

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

### **REGULAR MEETING**

**May 19, 2004**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, May 19, 2004 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem David M. Unruh; Commissioner Tim R. Norton; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Tom Pollan, Director, EMS; Mr. Don Brace, County Clerk; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Mr. Brad Snapp, Director, Housing Department; Mr. Dale Miller, Current Plans Supervisor, Metropolitan Area Planning Department (MAPD); Ms. Nalini Johnson, Planning Staff, MAPD; Mr. Dave Barber, Advance Plans Supervisor, MAPD; Mr. Mark Sroufe, Superintendent of Parks, Division of Culture, Entertainment and Recreation; Ms. Chris Morales, Systems Integration Coordinator, Department of Corrections; Ms. Annette Graham, Director, Department on Aging; Ms. Susan Erlenwein, Director, Environmental Resources; Ms. Jo Sanders, Recycling Coordinator, Environmental Resources; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Ms. Betty Nixon, Vice Chairman, Friends of the Keeper of the Plains.  
Mr. Clyde Bevis, Member, Sheriff's Civil Service Board.  
Mr. Paul Miller, 430 Waverly, Wichita, Ks.  
Mr. Ed Roberts, Agent for Applicant, Real Estate Resources.  
Mr. Robert Brown, Attorney for Ray Boese.  
Mr. George Sherman, Slawson Commercial Properties, LLC.

### **INVOCATION**

The Invocation was led by Pastor Rob Winslow of Haysville United Methodist Church.

### **FLAG SALUTE**

### **ROLL CALL**

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

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**CONSIDERATION OF MINUTES:** Regular Meeting, May 5, 2004

The Clerk reported that all Commissioners were present at the Regular Meeting of May 5, 2004.

**Chairman Winters** said, "Commissioners, you've had an opportunity to review the Minutes. What's the will of the Board?"

**MOTION**

Commissioner McGinn moved to approve the Minutes of the Regular Meeting of May 5, 2004.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

- 1. PROCLAMATION DECLARING MAY 22-23, 2004 AS "KEEPER OF THE PLAINS 30<sup>TH</sup> BIRTHDAY CELEBRATION."**

**Chairman Winters** said, "Commissioners, I have a proclamation for your consideration."

**PROCLAMATION**

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**WHEREAS**, thirty-five years ago, the Native American artist Blackbear Bosin envisioned a sculpture that would become a tourist attraction for Wichita and the State of Kansas; and

**WHEREAS**, the 'Keeper of the Plains' mere presence signifies pride to the Native American people; and

**WHEREAS**, this exquisite forty-four foot sculpture of Cor-Ten steel stands at the confluence of the Big Arkansas and Little Arkansas Rivers; and

**WHEREAS**, the 'Keeper of the Plains' was dedicated on May 18, 1974 and will celebrate its 30<sup>th</sup> birthday this year.

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 22-23, 2004 as the

**'Keeper of the Plains 30<sup>th</sup> Birthday Celebration'**

in Sedgwick County, and encourage citizens of Sedgwick County to take part in the celebration ceremony and various events taking part near the 'Keeper of the Plains' along the Arkansas River.

Dated May 19, 2004.

Commissioners, what's the will of the Board?"

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

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### VOTE

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “And we have Betty Nixon and Susan Seal here, whoever is here for the Keeper of the Plains, come forward. Please meet Kristi right over at the podium and introduce yourselves. Come on forward, yes. Just introduce yourselves and tell us a little bit about the celebration that’s going to go on this weekend.”

**Ms. Betty Nixon**, Vice Chairman, Friends of the Keeper of the Plains, greeted the Commissioners and said, “I’m also a charter member of the Indian Center. And we’re wanting to celebrate the Keeper of the Plains 30<sup>th</sup> birthday party, because I was, along with eight other charter members, along with Blackbear Bosin too that, when he founded the Keeper and when we dedicated it in ’74. So I’m here to accept this proclamation for those two days and I want to thank everyone and we would like for you to come out and visit us on that weekend. Thank you.”

**Chairman Winters** said, “Okay. Would you introduce your other two folks. Would you please introduce yourselves.”

**Ms. Tenille Ware**, Senior Princess, Friends of the Keeper Committee, introduced herself.

**Chairman Winters** said, “Wonderful.”

**Ms. Barbara Harshberger**, Former Chairperson, Board of Trustees, Indian Center, said, “We’re trying to keep the spirit of the Keeper alive.”

**Chairman Winters** said, “All right, we’ve got a couple of comments up here. Commissioner McGinn.”

**Commissioner McGinn** said, “Yes. I just wanted to have you share exactly what time the celebration is and where and so that the folks in our viewing audience will know, if they want to come out and participate.”

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**Ms. Nixon** said, "It will open at 10:00 and we're going to have a fashion show at 1:00. I think at 12:00 we're going to have the canoes down on the river and then in the afternoon then there will be dancing inside the kiva, I mean in the kiva area and also then there will be a lunch . . . or a dinner served 5:30 and then there will be more dancing in the evening then and there will be some horseback rides."

**Commissioner McGinn** said, "And what's the day?"

**Ms. Nixon** said, "That will be May the 22<sup>nd</sup>, Saturday."

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

**Chairman Winters** said, "All right. Well, thank you very much for your attendance. We wish you a wonderful weekend and we hope everyone does keep the spirit of the Keeper alive. One more comment. Commissioner Sciortino."

**Commissioner Sciortino** said, "Yeah, could you give out a phone number, if anybody is interested in finding out more information about either the Keeper of the Plains or the events, maybe they could call and get some information."

**Ms. Nixon** said, "Yes, you can call 942-2755 if you want more information."

**Commissioner Sciortino** said, "Great, thank you."

**Chairman Winters** said, "All right. Well, have a wonderful weekend. Thank you for being here. Next item."

### **2. PROCLAMATION DECLARING MAY 16-22, 2004 AS "EMERGENCY MEDICAL SERVICES WEEK."**

**Chairman Winters** said, "Commissioners, I have another proclamation for your consideration."

## **PROCLAMATION**

**WHEREAS**, emergency medical service is a vital public service; and

**WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

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**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, the Sedgwick County community benefits from a comprehensive ‘24/7 Sedgwick County Response Team’, which includes Sedgwick County EMS, with the primary focus on the health and safety of ALL Sedgwick County citizens; and

**WHEREAS**, the members of Sedgwick County EMS engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills.

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 16-22, 2004 as

**‘EMERGENCY MEDICAL SERVICES WEEK’**

and encourage the community to recognize the excellent emergency medical care provided by Sedgwick County EMS to ALL citizens of Sedgwick County.

Dated May 19, 2004.

Commissioners, what’s the will of the Board?”

**MOTION**

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

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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**Chairman Winters** said, “And here to accept the proclamation are Tom Pollan and others.”

**Mr. Tom Pollan**, Director, Sedgwick County EMS, greeted the Commissioners and said, “On behalf of the men and women that serve this community as a whole, we appreciate your trusting in us to provide our skills and services that we do on a day to day basis. But next year we’ll celebrate our 30<sup>th</sup> year of existence as a county-wide EMS service and we appreciate and respect the responsibility that we have to produce quality public services to those we serve.

These are some of my staff members that are with me here today, but we have a number of people on the street prepared to deliver services 24 hours a day, seven days a week. Thank you very much.”

**Chairman Winters** said, “All right, thank you Tom. Would you introduce your staff that are with you here today.”

**Mr. Tom Pollan**, Director, EMS, greeted the Commissioners and said, “Well first is Mark Smith, Captain Mark Smith. The second one is Assistant Director Dennis Mauk, Major Bill Auchterloine and Major Randall Smith.”

**Chairman Winters** said, “All right. Commissioner Unruh.”

**Commissioner Unruh** said, “Thank you. I just had a question. Tom, how many calls do you respond to in a year’s time?”

**Mr. Pollan** said, “This year, we’ll do 42,000 calls, provide services and transport to about 35,000 patients.”

**Commissioner Unruh** said, “Well, that’s a significant number and it’s good for the public to know that we’re . . . that that’s the magnitude of the service that we offer, and it’s a critical component of our response to the health care needs in this community. So, congratulations. Good job.”

**Mr. Pollan** said, “Thank you.”

**Chairman Winters** said, “Yeah, and thank you all and continue to express the support of the commissioners to your troops out there in the field. We do think that the work they do is very valuable. You know, as you try to rank and you can’t rank services, but your team is next to the public, in the public’s eye all of the time and they do a tremendous job and we appreciate the service that you provide for the citizens. So are there going to be any special events happening this week?”

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**Mr. Pollan** said, “Yes. We will be here at the courthouse at 11 today on a static display through the noon lunch hour period and then we also have one at McConnell as well, with their group at their McConnell Air Force Base. And Bill, the date on that will be tomorrow? Saturday at 9:30 to 11 . . . noon.”

**Chairman Winters** said, “And then I think I’m going to be involved in hopefully filming a little ‘Around the County’ with a little more in depth view that we can have on after the meetings to give an up close and personal look to EMS again. All right, thank you very much for being here.”

**Commissioner Sciortino** said, “They bake really good chocolate chip cookies too.”

**Chairman Winters** said, “Next item.”

**3. PROCLAMATION DECLARING MAY 16-22, 2004 AS “NATIONAL PUBLIC WORKS WEEK.”**

**Chairman Winters** said, “Commissioners, one last proclamation today.

**PROCLAMATION**

**WHEREAS**, public works services provided in our community are an integral part of our citizens’ everyday lives; and

**WHEREAS**, Sedgwick County Public Works helps to build and maintain a strong infrastructure in our community through services such as street, highway, bridge and drainage improvements, noxious weed control and household hazardous waste collection; and

**WHEREAS**, the health, safety and comfort of the community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skills of public works officials.

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim May 16-22, 2004 as

**‘NATIONAL PUBLIC WORKS WEEK’**



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in Sedgwick County, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Dated May 19, 2004.

Commissioners, what's the will of the Board?"

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "And to accept the proclamation is David Spears, Director of Sedgwick County Public Works."

**Mr. David Spear**, P.E./ Director, Bureau of Public Works, greeted the Commissioners and said, "I would like to thank you for the proclamation recognizing May 16<sup>th</sup> through 22<sup>nd</sup> as National Public Works Week, NPWW as it's known. The theme for this year is '24/7 Focused on Our Community' and it is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works.

Instituted as a public education campaign by the American Public Works Association in 1960, NPWW calls attention to the importance of public works in community life. The week seeks to enhance the prestige of the often-unsung heroes of our society, the professionals who serve the public good every day with quiet dedication. Often their accomplishments are particularly noteworthy in relation to the limited manpower and financial resources available to them.

National Public Works Week is observed each year during the third full week of May. Through

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NPWW and other efforts, APWA seeks to raise the public's awareness of public works issues and to increase confidence in public works' employees who are dedicated to improving the quality of life for future and present generations. And I simply want to remind you that infrastructure is still the mother's milk of economic development."

**Commissioner Sciortino** said, "We never heard that before."

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

**Commissioner Sciortino** said, "Thank you. David, for the most part, your job is kind of thankless. If you do it perfectly, nobody says anything, but if there's one little glitch, then everybody says everything and the only time you get to hear that is when a commissioner calls and says, 'Hey, I just got a phone call and hey you, bipdy bip'. And so I think I just want to take time just personally to thank you and your staff. I think you do a very commendable job. And I think the citizens out in the unincorporated area of Sedgwick County are a little spoiled. They don't realize how well our streets and roads and bridges are maintained, until you drive to a different county. And then neat thing, if you really want to see a comparison, is drive your car on a Sedgwick County road when you hit the county line and see the immediate difference in the quality of the road and probably the quality of the very next bridge that you're going to come to. So just wanted to publicly thank you that you're doing a good job and, in keeping with our policy of wanting to compliment instead of compensate, to consider that your review for the year."

