

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

### **REGULAR MEETING**

**October 13, 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, October 13, 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; Ms. Jo Templin, Director, Division of Human Resources; Ms. Delores BMs. Deborah Donaldson, Director, Division of Human Services; Mr. Sherdeill Breathett, Sr., County Economic Developer; Mr. Greg Thompson, Fire Marshal, Fire Department; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Brad Snapp, Director, Housing Department; Mr. Glen Wiltse, Director, Code Enforcement; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Mr. Randy Duncan, Director, Emergency Management; Mr. John Nath, Director, Kansas Coliseum; 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. Diana Cabbage, President, Kids Voting Sedgwick County.  
Mr. Blaine Terry, Junior, Maize High School.  
Ms. Lorine Williams, Junior, Maize High School.  
Ms. Amanda Wilbur, Junior, Maize High School.  
Ms. Catherine Lewis, Junior, Maize High School.  
Ms. Abbey Rowsie, Junior, Maize High School.  
Ms. Devonna Oakman, teacher, Maize High School.  
Ms. Mary Ann Lawing, Kids Vote Advisory Board.  
Ms. Pat Gallagher, Kids Vote Advisory Board.  
Ms. Nicki Soice, Kids Vote Advisory Board.  
Mr. Dal Summers, Kids Vote Advisory Board.  
Ms. Kaci Tucker, Vice-President, Wichita Promise Youth Council.  
Mr. Nick Rudrow, Member, Wichita Promise Youth Council.  
King David Davis, 1041 S. Seneca, Wichita, Ks.  
Mr. James Charles, CEO, Charles Engineering Incorporated.  
Ms. Janice Smith, Director, The Opportunity Project.  
Mr. Paul McCausland, 3300 S. Webb, Wichita, Ks.  
Ms. Donna Casteneda, 1823 S. Red Oaks, Wichita, Ks.  
Mr. Jim Harden, 3300 S. Webb, Wichita, Ks.

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**INVOCATION**

The Invocation was led by Junius Dotson, Senior Pastor, St. Mark United Methodist Church, Wichita.

**FLAG SALUTE**

**ROLL CALL**

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

**CONSIDERATION OF MINUTES:** Regular Meeting, September 15, 2004  
Regular Meeting, September 22, 2004

The Clerk reported that Commissioner Sciortino was absent at the Regular Meeting of September 15<sup>th</sup>, 2004 and that all Commissioners were present at the Regular Meeting of September 22<sup>nd</sup>, 2004.

**Chairman Winters** said, "Commissioners, you had an opportunity to review the minutes. What's the will of the Board concerning the minutes of September 15<sup>th</sup>?"

**MOTION**

Commissioner McGinn moved to approve the minutes of the Regular Meeting of September 15<sup>th</sup>, 2004.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Abstain
Chairman Winters	Aye

**Chairman Winters** said, "Commissioners, what's the will concerning September 22<sup>nd</sup>?"

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**MOTION**

Commissioner Unruh moved to approve the minutes of the Regular Meeting of September 22<sup>nd</sup>, 2004.

Commissioner Sciortino seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

**PROCLAMATION**

**A. PROCLAMATION DECLARING OCTOBER 13, 2004 AS "KIDS VOTING SEDGWICK COUNTY DAY."**

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

**PROCLAMATION**

**WHEREAS**, Kids Voting USA was created to fight voter apathy by increasing lifelong voter participation through education in elementary and secondary schools; and

**WHEREAS**, voting is a right fundamental to our democracy; and

**WHEREAS**, the declining political participation of recent years is unsettling.

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim October 13, 2004 as

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**‘KIDS VOTING SEDGWICK COUNTY DAY’**

in Sedgwick County and commend the students, teachers, volunteers and business and civic representatives who set the example and provide the education necessary to make today’s young people the responsible voters of tomorrow.

Dated October 13<sup>th</sup>, 2004.

Commissioners, what’s the will of the Board concerning this proclamation?”

**MOTION**

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

Commissioner McGinn seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

**Chairman Winters** said, “And here today we have Diana Cubbage with the Kids Voting Sedgwick County, as the president of that group, so welcome.”

**Ms. Diana Cubbage**, President, Kids Voting Sedgwick County, greeted the Commissioners and said, “We appreciate you having us here and we’re getting our group up here. We have some board members from the Sedgwick County Kids Vote and some students from Valley Center . . . excuse me, Maize, oh they’re going to kill me, from Maize. We do cover the entire county and the comments you made from the proclamation is one of the concerns we have.

Most of us know that the age group from 18 to 35 is the lowest turnout of voters periodically

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through every election and our group is committed to try to have students not only vote in their schools or with their parents, which is what we prefer. You can go to a precinct and we have a Kids Vote group there as well as the regular polling group. And so we really appreciate the recognition, the support of many, many community leaders and businesses, and we can always use more. We have the agenda item on the arena this time. We try to keep the students, you know, consistently educated. Part of this is a curricular based program, so we appreciate the recognition. We appreciate the students coming from Maize and we appreciate again the board and the community's support, Tom. Thank you."

**Chairman Winters** said, "All right. Well, we'd like to know who all is here, so can you all just . . . they can stand right there but just go down the row and just would everyone introduce themselves so we can know who they are."

**Ms. Cabbage** said, "I told them they had a speech."

**Chairman Winters** said, "Okay, we'll let them out of the speech but we need to know who they are."

**Mr. Blaine Terry** introduced himself.

**Chairman Winters** said, "And tell us just your grade and something else, Maize or whatever."

**Mr. Terry** said, "I'm a Junior at Maize High School."

**Chairman Winters** said, "Great."

**Commissioner Sciortino** said, "I know the high school she's from too I bet. Go ahead."

**Ms. Lorine Williams**, Junior, Maize High School, introduced herself.

**Ms. Amanda Wilbur**, Junior, Maize High School, introduced herself.

**Ms. Catherine Lewis**, Junior, Maize High School, introduced herself.

**Ms. Abbey Rowsie**, Junior, Maize High School, introduced herself.

**Commissioner Sciortino** said, "She's a senior."

**Ms. Devonna Oakman**, teacher, Maize High School, said, "I'm a teacher and . . . I'm a sophomore."

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**Chairman Winters** said, "Tell us your name again. We didn't catch it."

**Ms. Oakman** said, "I'm a teacher at Maize High School and the high school coordinator for Kids Voting."

**Chairman Winters** said, "Great."

**Ms. Mary Ann Lawing**, said, "I'm on the Kids Vote Board."

**Ms. Pat Gallagher**, Wichita Chamber of Commerce, said "I'm on the advisory board."

**Ms. Nicki Soice** said, "I'm on the advisory board."

**Mr. Dal Summers**, retired volunteer for the community, said, "I'm on the advisory board."

**Chairman Winters** said, "All right. Well, we thank you all and we thank you for the work you do on voting. And I mean, this is a year that, I mean, every citizen, every place could find a reason that we need to vote. I mean, there are many very important issues going to be before citizens this November and we appreciate the work you all do, encouraging both young people and carrying on over into adults. And we've got some commissioners that want to make some comments, so Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I would just second his comments. Appreciate you all being involved in starting people understanding the importance of voting early and getting involved in public processes. But I also want to say thanks for the great looking coffee cup. We appreciate you all bringing these."

