

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 9, 1997

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, 1997, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Melody C. Miller; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Mr. Daryl Gardner, Controller, Bureau of Finance; Ms. Irene Hart, Director, Bureau of Community Development; Mr. Tom Pollan, Director, Emergency Medical Service; Mr. Dale Miller, Assistant Director, Metropolitan Area Planning Department; Ms. Deborah Donaldson, Director, COMCARE; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. A. Karen Casto, Deputy County Clerk.

GUESTS

Dr. Fred Tosh, 8308 Limerick, Wichita, Kansas

Mr. Eli Ferris, 2615 Bobwhite, Wichita, Kansas

Ms. Mary Ann Khoury, 334 N. Topeka, #102, Wichita, Kansas

Ms. Junetta Everett, PO Box 49198, Wichita, Kansas

Mr. Rodney Chaffin, 729 Gilda, Wichita, Kansas

INVOCATION

The Invocation was given by Mr. David Clien of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, Commissioner Hancock. was absent (Commissioner Hancock arrived later in the Meeting).

CONSIDERATION OF MINUTES:

Regular Meeting, March 12, 1997

Regular Meeting, March 19, 1997

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MOTION

Commissioner Gwin moved to approve the Minutes of March 12, 1997, and March 19, 1997 as presented.

Commissioner Miller seconded the Motion.

There was no further discussion, the vote was called.

VOTE

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

Chairman Winters said, "Before we go on to the next item Commissioners, Jack Brown, Acting Director, for the Health Department has asked to take a few moments.

MOTION

Chairman Winters moved to receive a report from Jack Brown.

Commissioner Gwin seconded the Motion.

There was no further discussion, the vote was called.

VOTE

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

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Mr. Jack Brown, Director, Environmental Health, greeted the Commissioners and said, "Thank you Chairman Winters and Commissioners. Last week was proclaimed 'Health Week', it is 'Public Health Week' for this week and on behalf of all our employees we appreciate that Proclamation and want to remind you of our open house. All the public is invited and it is from 11:00 a.m. to 2:00 p.m. this Thursday at the Health Department, 1900 East 9th. We will have a little ceremony and information available on various public health services. That is 11:00 a.m. to 2:00 p.m. on Thursday. Several Board of Health Members are here today and on behalf of the Board of Health, I believe Dr. Tosh, the Chairman of the Board of Health would like to make a few brief comments. Thank you."

Mr. Fred Tosh, 8308 Limerick, Wichita, Kansas, greeted the Commissioners and said, "I want to thank you for declaring and making this 'Public Health Week.' We have a very good Health Department in Sedgwick County with many programs that protect the public health. I think we all benefit from those programs. I would like to introduce three members of the Board of Health who are present this morning. Tealy Tran is present, Dr. William Pelzer and Donna Rae Malone. We thank you very much for the Proclamation."

Chairman Winters said, "All right doctor. Thank you very much and thank you for being here and reminding us again of the activities you have going on this week. I would certainly agree with you that Sedgwick County does have a very fine health department. We are very proud of the work that is done there and we certainly appreciate the volunteer time that board members put in to assisting in that and we're aware of the fact that we are looking for a new Director over there. We think that we probably are in good hands for the time being with Jack Brown. We have a lot of confidence in Jack. He does an excellent job and again thank you, and I hope you have a successful week. Next item please."

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Mr. Daryl Gardner, Controller, Bureau of Finance, greeted the Commissioners and said, "I certify that there are funds available for those items that have been identified on today's agenda requiring the expenditure of funds. A list of those items were provided to you previously."

Chairman Winters said, "All right, thank you. I see no questions, Daryl. Thank you very much. Next item."

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PROCLAMATIONS

A. PROCLAMATIONS

1. PROCLAMATION DECLARING APRIL 13-19, 1997 AS "KANSAS CRIME VICTIMS' RIGHTS WEEK."

Chairman Winters said, "Commissioners, I have a Proclamation I would like to read into the record and for your consideration."

PROCLAMATION

WHEREAS, one violent crime is committed in America every 18 seconds; 36.9 million Americans are victimized in the United States each year and of those, 9.9 million are victims of violent crime; and

WHEREAS, crime victims play an indispensable role in bringing offenders to justice; law-abiding citizens are no less deserving of justice, rights, resources, restoration and rehabilitation than the violent offenders who victimize them; and

WHEREAS, crime victims and their advocates over the past two decades have made unparalleled progress toward balancing the scales of justice in our criminal justice system; and

WHEREAS, as a nation devoted to liberty and justice for all, America is increasing its efforts to protect, restore and expand crime victims' rights; and

WHEREAS, volunteers from all walks of life are joining forces with victim service programs, criminal justice officials and concerned citizens throughout Wichita, Sedgwick County, Kansas and America to observe National Crime Victims' Rights Week;

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NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 13 - 19, 1997 as

“KANSAS CRIME VICTIMS’ RIGHTS WEEK”

in Sedgwick County, and recognize Terri and Eli Ferris in their tireless volunteerism to the DUI Victim Center since 1988.

Chairman Winters said, “Commissioners, do I here a Motion to accept this Proclamation?”

MOTION

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

Commissioner Miller seconded the Motion.

There was no further discussion, the vote was called.

VOTE

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

Chairman Winters asked, “Thank you. If there is someone who would like to accept this Proclamation, please step forward.”

Ms. Mary Ann Khoury, 334 N. Topeka, #102, Wichita, Kansas, greeted the Commissioners and said, “I would like to introduce to you Terri and Eli Ferris who not only give a lot to the DUI Victim Center of Kansas from the very time we were in a family room in a home, but to lots of different causes and people in our community. This is Terri and this is Eli, who would you like to say something?”

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Chairman Winters said, "Well, please accept this as a bit of our appreciation for the work that again, volunteers like you do in our community and our county. It is very much appreciated. Sometimes we just don't realize how much work is done behind the scenes by volunteers and folks like you are certainly appreciated and this is certainly an area that we're all very concerned about. Thanks for all the work you do in our community."

Mr. Eli Ferris, 3615 Bobwhite, Wichita, Kansas, greeted the Commissioners and said, "I might say one thing."

Chairman Winters said, "Certainly, come right ahead."

Mr. Ferris said, "I think everybody should see the 'Victims Right' thing. She has a meeting every other week down at this church and here are the victims' that have been so called abused by themselves, their families and so forth. If they would think twice before you do something, I say think once before you get behind that wheel of a car and been drinking. A lot of people drink and we know that. They have parties. You all do, everybody does, but don't get behind that wheel."

Chairman Winters said, "Commissioner Miller has a comment."

Commissioner Miller said, "Sir, you mentioned church and meetings. What church are the meetings held at?"

Mr. Ferris said, "The church on 2nd and Waco."

Commissioner Miller said, "2nd and Waco."

Ms. Khoury said, "He is referring to our DUI panels. Panels are held the 2nd and 4th Tuesday evening of every month at the Central Christian Church, at 225 N. Waco. Anyone can contact the DUI Victim Center if they are interested in observing that evening."

Commissioner Miller said, "Okay. Thank you. Thank you very much."

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

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**2. PROCLAMATION DECLARING APRIL 13-19, 1997 AS
"NATIONAL COUNTY GOVERNMENT WEEK."**

Chairman Winters said, "Commissioners, I have a second Proclamation I would like to read into the record for your consideration.

PROCLAMATION

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

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

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

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

WHEREAS, the Sedgwick County Mission Statement is, "To Assure Quality Public Services, That Provide For The Present And Future Well Being Of The Citizens Of Sedgwick County... To Be The Best We Can Be;"

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 13 - 19, 1997 as

"NATIONAL COUNTY GOVERNMENT WEEK"

in Sedgwick County, in recognition of the leadership, innovation and valuable service provided by our nation's counties.

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Chairman Winters said, "Is there a Motion to accept this Proclamation?"

MOTION

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

Commissioner Miller seconded the Motion.

There was no further discussion, the vote was called.

VOTE

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

Chairman Winters said, "Here to accept the Proclamation is Fred Ervin."

