

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

JUNE 12, 1996

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, June 12, 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; Mr. Michael Hill, Sheriff; Mr. William P. Buchanan, County Manager; Mr. Stephen B. Plummer, County Counselor; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Gary E. Curmode, Fire Chief; Mr. Douglas King, Records Manager, County Clerk's Office; Mr. J. Kenneth Hales, Director, Department of Corrections; Ms. Stephanie Knebel, Correction Facility Project Manager, Capital Projects Office; Mr. John Nath, Director, Kansas Coliseum; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Joe Brunk, Director, Noxious Weed Department; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Susan E. Crockett-Spoon, County Clerk.

GUESTS

Ms. Beatrice Adams, Wichita Metropolitan Family Preservation Agency

Mr. Rob Hartman, Professional Engineering Consultants, P.E.

Mr. Bob Redmon, 31727 West Harry, Garden Plain, Kansas

Mr. Lloyd Bruss, 1528 Wheat Lane, Wichita, Kansas

INVOCATION

The Invocation was given by Mr. Chuck McCoy of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

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

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**CONSIDERATION OF MINUTES: Regular Meeting, May 22, 1996
Regular Meeting, May 29, 1996**

The Clerk reported that all Commissioners were present at the Regular Meeting, May 22 and the Regular Meeting of May 29, 1996.

MOTION

Commissioner Hancock moved to approve the minutes of May 22 and May 29, 1996.

Commissioner Gwin seconded the Motion.

Chairman Winters said, "We have a Motion and a second, any discussion? Seeing none call the vote."

VOTE

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| 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."

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Ms. Becky Allen Bouska, Director, Finance Department, greeted the Commissioners and said, "We have previously provided you the certification of funds for expenditure on today's regular and sewer district agendas. I am available for questions if there are any?"

Chairman Winters said, "Thank you Becky. I see no questions at this time. Thank you. Next item."

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PROCLAMATION

A. PROCLAMATION DECLARING JUNE, 1996 AS "ARSON AWARENESS MONTH."

Chairman Winters said, "Thank you very much. Commissioners, I have a Proclamation that I would like to read in the record for your approval."

PROCLAMATION

WHEREAS, June is "Arson Awareness Month", a month set aside to focus public attention on the crime of arson, the malicious and willful burning of property; and

WHEREAS, arson fires are a problem in Kansas and are occurring at the rate of 6.3 fires a day, injuring or killing 1.7 people per week and causing property damage of over 31 thousand dollars per day; and

WHEREAS, annually, arson destroys lives, property, neighborhoods and businesses, and raises the cost of insurance more than all natural disasters combined; and

WHEREAS, the Sedgwick County Fire Department, in conjunction with the State of Kansas, has a goal to inform the public of the responsibility to report information dealing with arson fires to help in the fight against the crime of arson;

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

"ARSON AWARENESS MONTH"

in Sedgwick County, and encourage all citizens to increase their awareness on the toll that arson takes in both lives and property."

"Commissioners, that is the Proclamation, what's the will of the Board?"

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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

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| 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 have with us today Chief Gary Curmode to accept this Proclamation."

Mr. Gary E. Curmode, Fire Chief, greeted the Commissioners and said, "Thank you very much for supporting this Proclamation as you have in the past. It is a very high priority to our department. There are some statistics I would just like to bring into focus on for today. In Kansas, it is about 12% of all our fires reported to the State Fire Marshal Office in Topeka. Our leading concern probably is juvenile fire setting. It hasn't increased that much in Sedgwick County, but on a national level, it has gone up 48%. So we are really trying to reach in our public education programs; trying to show the emphasis to our children out in the school system the danger of arson, the danger of playing with matches, and so forth. We hope that will make the trend go downward. Last year just in Sedgwick County, we had over \$2,500,000. in loss. Again, 361 cases of arson and our investigators are working tirelessly in their efforts to combat this. So again, I do appreciate the support and the Proclamation."

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Chairman Winters said, "Thank you very much Chief. We certainly appreciate your work and the work of the staff as we deal with this not so pleasant part of what your responsibilities are. Please convey our thanks to the staff as they work on this problem of arson."

Mr. Curmode said, "Thank you Commissioners. My staff is in the back of the audience and they really appreciate those compliments from you. Thank you."

Chairman Winters said, "Thank you very much. Commissioners, at this time I have an off agenda Proclamation concerning Family Preservation Week".

MOTION

Chairman Winters moved to take an Off Agenda Item.

Commissioner Miller seconded the Motion.

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

VOTE

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| 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, "Commissioners, we have a Proclamation concerning Family Preservation and I would like to read that Proclamation into the record".

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PROCLAMATION

WHEREAS, the Metropolitan Family Preservation Agency, Inc., community organizations, churches, schools, businesses and government officials recognize the benefit of helping to rebuild the family value system in Sedgwick County; and

WHEREAS, families are the cornerstone of strong communities. In Sedgwick County there are approximately 107,365 families, including 34,422 youth under the age of five; and

WHEREAS, our individual future, as well as the future of our nation, depends upon providing support which enables families to raise responsible and capable youth;

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

“FAMILY PRESERVATION WEEK”

and encourage all citizens of Sedgwick County to recognize the importance of building strong neighborhoods, and to participate in the Family Unity Day activities on June 15, 1996.”

Chairman Winters said, “Commissioners, you have heard the Proclamation, what’s the will of the Board?”

MOTION

Commissioner Schroeder 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.

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VOTE

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|--------------------------------|-----|
| 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. Today we have Beatrice Adams with Wichita Metropolitan Family Preservation Agency with us."

Ms. Beatrice Adams, greeted the Commissioners and said, "Thank you Chairman Winters, other member of the County Commission, on behalf of my Executive Director, Cary Jones, President of our Board, Brenda Gray, other Board members, staff, families and youth that we work with year around, we would like to thank your for you support in our efforts. We would like to also invite all Commissioners and other people in the audience to our Family Unity day event, June 15th, at MacAdams Park. It is our third annual family affair. Three years ago when we began this event, we had a little bit over 600 people that participated. Last year we had 3500. This year we are predicting 5000. Once again, we thank you for your support and the recognition of the importance of building strong families here in Sedgwick County."

Chairman Winters said, "Thank you Ms. Adams. We certainly appreciate you being with us and for the work your organization does. Thank you"

Commissioner Miller said, "Mr. Chairman, I do just have a small comment. Ms. Adams, you want to step to the microphone for just a moment, please? Actually, you were able to articulate every single point that I was going to make. So, I'm so glad that you had the foresight to say that. I simply wanted to say that last year I know was a banner year. This year I'm expecting will be even more so. You know it's not just that it is fun, games and entertainment, but you have to remember the credo that goes along with the agency. Actually, the Proclamation spoke exactly to that. So, I just simply want to wish you well. I will not be able to attend on Saturday, Instead, I'll have to be called out of town. I know that you are going to have a wonderful turnout and it is for a wonderful cause. So thank you."

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Ms. Adams said, "Thank you."

Chairman Winters said, "Thank you Commissioner Miller. Thank you very much for being here. Next item please."

APPOINTMENT

B. APPOINTMENT.

1. RESIGNATION OF WESLEY W. DEMOSS FROM CLERK OF ATTICA TOWNSHIP POSITION.

Mr. Stephen B. Plummer, County Counselor, greeted the Commissioners and said, "You first have a letter of resignation from Wesley DeMoss as Clerk of Attica Township. I recommend you accept his resignation."

Chairman Winters said, "Thank you."

MOTION

Commissioner Hancock moved to accept the resignation.

Commission Gwin seconded the Motion.

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

VOTE

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|--------------------------------|-----|
| 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."

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Mr. Plummer said, "Next is a Resolution appointing James E. Fouts to the position of Attica Township Clerk. I recommend you adopt that Resolution."

Chairman Winters said, "Thank you."

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

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|--------------------------------|-----|
| 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 don't believe Mr. Fouts was able to be here today. He is not in the audience, is he? Thank you. Next item please."

PLANNING DEPARTMENT

C. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBERS SCZ-0712 AND DP-222 - ZONE CHANGE FROM "SF-20" SINGLE FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, ON PROPERTY LOCATED ON 21ST STREET NORTH AND 127TH STREET EAST.**

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "I have two zoning items on your agenda. This first one, if I could have the first slide...."

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SLIDE PRESENTATION

“This is a request for zoning and associated Community Unit Plan. This is the southeast corner of 21st and 127th Street. This is about a one half mile east of the interchange of K-96 and 21st Street, to give you a little bit more perspective on that. The request is for a net after the right-of-way dedication which will be required of about 16 acres of land at the corner for Light Commercial zoning. Under the new zoning code, the track is over six acres for light commercial or commercial use are required to submit Community Unit Plans or equivalent. In this case, the owner submitted a Community Unit Plan. This was actually originally submitted as part of a larger request for much more acreage to the south and east that was proposed for re-zoning to Light Industrial and General Industrial for an asphalt and concrete plant operation. That portion of the case was withdrawn, and no longer on file with the Planning Department, but the applicant wanted to pursue the Commercial zoning at the corner, and so this case was re-advertised under the new zoning code and Commercial Community Unit Plan (CCUP) was submitted. The CCUP establishes some more specific conditions than the Light Commercial zoning, by itself does, on the number of parcels, the building, the access points, requirements for landscaping and screening in conformance with the City’s ordinance and sign limitations and also poor perimeter street improvements that will eventually occur on the site.

“The staff recommended approval, let me say first that in terms of the character of the surrounding area, and I’ll show you some more slides, but there is a house on this site. Most of the land is agriculture. There are some scattered homes to the west and south across 127th on suburban tracks in this area. All the yellow area indicates the SF 20, the Single Family Suburban Residential zone. The only exception is that this track, back in the 1960’s I believe it was, was zoned to Light Commercial when the city boundaries extended, so that was then within the three mile ring. Originally, there was an automatic zoning of all four corners, but in subsequent cases like this one, it was only considered on a case by case request, when that owner requested zoning, and so that’s why that’s there from back, maybe as much as 20 or 30 years ago.

“The staff recommended approval of this request, subject to the conditions on the CUP subject to platting. I think the Planning’s Commission’s recommendation, because of the time it is going to take to provide services and develop this track for platting time, is extended to two years, from the normal one year. The Comprehensive Plan does not indicate, if you look at the plan from 1993, this area for urban development.

