Sedgwick County needs to be totally involved and if we are going to be totally involved we need to know all of the facts and that is where we need your assistance in doing that.

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"I would also announce and Commissioners, I think you saw a notice that there will be a press conference this afternoon. I intend on visiting and talking at that press conference at 2:00 p.m. about what I believe are the preferred solutions and at least part of the process and how we get there. I thought that this was a significant enough event yesterday at the City Council that they received this and thought we needed to at least acknowledge that and then begin the process from our side of the street. If I see no other comments, I don't think we need any other action at this time, it is just information. Rich, I don't think we need to take any action here, do you?"

Mr. Euson said, "No."

Mr. Buchanan said, "Mr. Chairman, I just wanted to alert you and the others that Irene Hart has been assigned this task and she will be the local expert along with Susan Erlenwein, who comes to the task with a great deal of background and information."

Chairman Winters said, "Alright, thank you. I will say that up to this point, the City has been forthcoming with knowledge to me that I think, that they think, is pertinent. I think it is now time that they realize that if there are options outside the City limits of Wichita that we are going to be involved in the discussion. Alright, thank you very much. Thank you for that report. I think we'll just go back as a matter of housekeeping. Mr. Manager, as you look over the rest of the agenda, it is nearing 12:00 and I think we can all proceed here for a while. Are there any agenda items that are absolutely not necessary or should we just work our way on through them. Let's just work through this agenda."

Mr. Buchanan said, "There is enough staff represented that we can move along and cover all the items."

Commissioner Gwin said, "I have a suggestion on the next item, item E, is it possible Mr. Euson that we can approve all those in one Motion in order to expedite?"

Mr. Euson said, "I think you can do that if you all agree."

Chairman Winters said, "Madam Clerk would you call Item E please."

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E. LAKE AFTON AND SEDGWICK COUNTY PARKS

- 1. AGREEMENT WITH WICHITA RADIO CONTROL CLUB FOR USE OF LAKE AFTON PARK MAY 4-5, JUNE 1-2 AND AUGUST 23-25, 1996 TO HOLD RACING EVENTS.**
- 2. AGREEMENT WITH WICHITA RADIO CONTROL CLUB FOR USE OF LAKE AFTON PARK APRIL 1, 1996 THROUGH MARCH 31, 1997 TO HOLD HOBBY AND PRACTICE RUNS.**
- 3. AGREEMENT WITH YOUNG MEN'S CHRISTIAN ASSOCIATION FOR USE OF SEDGWICK COUNTY PARK JUNE 23, 1996 TO HOLD A 10K AND TWO-MILE FUN RUN.**

Mr. Jarold D. Harrison, Assistant County Manager, greeted the Commissioners and said, "These are all repeat agreements that we have had in the past with these organizations. We have received certificates of insurance for the first two agreements and the third agreement will be subject to a receipt of a certificate of insurance. We would recommend you approval."

MOTION

Commissioner Schroeder moved to approve the Agreements and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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Chairman Winters said, "Thank you. We've already completed Item F, please call Item G."

G. APPLICATION TO KANSAS DEPARTMENT OF HUMAN RESOURCES, DIVISION OF WORKERS COMPENSATION, FOR RENEWAL OF WORKERS COMPENSATION SELF-INSURER PERMIT NUMBER 718.

Mr. Phil Rippee, Risk Manager, Department of Risk Management said, "The application before you today is a renewal of the Sedgwick County Workers Comp permit number 718. This renewal application does not reflect any changes in policy and the decision to renew by the Kansas Department of Human Resources is based on Sedgwick County's overall financial position and history of compensation losses as presented with the application. The application will be supported by a copy of the '95 comprehensive financial report. Sedgwick County continues to manage our self funded workers comp in a highly efficient manner with our annual costs below those of purchasing a full premium insurance policy. By self insuring, you are saving approximately \$400,000 annually. I recommend the Commission approve the application and authorize the Chairman to sign."

MOTION

Commissioner Hancock moved to approve the Application and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

Chairman Winters said, "I have a Motion and a second and Phil, in your best professional opinion, this still is the best option for Sedgwick County to pursue as far as our worker's compensation insurance is concerned."

Mr. Rippee said, "Yes sir, I do."

Chairman Winters said, "Thank you. Commissioners, you heard the report. Is there any discussion? Please call the vote."

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you Phil, keep up the good work. Next item."

H. BUREAU OF JUSTICE EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE GRANT APPLICATION FOR FISCAL YEAR 1997 GRANT FUNDS.

Ms. Donna Hajjar, Adult Facility Administrator, Department of Corrections Adult Facility, said, "Good morning Commissioners. First of all, Ken Hales had a prior commitment and was not able to be here today. What we are requesting today is we are submitting an application for a grant to provide enhancement services to the Day Reporting program. We are having an increased number of revocations in the community based on substance abuse and it is very important to get out there and try to address the needs of the individuals and there are substance abuse users that are violating their abuse. This grant application is requesting approximately \$405,000 in funding to provide the enhancement program that we would like to have. We are requesting you authorize the Chairman to sign."