**Mr. Spears** said, "Thank you for those comments, I appreciate it."

**Commissioner Sciortino** said, "Except the last one."

**Chairman Winters** said, "All right, well thank you very much. And David, on behalf of the Commissioners, we do appreciate the work that all of your folks do in Public Works. We are fortunate here that, years ago, commissioners had made a good commitment to make sure that we have good, quality roads and bridges in Sedgwick County. We still have a long ways to go, but we are fortunate here that we are able to maintain them in a pretty good manner. So thank you very much for your work."

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

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

## **APPOINTMENTS**

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**B. RESOLUTIONS APPOINTING MEMBERS TO THE SHERIFF'S CIVIL SERVICE BOARD.**

- 1. CLYDE BEVIS (COMMISSIONER SCIORTINO'S APPOINTMENT)**
- 2. DR. RONALD WALN (COMMISSIONER UNRUH'S APPOINTMENT)**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "We prepared resolutions of appointment, I should say reappointment for Clyde Bevis and Dr. Ronald Waln to the Sheriff's Civil Service Board. These appointments will expire in January of 2007 and I would recommend that you adopt them."

**Chairman Winters** said, "All right. Can we take both of these at the same time?"

**Mr. Euson** said, "Yes, sir."

**MOTION**

Commissioner Sciortino moved to adopt the Resolutions.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "And Clyde Bevis is here to be sworn in by County Clerk Don Brace. I don't see Ron here."

**Mr. Don Brace**, County Clerk, said, "Raise your right hand please."

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*I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sheriff's Civil Service Board, so help me God."*

**Mr. Clyde Bevis**, member, Sheriff's Civil Service Board, said, "I do."

**Mr. Brace** said, "Congratulations."

**Chairman Winters** said, "Clyde, you're no stranger to the court house, so welcome."

**Mr. Bevis** said, "Thank you very much, sir. And I wanted to thank Mr. Sciortino for reappointing me. This will be my fourth term. My children say I'm older than dirt."

**Chairman Winters** said, "No, you're just getting started."

**Mr. Bevis** said, "This does keep me active."

**Chairman Winters** said, "All right, well this is a very important responsibility and sometimes can be pretty challenging, so we do appreciate your volunteering to serve on this board and we appreciate your help very much. Thank you, Clyde. Next item."

### **DONATION**

#### **DIVISION OF HUMAN SERVICES - COMCARE**

##### **C. DONATION BY BAYER DIAGNOSTICS OF 40 GLUCOMETERS VALUED AT \$2,000, TO BE USED BY COMCARE FOR GLUCOSE TESTING.**

**Ms. Marilyn Cook**, Director, COMCARE, greeted the Commissioners and said, "COMCARE did receive a donation of 40 glucometers. Those are the instruments that have the little finger stick that tests the blood sugar level for people. They are at a value of \$2,000 and we do get them from Bayer Diagnostics. The glucometers, there are enough of them now so that every medical provider, all the nurses, the advanced nurse practitioners and the psychiatrists will be able to have one in their office, and in fact there's enough left over so if we have a couple of consumers that need to do that testing regularly themselves and can't afford one, we will give them one as well.

We are requesting that you accept the donation and authorize the Chairman to sign the letter of appreciation."

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**Chairman Winters** said, “All right, thank you. Commissioners, you’ve heard that report. What’s the will of the Board?”

**MOTION**

Commissioner McGinn moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you, Marilyn. Next item.”

**CITIZEN INQUIRY**

**D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING RECYCLING.**

**Chairman Winters** said, “All right, Mr. Paul Miller has asked to address the Board of County Commissioners. Come on forward, Mr. Miller. This is the time in our agenda when citizens who wish to address the Commission can contact the Manager’s Office prior to the meeting by a week or more and ask to be on our agenda and you have five minutes. And please state your name and address for the record.”

**Mr. Paul A. Miller**, 430 Waverly, Wichita, Ks., greeted the Commissioners and said, “I appreciate the opportunity to address you on a few items of concern to me. I was here in February and I, at

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that time, wanted you to know that there are a lot of people in Sedgwick County that are wanting recycling. We want Sedgwick County to join the many other counties, communities in trying to do the right thing for our environment by recycling, composting and diversion. We gave you petitions at that time that, by actual count, had 3,009 names. Now we'd stopped our petition drive at that time, because we'd presented them. But some of the people in the community didn't want to stop or else they were late, but subsequent to that, we got more than 500 names which I have here, so we now have over 3,500 names of people who say that they want convenient recycling.

Almost everyone we've approached has been enthusiastic in the support and many of them tell us the stories of communities that they are familiar with, communities they used to live in or places where they visit where they do have adequate recycling programs. There isn't a week goes by but what we get one or more calls from people who want to know where they can recycle something, when there's going to be a recycling drive, where they can get a speaker to come to a church group, a civic group, a neighborhood association, because people want to know more about this.

We observed Earth Day at the Zoo, sponsored by Boeing, in April and there were 13,000 grade school children came there. We had a lineup at our booth of more than 60 people at times. It was very popular. A week later, we participated in the Earth Awareness program at the Extension Center for the middle school community. All these show that there is an interest at all levels. The people want some kind of action.

Now Hutchinson was one of the first cities in the state to have a comprehensive curbside recycling and pay as you throw program. They set rather modest goals when they announced that several years ago. They said, 'Well, we'll be able to save so many tons of material and we'll be able to extend the life of the landfill a year'. After that had been going for a year or two, they said their goals were much too low. They're recycling two or three times as much as they'd estimated and they're extending the life of the landfill considerably more than a year. Landfill space being what it is today, we ought to do everything we can to try to conserve that space, instead of trying to fill it up.

Bell Aire in Sedgwick County has got a good program and I think you're aware of that. You probably know all about it. Hays in western Kansas has a good program and Hays hauls its trash farther than any other community in Kansas. They have a big transfer station and they haul it, but they still have lower rates than we do. Kansas City, Missouri started a comprehensive program March the 1<sup>st</sup> and it's running very well. We've been in communication with one of the commissioners there and they say that the program is running quite well. People are accepting it and they're saving money.

There are lots of other cities in the Midwest and throughout the U.S. New York, about a year ago, stopped recycling glass and plastic because they said it was too expensive, but they turned around

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and reversed that decision and now they're recycling more than ever before and they say 'We're saving millions of dollars in hauling and landfill costs as a direct result of our efforts'.

Mike Hastings, President of Plastic Recycling of Kansas, told me, he quoted from a statement that in Pennsylvania recycling is a 21 billion dollar industry. It employs 81,000 people and it pumps \$300,000 in tax revenue into the state coffers. These are impressive numbers and I think we ought to consider some of those things. We're not as big as Pennsylvania, but Kansas can do a lot more than it's doing.

All these cities that I mentioned in our area here, larger and smaller, have lower trash rates than we have and they have much better service. It doesn't take a rocket scientist to see that we can make improvement if we would look at some of those things. The examples are there."

**Chairman Winters** said, "Paul, how much longer do you have?"

**Mr. Miller** said, "About two minutes. Have I run over?"

**Chairman Winters** said, "Yep, you're at five minutes, so can you just sum it up in about . . ."

**Mr. Miller** said, "I'll sum it up really fast. Your committee has recommended that you have a trash reduction program and prior commissions have approved that but you haven't done anything about it. Kansas statutes, Article 34, Section 65-3401, asks you to encourage the wise use of resources through development of strategies that reduce, reuse and recycle.

Now Commission Chairman Winters, in a local paper, said 'It's not hard to recycling and reduce waste, it's just a matter of making it a priority'. Now I would like for you to join us where we've worked for 15 years and make this a priority, so that we can make this work. Who if not you, where if not here, and when if not now? Thank you."

**Chairman Winters** said, "All right, thank you. Don't go away quite yet. Commissioner McGinn, did you have a question?"

**Commissioner McGinn** said, "I don't have a question for Paul. Just a comment."

**Chairman Winters** said, "Okay. Well thank you, Paul. Why don't you bring those petitions forward. Are you intending to give us those?"

**Mr. Miller** said, "No, I have not made copies and I figured if I'm going to make any more petitions, I want to copy some of those people. You have the first 3,009."

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**Chairman Winters** said, "Yes, we do have them."

**Mr. Miller** said, "I can get these to you, if you'd like to have them."

**Chairman Winters** said, "Whenever you feel it's appropriate, that would be fine. Thank you. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. Well, I want to thank Paul and Margaret for continuing to stay the course and keep this thing on the table. I appreciate that."

I guess this probably isn't a question to be answered today, but you know, I haven't heard anything since the end of February, when we voted to move forward to explore the possibility of a landfill. And along with that is to do recycling programs and I know many of the communities in my district have said that they want to wait on us to find out what kind of programs we were going to have before they did anything. And so here we are, what almost three or so months later, and we haven't even had the discussion. And I don't know where we're at on that process and if that's going to be delayed for I don't know how long. I think it's time that we start talking about how we're going to do recycling in this community, because I think we owe it to the other communities, so that they can decide whether they either join us in a program we have or they go off and do their own. And I think there are many people out there wanting to know the answer to that question.

Also, this past session there were some laws that were changed that's possibly going to help us, here at the county level, make recycling a little bit easier. So I hope that we could get started at looking at that and how we can do that. But I too am frustrated that we're just on hold and I don't know why, but maybe we can talk about that at a later date at a staff meeting or the Manager can get that information to us. But I again just want to say thank you for continuing to keep this on the burner and staying the course."

**Mr. Miller** said, "Well, thank you for your comments. I hope it doesn't last too long. The Reverend Mr. Winslow made remarks from the scripture about the source of law. I'd like to quote a little here, Proverbs 13, verse 12 says 'Hope deferred makes the heart sick'. Let's not defer this any longer."

**Chairman Winters** said, "All right. Do we have a motion to receive and file this report?"

### MOTION

Commissioner McGinn moved to Receive and file.



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Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Paul and Margaret, thank you for being here. Next item.”

**NEW BUSINESS**

**E. AGREEMENT WITH COMMUNITY HOUSING SERVICES TO PROVIDE COMMUNITY DEVELOPMENT ACTIVITY IN THE OAKLAWN/SUNVIEW NEIGHBORHOOD.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “I’d request that you defer this item.”

**MOTION**

Commissioner Norton moved to defer Item E.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
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Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**PLANNING DEPARTMENT**

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

- 1. CASE NUMBER ZON2004-00009 – ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "NR" NEIGHBORHOOD RETAIL, GENERALLY LOCATED 1,100 FEET EAST OF 135<sup>TH</sup> STREET ON THE NORTH SIDE OF 21<sup>ST</sup> STREET NORTH. DISTRICT #3.**

**POWERPOINT PRESENTATION**

**Mr. Dale Miller**, Current Plans Supervisor, greeted the Commissioners and said, "John is away from the office today. As indicated, this is a request for Neighborhood Retail zoning. The applicant is seeking to build a photography studio on this location. They are also in the process of . . . they have a proposal to purchase a larger site that would be approximately 31 acres in approximately that area that includes this 2.3 acres that the rezoning request is on. The larger site, they propose to build a home and a barn and use for the setting for outdoor photography.

The applicant runs a commercial photography studio and the clientele that they have, he feels like he needs to be fairly close in, that they're not going to drive far out into the county to a more remote setting and this setting provides the kind of natural background that he is seeking.

As you can see, it is located here on 21<sup>st</sup>, just east of Forestview. Move through the slides here. Currently today, it is farmed and most of the area that's under consideration for the total purchase is also farmed. There is a church located here to the west. There are other home sites further to the west and to the north. Eberly Farms is located to the south over here and there is also some housing along this area and some vacant land.

Comp plan does show this is low density residential. This is a rendering of the site plan that he submitted. As you are aware, with the straight zone change, you're not required to submit a site plan, but he did provide this drawing of what he intends to do. And of course the zone change area

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only involves this area right here next to the church. It does not involve the larger site. Showing the proposed home here and a barn and then the studio would be here, with access off of 21<sup>st</sup>.

This case was heard by Planning Commission and recommended for approval. There was a 44.96% protest, as indicated by the properties colored in red, so it will require the 3/4<sup>th</sup> majority vote if you decide to recommend approval. And this is looking at the site, looking east back towards the creek.

And just other sites, views from the property to the south, to the north, west at the church and I believe that's all the slides.