**Ms. Cabbage** said, "We know you don't have any coffee cups in your office."

**Commissioner Unruh** said, "Well, but we drink a lot of coffee, so these will come in very handy. Thanks."

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

**Commissioner Norton** said, "Well, I think it's interesting, as we've gone through the visioneering

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process, and Diana I know you've been at those meetings too, two things that have come up over, and over, and over. Number one, how do we connect our young people to our community and make them want to stay here? And I think part of that is getting them involved early in understanding the community and having the ability to make a difference, and I think voting is one of those things that we need to do for our young people. Get them connected to the community. I guess the second thing is that we talk about private sector leadership and we think of the business community as being that private sector leader, but I've said over and over and over, it's every citizen's responsibility to be a leader in their community, whether it's in their church, in their school, in their neighborhood association, whatever, to help us move the vision along. And I really commend these students for being part of that.

They're going to be leaders of our community someday and where do you learn that. You don't magically wake up one day at age 40 and say, 'I think I'm going to be a leader'. You start learning it right now, so good job."

**Chairman Winters** said, "Yep, thank you all very, very much. Do you have anything else, Commissioner Sciortino?"

**Commissioner Sciortino** said, "Yeah. Go Eagles."

**Chairman Winters** said, "Okay. Thank you all very much for being here. Madam Clerk, would you call the next item."

### **RETIREMENT**

#### **B. PRESENTATION OF RETIREMENT CLOCK TO DOLORES BAUM, PSYCHIATRIC NURSE, COMCARE.**

**Ms. Jo Templin**, Director, Division of Human Resources, greeted the Commissioners and said, "As Dolores is coming up, this agenda item just recognizes the retirement of Dolores Baum, and Dolores has a long history with Sedgwick County. Dolores actually started with the county hospital in 1953. She had a little break in service when the hospital closed, but she's been at COMCARE as a psychiatric nurse ever since then. So, we're celebrating Dolores' retirement today."

**Chairman Winters** said, "Thank you, Jo. Jo, did I hear you right? That's 32 years? Thirty-four, I

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think that classifies for long-term. We have this certificate which is recognition of that 34 years of service, Dolores, and we also have this clock that the Board of Sedgwick County, but more importantly the citizens of Sedgwick County want you to have as appreciation of the work that you've done. We value long-term employees here very much and we wish you the very best of success in the future, and again we thank you greatly for the service to the citizens of Sedgwick County. Would you like to make a comment? Come close to the microphone."

**Ms. Dolores Baum**, Psychiatric Nurse, COMCARE, greeted the Commissioners and said, "Well, I came to Sedgwick County in 1953. That was the year after I graduated from nurses training from St. Joseph and then I had the top wages from the county with \$222.50 a month. And I was the youngest when I came there and I think I'm the oldest leaving.

And I worked like nine years as a pediatric nurse, which I loved it there. We were a teaching hospital and learned much there, and then after they closed, well then I went to Evaluation Treatment Center on North Main and that was quite an experience, different than what we have now. There's a lot of changes that I've seen since I've been in psychiatry for the good. We have a new medication out. It took 60 years to get it into injection form, less side affects for our people. And I had the honor of starting their Resperdal Consta injections and it has been very effective and I was top in the nation on giving these injections. I have like 75 on it now, so I've enjoyed all the years that I've spent and I'm ready for the next chapter now in my life."

**Chair Pro Tem Unruh** said, "Dolores, thank you very much for your service to the county."

**Commissioner Sciortino** said, "She started here when she was seven."

**Chair Pro Tem Unruh** said, "Seven, okay very good. Madam Clerk, would you call the next item please."



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**DONATION**

**DIVISION OF HUMAN SERVICES**

**C. DONATION BY KANSAS HEALTH FOUNDATION OF \$10,000, TO BE USED TOWARD THE DEVELOPMENT OF A DENTAL PLAN.**

**Ms. Deborah Donaldson**, Director, Division of Human Services, greeted the Commissioners and said, "I'd like to just talk a few minutes about this particular item and about some information regarding dental services. Actually, 90% of the counties in the state are considered health professional shortage areas for dentistry and while Sedgwick County is not, the City of Wichita is, which is where the bulk of our population is.

We're also looking at declines of population to density ratio, which is a good indicator of dentists available in your state, and when we're looking at the numbers, we're finding that the dentists in the State of Kansas are aging and they're not coming to Kansas. We have 37% of our dentists are over age 55 and of that number, 17% are over 65 and only 11% of the dentists in our state are 35 years or younger, so that kind of gives you an idea of what we're looking at. This particular study will look at what we have, what we need and what our options will be to deal with whatever issues we need to, which are fairly apparent. So we really appreciate the Kansas Health Foundation wanting to be a partner in this.

Sedgwick County is putting this together because quite frankly we really don't have any conflict. The main interest of Sedgwick County is to make sure our citizens have adequate services and especially some of the special populations, which our division works with. And so, I would recommend that you accept the donation and authorize the Chairman to sign. I'd be glad to answer any questions."

**Chairman Winters** said, "All right, thank you Debbie. Commissioners, you have questions or comments at this time? Commissioner Norton."

**Commissioner Norton** said, "Well, just a comment. As we went through the health summit assembly last year, one of the things that came out of it is that dental care is so extremely important to overall health care of citizens and when you start looking at economic development issues, where the work force is aging and we're going to have a problem there, it looks like we're going to have it in dentistry, no different than aircraft workers.

And so the idea that we need to start growing our own, that we may need to look at a dental school

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of some sort that will serve and keep our youngest and brightest folks that want to go into the dental profession here is something we need to look at and I think this is a great, bold step in trying to solve our own health care problems and part of that is having providers, not only in our community, but in western Kansas and other parts of the state. So I'll be very supportive."

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

**Commissioner McGinn** said, "Well just to tag on to a little bit of what Commissioner Norton said, I want to thank the dental community for all the years of their volunteer service that they've done at the Health Department, but also their whole mentality has been about prevention. I mean, I think they're frontrunners in this area and the money that you can save just by doing a little bit of prevention in the dental area is phenomenal."

And the other thing was I was surprised, I read something a while back, one of the four things that you need to do to prevent a lot of health problems, and you know of course it's like eat right, take your blood pressure, you know those kinds of things like that, but number four was flossing your teeth and I was just very surprised that that was one of the top things that was so important to overall health. So again, I'm looking forward to seeing some of the results of this and appreciate our dental community for being involved and the Kansas Health Foundation as well."

**Chairman Winters** said, "All right, thank you very much. Commissioners, any other questions? If not, is there a motion to except this donation?"