Chairman Winters said, "Okay, thank you. Commissioner Miller."

Commissioner Miller said, "Thank you Mr. Chairman. Ms. Hajjar, can you give me just a brief description of what the enhancement would be?"

Ms. Hajjar said, "What it is called is a community alternative monitoring program and the idea would be that those individuals that are moving out of the residential center going into the community, that is the time that they are likely to re-offend or to be using substance abuse. We would like to have approximately 120 days time to establish their getting in the community without using. We'll be using classes as well as people that are out there watching them and electronic monitoring component to that."

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“The other part of that is the individuals who are starting to show signs of re-offending that need to come into the residential program or may need to be taken to court. There is a time period there when we need to watch them. They have been assigned to the residential program. We are full. We have a waiting list of approximately 60 on a given day. Some of those are sitting in jail and some of those are in the community. If we could take those that are in jail as well as those that are in the community and put them on an electronic monitoring strong and watching them as well and teaching as well, we feel that this would lessen the cost to the community and at the same time keep them from offending.”

Commissioner Miller said, "These are things that are already being done by community corrections."

Ms. Hajjar said, "This will enhance the area to what we can't address because it is that in between period and we do not have the staff or funding."

Commissioner Miller said, "So this is specifically after their time is completed and then it is just an extended period of time that will hopefully transist them even better."

Ms. Hajjar said, "Yes, it will lessen re-offenses."

Commissioner Miller said, "Okay, thank you. Thank you Mr. Chairman."

Chairman Winters said, "Thank you very much. Commissioners, you've heard the report. Before someone makes a Motion, Donna has discussed yesterday with me that it also might help support this application if Commissioners also attach a more personalized letter of support along with the grant. So whoever makes this Motion, if we could."

MOTION

Commissioner Schroeder moved to approve the Application and authorize the Chairman to sign and also to send a letter of support.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much Donna. Next item please."

I. CORONER-MEDICAL EXAMINER'S OFFICE.

1. GRANT APPLICATION TO KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL FOR FUNDING OF CONSTRUCTION AND INSTRUMENTATION FOR IMPLEMENTATION OF DRUG IDENTIFICATION AND TRACE EVIDENCE EXAMINATION FORENSIC SERVICES.

Dr. Corrie May, Sedgwick County Coroner, said, "I'm here just as a matter of introduction and I'm going to let you meet the people who actually wrote the grants and might just have a moment of your time explaining what they're about. For the first grant is Dr. Gary Branum. He is our Chief Toxicologist, a native of Lyons, Kansas. We stole him from Las Vegas, Nevada, where he was supervising a 60 person toxicology lab. He is Board Certified in Forensic Toxicology. His co-presenter will be Forrest Davis who is in a Doctoral program right now at the University of New Mexico. Forrest is also a native of Kansas from up in Hutchinson. We are glad to have him back to our State. Forrest was a supervisor of a 4 person DNA lab in the Albuquerque Police Department. They are going to talk to you a little bit about our request for some instrumentation to help get a trace evidence lab going. Our second grant will be presented by Steve Gilbert, our Forensic Administrator. Now Steve is a native of the Bronx, but we won't hold that against him. He has recently retired from the Army and received his Masters in Forensic Science from George Washington University and Steve has a small grant that he'd also like to talk to you about. I just wanted to emphasize that our match, 25% of this, was squeezed out of our budget from some salary savings, so it will not require any budget adjustment."

Chairman Winters said, "Thank you very much. We'll talk about the first application."

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Dr. Gary Branum, Chief Toxicologist, Forensic Science Center, said, "I spent some time in Las Vegas. It is highly overrated if you live there, trust me. As you already heard, we are applying for this grant for the purpose of constructing and outfitting a drug identification and trace evidence laboratory within our current facility. This new lab will allow us to perform analysis in two basic areas of forensic investigation. The first of those, which the bulk of my comments will be addressed to, is the drug identification portion of that laboratory, and the second is trace evidence which Mr. Davis will address as soon as I finish.

"Basically, in order to perform quality defensible drug identification, we need several items. First, and probably the most important of those items is we need drugs to identify. We have those, Sedgwick County performed approximately 2,000 analysis of controlled substances last year. You probably notice in today's paper there was a major cocaine bust in Wichita. That is the type of analysis we do. Everyone of those packets of cocaine must be analyzed and must be defensible in a court of law. In addition to the common types of drugs of abuse you see on the street, things like cocaine, methamphetamine, marijuana, in addition to that, there are a series of drugs that are abused on a regular basis but we don't normally see them as white powders.

"Recently, there has been a new drug, we ran across it in a medical examiner's case, it is a drug that is being imported from Mexico and Europe. It has several names in this country, one of those is forget me not. We had a medical examiner case that had this. We suspicioned that perhaps this drug was being used. This is a drug that is called flunitrazapan and it is a prescription drug in Europe and Mexico being smuggled into this country. Pills and potions and powders and things like that also need to be identified.