What we have proposed and what Planning Commission recommended approval for included a protective overlay to restrict it to Neighborhood Office uses only, plus the photography studio. So even though the request is for 'NR' Neighborhood Retail, what the Planning Commission approved was Neighborhood Office plus the photography studio. And there was one citizen who spoke in opposition at Planning Commission. His concern, as best I could tell, had more to do with a roadway that he's trying to get put in along the north line of the total 31 acre site that he was of the opinion apparently that the current property owner had made some, at least from his perspective, had made some commitments and then that had not come through, and that, in our opinion, is beyond the scope of this zone change. Whatever agreements they may have had doesn't really affect this particular site or this application.

The applicant is aware that a large area is in the floodway and is flood prone. In fact, the day that he came in to talk to us, he brought photographs that he'd made that day. There had been a recent four-inch rain, and so a lot of the site was under water. He is aware of that. The reason that staff was supportive of the request is we had had, earlier we had had people come in and ask for Limited Commercial zoning on the site. Limited Commercial does not meet the location guidelines for this location, since it's not at the intersection of arterial streets and we felt like that this proposal, being as low-density and low-intensity as it is, might be an acceptable way to treat this piece of property, since it is so flood prone and maybe limit the opportunity for it to be filled and maybe cause more problems, drainage-wise. So that was one of the prime reasons that staff was supporting the request. Be happy to try and answer any questions."

**Chairman Winters** said, "All right, Dale. I have just a couple. If Planning Department recommends this and it would appear that this would keep that property on to the east of the subject property and towards the creek in almost an open space kind of environment. If somebody came along, a few years from now, and wanted to do a more high-density, would your staff do you believe have the same recommendation of being opposed to that?"

**Mr. Miller** said, "I think, in order to be consistent, we'd need to do that."

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**Chairman Winters** said, "So it's your opinion that this, at least the current proposal here, would be something that would be compatible with the creek being so close by."

**Mr. Miller** said, "Yes."

**Chairman Winters** said, "Well, in moving forward, this would have to be platted. Is that correct?"

**Mr. Miller** said, "That's correct and during the platting process, the drainage plan would be reviewed and approved and those issues would be addressed."

**Chairman Winters** said, "Do you know, and I realize that that road that you talk about to the north edge of the entire property doesn't necessarily have much to do with this, but will that road issue be addressed in the platting process?"

**Mr. Miller** said, "It certainly could be brought up, if there's a land locked tract where property from the northern boundary of this total area is looked at, then that could be looked at at that time."

**Chairman Winters** said, "And so, in the platting process, there could be a requirement that at least some road right-of-way be dedicated to a road back there?"

**Mr. Miller** said, "It's possible. We'd have to look at the total picture and see exactly what's needed. I won't guarantee that something would happen, but certainly it would be evaluated and reviewed in light of what our usual requirements are."

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

**Commissioner Norton** said, "Is the big red area on the bottom of the circle, is that Eberly Farms that protested?"

**Mr. Miller** said, "I believe that that is a substantial portion of it. I don't know if the Eberlys are here or not, but they do own a big chunk of this property down here, as well as I think a strip right along here and I believe that is Eberly property."

**Commissioner Norton** said, "Any indication of why they protested? Did they speak?"

**Mr. Miller** said, "They were not at the Metropolitan Area Planning Commission meeting and as you know, the protest petitions don't require that you have a reason. You just have to turn one in."

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**Commissioner Norton** said, "Right, okay. If a resident there wanted to have a home business, would we allow that?"

**Mr. Miller** said, "A home occupation?"

**Commissioner Norton** said, "A home occupation. If there was already a home site there and a photographer wanted to put up a shingle and say he's taking pictures, would we allow that in that home site?"

**Mr. Miller** said, "They could if they met the home occupation regulations."

**Commissioner Norton** said, "Okay. And with that, they could go out on their property and shoot pictures at any time, whether they improved it or not. There's no law against that."

**Mr. Miller** said, "That's correct."

**Commissioner Norton** said, "So in this case, he's going to improve the property and put in infrastructure and would have virtually a home business, even though he's going to build a studio."

**Mr. Miller** said, "Yes. Obviously, the size is larger than what a home occupation would allow, but the use would be allowed as a home occupation."

**Commissioner Norton** said, "That's all the questions I had."

**Chairman Winters** said, "All right, thank you. Commissioners, any other questions here? This is not a requirement to have a public hearing at this point, but it is our custom to take public comment. So if there's anyone here from the applicant who would like to speak to this item, if you'd please come forward and make any comments that you wish."

**Mr. Ed Roberts**, Real Estate Resources, agent for applicant, greeted the Commissioners and said, "I'm here on behalf of Mr. Trey Allen, who owns Classic Impressions. Dale covered the subject matter very well. The one thing I would like to address is that it's my belief that the protest came about because of the road, not necessarily because of the zoning issue and the subject matter before you today."

I've had lengthy conversation with the gentleman who protested, Mr. Ray Boese, and his attorney Mr. Bob Brown. Mr. Trey Allen, who is proposing to buy this property and the purchase of the property is contingent upon the zoning, has indicated that he would ensure that, upon the platting of the additional acreage, that he would have a road placed on the property that he is purchasing and

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ensure that none of the road right-of-way that would be dedicated would be on Mr. Ray Boese' land or I believe it's Mr. Wetta who is also a homeowner to the east of that. Mr. Boese' property is not landlocked. Mr. Wetta's is landlocked. Also, another piece of property to the east is landlocked and that's owned by Dr. Ray Matthews.

And so, Mr. Trey Allen has indicated he understands this. We're a little confused why platting ever occurred in a landlocked property like that, but we're here to assure you that we will resolve that problem by allowing the road to be dedicated on the property that Mr. Allen is purchasing."

**Chairman Winters** said, "All right. So, it is Mr. Allen's intent then to put a road across, or dedicate right-of-way across the north part of the property he is purchasing."

**Mr. Roberts** said, "Yes. It's our understanding that when we go in to plat, and Dale can address this better than I can, but I assume that when we go in to plat, they're going to say 'Landlocked properties up here on the north, we have to have a road to provide ingress and egress to these properties'. Mr. Allen is willing to dedicate that road right-of-way so that, I believe it would be township that would improve that and maintain it and he would be willing to do that.

And I think again, the subject matter of the road is not before you today. The subject matter is the zoning of a parcel of ground that is on 21<sup>st</sup> Street. But we're willing to address this because it's become such a fly in the ointment, if you want to call it that. And we're very much willing to work with the owners around there. I think everyone signed that protest petition by Mr. Boese because he asked them to because of this road problem, not necessarily because of the photography studio that's going to be built there.

And as you saw in the drawing, Mr. Allen is going to be building something that's going to be a very nice facility, it logically goes there. If you look at the area from 119<sup>th</sup> Street to 135<sup>th</sup>, you see the development that's occurring. Brahm's Ice Cream is going in 119<sup>th</sup> and 21<sup>st</sup> Street. On 135<sup>th</sup> and 21<sup>st</sup> Street, the YMCA is going to build a facility there, so you're going to see the growth coming that way and it's logical for an office, photography-type studio to be built in the mid-mile type of a development area. Be happy to answer any questions you have and respectfully request your approval of this zoning."

**Chairman Winters** said, "All right, thank you. Commissioner Norton has a question."

**Mr. Norton** said, "I'll ask you real quick, since Dale didn't know. What are the issues with the folks south of 21<sup>st</sup> Street? Have you had convers . . . obviously, you've had conversations with other citizens. Do you know that?"

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**Mr. Roberts** said, "I've only had conversation with Mr. Boese on the north end of the property, because he's the one that filed the protest petition. I have to assume that Mr. Boese went and talked to those owners on the west and the south side of 21<sup>st</sup> Street and said, 'Look, I've got a problem, I need your help'. That's my assumption of this matter and in talking to Mr. Boese, he's never addressed the zoning. He's always addressed the road problem and we've always assured him that we would be willing to do what I stated. So I believe it's 'I'm your neighbor, will you sign my protest form'."

**Commissioner Norton** said, "Okay, thanks."

**Chairman Winters** said, "All right, thank you. Is there anyone else in support of this application who would like to speak? Is there anyone in opposition to this application who would like to speak? Yes, sir, please come forward."

**Mr. Robert Brown**, Attorney for Ray and Barbara Boese, greeted the Commissioners and said, "Members of the Commission, I'd like to just speak very briefly about some of the concerns that Mr. and Mrs. Boese have. And I do not want to focus on the road issue that has been addressed, because that is a significant issue with Mr. and Mrs. Boese, but it's not the reason I'm here this morning talking with you."

Mr. and Mrs. Boese do also have some concerns arising mostly from uncertainty about the rezoning itself. And I must confess that I've gotten into this very late in the game, as it were. Mr. Boese unfortunately had to be out of town today, and so Monday he showed up at my office and asked me to stand in for him and I'm going to try to do that as best I can and articulate what I understand his concerns are.

One concern is that, originally, this was presented as a compilation purchase of not just this rezoned area, or the property to be rezoned, but also the property to the east which is in a flood plain and also property to the north which will abut the property of Mr. and Mrs. Boese. It is my understanding that it was because of the purchase of this entire group, including the flood plain land, that this was a significant selling point to the MAPC. It is now my understanding that perhaps that eastern property, the flood zone property, is not being purchased and if that's true, then perhaps some of the issues that significantly pushed forward the rezoning are no longer applicable.

At the same time, it is my understanding that this rezoned area, area to be rezoned, may be used for things other than the photography studio. I have personally received some conflicting information about that. It is possible that it could be used for development of offices, in addition to this photography studio. That would of course create a higher density of traffic along 21<sup>st</sup> Street, which has already seen a significant increase in traffic over the last few years, as the city has moved westerly towards Mr. and Mrs. Boese' property.

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They have resided in this area for 23 years and, obviously, they have some concerns about preserving somewhat their way of life and not letting this growth, which is extremely dense from 119<sup>th</sup> east, on 21<sup>st</sup>, turn into a similar type of uncontrolled growth out toward their property. So, yes they have some very significant concerns about the road to the north, because of issues that have arisen since this potential purchase, but they also have the same concerns or similar types of concerns about the uncertainty of the use of this property to be rezoned. That was the initial reason for their protest.

I do know, and I do not think it's fair to assume, what the intentions of the other parties are who filed protest petitions. I do not know that Mr. Boese solicited those. I do not know that those people only signed those petitions because of an accommodation to Mr. Boese and I think that's an erroneous assumption to make at this point in time, but I do know the concerns of Mr. and Mrs. Boese as it pertains to just the rezoned land and that's why I would like to present that to you today."

**Chairman Winters** said, "All right, thank you. Commissioner Norton. That was your last light. Thank you very much, Mr. Brown. Is there anyone else who would like to speak in opposition to this zone change? Is there anyone else in the audience who would like to speak to this, either for or against? All right, we'll just restrict comments then to the bench. Commissioner Norton, I have had some conversation with Sam Eberly to the south and it's my impression that his concern has to do with the whole Cowskin Creek area. And he is looking at a much bigger picture and I don't think he's . . . and I guess I'd make this my comments. I have concerns about the Cowskin Creek area. I think that this property as proposed will not have a significant affect on the Cowskin Creek but I think this is an issue that we need to continue to address and I know that Commissioner McGinn and I have had a number of discussions with folks about how we're going to work in this area in the future. Because if we keep on in the manner in which we are, I think we could have some consequences that we're not really anticipating.

And again, the Eberly Farms directly to the south of this area is probably a much higher intense use of people coming and going and so, I don't think that was the issue. I think the issue was the drainage issue. It would appear to me that even though this is a development taking place at this point in the mile, that there could be somebody wanting to do a much more intense development in this area that we would struggle greatly with and I see this as really less intense.



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Dale, I guess I would ask you about . . . There's two acres here that's being zoned. What else could happen on this two acres, besides a photography studio and review the process of this application as actually for Neighborhood Retail, but it's being restricted to only Neighborhood Office."