### **MOTION**

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

Commissioner Unruh seconded the motion.

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

### **VOTE**

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Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

**CITIZEN INQUIRIES**

**D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING WICHITA'S PROMISE YOUTH COUNCIL'S (WPYC) ADOLESCENTS COMING TOGETHER TO INFORM OTHERS OF OUR NEEDS (ACTION) 2003 SURVEY FINDINGS.**

**Mr. Nick Rudrow**, Member, Wichita's Promise Youth Council (WPYC), greeted the Commissioners and said, "Kaci is passing around our mugs and ACTION packets and I'm just going to tell you a little bit of how it started."

**Chairman Winters** said, "Okay, give us your name again and address for the record."

**Mr. Rudrow** said, "My name is Nick Rudrow, 1218 Krammer. ACTION started in 1997, by a group of adults who wanted to get the youth's opinion on the community. And ACTION actually stands for Adolescents Coming Together to Inform Others of our Needs. Wichita's Promise Youth Council was started by the ACTION project. The youth provide the youth of Sedgwick County with a voice in the community. Wichita's Promise Youth Council has done four surveys overall, the most recent survey being the survey done in 2003. Now I want to talk to you about the methodology of the survey.

The ACTION survey was given to youth of the ages of 12 to 19. The survey lasts for about 20 minutes, beginning with a focus group to get them thinking about things that are going on in the community, things like that. It also includes a written response, which you can see on the back of your ACTION packet that she handed to you. It's given to 850 youth. It's a neutral survey so that youth . . . it's ran by youth, given to youth. If you refer to page eight, it shows the diversity of the survey and also . . . after all the packets were collected, we came up with five top concerns, which Kaci will go over with you now."

**Ms. Kaci Tucker**, Vice-President, Wichita Promise Youth Council, greeted the Commissioners and said, "You'll find these concerns listed on page 14 and 15 of the ACTION survey packet. They are, in order: Teen sex/ teen pregnancy, violence, drugs, rape and alcohol. In the past, the suggestions

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to combat these issues were provided by Wichita's Promise Youth Council. However, this year we changed the survey to allow the surveyors to provide their own suggestions, as they are the ones facing the issues and they know what can be done to combat them.

The list includes suggestions for all concerns, from everything from the availability of birth control, to abstinence education, to increased police force in certain areas of the city and substance abuse education and they are shown on page 15. So as you can see, the youth are very interested in education to combat concerns that they have in the community.

There are a couple of alarming changes that Wichita's Promise Youth Council noticed in 2003 results. One major change from ACTION 2000 was the rise of teen sex/ teen pregnancy to the number one position from the number three position. It has been agreed upon by every youth in the community that this is a major concern that needs to be dealt with.

Another concern was that rape has never even been on the top ten concern list since 1997 and this year it is a number four concern.

Although alarming, considering the large jumps in the survey of these concerns, sadly these concerns are dealt with increasingly every day by the youth and the youth begin to shrug them off as common occurrences if they are not combated.

There are positive results. For example, boredom and unemployment have both dropped from the list, as a result of the economy and the efforts of the community. This proves that improvements can be made to combat these issues, with the partnership of youths and adults.

Once again, the survey is the foundation of Wichita's Promise Youth Council. We use the results of these surveys to lead projects every single year. Through our efforts, the voice of the youth has been made available to you. The youth have spoken. You guys know what our concerns are now. This is a powerful tool and we should not let it slip through our fingers.

Your decisions have an affect on county members every single day, including the youth, so please keep these concerns in mind while serving the community. We come today not just to present the facts, but to form a cooperative partnership between youth and adults. The survey has provided a link for open communication in working against these concerns. We hope for your continued support of these concerns and Wichita's Promise Youth Council's projects to combat them.

The youth of the county are the future. We will be living here and working here in the future, so we need to combat these issues now so they do not continue to be problems. Thank you for your time this morning and for your support for youth. We would like any of your suggestions on fighting these issues or questions about the ACTION survey and our group now."

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**Chairman Winters** said, "All right, thank you very much. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. Well, I just want to say, this is great work. I remember when you came to us earlier about getting started and some of the information that you had. On page eight, the schools that you have listed, are these willing participant schools? I see there's a couple of them outside of Wichita. Have you engaged the other schools and it was their choice whether they participated or not?"

**Ms. Tucker** said, "We contacted every school and let them know what the survey was going to be and then they chose and invited us out to survey students from their school. So they chose the groups that we would survey and it would either be random classes or they would put together like a student council or something like that."

**Commissioner McGinn** said, "And this was produced by you, right? That's great. Well this looks like very interesting information and it certainly will be something that we'll use as a guide as we make decisions. Thank you."

**Chairman Winters** said, "You know, I was going to I guess maybe direct this towards our manager Bill Buchanan or maybe towards Debbie Donaldson, I mean, we do . . . I'm not sure how connected we are to Wichita's Promise Youth Council. And you know, one of the things that we as commissioners struggle with is we do invest in prevention funds on a regular basis.

We have both funds that come to us from Topeka and we have funds that local taxpayers contribute to Sedgwick County's general fund that we spend on issues that we want to try to make sure that we're in the loop ahead of crime. But there's also loops that we need to be ahead of, and so I'm not sure how closely we work with the Wichita's Promise Youth Council and I think it would be wise if somebody would at least explore that to a further extent.

Because we have a whole group of adults that are spending time on these prevention issues and maybe we need to connect with some other ideas and thoughts that come out of surveys and stuff like this. So I'd like to suggest to Bill and I see Debbie is still here today, that we explore this if there's some way we can work with this group a little better. Because, I mean, you can tell by this work that they're serious about what they're doing.

So we appreciate your effort to put all of this information together and we appreciate your effort to come share it with us. All right, thank you both. Debbie, would you make sure that you have names and contacts for that group. Okay, Commissioner Norton."

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**Commissioner Norton** said, “Just as an aside, it’s interesting that my first year as a commissioner, I had talked about a youth leadership program and I worked with the Wichita’s Promise. It really never . . . we never gained legs, but maybe now is the time that we look at that. That’s part of growing your own leaders and maybe we get a little more involved in that. And certainly, as we talk about truancy and keeping kids in school and involved, it may be that our youth people know more about how your peers feel about staying in school and education than the experts ever will, because they talk about it every day, they live it, they understand it, they visit at their job. They visit at football games, they visit and they understand each other probably better than adults ever will.

So maybe now is the time that we move that forward, that we do connect with Wichita’s Promise and that we develop some kind of a leadership program that will give us great access to that knowledge base that these young people have.”

**Chairman Winters** said, “And just to add onto that, Commissioner Norton, while these people are here, Nick and Kaci and the young people from Maize, I mean, again we do spend effort and time on trying to figure out, particularly on this truancy issue, because we believe if young people stay in school, graduate from high school, the options that they have are tremendously greater than those who don’t.