"The second thing we need is experienced personnel. We have experienced personnel. Personally, I have 8 years of experience working in Nevada, identifying drugs for the Nevada Highway Patrol for the Department of Parole and Probation and I have court testimony experience in approximately 13 states, I sort of lost count of a few of those, about 13 states. We have a drug ID and evidence trace tech who has experience in the Chicago Police Department drug identification lab. Has experience with drug identification with the Nebraska Highway Patrol. We have three other toxicology technicians with varying levels of experience.

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"The third item we need is space to do the testing. That's where the grant comes in. This grant would give us the funds to complete construction on a lab within our facility that is currently not being used. It has bare walls, we need to put in cabinet work, we need to put in fume hoods and the proper equipment so we can perform these analyses, both trace evidence and drug identification.

"The fourth item we need, of course, is the equipment to perform these analyses. The remainder of the funds in this grant, approximately \$150,000, would permit the purchase of a gas chromatograph/mass spectrometer or GCMS. GCMS is accepted in courts throughout the country and throughout the world as the gold standard for drug identification. If you want to be sure that your drug identification is defensible in court, you really need to have some sort of a mass spectrometer determination of that. It is also used intensively in arson testing. We would also be able to purchase a high pressure liquid chromatograph which would also aid in drug identification, quantitation and the identification of adulterants within those drugs. Adulterant identification is sometimes necessary so that you can trace a source of the drug if you have several different confiscations you can trace all of those particular confiscations back to a single source. There are some other ancillary equipment included in this. Small items like analytical balances and things like that. There is also some equipment that would be used for trace evidence which Mr. Forrest Davis will address.

"Now some of this equipment we already have or we have duplicates of some of this equipment. We already have one mass spectrometer. That one is used in the toxicology lab for drug identification in biological specimens in the medical examiners specimens and in drug testing of urine and things like that. But there are two issues that must be dealt with when we consider this. The first is work load. Given our projected work load for toxicology, which includes medical examiner cases, perhaps pre-employment testing, perhaps some other work for the department of corrections, driving under the influence type work, blood alcohol work, we just don't have the capacity on the existing instrument to handle those 2,000 drug identification cases in addition to that. Secondly, perhaps more importantly in this field, is the problem of contamination. We are dealing with drug identification and biological specimens, we are talking about the level of nanograms. A nanogram is a billionth of a gram. I think your standard packet of artificial sweeteners, take one billionth of that and that's how much drug we are looking for in blood and urine.

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"Drug identification, we are dealing with bulk drugs, things like kilo quantity of cocaine. Just the act of opening those bags and weighing the drug causes enough of that substance to get into the air to contaminate equipment, to contaminate bench tops, balances, things like that, so that those balances used for drug identification, those instruments used for drug identification should not be used for other types of biological toxicology because of the possibility of contamination. I know this from personal experience. We had a cocaine seizure by the Nevada Highway Patrol, there was 69 kilos of cocaine. Each one of those 69 kilo blocks had to be opened up through the mustard and diesel oil that was trying to fool the dogs and I did the work on that. I opened all 69 of those bags, weighed them, put the samples in the vials for the analysis. Two hours later, went and collected a urine specimen on myself and came up positive for cocaine just from the dust in the air, from breathing the dust. So contamination is a very real problem and that is why we are applying for this grant, to provide for construction of an isolated area so that we don't have to worry about contamination of current laboratory and to get the instrumentation to do this properly. That is the conclusion of my remarks. I'll answer any questions if you have any."

Chairman Winters said, "Okay, I see no questions."

Mr. Forrest Davis, Chief of Physical Evidence, Regional Forensic Science Center, said, "I will be brief. My fellow colleague is a Ph.D. and I'm soon to be one myself. Mr. Chairman and Commissioners, I appreciate the opportunity to return to Kansas. It's been about ten years since I have been back this direction and I really appreciate the nice facility that has been put forth here. The first thing I would like to say is that these funds will aid in the development of the Sedgwick County Regional Forensic Science Center state of the art criminalistic laboratory, providing services which are currently inadequate or unavailable anywhere else in Kansas. This regional laboratory will provide local law enforcement agencies with rapid, quality analysis which will be supported by expert testimony available on very short notice."

"Forensic science is the use of science and technology to address questions pertinent to criminal investigations. For example, what is it, who is it from, how did it get there? Forensic scientists have used lights and magnifying glasses in the past, in the days of Alfred Hitchcock and so forth, however, often more complex instruments are needed to address specific questions with specific answers."

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“At the Regional Forensic Science Center our plan includes expanding our forensic services to include examinations of trace evidence, which may include anything from arson, hair and fiber, chemical residues, soil, other physical properties of substances that are found at crime scenes.