**Mr. Miller** said, "That's correct. Neighborhood Office is a fairly restrictive district that was created in 1996, when the zoning codes were unified and it was intended to provide low-scale, low-intensity, non-residential uses in a setting that's close to or adjacent to residential uses. So in the 'NO' district, any commercial business is restricted to a maximum 8,000 square feet. Any individual use can only be that size as commercial. In the district, there is only one commercial use that's actually allowed in the 'NO' district and that is a parking lot. Everything else is either an office use or some form of residential."

**Chairman Winters** said, "If anything was desired to do something other than that, it would have to go through a zone change again."

**Mr. Miller** said, "Correct."

**Chairman Winters** said, "Okay. All right, Commissioners are there any other questions or comments? And I think . . . Commissioner McGinn."

**Commissioner McGinn** said, "I just wanted to add on to what you had said. A week or two ago, we approved the grant application for a LEP, Local Environmental Protection grant that we believe we are going to receive here in Sedgwick County and that is just the start of looking at some other things that are going on, just north of that area, that has to do with storm water drainage and opening up pits and those kinds of developments. But the conversations along with that has to do with this total look at how we develop in these flood, drainage areas and looking at it from a watershed perspective. So that has begun. It will take a little bit of time, but just to note that that concern is there and it sounds like this particular development though is light in nature and probably will work in this area. Thank you."

**Chairman Winters** said, "All right. Well, I'm going to be supportive of this change. And Mr. Roberts, I would hope that you and the owner, Mr. Allen, are serious about wanting to solve the road problem to the north of this property. I think, even though that's not part of the land use with this subject property, there's a couple of folks back there that do have serious concerns, and so I hope that you follow through with your comments to help them solve that. Commissioners, what's the will of the Board?"

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**MOTION**

Commissioner Sciortino moved to Adopt the findings of the Metropolitan Area Planning Commission (MAPC); approve the zone change, subject to platting and protective overlay; direct staff to prepare an appropriate resolution after the plat has been approved; and authorize the Chairman to sign the resolution.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

- 2. CASE NUMBER ZON2004-00011 – ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “NO” NEIGHBORHOOD OFFICE, GENERALLY LOCATED NORTH OF 53<sup>RD</sup> STREET NORTH AND APPROXIMATELY 3/8THS OF A MILE EAST OF TYLER ROAD AT 8100 WEST 53<sup>RD</sup> STREET NORTH. DISTRICT #4.**

**POWERPOINT PRESENTATION**

**Mr. Miller** said, "As you can see, 53<sup>rd</sup> Street is here, have 87<sup>th</sup> Street here, this application area is located somewhat east of the intersection. It has some similarities to the previous case, in that it is somewhat of a rural area. There are sand pits that are in operation to the north here. There are residences on both sides of the application area and then farm ground to the south. The plan shows

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this as being appropriate for rural uses, however when you take a look at what was constructed here, this was constructed as a single-family home and is fairly large and it is our understanding now that the owners have moved out and the applicant is interested in operating an office at this location, because of the size and the unique construction of the home on the site.

It is heavily landscaped. These are evergreens that are located just east of the home's parking area. Let's see here, this is the home that is located further east of that hedgerow. And then, this is the rural area, the farm area to the south and then these trees are actually on the application area and there is another hedgerow on the west side of the home's parking area and that would be the closest residential use, off-site to the west. Here you can see the hedgerow that's on the west side and the home there.

And we are recommending approval. This did go to Maize. They recommended approval. There was not anybody who appeared at either one of the meetings to speak in opposition and so, with that I'll try to answer any questions."

**Chairman Winters** said, "All right, thank you. Commissioners are there questions at this point. Again, this is not a required public hearing but it is our custom to take comment from anyone who wants to address the Commission. Is there anyone that wants to address the Commission on Planning Department item F-2? Seeing no one, we'll limit discussion to staff and the bench. Commissioner McGinn."

**Commissioner McGinn** said, "I think this may be something we're working on. You know, I look at the on-site sewer system and we've talked about those for residential use and now we're looking at it for Neighbor Office. I guess if that continues to change, I'd like to continue to have the discussion that maybe we need to have the more upscale on-site sewer systems in that area, just for future growth. Now also, but the question I have I guess for you Dale is the Wichita's Northwest Sewer Plant, is that in that area to extend?"

**Mr. Miller** said, "Well, I don't believe it is but I'm not sure I know the final word. I guess, what I would say is with the change in occupancy from a residence to an office, County Code would take a look at it and make whatever requirements they have on the way the on-site sewage is handled, based on the new use, as opposed to the way it is today. And so, if they felt it was appropriate to make some changed, based on the fact that it's now an office, I'm sure they'd do that."

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**Commissioner McGinn** said, “Well, I think this area is north of Wichita’s planned growth line and I just think that we, as a Commission, as this area if it continues to develop and grow, we need to see how that fits into our on-site sewer system plan. Thank you.”

**Chairman Winters** said, “All right. Are there any other questions or discussion? If not, what’s the will of the Board?”

**MOTION**

Commissioner McGinn moved to Adopt the recommendation and findings of the MAPC, subject to platting within one year; direct staff to prepare an appropriate resolution after the plat has been approved; and authorize the Chairman to sign the resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Next item.”

- 3. CASE NUMBER CUP2004-09 (ASSOCIATED WITH ZON2004-14) DP274 – CREATION OF OAK CREEK COMMUNITY UNIT PLAN (CUP); ZONE CHANGE TO “LC” LIMITED COMMERCIAL, “GO” GENERAL OFFICE, “NO” NEIGHBORHOOD OFFICE, “SF-5 SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED SOUTH OF 21<sup>ST</sup> STREET**

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**NORTH APPROXIMATELY ¼ MILE WEST OF GREENWICH ROAD.  
DISTRICT #1.**

**POWERPOINT PRESENTATION**

**Mr. Miller** said, “As you may remember, this is East 21<sup>st</sup> Street, Greenwich. The applicants did come in recently for this larger tract and had it approved for CUP as well as some residential. They are the same purchasers and applicants on this property now, so it more or less completes that quarter section in terms of the proposed development pattern. This area is an industrial and commercial site, in terms of its zoning. There’s a Target that’s being constructed on this site here. This is the Chaucer assisted living facility and there are offices being constructed here and then the white areas are residences, and so you can see it’s kind of an emerging development area in that 21<sup>st</sup> Street corridor to the east.

It’s a rural area today, in terms of ag use. There’s a home site on it. The plan does show this as low-density residential, but given the fact that the larger area, this initial Limited Commercial area or commercial area was left over from back in the 50s when they went out to the intersections of section-line roads and zoned four corners with six acres of commercial and so, as that has expanded out, why it does make some sense to go ahead and finish off that quarter section with the proposed uses.

This is the CUP drawing that they’re proposing and there are a mix of uses. The narrow one up here would be the Neighborhood Office parcel. This parcel would be Limited Commercial. This would be General Office and then this one would be the residential parcel. And as you can see, I think they have taken pretty good care to try and match up with the uses that are adjacent. There is the office use here and then the residences here and then they’re buffering with their own property here the ‘LC’ and the ‘GO’ parcel and so I think they’ve done a good job of trying to transition the uses with existing uses around them.

I’m still not used to this clicker here. This would be the drawing showing the internal circulation patterns and how the parcels would be laid out. It’s a tough site to see because there are some pretty good hedgerows that exist out there. Also there’s not a whole lot to show. This is looking at the application area from 21<sup>st</sup> Street to the south. That’s looking at . . . part of it is the Target construction site and then some of the single-family homes that are located just west of it. This is looking east on 21<sup>st</sup>.

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And staff is recommending approval. MAPC recommended approval. I don't believe anyone appeared at MAPC to speak for or against the application, other than the applicant and so we would recommend approval."

**Chairman Winters** said, "All right, thank you Dale. Again, this is . . . are there any questions now? I see none. This is not an official public meeting but it is our custom to take comments from anyone that wants to address the Commissioners on these zoning cases. Is there anyone here who wishes to address the Commission on this item number three? Yes, please come forward, state your name and address for the record please."

**Mr. George Sherman**, applicant, Slawson Commercial Properties LLC, greeted the Commissioners and said, "I don't really have anything to add to Mr. Miller's presentation, just offer to answer any questions if you have them."

**Chairman Winters** said, "All right, thank you George. I don't see any questions right now. If we have any though, we'll sure come back."

**Mr. Sherman** said, "I'd make a comment on an earlier matter real briefly. I don't know how it escaped from being on my calendar, but until I got here I was unaware that this is National Public Works Week and I wanted to echo the sentiments of the Commissioners up here in support of the Public Works Department. We have a lot more occasion, as developers, to come into contact with the Public Works Department than the average person does and we just find them to, on a regular basis, be cooperative and supportive and responsive to our needs and we appreciate it."

**Chairman Winters** said, "All right, thank you. We appreciate those comments. Is there anyone else in the audience who would like to speak to this item? Seeing no one, we'll restrict comments to the bench and staff. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I think I'm going to be very supportive of this. This piece of property here kind of completes that whole quarter section and allows for a comprehensive, integrated development and from the information that I've received about it, they've made every effort to contact adjacent people. There have been no protest or resistance to what they're planning to do and their preliminary drawings indicate they've made every effort to find ways to make roads match up and to develop the property in such a way that it's consistent

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with the adjacent folks. So I think it's going to be an outstanding development for our community and going to be very supportive of it."

**Chairman Winters** said, "All right, very good. Well, I see no other lights, so I think we're ready for a Motion."

**MOTION**

Commissioner Unruh moved to Approve the zone change and CUP, subject to platting within one year and the recommended conditions; direct staff to prepare an appropriate resolution after the plat has been approved, and authorize the Chairman to sign the resolution.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Thanks for being here, George. Next item."

- 4. CASE NUMBER CUP2004-10 (ASSOCIATED WITH ZON2004-15) DP231 AMENDMENT #2 – REMOVAL OF .84 ACRES OF PROPERTY FROM PARCEL 7 OF DP-231, COPPER GATE CUP; DOWNZONE THE SAME AREA TO "SF-5" SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 13<sup>TH</sup> STREET NORTH AND 135<sup>TH</sup> STREET WEST. DISTRICT #3.**

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**POWERPOINT PRESENTATION**

**Mr. Miller** said, "I'll be very brief. This is a very simple case. They originally zoned this property as Limited Commercial, and now as they're developing the property around it in residential, they discovered that they need this little sliver to complete the residential plat, so all their doing is down-zoning that 'LC' strip back to single-family, so that they can finish off a residential plat. And that's the whole sum of the situation."

**Chairman Winters** said, "All right, very good. Is there anyone here who wants to address the Commission on this? All right, Commissioners this is in my district and there is development happening south of 13<sup>th</sup> Street, moving quite rapidly and houses are going to be on that north side, so it looks like a deal to me."

**MOTION**

Chairman Winters moved to Approve the zone change and CUP amendment, subject to platting within one year and the recommended conditions; direct staff to prepare an appropriate resolution after the plat has been approved; and authorize the Chairman to sign the resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Terry, thanks for being here in case we would have had a question. Next item."

**5. CASE NUMBER DR2004-00005 – PROPOSED AMENDMENT TO THE APRIL 19, 2001 EDITION OF THE WICHITA-SEDGWICK COUNTY**



**Regular Meeting, May 19, 2004**

**UNIFIED ZONING CODE TO ARTICLE III-D.6.FF AND ARTICLE VII-J,  
PERTAINING TO SEXUALLY ORIENTED BUSINESS IN THE COUNTY.**

**POWERPOINT PRESENTATION**

**Mr. Miller** said, "I'm going to also be very brief on this one. Simply, this proposed amendment to the zoning code would make the language in the zoning code match the previously approved language that you all adopted regarding these types of businesses a couple of weeks or a month or so ago. And that's really all it does is make the language the same so that it improves the enforcement capabilities, should they ever have to take enforcement action."

**Chairman Winters** said, "All right, thank you. Commissioners, questions or comments?"

**Commissioner McGinn** said, "I do. Mr. Euson, this change in the zoning code has to do with the changes that we had in the adult entertainment about a month ago?"