And if we look at our detention facilities today, if we look here in Sedgwick County, we’re having some places 70 to 80% of the our students are graduating from high school. If we look at prisons in Kansas today, less than 20% of them have graduated from high school and it’s just obvious that options are there, if kids stay in school. And again, we don’t feel like we’re winning this battle on certain days, so I hope that interest of young people like you will be helpful.

All right, thank you all again for being here this morning. Madam Clerk, would you call the next item.”

#### **E. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING “STEPPING UP TO THE PLATE.”**

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**King David Davis**, 1041 S. Seneca, Wichita, greeted the Commissioners and said, "It is good to see you again."

**Chairman Winters** said, "David, we need your name and address for the record."

**King Davis** said, "I thank you for the honor to stand here today before you as I bring to you some issues, issues I believe that should matter to all of us. But first I would like to thank you for having preserved some leadership standards here at Sedgwick County that treat our citizens with respect and courtesy as they enter the building and go about their business. Leadership standards that exalt all of their avenues of conflict resolution before reverting to the force of law. Leadership standards that have taken potentially unpleasant situations and turned them into positives.

I also want to say thank you as a citizen of this community who more often than not has felt the feeling when one is greeted with the red carpet of the heart as I enter your building. Imagine what it would be like if all our citizens could suffer such pleasure each and every time they enter through the doors of local government. To know that the institution of government is also the institution of honor, respect, wisdom, all those things in life we treasure most. To know that you can come down to the people's institution and be uplifted, inspired and motivated to go back into the battlefield of life and give it your absolute best. And I hope I've been able to give back to you at least a little of what you as a whole have given to the rest of us.

Now to the not so happy part, the part that pains me no matter where I start. An issue that concerns me deeply about the social, economic and political future of our community, if we as a community individually and together don't step up to the plate and stand against the leadership standard that puts at risk everything that is good and decent, including our children and grandchildren, our self-respect, our faith in that which is good, just and honorable. Because the City of Wichita Council and Mayor do not have the fortitude of character to stop it, nor the wisdom to get control of the process or the humility to ask for help in order to stop a leadership standard of arrogance, ignorance, indifference and bully-ism from establishing itself at the highest levels of local government in Wichita, Kansas.

I can tell you, first-hand, I have already look it dead in the eye, seen it's destructive ways and realized if we as a community don't come against it, it will come for our children, our honor, our hope for a brighter tomorrow and all that is sacred to the heart. Because Wichita, that which has heart is despised, outcast, and preferred to be put into chains.

So, what can we do to protect ourselves? I suggest, one, we fortify our present standards of respect, due courtesy and honorableness. Two, don't advance anyone or place into leadership anyone who sees arrogance, indifference and the rule of force as their force option of resolution. Three, let it be known from the highest position of authority those ways will not be tolerated. They will encounter

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serious opposition and it's the fastest way out the back door, with a size-12 boot assisting. Wichita's political leadership has proven itself unfit to be followed, endorsed and allowed to set standards for the rest of our community.

The political contaminants coming from Wichita now threatens us all. As a citizen of Wichita, I apologize to Sedgwick County on behalf of our political leadership for having put at risk everything that is good and decent. I am going to do my best, as I step up to the plate and attempt to do what our city council and mayor could not, would not and did not do. I thank you for your continued support and your preservation of a political atmosphere that continue to give comfort, encouragement and inspiration to go out and fight another day.

I have all the confidence that we can and will do all of our part in order to protect that which is precious to all of us. Once again, thank you. One last thing, I would like to thank the honorable members of Sedgwick County for honoring me with the hat of Wichita as a gift. It is my hope that I will make you all very proud. Thank you."

**Chairman Winters** said, "All right, thank you. All right, Madam Clerk, call the next item."

### **PUBLIC HEARINGS**

#### **F. DIVISION OF COMMUNITY DEVELOPMENT.**

- 1. PUBLIC HEARING AND RESOLUTION PROVIDING THE TERMS AND CONDITIONS FOR AN AD VALOREM TAX EXEMPTION TO CHARLES ENGINEERING, INC. PURSUANT TO ARTICLE 11, SECTION 13 OF THE KANSAS CONSTITUTION.**

**Mr. Sherdeill Breathett, Sr.**, County Economic Developer, greeted the Commissioners and said, "I did want to speak to you in reference to Charles Engineering and the progress that they have made in the Clearwater area here in Sedgwick County and we would ask that you would give consideration to the EDX for tax exemption, the progress of creating jobs, creating a healthy tax base here in the county of Sedgwick County and that we would grant the Chairman to sign the agreement."

**Chairman Winters** said, "All right, we need to hold a public hearing at this time, Commissioners. So at this time I would hold the public hearing. Is there anyone here in the meeting room to address the Charles Engineering item on our agenda today? Is there anyone from the public? Yes, please come forward. Please give your name and address . . . Oh, is he the applicant? Is he Charles



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Machine [sic]? Okay, very good. Is there anyone else from the public who wishes to address this issue?

Well, I wouldn't mind hearing from the person from Charles Machine [sic], so come right ahead and say what you were going to say and we'd be glad to listen."

**Mr. Breathett** said, "Mr. Chairman, this is James Charles. He's the CEO and president of Charles Engineering."

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

**Mr. James Charles**, CEO/ President, Charles Engineering Incorporated, greeted the Commissioners and said, "There is a Charles Machine, but that's not me. Good morning, Chairman Winters and Commissioners. I appreciate your time in considering this action this morning. I'll tell you a little about Charles Engineering. We have a manufacturing facility one mile east of Clearwater this year. We've been in business for twenty years, primarily in support of the aerospace industry. In 1997, we were honored to be selected out of over 20,000 small businesses as the Boeing Small Business of the Year and Boeing has been a big part of our business over the years, not so much the last couple of years.

As you know, manufacturers in general, and especially in support of aerospace, have had some tough times in the last couple of years. The economy is rebounding now and business is trending up and we expect that to continue and this action this morning would help us to grow in employment and facilities to support what we see as a growth trend coming in the median turn in the aerospace industry. And I'd entertain any questions that you might have."

**Chairman Winters** said, "All right, I see none right now. Thank you very much for your comments. Is there anyone else from the public who would like to address the Commissioners at this time? Seeing no one, we will close the public hearing and Commissioners, you have questions for Sherdeill or are we ready to move forward with this resolution? Commissioner Sciortino."

**Commissioner Sciortino** said, "I guess I have a question of Mr. Buchanan. What is it that this applicant is asking for? Is it tax abatement?"

**Mr. William P. Buchanan**, County Manager, said, "Yes, on this building, yes."

**Commissioner Sciortino** said, "Okay. And does it go along with the new guidelines that the city and us have discussed, we haven't implemented yet, but would it qualify under those new guidelines that we're approving?"

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**Mr. Buchanan** said, "This one would, yes. Well, in a cursory review, this is one of the fundamental . . . this is a business that we're providing tax abatement for, it's providing goods and services outside the community and dollars would come in, yes."

