

## **MEETING OF THE BOARD OF COUNTY COMMISSIONERS**

### **REGULAR MEETING**

**MAY 29, 1996**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, May 29, 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. William P. Buchanan, County Manager; Mr. Stephen B. Plummer, County Counselor; Mr. Richard Euson, Assistant County Counselor; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Ms. Mary Ann Mamoth, Personnel Director, Bureau of Human Resources; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. James Weber, Director, Sewer Operations & Maintenance; Mr. James Elvins, Major, Sheriff's Department; Ms. Janet Weidman, Executive Officer, Sheriff's Department; Ms. Diane Gage, Assistant Director, Emergency Communications; Mr. Kenneth Arnold, Director, Capital Projects; Dr. Larry D. Jecha, M.D., M.P.H., Director/Health Officer; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Robert Lamkey, Director, Motor Pool; Mr. Clarence Holeman, Assistant County Counselor; Mr. Fred Ervin, Director, Public Relations; and Ms. Susan E. Crockett-Spoon, County Clerk.

### **GUESTS**

**Ms. LaTricia Harper**, Public Relations Coordinator, Metropolitan Family Preservation Agency

**Ms. Gloria West**, Wichita Area Sexual Assault Center

**Mr. James Halsig**, Appointee, Animal Control Advisory Board

**Mr. Harold Prester, Jr.**, Appointee, Animal Control Advisory Board

**Ms. Deloris Craig**, Appointee, Community Corrections Advisory Board

**Mr. Rex Morley**, 5811 South Preston Terrace, Derby, Kansas

**Mr. Mark Savoy**, Architect, Savoy, Ruggles & Bohm, P.A.

**Mr. Dhon Hauserman**, 4849 South Laura, Wichita, Kansas

**Mr. James Gregory**, Raytheon Aircraft Company



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**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

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

**Chairman Winters** said, "Thank you very much Becky, I see no questions. Thank you. Next item."

**PROCLAMATION**

**A. PROCLAMATION DECLARING JUNE 1, 1996, AS "STAND FOR CHILDREN DAY."**

**Chairman Winters** said, "Commissioners, I have a Proclamation that I'd like to read for your consideration."

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**PROCLAMATION**

**WHEREAS**, the Children's Defense Fund has designated June 1, 1996, as Stand For Children's Day, a day to nationally recognize America's Children; and

**WHEREAS**, every day in America three children die from abuse or neglect, six children commit suicide, 15 children are killed by gunfire, 95 babies die, 2,660 babies are born into poverty and 8,493 children are reported abused or neglected; and

**WHEREAS**, every year in Kansas, 10 children are killed in firearm accidents, 18 children are killed by homicide with a firearm, 23 children commit suicide with a firearm, and 4,738 children live in poverty; and

**WHEREAS**, these agencies, churches and concerned individuals have answered the call to action by organizing events in recognition of this first-ever movement for children, including a march and informational fairs to be held on June 1, 1996, that will bring together children and adults for a common cause;

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim June 1, 1996 as

**"STAND FOR CHILDREN DAY"**

in Sedgwick County.

"Commissioners, that is the Proclamation."

**MOTION**

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

Commissioner Miller seconded the Motion.

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**Chairman Winters** said, "I believe today we have LaTricia Harper, a Public Relations Coordinator for Metropolitan Family Preservation Agency. Tell us a little bit about this Proclamation and your organization. Oh, we need to take a vote before we do that. We have a Motion. Madam Clerk, 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, "Now, if you would please share with us."

**Ms. LaTricia Harper**, Public Relations Coordinator, Metropolitan Family Preservation Agency, said, "Thank you Commissioners. I have with me today, Gloria West, from the Wichita Area Sexual Assault Center and on behalf of her agency and the Wichita Metropolitan Family Preservation Agency, and the countless numbers of organizations around the County who have combined their efforts to make this day prominent to Wichita and Sedgwick County. Stand for Children is a day of action to call adults and children together to stand for the plight of children. As you heard the statistics, these are statistics just in Kansas alone, but on the nationwide level, the statistics regarding our children are alarming. So Stand for Children is a day that we have set aside for children to be put first in their issues and their plights. We can strengthen their future, thus strengthen the future of our nation. Gloria."

**Ms. Gloria West**, Wichita Area Sexual Assault Center, said, "I just want to say, in behalf of the Wichita Area Sexual Assault Center, I hope everybody does something with a child June 1, even if it is just read a book to them or take them out to lunch for a happy meal. I hope everyone does something for at least one child."

**Ms. Harper** said, "And if you don't have a child of your own, there is a child in your neighborhood, a child at your church, just do one thing that will make a difference to a child that is a part of your life in some way and that will make all the difference in the world."

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**Chairman Winters** said, "Alright, thanks very much for being here. Commissioner Miller has a comment."

**Commissioner Miller** said, "Thank you Mr. Chairman. Ms. Harper and Ms. West, I just happen to feel deep in my heart that if there is ever a reason to put a plea out over the public airways it is certainly for children and when you say that you want to make this a prominent message, a prominent concept that everyone can catch hold to, to feel that they do have some responsibility and that it is good for the whole nation if we do invest in our children, then it just does my heart all that much good and I am thinking it is probably doing the same feeling or that same feeling is probably going across the airway. I also wanted to say that at the news conference that kind of kicked off Stand For Children, there were so many children there that actually it was lopsided, I mean there were a lot of kids and some adults and it was good to see that the kids were involved enough to feel that this was something they could identify with, to know that they were being brought forth and recognized. The other message I need to get out is that this is a national theme and there are some spots that are running on PSAs, there are some spots that are running locally here on our cablevision so watch for them because it is really striking when you see the stars that are standing there saying Stand For Children and giving their reason why. So I wish you good luck and it has been a pleasure to hear that we are actually doing an action plan and not simply saying it for the sake of it, so thank you. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you Commissioner Miller. Thank you both for being here."

**Ms. Harper** said, "Thank you."

**Chairman Winters** said, "Next item please."

## **APPOINTMENTS**

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**B. APPOINTMENTS.**

**1. RESIGNATION OF WALTER BEBOUT FROM THE ANIMAL CONTROL ADVISORY BOARD.**

**Mr. Stephen B. Plummer**, County Counselor, greeted the Commissioners and said, "First you have a letter of resignation from Walter Bebout from the Animal Control Advisory Board. I recommend you accept his resignation."

**MOTION**

Commissioner Schroeder moved to accept the resignation.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**2. RESOLUTIONS (2) APPOINTING JAMES HALSIG AND HAROLD PRESTER, JR. (COMMISSIONER HANCOCK'S APPOINTMENTS) TO THE ANIMAL CONTROL ADVISORY BOARD.**

**Mr. Plummer** said, "Next are two Resolutions, the first appointing James Halsig and the second one Harold Prester, Jr., to the Animal Control Advisory Board. I recommend you adopt those Resolutions and make those appointments."

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**MOTION**

Commissioner Hancock moved to adopt the Resolutions.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much. Is James and Harold here today? If they are, if you'll come forward, the Clerk will swear you in at this time."

**Ms. Susan Crockett-Spoon**, County Clerk, said, "Gentlemen, please raise your right hands and repeat after me.

*"I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and faithfully discharge the duties of the Animal Control Advisory Board, so help me God."*

**Mr. James Halsig and Mr. Harold Prester, Jr.** repeated the oaths of office.

**Audience applauded.**

**Ms. Crockett-Spoon** said, "Thank you, gentlemen. If you'll just let me get your signatures."

**Chairman Winters** said, "Thank you very much. It is appreciated a great deal when citizens take time to serve on advisory boards such as this. Next item please."



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**3. RESOLUTION APPOINTING DR. DELORIS CRAIG (BOARD OF COUNTY COMMISSIONERS' APPOINTMENT) TO THE COMMUNITY CORRECTIONS ADVISORY BOARD.**

**Mr. Plummer** said, "The last one we have is appointing Dr. Deloris Craig to the Community Corrections Advisory Board. I recommend you adopt that Resolution and make that appointment."

**MOTION**

Commissioner Schroeder moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**Commissioner Schroeder** said, "Mr. Chairman, have we received the resignation from Dr. Janeksela?"

**Mr. Plummer** said, "I assume we had."

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**MOTION**

Commissioner Schroeder moved to accept Dr. Galen Janeksela's resignation.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much. I see Deloris Craig is here. Deloris, if you would come forward the County Clerk will swear you in."