**Mr. Euson** said, "Yes, that's correct."

**Commissioner McGinn** said, "So it's a result of the changes that we made then."

**Mr. Euson** said, "It is a result of that, exactly."

**Commissioner McGinn** said, "Okay, all right thank you. I did not support the change that we had a month ago and I'm not going to be supporting this as well."

**Chairman Winters** said, "All right, thank you. Any other questions or comments at this time?"

**MOTION**

Commissioner Unruh moved to Approve the proposed amendments to the Unified Zoning Code.

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Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	No
Commissioner Carolyn McGinn	No
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

- 6. CASE NUMBER DR2002-00001 – MIDTOWN NEIGHBORHOOD PLAN, GENERALLY LOCATED SOUTH OF 18<sup>TH</sup> STREET, WEST OF THE UNION PACIFIC/BNSF RAILROAD, NORTH OF MURDOCK STREET AND EAST OF THE LITTLE ARKANSAS RIVER. DISTRICT #4.**

**Mr. Dave Barber**, Advance Plans Supervisor, Metropolitan Area Planning Department, greeted the Commissioners and said, "In January of 2004, following a two-year process, the Midtown Neighborhood Plan Steering Committee completed the Midtown Neighborhood Plan, with extensive input and discussion with the community in and around the Midtown neighborhood.

The plan outlines general redevelopment policies, land use recommendations and specific studies that together seek to maintain the residential character of the neighborhood, provide for the development of a linear greenway to connect the three neighborhood schools that exist therein and to provide and guide redevelopment along the Santa Fe corridor.

The Metropolitan Area Planning Commission held a public hearing back on April 22<sup>nd</sup> of this year and recommended approval of this plan as amendment to the Wichita/ Sedgwick County Comprehensive Plan. And in fact, yesterday the Wichita City Council also gave approval to this plan as an amendment. The recommendation of staff and the Planning Commission is that the County Commissioners approve first reading of a resolution adopting the Midtown Neighborhood Plan as an amendment to the Wichita/ Sedgwick County Comprehensive Plan.

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Now, Nalini Johnson has been the principle staff person who has been working with the Midtown Neighborhood Association in the development of this plan over the last two years and with your permission, I would like her to quickly go through the highlights of the plan and then perhaps answer any specific questions that you may have.”

### **POWERPOINT PRESENTATION**

**Ms. Nalini Johnson**, Principal Planner, Metropolitan Area Planning Department, greeted the Commissioners and said, “And I want to be brief, as far as presenting the plan. I believe that you all have a copy of the neighborhood plan, so I’d like to focus mostly on questions that you might have.

Generally, the mission of the plan is to enhance the appearance, safety and quality of life in Midtown, to make it an attractive and desirable place to live, work and play for the benefit of all residents, businesses, visitors and property owners. This particular plan contains nine goals and I will briefly go over the goals and not the objectives. They are all outlined in the plan.

The first one is to build a sense of community and responsibility. Number two is to maintain and improve the character of the neighborhood. Number three is to encourage attractive, affordable, and well-maintained housing. Number four is to preserve and enhance historically designated homes and districts. It is the first neighborhood in Wichita. Number five is to encourage a safe and peaceful neighborhood. Number six, to improve park and recreational space experiences and encourage the use of parks that exist. Number seven is to eliminate storm water drainage problems. Number eight is to eliminate speeding traffic, enhance pedestrian and vehicular traffic and circulation and encourage walking. Number nine is to add and maintain neighborhood shops and businesses.

The plan does outline specific objectives for each of these goals. They start on page 25 and for anyone that does not have a copy of the plan, it is available on the website. You can log onto Sedgwick.gov and click on planning and it’s all located there. There is also, in the plan, an outline of the basic costs of the plan. There are no financial considerations for the County. Most of these costs have been encumbered through the CIP program that the city has and the additional costs that

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will be required will be funded through, you know, local organizations that will do fund raising, some CDBG and things like that administered through the city.

The brief presentation in front of you, the slides, outline . . . first of all, I have here the flier that has been used extensively in the neighborhood to make sure that the community is well apprised of the plan and to make sure they're able to give their input into the neighborhood planning process. The process did take a period of about two years and there were individual mailings, there were articles in the paper, there were interviews on radio, in Spanish as well. We do have quite a large Hispanic population in this neighborhood. The churches have been involved. The businesses were conducted . . . there was a survey of businesses conducted in the neighborhood.

The second slide here shows you one of the elements of the plan, which has to do with the future land use concept for the neighborhood. A lot of these goals relate to one basic concept, which is really neighborhood preservation, in terms of residential uses. The zoning right now really indicates that, if a house were to be demolished by either neglect or other reasons, there could be a reuse of a lot of those properties in commercial or industrial.

So the neighbors have gotten together and really decided that they want the neighborhood to be more of a residential character, so this is one of the main elements of the plan is all the yellow areas that you see are really relating to residential uses being preserved. And the residential uses that would be preserved would be the low-density, single family homes and duplexes and up to four-plexes along some areas that are shaded a little light brown.

There is a lineal park that is being developed concurrently with the plan, but has been incorporated into this plan and it runs diagonally down from Murdock to 15<sup>th</sup> and Broadway and it connects all of the schools which are shaded in light blue. So it is really a focus away from the rail corridor uses and to more residential amenities for the neighborhood.

This next slide shows the historic districts. There was also a concurrent initiative with the planning process that was able to help designate the historic districts that were locally designated and now they're placed on the National Register of Historic Places. So this particular map shows you the historic districts, outlined in the beige and then some gray environs areas, so there's an additional review that houses have to go through. So that's one thing that the plan is supporting and building upon.

And again, to just highlight the linear park that I mentioned before. This particular map shows the increased connectivity between the proposed linear park that is being developed and has been funded to the overall bike trail system in the city.

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The steering committee members are listed here on this slide. The neighborhood was very cognizant of the fact that it is a very diverse neighborhood and so a lot of different members of the community were sought to be brought in from the schools, local residents, low-income, high-income, organizations, businesses and elected officials.

This is the staff, basically, that worked on it. There is a more detailed implementation plan in the plan, incorporated into it. It starts on page 61 and it actually outlines partnerships between different organizations and individuals in order to get a lot of these goals accomplished. And it is a hope now that this plan get approved so that the implementation committee can begin work to actual implement this plan. If you have any questions, I will be happy to take them.”

**Chairman Winters** said, “All right, thank you. Commissioner McGinn.”

**Commissioner McGinn** said, “Thank you, Mr. Chairman. Well I’m going to be supportive of this plan, as I’ve been supportive of other plans that come before us. It almost seems like this plan should have been the first, because this actually is in the area of the oldest part of our city here in Wichita and I applaud the people that have worked on other plans, but this plan in particular, I was at the beginning of it and kind of checked on it throughout the time and we had many of the same faces there, throughout that whole process, and they’re dedicated people in that neighborhood area that want to see a positive change in their neighborhood area.

The plans here are just so people know that the ideas and goals are high, as they should be, but that doesn’t necessarily mean the dollars will follow and I think that’s very important for people to know. But what it does is it gives an opportunity to change some of the mixed zoning that’s going on, as time goes by, as people give up those different properties, they have an opportunity to change some of the zoning in that area and make it back into the neighborhood area that it used to be.

And also, that sometimes there are grant possibilities and things like that out there and so when they have a plan, at least you know, if money does come available, how to best use that money and not just throw money at problems. This is a very well studied plan that says now we have a step one, two and three and we know what to do to make a positive change in that community.

So again, I’m going to support this and I think . . . and I want to thank the people that were on that committee for two years and spent many, many evenings giving their opinion about how to make a positive change in their neighborhood.”

**Chairman Winters** said, “All right. Commissioner Norton.”

**Commissioner Norton** said, “Well, I’m going to be supportive too. When you look at one of the other neighborhood plans that’s kind of gotten legs, which is the Delano neighborhood and seeing

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what has happened there to that business district in their very first phases, it's pretty exciting as to what can happen in Midtown.

One of the things you may want to do is describe the boundaries. I didn't hear that articulated and I don't know that everybody knows exactly where Midtown is, even though you can kind of tell on the map that it's along the river and kind of north of downtown. You might want to describe those boundaries real quick."

**Ms. Johnson** said, "The boundaries actually go south from Murdock, Murdock Street, north to 18<sup>th</sup> Street. On the east side, Santa Fe or the rail corridor line and on the west you've got the Little Ark River."

**Commissioner Norton** said, "Once again, I'm going to be supportive. It looks like a great plan to me and hopefully, over the next few years, there will be some projects that really get legs and start being put into effect, much like the Delano neighborhood, because it has had great results and it has improved the inner core of the city, and I think all of us would be supportive of revitalizing some of these old areas. Thanks Mr. Chair. That's all I have."

**Chairman Winters** said, "All right. Are there any other questions or comments?"

**MOTION**

Commissioner McGinn moved to Adopt the Midtown Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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**Chairman Winters** said, "Well, we thank the Planning Department for being here. We might comment that the Director, John Schlegel, has a trip out of town and it had been planned for some time and it just, coincidentally, occurred on a day we had a lot of business with you folks."

**Commissioner McGinn** said, "You got all his work done today."

**Chairman Winters** said, "You got all his work done, so thank you very much. Next item."

**Commissioner McGinn** left the meeting room at 10:30 a.m.

#### **G. ADDENDUM TO AGREEMENT WITH TROWBRIDGE PRODUCTIONS, L.C. FOR USE OF LAKE AFTON PARK JULY 19-25, 2004 TO HOLD A "WHEATLAND JAM" EVENT, ADJUSTING THE TERMS AND CONDITIONS FOR PAYMENT TO SEDGWICK COUNTY.**

**Mr. Mark Sroufe**, Superintendent of Parks, Division of Culture, Entertainment and Recreation, greeted the Commissioners and said, "I come before you today to request your approval of the addendum for the 2004 Wheatland Jam. The original contract approved by the Board, in October of '02, is a five-year contract. We're in year two of this contract and, after last year's events, we've seen some things that needed to be tweaked a bit, so this is what we've done and we're here before you today to request your approval. I'd be happy to entertain any questions you may have."

**Chairman Winters** said, "All right. Did you make some changes from last year? Can you highlight just a couple of those?"

**Mr. Sroufe** said, "The big change is . . . well, the big change is, as far as the fees go, there was a balance due last year we're going to carry over into the next three years."

**Chairman Winters** said, "How about, you know there was a fireworks issue, lateness of night. Has that been changed?"

**Mr. Sroufe** said, "As of now, there is no fireworks planned. There is no sponsor for the fireworks. However, if they do come upon a sponsor that is willing to sponsor that, it will be a scaled back show and it will occur much earlier in the evening."

**Chairman Winters** said, "Okay, so you'll make sure that it's done early."

**Mr. Sroufe** said, "That is correct."

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**Chairman Winters** said, “Okay. All right, other questions or comments of Mark? What’s the will of the Board?”

**MOTION**

Commissioner Norton moved to Approve the Addendum to Agreement and authorize the Chairman to sign.

**Commissioner Norton** said, “And I hope that this is one of those events that, over the years, will begin to gain some popularity and add to the amenities of Lake Afton and this is the second year I think we’ve had it and hopefully it will become as successful as it was when it was in Winfield and a better venue, I think. So, there’s my motion, and I’ll be very supportive.”

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Absent
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you, Mark. Next item.”

**Commissioner McGinn returned at 10:33 a.m.**

**DIVISION OF HUMAN SERVICES – DEPARTMENT OF CORRECTIONS**

**H. GRANT APPLICATION TO KANSAS JUVENILE JUSTICE AUTHORITY FOR JUVENILE ACCOUNTABILITY BLOCK GRANT TO FUND JUVENILE JUSTICE PROGRAMS.**

**Ms. Chris Morales**, Systems Integration Coordinator, Department of Corrections, greeted the Commissioners and said, “Before you is our Juvenile Accountability Block Grant application for



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state fiscal year 2005. This block grant is a federally funded initiative that is administered by the State of Kansas Juvenile Justice Authority.