"In order for us to establish the appropriate levels of this technology and instrumentation available for use by the Sedgwick County Regional Forensic Science Center, we hope that you will see in our favor. Thank you."

Chairman Winters said, "Thank you. Welcome both of you gentlemen back to Kansas. It is good to have you back and it is good to have you working for Sedgwick County. Commissioners, are there any questions?"

Commissioner Gwin said, "If I knew more about it I guess I could. I don't think I know enough to ask them questions."

Chairman Winters said, "Alright, can you make a Motion?"

Commissioner Gwin said, "Yes I can."

MOTION

Commissioner Gwin moved to approve the Application and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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Chairman Winters said, "Thank you very much. Next item."

2. GRANT APPLICATION TO KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL FOR FUNDING TO PURCHASE JUSTICETRAX LABORATORY INFORMATION MANAGEMENT SYSTEMS SOFTWARE AND RELATED EQUIPMENT.

Mr. Steve Gilbert, Forensic Administrator, Regional Forensic Science Center, said, "It is fortunate that my application follows the application you just heard. This is going to give you an idea how we are going to tie this all together for hopefully our center. As Administrator, I have oversight of the evidence section and how property or evidence when it comes into our center is going to be accounted for, handled, and examined, and released back to the submitting agency.

"I have been researching some software programs, I have found one that I believe is of benefit to our center here in Sedgwick County. JusticeTrax or Laboratory Information Management System (LIMS) is a program written that will allow my evidence custodian to receive evidence, large amounts of evidence, to account for it, secure it, track it through the laboratory system between analysts, receive the evidence back, properly account for it again and release it back to the submitting agency. Some research I've conducted in the last couple of years has told me that we can expect possibly 2,000 items per month just from the Wichita Police Department alone, this does not count the Sheriff Department, municipalities or outside County agencies submitting evidence to us. Right now, we have a manual ledger book kind of system being used. Eventually, when we have our evidence grow to a large number of items per month, we'll have to have some type of system in place to handle that and I believe this type of system or software would help.

"As an administrator, like I said, I have oversight of the evidence and to ensure performance measures are in place, I would need a system I can look at and judge and manipulate so I can have those figures and come back to the County and say this is the way we handle the evidence, the number of reports generated, how timely we are, how thorough we are in our handling of the evidence.

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“In the future, with this particular program, I hope to bring the Sheriff's Department and the City both on line and network so they can have access to laboratory reports, information about their evidence, turn around dates, contact with analysts during the examination of evidence and hopefully beyond that, other city agencies come on line and network, so they too can come on line automated and have a turn around time in a lot quicker fashion. Are there any questions?”

Chairman Winters said, "Thank you and welcome to Kansas. Great place to be and we're glad you're here."

Mr. Gilbert said, "Thank you. Glad to be here."

Chairman Winters said, "Are there any questions?"

Commissioner Schroeder said, "I wouldn't know what to ask."

Chairman Winters said, "Well, make a Motion then."

Commissioner Gwin said, "Join the club."

MOTION

Commissioner Schroeder moved to approve the Application and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Dr. May, thank you very much and gentlemen, thank you for being here. I think we are well on our way to have a world class Forensic Science Center so good job, keep up the good work. Next item please."

J. BUREAU OF JUSTICE EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE GRANT APPLICATION TO FUND AN UPDATED FILING SYSTEM.

Ms. Nola Foulston, District Attorney, said, "You know it's very interesting, I've been waiting all morning to come up to the Commission. I had the television on and I noticed after a while that there was Fozzie Bear and others and it turned out to be Sesame Street."

Commissioner Schroeder said, "Careful."

Ms. Foulston said, "So I knew it wasn't our esteemed Commission."

Commissioner Schroeder said, "Boy, you got out of that one."

Ms. Foulston said, "Good morning ladies and gentlemen, District Attorney Nola Foulston. I'm here on behalf of the District Attorney's Office and the Regional Drug Prevention Center in support of a grant application to the Kansas Criminal Justice Coordinating Council. Quite briefly, the Byrne Memorial Funds are used for law enforcement purposes with an emphasis in the drug and violent crime area. They have equipment grants that, \$93,000, that is specified in the grant application. However, we are able, because of the prosecutors assistance fund and from asset forfeiture funds under K.S.A.60-4117 to be able to allocate portions of money that is held by Sedgwick County in our asset forfeiture fund, to be able to use that for the 25% grant match on this particular application."

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"So, we're not asking for personnel, we're not asking for money, and we are contributing the portion of funds that otherwise could not be utilized except for those specific purposes as designated by statute. The program itself involves placing a case management records and retrieval center in the office of the District Attorney. We would be hooked by modem with the regional drug prevention center to be able to consolidate data and to work effectively at problem solving on drugs and violent crime. We know that there is a very large connection between those two entities and that data retrieval and information will be necessary to find those activities which are able to be worked with within our own community. The data retrieval center, if we were able to put this in, would be able to place in a case management system that is specially made for prosecution for this purpose. There are diagrams and other information in the grant application itself including some of the types of data they can pull from that machine.