**Commissioner Sciortino** said, "And what is extent of the abatement, on an annualized basis?"

**Mr. Breathett** said, "It's going to be . . . this is a ten-year, for rural property, and then for personal property, five years."

**Commissioner Sciortino** said, "And how much monies are involved, that we would be abating?"

**Mr. Breathett** said, "As far as the taxes, Commissioner, we're looking at \$24,300 on an annual basis."

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

**Chairman Winters** said, "All right. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you, Mr. Chairman. I just wanted to comment, for the record, that the backup materials indicates that this has gone through very close scrutiny and careful analysis and some of the information from Wichita State University in our backup indicates that it has a very favorable cost/ benefit ratio, so if it meets our definitions and it's undergone close scrutiny and it looks like our public is going to benefit from this on a cost/ benefit ratio, it seems like it's an appropriate thing to do and I'm going to be supportive."

**Chairman Winters** said, "All right, very good. Commissioners, any other questions or comments? Mr. Manager."

**Mr. Buchanan** said, "If I may, Mr. Chairman, the commission needs to be reminded and assured that we are much more sensitive to tax abatements over the last several months than perhaps we have in the past and so we have, although this one has been in the pipeline for a while, for a longer time than we thought, it just took a while to put the deal together, we have gone back and re-looked at it and reviewed it so as not to get caught in a political dilemma."

**Chairman Winters** said, "But I would think it would be . . . my reading of what we, Sedgwick County, has been doing in the past and what this new policy that we're going to agree with the City of Wichita and move forward with, the new policy is not all that much different from what we've been . . . how Sedgwick County has been acting in the past."

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**Mr. Buchanan** said, "That's true. We did not have . . . we were not in the position to give tax abatements for some of the issues that the City of Wichita has in the past, yes."

**Chairman Winters** said, "Okay, all right. Commissioners, any other questions or comments? Commissioner Norton."

**Commissioner Norton** said, "Well, just that I'm going to be supportive and that, you know, Charles Engineering is, you know, a critical part of that part of the county. They've been good citizens down there for a number of years. And I think, you know, as we look at these kind of abatements, we're obligated to look all around the county, and I think we have a chance to do that today, so I'm going to be very supportive."

**Chairman Winters** said, "All right, very good. Commissioner Sciortino."

**Commissioner Sciortino** said, "Yeah, and I also am going to support that and the reason that I asked the questions I did was by the very thing that Manager Buchanan said, given some of the tax abatement issues that's been in the public eye, I'm glad that . . . number one, I'm glad to be able to state publicly that the way we treat tax abatements is basically what we've worked out with the City of Wichita to start using as a formula, and the fact that this one does meet all of those requirements, the new ones and the ones we've always used. So I'm going to be supportive but I just thought it was important to let people know that we're not just doing it to be doing it, but there's going to be some real economic impact by doing so."

**Chairman Winters** said, "All right, thank you. Are we prepared then to make a motion, someone?"

**MOTION**

Commissioner Unruh moved to adopt the Resolution.

Commissioner Sciortino seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye

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Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

**Chairman Winters** said, “Commissioners, we have an item related to this past item to take care of in the Fire District, so at this time I am going to recess the regular meeting of the Board of County Commissioners.”

**The County Commission recessed into the Fire District Meeting at 9:49 a.m. and returned at 9:54 a.m.**

- 2. RECESS TO THE SEDGWICK COUNTY FIRE DISTRICT #1 MEETING**
- 3. PUBLIC HEARING REGARDING THE SEDGWICK COUNTY HOUSING AUTHORITY 2005 ANNUAL PLAN.**

**Mr. Brad Snapp**, Director, Housing Department, greeted the Commissioners and said, “This annual plan, the 2005 annual plan and five year plan before you, we’re happy to report that for the 2003 we were once again rated as a high performing housing authority. That would be the third time in three years.

The 2005 plan keeps us going in the same successful direction that we have been in the past few years. We’re going to be offering the best service possible to our clients, running an outstanding program, trying to broaden our landlord pool and educating or training them in ways of Section 8 programs that pertains to them as in inspections and Fair Housing Act. And then trying to enable one or more tenants to use their Section 8 voucher for home ownership. If you have any questions, I’ll try to answer those. If not, I’d invite you to open the public hearing at this time.”

**Chairman Winters** said, “All right, I see no questions right now from the commissioners, so we will open the public hearing to accept public comment on our item number F-3, public hearing regarding the Sedgwick County Housing Authority 2005 Annual Plan. Is there anyone here in the audience who would like to address the commission on this issue? Seeing no one, we’ll close the public meeting and limit discussion to commissioners. Commissioners, are there any questions? I think this is . . . Commissioner Unruh.”

**Commissioner Unruh** said, “I just have one comment. I just want to congratulate Brad and his staff. In the backup material, it says that you received 104% score. That’s better than perfect it seems to me, so good job.”

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**Commissioner Norton** said, "I always hated those curve-breakers though when I was in school."

**Commissioner Unruh** said, "That's all I had. It's an indication that we've got a plan and we're fulfilling it and it's to the benefit of our people, so good job."

**Chairman Winters** said, "All right, Commissioners, if there's no other questions or comments, is there a motion to approve the plan?"

**MOTION**

Commissioner Norton moved to adopt the Plan and authorize the Chairman to sign related certifications.

Commissioner Unruh seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

**NEW BUSINESS**

**G. RESOLUTION CREATING THE SEDGWICK COUNTY SERVICE DRIVE CODE AND SETTING FORTH PENALTIES FOR VIOLATIONS THEREOF.**

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**Fire Marshal Greg Thompson**, Fire District #1, greeted the Commissioners and said, “What we have before you is a consideration of a resolution creating the Sedgwick County service drive code. The existing rules on this have been unclear as to the requirements on constructing and maintaining private rural drives and roadways in the unincorporated areas of Sedgwick County.

A few years ago, a committee was formed to study and attempt to better deal with this confusion. This resolution is a result of that committee’s work. The committee included the fire department, Code Enforcement officials, representatives from the Manager’s Office, the Public Works, Wichita Area Home Builder’s Association, Metropolitan Area Planning Commission, flood plain manager and the Legal Department.

Under the resolution, for public health and safety reasons, the roads which lead to homes agricultural and accessory structures which are newly sited, built or moved onto a lot or tract more than 200 feet from the edge of a county or township road or an existing service drive of approved dimensions and composition should be of certain dimensions and have particular composition in order to provide quicker, easier access for emergency vehicles under all weather conditions.

Basic addressing requirements will allow for quicker location of structure, easier in the event of an emergency. This resolution will designate Sedgwick County Fire District #1 as the enforcement agency for the service drive code and Sedgwick County Code Enforcement Department will be doing the inspections and this will occur prior to or at the time of the framing inspection.

The resolution requires inspection fees and allows for re-inspections should problems be found. Uncured problems may then be addressed by issuance of a stop work order and enforcement of the service drive code will be pursuant to Chapter 8 of the Sedgwick County code.