The premise of the block grant is to provide assistance to units of local government to develop programs that are going to promote greater accountability among youth and in our juvenile justice system. This is the fifth year of funding under this initiative and Sedgwick County is eligible to receive \$266,705. A required 10% cash match has been planned for in the general fund budget, so the total grant is for \$296,339.

On May 7<sup>th</sup>, the Juvenile Corrections Advisory Board, or Team Justice, recommended continued funding for the current programs and approved the application. The programs were originally selected to address the important needs in our Juvenile Justice Strategic Plan.

Two of the programs are with the District Attorney's Office. Those are the data entry clerk and the diversion manager program and two are with the Department of Corrections, and those are the Juvenile Detention Facility mental health project and the Getting Responsible And Disciplined, or GRAD program. I'd be happy to answer any questions you have or to go over any of those programs if you need me to. We are asking that you approve this grant application and authorize the Chair to sign."

**Chairman Winters** said, "All right. Are there questions for Chris? I think it's all pretty straightforward stuff."

### **MOTION**

Commissioner Norton moved to Approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Commissioner McGinn** said, “Thank you, Chris. Next item.”

**DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING**

**I. AREA PLAN REVISION FOR FISCAL YEAR (FY) 2004, AND APPLICATION FOR GRANT AWARD, TO BE SUBMITTED TO KANSAS DEPARTMENT ON AGING.**

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, “Today I bring you our fiscal year 2004 area plan revision. Each year, the Kansas Department on Aging requires all Area Agencies on Aging to submit an area plan, which outlines how we will spend the federal funds for that fiscal year.

This is our revision. This is kind of the end of the year clean up to actually reflect how those funds were spent, if there were any changes in allocation dollars or any changes in provision of services. Based on the need, we might have to move the money around. So this is, hopefully, our last revision for the year. This is due by June 1<sup>st</sup> to the Kansas Department on Aging.

And this has been approved by the Advisory Council for Central Plains Area Agency on Aging on the April 21<sup>st</sup> meeting. It has also been reviewed and approved for your signature by both the Butler and Harvey County Commissioners.

So I’ll quickly go over kind of those revisions, some of the main points of where we move money around. Under 3-B, which is the access services under information assistance services there was a \$25,000 move. Senior Services Incorporated decided they no longer wanted to provide that service, so those funds came back and we then lost that kind of backup for information and assistance for the phone calls and especially now, with the increased calls around the Medicare prescription drug program and the prescription drug cards are really getting a lot of increased calls, so we pulled that money back into house, and are filling a new position with that. We’ve combined that with some other caregiver funds that we had federal funds to hire a new position.

And then there was a reduction in funding from planning allocation, so we finally received our

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allocation dollars and that was a little bit lower than what the numbers we had received. Under 3-C1, which is the congregate meals, there was some reallocated funds, a difference of \$54,577, so those were reallocated back out to the one provider we have for that, Good Neighbor Nutrition program.

Under 3-C2, which is the home delivered meals, we had some reallocated funds that went to the Good Neighbor Nutrition program and also, this year for the first time ever, there was some nutrition check-off funds. Last year, in the state income tax, there was the option, much like the Chicketty Check-Off, for a nutrition check-off so that people could give some funding for the home delivered meals programs. So, they received a pretty good amount for their first year of that, statewide and then they allocated that out to the 11 Area Agencies on Aging and actually told us, based on the percentage and proportion of funding, each provider of that program got, how much they would get. So you see those. For the Good Neighbor Nutrition program they got \$6,229 of that. Newton Meals on Wheels got \$1,914 and Senior Services got \$21,870. And the El Dorado Meals on Wheels program received \$2,157. So that was some additional, new money that we hope continues to grow every year.

Under 3-D, which is the disease prevention and health promotion programs, under Home Health Care Connection there was a reduction in funding, based on the planning allocation. The difference in that is \$747. And then we had a Via Christi Regional Medical Center, they were doing a new program for us where it was doing nutrition education, along with meal provision. Kansas Department on Aging did not approve of our use of funds to cover the meals, so that \$2,000 change there is to take off the cost of the meals so they could continue to provide that program but not cover the cost of the meals.

Under 3-E, caregiver services, we had some shifting of funding in Harvey County. They needed to separate their information and assistance into two separate programs to match the federal definition, so you see that change there.

Then there was a new program, National Multiple Sclerosis Society do an annual caregiver conference, so the Advisory Council did recommend that we help fund that with \$5,000 of funds and Prairie View requested to move some funds around between their support group, grandparent support group to cover what was really being called on in the community to provide for services.

So those are the changes we have for the final revision and I'll be happy to answer any questions."

**Chairman Winters** said, "All right, thank you Annette. Commissioners, you have questions or comments? If not, what's the will of the Board?"

### MOTION

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Commissioner Unruh moved to Approve the FY2004 Area Plan Revision; approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you very much, Annette. Next item.”

**J. ENVIRONMENTAL RESOURCES.**

**1. SEDGWICK COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE, JANUARY 27, 2003 – JUNE 10, 2004.**

**POWERPOINT PRESENTATION**

**Ms. Susan Erlenwein**, Director, Environmental Resources, greeted the Commissioners and said, “The Kansas Department of Health and Environment requires every solid waste plan be updated on an annual basis and every five years there’s a special update requiring a public hearing.

This update is January 27<sup>th</sup>, 2003 through June 10<sup>th</sup> of this year. The reason it’s covering an odd

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period is because our last update was the five year plan update, which covered the period up through January 27<sup>th</sup>, 2003. The state approved it June 10<sup>th</sup>, 2003, which reset our due date, so we have a longer period this time.

The purpose of the update is to mention any changes in the solid waste plan. One change that happened during this time period was the composition of the Solid Waste Committee. It was restructured and lowered from 30 members down to 16. The reason for this is when we first started the planning process we needed quite a few committee members, due to all the sub-committees we needed staffed. Now we're beyond that point and 16 members is an adequate size.

Other changes noted in the update deal with the amount of materials received at the various solid waste facilities in our community. One such facility that is shown on this picture is a transfer station which receives municipal solid waste. There are two privately owned transfer stations in Sedgwick County and combined, they reported over 442,000 tons of municipal solid waste received in fiscal year 2003. This is 1,220 tons per day, on a seven-day average and that's an increase of one ton per day over 2002. I think this is a very minor increase, considering the population increase we've seen, we should have had an increase of 40 tons per day, instead of only one ton per day. And this might be due to the economy and people are purchasing less materials and less packaging to throw away and are reducing their waste.

Other facilities we have in our community that receive types of solid waste are construction and demolition facilities. There are three of those facilities in our community and they receive inert materials such as wood, concrete, brick and drywall. Those three facilities reported receiving over 145,000 tons of material in fiscal year 2003. This is a 15% increase over 2002. Those facilities landfilled over 122,000 tons of that specific construction and demolition material they received and they pulled out and recycled over 23,000 tons. In addition to this material, some of these facilities receive concrete and asphalt from road jobs and, actually, that's hundreds of thousands of tons of that material that are recycled every year.

Another facility we have is commercially owned compost facility and some of the cities also have compost facilities. The commercial facility reported receiving over 8,000 tons of wood waste, over 7,000 tons of yard waste and over 8,000 tons of other material, such as food waste that they receive

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from local schools, drywall and even manure from our Sedgwick County Zoo. They have permits for all of this material to recycle.

Unfortunately, they saw a 14% decrease from the materials they received in 2002 and a lot of that is attributed to the amount of wood waste they received was lower in 2003.

There's also curbside recycling offered by area waste haulers and some other private companies, so residents can pay for curbside collection of recyclables. In 2003, over 1,500 tons was collected through this method, which is a 1.5% decrease from 2002. Additionally, people can recycle through drop-off locations located around Sedgwick County. There are 19 locations and this map shows those locations, the center of each circle. The yellow area shows a two and a half mile radius and approximately 87% of the residents live within two and a half miles of a drop-off center. The three and a half mile areas, designated by the blue circle and almost 96% of the residents live within three and a half miles of a drop-off center. So they don't have to travel too far for a drop-off center, however we did see a decrease in the amount of material dropped off. Over 3,500 tons collected through the drop-off centers in 2003, which is 7.6% decrease. Again, this could be attributed to the economy, people are buying less newspapers and other materials that could be recycled.

Recently, you saw a presentation on our new Household Hazardous Waste Facility. We do have that data included in this update. I won't go into a lot of detail, since you did receive that presentation recently, but they did have over 11,000 customers for the first full year of operation at the new facility. That's a 60% increase over 2002, where the main collection was down at the old facility at the south part of Wichita. They collected over 757,000 pounds of material, which was over 24% increase. And in addition, they have a new area that the old facility did not have, which is the swap area, which serviced over 2,000 customers and over 75,000 pounds of materials were used through that program.

Other programs we have noted in the solid waste update are the Christmas Tree recycling, waste tire collection and illegal dumping. Christmas Tree recycling saw over 7,000 trees collected this past Christmas, which was a 28% decrease from 2002. We contacted the Christmas Tree Association and they said that nationally, there was a 31% decrease in real Christmas Trees being purchased last year. More people are going to synthetic trees or because of the cost, not going for the real trees at all. Again, it's an economy situation this past year.

We had a special waste tire collection program that we just had in April and we've received over 88,000 tires and Jo Sanders, the recycling coordinator, will give more detailed information on this right after this presentation.

And illegal dumping went down 26% from the number of reported incidents to our department. And we continue to work with townships on putting up illegal dumping signs that denote that there

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are fines and who to call if you see illegal dumping and we continue to work with townships on the proper disposal of this material.

And most of these programs are currently paid for by a solid waste fee and last year, the residential base rate of that fee was reduced 37%, which is \$3.14 per year per resident. So it's a very minor fee to help pay for these programs. One thing the fee could not pay for in the past was recycling, but the County introduced a bill over this period, Senate Bill 416 and later that number was changed to a house bill, which would change the wording of the solid waste fee to add flexibility so it can be used for recycling. That was passed by the house and senate, signed by the governor this week and it will become law July 1<sup>st</sup>. So now the fee will be able to be used for a variety of recycling programs that it could not be used for in the past.

And another event that happened over this time period was discussion of solid waste disposal options. You received information on incineration and new technology on landfills and you received input from the Metropolitan Area Planning Commission which showed that landfills would be appropriate for the Comprehensive Plan. You received input from the Solid Waste Committee, you held public hearings and on-line hearings on disposal option issues. That information is part of the Solid Waste Plan Update.

And from careful consideration, the Commissioners decided to pass a resolution to allow landfills to be sited in Sedgwick County upon the issuance of a request for proposal by the County. Later discussion showed that the landfill should be county owned and that we should continue to look for new technologies and integrate waste minimization as part of the overall solid waste plan in process. Thank you. The plan is short and to the point this year and I'd be happy to answer any questions."

**Chairman Winters** said, "Thank you, Susan. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Susan, on the tonnage that decreased in recycling, I noticed that was by weight. Is it possible, the fact that we're no longer able to take glass is the reason why that tonnage is down?"

**Ms. Erlenwein** said, "Glass could be part of that but glass was substituted with receiving magazines, which were also heavy. So we could get a break down from Weyerhaeuser that receives this material, and get that information to you to see how each component reduced."

**Commissioner McGinn** said, "Well, I just hope some day we're able to get the glass going again, because I know it certainly affects the weight of the trash that goes out and the contents as well.

The illegal dumping, I'm glad to see that there is some significant change there. I know it's still a problem out there, but that was a program that we made changes to a couple of years ago, let people

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know we were serious about illegal dumping, did put the signs out and increased the fines, and we do see that some of those fines are being given out to illegal dumpers. So, those that think don't think it will happen, it will.

And then the recycling, I was glad to hear the update on that and I'm going to continue to share, as I did earlier today, that there has been a change in the law. I think that no matter what the final disposal option is, I think that we need to move forward on what the recycling efforts are going to be here in this county. So I look forward to hearing a plan from staff and the discussion of commissioners here in the very short term about the direction recycling will take here in our community. And I have some tire comments, but I think I'll wait till that presentation. Thank you."