Mr. Fred Ervin, Director, Public Relations, greeted the Commissioners and said, "Commissioners, thank you for that Proclamation. This is an annual Proclamation and we would like to invite all the public and let them, know next, week we are going to have a motif in the lobby of red, white and blue because the theme for this year is Community Countdown 2000. Each day we are going to highlight one of the services or many services that Sedgwick County is involved in. On Monday, we will have Special Services, on Tuesday, it's Recreation, on Wednesday, it's Public Day, Public Help Day on Thursday and you just heard a little bit about that from Jack Brown. On Friday we are going to have Public Safety Day and that's going to be kind of a big blitz because we will have a lot of emergency vehicles. It is just going to really be big on Friday. I would like to thank the departments that . . . the first memo that we sent out asking for their participation they respond overwhelmingly and we certainly want to thank the departments for that. We will look for you next week and look for the red, white and blue canvass'."

Chairman Winters said, "Next item."

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APPOINTMENT

B. RESOLUTION APPOINTING GRANT TIDEMANN (COMMISSIONER GWIN'S APPOINTMENT) TO THE SEDGWICK COUNTY BOARD OF ZONING APPEALS.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "We have prepared a Resolution that would reappoint Grant Tidemann to the Board of Zoning Appeals for a term of three years to expire on April 15, 2000 and we would recommend this for your approval."

MOTION

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

Commissioner Miller seconded the Motion.

There was no further discussion, the vote was called.

VOTE

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

Chairman Winters said, "Next item. Was Mr. Tidemann in the audience today?"

Commissioner Gwin said, "He won't be here today. We'll mail him his paperwork."

Chairman Winters said, "All right. Thank you. Next item."

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DONATION

C. DONATION OF 50 TOY PANDA BEARS TO SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE BY DELTA DENTAL AND THE PANDA (PREVENT ABUSE AND NEGLECT THROUGH DENTAL AWARENESS) COALITION.

Mr. Tom Pollan, Director, Emergency Medical Service, said, "I'm excited this morning. The county is. . . in their mission statement elevated the need to find, seek and develop partnerships with other organizations to meet or exceed the needs of our community to ensure the safety of them. Today, I would like to introduce you to the partnership we have looked at and working on developing with the Panda Coalition. You probably, when I walked up here, you looked at my lapel rather than looking at me and that's Okay. Today we have with us Junetta Everett, the Coordinator for PANDA, to explain to you what my lapel pin means."

Ms. Junetta Everett, Coordinator, PO Box 49198, Wichita, Kansas, greeted the Commissioners and said, "As I introduce our program and explain to you what our program means, I would like to introduce a couple of my co-workers, Linda White with Delta Dental and Ms. Mary Dye. As they go through this they will make a presentation and we'll kind of expedite the time a little bit and provide some information for you as well as a little panda bear. Which I'll tell you what that's about. Our program is here for the dental community, however PANDA coalition is a public, private partnership and it's committed to educating all the dental professionals to recognize and report child abuse prevention. On a national basis, statistics show that up to 65% of child abuse and neglect child abuse is from the neck up. Dentists and hygienist are in the better position to recognize the reasons nationally that less than 1% of child abuse is reported by the dental profession is for the lack of education. So Delta Dental and the PANDA coalition have taken on an effort to education the dental professionals and just to tell who our private and our public partnership is with, we are the Delta Dental plan of Kansas, the Department of Social and Rehabilitation Services, Johnson County Community College, Department of Dental Hygiene, the Child Abuse Prevention Coalition, Kansas Children's Service League, the Kansas Dental Assistance Association, the Kansas Dental Association, the Kansas Dental Hygienist Association, Wichita Police Department, Wichita State University, Department of Dental Hygiene and the Wichita Children's Home.

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“We also will hold two partnerships eventually with Emergency Medical Service (EMS). One of the reasons we are presenting them today, our panda's, is in honor of PANDA month, which is the month of April and the National Child Abuse Prevention month which is the entire month of April. The lapel pins you see, we invite you to wear them the month of April just to symbolize that you support the program. We would like to present to Tom of EMS, our panda bear's. We have 50 bears we're donating to them and this is for the unfortunate times they have to pick up a child that has been abused or neglected.”

Mr. Pollan said, "Well, based on the information you just heard, I would only add that one of the more difficult times is when the paramedics and care givers have to deal with children. Because, as we remember in dealing with our children, it is hard to understand exactly what's going on. You just have a child and they may not be able to tell you. It's very stressful and very difficult for our people to work with and these bears will make it a little more bearable. Thank you."

Chairman Winters said, "Thank you Tom. Tom, you have one of your folks with you there that I don't believe was introduced."

Mr. Pollan said, "This is Tim Ritter. He is the Captain on our service."

Chairman Winters said, "Fine. Thank you Tim. We appreciate you being here and your involvement. Again, it's good to see partnerships working like this and we certainly appreciate the volunteer work that groups like you all are involved in. You know, we just had two groups who are doing volunteer work in this city who probably don't get a lot of recognition and I wish we could probably take 30 minutes every Wednesday morning to recognize folks who volunteer and try to make a difference in this community. I think we are making a difference and it's with help from folks like you that it really is accomplished. Tom, thank you and ladies, thank you for being here. We certainly appreciate this partnership. Thank you. Commissioner Miller has a comment."

Commissioner Miller said, "Before Ms. Everett and who ever is affiliated with PANDA, I would like to be able to donate my panda back to those who truly are going to cling to it and get some benefit out of it. I appreciate the gift, but I think it could be better used there within the unit. Thank you."

Chairman Winters said, "Thank you Commissioner."

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Mr. Pollan said, "We do need to take action on this. I recommend that we receive the panda's as a donation and sign a letter of appreciation."

MOTION

Commissioner Schroeder moved to accept the donation and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

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

VOTE

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

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

AWARD PRESENTATIONS

D. AWARD PRESENTATIONS

1. PRESENTATION OF CERTIFICATE FOR COMPLETION OF THE CAREER DEVELOPMENT PROFESSIONAL DEVELOPMENT CERTIFICATE TO TERRY K. MAULDIN, FIRE DEPARTMENT.

Ms. Mary Ann Nichols, Director, Personnel Department, greeted the Commissioners and said, "Today we are here to celebrate our employee's and to present three Sedgwick County employee's Career Development Program Certificates. The first is for the Professional Development Certificate. This program is designed to provide employee's the opportunity for professional training and to enhance their job skills. To receive this certificate, seven required courses and a minimum of four electives must be completed.

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“Terry K. Mauldin, Captain with the Sedgwick County Fire District has completed this certificate. Terry would you come to the podium and receive your certificate. Congratulations Terry. We also want to thank the Fire Chief for allowing Terry to participate in this program and thank the Board for providing it and the County Manager's Office and all the support from the Personnel Department and Human Resources.

2. PRESENTATION OF CERTIFICATES (TWO) FOR COMPLETION OF THE CAREER DEVELOPMENT SUPERVISORY/MANAGEMENT CERTIFICATE TO JOSEPH L. COTTON, PERSONNEL DEPARTMENT, AND BEVERLY EXLEY, ELECTION COMMISSION.

Ms. Nichols said, "Next we have two Supervisory/Management Development Certificates to present. This program is designed to provide supervisory and management staff with the knowledge and skills necessary to perform their jobs as well as an opportunity for personal and professional development. To receive this certificate, nine required courses and three electives must be completed. Beverly Exley who is the Chief Deputy for the Election Commissioner has completed the certificate and we would like to congratulate her on this.

"Also, Joe Cotton who is the Assistant Personnel Director has completed the Supervisory/Management Certificate. Joe would you come and receive your certificate. Thank you Commissioners."

Chairman Winters said, "All right. Thank you. Let's give them a round of applause. Terry, Beverly and Joe, we each know that continued education is very valuable. It makes us more effective in what we do and that is try to serve the citizen's of Sedgwick County. So, we certainly appreciate your efforts to continue your search for information and knowledge on how to do your jobs better. Thanks for your hard work on that program. Next item."

CITIZENS INQUIRY

E. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING BROADWAY TRUCK & AUTO ZONING.