**Ms. Crockett-Spoon** said, "Please raise your right hand and repeat after me.

*'I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and faithfully discharge the duties of the Community Corrections Advisory Board, so help me God.'*

**Ms. Deloris Craig** repeated the oath of office.

**Audience** applauded.

**Chairman Winters** said, "This is also an extremely important Community Advisory Board and we appreciate all the citizens who serve on this board as well. Next item please."

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**RETIREMENT PRESENTATION**

**A. PRESENTATION OF RETIREMENT CLOCK TO CLARENCE FRANKLIN.**

**Ms. Mary Ann Mamoth**, Personnel Director, Bureau of Human Resources, greeted the Commissioners and said, "It is my privilege this morning to present a retirement certificate to Clarence Franklin. Unfortunately, Mr. Franklin isn't here, we did not hear from him, so I presume that he had other things to do or maybe he's on vacation from retirement. Mr. Franklin is retiring after 32 years of service with Sedgwick County. He started on March 24, 1964. I think that speaks wonderfully well of him. I know that David probably could tell us some things about Clarence. He and his wife were in and talked with us and I know he was really looking forward to retiring and we wish to wish him congratulations. Thank you."

**Chairman Winters** said, "You will see to it that he receives his retirement clock?"

**Ms. Mamoth** said, "Yes I will."

**Chairman Winters** said, "Thank you very much Mary Ann."

**Ms. Mamoth** said, "Thank you."

**Chairman Winters** said, "Next item please."

**PLANNING COMMISSION**

**D. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).**

- 1. CASE NUMBER V-1939 - REQUEST TO VACATE A FLOODWAY RESERVE AGREEMENT LOCATED EAST OF 127TH STREET EAST AND ½ MILE NORTH OF 63RD STREET SOUTH.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning, greeted the Commissioners and said, "Two items for you this morning. This first item, if I could have the first slide, involves the vacation of a floodway easement under local regulations and rights-of-way or easements come through the Planning Commission in the unincorporated area."

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**SLIDE PRESENTATION**

“This is a floodway easement that was not granted by a plat, this was an area that was developed under the platting exemption that allows, at this time in this location, tracts of over five acres or more to be subdivided without and permitted without the requirement for platting. Initially, the area that we are talking about, the yellow shaded area, is the area that is proposed to be vacated. Now there is a substitute easement that is being proposed and I'll show you that in a minute. It is on the east side of 127th Street and midway between 55th and 63rd Street. It is an area that is primarily agriculture and scattered home sites. It is in the southeast part of the County, 127th Street is an unpaved road today. The owner is asked to vacate this floodway easement and replace it with a smaller reconfigured easement.

“I think the slide will show you, this is originally, this is a half-section line and originally both sides of that section line were in a single ownership and when the initial building permit came in and was approved and a home was sited on this location, the County Engineer asked for a floodway easement and rather than doing a detailed engineering study and precisely tie down where the lines which, which would have been costly, the County Engineer helped the applicant estimate where the floodway is, that means at the time it was probably more generous than it needed to be and now, since that time, the property has been split along this half section line and the owner here and owner here actually shares a pond that is in this location. You can see the floodway easement covers the northern portion of that pond on this northern property and there is a home here and then the southern portion of the pond is part of the floodway easement right now, so this lot has only the ability to build in the northeast portion of that tract. He hired a local consulting engineer to develop a plan for some regarding and to look closer as to what the actual flood plain dimensions were and based on that has reconfigured the plan and is requesting to vacate the hatched area, this sort of T-shaped hatched area and to replace it with the yellow shaded area which includes the southern portion of the pond and also the drainage that enters in this direction and towards 127th Street.

"The engineering consultant is here along with Jim Weber from County Engineering and can explain any technical details you are interested in. Basically, the plan is to expand this pond to the south, do some regrading of the dam and spillway area here, some regrading to the street ditch and also some regrading back in that area. That means that this portion of the site and this portion of the site will be available for development where they previously were under the floodway easement. We followed our process in this case.

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“We do notify in some cases where there is a building setback from encroachment from a platted setback, we would notify neighbors, but where there is sort of a technical matter, a floodway easement or utility easement, we traditionally have not provided notification and didn't in this case. At the Planning Commission hearing, there was no opposition to this case and the Planning Commission recommended approval based on the County Engineer's advice that this will not create any problems, any drainage or flooding problems to reconfigure this easement either for the public at large or in terms of the impact on any adjoining property.

"Since that time, we understand that the property owner to the north that chose this pond area on the north side has expressed some concerns about this proposed development and I believe intends to be here. I haven't spoken to him directly, but I think his intention was to be here this morning to speak to this issue. Jim Weber is here, if you have questions of him on the proposal and also the consulting engineer I noticed is here in the audience this morning. If you have any other questions, I'll try to answer them at this time."

**Commissioner Schroeder** said, "Does the consulting engineer represent the applicant today or is the applicant here, do you know?"

**Mr. Krout** said, "The applicant is here as well as the engineer. Let me also say that this is an advertised public hearing and we followed the legal notification process in terms of the required advertisement before the County Commission and as part of the approval of the vacation order, your job as it is in all vacations is to determine that due notice has been provided and the public will not suffer any loss or inconvenience as a result of this vacation and that no private rights will be injured or endangered. I think that's what you'll be taking some testimony on this morning."

**Commissioner Schroeder** said, "Okay."

**Chairman Winters** said, "Thank you very much. Is that all you have now Marvin?"

**Mr. Krout** said, "That's all I have."

**Chairman Winters** said, "Thank you. Commissioners, I see no questions from the bench. At this time I will open the public hearing and ask that anyone who would like to speak to this issue please come forward, give your name and address and please limit your remarks to five minutes.

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"If there is anyone here who would like to speak either for or in opposition to this proposal. Alright, I see no one wishing to speak on this particular issue. We'll close the public hearing. Commissioner Schroeder."

**Commissioner Schroeder** said, "Mr. Chairman, if you please. I understand that the property owner to the north and the applicant have some disagreements about some ponding issues and some construction issues related to this vacation. I don't know if they've worked out those disagreements as of this point in time or not. Marvin, do you know."

**Mr. Krout** said, "I haven't heard from either party."

**Commissioner Schroeder** said, "Has the applicant, do you know if you've worked out the differences between you and Dr. Brown about the ponding."

**Chairman Winters** said, "Would you come to the microphone please."

**Mr. Rex Morley**, 5811 South Preston Terrace, Derby, Kansas, said, "The property in question has an address of 6000 East 127th Street South. As far as the issues, we haven't really worked anything out because the issues that he has are really no issue. I have no intention of taking any water rights away from him or forbidding him from having a normal flow of access to water and that seems to be his major issue outside the fact that he was concerned that if we put a lagoon in that, it would overflow and run out over the property and contaminate everybody. That is the only two real issues I've ever heard from the gentleman, was that he was afraid I'd take his water away and he wouldn't have his side of the pond and..."

**Commissioner Schroeder** said, "Can I ask you this question? Are you digging down your side of the pond to make it deeper?"

**Mr. Morley** said, "We are going to make the pond bigger, yes sir, we are going to dig it deeper. But at the same time, we are not going to lower the level of his side of the pond so that in the same circumstances year round, the same flow of water will reach his pond before it reaches ours so he will maintain whatever the normal, natural level of the water is. So in other words, we're not going to dig ours and undercut his side so that his side would drain. That's not our intention."

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**Commissioner Schroeder** said, "Okay, thank you."

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

**Commissioner Gwin** said, "I guess that was my question too, was the representative of the engineering company here?"

**Mr. Mark Savoy**, Architect, Savoy, Ruggles & Bohm, P.A., said, "I'm representing the applicant."

**Commissioner Gwin** said, "Thank you for being here. I guess my question kind of follows along Commissioner Schroeder's and I heard Marvin say that the two neighbors share a pond and that Mr. Morley, and part of this process is planning on regrading the dam and the spillway and expanding the pond to the south. So I am trying to get a picture, if he lowers his side and the other side isn't lower, won't all the water run to the lower part and not stay in the top? Help me understand."

**Mr. Savoy** said, "Water seeks its own level and there's not too much you can do to change the level in an existing pond like that where it is holding water or maintaining water if it has got a water table involved with it. You can dig deeper and the water is still going to stay in that same location, just like a sand pit. When they keep excavating a sand pit and making it larger and larger, that water surface stays the same. Things can make that water table get lower, extremely dry periods of time will reduce the water table and it can become lower. It would affect both sides equally. Of course, deeper areas will still have water in them, like in a sand pit."