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

**Commissioner Unruh** said, "Thank you. Susan, what all do we receive at our recycling locations now?"

**Ms. Erlenwein** said, "I'm sorry, what was that?"

**Commissioner Unruh** said, "What material do we receive at our recycling locations now?"

**Ms. Erlenwein** said, "We receive newspaper and we receive metal cans. We have the aluminum cans and what we call the tin cans. We used to receive glass, but as you know that's no longer accepted. We receive catalogs, different materials and we receive number one and number two plastic. No we don't. That's no longer received, I'm sorry."

**Commissioner Unruh** said, "Okay, so magazines, newspapers, aluminum and tin cans and that's governed by the market. Is that correct?"

**Ms. Erlenwein** said, "That's correct. We go out for bid on who collects the material and really there's one facility in town, Weyerhauser, that receives that variety of material."

**Commissioner Unruh** said, "Okay. And we have how many locations?"

**Ms. Erlenwein** said, "Nineteen, county-wide."

**Commissioner Unruh** said, "And they are within two and a half miles of 85% of our population."

**Ms. Erlenwein** said, "Two and a half miles of about 87%."



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**Commissioner Unruh** said, "Eighty-seven percent. Just some detail I wanted to reiterate or emphasis, in light of the fact that we were mildly chastised this morning from Mr. Miller. And my point is that for those items that are marketable, there is relatively convenient place for recycle at this point and that doesn't relieve us from the responsibility of looking further into options for recycling, but I would want the citizens to know that it's not hopeless. There is a place that we can accomplish some of this now that the County is providing and it's not at any burdensome cost right now to our citizens. So, on the one hand, we need to do more. On the other hand, there is some availability out there. So, I'm not preaching, just wanted to emphasize that."

**Commissioner Sciortino** said, "Don't forget, it's also very convenient right at your curb. Let's not forget that the curbside recycling, for three or four dollars a month, is a pretty inexpensive fee and I know Mr. Miller was saying that the people wanted convenient recycling. Well, I don't know what's more convenient than right in the front of your curb for recycling."

**Commissioner Unruh** said, "That's all I had."

**Chairman Winters** said, "Thank you. Susan, the only point I wanted to just catch on just for a second, and again I'm going to continue to try to be supportive of recycling and reuse as much as possible. But according to your records, we're now last year at 1,220 tons per day through the transfer system and what was that in comparison to what was going into Brooks Landfill?"

**Ms. Erlenwein** said, "When Brooks Landfill closed, it was 1,500 tons a day."

**Chairman Winters** said, "So there has been a reduction in what's being landfilled at the present time, but again I certainly hear what Mr. Miller and the supporters of more intensive recycling are trying to accomplish. But there have been reductions of material that's being landfilled. Commissioner Unruh."

**Commissioner Unruh** said, "Well, just one more question then. What is the total amount of waste then, if you add what's going to the landfill, what's C & D and what's recycling, compared to the 1,500 tons per day that was going to Brooks, what's our total volume now?"

**Ms. Erlenwein** said, "Well, you have to realize, when Brooks was open, we also had C & D facility and we had a compost facility, so you'd have to add on to that number as well. But if you were to add up recycling, composting, C & D and municipal solid waste, the number would be over 1,700 tons a day."

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

**Chairman Winters** said, "All right, thank you. Commissioner Norton."

**Commissioner Norton** said, "Well, just a final comment. I agree with Commissioner Unruh that there are ways to recycle out there that aren't onerous on the public and mandating that they have to pay a fee, whether they use it or not. Certainly, they can do recycling if they're willing to pay for it and if they don't want to pay, there's some pretty convenient sites that we provided for those items that have usages beyond the life that they've already had."

I find it interesting, on the tree recycling, that people have decided in their purchasing, to change their attitudes towards what they need to dispose of and a live tree has to be disposed of and taken care of and an artificial tree doesn't. And I think one of the things we have to continue champion is that part of our greatest problem is that we are a capitalistic society that wants more. We demand packaging. We demand merchandise on hangers and we demand cereal in boxes that have all kind of graphics on it. Well, at some point we have to understand that we are our own worst enemies. We demand this stream of products that has materials that have to be disposed of. I mean, if you look back so many generations ago, everything was in glass bottles and they could be recycled. You picked them up along the waysides and you had your milk delivered and you recycled them and now we demand plastic bottles and throw-away Styrofoam cups and we're our own worst enemies when it comes to this.

And even though we decide that we need to recycle and reuse, there are other ways to do that and part of it is getting way upstream and demanding that retailers and manufacturers don't create that waste stream. And you know, we don't have much stomach for saying that, but it is the truth. We are a society of today in disposing of things and we create our own problem and then have to try to govern it on the back end with taxpayer money and I think that, somehow, we need to get the word out that there's another way to solve this problem, if we had the stomach for it. That's all I have, Mr. Chair."

**Chairman Winters** said, "All right, thank you. Commissioners, you've heard the report. We need to approve the annual update of the plan. What's the will of the Board?"

### **MOTION**

Commissioner Unruh moved to Approve the Annual Update for submission to Kansas

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Department of Health and Environment.

Commissioner Sciortino seconded the Motion.

**Chairman Winters** said, “We have a Motion and a Second. Any other discussion?”

**Commissioner Sciortino** said, “Other than to say that it wasn’t too many years where mothers actually washed diapers and reused them and I don’t know what percentage of that is disposal, but I have to think a pretty significant increase in throw-away.”

**Chairman Winters** said, “All right.”

**Commissioner McGinn** said, “Probably a larger percent than the male washing the diaper.”

**Chairman Winters** said, “We have a Motion and a Second. Please call the vote.”

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Thank you, Susan. Next item.”

**2. PRESENTATION REGARDING THE 2004 WASTE TIRE PROGRAM.**

**POWERPOINT PRESENTATION**

**Ms. Jo Sanders**, Recycling Coordinator, Environmental Resources, greeted the Commissioners and said, “A few years ago, I watched a movie about a guy who built a baseball diamond in a corn field and he did this because a voice whispered to him ‘If you build it, they will come’. Well, Sedgwick County says we’re going to build a tire pile and trust me, they came and they came and they came. But before I talk about the fun stuff of this program, I want to back up and review why we decided to do this program.

We all know West Nile is here, probably here to stay and what we can do to decrease the breeding of mosquitoes in our environment is going to benefit each and every one of us, so taking these tires out of the open environment, decreases mosquito breeding. It also decreases rodent breeding.

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Tire piles occasionally catch fire and that is an enormous challenge to our firefighters. They will smolder for days and days and days. Toxic fumes are released and any water that's used to extinguish those flames also carry contaminants.

In my personal opinion, waste tires out in the environment is an eyesore. This program was a great service to the citizens of Sedgwick County, because there is currently a disposal fee that goes along with those tires, so they could bring those tires to us, we would take care of the work, we would take care of the disposal cost also. Not saying that this program is going to decrease illegal dumping, but we do continue to see tires thrown in the ditches and I'm not just talking single tire, but oftentimes, we run across larger piles that we're quite suspicious come from some of the businesses in the area.

This is our second of two tire roundup programs. The first one was in the year 2000 and even though everyone thinks these were the same programs, they were really quite different. The year 2000, the program was funded by KDHE. It was part of a statewide amnesty event, so we had to follow their rules, and their rules were that every individual was limited to 100 tires. The program was for residential individuals only. Now in residential, farmers were allowed to bring 100 tires in also. Businesses could participate if and only if they agreed that those tires were generated pre law and July 1<sup>st</sup> of 1990 our waste tire laws went into effect. So we took it on their word if they generated that tire before 1990, that tire was eligible for this program.

To compare that to 2004, this program was funded by the Sedgwick County Solid Waste Fee and we had no limit. We want to get this cleaned up. We want to take care of it today, so we have no limit. The program was also available for residential as well as businesses because of the fact, you know, where it was funded from. Businesses as well as residents pay that solid waste fee. Now there was one exception to this rule and that was if you were a business that accepted money for the disposal of that tire, so if you were a tire dealer or a repair person who accepted disposal, then you were not eligible for this program.

The program started on April 22<sup>nd</sup>, that was Earth Day, and ran that Thursday, Friday, Saturday and then the following Thursday, Friday and Saturday. We had two locations, our Sedgwick County West Yard and our Sedgwick County North Yard. All six days, we were open from 9 to 4 and we were just ready for them to come.

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And like I said, they came. We stopped every vehicle and asked them how many tires they were bringing, where those tires came from, whether they were from a household, a business or a farm. We also were interested in the number of tractor tires that were coming in, simply because the large size of that tire would really skew our numbers and we can talk about that a little bit later, but what I want to tell you is if you count a tire off of a car as one tire and you count a tire off of a tractor as one tire, you can see when it comes to the disposal, that tractor tire is going to be weighing a lot more and it takes a lot more space in the truck. So the numbers that we will report are the tires and one tire was equal to one tire.

We also asked if they were Sedgwick County residents. We looked for Sedgwick County tag on the vehicles. There were a few vehicles that came in that didn't have Sedgwick County tags. They borrowed a truck, so in those instances we asked to see a driver's license to recognize a county tag. And just a bit of trivia, the farthest vehicle came from Alaska, by way of McConnell Air Force Base.

And you can see, they came and they came in many different shapes and forms and they came at a pace where they had to wait in line while we did our paperwork, but that was no problem and everyone was very, very pleasant.

And these next few slides will just show what it looked like, again how those loads came in. A lot of large loads of truck tires we found this time. Businesses came in. This is just a shot of our West Yard, how the piles were managed and if I can point right here, that little orange piece of equipment is a modified log splitter. Those tires that came in on rims are handled at the facility. The tire go in this, and I'm going to call it a log splitter, to compresses, the rim is bent so that the tire pops off easily, and then the rims then are just hauled off directly from those locations to a local metal recycler.

This is our North Yard and this was at the beginning of the program and I can tell you that because the tire pile got higher than the roof line. But again, just to show you some of the vehicles and the quantities that are coming in from our area. And this shot, this slide shows all the different sizes. Look at this tire, compared to this tire, and these tires over here. So we got just a little bit of everything.

The funniest thing was one gentleman . . . or one of the funniest things, one gentleman brought in one motorcycle tire on the back of his motorcycle in a blue Walmart bag, so that might have been the smallest tire that came in. We had fun out there.

When all was said and done, our tire count was 88,099 tires. Forty-four percent of those came from residential, residences. Twenty-seven came from farms, 22% came from businesses and 7% came from government entities, small cities, City of Wichita organized several neighborhood cleanups.

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Brooks Land Fill brought in a lot of tires that inappropriately found their way into their facility. And as we predicted, the West Yard gathered more tires than the east [sic] yard. The West Yard is the maroon bar. The North Yard is the blue bar and this is the number of tires gathered, by the day, and that would correlate with the number of vehicles, 3,569 vehicles came through, those six days.

But you know, as I referred to before, the west is going to attract more, because this green star is the location of the West Yard, and so everybody from here is going to go there, as opposed to this location serving less people.

Originally, our contractor planned to grind these tires, to chip these tires, with the hopes of using them as daily cover at some local landfills and we were the first project that they tried this chipper on. Had a little trouble with it, inconsistent particles sizes, they were too big and the landfill rejected them, so they did some tweeking while we were there and then the particle sizes got too small. So it was a good idea, but at this particular time, the bugs aren't all worked out so we weren't able to use it. So the vast majority of the tires are being hauled out whole from these locations.

There's no way we could have done this program without the help of the guys at both of the yards and I can't make a presentation without saying thank you. This is my favorite, not the Walmart bag, this was my favorite customer and he came twice. So with this pleasant picture, I'll end my presentation and if anybody has any questions, I'll do my best to answer them."

**Chairman Winters** said, "All right, Jo thank you very much. Good presentation, good project. Commissioner McGinn, you have a comment?"