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Chairman Winters said, "At this time on the County Commission Agenda any citizen who would like to address the County Commission can ask for a place on the agenda by contacting the Manager's Office or Commissioner's Office a week before the meeting and we certainly are open to public comment. Please state your name and address for the record and try to limit your conversation to five minutes, but we certainly are interested to hear what you have to say."

Mr. Rodney Chaffin, President, Broadway Truck & Auto Salvage, Inc. greeted the Commissioners and said, "My business burned down on March 1st. I have handed a packet to everyone and kind of describing everything that has went on since my place has burned. I went down to try and get a permit to go ahead and re-build what I had. At that time I was told I wasn't going to be able to because of the non-conforming zoning laws that was in effect. I'm really not asking to build anything better than what I had. I would just like to be able to go back into business in Sedgwick County. I really don't understand the zoning laws that are in effect about a non-conforming business. I asked when the fire happened for someone to come out and take a look at what I had. I had a building left, which you can see in the pictures of the place that burned. I have an aerial shot of what was there before the fire. What is left standing in the aerial photo is the big building behind the four bays there. The second set of pictures is the front of the building with the office and the four bays. The bays that was left could have been re-built, but at that time I knew I was going to have to build a new office so I went a head and tore it down. I didn't know at the time on the 50% or 30% that they are now saying that I could re-build if 50% or more of the building was left. I feel that 50% was still there because I still have an existing building now.

"The garage area that I tore down, I was going to put up a new building. Instead of going in and re-modeling that building and adding an office, I was just going to put up one total building. One metal building for basically with the same amount of money. What I have left now is the building in the bottom picture, the tin building I have garage doors on it now and I have moved in a mobile office, but I would like to re-build and put up a new building for warehousing parts and this is not the old junkyard that people is use to seeing. This is a salvage yard. We do recycle parts and we help clean up the community by taking all the junk cars off the roads and we bring them in and scrap them out. I haven't really spoken a lot in front of people, so I really don't know much more to say, other than I would love to be back into business at the capacity that I was. I have a system and linked with over 2,000 yards across the United States, so we're not really a little bitty business, but I am a small business.

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“The fire has caused enough damage without not being able to go back and re-build and get back into business. I guess what I'm really asking is, if I have to re-zone that's fine. The zonings not a problem, the time is the problem. I only have so much more time to be able to be in business and if I have to go through a long process, I'm not going to be able to be in business. I would like to be able to re-build and I'm asking that you all let me re-build. I will do what it takes, but time is the problem here, that I don't have a lot of time to sit back and wait on a long process. I need to do something now before I run out of money to be able to re-build. I guess that's about it that I have to say. If there are any questions, I would like to be able to answer them for you.”

Chairman Winters said, "Thanks. I think we are going to have some comments. Commissioner Miller."

Commissioner Miller said, "Thank you Mr. Chairman. Mr. Chaffin you have been to my office for one, you have talked to several individuals that are associated with the county and with the Metropolitan Planning, and Commission also, I have also been to your business. There is no doubt about it, you had a thriving business and it was indeed, what I would consider, on the cusp of a high tech salvage yard. Now you have been dealt a bad hand. There is no doubt about it, it was a tragedy. What I would like to hear from Counsel and from, and I need to clarify with Counsel because I thought Planning, our Planning Commissioner would be here. I'm hopeful and . . .

Chairman Winters said, "Dale Miller is here."

Commissioner Miller said, "Oh, Dale Miller is here. So, Dale would you please step forward because there is going to be some questions, some clarifications that I feel, we as a Commission need to hear that those that are listening from the public would need to hear, in order to get a real clear picture of what brings this here today with the presentation that you have. Dale, you might step forward. I have heard from Mr. Chaffin that we have a problem with going from a non-conforming status at his business to now having to conform to our Unified Codes. What's happened?"

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Mr. Dale Miller, Assistant Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "That's correct. The way that the code reads is that when there is a natural disaster like a fire or tornado or something in that similar nature, that if it's a non-conforming use, which is apparently what we have, we have a salvage yard that is not in the LI (Light Commercial) or GI (General Industrial) zoned district with a Conditional Use, which is what it would take to be in conforming zoning district. He is by definition non-conforming, therefore he has limitations on the ability to re-build after, in this case, a fire. He is limited to 30% of the floor area and so he would need to file and go through re-zone and a Conditional Use simultaneously which takes 60 to 80 days to go through."

Commissioner Miller said "So when you say, if. . . explain to me the 30% threshold."

Mr. Miller said, "In the code specifically there is a policy that indicates that the purpose of the limitation on expansion of non-conforming uses, is at some point, you hope that these things will become in compliance with the code, but under state statute they have certain rights to continue to exist and operate and be thriving business in the situations they were in prior to the adoption of the regulations which made them non-conforming. In this case what we have is a rule that says, if you're non-conforming use, you have a limitation of a 30% expansion right of the existing building that you can expand to and still not have to re-zone to become conforming. It is my understanding based on the one discussion I've had with the gentlemen is his main concern is expressed here today is that the 60 to 80 days to go through the zoning process was major concern. He wasn't sure how he would be able to maintain his business while he is waiting to see whether it's approved or not."

Commissioner Miller said, "Okay. I'm going to put a hold on that conversation for just a moment and direct a question to Legal. Mr. Counselor, from a statutory prospective, where are we on this issue?"

Mr. Rich Euson, County Counselor, Manager's Office, greeted the Commissioners and said, "Of course are regulations are based upon, and subject to, the limitations that are contained in the state statutes. The state statute says that Non-Conforming Uses will be continued after we have adopted zoning regulations, but if they are damaged more than 50% of their fair market value than they cannot be re-built unless they are in conformity with the zoning regulations. That is a state law, that is not something we adopted. Although that is something we are subject too. It's a limitation imposed by the state legislature."

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“There really isn't anything we can do about that. It seems a very harsh result, but it's based upon the idea that, as Dale has indicated, that at some point in time, non-conforming properties will come into compliance with the zoning regulations and this is one way to do that. It is a requirement of the state law.”

Commissioner Miller said, "I'll reserve any further comment and ask for comments from the bench and I'm sure you have some other comments that you would like to make also."

Mr. Chaffin said, "Well, I would just like to say that in the beginning whenever we went down to get our demolition permit, and at that time I asked Bill Meeks, is who I dealt with before, I asked him to come out, take a look at what I had, tell me what I could or could not do. At that time he told me I would have to have an engineered set of plans submitted to him that he could look over. Nothing was brought up at that time, anything about the zoning. I had asked for him to come out. That way I would know what to do or not to do. In the one picture, the front of the building, that's burnt, it shows the office. I had to take two pictures, put them together the best I could, but you can see the garage area, the south end of the shop was burnt. The roof was damaged, the rest of the shop could have been replaced. With the building that is standing now, and the garage area that was standing at that time, to my understanding that would not be 50% or more of my business at that point, the office area was burnt and a partial part of the garage area. I could have re-built that if somebody would have come out at that time when I had called down and asked for somebody to come down, I would of known at that time if I would of left that building standing, I still would have had 50%. At that time, when nobody came down, I got a Demolition Permit for the cost to go in and redo that and to add an office, could have been the same price of building one nicer building and not even. . . the building I'm wanting to build is not even going to be. . . it's going to be probably 20% less than what I actually had, but being able to go in with a new building and set it up the way I want to do it, instead of working out of the house that was there that had been fixed up throughout the years, I would of had more area to actually work in or storage than what I had previously with a lesser size of a building. So that is one of the things I would like for you all to look at, is if someone would have come out in the beginning, when I had called and asked, I could of left that part of the building standing.

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“Now that I have torn it down, yes, now I'm less than 50%, but I was not told that in the beginning. If someone would have come out in the beginning, I could of saved that part of the building, but I wanted to update and not only on the updated, I had a small problem with parking for the cars we dealt with, that this would give me, well probably not quite twice the parking, but it would have given me additional parking. For as far as the zoning, the business has been there for 30 years. When the zoning came out, why wasn't the place properly zoned at the time? You have four salvage yards right next door to each other, you got a salvage yard across the street, I don't understand why it wasn't properly zoned at that time.”

Commissioner Miller said, "I think those questions can be answered Mr. Chaffin. I'm wondering if there are any other comments from my colleagues on the bench, and if not than . . ."