**Commissioner Gwin** said, "What's the water table now down to in that area?"

**Mr. Savoy** said, "It's lower than that pond has been before. I don't know exactly."

**Commissioner Gwin** said, "Okay, are there any other engineering type things that you need to talk to us about in this vacation?"

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**Mr. Savoy** said, "I don't think so. Basically, the easement was in excess of its size to do what it needs to do to maintain a flow of drainage through the area. We're basically just reducing the size of that to free up some property to be able to be developed with a residential structure."

**Commissioner Gwin** said, "Alright, thank you for that information. Thank you Mr. Savoy."

**Commissioner Schroeder** said, "I have a question. This pond, does it depend upon the water table to keep it full or is it runoff?"

**Mr. Savoy** said, "There is a surface drainage. It has water in it now, there hasn't been very much rain for a long time, so there can't be very much drainage water contributing to it in the past nine months or so."

**Commissioner Schroeder** said, "So it is deep enough out east there that it has hit the water table?"

**Mr. Savoy** said, "Something is feeding that pond. I'm not going to say it is all water table, but something is feeding it other than just surface drainage with the long dry spell we've had."

**Commissioner Schroeder** said, "But you did say the deeper areas of the pond will be the ones that retain the water as times are drier."

**Mr. Savoy** said, "Right."

**Commissioner Schroeder** said, "Okay, so that would then say that area that would be excavated on Mr. Morley's side of the property would retain the water more than it would on the other side, is that correct?"

**Mr. Savoy** said, "But if you did not excavate it, there would just be a dry pond, so it is not going to rob water from one side or the other, probably make a place for fish to be maintained."

**Commissioner Schroeder** said, "Okay, thank you. Thank you Mr. Chairman."



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

**Commissioner Gwin** said, "Marvin, I had another question of you. When we consider vacation of floodway reserves, I heard you say that we should consider whether or not drainage or flood problems would be caused by this reconfiguration and we should also consider whether or not private rights will be injured or endangered by this, by vacating this. What else do we consider, is that it? Are those the two..."

**Mr. Krout** said, "Those are the two criteria."

**Commissioner Gwin** said, "Okay, thank you."

**Chairman Winters** said, "Thank you Commissioner Gwin. Commissioners, are there any other questions or what's the will of the Board?"

**Commissioner Schroeder** said, "Mr. Chairman, I've heard the comments by the applicant today and I feel uncertain as to whether the neighbor to the north understands or agrees with what I have been told today and I'm not sure everybody has communicated on this."

### **MOTION**

Commissioner Schroeder moved to delay the item for three weeks until the applicant and the neighbor and the Commissioners can discuss this and find out whether there is going to be any violation of private rights to any of the neighbors around this application area.

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, "We have a Motion to delay the item for three weeks. Is there any other discussion? Commissioner Miller."

**Commissioner Miller** said, "Thank you Mr. Chairman and Commissioner Schroeder, are we aware, also, Marvin, that notices were sent out, neighbors were notified. This neighbor to the north, he did know that we were having a public hearing today?"

**Commissioner Schroeder** said, "I think his schedule didn't allow him to be here today."

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**Commissioner Miller** said, "Have you spoken with him?"

**Commissioner Schroeder** said, "Yes."

**Commissioner Miller** said, "Oh, okay, thank you."

**Chairman Winters** said, "Commissioners, we have a Motion to delay this item for three weeks. Is there any other discussion on the Motion? Seeing 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. This item will be back in three weeks."

**Commissioner Schroeder** said, "Thank you Commissioners."

**Chairman Winters** said, "Next item please."

- 2. CASE NUMBER SCZ-0710 - ZONE CHANGE FROM "R" RURAL RESIDENTIAL AND "R-1" SUBURBAN RESIDENTIAL TO "C" COMMERCIAL ON PROPERTY LOCATED ½ MILE WEST OF HOOVER ON THE SOUTH SIDE OF MACARTHUR.**

**SLIDE PRESENTATION**

**Mr. Krout** said, "If I could have the first slide. This case involves 17 acres and this map is slightly incorrect. This line extends a little bit further west than it ought to, the line ought to be about here, but it is 17 acres. It is on the south side, it is in the southwest part of the County on the south side of MacArthur, midway between Hoover Road on the east and Ridge Road on the west. It is part of a larger ownership that extends south across the floodway of the Cowskin Creek and also to the east of the tract that is in question."

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“The property is currently zoned in the Suburban and Rural Residential districts in the County SF20 and RR, the request is for ‘C’ Commercial. This was filed just before the conversion to the new zoning code and so under the new zoning code anything that is filed before the official adoption of the new zoning code goes under the provisions of the old zoning code, which means that it is not required, in fact there is no provision under the old County code for a CUP (Community Unit Plan) or another mechanism such as the protective overlay which is required under the new code for large commercial tracts to try to pinpoint to some degree what kind of use of development can occur on this tract. So there is no CUP or any provision under the old code to try to restrict the uses that otherwise might occur in the "C" zoning district, as you know, permits a wide variety of uses, being everything from warehousing, unlimited manufacturing, to nightclubs, auto lots, auto repair and a variety of other commercial uses.

"The applicant indicated that his intended uses on the application form were tree and grass farm and self-storage warehouses and if you read the minutes, you'll see there's been a little bit of variation in exactly the story of what might happen on this site. I think the applicant is looking for some flexibility and that's why they applied for that zoning category. They felt that the tract would be buffered basically by their own land, the floodway and their own property to the south and the east. This is open land but future residential development probably west of the existing residential development. This is the Wheatland Subdivision. There is a reserve on the western edge of the subdivision. The applicant felt the open land and the reserve area created a buffer and would make this an acceptable use.

"The staff recommended denial to the ‘C’ Commercial zoning. Basically all the surrounding land uses and zoning, except at the corners, the six acre corners of the arterial intersections, is residential. The pattern and the character of the land use is agricultural and residential entirely except for the zoning at the corners and we felt that it would be entirely out of character. We felt that the uses as currently zoned in the County's Suburban and Residential district was appropriate, that this could develop for acreage lots. The applicant claimed two things, one that residential would be inappropriate because of the proximity of Mid-Continent Airport and although we show that this was in the proximity of a crosswind landing strip for Mid-Continent, really the properties to the north and the east are much more impacted and it has never been our intention, as we've talked about regulations, to regulate the area under a crosswind runway and we haven't done that McConnell Airport either, so we don't believe this is unsuitable for residential uses.

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“If water and sewer were both extended to this site it could be developed for uses similar to the uses that are across the street in the Gray's Addition plat. So we felt that it was suitable as it is currently zoned. Another claim was that this tract was impacted by groundwater pollution. There was, some years ago, a groundwater problem that was detected out here and Cessna is involved, has been for some years, in the cleanup program out in this area, but I contacted the Health Department after the Planning Commission meeting and to their knowledge this site is not impacted by any groundwater contamination and that cleanup program is expected to take care of the areas that are further to the north that were impacted at one time.

"This is contrary to the Comprehensive Plan, which calls for residential uses basically in areas like this and for commercial uses to be in planned centers at intersections of major arterials or to be near existing concentrations of commercial. We pointed out that there are lots of areas that are zoned 'C' commercial and 'E' light industrial, if you draw a line down the southwest part of the County within two to three miles of this area, the South Hoover area, the K-42 corridor, South West Street, all have extensive amounts of land that are available for the types of uses that can be accommodated in the 'C' commercial and 'E' heavy industrial zoning. With regard to the intended uses, the applicant talked about a tree or grass farm. That is a permitted use, as a wholesale operation, that's like farming, and it is a permitted use in the County zoning district today. If they plan to do it as a retail operation, that could be done under the zoning code under a conditional use. It doesn't require commercial zoning. A warehouse operation does require 'C' Commercial zoning and can also be approved with lesser zoning, Office or Light Commercial Zoning, but with the application also of a conditional use permit which would show the site plan and how the tract was going to be developed. The applicant also indicated that another reason for the zoning was that they had an intention of doing some art work on site, the homeowner and selling it on site and under the County's home occupation provision, the production, the use of accessory buildings for the production of art and sale of one's own art, is available by rights under the home occupation section in the Residential district. So, with the exception of the warehousing, and I wasn't quite sure what the nature or the scope of that would be, it appeared that the other uses could be permitted without commercial zoning.

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"The other concern was that 17 acres of commercial zoning would add potentially considerable to the traffic on MacArthur Road. MacArthur is over 6,000 cars a day today, it is two lanes, it is not in the County CIP for improvement. It is projected to increase to 8,000 or more cars per day in the future. So this would add extra burden onto MacArthur depending on exactly how it is developed.