"We would also be able to link up ultimately to the Kansas Bureau of Investigation (KBI) and other law enforcement agencies state wide because of the ease of connection with an IBM system of this nature and be able to send most of our information that the KBI requires by downloading it on a modem and sending it to them rather than using personnel time that is fairly labor intensive. Another thing that we have that is very labor intensive is the ability to generate any kind of forms for information and data to be drawn out of our system. Everything we are requested to do at this time has to be hand pulled. We are talking about a system that is tremendously antiquated. With the ability to put this system in, this would have been something we would have proposed in our next years budget or waited until the end of the year to have funds available, but this opportunity has come along and we believe it would be very productive for Sedgwick County to have the grant monies brought into our community to support this and enable it to be expanded to include later on the juvenile intake and assessment center and other regional area law enforcement and judicial groups that can derive information from this and use it productively. So I would ask your support in this grant and would be open to any questions."

Chairman Winters said, "Thank you very much. I see no questions. Commissioners, you've heard the report from the District Attorney, what's the will of the Board?"

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MOTION

Commissioner Gwin moved to approve the Application and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Ms. Foulston said, "Thank you all very much."

Chairman Winters said, "Thank you very much Nola."

Commissioner Hancock said, "Thanks for waiting for us."

Commissioner Gwin said, "Hope you're successful."

Commissioner Schroeder said, "Good luck."

Chairman Winters said, "Next item please."

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K. ADJUSTMENT OF THE INFORMATION SERVICES STAFFING TABLE TO DELETE ONE CABLING TECHNICIAN, RANGE 13 AND ADD ONE TELECOMMUNICATIONS MANAGER, RANGE 25.

Mr. Kenneth Keen, Director, Information Services, greeted the Commissioners and said, "One of the recommendations made by a consultant working with us last fall was that we merge telecommunications and information services and there has been a committee that's been doing some work on this to determine the feasibility of it and how it might work. One of the things that committee has done was to meet with some area telecommunication managers earlier this month and get some of their recommendations and input. One of the first steps of accomplishing this recommendation is to try to gain an individual with whom we can concentrate the coordination of telecommunications with the County and that hasn't happened anywhere that I'm aware of in the County in recent history, certainly. It is our recommendation then that you approve the adjustment to the staffing table of Information Services by reducing a cabling technician position, eliminating that, and adding a telecommunications manager."

MOTION

Commissioner Hancock moved to approve the adjustment to the Information Services Staffing Table.

Commissioner Gwin seconded the Motion.

Chairman Winters said, "We have a Motion and a second. Is there any other discussion on the Motion?"

Commissioner Schroeder said, "Yes."

Chairman Winters said, "Commissioner Schroeder."

Commissioner Schroeder said, "Ken, I notice the backup shows \$11,770 increase for 1996, is that correct?"

Mr. Keen said, "Well there isn't going to be an additional expenditure of taxpayers funds to cover it for 1996 because the cable technician has been vacant."

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Commissioner Schroeder said, "Oh, so it's been vacant."

Mr. Keen said, "That's correct."

Commissioner Schroeder said, "So now it is something like \$18,000, is that the salary for that individual now?"

Mr. Keen said, "Yes, for the cabling technician. That includes benefits."

Commissioner Schroeder said, "Okay, what's the total salary for this new range 25 telecommunications manager. What's that total yearly salary?"

Mr. Keen said, "It's in the neighborhood of \$37,000."

Commissioner Schroeder said, "Okay, I didn't see that in the backup. Thank you. Thank you Mr. Chairman."

Chairman Winters said, "Are there any other questions? Commissioner Miller."

Commissioner Miller said, "In terms of who this person reports to, would it be yourself Ken?"

Mr. Keen said, "Yes, that's correct."

Commissioner Miller said, "And would they also report to Bob Rogers?"

Mr. Keen said, "Through me as the Director of Information Services."

Commissioner Miller said, "Okay, I needed to be able to understand that. Alright, thank you."

Chairman Winters said, "Are there any other questions Commissioners? We have a Motion, seeing no questions, call the vote please."

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much."

Mr. Keen said, "Thank you Commissioners."

Chairman Winters said, "Thank you. Next item please."