Chairman Winters said, "I have a couple. Mr. Chaffin, how many employees to do you have?"

Mr. Chaffin said, "I have six."

Chairman Winters said, "Six employees. Are some of them with you here this morning?"

Mr. Chaffin said, "Yes Sir."

Chairman Winters said, "Here giving you support to get this thing rolling."

Mr. Chaffin said, "Gayle Winsle, who is the original owner or the place is here. The one who got burned in the fire."

Chairman Winters said, "We appreciate them coming with you this morning and supporting you. How many acres do you have here involved?"

Mr. Chaffin said, "Five acres."

Chairman Winters said, "There are five acres. I see in this aerial photo taken in the summer of 1986, it appears to be a much larger area of what appears to be salvaged automobiles. Is that correct?"

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Mr. Chaffin said, "Yes Sir."

Chairman Winters said, "Is that a different operation than yours?"

Mr. Chaffin said, "Right next to my building you will see a tree row that goes back towards the farm behind me. To the right by that picture is less salvage and to the left of that picture you'll see another building that has been cut off, that building is Watkins Auto Salvage."

Chairman Winters said, "Okay. But apparently, would that be to the north where all of those automobiles are, the salvage cars, that's yet a different salvage yard?"

Mr. Chaffin said, "To the right side?"

Chairman Winters said, "To the right side of the picture that is Less Truck & Auto. That is three salvage yards you see in the aerial."

Chairman Winters said, "Okay. You know to me that aerial photo says quite a little bit and I wonder if there is not somehow we could explore some kind of Conditional Building Permit. I know it gets a little risky when you talk about that based on re-zoning happening, but to me this picture of showing this whole complex that appears to be, at least from the aerial photo, a pretty neat operation, but yet a significantly large area that's involved in the auto salvage. I can't see any reason, at least from this photo, why he doesn't have a proper business in a proper place. I just wonder if there is not somehow we could explore some kind of temporary permit to get this on it's way. I know that temporary permits are very challenging, but I know that we have issued temporary building permits and on some pretty significantly large construction projects. I would certainly be supportive of somebody exploring that. Commissioner Miller."

Commissioner Miller said, "When you make that request or, that's kind of an exploring thought, we have someone here that I think could follow-up on that. Are we directing this?"

Chairman Winters said, "The only thing I would suggest is, we just instruct the manager and his staff, along with Legal, to fully explore the option of giving this business a Conditional Building Permit to get started on the process. Waiting 30 days is going to be a challenge. I understand what state law says clearly, but I understand what income is to six families and keeping a small business alive."

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“Sometimes you have to go to some extraordinary means to be able to do that. Again, it looks to me like his business is located in a spot where that type of industry is not out of character and in that neighborhood, just looking from those aerial views. I just hate to see this get stymied because of this regulation.”

Commissioner Miller said, "I totally agree with you Mr. Chairman. I need to make sure that we're all on the same thinking level here and that is that, Mr. Chaffin is currently conducting business now. This is not shutting down his operation, he is still capable of doing business. I'm listening to what you are saying, but I wanted to make sure that, that's not an assumption that is being made here. I also need to go a little bit further so that as we have Mr. Chaffin here in front of us, that when he walks away he clearly understands what it is we are asking to be done here and does not walk away with any clouded thinking on where we're going. In your exploring thought, I need to know if what we are saying is that yes, Mr. Chaffin, you will have to re-zone within a certain period of time, but yet during that interim time, we are going to look at a conditional building permit that will get you to the place where you could build what you need in order to conduct your business to the capacity that is going to keep your employees working and you bringing some income in. Is that what we're saying?"

Chairman Winters said, "Yes. I would agree that part of a Conditional Building permit would be the requirement to proceed on with the platting and zoning as required. What I would like to propose is that the management staff bring us, back to the Commissioner's some options by the end of this week, by Friday. About the possibilities of Conditional Building permit and so Mr. Chaffin will know by the end of the week what status we're in and it would then give us, as Commissioners an opportunity to have input by the end of this week. Does that sound reasonable to you Commissioner?"

Commissioner Miller said, "Yes. It certainly does."

Chairman Winters said, "Mr. Manager, does that sound reasonable to you that, Code Enforcement, MAPC (Metropolitan Area Planning Commission) and Legal could bring us back something by Friday of this week?"

Mr. William Buchanan, County Manager, greeted the Commissioners and said, "Yes."

Chairman Winters said, "Thank you. I knew it would."

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Mr. Buchanan said, "Excuse me. I was looking for the right staff acknowledging that could be done."

Chairman Winters said, "I knew it could be done."

Commissioner Schroeder said, "I'm going to ask a question though. Before we get too far down here and make this person fill good and have him spend thousand and thousand's of dollars building a building, what if you don't get the Conditional Use Permit and we have led you down this path spending thousands of dollars, than what are you going to do?"

Mr. Chaffin said, "I'll have to cross that when I get there."

Commissioner Schroeder said, "I just wanted you to be aware of that. It all sounds like gravy train right now, but it may abruptly stop if you don't get your zoning. I don't want you to think this is going to be the end of your problem, and I'm going to help in any way I can, but I have seen it happen here. We're not going to be the body to make that determination and we don't have total control over all the situations. I just wanted you to be aware of that fact that this thing could just stop abruptly if you don't get the correct zoning that you need and I don't want you to make an investment, take out loans, let these people pass up other types of employment that might be available to them and then be out of a job overnight."

Mr. Chaffin said, "Right."

Commissioner Schroeder said, "Okay."

Chairman Winters said, "I think what I'm asking the staff to do is not to issue a Conditional Permit by the end of Friday, but to bring us back the information that will allow Mr. Chaffin and us the ramification if that is possible. I know that we have issued Conditional Use Permits to build schools in this county, and I think that it is taking a little bit of risk and we got into a little bit of a problem on that one, but I think that's alright. I think that is some of the things we need to do."

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Commissioner Schroeder said, "I agree with that too, but schools have a taxpayer base to re-build their problems and correct their mistakes. This man doesn't have that kind of money and I don't want him to make that investment out of his own pocket and then just get smacked right over the head when they say no, you cannot have the zoning you would like. That can ruin a person overnight. I just want you to be aware of that."

Chairman Winters said, "No, that caution is well noted. All right. Commissioner Miller did you have anything else?"

Commissioner Miller said, "If you are going to do a re-cap about the business of what we're doing here, I just want to make sure we're all on the same level before Mr. Chaffin walks away."

Chairman Winters said, "I would just make it in a form of a Motion that management staff get together as a group and explore the possibilities of a Conditional Building Permit and bring that information back to the Commissioners by the end of this week. We would then share that information with Mr. Chaffin."

MOTION

Chairman Winters moved to have Management Staff explore the information on a Conditional Building Permit and get back to the Commission by Friday.

Commissioner Miller seconded the Motion.

Commissioner Gwin said, "Just to echo what Commissioner Schroeder has said, I have no problem with staff telling us how or giving us that kind of information we need and also making it available to you, but I would echo Commissioner Schroeder's comment, that we have done this before, or we have seen it done before, and if the zoning isn't approved, it's a risk you would have to be willing to take and understand. I would hope in the information that our staff would give you that, that would be very clear. That we can't guarantee, sitting here today, what the zoning decision will be. State law won't allow us to do that."

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Mr. Chaffin said, "Right. I also want to stress that in the very beginning when this happened, the buildings I had left was not 50% or more. That's why I have the pictures of it, so in the beginning, if someone would have came out like I called down and asked, I wouldn't be here right now."

Commissioner Gwin said, "I understand that. Right."

Mr. Chaffin said, "I wouldn't be in that situation. At that time, I could of went a head on and done what I needed to do to re-build. So, I don't feel I should be punished or put back, or my business put back, because nobody said anything about none of that. It was just 'bring me plans.' Okay. I had a plan. I knew what I was wanting to do. If somebody would of came out at that time, and said, you can't do that, well, I wouldn't have torn it down."

Commissioner Gwin said, "I understand that."