"At the Metropolitan Area Planning Commission hearing, there were eight speakers representing properties to the east and to the west and to the north and the northeast, all of whom were in opposition to the applicant's request. They expressed the concern that the zoning would be out of character. They were having a hard time following the story of exactly how this property was going to be used and they felt it was too open-ended but that it was appropriate for residential uses. The property owner to the west and it is really a strip that is right here, who has a home on the site immediately to the west of the proposed 'C' zoning, indicated at the Planning Commission meeting that she was part of a three party private covenant agreement and that one of the other of the owners was misled into lifting the covenants that prohibited Commercial zoning but she also testified at the Planning Commission that based on her attorney's advise, that not all the signatures that were required to lift that prohibition did come forward so that lifting of the covenant did not happen and there is still a private restriction of zoning. That really isn't something that you need to take into consideration but it was part of the testimony at the hearing that there are still private covenants that restrict the use of the property.

"The Planning Commission voted unanimously. The vote was 9 to 0 to recommend that this case be denied. Between that and the fact that we do have protests of over 20%, that means that it takes 4 County Commissioner votes to override the protests and the Planning Commission recommendation and approve it.

"I'll walk through the slides. Again, if you can picture the 17 acres stopping at this point and this is the property of the woman who spoke and has the home and said she is part of the private covenants that are part of this property. She is not shown as protesting only because of a technicality that the ownership shows that the official title is in two names and only she signed the ownership, but the other party was deceased and so probably if we were to go back, we would also indicate that she had also signed a valid protest petition. This is the urban density residential development that has occurred to the northeast and also the east. There is also, this is Prospect Park, suburban residential development, open land to the north.

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"This is the property owner's land to the south and east. These are the protest petitions that have been filed excluding this property right here, which also registered a protest petition, constitutes 55% of the area. It includes the open land to the north, more property to the west and some scattered protests from the Gray's Addition, including the homeowners association that owns the reserve in that area. We're looking at the tract now. This is MacArthur and this is looking south and west at the 17 acres in question. You can see the wooded floodplain to the rear of Cowskin Creek. Now we're looking to the south and east and this is part of the applicant's ownership but this is looking behind further to the south of the tract in question which is here and that is the home that the applicants recently constructed on their site, more in the southeast corner of their site.

"We're looking now, MacArthur would be this location, and this is the north-south street at the west end of the Gray's Addition plat, the Wheatland area. This is Dugan Street and this is the reserve area along Dugan and the homes that are to the east of that reserve area. This is looking north at the open land. This would be Dugan on the right side of the screen and this would be the open land immediately to the west of that, again, this is that same land that we were looking at. Now this is looking west down MacArthur, basically open land to the west. This is the home of the woman who spoke in protest who lives immediately to the west of the 17 acres on the south side of MacArthur and that home is right here and I think it is right about here where the home has been constructed by the applicants themselves. That's it for the slides. I'll try to answer any questions that you have. I am sure there are speakers here this morning."

**Chairman Winters** said, "Thank you Marvin. At this time, I do not see any questions of you. At this time, I will open the meeting to public comment and if there is anyone here, I'd like to ask anyone who is speaking in support of this, whether it be the applicant, agent, or anyone else who is speaking in support of this zoning application. Is there anyone here who would like to speak in support? Please come forward, give you name and address for the record."

**Mr. Dhon Hauserman**, 4849 South Laura, Wichita, Kansas, said, "After talking with Dave Vancouvering, which is president of the homeowners' association across the street and stuff, we learned that there is a potential pollution problem under Learjet so we decided at this time to withdraw our application. Supposedly it is flowing to the southeast, so we're going to withdraw our application."

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**Chairman Winters** said, "So your application here for this zoning request, you are withdrawing that."

**Mr. Hauserman** said, "Yes."

**Chairman Winters** said, "Alright, thank you very much Mr. Hauserman. Mr. Plummer, how would you suggest that we proceed? Should we formally request the withdrawal or should we vote to deny this application, that would settle that?"

**Mr. Stephen Plummer**, County Counselor, said, "I think either way, whatever is your preference. You could vote to deny it or you can just accept his withdrawal."

**Chairman Winters** said, "Marvin, do you have a suggestion about how we should handle this at this point?"

**Mr. Krout** said, "Rich Euson suggests that a Motion to accept the withdrawal is all you would need to do."

**Commissioner Schroeder** said, "Okay and then for the information for the citizens who are here who I assume were going to speak in opposition, what does this mean to them?"

**Mr. Krout** said, "This application is closed and the only way that it could reappear, or something like it could reappear, is with a new application, new filing fee. The general rule of the zoning code is that you cannot file an application after the Planning Commission hearing within a year of the Planning Commission hearing on the original application. The Planning Commission can reduce that time to six months if they find there is some significant change in the area or in the application itself. There would be a new hearing, the same notices and the public hearing at the Planning Commission would be the same."

**Commissioner Gwin** said, "You'd start all over."

**Mr. Krout** said, "Basically."

**Chairman Winters** said, "I assume that Mr. Hauserman has the authority to withdraw this application. Would it better to accept his withdrawal or to and deny it. But if we went ahead and denied the application, we'd need to go through all the rest of the procedure."

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**Mr. Krout** said, "I think that if you were to make a Motion on the case itself that then you should open it up for public testimony and you would have to refer to findings that the Planning Commission did or didn't make and have a good discussion for the record. So I agree with the suggestion that you're better off to accept the withdrawal and not deal with all that."

**Chairman Winters** said, "And it is your opinion that Mr. Hauserman has the legal authority to give this withdrawal."

**Mr. Krout** said, "Yes, it has happened before. We've had people withdraw their cases, not ever quite like this but at various times through the process."

**MOTION**

Commissioner Gwin moved to accept the applicant's withdrawal of the application.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much. Rich, you might make yourself available to any of the citizens in the back or in the lobby if they have any questions about this withdrawal. I'd appreciate that. Thank you very much. Madam Clerk, call the next item please."



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**NEW BUSINESS**

**E. RESULTS OF THE SEDGWICK COUNTY EMPLOYEE BENEFITS ADVISORY COMMITTEE ELECTION.**

**Ms. Mamoth** said, "I would like to announce to you the election results for employees to serve on the Employee Benefits Advisory Committee, a committee established by the County Commission and the Manager to have input to the benefits that are provided to Sedgwick County Employees, to look at policy recommendations, et cetera. The election was held to replace three positions on that committee and the results are, Keith Hutchinson from the Sheriff's Department, Karon Burleigh from Public Services, and Cindy De La Torre from Purchasing.

"We'd also like to thank those employees whose terms have expired, who served three years on that committee. They are Harold Jones from Central Services, Cynthia Roeder from Accounting and Robert Holland from the Sheriff's Department. Thank you."

**Chairman Winters** said, "Alright, thank you. We certainly appreciate the time and effort that our employees spend on this important Benefits Advisory Committee. It is very important work. I know there are times, like all of us, that they probably feel frustrated with what they are doing but we certainly appreciate the efforts, the comments, the suggestions and the concerns that they have and we appreciate that very much. We certainly appreciate those that are going off and we thank those who are willing to serve. Do we need to take official action or are we just receiving and filing this information?"

**Ms. Mamoth** said, "I believe you're just receiving and filing the results."

**Chairman Winters** said, "Alright, thank you very much Mary Ann. We appreciate your work with this group."

**Ms. Mamoth** said, "Thank you Commissioner."

**Chairman Winters** said, "Alright, next item please."

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**F. RESOLUTION AUTHORIZING THE SALE OF A COUNTY FIRE STATION LOCATED AT 6151 SOUTH BROADWAY.**

**Mr. Richard Euson**, Assistant County Counselor, greeted the Commissioners and said, "This matter involves a fire station that is in the 6100 block of South Broadway on the west side of Broadway between the south City of Wichita city limits and about half a mile north of the City of Haysville city limits. This is a fire station that has not been in use for some time and vacant. The Fire Department has no further use for it. As far as I know, no other department of the County has any use for it and we recommend that you sell this property.

"In order to do this, the statutory procedure requires that because we believe this is a property that is valued in excess of \$50,000, that you approve the sale by a 4/5 majority vote. That we publish notice for 3 consecutive weeks in the official County newspaper and that we offer the building and property to the highest best bid. We have prepared a Resolution for you this morning which contains a notice which gives the conditions and time of sale. We recommend that for your approval and I'll be happy to answer any questions you have about this. John Coslett is here to answer any questions about the history of the property as well."