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“Although, I think in everybody’s mind, the area along the 21st Street corridor from Wichita at Webb Road, all the way out to Andover is essentially going to urbanize. The issue is always how and when will we provide sewer to the area, the County’s four-mile sewer district stops right about at the bottom of this map, which is the Burlington Northern Line, or halfway between 13th and 21st Street. Now in more recent years, and months since the adoption of the comprehensive plan, the four-mile creek sewer system is closer. There is a residential development proposed just south of those railroad tracks to 13th Street off 127th. There is an opportunity for the four-mile creek sewer system to extend. There are also discussions that are going on along the 21st Street corridor, all the way back towards Webb Road between the developers and the Wichita Water Department about the possible expansion of the City’s system. This problem has always been that the War Industry Sewer which serves Beech area, and the area to the south and west of this has been overloaded and so it is difficult, and you would have to pump in some way the sewage over. There is some interest in pursuing that option and I think over the next several weeks or months, I think that we’ll find more about how this area exactly is going to be served. There is water that is being extended and I think within the next year, you will see water, City of Wichita water extended along 21st Street and down 127th. One or two of the owners in this area, the suburban homes, were asking about the availability of water in the future, and I think it will be there soon.

“Based on the availability of services, the expectations that this area is going to develop, the proximity of the K-96 interchange, we recommended approval in urban or urbanizing development areas, the Comprehensive Plan says that commercial corridors can be developed with shopping centers of this scale and type, and so this is consistent to netway. I would say also that the 21st Street corridor in this whole area and back to K-96 may someday look something like the West 21st Street corridor that is emerging as a major commercial corridor. We talked about Greenwich and 21st Street, and K-96 being a major commercial node for the county, and although a cemetery was approved and maybe developed on the inside of that K-96 interchange, we may find that instead, some of that potential commercial may be displaced and be on the outside of the interchange and eventually extend all the way out to 127th Street. The owner of this property came in, not in opposition to the request, but at the Planning Commission wanting to know whether or not this would help or hurt his chances for zoning his property some day to Commercial.

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“I don’t think anyone can give guarantees about how you may act in the future on a request like that, but I think that the consensus was that probably this would have more commercial development and possibly in this case, stripping back all the way to K-96 maybe the kind of form of development that may occur along here and would be appropriate to support the investment that we made on the major highway out there.

“There were a couple owners as I said in this area, who spoke at the Planning Commission; the other concern they expressed was about 127th Street, and its condition. It is a township road, and it is definitely in need of improvement. I think that this is an issue, whether or not this property is zoned, that does need to be looked at in the future. I think though, it is fair to say and the owner/applicant would say that this track is not going to develop anytime soon for commercial development. They are going to wait for the residential development to occur first. Their interest is trying to come little bit ahead of the game here, before there are to many residence to notify maybe out in this area and try to establish that zoning. So residents who do move in are aware that there will be a major commercial development at this intersection. The Planning Commission voted by a nine to one vote to approve the zoning change, and the CCUP as it was submitted. There were no protest petitions that were filed after the Planning Commission hearing and so it just takes a simple majority of the County Commission to approve.

“This is the aerial photograph. You can see that there is some tree cover and there is a house right on that corner. These are the scattered homes to the south and west, to the rest of the area for a ½ mile radius is agriculture. This is the Burlington Northern line, this is 21st Street and this is 127th. This is the picture of the drawing that you have of the CCUP that indicates the parcelization in the style that’s typical commercial development today. There would be four pad sites, four pad sites on about one acre of frontage for bank, restaurant, similar type uses, and one large track in the rear of the property for larger scaled supermarket or some similar use. We are looking now, just south of that intersection, looking west across the property, the trees and the existing house on the corner. This is looking east down 21st Street. We are sort of at a ridge here and it drains to the east beyond this. This is 21st Street looking east undeveloped on the north side of the street. We are now looking from 21st Street back south and east across the site, and in the background you can see the house on this corner track. This is looking to the north and east at the undeveloped land across 21st Street to the north, and this is the northwest corner of that intersection undeveloped today.

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“This is looking at the southwest corner of the intersection which isn’t developed, right across the street from 127th Street, and then this is looking west and south across the field which was all part of the original zone change which was filed back in January. This is the aerial photograph and the zoning map. I’ll try to answer any questions you have. The applicant’s agent is also here.

Chairman Winters said, “Thank you. Does anyone have any questions of Marvin? Marvin at this time I don’t see any questions. We will take public comment on this agenda item if there is anyone here who would like to speak about this item, please come forward.”

Mr. Rob Hartman, Professional Engineering Consultants, P.E., greeted the Commissioners and said, “I’m an agent for the applicant, which is Ritchie Associates, and we are in an agreement with the staff comments that I’d be willing to answer any questions you might have at this time.”

Chairman Winters said, “Okay, Commissioner Gwin.”

Commissioner Gwin said, “Rob, I noticed some comments in the minutes from the Metropolitan Area Planning Commission meeting that... even though this is plans for development for this are out a ways, that the applicant felt that this was the appropriate time to do this. Can you reiterate why he wants to do this at this time?”

Mr. Hartman said, “I think in the past there were some cases that have happened on the west side of town where people have developed housing areas and then come in later with commercial developments and there has been quite a bit of controversy. In this case the applicant also owns some of the surrounding property and he felt that if he got his zoning in place and everybody knew there was going to be commercial center here that might help alleviate some of the problems we’ve had in the past.”

Commissioner Gwin asked, “He still has plans for development on the east side of this parcel for residential?”

Mr. Hartman said, “Yes he does.”

Commissioner Gwin said, “Okay, thank you. Thank you Mr. Chairman.”

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Chairman Winters said, "Mr. Hartman, I would like to re-emphasize that again. In the future, the applicant does plan to develop residential housing in this quarter section of the east and south of this site?"

Mr. Hartman said, "That is correct."

Chairman Winters said, "Okay. Thank you. Any other questions? Commissioner Hancock."

Commissioner Hancock said, "Mr. Chairman and Mr. Hartman, just a couple questions. When you made the decision to change from LC to go to a CCUP, you felt like that was beneficial for you in terms of this particular development and serve your purposes better?"

Mr. Hartman said, "I think it helps everyone in a sense that it gives a little bit of flexibility to the land owner, but it also gives the surrounding neighborhood a little bit of confidence in knowing what could possibly go on there, and it helps them in the fact, in this case, there was some architectural controls and some other things that were put in place, that would definitely be beneficial to the surrounding neighborhoods."

Commissioner Hancock asked, "Will you develop the.... I'm trying to learn a little bit... What I'm doing is picking your brain for information here. When you made the agreement on the Community Unit Plan, what is the procedure for that? Do you sit down with the Planning Department and arrive at those little parts that make up that plan?"

Mr. Hartman said, "Yes we do. They pretty much have guidelines as far as some of the requirements that they expect on a Community Unit Plan, which has to do with access control, limiting the types of usage. Usually there are some restrictions in there as far as architecturally trying to have a totally compatible architectural unit, there are some buffering requirements, landscaping requirements that are normally required to go into place with the Community Unit Plan and so we try to set up the current design or development to meet all those restrictions."

Commissioner Hancock said, "The water and sewer that's not there now, but expected sometime in the future, was anything mentioned to you that the provisions of those two utilities be contingent upon your fulfilling the requirements of the City of Wichita's landscaping requirements?"

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Mr. Hartman said, “Yes we are aware that we will need to have the water and sewer in place before we can develop.”

Commissioner Hancock asked, “Did the City of Wichita, was any indication given to you that the City of Wichita would not provide those services unless you met their landscaping requirements?”

Mr. Hartman said, “No, not to my knowledge.”

Commissioner Hancock said, “Thank you.”

Chairman Winters said, “Thank you Commissioner Hancock. Any other questions of the applicant’s agent? I see none Mr. Hartman, thank you very much. Is there anyone else here today in the Chambers that would like to speak to this agenda item? Is there anyone else in the Board room who would like to speak to this item? Alright, I see no one, we’ll limit discussion to staff and the Commissioners. Commissioners, do you have other questions, Commissioner Gwin.”

Commissioner Gwin said, “Mr. Chairman I’m going to support this and we’ll make a Motion to do so, shortly, but first I want to say, you know there’s always the debate that goes on, in development, which comes first, the chicken or the egg, the residential or the commercial, and given some of the cases we’ve seen lately, I think this is probably a pretty good idea to do this kind of thing that the applicant is proposing. That way anyone who builds, buys, considers development in or around this intersection, will know there is a plan there, and what the plan is, and they can make their decisions accordingly, so we don’t end up as we do in so many cases. With the residential neighborhoods being nearby, and then someone wanting to develop a commercial corner. That gets very frustrating for the residential property owners. A lot of them have come forward and said we didn’t know what was going to go on, no one ever told us, and so in this case, I appreciate the applicant being able to be forthright and up-front and saying this is what I have planned, and this is what it’s going to look like. Here are some proposed possible uses, and so people can buy or develop nearby accordingly. I appreciate that, and I’m also aware that, and we have not extended the four-mile creek sewer system yet, but Mr. Spears am I not correct that this could, if we wanted, is this still not in a basin that would drain properly for a four-mile creek?”

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Mr. David Spears, Director, Bureau of Public Services, greeted the Commissioners and said, "I know Mr. Weber has had conversation with David Warren, with the City of Wichita, in regard to... you're right on the borderline up here, which way it can go, and I think David Warren has submitted some information to their Council members about the possibility of the City's serving certain areas over in there. But, yes, my recollection of this, yes it can be served by four-mile, our plan can."

Commissioner Gwin said, "So it just depends whoever wants to get there first, or whatever?"

Mr. Spears said, "Right, which is more efficient and cost effective and that sort of thing."

Commissioner Gwin said, "Alright, Okay, thank you. Mr. Chairman like I said, I will support this and am prepared to make a motion and then we'll see if there is any other discussion."

MOTION

Commissioner Gwin moved to adopt the findings of fact of Metropolitan Area Planning Commission (MAPC) and approve the zone change and Commercial Community Unit Plan subject to the condition of platting; adopt a resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until the plat has been recorded with the Register of Deeds.

Commissioner Schroeder seconded the Motion.

Commissioner Hancock said, "Thank you Mr. Chairman. I think, I know Ritchie Associates they have been one of the most responsible developers that this community is fortunate to have and any community that is destined to grow needs responsible developers who are capable of bringing, or making into reality the residential and commercial properties and certainly they have been, at least for us, one of the best developers and easiest developers to work with. They have always performed well, and done everything they have promised, and hopefully we have met our responsibility and serve them as well also. This is, I think probably, I'm not sure Marvin, this may be the first Community Unit Plan that we've had out in the County so far since our new zoning resolution came into effect. Am I right on that?"

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Mr. Krout said, "Dale Kuhn down on K-15 and 63rd Street."

Commissioner Hancock said, "His is a lot different than this one in its nature and"

Mr. Krout said, "It's not a typical neighborhood shopping center location."