Mr. Chaffin said, "So now, that is hindering me and stopping me from continuing on and I really want everybody to realize that. At that time, if I would of know, or had been told. I went in, we got our permit, we starting tearing down the building, I hired somebody to come in and help tear it down and got it out of the way. We were going to start the process. I had called around and took a whole week of doing nothing but having contractors come out to give me bids on what we were going to do. Then, all of a sudden, two weeks after that I find all this out."

Commissioner Gwin said, "Yes."

Mr. Chaffin said, "At that time, I could of re-built that part. If somebody would of came out. Because if was not 50%. I just want everybody to know and to think about that part of it."

Chairman Winters said, "Commissioners, we have a Motion in front of us, is there any other discussion? Seeing none, Madam Clerk call the vote."

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VOTE

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

Chairman Winters said, "Thank you very much for being here today and we are going to be in contact. Next item."

G. PRESENTATION AND VIEWING OF A VIDEO ON COMMUNITY INVOLVEMENT IN THE SOLID WASTE DECISION.

PRESENTATIONS

F. PRESENTATION REGARDING THE PAST HISTORY AND FUTURE PERSPECTIVES OF COMCARE'S ROLE AS A LICENSED COMMUNITY MENTAL HEALTH CENTER.

Ms. Deborah Donaldson, Director, Bureau of Comprehensive Community Care (COMCARE), greeted the Commissioners and said, "The presentation today is focusing on our role as the licensed Community Mental Health Center in Sedgwick County. As you are aware, we are also a licensed substance abuse provider and also the community developmental disability organization. Today, we will be taking a look at the role as the licensed Community Health Center. One thing many people are not aware of is that Mental Health Centers in the state, although they may be licensed by the state are created by the counties. It was in 1961 that Sedgwick County chose to create a mental health center for Sedgwick County. Originally, the mental health center was responsible to the County Board of Health and that went on through 1980. It was also during that time that we had the eight years of federal funding. This was the funding that became available through legislation that had been signed by President Kennedy in the hope that all individuals who experienced a mental illness would have those services available to them.

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“Also during that time, this Federal Government required that no catchment area had more than 200,000 people in it. So at that point we split Sedgwick County down the middle, down Kellogg and being rather creative at the time, we had the north mental health center and the south mental health center and had to have duplicate administrative structures for services because of the federal requirements. In 1980 when we came out from under federal funding, we were able to depart, and eliminate some of that duplicative administrative structure. In 1981, the Board of County Commissioners passed a resolution that eliminated the responsibility of the Board of Health and established a 15 member governing board. Where we had a governing board at that point, we were still quazi governmental, having many of our functions handled by the county. Still the leadership of the department was hired, fired and evaluated by that governing board and any policy decisions were made in that structure.

“In 1986, the Board of County Commissioners initiated legislation which allowed the Board of County Commissioners of Sedgwick and Johnson Counties to establish themselves as the governing board. Now, Sedgwick County did chose to exercise that option and did make themselves the governing board for the mental health center, although Johnson County did not do that and kept in the same structure that we had previously. Right after that we started seeing a series of reports. In 1987 the release of a report toward an agenda for mental health in Kansas showed the extreme incongruence between state's public policy and their mental health program policy and mental health financing policy. What was happening is that there was a lot of encouragement to develop community base, non traditional services and have people stay in the community. Yet all of the funding was going into the institutions and state hospitals. In 1988, the following year, there was another report released that was done by the Public Citizens Health Resource Group and the National Alliance for the mentally ill, nami which is composed of family members who have an adult child who has a very serious mental illness. In that report, Kansas was unfortunately ranked 42nd and described as moving backwards. That same year, then Governor Mike Hayden appointed a task force on mental health reform to deal with this issues.

"In 1989 that task force submitted their recommendations to Governor Hayden and the following year in 1990, mental health reform became law in Kansas which has been proclaimed as the most significant mental health initiative in Kansas over 20 years. It allowed for a six year phase, which transferred dollars into the community and allowed for the true development of those community base services.

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“So, as you've seen many services have been developed, enhanced or increased which has accounted for much of the growth we have experienced over that six year phase in. Also, during that time, we closed state-wide 270 institutional beds. Consequently, Governor Graves appointed a task force to study hospital closure which is really perhaps the ultimate outcome of the bed closure. The task force recommended the closure of Topeka State Hospital and Winfield State Hospital. In 1996, Secretary Chronister of Social and Rehabilitation Services appointed a committee to develop a hospital closure plan and that plan was completed and accepted and we are in the midst of implementing that plan and that plan allowed for additional resources into the community to develop an even more intensive level of service so folks who in the past were still in institutions, could be able to be cared for within the community. We will complete that process probably in the next couple months, which will be six months sooner than the legislature even allowed for.

"I would also like to go into some of the responsibilities the County has, because I think many individuals are not aware of the responsibility counties have in terms of their mental health centers. One, is that counties do determine and establish the governing structure for the county based community mental health centers. That governing structure may vary from being a part of county government, which we truly are, to mental health centers that are private, non-profit and simply contract an agreement with their county to provide services. The county also establishes the mill levy to provide county financial support for mental health centers. Through that support, they also assure that all county resident will receive necessary mental health services without regard to ability to pay, which is why all mental health centers have a sliding fee scale and individuals only pay what they can afford to access those services.

"Also, the counties are responsible in terms of making sure that there is a community mental health needs assessment in developing plans to address those needs which we do handle for the county every year. Also, there's a screening authorizing admission for all county resident proposed for admission to the state psychiatric hospital. Individuals have to be screened and approved before going to the hospital. Essentially, they have to have a letter giving that approval that comes from the county through it's mental health center. We have had, as a mental health center in Sedgwick County, a number of successful projects and have expanded beyond some of the things that we have already talked about.

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“The children's federal grant, we were able to build on what we did on mental health reform and take that truly a step further and it really demonstrated that non-traditional wrap around services can keep children in their families and at home and out of institutions and out of other kinds of placement situations. We have also been able to develop a Children's Partial Program, and a day school. This helps children in our area who were not able to work in any other school setting and to get them working through their mental illness, continue with their education and get them back into a regular school setting as soon as possible. We also have had the access grant to serve individuals who are homeless and mentally ill. We have consistently been ranked above average in terms of reaching those goals in doing that work as compared to other access cities. I might comment, those are some of the largest cities in this country. We also have been able to expand out in terms of having a coordinator and therapist who serve individuals who are deaf and hard of hearing and mentally ill. We also have an individual that we supervise who provides services, Hunter Health Clinic, and we have expanded our services to the aging population. Those are just some examples, certainly not everything we have been able to do, but I think some of the highlights that we have been very proud of.

“Future opportunities, some things that are happening at the present time, is the children's initiative which will involve a federal waiver that we have been heavily involved in to allow additional children with different eligibility requirements to receive services they desperately need and we are hoping for approval of that, fairly soon. Also, managed care, we are doing more with managed care and that certainly is the direction that everyone is taking and as budgets get tighter you are going to see more managed care kinds of programs put in place. We certainly will be looking at medicaid capitation which may well be our funding mechanism in the future. I would be glad to answer any questions.”

Chairman Winters said, "Commissioner Gwin has a question? If we could turn the lights back on Fred."

Commissioner Gwin said, "Deborah, just a question for clarification because I already know the answer. I was visited earlier this week by a constituent who has expressed her concern that the County Commission is only interested in the small cities in this county and in the unincorporated areas of the county. I explained to her we provide numerous services from county border to county border. A large number of those services are, in fact, for those people who live within the city limits of the City of Wichita. That's certainly the case with your department and it's various services. Is that correct?"

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Ms. Donaldson said, "Absolutely, in fact depending on the program, probably 80% to 90% of the individuals to be served in our various programs are citizens of the City of Wichita. Obviously, we do serve everyone in the county, but the large percentage of the individuals do live in Wichita."

Commissioner Gwin said, "And we understand that, and our services are provided there too, is that correct?"

Ms. Donaldson said, "Correct."

Commissioner Gwin said, "I just wanted. . . I already knew the answer, but I just wanted to make it clear if there are other people out there of that same thought process, that we certainly do provide services from county line to county line and a great number of those are there and used by the people who live within the City of Wichita and Cheney and others."

Ms. Donaldson said, "Correct."