**Chairman Winters** said, "Okay, thank you. Commissioner Schroeder."

**Commissioner Schroeder** said, "Just one quick question. That will be through a sealed bid process?"

**Mr. Euson** said, "That is correct. That's what we're recommending."

**Commissioner Schroeder** said, "Okay, thank you. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you. Any other questions? What's the will of the Board?"

**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 Rich. Next item please."

**G. RESOLUTION AMENDING DOCUMENTS RELATED TO SEDGWICK COUNTY'S TAXABLE INDUSTRIAL REVENUE BONDS (RAYTHEON AIRCRAFT COMPANY).**

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "This is one of those deals that governments involve themselves in with local businesses that illustrates or demonstrates, that in fact, Sedgwick County is a good partner and we are delighted to be partners with Raytheon Corporation. The action today is simply to do three things. One is to acknowledge that the tooling for the Starship was destroyed, that allows Raytheon to change the payment date of the bonds which they own and to change the method of interest rates for the industrial revenue bonds that they have. In these industrial revenue bond issues and processes, it has always been our intent to listen to the customer and to acknowledge that is there best business interest that is also our best business interest. In none of these issues that we are going to do today are there any risks for us involved.

"I would just like to spend a few minutes and Mr. Jim Gregory from Raytheon to be here to comment and to show us a little video because I think it's important to understand where Raytheon has been in this community. When I had an opportunity to talk to a representative from Raytheon, we talked about the words of committed financing, constructed upgraded buildings, expansion, and hire. I think in terms of local government economy, I can't think of more beautiful words than hire, expanding, upgraded, constructed and committed money and that is exactly what they have done. In the last three years, it has been \$150,000,000 for expansion and modernization projects. They have upgraded or are in the process of upgrading Plant One, they are expanding Plant Four; they are occupying a new corporate administrative building, they are purchasing an office building. They previously had none in the neighborhood.

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“They are constructing a new plant to build JPATS (Joint Primary Aircraft Training System) aircraft. They are building a new runway to accommodate the aircraft assembly activity and building a new hanger at Mid-Continent and have hired 1,000 more employees in 1995 and expect to hire another 1,000 employees this year. That's the kind of news that is extraordinary. It is the kind of news that communities, if this were a new company coming in, would have a parade and let balloons go and do those kinds of celebrations and so sometimes we forget to do that with our good customers that are here. I think it would be appropriate, if it is okay with you Chairman, to have Mr. Gregory introduce the little video and then proceed with our business.”

**Chairman Winters** said, "Before we do that, Commissioner Miller has a question. Do you want to wait until the end of the presentation?"

**Commissioner Miller** said, "I'd prefer to wait. Thank you Mr. Chairman."

**Chairman Winters** said, "Okay, thank you."

**Mr. James Gregory**, Raytheon Aircraft Company, said, "Bill, you mentioned a parade."

**Commissioner Schroeder** said, "He wasn't authorized to do that."

**Mr. Gregory** said, "Wouldn't that be a great idea if we had a parade when we open the new relocated Central that you all have graciously approved?"

**Commissioner Schroeder** said, "Yeah, that'd be great."

**Mr. Gregory** said, "A parade down the new Central. We'll have to plan something like that. I do appreciate the opportunity to be before you today. I'd like to show you a little four to five minute video on Raytheon Aircraft. Things are moving so fast that this is already out of date and it was just done three weeks ago. We say we have 13,000 total employees, we actually have more than 14,000 now. More than 7,000 here in Wichita, so about half of our employment is in Wichita and it is growing. We've added about 500 people this year and we're going to try to add another 500 before the end of the year after adding 1,000 last year, so that will be 2,000 in two years just in local employment and as Bill mentioned, we're doing a lot of expansion and a lot of growing.

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“We just bought a new research and development center for some of our new products that are coming along. It will be the follow-on to some of the Hawker business jets that we now are now transferring the assembly to Wichita from the United Kingdom. So with that, Fred if you could help me operate the machine, we'll look at the video. I'm usually pretty wordy but we had a 12 minute version and we had to condense it down to four and one half.”

**Commissioner Schroeder** said, "Well we'll have a parade for that."

### **VIDEO PRESENTATION**

**Mr. Gregory** said, "Thank you. We do appreciate your support today for the refinancing of the bonds and also to accommodate the destroying of some equipment that we purchased for a discontinued product. Thank you very much."

**Chairman Winters** said, "Okay, thank you Mr. Gregory. We appreciate your being here and appreciate the video update. Thanks. Mr. Manager."

**Mr. Buchanan** said, "Commissioners, the action on the agenda is to approve the Resolution. I would suggest and recommend that after we had a consultation with the bond attorney that the Resolution is subject to receipt of appropriate certificates and approval with such modifications as the County Counselor's Office may deem necessary and appropriate."

**Chairman Winters** said, "Okay, thank you. Commissioner Miller has a question and comment."

**Commissioner Miller** said, "Thank you Mr. Chairman. Mr. Manager, when you say and this may go to Legal, but when you say appropriate certificate, to what are you referring?"

**Mr. Buchanan** said, "Our bond attorney believes it is necessary to have the trustee that holds the bonds send us a certificate that they're holding the bonds. That fax has been received and we just received it several minutes ago. I think that qualifies for that certificate that he was concerned about."

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**Commissioner Miller** said, "Okay. I know I have had a conversation with you personally Jim and I really don't have a problem with the action that's been recommended for us to take today, but I know that there were some concerns and I just want to make sure that indeed each of those have been addressed and I hear the certificate has been faxed here just recently. Were there any other concerns that we need to address?"

**Mr. Buchanan** said, "There will be language modification in one of the 'Whereases' and that's been agreed to and the I's haven't been dotted and the T's haven't been crossed and that's why we've added the language, approve with such modifications as the County Counselor's Office may deem necessary and appropriate."

**Commissioner Miller** said, "So Mr. Counselor, you're going to review this, following the action that we're going to take today."

**Mr. Plummer** said, "Yes, there was a meeting this morning. It is my understanding that all those changes have been proposed and accepted. It is just a matter of redoing the documents."

**Commissioner Miller** said, "Thank you. I just need that clarification. Thank you Mr. Chairman."

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

**Commissioner Gwin** said, "Thank you Mr. Chairman. This is I know for Raytheon, some housekeeping and we need to take care of that, but it would not be appropriate, I think, if we didn't stop to just take a minute to kind of review what Raytheon is doing, has done, and will do in Wichita and Sedgwick County in the recent past and upcoming future. Any time a company has the growth potential and the employment potential that Raytheon obviously has, it is certainly time to celebrate. I don't know how many of you have had the opportunity to visit the new administration building but it is absolutely glorious, not a bad lunch counter, and I think makes a very strong statement that this is, in fact, going to be the home of Raytheon here in Wichita and Sedgwick County. The fact that they purchased the old Corporate Hills building for research and development is also very encouraging and I don't know if we've gotten the crosswalk painted across the street yet, but I know that is upcoming so we shuttle those people back and forth. I congratulate you on the JPATS program award."

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“We know it was a competition with Cessna, but one of two very good firms were going to get it and your winning of that certainly increases your need for additional space. Any of us who has been on Greenwich Road lately at shift change time know that a lot of your workers are now working on the east side of your campus and we certainly can see the growth that you all are experiencing. I am real excited to either have a parade on the new Central to taxi off that new runway to visit the expanded buildings or whatever, whenever those things are available, but what is basically a housekeeping issue only gives us an opportunity to celebrate with you the good things that are happening with your company and for Wichita and Sedgwick County because of it and I appreciate you being here this morning to give us an update on that and we'll certainly support the Resolution.”

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

**Commissioner Hancock** said, "Thank you Mr. Chairman. I just wanted to add to what Betsy has said and that's that a couple of years ago or maybe even more than that now, time goes by so fast, Jim came to us and suggested some possibilities in the works and asked us to be partners and today everything has come true. It has been amazing. As elected officials, it might surprise our constituents, sometimes we're cynical about things also as well as they, but I think when Jim spoke to me that day I thought well, if half of it happens, hey, I'll be a pretty happy guy. But all of it has happened and congratulations. It's been a real pleasure being partners with you and I hope that we can have the opportunity to continue that partnership and you've benefited the community and that's what we're about also. I know that we've got some new things to look at and I think we'll be ready to go on those too. Thank you for doing what you've done for us, we appreciate it."