Commissioner Hancock said, "I had forgotten about that, thank you. I still have reservations, not about the CCUP, I hope the developers are not coerced into using this kind of tool, because as near as I can tell, and I may be wrong, but from my observations, it is somewhat more expensive to develop this way than without it. I hope we're not doing a disservice to the citizens who chose to do developments, and to lack the financial wherewithal to meet these kind of requirements. I'm talking about the landscaping, and turning lanes, and so forth and so on...and I know in the past that when we have developed property, we have required that the applicant sometimes dedicate rights-of-way, for future development of streets. Again, if those streets are needed, the County comes in, or the City comes in and develops those turning lanes, so forth... At least that has been my experience in the County. This is a little different. I understand from the plan, they will be responsible, the developer will be responsible for paying for that street development. Is that right on this plan?"

Mr. Krout said, "Yes, and that is a standard, those extra lanes, you can attribute the method directly to that development. That is a standard procedure for platting properties for commercial corners. You know even in those areas that were zoned with four corners of six acres out in the County, typically what would happen is that they would want to expand to be on six acres and by that time they are in the city limits; even those acreage eventually have converted into CCUP's that were originally six acres out in the County. I think the Planning Department's position and I think the Planning Commission would agree, and you haven't had too many cases like this, but if you are in an area that clearly is urbanizing, clearly is the fringe of the central city, the standards for development ought to be similar. There ought to be an even playing field all around and I think that people developing under the CCUP provisions, haven't indicated to us that it's been burdensome in terms of the cost."

Commissioner Hancock asked, "May I ask you this though, will it be this kind of thing; building, turning lanes, when you feel it necessary, will it be a requirement of every commercial developer in the county?"

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Mr. Krout said, “Commercial developments of a scale of this size that would generate and would have enough traffic that they would generate that kind of demand for facilities above and beyond the standard two-lane or four-lane facilities.”

Commissioner Hancock said, “In other words, the answer is no, there is some flexibility.”

Mr. Krout said, “Sure, we didn’t require anything special for instance, Dale Kuhn’s property.”

Commissioner Hancock said, “What would happen if the applicant would disagree with your conclusions that they build the turning lanes, and be responsible for that sort of thing?”

Mr. Krout said, “Ultimately, if it’s an issue that is discussed in the CCUP, and sometimes they are just talked about in general or even left to be discussed at the platting stage, which is when guarantees for improvements of all kinds are made. The staff would make recommendations, the Planning Commission approves the plat, but the issue of improvements is ultimately by the platting regulations, the final decisions rest with the governing body, which would either be the City Council, or the County Commission depending whether it’s inside or outside the city.”

Commissioner Hancock said, “I’m just worried Marvin, that there will be requirements made upon developers and they just simply can’t afford; there are a number of developers who could afford to buy the property, can afford to build the building, and meet certain requirements such as landscaping, and then come up with and develop a very nice property, in a nice facility, but quite frankly, such things as turning lanes and guarantees on landscaping that hasn’t been in monetary guarantees on landscaping, that has yet to be installed, sometimes becomes a little burdensome for developers. I’m just curious how far we can... how much load we can put on commercial developers and not make it such an elite group of individuals in this community that we would lose a number of them.”

Mr. Krout said, “Well that’s the balancing act that you as elected officials have to deal with and I think it’s the balancing between trying to set high standards that everyone in the long term will feel are good standards for the community and maintain high property values verses whether or not you are actually doing something that is going to discourage development. We just haven’t had calls from people saying, we can’t develop this corner because of your regulations, maybe you’re hearing it, and if you’re hearing it, I would like to hear about it.”

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Commissioner Hancock said, “No, I’m not as of yet, because we haven’t had our zoning code in effect long enough to really see, to go through the processes that we see a spectrum of different types of developers. We have seen a couple so far, so, I’m ... I guess what I’m saying to you is, I’m expressing my concerns. I’m very happy to do it, I’m going to vote for this certainly, and this is a unique situation, I can see why Ritchie Associates are so successful. They think years in advance, but I am concerned about I guess the average citizen, someone who would like to develop some property, who has a good idea and the idea stands a reasonable chance or good chance of being successful. Yet, finds themselves at a disadvantage because of the financial requirements that we load on them as government, and I’m concerned about that sometimes.”

Mr. Krout said, “The City Council, after last April’s election, reviewed the landscape ordinance for the third or fourth time, I think since 1991 when it was first approved. One of the things they did was, and recommended it, in fact so there would be an assurance to be able to count on cost not becoming excessive for something like that. They put a lid on the amount of money that would be required to be spent for landscaping according to the ordinance as a percentage of the total construction of a project so that, and it varied, it was smaller for new construction, the percentage, because you spend a lot of money on new construction and a little bit higher for remodeling. I think remodeling and additions are the cases where a landscape ordinance really can potentially get you if you have to comply with an ordinance after you are already partially built and you’re just doing an addition. We have built in a lot of flexibility and do a lot of waivers, we have flexibility on these architectural requirements, sometimes more than I would like to see, hopefully if we hold some of the signs down, then developers can spend a little bit of money on landscaping and less on the size of their signs maybe, and so there is some compensation there. I think we are conscious case by case and lot by lot basis about the impact of these.”

Commissioner Hancock said, “Thank you Marvin.”

Mr. Krout said, “Let’s us know if you get complaints that we would like to follow-up on.”

Commissioner Hancock said, “You know me, of course I will.”

Mr. Krout said, “Okay.”

Commissioner Hancock said, “Thank you Marvin, thank you Mr. Chairman.”

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Chairman Winters said, "Thank you Commissioner Hancock. We have a Motion and a second before us to adopt this resolution. Is there any other discussion? Seeing none, call the vote please."

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."

- 2. CASE NUMBER SCZ-0713 - ZONE CHANGE FROM "SF-20" SINGLE FAMILY TO "LC" LIMITED COMMERCIAL ON PROPERTY LOCATED AT 15100 WEST U.S. HIGHWAY 54, APPROXIMATELY 1/8 MILE EAST OF 151ST STREET WEST ON THE NORTH SIDE OF WEST KELLOGG.**

SLIDE PRESENTATION

Mr. Krout said, "Well, here is a small business man with an idea and what he wants to do is get zoning to be able to use this site as a small office possibility of an office suite concept and maybe other uses. This is one acre, it's a few hundred feet east of the intersection of Kellogg and 154st Street, on the north side of Kellogg, it's out in the far west side of just beyond the Wichita limits. You can see that there is substantial zoning already in place. You will see some development too, of that zoned area for... the pink area is General Commercial and the purple area is Light Industrial. This is Light Commercial zoning, this is General Commercial zoning, so the pattern is already established largely along this portion of Kellogg by the zoning and the uses that you'll see. There are commercial uses along the south side of Kellogg. There is a night club immediately at the corner and immediately west of this site and there are other uses further to the east. There are residential properties just to the east and to the north of this site, and the yellow area represents the Residential zoning both for this track and for the areas to the east and north.

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“The zoning is SF-20 which is Suburban Residential and the owner filed for Light Commercial zoning, LC zoning. There is an existing home and accessory building on this site. The owner indicated that his intention is to use this site for an office, general office for his business and his business is to provide supplies to local groceries, non food supplies to local groceries. This is basically an office use and could fit into the Office zoning. He also indicated the possibility that he would like to develop and lease out space under some kind of office suites concept for some of the remaining space between the main building and accessory building here. It also could fit under General Office and even Neighborhood Office zoning district under the zoning code.

“The third option that he mentioned to the Planning Commission was that if none of those pan out that he would like to also have the flexibility to be able to lease some space for retail users. I think he specifically mentioned interest of a satellite/TV sales a dealer had, and maybe making use of this site. That kind of use, a retail use or service use like that would require a higher zoning than Office. The request was for Light Commercial zoning. He also pointed out to the owner at the Planning Commission that this particular site was apparently used for some time by the previous owner as a non-conforming use. The owner lived there but also had a... published a magazine basically out of the accessory building in the back of the facility. I think that non-conforming use ran out and so he does need to legalize the office use to at least Office zoning, if not Light Commercial zoning.

“The staff recommended approval of Light Commercial zoning. We recommended approval because of the budding Light Commercial, because of the Industrial and General Commercial zoning along this corridor in general, because we think this corridor is appropriate according to the Comprehensive Plan for commercial development, and that’s what eventually is going to happen along this whole corridor. The owner to the east, who shares a drive by the way, a private street, with this property, that has joint access out to Kellogg, did express objections at the Planning Commission meeting about commercial uses. As a result, the Planning Commission decided to vote, and they voted unanimously to grant General Office zoning. The GO zoning district, rather than Light Commercial. That means that the office use for his personal business or for the office suite concept would be permitted, but any other retail type or commercial types of operations would not be permitted and I think the Planning Commission’s reasoning was that because the, as long as that residential owner was using his property for residential use, and until this owner had a more specific retail commercial use for the property, that office would be a better buffer for the neighboring properties to the north and the east.

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“So, I think that they saw that at some time this might change again to Light Commercial zoning, but at this time General Office seems to take care of the needs of this property owner. The owner, at least at the Planning Commission meeting, seemed willing to accept that.”

“There were no written protests that were filed after the Planning Commission hearing. The owner of the applicant as well as the owner to the east are both here this morning and probably will address you, but because of the Planning Commission’s recommendation for General Office zoning based on State law and the local zoning code in order to override the General Office recommendation and approve the higher Light Commercial classification, it would take four votes of the County Commission at this time. You can also send it back for reconsideration, and on the second round you could approve it by a majority vote, but would take four votes this morning to approve anything higher than General Office.

“This is the aerial photograph, it gives you a better idea, there’s the house and accessory building, this is a night club, there is another commercial use here. This is a RV Sales operation, you will see an adult night club here and an industrial use further to the east. This is the site we are talking about. We are standing at the, well this is the Kellogg right-of-way line here, and this is the house and accessory building that is proposed to be used for the office. This is the private street that is used jointly by the three property owners really out here. Here is the property owner to the east of that site who is here this morning to speak about the Office verses Commercial zoning.”

Chairman Winters said, “Marvin, can you back up for a moment?”

Mr. Krout said, “Sure.”

Chairman Winters asked, “What’s that building on down there on the left hand side? Yes.”

Mr. Krout said, “I think that’s a garage that is related to a house that is beyond there and further to the north. There are three houses today that share this drive.”

Chairman Winters said, “Okay, thank you.”

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Mr. Krout said, "We are looking now east on Kellogg. This is the north Kellogg right-of-way line. There is a kind of ... I forget exactly what kind of use, but sort of a commercial use that is down there in zoning that is definitely General Commercial. This area is still zone Residential today. We are looking now south of Kellogg at the large industrial building on the south side of Kellogg from the site itself. This is looking again, south of Kellogg and west of the industrial building at the adult night club on the south side of Kellogg, and the RV Sales that's just short of the intersection of 151st. This a regular night club that is just immediately abutting just on the same side of Kellogg, and just west of the house we are looking at for re-zoning. This is the night club we just looked at. This is the house to the north and that, I think it's a garage that you asked about before. This is the private street that provides access to those properties."