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

Chairman Winters said, "All right, thank you. Are there any other questions? Seeing none Debbie, that was a very informative presentation and it is good to take a minute and look back where we've come and let's us have a better feeling I think of where we're headed. Commissioner Hancock does have a question or comment."

Commissioner Hancock said, "Just a comment, Mr. Chairman. Thank you. In the next few months and into next fall, Debbie and others will be making other Commissioners throughout the state aware of Community Mental Health Centers. Debbie's goal will be to educate Commissioners and other elected officials throughout the state that the centers are up and running and they need to be aware of the services that are available for all the citizens in the State of Kansas. Of course, Sedgwick County has its own, while other community mental health centers will encompass a number of counties, as many as 20 counties into one community mental health center. I'll be enrolling you in services also involved with this at the KCCA meeting in Hays to spread the word that these exist and the Commissioners need to be aware. They need to be aware that they have a responsibility to make sure the citizens out there have the opportunity to receive the kind of services that they need."

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“One comment that came up last week at a community mental health center meeting that I attended, that these kinds of services are services rendered to individuals through no actions of their own need them. That is very important to remember. While a lot of folks get themselves in jams and really don't take the opportunities they should in life. These are the folks that don't have the opportunity or haven't had the opportunities that we've had or many of us have had to no fault of their own and we need to be conscious that there is a difference between these kinds of individuals who Debbie serves and others. I know that we have different views of those things, but I just want to make you aware that we'll be, and Debbie will be pushing and some others to make the Commissioners aware. I appreciate you taking the time and listen to Debbie today, too.”

Commissioner Hancock arrived at the meeting at 10:00 a.m.

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

MOTION

Commissioner Gwin moved to receive and file the reports.

Commissioner Schroeder seconded the Motion.

There was no further discussion, the vote was called.

VOTE

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

G. PRESENTATION AND VIEWING OF A VIDEO ON COMMUNITY INVOLVEMENT IN THE SOLID WASTE DECISION.

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Mr. Fred Ervin, Director, Public Relations Department, greeted the Commissioners and said, "We produced this video during our first, what we call, Phase I. The Solid Waste Planning process has to work up to submitting a plan to the Kansas Department of Health and Environment. We were successful and the plan was approved. This video highlights the community participation. That piece of that whole puzzle and as we go into Phase II, which we are in the planning stage now; community involvement, community as partners, will also play a big role in that as well. That is what this video is and this is live television and we are going to deal with electronics here. Check, and hope this works okay. It is a little bit of a leader on here, but it won't be long. Then I will answer any questions you might have, following the video."

VIDEO PRESENTATION

Mr. Ervin said, "That video will be used by staff presentations and anyone who would like to check it out, we had duplicates made. The ironic thing about this is we kind of did something a little unique, we did our own scripting, shot locations, where we wanted the shots, we put the entire piece together. Then, we took it to someone. I would like to say thank you to Alison McKenny Brown for being in shots."

Chairman Winters said, "All right, thank you very much, Fred. Commissioners you've had an opportunity to view this, do I hear a Motion to receive and view the video?"

MOTION

Commissioner Gwin moved to receive and view the video.

Commissioner Hancock seconded the Motion.

Commissioner Hancock said, "Mr. Chairman, just kind of a public confession from me. I know when this process began I was probably the most skeptical and now I have to apologize for that. It has gone along with a tremendous amount of success, primarily due to you four and the staff that worked so hard and dedicated yourselves and really committed yourselves in this process. One of the most outstanding features has been what Fred showed us this morning and the community involvement and sometimes, as elected officials, we tend to think no one can make a better decision than us."

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“I tell you that this community involvement is really something and it has impressed and changed my view and attitude toward at what level you need to involve the community. I suppose in the past, the things that I have worked on and things I have been involved in, maybe there hasn't been enough and I want to encourage the staff and the Board to continue that through the next few months until we make the ultimate decision on solid waste. I don't think there is any better help out there than the folks who are going to be receiving those services eventually. It has really been something, so far. I've been impressed and I want to encourage the staff to keep on going and thank them for what they have done so far. Thank you.”

Chairman Winters said, “Thank you Commissioner. Commissioner Schroeder.”

Commissioner Schroeder said, “I just want to piggy back on what Commissioner Hancock is referring to with the community involvement. I've had an opportunity over the last few months to talk to quite a few people about solid waste. So many of them are absolutely amazed at the process and how we're getting people involved. At first there was that natural tendency not to believe that we were going to have that kind of community involvement and we did it. Now I understand that we may be going back out into the community again to do follow up to find out what people have learned, maybe how their minds have been changed by the information they have received and let me reiterate too, as I have done in the past. This information's purely, simple information about different ways to dispose of solid waste. We're not trying to sway anybody in any direction and that's been what has been so unique about this process. Is it simply an educational aspect of the process. It has been great and the response has been wonderful and I think we are learning from this process, Mr. Manager. I think your staff is, we are, that maybe we can use this kind of community dialogue in other situations and other projects. I wish we may have done some of that with the tax lid issue, but that's too late. I don't know. My personal opinion is that it has just been, I think we've hit a good note with the public. It is something they have not been used to. I was a little bit concerned when we took over the solid waste issue, but now I'm not. It has taxed us quite a bit when it came to staff time, our time and Chairman Winters' and Commissioner Gwin's time, but I think in the end, I hope it will be worth it. I think we will do a good job and I hope we come up with the right solution. With the public's input, I'm sure we'll do the right thing. Thank you.”

Chairman Winters said, “Thank you. Any other discussion on the Motion? Seeing none, call the vote.”

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VOTE

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

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

PUBLIC HEARINGS

H. PUBLIC HEARINGS AND RESOLUTIONS REGARDING CREATION OF LATERAL SEWER DISTRICTS.

1. PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION CREATING A LATERAL SEWER DISTRICT WITHIN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (BRENTWOOD VILLAGE ADDITION).

Mr. Joe Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "For your consideration this morning are two public hearings and associated resolutions creating lateral sewer districts within the county. The first is in respect to an area know as Brentwood Village Addition.

SLIDE PRESENTATION

"On the screen before you is a map of the eastern portion of the county locating the area of Brentwood Village. It is south of Harry, and east of Webb Road. The area circled on the map. The county has received a petition signed by 100% of the owners of property within the proposed lateral sewer district and addition. On the screen before you is a map depicting three phases of the proposed improvements that are anticipated and requested to be assessed on a per lot basis. In Phase I, there are 53 lots of approximately the same size to be divided equally among the cost.

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“Phase II is the same situation with 41 lots. Phase III is the lower left hand portion of the screen, has one large tract. It would be assessed 14/36th of the cost with the remaining smaller lots to bare their 1/36th proportion at cost equally. The Bureau of Public Services has prepared an estimate of cost of the proposed improvements, Phase I - III. The line to be associated for your immediate attention is the one in green called, Total Bond Issue. Phase I having an estimated cost of approximately \$188,000.00 divided by the 53 lots, principal component of approximately \$3500.00 per lot, which over 15 years, at 8% would be an annual assessment of about \$520.00. The same information **is to pick it** for Phases II and III. Total cost \$75,000.00, anticipated principal cost per lot of \$1839.00 or \$270.00 a year. Phase III about \$67,000.00 cost, the typical residential lot, \$1868.00, with about \$275.00 per year cost. Obviously, the larger parcels would have a proportionally higher assessment in Phase III. State statute in your Charter Resolutions provide that before you can consider the creation of this lateral sewer district, you must conduct a public hearing. Notice of that hearing has been published in the official county newspaper and in accords with that statute, and in addition it should be pointed out to you that a portion of this benefit district is located within the limits of the City of Wichita. They must consent to the creation that has been done during the platting process. The City of Wichita has consented to the creation of this benefit district and providing them sewer services by the County. Mr. Weber and I would be pleased to try to address any questions you may have now, or at the conclusion of the public hearing.”

Chairman Winters said, “Thank you very much Mr. Norton. At this time we will. . . Commissioner Hancock has a question. Do you have one now”

Commissioner Hancock said, “Yes. Thank you Mr. Chairman. Joe, looking at these Phase I, II and III, will those annual payments even out, or each buyer, into each one of those phases have different special assessments?”