**Commissioner McGinn** said, "Well, I think Jo did an excellent job describing everything and the situation and the concern we have, being involved in community health, the West Nile Virus, we can't have tires laying around full of water and those kinds of things and staff certainly did an excellent job. They did this about three years ago or four years ago, did an excellent job then and it appears an excellent job again this last time. So we cleaned up the County and thank you for all your hard work."

**Chairman Winters** said, "Yes, Jo thank you for you and your staff and everyone in your department, and David, thank you for the Public Works involvement of your location and your folks involved. Commissioners, what's the will of the Board with Jo's report?"

### **MOTION**

Commissioner McGinn moved to Receive and file.

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Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Jo, thank you very much. Susan, thank you. Next item.”

**K. PUBLIC WORKS.**

- 1. AGREEMENT WITH CITY OF WICHITA, KANSAS FOR REMOVAL OF AN ABANDONED WATERLINE ON SEDGWICK COUNTY PROJECT 618-36, CENTRAL BETWEEN 143<sup>RD</sup> AND 159<sup>TH</sup> STREETS EAST. CIP# R-252. DISTRICT #1.**

**Mr. Spears** said, “Item K-1 is an intergovernmental agreement between Sedgwick County and the City of Wichita to provide for the excavation, removal and disposal of the 12-inch asbestos cement waterline that lies within the right-of-way of the Sedgwick County road improvement project on Central, between 143<sup>rd</sup> and 159<sup>th</sup> Streets East, designated as R-252 in the Capital Improvement Program. The county will be reimbursed the cost of the removal of \$22,575. I recommend that you approve the agreement and authorize the Chairman to sign.”

**Chairman Winters** said, “Thank you. Commissioners, what’s the will of the Board?”

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**MOTION**

Commissioner Unruh moved to Approve the Agreement and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE, WITH RITCHIE PAVING, INC., FOR SEDGWICK COUNTY PROJECT 618-36, CENTRAL BETWEEN 143<sup>RD</sup> AND 159<sup>TH</sup> STREETS EAST. CIP# R-252. DISTRICT #1.**

**Mr. Spears** said, "Item K-2 is a modification of plans and construction, request number one, for the previously mentioned project on Central, designated as R-252 in the Capital Improvement Program. There will be a net increase of \$22,575 for the removal of the existing waterline. As mentioned in the previous item, we will be reimbursed by the City of Wichita through an intergovernmental agreement. I recommend that you approve the modification and authorize the Chairman to sign."

**Chairman Winters** said, "Commissioners, what's the will of the Board?"

**MOTION**



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Commissioner Unruh moved to Approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**L. AMENDMENT TO THE 2004 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE ADULT DETENTION ROOF REPAIR, HISTORIC COURTHOUSE TOWER REPAIR, MUNGER BUILDING CHILLER REPLACEMENT, AND ADULT DETENTION HOT WATER HEATER REPLACEMENT.**

**Mr. Buchanan** said, "That pretty well sums up what the request is, to change the Capital Improvement Program. We continue to invest in the buildings that we own to make them more usable and energy friendly. I recommend you approval."

**Chairman Winters** said, "All right, Commissioners, are there questions or comments? I guess my only question would be what was the total amount of all of that?"

**Mr. Buchanan** said, "The total amount is \$414,196."

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**Chairman Winters** said, "Very good. Continue to repair our buildings. Commissioners, are there questions or comments?"

**MOTION**

Commissioner Sciortino moved to Approve the CIP amendment.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

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

**M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF MAY 13, 2004.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The referenced meeting resulted in four items for consideration today.

**1) CITY SURFACE MIX- PUBLIC WORKS  
FUNDING: AGGREGATE MATERIAL**

The first item, city surface mix for Public Works. Recommend low bid from Kansas Paving for a total of \$28,125.

**2) TELESCOPING SIGN POSTS- PUBLIC WORKS  
FUNDING: PUBLIC WORKS TRAFFIC**

**Regular Meeting, May 19, 2004**

Item two, telescoping sign posts for Public Works. Recommend the low bid from S-Square Tube Products for \$28,248.50.

**3) CORRUGATED METAL PIPE- PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

Item three, corrugated metal pipe for Public Works. Recommend the low bid from J & J Drainage Products for \$29,018.80.

**4) PAVING & DRAINAGE IMPROVEMENTS- PUBLIC WORKS**  
**FUNDING: GO BOND**

And the fourth item, paving and drainage improvements for Public Works. Recommend the low bid from Cornejo and Sons in the amount of \$187,119.30. Would recommend approval of these items and be happy to answer any questions.”

**Chairman Winters** said, “All right, thank you Iris. Commissioners, are there questions or comments about the Bid Board? Seeing none, what’s the will of the Board?”

**MOTION**

Commissioner Unruh moved to Approve the recommendations of the Board of Bids and Contracts.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye

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Chairman Thomas Winters                      Aye

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

**CONSENT AGENDA**

**N. CONSENT AGENDA.**

- 1. Temporary Construction Easement for Sedgwick County Project 618-36, Central between 143<sup>rd</sup> and 159<sup>th</sup> Streets East. CIP# R-252. District #1.**
- 2. Resolution modifying certain previously levied special assessments at Regency Lakes, located at the northwest corner of 21<sup>st</sup> Street North and Greenwich Road.**
- 3. Notices of Public Hearing (two) for post annexation hearings July 21, 2004 for annexation No. 98-29, and July 28, 2004 for annexation No. 98-31.**
- 4. Agreement with Blue Ribbon Title providing on-line access to Sedgwick County's electronic data.**

**5. Plat.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2003 and prior years have been paid for the following plat:

La Del Manor Addition

- 6. Orders dated May 6 and May 12, 2004 to correct tax roll for change of assessment.**
- 7. General Bills Check Register(s) for the week of May 12 – May 18, 2004.**

**Mr. Buchanan** said, "Commissioners, you have the consent agenda before you and I would recommend you approve it."

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**MOTION**

Commissioner Sciortino moved to Approve the consent agenda as presented.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “Commissioners, that concludes our regular agenda. We do need to have an Executive Session, and we do need to meet with Counsel. If there’s any community business, we could do that now but I’d encourage you to keep it a little brief. Is there anybody that just has a burning community issue? Commissioner McGinn.”

**O. OTHER**

**Commissioner McGinn** said, “Yes, I just had one. I shared with some of you but for the others, I had the opportunity Monday to go to the Brown versus Topeka Board of Education celebration in Topeka, Kansas. The Monroe School was being dedicated. They’ve done an excellent job. It’s now a national park in Topeka, Kansas. They have great exhibits, which I had a chance to see on the news but did not have a chance to go through because of the crowd that was there that day, and hope to have an opportunity to go through there later. But it was a wonderful event. It was a well attended event and I think it says a lot for the history of Kansas about how we are able to take change and make it into a positive thing. And so, anyway I just wanted to share that that was a great event and I think some of you have seen some of the pictures I brought back.”

**Chairman Winters** said, “All right, very good. Commissioner Norton.”

**Commissioner Norton** said, “First of all, I’m surprised Commissioner McGinn didn’t bring it up,

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but this weekend I think Saturday night is the Black and White Ball for the African American Museum. It's their annual fundraiser. They've had some great events over the last few years and this year is black and white couturiere, I believe and it should be a wonderful event and it supports their ongoing activities, so the public is invited I think. I don't know if there are tickets still available."

**Commissioner McGinn** said, "Yes, there's probably tickets still available and you can call the Kansas African American Museum at 262-7651 and thank you, Commissioner Norton, for bringing that up. That is their major fundraiser and it has been an excellent event over the years. So, and there's going to be some excellent entertainment, a fine singer there as well. But also opportunities for you to leave some change there too, because they have a great silent auction."

**Commissioner Norton** said, "And my last thing is, yesterday several of us attended the Excellence in Public Service awards at the Wichita Art Museum and three very fine public servants were honored there: Wendy Johnson of 259, Ramon Machain from the City of Wichita and our own Tony Guiliano in our Communications Division, who is a graphic designer and helps us with our branding and our graphics that most of the community get to see, because he works very hard and diligently and was honored yesterday by the DeVore Foundation, I think who have done this since 1988."

**Chairman Winters** said, "All right, thank you Commissioner. We're ready for a Motion for Executive Session."

### **MOTION**

Commissioner Unruh moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney/ client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return from Executive Session no sooner than 11:28 a.m.

Commissioner Sciortino seconded the Motion.

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

### **VOTE**

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Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, “We are adjourned into Executive Session.”

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:15 a.m. and returned at 11:37 a.m.**

**Chairman Winters** said, “All right, I’ll call this meeting back to order. We’ve returned from Executive Session. Let the record show that there was no binding action taken in Executive Session but we are back in open meeting. Mr. Euson, do you have other business and discussion?”

**Mr. Euson** said, “Yes. Commissioners, while in Executive Session we discussed pending litigation that was brought by former employees of the Appraiser’s Office: David Rogers, Craig Anderson and Richard Clover. And in that litigation, these plaintiffs had alleged retaliatory discharge and denial of grievance rights. And we have been through a couple of court-ordered mediations and have talked to you about a settlement in that regard. In this lawsuit, these plaintiffs claimed a total of 1.5 million dollars in back wages and damages.

These plaintiffs were terminated from their employment and during discovery in this case, evidence was produced as to the existence of a grievance that each one of them had filed with Sedgwick County. When we went through the process of termination, the existence of these grievances was unknown to us at the time. So while the County denies that the termination were based on retaliation, the County must admit that the process that was used was not followed as it is in all other cases.

I think I should emphasize that the County is committed to ensuring that the grievance process is open to any employee alleging any illegal discrimination, and at the same time, the County remains committed to providing a workplace that is free of unlawful discrimination.

The terms of the settlement are contained in a proposed agreement that has been signed by the plaintiffs and at this time, we’re asking you to approve that. The settlement terms call for a total of compensation and damages in the amount of \$298,000. And I should add that attorney’s fees are to

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be determined at a later time. So with that, I will try to answer any questions and beyond any questions or discussion from you, I would recommend that you approve the settlement agreement, authorize the Chairman to sign it and any related documents.”

**Chairman Winters** said, “All right, thank you Mr. Euson. As you mentioned, there had been several attempts to mediate and negotiate this. We, as Sedgwick County, did acquire advice from outside legal counsel and outside legal counsel certainly made us aware of some of the difficulties with this case and the exposure that we could be subjected to. And based on the advice and guidance of the outside counsel, with a lawsuit pending of a million and a half dollars, the \$298 [sic] settlement appears to be a wise business choice and an action that we should take. And Rich, you’re in agreement with the outside counsel and their theory at arriving at that process.”

**Mr. Euson** said, “Yes, sir.”

**Chairman Winters** said, “And Mr. Manager, there evidently were some errors in part of this process, with the grievance. Have you addressed those issues and are you satisfied that those events are now not something that we could ever expect again?”

**Mr. Buchanan** said, “I would love to be able to tell you that we never expect them to happen again, but we have put systems in place to check and recheck. This was . . . the grievance process is an important tool that we have in settling disputes and we just made a terrible mistake. This was not afforded in this case.

Since then, I have, with Jo Templin have instituted a whole different way of keeping track of grievances. I have personally inspected the system twice in the last two or three months. We continue to monitor that and the systems are in place so that these kinds of errors should never happen again.”

**Chairman Winters** said, “All right, thank you. Commissioners, other questions or comments? You’ve heard the report from our Counselor, Rich Euson. What’s the will of the Board?”

### **MOTION**

Commissioner Unruh moved to approve the settlement agreement, as presented by the County Counselor and authorize the Chairman to sign it and any related documents necessary to affect the settlement.



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Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Tim Norton	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas Winters	Aye

**Chairman Winters** said, "Is there any other business to come before this Board? Mr. Euson? Mr. Manager? This meeting is adjourned."

**P. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:41 a.m.

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

\_\_\_\_\_  
**THOMAS G. WINTERS**, Chairman  
Third District

\_\_\_\_\_  
**DAVID M. UNRUH**, Chair Pro Tem  
First District

**Regular Meeting, May 19, 2004**

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**TIM R. NORTON**, Commissioner  
Second District

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**CAROLYN McGINN**, Commissioner  
Fourth District

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**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2004