These are not new. These current regulations have actually been in place for almost over 20 years. What we’ve essentially done is create these and put them all into one document, instead of being in several different documents in other departments. So hopefully we clear up some of the confusion of the past and create some consistency in its application and the inspections will be completed in a more timely, efficient manner. Would recommend the commission to adopt the resolution, instruct the County Clerk to publish the same and I’m available for questions if you have any.”

**Chairman Winters** said, “All right, thank you Greg. I’m going to be supportive of this. You all came around and visited. One of the things that I can’t remember if we talked about, I think we did, is one of the issues that I’m always sensitive to is someone doing something and then constructing a building, building a shed, a machine shed, and then after the fact figuring out that they’ve built it far enough away from the road that they’ve got considerable expense involved.

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If somebody comes in to get a building permit, I mean they will be fully informed and how do you respond to just the concern or that sensitivity, I guess?"

**Fire Marshal Thompson** said, "One of the things, when they come in to get a building permit at Code Enforcement, they'll be asked is the distance from the roadway. If that distance exceeds over 200 feet, then they will be given the instruction as to the service drive code and they'll be required to apply for a permit for a service drive roadway."

**Chairman Winters** said, "Do agricultural only use buildings require that permit here in Sedgwick County?"

**Fire Marshal Thompson** said, "What we've done in this is they do require that ag and accessory structures also are included in this, but what we've made is a provision in this is for ag and accessory buildings less than 800 square feet, which are basically going to be the small barns and sheds and things like that are not going to be required to have a service drive road."

The other thing that we've done in this is we have reduced the width of the service drive on ag and accessory buildings, instead of 20 feet, to 14 feet. And what this is, is this is a reduction because we don't have sleeping, cooking and we don't have the life hazards in those type of facilities, so we felt like a reduced width was a reasonable accommodation for those ag and accessory buildings."

**Chairman Winters** said, "But one of the reasons people ask, 'Well, why should we care about this', still in an ag building there could be several hundred thousand dollars worth of machinery and equipment that some insurance company or some bank probably has a significant interest in."

**Fire Marshal Thompson** said, "Yes."

**Chairman Winters** said, "Okay. Commissioner McGinn? And you did, on this committee, you did have a private sector group represented on your committee, the Wichita Area Builders' Association?"

**Fire Marshal Thompson** said, "Yes, we received quite a bit of input from those and took several of their ideas into consideration."

**Chairman Winters** said, "Okay. Commissioners, are there any questions or comments?"

**Commissioner Unruh** said, "I would just like to make a comment that I appreciate the fact that we've got so many people collaborating in trying to develop this policy, so it's something that everybody is on board with, and secondly, that we've included within it some exceptions that are

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reasonable, so that this is not an overburdening resolution.

However, I think it's a necessary thing to do. There needed to be some coordination and we need to make sure that we're providing safety for our citizens out in the county, so all together I think that it's a good piece of work and I'm going to be supportive."

**MOTION**

Commissioner Unruh moved to adopt the Resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

**Chairman Winters** said, "Greg, thank you and all the rest of your team that worked on this project, we appreciate it. Next item."

**H. LETTER RELEASING THE OPPORTUNITY PROJECT CHARITABLE TRUST FROM REPAYMENT OBLIGATIONS.**

**Mr. Sherdeill Breathett, Sr.**, County Economic Developer, greeted the Commissioners and said, "In 2002, we partnered with The Opportunity Project, which also partnered with the Derby School



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District, provided a forgivable loan for infrastructure in the amount of \$63,000. They have met all their obligations to date, currently employ over 50-plus employees. Director Janice Smith is currently here at this meeting. They have a facility that's over 40,000 square foot. It was a 4.5 million dollar investment in the Oaklawn/ Sunview area and it's very successful to this point.

They're looking at utilizing that as a model for future ventures and we would just ask that . . . would recommend that the Chairman would consider to sign this agreement."

**Chairman Winters** said, "All right, Sherdeill, did you say that there's someone here from that program?"

**Mr. Breathett** said, "Yes sir, there is."

**Chairman Winters** said, "I'd like to visit with them. Please give us your name address for the record and tell us just a little bit about what's going on in this facility."

**Ms. Janice Smith**, Director, The Opportunity Project (TOP), greeted the Commissioners and said, "And our center is located at 4600 South Clifton, in the Oaklawn area. Basically, we've been in business for about one year and two months and in that time have been able to provide 55 to 60 jobs to Sedgwick County citizens, as well as be able to provide services with both daycare and preschool for up to about 240 children as of date."

**Chairman Winters** said, "All right, and so how long have you been doing that now?"

**Ms. Smith** said, "Oh, for about 14 months."

**Chairman Winters** said, "All right. Commissioner Sciortino, do you have any comments? This is down in your district."

**Commissioner Sciortino** said, "This is just another example, commissioners, of when an individual has a love for the neighborhood and the community deciding to invest some of his and her, because I think it was a family affair, invest back into the community and what they have done is nothing short of miraculous. That's one of the elements and Janice, you can stop me if I'm wrong here, but when a child comes in to enter the program, if the mother or father qualify to basically almost get it

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for free, that parent has to also commit to spending some time and working at the program.

I'm not quite getting it right, but the last time I visited, I got introduced to a couple of those volunteer parents that were really proud that they could actually, in essence, help pay for the programs that their children are receiving with their time and effort, and I could see a pride in that young woman's face that she wasn't getting a free handout. It was a hand up and she was contributing helping others with the hand up, and you can't put a dollar value on that. But to me, that was an element that I thought was a little bit unique in the way this operation works and you're doing great and the location is fantastic and I would venture to say probably a goodly portion of the young people that are entering into your project come from the Oaklawn area. I don't know that for a fact, but it's an area that has really taken back its neighborhood and TOP is one of the prime reasons for that. So, I'm very supportive of this."

**Chairman Winters** said, "All right. Well commissioner, I think we're ready for a motion, if you're ready to make it."

**MOTION**

Commissioner Sciortino moved to approve the Letter and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

**Chairman Winters** said, "Janice, thanks for being here today. Sherdeill, thank you. Next item, Madam Clerk."

**PLANNING DEPARTMENT**

**I. METROPOLITAN AREA PLANNING DEPARTMENT.**

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- 1. CASE NUMBER CON2004-00018 – CONDITIONAL USE FOR A CEMETERY ON PROPERTY ZONED “SF-20” SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 31<sup>ST</sup> STREET SOUTH AND WEBB ROAD. DISTRICT #5.**

**POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “You’ve seen this first case before, so I’ll be brief in summarizing what this case is about.

The application area is the southwest corner of 31<sup>st</sup> Street South and Webb Road. And as you can see from this graphic, the major portion of that site is already zoned for Limited Commercial and allows the funeral home that is currently sited on that corner. And under that zoning, that funeral home is also entitled to develop a cemetery on the ‘LC’ portion of the site.