Chairman Winters asked, "Where does that house to the north get access?"

Mr. Krout said, "It looks like it access off of 151st as well. I can't really tell. It looks like there is a driveway there, but I can't remember."

Chairman Winters said, "Okay, thank you."

Mr. Krout said, "Here is the zoning map again for your reference. Do you have any questions about this case?"

Chairman Winters said, "I see no further questions for you at this time, Marvin."

Mr. Krout said, "Okay."

Chairman Winters said, "We will take comment from the public on this item, and I would begin by asking if there is anyone here who would like to speak in support of this, or if the applicant or his agent is here and would like to visit about this; this would be the time to do that. Is there anyone who would like to speak, please come forward. Give your name and address for the record, and try to limit your remarks to five minutes."

Mr. Bob Redmon, 15100 West Kellogg, Wichita, Kansas, said, "I would like to say good morning to everyone here. I appreciate the opportunity to present our case to you about this subject matter. I live in Garden Plain, Kansas at 31727 West Harry. The property we are speaking about is 15100 West Kellogg."

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“The reason that this was brought to everyone’s attention is the property was formerly used as a residence with a back building, which Marvin presented to you was used as a printing plant. It had a non-conforming commercial use, which I understand is still yet in effect. The facility, it was vacant for maybe nine, ten months, or maybe a year. I opted for Light Commercial so I would have a little bit more flexibility only because I am a small business person. I have an idea. I want to use it for my own offices and to try to develop it into an office-suite complex. I have a suite-complex in Kansas City. It is a little bit different, but I do some development.

The building is owned by Redmon Housing. We develop property so it will also be an office there and we do supply through a company called DSD Non Foods. We do supply Circle K, Food-4-Less in the area, with non-food products. The reason I ask for the LC is, it is an idea, and we do not know that it will be successful. I may be before you today, if you go with General Office, only because we haven’t researched it, we’ve researched what’s in the city. There does not appear to be any developments at this time. One mid-town, one out by Town East, nothing on the west side. It does look like the office suite concept. It would be one that would work out, but we would like to have a Light Commercial only because if it doesn’t, then we don’t have to go through another zoning change. I would be happy to answer any questions that anybody has, here from the Commissioners.”

Chairman Winters said, “Mr. Redmon, I think you clearly said this, but at the present time, you don’t have, if we did talk about Light Commercial, you don’t have a project in mind?”

Mr. Redmon said, “No I do not, that is correct.”

Chairman Winters said, “Okay. Alright, thank you. Is there anyone else who would like to speak to this agenda item? Either for or against. Thank you. Come forward, give your name and address and we’ll try to limit remarks to five minutes.”

Mr. Lloyd Bruss, 1528 Wheat Lane, Wichita, Kansas, said, “This is my residence, and I’m so close to the highway frontage that when I first bought this property, there wasn’t hardly anything out here, in my area. I was ignorant at what I was doing, and so, I’ve been out here since 1975, out there and, well, and I am at your mercy, so to speak. I would appreciate if you all would vote for keeping it residential, Suburban Residential. That’s all I’ve got to say.”

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Chairman Winters said, "Okay, thank you. I think we have a question. Do you have a question of Mr. Bruss."

Commissioner Hancock said, "Well, I'm a little confused. Who owns the property?"

Chairman Winters said, "Mr. Redmon."

Commissioner Hancock said, " Sure enough, Okay, and you lease the property?"

Chairman Winters said, "No, he lives directly east."

Mr. Bruss said, "No, I live in a residential, suburban residential home there."

Commissioner Hancock said "Just to the east."

Chairman Winters said, "Just to the east, do you live east of this property that Mr. Redmon owns?"

Mr. Bruss said, "East, east of it."

Chairman Winters asked, "Do you want to see that map again?"

Commissioner Hancock said, "Yes, I didn't see anything."

Chairman Winters asked, "Fred, can you put the map back up, and lets identify exactly where at. It might be best if we can get to that, to the overhead shot."

Mr. Krout said, "To the last line, then I just work back a couple..... we are talking about property just to the east. Now the aerial photograph can show you, right there. This is the property we're talking about."

Commissioner Hancock said, "Oh, okay."

Mr. Krout said, "Then I think that I can take you back to that private road they both shared."

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Commissioner Gwin said, "There, that's his house."

Commissioner Hancock said, "Okay, Okay."

Mr. Krout said, "In what the concerns are with light commercial, you know at first, you may have read in the minutes, that I thought looking at this at first, that this was the drive that would probably have screening fence, so there would be a buffer between the commercial and residential. There are, is going to be a little bit of a complicated platting procedure because we've got Kellogg frontage and we've got this shared private road, and this road may need to be dedicated as a street with access out there to the future. If this becomes a street, then there is no screening requirement because this becomes access, and I think the owner doesn't want to put a six foot fence along this area. That may be another reason why, as long as this property is residential, it should be limited to office verses more intense commercial uses."

Chairman Winters said, "Just one clarification, Mr. Bruss, which is your house now? Is that gray house.....?"

Mr. Bruss said, "Yes, this one right there."

Chairman Winters said, "Okay. This, on the left hand side of the screen where that white car is..."

Mr. Krout said, "That's the accessory building. Then, that is that building."

Chairman Winters said, "Okay."

Mr. Krout said, "That building, and then this house also, both of these buildings would be used for office or commercial."

Mr. Bruss said, "That is a home in the back, it's not a garage?"

Chairman Winters said, "Both of these buildings we see here, are what Mr. Redmon would intend to use for the office."

Mr. Krout said, "Yes."

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Chairman Winters said, "Okay, I better understand that now. Do you have any other questions, Mr. Hancock?"

Commissioner Hancock said, "No, I appreciate that, thank you very much."

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

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

Chairman Winters asked, "Are you done with the photographs?"

Commissioner Miller said, "Yes, I'm done. Mr. Bruss, can you explain to myself and anyone else, why it is that you feel that this change in zoning, and that having an office/suite across the street from you, is what it looks like, would, how it would impact you? How would it change things for you?"

Mr. Bruss said, "Well, it can do it several different ways, you know. Commercial, it can ruin a persons home, home life actually. It can do that. For instance, when I first moved out there, there wasn't any drinking establishments or anything. I was ignorant in what I was doing when I bought that property. You know they can come and go, day and night, keep you awake at night, all kinds of things. That's all I know."

Commissioner Miller said, "Okay."

Mr. Bruss said, "It's my home, that's all I know about it."

Commissioner Miller said, "Certainly. I understand that. I was listening to Mr. Redmon, and do you feel that you have a clear understanding of what he's proposed? It sounds as though he is not sure of what he is going to do there."

Mr. Bruss said, "Yes, he is not sure of what he wants. He can change his mind anytime he pleases."

Commissioner Miller said, "Is that why? That's why you are concerned. Okay."

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Mr. Bruss said, "That's what I'm saying. I would like to get it cleared up, you know. He can come up here and change it whenever he pleases. I'm either out or he's out."

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

Chairman Winters said, "Thank you Commissioner. Any other questions of Mr. Bruss. Thank you very much for being here. Is there anyone else who would like to speak to this item? I don't think we have any more questions. Thank you Mr. Bruss. Anyone else who would like to speak to this item?"

Chairman Winters said, "We have the applicant who would like to make one more short point."

Commissioner Miller said, "That's fine."

Chairman Winters said, "Come forward Mr. Redmon. You've kind of had your time, but just make.... Thank you."

Mr. Redmon said, "Okay, I appreciate it. One comment concerning the residential. The property came on the market at a very high price, and nobody wanted to live there because of the adult night club across the street, the Siesta Lounge, nothing against that type of business. The Siesta Lounge to the west. The property continued to decline in value, and all I'm trying to do is to get the highest invested use for that property I possibly can. I also realize my tax basis is going to go up with a Commercial zoning, but that's to be expected. That's all I have to say."

Chairman Winters said, "Thank you very much, I appreciate that."

Commissioner Miller said, "I do have a quick question. Mr. Redmon, excuse me Mr. Chairman, once again you're just simply not sure of how it is that you want to use this property, or..."

Mr. Redmon said, "Well, until we get approval to the platting, have the architectural layouts, put in the financing, do the, at least the first suites, you're never sure. We are three miles from Wichita City limits. That may cause a little deterrance. We are going to take it one step at a time, just trying to be conservative business people in this development."

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“I do have plans. My plans are to tie the two buildings together, and to put in some suites. That’s what I have. Specialize in one-man suites. I know of several that are in the city. They are highly successful, all occupied. So that’s my plan. Okay.”

Commissioner Miller asked, “Office business suites?”

Mr. Redmon said, “Yes, just office suites. That’s right.”

Commissioner Miller said, “Office?”

Mr. Redmon said, “That’s right. That’s all it is, office suites. Okay, and we use it right now as far as an intrusion, on Mr. Bruss’ life, we have three employees, which is probably less than the normal family as far as traffic. We do not plan on having any intrusion into his residence or anything like. It’s very light business activity. No big trucks rolling in or anything like that. Okay. Any other questions? Thank you.”

Commissioner Gwin said, “Yes, I do Mr. Redmon. Again for clarification, the buildings that we saw in the slides, then you’re not planning to tear those down and build something else? You’re going to connect the two existing.....”

Mr. Redmon said, “My attempt would be, providing that engineering is sound and everything is....., because the home itself is a nice home. My plan would be to use it for a main suite, to operate the business out of, to tie the two together, and take it from there. If the demand were there for more suites, we would add more suites. Thank you.”

Commissioner Gwin said, “Thank you.”

Chairman Winters said, “Thank you. Any other questions Commissioners?”
Commissioners, I think that I’m going to be in support of Metropolitan Area Planning’s (MAPD) recommendation that we change this to Office General zoning. I would say, I think to Mr. Redmon and Mr. Bruss both, that this certainly is a commercial type area. With all of the other activities on both the north and the south side of Kellogg, there is little disagreement that this is a pretty commercial stretch.

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“More so on the south side than on the north side. I’m going, to again lean towards the MAPD’s recommendation that at least General Office would be a kind of buffer between the existing residences that are there and the more commercial businesses directly to the west, and then on west across 151st Street. I guess if anybody would like to visit about that, I think that’s going to be the course I’m going to follow. Commissioner Miller.”

Commissioner Miller said, “Office General, or Light Commercial?”

Chairman Winters said, “Office General was the recommendation of the Planning Commission, not Light Commercial.”

Commissioner Miller said, “Okay. I have a follow-up with Marvin. Just give me a schedule of what the difference is.”