Mr. Norton said, “If you have a lot located within Phase I, if the cost is estimated, you would have a \$520.00 annual payment for 15 years. If your lot is in Phase II, it would be about \$270.00 per year. So there would be a difference. . .”

Commissioner Hancock said, “So, it does make a difference.”

Mr. Norton said, “The cost of constructing the sewer improvements you can see in Phase I, is substantially higher that the other two phases.”

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

Chairman Winters said, "At this time we will open the public hearing and take comment from the public. Is there anyone here today who would like to address the Commissioners concerning our Item H-1? Is there anyone here today who would like to address the Board of County Commissioners? Seeing no one, we'll close the public hearing and limit discussion to Commissioners and staff. Commissioners you have heard the presentations and Joe do you have anything else?"

Mr. Norton said, "We have prepared the Resolution that would implement the creation of the district and spread the assessments in the matter we described in the public hearing and we recommend your adoption of that Resolution?"

MOTION

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

Commissioner Gwin seconded the Motion.

Chairman Winters asked, "Is there any additional discussion on this Motion. Any additional discussion? Seeing none, call the vote."

VOTE

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

2. PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION CREATING A LATERAL SEWER DISTRICT WITHIN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (ROCKY CREEK ADDITION).

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Mr. Norton said, "The process is the same as the prior item. A petition has been submitted to the County Clerk by the owners of 100% of the property proposed to be included within this sewer district known as Rocky Creek Addition. That is located in the eastern portion of the county, north of 13th Street and East of 127th Street East shown by the cross-hash on the screen and the red dot that is showing up there. The proposed improvements are to be constructed in seven phases. Bureau of Public Services has prepared a nice color map here that depicts the various phases. Unfortunately, the legend is not on the screens, but we'll try to help you through that.

"Phase I is in the yellow on the left hand side of the screen. That contains 51 lots. The proposed cost to be spread equally among the 51 lots. Phase II is in pink. There are 63 lots in this particular phase of the improvements. The cost to be shared equally among those 63 lots. Phase III is in the purple. There are 49 lots in this particular area. Again proportionate equally for the cost of the sewer improvements. Phase IV is in the orange or brown at the top of the map. Again, there are 47 lots. The cost are proposed to be assessed equally to those 47 lots for the improvements. Phase V is in a lighter blue. Down at the lower left hand corner. There are two commercial lots in that particular area to divide the cost equally among those two lots for sewer improvements. Phase VI is in the green. There are eight lots in that particular area to be divided equally for the cost and Phase VII is the dark blue. There are 17 lots. The cost to be assessed equally.

"Again, Notice of Public Hearing has been published in the official county newspaper in accordance with state law and your charter resolution to establish today's date and time for the public hearing. There are seven phases. They are on two different sheets for your consideration. The item that has the total cost depicted is the green. The principal cost per lot is in blue. Phase I about \$354,000.00 divided equally among 51 lots, would have a principal component of about \$6,958.00 per lot. As Commissioner Hancock indicated, these are larger lots and will have proportionally higher costs associated with improvements. Phase II is about \$310,000.00 with about \$4,900.00 per lot. Phase III is about \$199,000.00 or \$4,000.00 per lot. Phase IV is about \$187,000.00 with a total cost \$3,975.00 in principal component per lot. Phase V, about \$80,000.00. These are the commercial lots shared equally about \$40,000.00 per lot for the sewer service. Phase VI is \$47,000.00 cost or about \$5,800.00 per lot. Phase VII, about \$60,000.00 cost, or about \$3,500.00 per lot. Mr. Weber and I would we able to address any questions that you may have prior to commencing the public hearing."

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Chairman Winters said, "Thank you Mr. Norton. No questions from the bench at this time. We will proceed to open the public hearing at this time. We will open the public hearing. Is there anyone in the audience today who wishes to address the Board of County Commissioners on Item H-2? Anyone wishes to address the Commissioners on Item H-2? Seeing no one. We'll close the public hearing and limit the discussion to Commission and staff. Commissioners you heard the report. Joe, do you have anything else?"

Mr. Norton said, "Again, we have prepared the Resolution which would authorize the creation of this district and the improvements and assessments on the method we have described in the public hearing and would recommend your adoption of that Resolution."

MOTION

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

Commissioner Schroeder seconded the Motion.

There was no further discussion, 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 |

DEFERRED ITEM

- I. AGREEMENT WITH UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, BLACK & VEATCH SPECIAL PROJECTS CORP., TO ALLOW ACCESS TO FIRE STATION #32 TO CONDUCT SOIL AND GROUNDWATER INVESTIGATIONS.**

Regular Meeting, April 9, 1997

Ms. Jeffifer Reschke, Assistant County Counselor, greeted the Commissioners and said, "You have before you this morning an agreement with the Black & Veatch Corporation who is a contractor for the EPA (Environmental Protection Agency) requesting access on to property at the Fire Station located at 53rd and Primrose. I have had the opportunity to visit with some of you about the questions you might have had. I would like to review just for your information this is property that is surrounded at the location of 57th and Broadway. The EPA would like to just test the location located at the firestation premises. The investigation will consist of groundwater and soil samples. It should take about one to two days. I have had a chance to review the agreement and I would recommend your approval."

Commissioner Schroeder said, "A quick comment."

Chairman Winters said, "Certainly. Go ahead."

Commissioner Schroeder said, "This is related directly to. . . what's that area called that's polluted up there?"

Ms. Renschke said, "The 57th and Broadway area."

Commissioner Schroeder said, "Is that what they call it?"

Ms. Renschke said, "I think so."

Commissioner Schroeder said, "This is why they are coming on to the property, to test."

Ms. Renschke said, "That's correct."

Commissioner Schroeder said, "Okay."

Chairman Winters said, "So another words, they are as concerned about something happening off of the county property as much as they're not concerned what's going on in this particular site."

Ms. Renschke said, "That's correct. The whole area is encompassed and our property happens to be within that site."

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Chairman Winters said, "All right. Thank you. Are there other questions of Jennifer?"

MOTION

Commissioner Schroeder approved the Agreement and authorized the Chairman to sign.

Commissioner Hancock seconded the Motion.

There was no further discussion, 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 Jennifer. Next item."

NEW BUSINESS

J. CONTRACT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, COMMISSION OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, TO FUND THE KANSAS SELF-DETERMINATION PROJECT.

Ms. Deborah Donaldson, Director, COMCARE, greeted the Commissioners and said, "I am very pleased to bring this particular item to you today. This is the contract with Social and Rehabilitation Services (SRS). However, the funding is through Robert Wood Johnson which is an organization that funds innovative and progressive health projects throughout the country. This particular project is on our developmental disability side and allows for self-determination and truly takes consumer impairment another step where individuals meet with and work with their family, friends and determine what services they need and how those will be provided. I would be glad to answer any questions."

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Chairman Winters said, "Thank you. Commissioners, you have heard Debbie's report, are there any questions, discussion, and if not, what's the will of the Board?"

MOTION

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

Commissioner Schroeder seconded the Motion.

There was no further discussion, 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. Next item."

K. BUREAU OF COMMUNITY DEVELOPMENT.

1. SMALL CITIES GRANT AWARDS (FIVE)

- **BEL AIRE: \$2,000**
- **CHENEY: \$5,000**
- **MT. HOPE: \$7,500**
- **MULVANE: \$6,800**
- **VIOLA: \$3,700**

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Ms. Irene Hart, Director, Bureau of Community Developmental, greeted the Commissioners and said, "This is the third year we've administered the Small Cities Grant Program. In this program, funds are set aside for the purpose of promoting community planning or improvement. Applications are accepted from the small cities in Sedgwick County and are reviewed by the Capital Improvement Committee. The recommendations to you for the 1997 Small Cities Grant Program are as follows: First, there is a recommendation to grant \$2,000.00 to the City of Bel-Aire. They are requesting assistance in replacing some 30 year old playground equipment which is not in conformity with current safety standards.

"The City of Cheney requests assistance to update their planning, zoning and land use for the area. The city is growing significantly and the last major revision was done in the mid 70's. The committee recommends \$5,000.00 for that project.