**L. OUT-OF-CYCLE REPLACEMENT OF THE SHERIFF'S DEPARTMENT
LAB VAN.**

Major James Elvins, Sheriff's Department, said, "I would like to share some information with you and request your approval for an out of cycle replacement for the Sheriff's Department command lab vehicle. This project has been in development for over a year and a half. The current van is a converted gas powered 1986 vintage ambulance with nearly 89,000 miles on it. It has been used as a lab van since 1988 and has served that purpose very well. The van, though, is beginning to experience some age related problems. For example, the modular box is beginning to separate from the chassis. We've been having some problematic carburetor problems with it. There's been a few wiring problems with it, it is just getting old. The replacement vehicle will be built around a new ambulance chassis and box designed specifically for the Sheriff's Department. The proposed vehicle will be a duo-purpose lab van and on-scene command and control vehicle. It will have an enhanced communication computer capability and more functional interior design with three work stations as opposed to the one that our current vehicle has. It will be diesel powered with a substantial built in generator for sustained remote operation. It goes without saying, this vehicle, like our existing one, is available upon request of any law enforcement agency in the area. The estimated cost of this project is about \$88,000 and the Sheriff's Department will cover all but \$8,000 of that from seizure funds. The other \$8,000 is from vehicle set aside monies. Thank you for your consideration. If you have any questions, I would be happy to try to answer them for you."

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Chairman Winters said, "Thank you very much. Commissioner Gwin."

Commissioner Gwin said, "Thank you. Major Elvins, how soon do you expect to have this vehicle available and ready to work."

Major Elvins said, "Well that is dependent upon the bid cycle. All of the specifications have been prepared and as soon as we have your approval we are ready to go with the Motor Pool to the Purchasing Department and get it on the bids."

Commissioner Gwin said, "Okay, thank you. Thank you Mr. Chairman."

Chairman Winters said, "Thank you very much. Any other questions?"

MOTION

Commissioner Schroeder moved to approve the out-of-cycle purchase.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much."

Major Elvins said, "Thank you for your time."

Chairman Winters said, "You bet. Next item please."

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M. BUREAU OF PUBLIC SERVICES.

- 1. APPROVAL OF AN ESTIMATE FROM SEDGWICK COUNTY ELECTRIC COOPERATIVE FOR RELOCATION OF A LINE IN CONNECTION WITH SEDGWICK COUNTY PROJECT NO. 632-7-789; BRIDGE ON 55TH STREET SOUTH BETWEEN 295TH AND 311TH STREETS WEST. CIP #B-252. DISTRICT #3.**

Mr. David Spears, Director, Bureau of Public Services, said, "Item M-1 is approval of a proposal by Sedgwick County Electric Cooperative to relocate their electric line at a cost of \$2,340 in connection with a bridge project on 55th Street South between 295th and 311th Streets West. This project is designated as B-252 in the Capitol Improvement Program. The electric line is not located in a public right-of-way. Recommend you approve the relocation and cost estimate."

MOTION

Commissioner Hancock moved to approve the estimate.

Commissioner Gwin seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Next item."

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- 2. APPROVAL OF A PROPOSAL FROM GEOTECHNICAL SERVICES INC. TO PERFORM WETLAND DELINEATION/IDENTIFICATION FOR A LEVEE EXTENSION IN CONNECTION WITH KDOT PROJECT NO. 87C-3094-01, SEDGWICK COUNTY PROJECT NO. 639-30-690; BRIDGE ON 83RD STREET SOUTH OVER THE ARKANSAS RIVER. CIP #B-219. DISTRICTS #2 AND #5.**

Mr. Spears said, "Item M-2 is a proposal from Geotechnical Services Incorporated to perform wetland delineation/identification for a levee extension at a cost of \$3,950. This is in connection with the bridge project on 83rd Street South over the Arkansas River designated as B-219 in the Capital Improvement Program. The Corps of Engineers requires us to obtain wetland information before issuing a permit. Recommend you approve the proposal."

MOTION

Commissioner Gwin moved to approve the proposal.

Commissioner Miller seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Next item."

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- 3. APPROVAL OF AN AGREEMENT COVERING THE RESPONSIBILITIES OF SEDGWICK COUNTY AND THE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH KDOT PROJECT NO. 87C-3318-01, SEDGWICK COUNTY PROJECT NO. 624-30; PAWNEE RELOCATION. CIP #R-15. DISTRICT #5.**

Mr. Spears said, "Item M-3 is approval of an agreement covering the responsibilities of Sedgwick County and the Department of Transportation in connection with the Pawnee relocation project. This project is designated as R-14 in the Capital Improvement Program. The most important aspect of the agreement is that KDOT will pay for 80% of the project and Sedgwick County will pay for 20%. I recommend you approve the Agreement and authorize the Chairman to sign."

MOTION

Commissioner Schroeder moved to approve the Agreement and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Mr. Spears said, "Thank you."

Chairman Winters said, "Thank you David. Next item please."

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**N. REPORT OF THE BOARD OF BIDS AND CONTRACTS' APRIL 18, 1996
REGULAR MEETING.**

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have before you the minutes from the April 18 meeting of the Board of Bids and Contracts. There are two items for consideration today.

**(1) SURFACING PARKING LOT "A", COLISEUM - BUREAU OF PUBLIC SERVICES
FUNDING: LOCAL SALES TAX**

"Item one, surfacing of parking lot "A" for the Kansas Coliseum by the Bureau of Public Services. It was recommended to accept the low bid of Cornejo & Sons for \$127,678.50.