Mr. Krout said, “The General Office category allows office uses. It allows medical clinics, it allows some residential uses, it allows churches, day-care centers and some other uses. Primarily, it’s a district for office uses. That means that it doesn’t permit service businesses or retail businesses. The Light Commercial district would allow restaurants, video stores, liquor stores, auto repair operations or auto service operations. It’s definately a heavier district. It allows more uses. Now I will say, that the Light Commercial district does not permit without a separate special request for conditional use; a drinking establishment, or a night club. If it’s within 200 feet of a Residential district. If you were to zone this Light Commercial, that would not mean that another night club could go adjacent to residential without a separate public hearing or a drinking establishment. Other retail and commercial uses would be permitted in the LC district.”

Chairman Winters said, “Marvin, I have a question. Commissioner Miller had you completed? Marvin, I certainly appreciate Mr. Bruss’ comments about his residence being there, but as a Planner, talk to me about how we should view a street like Kellogg? I mean, I’ve been involved with the neighborhoods a mile to the north of this area, and of course they say, well push all the development back to Kellogg. That is what Kellogg is for is commercial development, and push it out of our area, but Kellogg is the place. As a Planner, how do you look at Kellogg? I know we don’t want to have mile-to-mile commercial all the way along, but if there is any street in the County that might be susceptible to non-stop commercial, would it not be a street like Kellogg?”

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Mr. Krout said, “Sure, in fact that I would say this is a mile where we would expect mile-to-mile commercial, and we do have mile-to-mile commercial on some segments of Kellogg. I think that we need to, as the area plats, we need to look at the capacity of Kellogg and make sure we handle the traffic wisely. I think that, that’s what we’re going to see if we can fit in, as we have done with platting in the mile section and others, try to make sure that there is potential for a frontage road in the future, so that you can concentrate the traffic, that or and not allow just unimpeded access along the State highway. In fact, the State may have something to say about that themselves. I think particularly since, I wasn’t going to raise the issue about the residential development to the north of Kellogg, but that is what residents in that area were saying, is that Kellogg is a more appropriate location for commercial development, so, and we agree. The Comprehensive Plan says the same thing. That this makes the most sense, and that a corridor like Kellogg is the appropriate place to collect those odd kinds of uses that don’t find themselves necessary in a neighborhood shopping center at a typical arterial intersection. It is an appropriate place for heavier commercial and even light industrial development that you see on the map and in the slides.

“I think the question that you’re grappling with here is sort of a timing question. We have a similar question come up, on a almost regular basis, along east Kellogg in the City where auto dealers are expanding generally from Kellogg back to the south into a residential neighborhood. The general policy is to permit businesses to expand and to allow that, at least one block south onto Orme, which is the first block south. We try to create some kind of buffers and access controls to realize that there is an interim situation, and in that time we should try to provide some kind of buffer for residences. Originally, I would say, when the staff looked at it we said Light Commercial because of the extent of zoning and to try to provide the flexibility for lots of things to happen on Kellogg. I think eventually that needs to be the case. What worries me a little bit about this case is I think that we assume that there would be a screening fence between these properties. It looks now as I was looking at the Planning Commission recommendation, looking at the slide during the Commission hearing, is though this will probably be platted as a street. The owner doesn’t want a fence to separate his properties. He wants the visibility and the openness for the entrance to his office suite concept. It does seem to me that I certainly can go along with the Planning Commission on this issue and say that, if the office suites don’t occur, if it doesn’t get off the ground, if something else is not happening, then this owner can come back in. He does pay a fee, and starts the process over again, but I think then you have got a little bit more review. Eventually, this owner to the east may get a knock on the door from someone who wants to do something similar with his property.”

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Chairman Winters said, “Thank you very much. I would hope that Mr. Redmon is successful, and I would hope that would enhance the whole value of that whole corner, including Mr. Bruss’ property. I would agree, if the office suites don’t work, or another good idea comes along, I would certainly be willing to listen to it, because again, Kellogg is a street that is going to be a commercial street. I think as we go through the timing process, I’m comfortable with this buffer there now of just making it Office General. Commissioners, any other comments or questions?”

MOTION

Chairman Winters moved to adopt the findings of fact of MAPC and approve the zone change subject to the condition of platting; adopt the Resolution and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

Commissioner Miller said, “Yes, I just need to say to Mr. Bruss and to Mr. Redmon, that I can feel fairly comfortable with being able to support MAPC recommendation and that is the General Office zoning change. The reason why, is because I believe that it will restrict that property’s usage probably to the point where I’m hopeful that it would not infringe upon a good life for you and your family members there. I would not be supportive of a Light Commercial at this time. I do wish you all the success in the world. Thank you.”

Chairman Winters said, “Thank you. Is there any other discussion on this Motion? See none, 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. Thank you Marvin. Next item, please.”

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NEW BUSINESS

D. RESOLUTION ESTABLISHING HOLIDAYS TO BE OBSERVED BY SEDGWICK COUNTY IN 1997.

Mr. Stephen B. Plummer said, "You have in front of you our standard Resolution establishing County Holidays for 1997. There are no changes from previous years except for the Chairman's birthday. I recommend you adopt the Resolution as presented."

Chairman Winters said, "No, the birthday is not in there, I checked. Commissioners you've...."

Commissioner Hancock said, "This is for next year. We talked to Melody about this....."

Chairman Winters said, "Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman I have one question. We based our holidays a lot on what the State does, isn't that right?"

Mr. Plummer said, "Right, and the reason we do this at this time, is that everyone in the Courthouse needs to know what our plans are so they can adjust their calendars accordingly. Yes, it is based on the State."

Commissioner Schroeder asked, "Is the State's 4th of July holiday, like for instance this year, is it a two-day?"

Mr. Plummer said, "It's 4th of July."

Commissioner Schroeder said, "Is it two days or is it one day?"

Mr. Plummer said, "I don't know that."

Commissioner Schroeder said, "I was just curious because I do hear complaints once in a while about how our holidays are determined. It's basically done on what the State does."

Commissioner Hancock said, "We work a little harder."

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Commissioner Schroeder said, "We do work a little hard."

Commissioner Gwin said, "I will quit complaining

Commissioner Hancock said, "They have more holidays."

Mr. William P. Buchanan, County Manager, said, "Cases in the previous administration when the State was given extra holidays, and we did not, and often times that's what generated."

Commissioner Schroeder said, "Maybe that was it, okay. Thank you. Thank you Mr. Chairman."

Chairman Winters said, "Commissioners, you have heard Mr. Plummer's report, what's the will of the Board?"

Commissioner Gwin said, "I move we adopt the Resolution and add my birthday. Oh, wait a minute, I think my birthday is on there already."

Chairman Winters said, "Yes, must be. We'll just adopt the Resolution I think was Commissioner Gwin's..."

Commissioner Gwin said, "No, Veteran's Day is on there. That's my birthday."

Chairman Schroeder said, "Oh, okay."

Commissioner Gwin said, "Yes, see, it works out real well for me."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Miller 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."

E. RESOLUTION AMENDING THE UNIFORM FIRE CODE AND THE SEDGWICK COUNTY CODE REGARDING PROHIBITION OF BURNING DURING PERIODS OF HAZARDOUS CONDITIONS.

Mr. Gary E. Curmode, Fire Chief, County Fire Department, greeted the Commissioners and said, "As you see the Resolution before you under the Uniform Fire Code 1994 addition that we have adopted here in Sedgwick County, I have the discretionary authority through that policy to recommend to the State Fire Marshal's office certain things of banning, burning and so forth. What we have worked real hard with, with our Legal Department here in Sedgwick County is to give explicit authority to me to make some decisions. What that would mean is if we have similar drought conditions like we did January through April, and Sedgwick County is the only County involved, right now I would have to make a recommendation to the State Fire Marshal to get some additional strength to put into force, some real teeth into banning some burning. This would give me explicit authority if I see that our needs are different than the other counties, I can go ahead and institute that almost immediately. Then inform the State Fire Marshal what we're doing. It gives us a real good close watch over our own conditions and I would recommend that you adopt the Resolution. I'm available for any other questions."

Chairman Winters said, "Thank you. Commissioners are there questions of Chief Curmode?"

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MOTION

Commissioner Schroeder moved to adopt the Resolution.

Commissioner Hancock seconded the Motion

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

VOTE

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|--------------------------------|-----|
| 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. Next item."

- F. RESOLUTIONS (4) AUTHORIZING DISPOSAL BY DESTRUCTION OF NONCURRENT COUNTY GOVERNMENT RECORDS, PURSUANT TO THE GOVERNMENT RECORDS PRESERVATION ACT, K.S.A. 45-401 *ET SEQ***
- 1. APPROXIMATELY 160 CUBIC FEET OF MOTOR VEHICLE TAX RECORDS FOR THE PERIOD 1976-1981 HELD BY THE COUNTY APPRAISER AS CUSTODIAN.**
 - 2. APPROXIMATELY 53 CUBIC FEET OF INTANGIBLE PROPERTY TAX RETURN COPIES FOR THE PERIOD 1960-1987 HELD BY THE COUNTY CLERK AS CUSTODIAN.**
 - 3. APPROXIMATELY 111 CUBIC FEET OF PROPERTY TAX ROLLS CORRECTION ORDERS COPIES FOR THE PERIOD 1965-1988 HELD BY THE COUNTY CLERK AS CUSTODIAN.**

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4. APPROXIMATELY 73 CUBIC FEET OF MOTOR VEHICLE TAXATION RECORDS FOR THE PERIOD 1981-1983 HELD BY THE COUNTY CLERK AS CUSTODIAN.

Mr. Douglas King, Records Manager, County Clerk's Office, greeted the Commissioners and said, "I'm presenting today four records disposal cases. They total 397 cubic feet. That is 160 cubic feet proposed by the County Appraiser, and 237 cubic feet proposed by the County Clerk. Stating these and other turns, these are nearly eight tons of paper records. The Appraiser's records are stored in the Courthouse, disposing would free an estimated 38 square feet of office space because the space in the Courthouse is more expensive space than in the salt mines. This space is valued at about \$2600. That's using a \$70. per square foot rate. The Clerk's records would eliminate storage fees of about \$426. per year. All these records are routine, they are source documents that feed into reports that are retained permanently. All have been reviewed for legal, fiscal and archival historical values. At the suggestion of Becky Bouska during the review and discussion among the other reviewers, we will begin keeping samples of records that we dispose of so that we'll have that as part of the permanent record of disposal. So, at this time I would recommend that you approve the four Resolutions to dispose of records as stated in the agenda. I'm available for any questions you may have and I can also provide a brief report on the status of the overall program."

Chairman Winters said, "Just a clarification of technicalities. Do we have four Resolutions for each one of these items, or is there one Resolution?"

Mr. King said, "There are four Resolutions, one for each disposal case."

Chairman Winters said, "Okay. Thank you."