**Chairman Winters** said, "Thank you very much. I would make one short additional echo and say that I think probably one of the most important things we do as local government is provide for public safety for our citizens but very closely after that is helping provide quality of life and the way you provide a quality of life for your citizens is have quality places for them to work and be employed and certainly Raytheon is one of the companies here in Sedgwick County that does that. So Commissioners, seeing no more questions, what's the will of the Board?"

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**MOTION**

Commissioner Gwin moved to adopt the Resolution with such modifications as the County Counselor's Office may deem necessary and appropriate.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much. Thank you for being here this morning. Next item please."

**H. RESOLUTION ESTABLISHING A SHERIFF'S DEPARTMENT SUBSTATION AT LAKE AFTON PARK AND DESIGNATING OPERATIONAL RESPONSIBILITIES.**

**Mr. James Elvins**, Major, Sheriff's Department, greeted the Commissioners and said, "This morning we would ask that you adopt a Resolution establishing a Sheriff's Department Substation at Lake Afton and designating operational responsibilities. Several months ago, the Sheriff's Department was approached by Lake Afton, since their old convenience store/office had been vacated due to the building of their new facility and they gave some thought as to what they could do with it and they approached us and suggested that perhaps our Deputies that work out west could use that facility during the weekend when there are a lot of events at Lake Afton and also just during any time when they're out there and they could use the telephone to perhaps cut cases or meet with citizens that are living out in that area. We've worked with Mark considerably in the past and we think we have all the problems worked out with it and we would ask your consideration of this matter. If you have any questions, I'd be happy to address them."



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**Chairman Winters** said, "Thank you very much. I see no questions at this time. Commissioners, what's the will of the Board?"

**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**

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."

**I. PROFESSIONAL SERVICES AGREEMENT WITH HARRY KOURI, JR.,  
D.D.S. TO PROVIDE DENTAL SERVICES TO INMATES OF THE  
SEDGWICK COUNTY ADULT LOCAL DETENTION FACILITY.**

**Ms. Janet Weidman**, Sheriff's Department, greeted the Commissioners and said, "What you have before you is a renewal of a contract or an agreement with Dr. Harry Kouri to provide dental services to the detention facility and I'm here to answer any questions if you have some."

**Chairman Winters** said, "Okay, thank you. Commissioners, do you have any questions? If not, what's the will of the Board?"

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**MOTION**

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

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much Jan."

**Ms. Weidman** said, "Thank you."

**Chairman Winters** said, "Next item."

**J. CHANGE ORDER NUMBER ONE WITH MOTOROLA INC. ON THE 800 MHZ RADIO ENHANCEMENT PROJECT.**

**Ms. Diane Gage**, Assistant Director, Emergency Communications Department, greeted the Commissioners and said, "We're requesting your approval for an amendment to our current radio system enhancement contract with Motorola to allow us to use an alternative vendor for the installation of the antennas at the Haysville, Goddard, and Wichita State University tower sites. I'll be happy to answer any questions you have."

**Chairman Winters** said, "Okay, Diane can you tell us what the finances of that are? Are we going to be paying more or less? Can you explain that briefly?"

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**Ms. Gage** said, "Originally, it was going to cost us a little over \$27,000 to have the antennas installed. This is being reduced to just over \$17,000. That will save us approximately \$9,700 over our original contract."

**Chairman Winters** said, "Okay, good. That's good news. Commissioners, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve the Change Order and authorize the Chairman to sign.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

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

**K. MODIFICATION TO THE CONTRACT WITH GREAT PLAINS CONSTRUCTION, INC. FOR REMODELING THE HISTORIC COUNTY COURTHOUSE. CIP PROJECT #1996 PB-307.**

**Mr. Kenneth W. Arnold**, Director, Capital Projects, greeted the Commissioners and said, "I've had an occasion to visit with you on this particular project and the items that are involved with it. It is in the amount of \$8,880.84. We remain under budget and on schedule with that project and I think we'll all be very pleased as well as the citizens when that project is completed. I'd be happy to answer any questions you have."

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**Chairman Winters** said, "Thank you. Commissioners, you heard Ken's presentation, questions, or what's the will of the Board?"

**MOTION**

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

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

**Mr. Arnold** said, "Thank you Commissioners."

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

**L. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.**

**Dr. Larry D. Jecha, M.D., M.P.H.**, Director/Health Officer, greeted the Commissioners and said, "You have before you our monthly report for April and I'll highlight some of those for you. Starting with environmental services, the staff continues to gather information on ventless heaters that will be presented to our Board of Health and then will go to a joint Mechanical and Plumbing Board public hearing on if there are any health problems on these ventless heaters. We still to date haven't received the test results from the manufacturers. We're continuing to work on this problem."

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"A meeting was held with the County Legal Department to discuss the nuisance code especially as it applies to an asphalt plant recently located in the County with some complaints. Our staff has determined that it meets the City Code standard and the measurements of air pollution with the State capacity standards were met, so it was determined that a nuisance doesn't exist, but we'll continue to monitor this plant for their opacity to make sure it stays in compliance.

"There is increased evidence that particular matters are important in the health, especially respiratory health and EPA is mandated to look at our particular sources in the community and we're working with KDHE to find out where the highest concentrations are and then from that we may have to change some of our monitoring locations, but we're in the process now of doing mandatory studies for this.

"Animal control, we've had decreased rabies over the past in our animals surrounding Wichita and Sedgwick County and that's good news, but there is more emphasis throughout the United States, as you probably read in the paper, even the States looking at ways we can decrease the rabies in our population of animals in the community. So that's the good news, it's down, but we have to keep our presence with rabies known. It is now shown that you don't even have to have a bite to contract rabies, it looks like there is an aerosol just from the saliva that several of the deaths in the United States last year, there was no evidence of any bites, so it is changing our thinking on rabies in the future. So you'll probably be hearing more of that in the future.

"Well, we've had dry conditions. That's good for two things, weed control and mosquito population and now if we get some more moisture, I'm sure this will be coming up, but this is usual for this time of year.

"Food establishment, food handlers classes have more than doubled this year so we continue to do well in the area.

"Hazardous waste collection continues to increase. This first corner we have taken in more hazardous waste than we did for the first full year of operation in '91. In fact, it was a banner month, over 30,000 lbs were shipped out in April, the largest monthly amount since the program began.

### **Regular Meeting, May 29, 1996**

"Administrative services, the Dental Clinic has received a grant for \$5,000 from the Wichita Community Foundation to prevent Baby Bottle Tooth Decay. This is a decay caused by constant bottle feeding and putting the baby to bed with a bottle. We plan to use this money well and use it for education and buying of baby training cups which will be handed out during immunization visits to the Health Department. A very worthwhile program for especially the needy population.

"Personal Health Services. April was a busy month with Operation Immunize co-sponsored by the Sedgwick County Immunization Task Force and the Kansas Department of Health and Environment. Again, it was very successful. In fact, it increased over last year. There were 930 children seen with 2,107 immunizations given and this included sites throughout the City and the County. This was the best participation and I would like to thank the volunteers from Kiwanis, Black Nurses Association, School Nurses, WSU nursing students, Delta Sigma Theta, and many others who helped with this worthwhile community event. Thank them for their help.

"The disease of the month, it looks like this month was a lot of pink eye going along with a lot of our schools, so that seems to be the one. It was strep throat last month in March. In April it seems pink eye is the disease of the month.

"Stanley Station participated in the Stanley Family Night providing vision and hearing screenings, height and weight measurements, and blood pressure screenings to parents of the local children in that school.

"Sexually Transmitted Disease Program the new approach was instituted as a trial in the month of April. We actually, staff went out in some high risk neighborhoods and did some screenings. Out of 155 tests done for syphilis, we had three positives, so we feel it was successful and along with that I think it at least shows the importance of going out to high risk areas. We do have these venereal disease in our community and we need to find these so we can control the spread of these diseases.

"Our Kansas Breast and Cervical Cancer Initiative Program was officially started in the month of April. It is a really worthwhile program. We have nurses now on staff and all of our contracts for mammograms and these have been made and it's getting off to a good start and I think it will really help in our community for finding hopefully early and preventable breast and uterine cancer. With that, I think I'll leave it up to questions."

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

**Commissioner Miller** said, "Thank you Mr. Chairman. Dr. Jecha, back to the beginning of your report when we were talking about a particular asphalt plant that is located in the northern part of the County and that legal has been involved in it. I know Code Enforcement has been involved in it and obviously your Health Department has been involved in it. I can respect that according to the level of emissions and I'm talking about from a pollution perspective, that it didn't quite tip the scale, was considered not a nuisance and probably also in terms of audio registering on the scale, it didn't quite tip it, so it is not considered a nuisance there, but there are some families there that are insistent and I have been up there while it is up and running and it is nauseating. You can smell the fumes. You do see, it is somewhat visible. I can just urge you from a public perspective to continue to look at avenues that will give the residents in that area some relief because it is kind of like the old parable 'Peter who cried wolf', you continue to talk about it, you make the phone calls, you talk to the right people and it's still causing your family some grief and the persons that they feel are in control of it come back and say, not a nuisance."