However, the applicant also owns an additional property, which extends out beyond that Limited Commercial area into the ‘SF-20’ zoned area. And as a result, he can only develop that portion of his property for cemetery use under a conditional use and that’s why this conditional use is before you today.

Now, you heard this item before, back on August 4<sup>th</sup>, and at that time you voted to return the request to the Metropolitan Area Planning Commission for re-hearing, to allow consideration of additional conditions of approval that had been requested by some of the neighbors. These neighbors’ requests are contained in a letter that’s in your backup, dated August 25<sup>th</sup>. And so, on September 9<sup>th</sup>, the MAPC re-heard this case and reconsidered those requests and discussed with the protesters the conditions that they were looking for on the revised site plan that was proposed by the applicant and I’ll put that up for you now.

This is . . . what you see now is the revised site plan. It differs from the previous one only in that they are now showing a water feature fronting along Webb Road, but it’s basically the same site plan as you had seen before.

After some amount of discussion at the hearing, the MAPC did vote unanimously to approve the request, subject to the following conditions which I’m going to read, because they represent the outcome of those discussions between the neighbors and the MAPC and the applicant at that meeting.

First of all, the site shall be developed in general conformance with the approved site plan. That had been a condition that you had seen previously. Number two, the landscaping shown on the approved site plan for screening from adjoining properties shall be installed per a landscape plan, approved by the planning director. Now that’s a new condition that you had not seen before.

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Number three, a chained security gate shall be installed at the access drive to the cemetery south of the funeral home, and this was added by the planning commission at the request of the neighbors because they were concerned about people accessing the property for other than going to visit gravesites and wanted some type of security provided.

Number four, all burial plots shall utilize a concrete burial vault. Number five, vehicular access to the subject property shall be limited to the single existing access drive to Webb Road. Number six, development and use of the subject property shall be in accordance with all applicable federal, state and local rules and regulations, including building and construction codes, health codes and operational standards.

And then finally, if the zoning administrator finds that there is a violation of any of the conditions of the conditional use, a zoning administrator, in addition to enforcing the other remedies set forth in the unified zoning code may, with the concurrence of the planning director, declare that the conditional use is null and void.

Now, we still have a protest petition for this site and, as you can see from this graphic, it represents about 48% of the notification area. So it will require a three-fourths majority vote of the commission in order to approve the request. And with that, I'll be glad to take any questions. I know the applicant has a representative here, as well as the neighbors."

**Chairman Winters** said, "Okay, I see no other questions right now, John. So again, this is not a formal, official public hearing, but it is our custom to take comments at our meeting on these cases, so if there is someone here from the applicant that would like to address the commission, we would be more than glad to hear from you."

**Mr. Paul McCausland**, 106 W. Douglas, Suite 923, greeted the Commissioners and said, "I'm an attorney. I'm here on behalf of the Watson's, who are making the application for a conditional use. As you've heard explained to you, the history of this matter is back in June it was presented to the MAPC, which voted 11 to zero, unanimously, to approve the application, subject to some conditions. And we came before you in August. At that time, the neighbors had hired Mr. Bob Kaplan, another attorney here in town, who at that meeting in August presented some requests that

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the neighbors had for some conditions and you decided, at that meeting, to return the matter to the MAPC so those could be fully flushed out and discussed, and that's what happened.

In September, we went before the MAPC. Mr. Kaplan had provided a letter dated August 25 which had a list of requests from the neighbors and all of those were taken up. Some of those were adopted by the MAPC as new conditions that you have in the presentation before you today, and some of the things that they requested were rejected because they were problematical, but there was a full discussion over all these things.

So what we're here asking today is that you approve, and you do have to do it by three-fourths vote, because there are protests. We're asking that you approve this application, with the conditions recommended by the MAPC. We've agreed to those and unless you have questions, what I would do is like to reserve some time for rebuttal if I may. Does the board have any questions?"

**Chairman Winters** said, "Sir, I see no questions at this time, but let me just clarify. From the applicant's standpoint, you are in agreement with these seven conditions that are now on this."

**Mr. McCausland** said, "Yes, Mr. Chairman. And I might add, there's the one condition about a chained security gate, just so the board understands, if you look where the drive actually goes from the funeral home and starts into the cemetery proper, that's the location where this chain gate would be placed. Now that chain is sort of a minimum standard that the MAPC imposed. I think it was understood that if the Watson's wanted to put in something more decorative and something nicer than a chain, they could do that, but the MAPC felt there ought to be some kind minimum security there to prevent vandals from getting in at night, driving around in the cemetery."

**Chairman Winters** said, "Could you just walk over and show me where that is?"

**Mr. McCausland** said, "Yes. It would go right across here. That would . . . it would still allow access to the funeral home proper at night. The funeral home is lit up and has all kinds of security and it's necessary for the employees of the funeral home to be going in there sometimes 24 hours a day. But the cemetery will be closed off at night, probably 10:00 or something like that."

**Chairman Winters** said, "Okay. And again, the owner/ applicant is in agreement with that. I mean, that's not a problem for them."

**Mr. McCausland** said, "These conditions are very acceptable."

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**Chairman Winters** said, "All right, thank you very much sir. Is there anyone else in the audience who would like to speak in support of this application? Is there anyone else in the audience who would like to speak at all? Mr. Kaplan. . . . Yes, ma'am, come up."

**Ms. Donna Castaneda**, 1823 S. Red Oaks, Wichita, greeted the Commissioners and said, "My husband and Linda Patrick jointly own the property directly to the south of Mr. Watson's property. And I have been at all the meetings, have been here in front of you guys before. I agree with everything that pretty much of what he's done. The only thing that I can't, as a neighbor would like to see, is that the area along the . . . I believe it's 62 feet on the west side, 140 feet on the south side, at possibly we could have the . . . some kind of a low, ground screening. My husband and I do plan on the 20<sup>th</sup> of this month that we will be breaking ground for a home that will be within 100 feet of our north property line.

Our regards to this is so that all the cemeteries in my doing my investigation in regards to this, all the cemeteries that I have been out to, they have all had existing screening. A lot of them have large shrubs, trees. The homes that were built were there after, usually after the cemeteries were there. You couldn't even see the houses.

It was made mention at the September planning department that one of the council there in the planning department thought that there was an approval for a new cemetery in Cheney. I work with a gentleman that lives in Cheney. He gave me the Cheney website. I have an e-mail here from him that, if you would like to see it you can, that we corresponded back and forth and he did send me a town map, which was off their site. All of their cemeteries, and he says there are two that were within the city limits, there are no homes anywhere near them. The third cemetery is a mile and a half out of town. He knew of no conditions that were placed on it, didn't even know of a new one, so I'm not for sure . . . he was not even for sure what was even mentioned there.

But like I say, all of the cemeteries that my husband and I drove around, we took photos of, went out and visited, there is screening there, there is solid screening. And I do know, through the course of a conversation, a one-on-one conversation that I've had with Mr. Watson, when he has tried to buy Clarissa Flemings' 10 acres, which is the 10 acres directly to the west, which she has since . . . she has had a heart attack and cannot speak, she has since put her son Steven on the title to the land. And I have spoke with Steven and he intends to do something with his property.