Commissioner Gwin said, "We may take them together Mr. Counselor?"

Mr. Plummer said, "Looks like it, yes you may."

Commissioner Gwin said, "Okay."

Chairman Winters asked, "Commissioners are there any discussions, or any questions of Mr. King, or any comments?"

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MOTION

Commissioner Schroeder moved to adopt all four Resolutions.

Commissioner Gwin seconded the Motion.

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

VOTE

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|--------------------------------|-----|
| 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. Doug, do you wish to say anything else about your program?"

Mr. King said, "Yes, if I may. I would just like to report briefly on the status on some of the items I brought before you in the past. The project scan, County Commission Minutes, for the period of 1990 through 1995 is well underway. In fact we have an individual from Office Automation down in the office right now. He's nearing completion of the scanning portion of that project. He should be finished either today or tomorrow, and that's 46,000 pages. The next stage there will be, they will take those optical disks that they have created downstairs in the Clerk's office; take them back to their office, index them and then convert them to the CD ROM's. That should be done in the near future.

"Then on the project microfilm of the historic records that were found at the salt mines, we have retrieved most of the 1870's and 1880's Assessment Rolls. They're also in the Clerk's office, and we started late last week cleaning those up and getting those prepared for filming. We also have some volunteers who came forward and we're interested in that project and will be helping. We are trying to get that organized. There are three volunteers already and we hope there will be some more. Also, I'm already working with two other departments on disposal, and these four cases and the upcoming disposal, Assistant County Counselor, Jennifer Reschke is helping on, and I will be involving her at an early stage in the process."

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Chairman Winters said, "One quick question on the Commission Minutes, why would we start with the most current as opposed to going back with older Minutes?"

Mr. King said, "That's a good question. In putting these in electronic format, we thought these would be the period of time which would be most useful for research, by your folks, and by the county counselor and other county departments because a lot of these decisions that are most recent were the ones that needed to be referred to again. Also, these are the ones that are really the cleanest to scan from the stand point, for instance, so far, the individual that is doing this has only found one piece of paper that wouldn't scan in cleanly. That was an aerial photograph that was too long, and also the contrast was too low to read in. A lot of the older materials aren't really going to scan successfully; a lot of them are oversized, they won't go through the scanning equipment, a lot of them are handwritten, well, if you get back far enough, they are handwritten and they will scan, but you don't have the capabilities of doing an optical character recognition search. Some of the other fancier, more useful capabilities with scanning that you have with more recent, and it's good, clean project really to test this out"

Chairman Winters said, "Alright, thank you. Good answer."

Mr. King said, "Thank you."

Chairman Winters asked, "Any other questions? Seeing none, thanks Doug. Next item, please."

G. CONTRACT WITH RONALD VEGEMAST ENGINEERING, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES RELATED TO THE DETAILED DESIGN, SPECIFICATION, PROCUREMENT AND IMPLEMENTATION OF A MOBILE COMPUTER COMMUNICATIONS SYSTEM.

Mr. Michael D. Hill, Sedgwick County Sheriff, greeted the Commissioners and said, "As you remember, golly, it was the first part of last year, we applied for the Multi-Departmental Grant for mobile digital computers. We got word that we could start spending down a month ago, and this is our next process in that. That process is getting a consultant on board."

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“The committee is recommending that Ron Vegemast Engineering, Inc. who is already on board, working with Becky Stewart in Emergency Communications in upgrading and solving the problems, which have, or are close to being solved of the 800 MHz. that he continue. He has the knowledge and works with us and the other committee members to determine the best system; the procurement, the specifications for the system and aid in the implementation of the system.

“There has been a lot of inquiries as to, what are we looking at. This isn’t what.. this may or may not be what goes into the car, but this is what we’re talking about. This is a part of the mobile digital computer that goes in the operator’s compartment of the car. It’s a small computer screen, the typical computer board. It will be programed for multiple things. At night there is a small light. There is a unit in the back of the cars, and needless to say that goes into the back bone, dialing 911 and then through all the whistles the bells, and the magic, gets into the computers and as soon as they hit the button, or whatever, they have the response. This is a part of the grant. It is supported by \$2,600,000 dollar grant, and I would highly recommend that you allow the Chairman to sign to get this guy on board and get the process started.”

Chairman Winters said, “Okay. Two quick questions from me Sheriff Hill. One is, I’ve been in one meeting where, well, more than one where Ronald Vegemast has been there, and I’ve been very impressed with him from your knowledge of how the 911 situation is coming, he seems to be a very capable person, and comes with a high recommendation and credentials.”

Mr. Hill said, “Very much so, Sir. In fact, this is just a legitimate and the right way to continue, and if we didn’t go this way, we would be stepping back, and having to lose time.”

Chairman Winters said, “Secondly, I guess this may be as much as a comment, but any kind of apparatus such as this, using newer technology is going to allow our deputies to do whatever task they’re doing, and do it quicker and more efficiently and thus give them more time to be else where. Is that a good statement?”

Mr. Hill said, “In the study that we did, there are 192 of these units that have been identified with all entities, law including Wichita State University in the metro flex area. We equate that, ‘time saved.’

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“We equate that to 80 law enforcement personnel a year because there are times on a Friday and Saturday when they run a record check, and because..... you’re talking 30, 40 minutes and here.... when it gets up in operation and all the bugs are out, it will be instantaneous.”

Chairman Winters said, “I think it looks like a good project. I know I got home yesterday and picked up my US News and World Report, and the cover story was dial 911.... hello this is 911, please hold. I think this is going to be one of the systems that will let our whole system function better. Hopefully, we can avoid some of those problems that other communities are having.”

Mr. Hill said, “Mr. Chairman, if I may, as we work our way through this, and the Fire Chief and his guys and gals are here, and EMS, they are excited, too. The piece of equipment that the grant is purchasing, the back bone, when monies are found and because it’s cops More grants, this has to be law enforcement. When monies are found, this back bone equipment that is being purchased, and the County is coming up with a 25% match, will allow them also to utilize the back bone for their uses. This is just a beginning of all emergency services. Eventually, having something similar to this in their particular units, that they believe the units ought to be in.”

Chairman Winters said, “Thank you. Commissioner Gwin has a statement.”

Commissioner Gwin said, “Just for clarification though, Sheriff, the cops More grant didn’t just approve these computer terminals for Sedgwick County Sheriff’s Department. City of Wichita, and the other small cities in and around Sedgwick County are also going to be the beneficiaries, are they not?”

Mr. Hill said, “In your back-up material, Attachment A, there are 192 units that have been identified, and Kechi gets one, because of the size of their community, they get one. Then it starts progressing up, and most of the units, or the departments get two, three, four, five and then the Sheriff’s Department, we get 65, and the Wichita Police Department, they get 84. If the particular departments want more, when we go out to purchase these particular units, and they have local monies, they can purchase more. This is what the grant covers. There is 192 total for all 20 law enforcement entities in the metroplex area.”

Commissioner Gwin said, “Okay, thank you. I just wanted some clarification on that.”

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

MOTION

Commissioner Miller moved to approve the Contract and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

VOTE

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| 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 Sheriff Hill. Next item, please."

H. GRANT APPLICATION TO KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR FUNDING OF ONE JUVENILE RESIDENTIAL FACILITY CASE MANAGER POSITION DURING THE SECOND HALF OF 1996.

Mr. J. Kenneth Hales, Director, Department of Corrections, greeted the Commissioners and said, "Since 1994, we've been the recipient of an annual grant from Social Rehabilitation Services (SRS) to provides us approximately \$16,000. to fund a particular case manager position at the residential facility. They provide this money because that position links kids and their families to necessary community services, and thereby reduce the need for, or possibility of out of home placement. This position also provides very valuable services to us, because it functions as our population control officer for the residential facility. If awarded, the State would provide a \$16,154. toward the funding of that particular position. I recommend the Commission to approve the grant and authorize the Chairman to sign."

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MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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|--------------------------------|-----|
| 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. Next item."

I. CAPITAL PROJECTS OFFICE. .

1. PROPOSAL BY SOUTHWESTERN BELL TO RELOCATE A PHONE LINE THAT SERVICES CALVARY BAPTIST CHURCH, IN CONJUNCTION WITH EXPANSION OF THE ADULT DETENTION FACILITY. CIP PROJECT #1995 PB-258.

Ms. Stephanie Knebel, Project Manager, Capital Projects Office, greeted the Commissioners and said, "This agenda item requests your approval of proposal from Southwestern Bell to relocate a phone line that services Calvary Baptist Church. This item is located on pages 138 to 144 of your back-up information. This work is requested due to the expansion of the detention facility, north of it existing location. This proposal will provide for an underground service line that will maintain telephone service separate from the detention facility and the Courthouse, just as it is now. This relocation will be coordinated with staff from the First National Black Historical Society, and the relocation of the Elm Street storm water line. The cost of this relocation has been estimated at \$2,113. and will be funded from the detention facility expansion project. I recommend approval."

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MOTION

Commissioner Hancock moved to approve the proposal.

Commissioner Gwin seconded the Motion.

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

VOTE

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

2. PROPOSAL TO RELOCATE A PORTION OF A GAS LINE OWNED BY PEOPLES NATURAL GAS, IN CONJUNCTION WITH EXPANSION OF THE ADULT DETENTION FACILITY. CIP PROJECT #1995 PB-258.

Ms. Knebel said, "This agenda item, I said Rose, didn't I? Oh my gosh."

Commissioner Gwin said, "Oh my gosh, let's hope Scott doesn't see this."

Ms. Knebel said, "Oh my, we won't tell Scott, he won't watch this broadcast. I know that. It's been a year, oh my. This agenda item request approval of a proposal from People's Natural Gas to relocate a portion of a gas line. This item is located on Pages 145 to 152 of your back-up information. Again, this work is being requested due to expansion and the location of the detention facility. This affected gas line is basically located at the intersections of Wichita and Pine Street, between the employee parking lot line and the east curb line of Wichita Street. The area of land located between the west curb line of Wichita Street and the east side of the railroad tracks, has been included in the County's vacation application. It's this location that we are anticipating to relocate the People's natural Gas line. This relocation will be coordinated and timed in relation with the relocation of the Elm Street Storm water line. The cost for this relocation has been estimated at \$13,862. and will be funded from the detention facility expansion project. Again, I recommend your approval."

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MOTION

Commissioner Hancock moved to approve the proposal.

Commissioner Gwin seconded the Motion.

Chairman Winters said, “Stephanie Knebel or the Manager, a quick question. These would seem to me like to be routine construction items. Why are these necessary to be agenda items for the Commission to look out?”

Ms. Knebel said, “Based on my, well first of all, I called Public Services and found out how they did their utility relocations. The information I received from them was, whenever they do a utility relocation that cost money, instead of just through mutual agreement, they bring those items forward to you. This particular one, the cost is over \$10,000. and we need specific forward action.”