"The City of Mount Hope requests assistance with a Community Message Center sign in the Townsquare Park. The community has done considerable fundraising. There have been pledges from Cub Scout packs, from community groups, and the remaining \$7,500.00 request from the county will complete that project.

"Mulvane has a request for \$6,800.00 to produce a new city code. The current code is outdated and must be re-done to meet the demands of a growing community. The city itself will contribute more than 300 staff hours to the project.

"The City of Viola and the committee recommends \$3,700.00 for the City of Viola. They request assistance in obtaining street and traffic signs which will aid emergency and law enforcement in responding to community needs. They will also use some funds to alleviate some drainage problems along the city streets.

"The total is \$25,000.00. There were over \$117,000.00 worth of requests received and we recommend these five projects for your approval."

Chairman Winters said, "Thank you very much Irene. I certainly appreciate the work that you and the committee that reviewed each and everyone of these projects. Again, thanks for your work and the committee's work. I appreciate it very much as I'm sure the rest of the Commissioners do. Commissioners, you've heard Irene's report, are there questions or comments? If not, what's the will of the Board?"

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MOTION

Commissioner Hancock moved the approve the Grant Award.

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 |

2. AGREEMENT WITH THE LIDA GROUPS TO PROVIDE EDUCATIONAL SERVICES REGARDING SOLID WASTE PLANNING.

Ms. Hart said, "I bring for your consideration a contract to provide education to the public in February, March and April. I'm a little late in getting this on the agenda, in regards to solid waste planning. I would be happy to answer any questions you might have."

MOTION

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

Commissioner Gwin seconded the Motion.

There was no further discussion, 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 |

**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' APRIL 3, 1997
REGULAR MEETING.**

Mr. Daren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have before you Minutes from the April 3rd meeting of the Board of Bids and Contracts and there are just three items for consideration.

**(1) BRIDGE IMPROVEMENTS - PUBLIC SERVICES
FUNDING: GENERAL OBLIGATION BONDS**

"Item One, bridge improvements for the Bureau of Public Services, several projects. It is recommended to accept the low bid of Reece Construction in the amount of \$683,794.40.

**(2) SANITARY SEWER LATERALS - PUBLIC SERVICES
FUNDING: SPECIAL ASSESSMENTS**

"Item Two, sanitary sewer laterals also for the Bureau of Public Services, the Rocky Creek Addition. It is recommended to accept the low bid of Utility Contractors for \$190,394.00.

**(3) SHOES AND BOOTS - EMERGENCY MEDICAL SERVICE
FUNDING: EMERGENCY MEDICAL SERVICE**

"Item Three, shoes and boots for Emergency Medical Services. It was moved to extend the low bid contract of Red Wing Shoes for an additional year. That total was for \$4,000.00. I recommend this for your consideration.

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ITEMS NOT REQUIRING BOCC ACTION

- (4) **STREET IMPROVEMENTS - PUBLIC SERVICES**
FUNDING: SPECIAL ASSESSMENTS

Mr. Muci said, "This item is tabled for review."

- (5) **SECURITY CAMERAS - CAPITAL PROJECTS**
FUNDING: CAPITAL PROJECTS

Mr. Muci said, "These items are tabled for review."

- (6) **PERSONAL COMPUTERS - DISTRICT COURT**
FUNDING: DISTRICT COURT

Mr. Muci said, "It was moved to reject the quotations received, revise the specifications and re-solicit at a later date."

- (7) **CASE MANAGEMENT SOFTWARE - DISTRICT COURT**
FUNDING: DISTRICT ATTORNEY

Mr. Muci said, "These proposals are being reviewed."

- (8) **MOBILE COMMUNICATIONS SYSTEM-EMERGENCY**
COMMUNICATIONS
FUNDING: EMERGENCY COMMUNICATIONS

Mr. Muci said, "Those proposals are also being reviewed. I recommend that you receive the recommendations presented by the Board of Bids and Contracts."

Regular Meeting, April 9, 1997

MOTION

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

Commissioner Schroeder seconded the Motion.

There was no further discussion, 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 |

CONSENT AGENDA

M. CONSENT AGENDA.

1. 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 637-35, Owner: Timothy S. Powell, Cynthia J. Powell, James Jones and Robin Jones, located in the Southwest Quarter of Section 2, Township 29 South, Range 2 East, more specifically located on the south side of 75th Street South and east of 127th Street East. Rockford Township. District #5.

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- b. Road Number 805-C, Owners: Shawn C. Kohr and Tonya R. Kohr, located in the Northeast Quarter of Section 13, Township 25 South, Range 2 West, more specifically located on the west side of 119th Street West and south of 117th Street North. Eagle Township. District #3.
- c. Road Number 640-21, Owner: David Knoblauch and Margaret Knoblauch, located in the Southwest Quarter of Section 9, Township 29 South, Range 1 West, more specifically located on the south side of 87th Street South and east of 87th Street West (Tyler Road). Ohio Township. District #2.
- d. Road Number 630-3, Owners: Gary Holley, Randal D. Holley and Irene L. Holley, located in the Northwest Quarter of Section 21, Township 28 South, Range 4 West, more specifically located on the south side of 47th Street South and east of 375th Street West. Morton Township. District #3.
- e. Road Number 793-M, Owners: Larry Austin and Jannessa E. Austin, located in the Southeast Quarter of Section 1, Township 27 South, Range 3 West, more specifically located on the west side of 215th Street West and north of 21st Street North. Garden Plain Township. District #3.

2. Floodway Reserve Easement.

The following tract of land has been granted by Floodway Reserve Easement at no cost to the County. This Easement was requested by the Director, Bureau of Public Services, as a condition of receiving a Platting Exemption on an unplatted tract.

Owners: Ron N. King and Donna L. King, located in the Northeast Quarter of Section 9, Township 28 South, Range 2 West, more specifically located south of 31st Street South and west of 167th Street West. Illinois Township. District #3.

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3. Right-of-Way Agreements.

- a. One Easement for Right-of-Way for Sedgwick County Project No. 839-T-4851; Bridge on 143rd Street East between 31st and 39th Streets South. CIP #B-275. District #5.
- b. Two Temporary Construction Easements and one Easement for Right-of-Way for Sedgwick County Project No. 614-E½ 33, W½ 34; 21st Street North between the east city limits of Wichita and K-96. CIP #R-223. District #1.
- c. One Easement for Right-of-Way for Lot 1, Block 1 of Gott Addition, submitted as a requirement of Vacation Case V-1990. District #1.

4. Real Estate Purchase Contract with Patrick E. Duncan and Stacy D. Duncan in the amount of \$3,220, less required deductions, under the FEMA buy-out program.

5. Real Estate Purchase Contract with Jerry D. Hoggatt and Frances Y. Hoggatt in the amount of \$98,815, less required deductions, under the FEMA buy-out program.

6. Order dated April 2, 1997 to correct tax roll for change of assessment.

7. Consideration of the Check Register of April 4, 1997.

8. Budget Adjustment Requests.

| <u>Number</u> | <u>Department</u> | <u>Type of Adjustment</u> |
|---------------|--------------------------------------------------------|----------------------------|
| 970195 | Personnel | Transfer |
| 970196 | District Attorney Prosecutors Special Trust Fund | Supplemental Appropriation |

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| <u>Number</u> | <u>Department</u> | <u>Type of Adjustment</u> |
|---------------|---------------------------------------|----------------------------|
| 970197 | District Attorney Asset Forfeiture | Transfer |
| 970198 | Road and Bridge Sales Tax | Transfer |
| 970199 | 1997 Bridge Projects | Supplemental Appropriation |
| 970200 | 1997 Bridge Projects | Supplemental Appropriation |
| 970201 | Town and Country-Street | Supplemental Appropriation |

N. OTHER

O. ADJOURNMENT

Regular Meeting, April 9, 1997

There being no other business to come before the Board, the Meeting was adjourned at 11:10 a.m.

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

THOMAS G. WINTERS, Chairman
Third District

PAUL W. HANCOCK, Chairman Pro Tem
Second District

BETSY GWIN, Commissioner
First District

MELODY C. MILLER, Commissioner
Fourth District

MARK F. SCHROEDER, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1997