**(2) COPY MACHINE - BUREAU OF HUMAN RESOURCES
FUNDING: PERSONNEL**

"Item two, a copy machine for the Bureau of Human Resources. It was recommended to accept the low bid meeting specifications of Wilbur E. Walker for \$16,724.

"I would be happy to answer questions. We would like to approve the recommendations of the Board of Bids and Contracts."

MOTION

Commissioner Schroeder moved to approve the recommendations of the Board of Bids and Contracts.

Commissioner Hancock seconded the Motion.

There was no discussion on the Motion, the vote was called.

Regular Meeting, April 24, 1996

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much."

Mr. Muci said, "I would like to make a special introduction if possible. As you know, today is Shadow Day and I have two students this morning, but I lost one of them. Stevie Cox is a junior at South High School and he is hanging out with the Purchasing Department today and having a good time."

Commissioner Gwin said, "Yeah, that's what you think."

Mr. Muci said, "You're having a good time right?"

Commissioner Schroeder said, "I've got one question for him, if he figures out how to do business down there, let us know. We'd sure like to know."

Commissioner Gwin said, "You're shadowing a pretty incredible guy. Have fun."

Chairman Winters said, "Thank you very much. Thank you for being here Darren. Now we'll go with the next item."

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CONSENT AGENDA

O. CONSENT AGENDA.

1. Utility and Highway Permit Agreements.

- a. KG&E, A Western Resources Co. is submitting this application requesting permission to make an overhead crossing of Hillside approximately 2,000 feet north of 77th Street North. Grant Township. Utility Permit No. 031-96. Road No. 825-F. District #4.
- b. Southwestern Bell Telephone Co. is submitting this application requesting permission to bury cable on the west side of West Street for 135 feet south of 77th Street North and also along the south side of 77th Street North west from approximately 950 feet. Park Township. Utility Permit No. 032-96. Road Nos. 815-G and 600-23. District #4.
- c. KG&E, A Western Resources Co. is submitting this application requesting permission to install one pole and bore under 61st Street North at Upchurch Avenue (east of Grove). Kechi Township. Utility Permit No. 033-96. Road No. 604-28. District #1.
- d. KG&E, A Western Resources Co. is submitting this application requesting permission to install one pole and push under 119th Street West north of MacArthur. Illinois Township. Utility Permit No. 035-96. Road No. 805-T. District #3.
- e. Southwestern Bell Telephone Co. is submitting this application requesting permission to bore under 199th Street West between MacArthur and 31st Street South. Illinois Township. Utility Permit No. 037-96. Road No. 795-T. District #3.

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2. Right-of-Way Easements.

The following tracts of land have been granted by Easement for Right-of-Way at no cost to the County. These Easements were requested by the Director, Bureau of Public Services, as a condition of receiving a platting exemption on an unplatted tract.

- a. Road Number 841-D, Owners: Ernest D. Medley and Glenda L. Medley, located in the Northeast Quarter of Section 24, Township 25 South, Range 2 East, more specifically located on the west side of 159th Street East and south of 101st Street North. Lincoln Township. District #1.
- b. Road Number 837-X, Owners: Ronald R. Wirths and Carol M. Wirths, located in the Northeast Quarter of Section 34, Township 28 South, Range 2 East, more specifically located on the west side of 127th Street East and south of 63rd Street North. Gypsum Township. District #5.
- c. Road Number 634-34, Owners: Ronald R. Wirths and Carol M. Wirths, located in the Northeast Quarter of Section 34, Township 28 South, Range 2 East, more specifically located on the south side of 63rd Street South and west of 127th Street East. Gypsum Township. District #5.
- d. Road Number 787-Q, Owners: Joseph L. Allen and Regina R. Allen, located in the Northwest Quarter of Section 27, Township 27 South, Range 3 West, more specifically located on the east side of 263rd Street West and south of 6th Street South (Maple). Garden Plain Township. District #3.

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3. Right-of-Way Instruments.

- a. One Temporary Construction Easement and one Easement for Right-of-Way for Sedgwick County Project No. 632-6-793; Bridge on 343rd Street South between 311th and 327th Streets West. CIP #B-245. District #3.
- b. Three Easements for Right-of-Way and two Temporary Construction Easements for Sedgwick County Project No. 817-G through N½ J; Meridian from the north city limits of Wichita to the south city limits of Valley Center. CIP #R-169. District #4.
- c. Two Easements for Drainage for the Pinnacle at Crestview Addition. District #1.

4. Section 8 Housing Assistance Payment Contract.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
C96025	\$235.00	5	Rick D. Rice

5. The following Section 8 Housing Contracts are being amended to reflect a revised monthly amount due to a change in the income level of the participating client.