Chairman Winters said, “Good answer, I guess.”

Commissioner Hancock said, “Well, it’s probably the whole trouble has started because she called Public Works.”

Chairman Winters said, “Public Works is going to explain to us.”

Commissioner Gwin said, “Oh brother.”

Commissioner Schroeder said, “This ought to clear it up.”

Commissioner Gwin said, “Yes, this will be good.”

Mr. David Spears, said, “Very simple, really. We can’t expend funds unless you have approved it.”

Commissioner Gwin said, “Okay.”

Mr. Spears said, “We can’t go out and”

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Chairman Winters said, "Even if it's part of a larger construction project?"

Mr. Spears said, "No. It's a separate agreement with a separate company."

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Chairman Winters. Board of County Commissioners has established a budget for this project, however that doesn't give us authorization to spend that money outside the regular and routine purchasing, and expenditure requirements that we have in place. Although this project is \$35,000,000. we still need to come back to you for contracts that are two, three and five thousand dollars."

Chairman Winters said, "Thank you. We have a motion and a second. Is there any other discussion?" Seeing none, the vote was called.

VOTE

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| 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."

J. TRANSFER OF ONE SWITCHBOARD OPERATOR, RANGE 10, FROM THE BUREAU OF CENTRAL SERVICES STAFFING TABLE TO THE PUBLIC RELATIONS DEPARTMENT STAFFING TABLE.

Mr. Buchanan said, "Commissioners, we ran into just a little problem this morning that I would respectfully request that you delay this for one week."

Commissioner Schroeder asked, "Can you tell us what that is?"

Mr. Buchanan said, "Yes I can. I want to make sure that the section in the personnel code, and I just read something today that I want to make sure all are I's our crossed and T's are dotted."

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Chairman Winters said, "I hope this won't be happening next week, is it?"

Mr. Buchanan said, "Shouldn't."

Commissioner Schroeder said, "Can we go ahead and approve it, subject to making sure the I's are dotted and T's crossed. Can we do that?"

Chairman Winters said, "Commissioner Gwin and Commissioner Miller both have a comment. Commission Miller."

Commissioner Miller said, "My comment Mr. Manager would be that, was this an item as of Friday which is the typical agenda?"

Mr. Buchanan said, "Was it on the agenda?"

Commissioner Miller asked, "No, was it actually placed on prior to Friday. I think Friday at 12:00 p.m. is the day...."

Mr. Buchanan said, "This item was on the agenda, we should have checked it...."

Commissioner Miller said, "But did not."

Mr. Buchanan said, "This issue came up just most recently."

Commissioner Miller said, "Okay, recently this morning?"

Mr. Buchanan said, "Yes."

Commissioner Miller asked, "It wasn't checked prior to this?"

Mr. Buchanan said, "No."

Commissioner Miller said, "By your office."

Mr. Buchanan said, "It's my responsibility."

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Commissioner Miller said, "Okay. That's my only question that I needed to"

Commissioner Gwin said, "Thank you Mr. Chairman. I appreciate that we want to do everything by the book, and we want to do everything properly, but I'm very enthusiastic about this move. I took some time yesterday, when I was walking through the lobby to visit with this individual about how she felt, and introduced myself because you know, she's been kind of cloistered. I saw a great deal of enthusiasm in her comments about the different things she could do, the way she could be more helpful. She really, I think is excited about the prospects that this change will make in her job and in her day-to-day work activities. I'm prepared to approve the transfer subject to the final review of policies and procedures, and make sure those things are like, Commissioner Schroeder said, I's are dotted and T's are crossed."

Commissioner Schroeder said, "Well, he said I's are crossed and T's are dotted."

Commissioner Gwin said, "I know what he said. I would ask Fred, you were going to present this, and you visited with this individual about this. Talk to me a little bit about what you think, how this person is going to be a part of Public Relations and improve that."

Mr. Fred Ervin, Director, Public Relations, greeted the Commissioners and said, "Well, currently what she does now, the only difference in her job description that's missing is that our department name isn't on there. She currently does a lot of what we do anyway. I mean her job interchanges with Eula in our information center, what we refer to now. She has been doing that for along time. I wasn't aware of that until Eula became a part of our family. In a conversation I had with Eula, I asked her, what happen's when you're not here. She said the phones are transferred to Donna. Who is she? Well, in explaining that to me, I immediately went to the eighth floor because I had never met Donna, and visited with Donna. I was just like you, very impressed with her. What was really interesting and started the wheels turning for me was what she said at the end of our conversation. She said, 'Fred, thank you for coming up.' She said, 'I'm more than a Switchboard Operator. I have other skills, I have other things that I could do.' I said, 'tell me some of those.' I was impressed with her. This is a person whose skills and her abilities and talents have been deferred. I mean it's as if what we want to do is give her a paint brush, if you will, and let her paint her picture. It's a good fit for our family. I would be remiss if I didn't say one of the problems that I did in the Stategic Planning process is communication."

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“I thought that I had grounded all the bases in letting everyone know what was going on, and I thought I did so with Don Brace, where she currently works. Don is a good friend of mine, and if we have to delay this for seven days so I can mend fences with my good friend Don Brace, it’s worth it to me. I did not inform Don of when this was going to be on the agenda. I assumed he knew, but he tells me that didn’t. I hate that. I just wanted to say that, it’s not something I did intentionally.”

Commissioner Gwin said, “Thank you. Thank you Mr. Chairman.”

Commissioner Schroeder said, “I just, and I appreciate that, that is good business. Would it be alright to go ahead and approve it, subject to the Manager’s whatever he is looking for or looking at? Do we just go ahead and do it today, and once that’s cleared up, it’s go ahead with the process, is that alright?”

Commissioner Gwin asked, “Can we do that Mr. Plummer?”

Mr. Plummer said, “You might make that subject to final approval by my department, to make sure that we are on firm ground.”

Commissioner Schroeder said, “That’s okay.”

Commissioner Gwin said, “That’s okay.”

Mr. Plummer said, “You can proceed with it.”

Chairman Winters said, “Okay, thank you. I don’t think we’ve ever had the clerk read this item into the minutes. Madam Clerk did you read this item?”

Ms. Crockett-Spoon, County Clerk, said, “Yes I did.”

Chairman Winters said, “Okay, excuse me then.”

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MOTION

Commissioner Gwin moved to approve the position, transferring the associated funding transfer, pending the approval of Legal Department, and our personnel policies.

Commissioner Miller seconded the Motion.

Chairman Winters said, "We have a motion and a second. I think the Commissioners are generally in favor of this, but we certainly want to make sure that we do things properly and in order, and everyone certainly needs to be notified about all transfers. I know that in the time I've been here, Commissioners, you all know that I've slipped up a number of times by doing things without making sure that everybody has been informed, and you all know that I make that mistake. If somebody else has made this mistake in the transfer, I know it wasn't intentional, and I think everybody will try to continue this communication, between particular senior staff members, because it certainly was not the intention to make anybody upset. I think clearly Commissioners are in favor of making this transfer. Any other discussion?"

VOTE

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

K. KANSAS COLISEUM MONTHLY REPORT.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, "One of the highlights that we would like to bring up in May of course, was the World Tour of Figure Skating Champions. It was sold out again for the third year in a row. We already have \$50,000. in advance orders for next years event which is a real good indication of how it's going to do in 1997. A new novel event that we presented was the closed circuit TV boxing match with Oscar De La Hoya and Julio Ceasar Chavez. A very good success on the first try. We had over 1,400 people.

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“Did very well at the box office and did very well at the concession stands. There is probably going to be some more opportunities down the road with some of these other fights as the promoters jockey for the best deal between, in the arenas on closed circuit TV, or on the cable systems at home for home viewing. It depends on where they get the best deal as to whether these fights are going to continue to be presented this way. We will look at them as they come down the road.

“I know that there have been some articles in the paper concerning the status of the two sport teams at the Coliseum, both the Wings and the Thunder. We have an agreement in principle, on a renegotiation of the Wings agreement. We are looking at a series of one year contracts. Basically it will be a four-year term. We have a little bit of wording to work out yet over dates with the Wings, but we are essentially finished with that agreement. We have a meeting set tomorrow afternoon with the Thunder, and hopefully that one will be finished at that time also. If there are any other questions I will be happy to answer them at this time.”

Chairman Winters said, “Thank you Mr. Nath. See no questions. Commissioners, what’s the will of the Board?”

MOTION

Commissioner Gwin moved to receive and file the monthly report.

Commissioner Hancock seconded the Motion, the vote was called.

VOTE

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| 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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L. AGREEMENT WITH THE SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS TO TREAT NOXIOUS WEED-INFESTED AREAS ON STATE HIGHWAY RIGHTS-OF-WAY WITHIN SEDGWICK COUNTY. ALL DISTRICTS.

Mr. Joe Brunk , Director, Noxious Weed Department, greeted the Commissioners and said, “This is our annual agreement with Kansas Department of Transportation (KDOT) to treat the noxious weeds that are growing on their areas. We have done this for a number of years and we do have a good working relationship with KDOT, and would like to continue.”

Chairman Winters said, “Thank you Joe. Any other questions?”

MOTION

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

Commissioner Schroeder seconded the Motion, the vote was called.

VOTE

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|--------------------------------|-----|
| 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 Joe. Next item.”

M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' JUNE 6, 1996 REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, “You have before you the minutes from the June 6th meeting of the Board of Bids and Contracts. There are nine items for consideration this morning.

Regular Meeting, June 12, 1996

ITEMS REQUIRING BOCC ACTION

- (1) SANITARY SEWER IMPROVEMENTS-BUREAU/PUBLIC SERVICES
WOODLAND LAKE ESTATES GENERAL PHASE
FUNDING: SPECIAL ASSESSMENTS**

“Item one, sanitary sewer improvements for the Bureau of Public Services, Woodland Lake Estates General Phase. It was recommended to accept the low bid of Mies Construction in the amount of \$150,000.

- (2) CM-E CHAT-BUREAU/PUBLIC SERVICES
FUNDING: BUREAU/PUBLIC SERVICES**

“Item two, CM-E Chat for the Bureau of Public Services. It was recommended to accept the low bid of Frank Bills Trucking, Inc. for \$27,100. which is for the chat and delivery to the Sedgwick County west yard.

- (3) CS-2 CRUSHED STONE-BUREAU/PUBLIC SERVICES
FUNDING: BUREAU/PUBLIC SERVICES**

“Item three, CS-2 Crushed Stone for the Bureau of Public Services. It was moved to accept the low bid of George M. Myers, Inc. for \$75,400. for stone and delivery also to the Sedgwick County west yard.