**Dr. Jecha** said, "Well, with your help, I'd be glad to continue to work with you if you think resolutions need to be looked at for the County to be more strict for some of these types of things, we'll be glad to work with you."

**Commissioner Miller** said, "There is a code issue problem there that occurred prior to our new zoning codes that we actually brought on board just in 1996, so I understand where we're at with it, but I'm just saying that there is a problem that exists and if we can do anything collectively that I'd be very happy to work with you on it. Thank you."

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

**Commissioner Gwin** said, "Dr. Jecha, I was interested in your discussion about BBTD, the Baby Bottle Tooth Decay and you know what, I've heard of that before, and understood that it could cause pain and orthodontic problems. What I didn't realize and I guess what a lot of people don't realize are the additional problems it can cause. It says in your report, delayed speech and eye-hand coordination and ear infections."

**Dr. Jecha** said, "Yes, it's all related to the infection and you have the decay and infection and these things are related. It can lead to a lot of entities."

**Regular Meeting, May 29, 1996**

**Commissioner Gwin** said, "How does your department go about the outreach and getting this information to mothers."

**Dr. Jecha** said, "We have pamphlets we are sending out. As you know, our programs reach a lot of high population through WIC clinics, we have 9,500 people at one time in WIC. We do about 13,000 a year."

**Commissioner Gwin** said, "What does WIC stand for?"

**Dr. Jecha** said, "Women/Infant/Children programs; nutrition programs and immunizations, so we're reaching a lot of people hands-on, so it is a matter of our nurses handing out pamphlets and educating people. That's why we're using the media and anyone else we can."

**Commissioner Gwin** said, "I was going to say, it certainly appears that it affects a great deal more than just little baby teeth so I appreciate that information. Thank you."

**Chairman Winters** said, "Okay, thank you very much. Commissioners, any other questions of Dr. Jecha? Seeing none, what's the will of the Board?"

**MOTION**

Commissioner Hancock moved to receive and file.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much Dr. Jecha."



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**Dr. Jecha** said, "Thank you."

**Chairman Winters** said, "Next item please."

**M. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER TWO, WITH CORNEJO & SONS, INC. ON SEDGWICK COUNTY PROJECT NO. 618-33; CENTRAL RELOCATION BETWEEN WEBB ROAD AND GREENWICH ROAD. CIP #R-76. DISTRICT #1.**

**Mr. David C. Spears**, Director, Bureau of Public Services, greeted the Commissioners and said, "Item M is a modification of plans and construction for the road improvement project on Central relocation between Webb Road and Greenwich Road, designated as R-76 in the Capital Improvement Program. This plan involves installing storm sewer inlets and reinforced concrete pipe on existing Central and connecting the reinforced concrete pipe to the storm sewer system being constructed with relocated Central. The storm sewer system on relocated Central is designed to accommodate the drainage from existing Central. There will be an increase of \$10,622.73. Recommend you approve the modifications and authorize the Chairman to sign. This brings our revised contract amount to \$2,851,516.60."

**Chairman Winters** said, "Thank you David. Questions or discussion? If not, Commissioners, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner Hancock 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.

**Mr. Spears** said, "Thank you."

**Chairman Winters** said, "Next item please."

**N. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MAY 23, 1996  
REGULAR MEETING.**

**Mr. Darren Muci**, Director of Purchasing, greeted the Commissioners and said, "You have before you the minutes from the May 23 meeting of the Board of Bids and Contracts. There are five items for consideration this morning.

**(1) FURNITURE/COMMISSION CONFERENCE ROOM - CAPITAL  
PROJECTS  
FUNDING: 1994 CAPITAL PROJECT**

"Item one, furniture for the Commission Conference Room, for the Department of Capital Projects. It was recommended to accept the only bid received of Scott Rice, that's a total of \$15,895 for the three pieces you see noted.

**(2) SANITARY SEWER IMPROVEMENTS - BUREAU/PUBLIC SERVICES  
FUNDING: SPECIAL ASSESSMENTS**

"Item two, sanitary sewer improvements, also for the Bureau of Public Services. It was recommended to accept the low bid of Utility Contractors for \$204,138.

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**(3) 15 PASSENGER VAN - MOTOR POOL**  
**FUNDING: MOTOR POOL**

"Item three, is a 15 passenger van for the Central Motor Pool and COMCARE. It was recommended to accept the only bid received of Rusty Eck Ford for \$22,000 and that does not include a trade-in this time.

**(4) LABORATORY/COMMAND VEHICLE - SHERIFF**  
**FUNDING: SHERIFF ASSET FORFEITURE/MOTOR POOL**

"Item four is a laboratory command vehicle for the Sheriff and the Central Motor Pool. It was recommended to accept the low proposal of Wheeled Coach Industries for \$91,850 and that does include a trade-in.

**(5) ANTENNA INSTALLATION - EMERGENCY COMMUNICATIONS**  
**FUNDING: EMERGENCY COMMUNICATIONS**

"Item five, antenna installation for Emergency Communications. It was recommended to accept the only bid received from LeBlanc for a total of \$17,718 for the three antenna sites.

**ITEMS NOT REQUIRING BOCC ACTION**

**(6) TRACKED EXCAVATOR - MOTOR POOL**  
**FUNDING: MOTOR POOL**

**(7) 2000 TEST PROGRAM - INFORMATION SERVICES**  
**FUNDING: INFORMATION SERVICES**

**(8) AUTOMATED TAPE CARTRIDGE SYSTEM**  
**FUNDING: INFORMATION SERVICES**

"There are three items that do not require action at this time. Those items are tabled for review. Item six is a tracked excavator for Central Motor Pool, proposals are received and those are being reviewed. The 2000 implementation test program for Information Services, those are also being reviewed.

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“Automated tape cartridge system for the Department of Information Services, it was recommended to reject all proposals and revise specifications and resolicit at a later date. I would recommend you approve the recommendations, unless there are questions, of the Board of Bids and Contracts.”

**Chairman Winters** said, "Commissioner Schroeder."

**Commissioner Schroeder** said, "Darren, one question Mr. Chairman, if you please. Item number three, 15 passenger van, it doesn't say who that is for, do you know who that is for?"

**Mr. Muci** said, "That is for COMCARE from Mental Health."

**Commissioner Schroeder** said, "Is that funding directly from our general fund or is there any Mental Health monies in that, does anybody know? It is a grant, thank you. Thank you Mr. Chairman."

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

**Commissioner Miller** said, "Yes, Darren, on item number 4, that's an ambulance, is that what that is? I know it's modified for laboratory."

**Mr. Muci** said, "The chassis is what you would normally find on an ambulance and the vendors that can provide that type of chassis are the vendors that you see here. I think that Mr. Lamkey and Ms. Weidman may be able to address some of those specific questions."

**Commissioner Miller** said, "Mr. Lamkey we've used McCoy Miller haven't we in the past?"

**Mr. Robert Lamkey**, Director, Central Motor Pool said, "That is correct."

**Commissioner Miller** said, "I was looking at how close the bid was without the trade-in, there is a discrepancy in the trade-in, I was wondering why we didn't go with McCoy Miller, and it's not Miller, I noticed as one of our EMS vehicles was driving off, it was McCoy Miller and you know if it is long standing and we know the performance of it."

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**Mr. Lamkey** said, "We're in the last year of a three year contract with McCoy Miller so that contract is coming up for review. Wheeled Coach of course is located in Hutchinson. There are opportunities to travel and review the construction process. Now the basic chassis will be done in Orlando and then the final work will be done at Wheeled Coach. The bottom line, they both provided the same product and Wheeled Coach was a little less expensive. They were a previous vendor of ours, I think they had the last contract and are interested in doing business with us. We looked at all the proposals as a group and decided that would be a preferred one based primarily on price."

**Commissioner Miller** said, "Just a little bit less."

**Mr. Lamkey** said, "Yes ma'am."

**Commissioner Miller** said, "Just needed to know that, wanted to make sure McCoy Miller was standing up and what they need to do. Thank you."

**Chairman Winters** said, "Thank you Commissioner Miller. Any other questions or comments, Commissioners? If not, what's the will of the Board?"