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V95076	\$275.00	\$275.00
C863005	\$332.00	\$317.00
V96003	\$17.00	\$91.00
V95029	\$400.00	\$215.00
V94090	\$190.00	\$202.00
V95107	\$419.00	\$471.00
C94010	\$190.00	\$268.00
V94116	\$58.00	\$421.00

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6. **Establishment of an imprest fund (petty cash) in the amount of \$1,000.00 for the Department on Aging.**
7. **Increase in the authorized change fund at Sedgwick County Park from \$300.00 to \$650.00.**
8. **Order dated April 17, 1996 to correct tax roll for change of assessment.**
9. **Consideration of the Check Register of April 19, 1996.**
10. **Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960227	District Attorney	Transfer
960228	Environmental Resources	Transfer
960229	Emergency Management	Transfer
960230	Personnel	Transfer
960231	Affirmative Action	Transfer
960232	Coroner	Transfer
960233	Emerg. Communications	Transfer
960234	1995 Capital Projects	Supplemental Appropriation
960235	Road and Bridge	
	Sales Tax	Transfer
960236	Special Highway	
	Improvement	Supplemental Appropriation
960237	1996 Bridge Projects	Supplemental Appropriation

Mr. Buchanan said, "You have a consent agenda before you. I would point out that item number seven should read Lake Afton Park, not Sedgwick County Park. That should be corrected. Otherwise, I would recommend you approve it with that change."

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MOTION

Commissioner Gwin moved to approve the consent agenda with the change that Item Seven be changed from Sedgwick County Park to Lake Afton Park.

Commissioner Schroeder seconded the Motion.

Chairman Winters said, "We have a Motion and a second. Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman and Mr. Manager, item six, establishing a petty cash fund in the amount of \$1,000 for the Department on Aging, what do they need a petty cash fund for and in the amount of \$1,000 when I look at the Lake Afton Park of only \$650 and we're raising it. Tell me what they use it for."

Mr. Buchanan said, "As COMCARE did before, Mental Health, before, the cash fund in this case can be used for emergency grants right on the spot to hire a contractor or take care of some individual needs of senior citizens and it has worked so well in COMCARE that we recommended that we do this."

Commissioner Schroeder said, "Now those funds that we use for things like that, are they refunded by some agency or..."

Mr. Buchanan said, "Sometimes."

Commissioner Schroeder said, "Otherwise, we spend the money ourselves?"

Mr. Buchanan said, "What was happening and what happens here too, but what happened in the Mental Health Department was there would be a need for someone to pick up a prescription, they wouldn't have enough money or there was some medical supplies that weren't covered and sometimes some of those emergency, ability to spend dollars to solve those emergency problems by case workers comes in real handy, solving problems."

Commissioner Schroeder said, "So those are just one time expenditures, we don't recover them, is that what you're saying?"

Mr. Buchanan said, "Sometimes we do, sometimes we don't."

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Commissioner Schroeder said, "And we have one of those in Mental Health, so it is not an exchange of cash, it is actually going out and buying something for somebody. That's why I had to ask the question, what in the world are we doing with petty cash?"

Mr. Buchanan said, "For the next month, let me bring you back a list."

Commissioner Schroeder said, "That would be interesting, okay. Thank you. I appreciate that."

Chairman Winters said, "Commissioner Miller."

Commissioner Miller said, "My question would have been exactly what Commissioner Schroeder asked and so that list would work for me Mr. Manager. Thank you."

Chairman Winters said, "Alright, we have a Motion. Any other discussion on this Motion concerning the consent agenda?"

Commissioner Schroeder said, "Is there anything in here that pertains to the bonding of the jail, I don't think there is, is there?"

Mr. Buchanan said, "No sir."

Chairman Winters said, "Thank you. Seeing no other discussion, please call the vote."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. Is there any other business to come before this Board? Commissioners, we've got a sewer agenda and a fire agenda, if we've got some time, I'd like to reserve 10 minutes for some routine personnel matters. Do we still have time to do that? Okay, this meeting is in recess."

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The Board of Sedgwick County Commissioners recessed into the Sewer and Fire District Agendas at 12:43 p.m. and returned at 12:51 p.m.

P. OTHER

EXECUTIVE SESSION

MOTION

Commissioner Miller moved to convene into executive session to discuss personnel matters of non-elected personnel for approximately 10 minutes and will return no sooner than 1:08.

Commissioner Schroeder seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much. We're in executive session.

The Board of Sedgwick County Commissioners returned from Executive Session at 1:20 p.m.

Chairman Winters said, "Let the record show we are back in session. Let the record also show there was no binding action taking in executive session. Mr. Manager do you have anything else? Counselor, anything else? Thank you very much. This meeting is adjourned."

Q. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 1:20 p.m.

**BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS**

THOMAS G. WINTERS, Chairman
Third District

MELODY C. MILLER, Chair Pro Tem
Fourth District

BETSY GWIN, Commissioner
First District

PAUL W. HANCOCK, Commissioner
Second District

MARK F. SCHROEDER, Commissioner
Fifth District

ATTEST:

Susan E. Crockett-Spoon, County Clerk

APPROVED:

_____, 1996