- (4) DISPOSITION OF ROTARY CARD FILE-ELECTION COMMISSION
FUNDING: ELECTION COMMISSION**

“Item four, disposition of rotary card file for the Election Commissioner. It was recommended to declare this item surplus and dispose of it in the most expeditious manner possible.

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**(5) CONVENTIONAL FURNITURE-APPRAISER'S OFFICE-CAPITAL
PROJECTS FUNDING: 1995 CAPITAL PROJECT**

“Item five, conventional furniture for the Appraiser’s office. It was recommended to accept the low bid of Goldsmiths for the adjustable keyboard tray for \$134.96. The low bid of Scott Rice on the additional items totaling \$9,884. There was one item we did not receive bids on, we will move forward to facilitate the purchase of that.

**(6) VOICE MAIL-BUREAU/COMPREHENSIVE COMMUNITY CARE
FUNDING: BUREAU/COMPREHENSIVE COMMUNITY CARE**

“Item six, voice mail system for the Bureau/Comprehensive Community Care. It was recommended to accept the only proposal received of Communications Technology Associates for \$6,442.50. It does not include the five year extended warranty.

**(7) INDIGENT BURIAL-FORENSIC SCIENCE CENTER
FUNDING: FINANCE GENERAL**

“Item seven, indigent burial for the Forensic Science Center. It was recommended to accept the proposal of Hillside Funeral Home for \$825. per burial.

**(8) TRACKED EXCAVATOR-CENTRAL MOTOR POOL
FUNDING: MOTOR POOL**

“Item eight, tracked excavator for the Central Motor Pool and Bureau of Public Services. It was recommended to accept the proposal of Foley Tractor Inc. for \$202,399. with options and trade-in.

**(9) SEWER INSTALLATION-EMERGENCY MEDICAL SERVICES
FUNDING: 1996 CAPITAL PROJECT**

“Item nine, sewer installation for Emergency Medical Services, also Capital Projects. It was recommended to accept the low bid of Dondlinger Construction Co. for \$25,000.

“Unless there are questions, I would recommend that you approve the recommendations as presented by the Board of Bids and Contracts.”

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

Commissioner Schroeder said, "Chairman Winters, if you please, Darren, in the tracked excavator...."

Mr. Muci said, "Yes sir."

Commissioner Schroeder said, "All the bids that I see here are lower than the one that we're adopting. Why is that?"

Mr. Muci said, "Commissioner, we solicited proposals for this particular item. We wanted to select the best possible tracked excavator available for us."

Commissioner Schroeder said, "It's not the cheapest."

Mr. Muci said, "Not the least expensive, that is correct."

Commissioner Schroeder asked, "What did the others present to us, the other four vendors. They were all of less quality. What I'm saying is, we have five proposals, and out of the five we took the highest. So, I'm asking you, are they the only one?"

Mr. Muci said, "In your additional documentation, Mr. Lamkey and Mr. Spears' staff put all of the proposed pieces of equipment through a litany of tests. We tested things such as... we had a demonstration, we checked on maintenance ability, and we also measured the height of the trailer. This will be traveling around the County to various locations. We checked references, as well. What we found after all of that, is that we had one that stood out as being the best tracked excavator available."

Commissioner Schroeder said, "What brand is it?"

Mr. Muci said, "That is a Caterpillar."

Commissioner Schroeder said, "What brands were the others?"

Mr. Muci said, "There is a Kamatsu, John Deere and two Hyundais that were presented for review."

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Commissioner Schroeder said, "The reason I asked is we're talking about almost \$40,000. difference. That is a lot of money."

Mr. Muci said, "That is correct."

Commissioner Schroeder said, "Is the life expectancy longer with this one, than the others?"

Mr. Muci said, "We believe that it is and based upon the review conducted by Mr. Lamkey and Mr. Spears' staff, we believe that this is the best."

Commissioner Schroeder said, "That's fine. I just, when we're talking \$40,000. difference, I just want to make sure we're doing the right thing in not buying brand name."

Mr. Muci said, "Understood sir."

Commissioner Schroeder said, "The Cat has an expensive brand name that goes along with it. It's kind of like buying a generic brand verses the other. That's fine, if Motor Pool and Purchasing feels comfortable with it, and David Spears, I guess that's OK."

Mr. Muci said, "We are comfortable in the recommendation."

Chairman Winters asked, "I'm asking for questions."

MOTION

Commissioner Hancock moved to approve the recommendations of the Board of Bids and Contracts with exception of Item eight, and defer that for one week.

Commissioner Schroeder seconded the Motion.

Regular Meeting, June 12, 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 |

CONSENT AGENDA

N. CONSENT AGENDA. .

1. Utility and Highway Permit Agreements.

- a. The City of Wichita is submitting this application requesting permission to install a water main extension along the north side of 13th Street North between 119th and 135th Streets West to service Hickory Creek Estates. Attica Township. Utility Permit No. 036-96. Road No. 616-18. District #3.
- b. Southern Kansas Telephone is submitting this application requesting permission to upgrade existing cable along 87th and 95th Streets South and 279th and 295th Streets West. Viola Township. Utility Permit No. 059-96. Road Nos. 640-7, 8; 642-7, 8, 9; 785-AA; 783-BB. District #3.

2. Right-of-Way Instruments.

- a. One Easement for Right-of-Way and one Temporary Construction Easement for Sedgwick County Project No. 624-9-510; Bridge on Pawnee between 263rd and 279th Streets West. CIP #B-251. District #3.

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- b. One Easement for Right-of-Way and one Easement for Drainage and Utilities for Sedgwick County Project No. 809-T; Tyler Road Relocation. CIP #R-227. District #2.
- c. Two Temporary Construction Easements for Sedgwick County Project No. 594-16-3200; Bridge on 101st Street North between 151st and 167th Streets West. CIP #B-253. District #3.

3. Section 8 Housing Assistance Payment Contracts.

| <u>Contract Number</u> | <u>Rent Subsidy</u> | <u>District Number</u> | <u>Landlord</u> |
|------------------------|---------------------|------------------------|--------------------------------------|
| V96039 | \$400.00 | 5 | Joel Associates |
| C96037 | \$235.00 | 3 | Mt. Hope Community Development, Inc. |
| V96035 | \$101.00 | 3 | Mt. Hope Community Development, Inc. |
| C96031 | \$239.00 | 3 | Mt. Hope Community Development, Inc. |
| C96034 | \$191.00 | 3 | Mt. Hope Community Development, Inc. |
| V96038 | \$250.00 | 3 | Mt. Hope Community Development, Inc. |
| V96033 | \$327.00 | 1 | Floyd A. Goerzen |
| C96040 | \$181.00 | | Prairie Enterprises |
| V96030 | \$451.00 | | Teichgraeber Rentals |

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- 4. 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> |
|----------------------------|-----------------------|-----------------------|
| V93118 | \$95.00 | \$290.00 |
| V93113 | \$307.00 | \$230.00 |

- 5. Easement to City of Wichita for right-of-way and easement for constructing, operating, maintaining and repairing water pipes and water system in a 20' by 30' area (approximate) at the southwest corner of Elm and Water Streets. CIP Project #1995 PB-258.**
- 6. Order dated June 5, 1996 to correct tax roll for change of assessment.**
- 7. Consideration of the Check Register of June 7, 1996.**

Regular Meeting, June 12, 1996

8. Budget Adjustment Requests.

| <u>Number</u> | <u>Department</u> | <u>Type of Adjustment</u> |
|---------------|---|----------------------------|
| 960318 | Detention Facility Expansion | Supplemental Appropriation |
| 960319 | Detention Facility Expansion | Supplemental Appropriation |
| 960320 | Comcare-Mental Health Reform-Adult | Transfer |
| 960321 | Comcare | Supplemental Appropriation |
| 960322 | Comcare-Homeless and Crisis | Transfer |
| 960323 | Comcare-CDDO Budget and Children's Federal Budget | Transfer |
| 960324 | Finance General Animal Control | Transfer |
| 960325 | Aging | Supplemental Appropriation |
| 960326 | Corrections | Transfer |
| 960327 | Corrections | Transfer |
| 960328 | Corrections | Transfer |
| 960329 | MCT Grant | Supplemental Appropriation |
| 960330 | 1996 Bridge Projects | Supplemental Appropriation |
| 960332 | Corrections | Transfer |
| 960333 | Corrections | Transfer |
| 960334 | Detention Facility Expansion | Supplemental Appropriation |

Mr. Buchanan said, "Commissioners, you have a Consent Agenda before you and I recommend you approve it as presented."

Regular Meeting, June 12, 1996

MOTION

Commissioner Gwin moved to approve the Consent Agenda as presented.

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, Is there any other business to come before this board? Seeing none, we'll recess the Regular Meeting of the Board of County Commissioners at this time."

The Board of Sedgwick County Commissioners recessed in to the Sewer District and Fire District #1 Meetings at 10:51 a.m. and returned at 10.54 a.m.

O. OTHER

EXECUTIVE SESSION

Chairman Winters said, "I will call back to order the regular meeting of Sedgwick County Board of County Commissioners."

Regular Meeting, June 12, 1996

MOTION

Commissioner Miller moved that the Board of County Commissioners recess into an Executive Session for 30 minutes to consider consultation with Legal Council on matters privileged in the attorney/client relationship relating to pending claims and litigation and potential litigation and that the Board of County Commissioners return from the Executive Session no sooner than 11:28 a.m.

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. We are in recess.”

The Board of Sedgwick County Commissioners recessed into Executive Session at 10:58 a.m. and returned at 11:28 a.m.

Chairman Winters said, “ Let the record show that no binding action was taken in Executive Session. Is there anything else to come before this board?”

Mr. Stephen Plummer, County Counselor, said, “There is a law suit currently on file Stockwell vs Sedgwick County. I have talked to our attorneys, I’ve reviewed the facts. This case is in a posture where it should either be settled or go to trial. It is my recommendation that we settle that claim in the amount of \$57,500.00. The total settlement is \$100,000.00 but the remainder is paid by two insurance carriers. It’s a case where Mr. Stockwell died because of allegedly bad medical treatment he received in the jail. It is my understanding that since that time we have changed the way that we do business in the medical part of the jail. It is my recommendation that we pay that claim in the amount of \$57,500.00.”

Regular Meeting, June 12, 1996

Chairman Winters said, "Thank you. Commissioners, is there discussion? If not, what's the will of the Board?"

MOTION

Commissioner Schroeder moved to approve the recommendation for the settlement.

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. Anything else to come before this Board?"

Mr. Plummer said, "I have nothing else."

Chairman Winters said, "Thank you. Commissioners, anything else? Seeing nothing else, this meeting is adjourned."

P. ADJOURNMENT

Regular Meeting, June 12, 1996

There being no other business to come before the Board, the Meeting was adjourned at 11.40 a.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