**MOTION**

Commissioner Hancock moved to approve the recommendations of the Board of Bids and Contracts except for Item One.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

## **Regular Meeting, May 29, 1996**

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

### **CONSENT AGENDA**

#### **O. CONSENT AGENDA.**

##### **1. Utility and Highway Permit Agreements.**

- a.** The City of Wichita is submitting this application requesting permission to open cut Central Avenue on the east side of Greenwich Road, install a water main on the east side of Greenwich and extend a water line on the north side of Central to service Balthrop Addition. Minneha Township. Utility Permit No. 046-96. Road No. 618-34. District #1.
- b.** Southwestern Bell Telephone Co. is submitting this application requesting permission to relocate cable in connection with the Gilders Garden Sanitary Sewer Project. Minneha Township. Utility Permit No. 047-96. Road No. 618-34. District #1.
- c.** Southern Kansas Telephone Co. is submitting this application requesting permission to bury cable on the west side of 135th Street West north of 119th Street South. Ninnescah Township. Utility Permit No. 051-96. Road No. 803-DD. District #3.
- d.** Southern Kansas Telephone Co. is submitting this application requesting permission to bury 300 feet of cable on the north side of 87th Street South west of Ridge Road. Ohio Township. Utility Permit No. 052-96. Road No. 640-22. District #2.
- e.** KG&E, A Western Resources Co. is submitting this application requesting permission to install poles and overhead conductor along 103rd Street South west of 119th Street West. Ninnescah Township. Utility Permit No. 053-96. Road No. 644-18. District #3.

### **Regular Meeting, May 29, 1996**

- f.** Southwestern Bell Telephone Co. is submitting this application requesting permission to bury cable on the east side of Tyler Road from 84th to 85th Streets North, then bore Tyler Road and bury cable on the south side of 85th Street North for approximately 3,000 feet. Valley Center Township. Utility Permit No. 054-96. Road No. 598-20. District #4.
  - g.** Southwestern Bell Telephone Co. is submitting this application requesting permission to bury cable along 61st Street North from 119th to 135th Streets West. Union Township. Utility Permit No. 055-96. Road No. 604-18. District #3.
  - h.** KG&E, A Western Resources Co. is submitting this application requesting permission to install poles and overhead primary along 45th Street North east of Hydraulic. Kechi Township. Utility Permit No. 056-96. Road No. 608-28. District #1.

#### **2. Right-of-Way Easements.**

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

- a.** Road Number 791-M, Owner: James R. Pavlack, Jr., located in the Southwest Quarter of Section 1, Township 27 South, Range 3 West, more specifically located on the east side of 231st Street West and north of 21st Street North. Garden Plain Township. District #3.
- b.** Road Number 837-M, Owners: Michael R. Young and Elaine M. Young, located in the Northwest Quarter of Section 2, Township 27 South, Range 2 East, more specifically located on the east side of 127th Street East and south of 29th Street North. Minneha Township. District #1.

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#### **3. Floodway Reserve Easement.**

The following tract of land was granted by Floodway Reserve Easement at no cost to the County. This Easement was requested by the Director, Bureau of Public Services, prior to the approval of a platting exemption.

Owner: James R. Pavlack, Jr., located in the Southwest Quarter of Section 1, Township 27 South, Range 3 West, more specifically located north of 21st Street North and east of 231st Street West. Garden Plain Township. District #3.

#### **4. Right-of-Way Instruments.**

- a.** One Easement for Right-of-Way for Sedgwick County Project No. 817-G through N½ J; Meridian from the north city limits of Wichita to the south city limits of Valley Center. CIP #R-169. District #4.
- b.** Three Easements for Right-of-Way, two Temporary Construction Easements and one Tenant Release for Damage for Sedgwick County Project No. 839-B-2000; Bridge on 143rd Street East between 109th and 117th Streets North. CIP #B-256. District #1.
- c.** Two Temporary Construction Easements and two Easements for Right-of-Way for Sedgwick County Project No. 598-24-1300; Bridge on Kessler Street over Arkansas River Tributary. CIP #B-220. District #4.
- d.** One Easement for Right-of-Way for Sedgwick County Project No. 608-19; 45th Street North between 103rd and 119th Streets West and Central between 119th Street West and the Maize city limits. CIP #R-215. District #4.

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



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<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V93068	\$67.00	\$000.00
V95088	\$329.00	\$182.00
V95099	\$000.00	\$231.00
C93044	\$287.00	\$350.00
V95141	\$302.00	\$335.00

6. **Authorization per K.S.A. 79-2012 to withhold delinquent personal property taxes under the County Treasurer's certifications (2) dated May 22, 1996.**
7. **Order dated May 22, 1996 to correct tax roll for change of assessment.**
8. **Consideration of the Check Register of May 24, 1996.**
9. **Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960292	Human Resources	Transfer
960293	Election Commission	Transfer
960294	Road and Bridge Sales Tax	Transfer
960295	Aging	Supplemental Appropriation
960296	COMCARE-MHR/Adult	Transfer
960297	COMCARE-Children's Federal Grant	Supplemental Appropriation
960298	Corrections	Transfer
960299	1996 Bridge Projects	Supplemental Appropriation
960300	Balthrop Addition Phase 1 and General	Supplemental Appropriation

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

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**MOTION**

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much. Is there any other business to come before this meeting? At this time we will recess the Regular Meeting of the Board of County Commissioners."

**The Board of Sedgwick County Commissioners recessed in to the Sewer District Meeting at 10:38 a.m. and returned at 10:40 a.m.**

**P. OTHER**

**EXECUTIVE SESSION**

**Chairman Winters** said, "Call the meeting back to order."

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

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**MOTION**

Commissioner Miller moved that the Board of County Commissioners recess into Executive Session for approximately 15 minutes to consider consultation with Legal Counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation and that the Board of County Commissioners return from Executive Session no sooner than 10:55.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much. We're recessed for 15 minutes.

**The Board of Sedgwick County Commissioners recessed into Executive Session at 10:40 a.m. and returned at 10:55 a.m.**

**Chairman Winters** said, "Let the record show that no binding action was taken in Executive Session. Mr. Plummer do you have anything else to add?"

**Mr. Stephen Plummer**, County Counselor. said, "First we have a bankruptcy settlement and Clancy Holeman will talk to you about that."

**Mr. Clarence Holeman**, Assistant County Counselor, said, "Asking the Board to use its authority under K.S.A.-79-1703 to authorize me to present a settlement proposal in a pending bankruptcy of unpaid property taxes on a real property parcel. The unpaid taxes total some \$53,000, I am asking the Board to approve settlement of that amount under the statute in the amount of \$20,079.34 plus payment of the \$75.00 foreclosure fee.

**Regular Meeting, May 29, 1996**

“All at the applicable statutory interest rate during the pendency of the bankruptcy proceeding of the taxpayer and with a promise from the taxpayer that contingent upon the acceptance of the settlement the taxpayer will keep the 1996 and subsequent property taxes on the parcel current.”

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

**MOTION**

Commissioner Gwin moved to approve the recommendation for the settlement.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much. Anything else to come before this meeting."

**Mr. Plummer** said, "Yes, Commissioners, next is a workmen's comp case. We have a Sheriff's Officer, Steven Nelson, who was injured apprehending a suspect. He sustained injuries to his face, his teeth, and his hands. I recommend we settle that claim in the amount of \$8,080.27 and leave the medical open. The treating doctor says that he may need surgery later on, so the total settlement will be \$8,080.27 and leaving the medical open."

**Chairman Winters** said, "Thank you. Commissioners."

**Regular Meeting, May 29, 1996**

**MOTION**

Commissioner Hancock moved to approve the workmen's comp 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 very much. Is there other business to come before this meeting?"

**Mr. Plummer** said, "The last item I have is compensation to a minor who was injured in an altercation at Youth Residence Hall. My recommendation is we settle this claim in the amount of \$15,000. The money would be payable to the guardian and conservator appointed to this minor. The minor's name is Benjamin Board. I recommend you settle that claim in the amount of \$15,000."

**MOTION**

Commissioner Hancock moved to settle the claim for \$15,000.

Commissioner Gwin seconded the Motion.

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

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**VOTE**

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

**Chairman Winters** said, "Thank you very much. Is there other business to come before this meeting? Mr. Manager? Seeing no other business, this meeting is adjourned.

**Q. ADJOURNMENT**

**Regular Meeting, May 29, 1996**

There being no other business to come before the Board, the Meeting was adjourned at 11:05 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