I had tried to purchase that several years ago. Clarissa did not want to sell it at that time. Mr. Watson made the comment to me one time that he had made an offer to Ms. Flemings and that she did not want to sell and he says, 'Well, by the time I get done, finish putting in my cemetery plots, it will be worth a little bit of nothing and I'll be able to purchase it at that time and expand'. And as his site plan shows, he does show roads going to the west and going to the south. If that is his intentions, I hope that when I build a new home that my home is not depreciated so much in value

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that it is not going to gain my husband and I anything if it is, at that time, confiscated from his capabilities of expanding his cemetery at that location.

Now like I say, I would like the solid screening, at least on the south side, because like I say, we are, at the end of this month, planning to start digging and putting in a home and I know that Linda Patrick, she has MS, she is watching from home on her television, that these are her wishes too. She has no intentions of selling or, as a matter of fact, a lot of the trees that she has established, that I have also come in and provided additional screening. I myself, just in the last month, have put in Japanese Black Pine, Blue Spruce, Lilac bushes all along the north end, so . . . because I know I can't fight city hall, I don't have enough money.

I will make my own screening myself, my husband and I will, so . . . Like I say, we have no intentions and can't fight it, but that's my thoughts on it."

**Chairman Winters** said, "All right, thank you ma'am. We do have a question, ma'am. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. Why don't you tell us what you mean by solid screening?"

**Ms. Castaneda** said, "His site plan showed trees and if you put in a tree, say an oak, a pine, maple, whatever, a lot of it will be above ground. It will have leaves. You're going to be able, if you stand at ground surface level, you're going to be able to see across the cemetery, which he has indicated that he would like for the entire neighborhood, people passing by to see and to see how beautiful his cemetery is. He does have a nice funeral home there. It's very nicely done, it's landscaped. Two years ago, he put in his grass and everything. He's put in a well. I don't have any problem with that, other than the fact that on the north end of our property line we have Australia Pines. I've added Blue Spruces in some of the areas where some of the pines have died out. That to me, something from the ground up that would, as it spreads, would grow, creates a wall, a solid screen."

**Commissioner Sciortino** said, "So if he were to agree to add a bush in between the trees and make it solid, you would withdraw your objection to this project?"

**Ms. Castaneda** said, "Yes, sir."

**Commissioner Sciortino** said, "Thank you."

**Chairman Winters** said, "Thank you, ma'am. Is there anyone else from the public who would like to speak on this issue? Yes sir, please come forward."

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**Mr. Jim Harden**, 3300 S. Webb Road, Wichita, greeted the Commissioners and said, “Along with my wife and several other neighbors, many of them could not be here, as you know I’m in rejection of this issue. I feel the same as what Kay Johnson, the director of Wichita Environmental Health stated. Please have a reasonable expectation that their neighborhood is going to be safe and clean. Having said that, the neighbors are requesting only three simple items. To try to co-habitat with this unwanted type of business, aesthetic view, a decorative and a screening, again as Donna stated, something solid from the ground up and within the edge of the protested ‘SF-20’ land.

We respect the right of Mr. Watson having the graveyard on the light commercial property, even though we would rather see other preferable use of the land. Having said that, we the neighbors request Mr. Watson and also his neighbors, by simply using a decorative wall that would be landscaped on the outside and with shrubs and trees and maintained. This would give the Watson graveyard and the neighbors some security, along with an aesthetic view that would help both in question.

The security part, as far as accent lighting, we requested something along that line to go along with the aesthetic value of the landscaping. The lighting, along with the decorative fencing on the screening, by the landscaping, would bring security and appeal. This would add value to Watson graveyard and may not stigmatize the adjoining neighborhood.

The third issue, which is most important, limiting access to the ‘SF-20’ land, using some of this land as screening between the graveyard and the neighborhood. This would mean allowing on partial use of the graveyard sites and partial use for screening. Remember, what you’re doing here today is permanent. It can’t be torn down like a building that is on most commercial land. Be careful and not destroy the corner and the ‘SF-20’ land and limit the surrounding to what other businesses would habitat with a graveyard. Thank you.”

**Chairman Winters** said, “Thank you, sir. Sir, we have one question for you.”

**Commissioner Sciortino** said, “Where are you located? Are you located on Webb Road?”

**Mr. Harden** said, “Yes, I’m on Webb Road. I’m from that . . .”

**Commissioner Sciortino** said, “Are you north or south of 31<sup>st</sup> Street?”

**Mr. Harden** said, “It’s south of 31<sup>st</sup> Street. I’m actually this property here.”

**Commissioner Sciortino** said, “Okay, so you’re not within the protest area. Is that correct?”



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**Mr. Harden** said, "Yeah, I am. Oh, I don't live on this. This is the land that was protested."

**Chairman Winters** said, "Where do you live?"

**Mr. Harden** said, "I live right here."

**Commissioner Sciortino** said, "So is that outside the . . . Okay, and what you're saying, if I heard you right, you want them to actually put up a masonry wall. What did you say?"

**Mr. Harden** said, "I said a solid screening."

**Commissioner Sciortino** said, "The same thing as the other lady said, some bushes in between the trees, because it does look like they've added some additional landscaping, with the pond and what have you, that's going to be a buffer. And if they were to add the solid screening, would you withdraw your protest also?"

**Mr. Harden** said, "On the 'SF-20' land, yes. If they would add some solid screening, that would help tremendously."

**Commissioner Sciortino** said, "Okay, because that's the only thing we're looking at is the 'SF-20' land right now I think, because that's the only thing in question."

**Mr. Harden** said, "What I'll be looking at is from across, from the earlier photo it showed a pond across there. I'm not sure about the pond because there's also a pipeline that runs through there and I don't know how deep you can go with a pond with a pipeline across there. So of the plans that are there is kind of questionable as to whether or not it will ever get done. You have to understand, today there's not been one tree or one bush planted on any of the property."

**Commissioner Sciortino** said, "No, I understand that, but according to what our backup is now, it's mandated that they do the landscaping. Before, it was just some architectural's rendering of where bushes were, but there was no requirement for the applicant to do it. Now they're mandated to do it."

**Mr. Harden** said, "Correct. And what my point was is to use some of that land that's now 'SF-20' land to do the screening on, which would give a . . . I don't know, 50, 60, 100 feet, whatever you guys decide as screening and therefore there wouldn't be a graveyard sitting right up next to the neighbor's property, even though they plant the trees, you can still put gravesites right underneath those trees."

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**Commissioner Sciortino** said, "I understand. Okay, thank you."

**Chairman Winters** said, "Thank you, sir. Is there anyone else from the public who would like to speak?"

**Mr. Robert Kaplan**, Kaplan, McMillan and Harris, attorney for neighbors, greeted the Commissioners and said, "As a result, commissioners, of your referral back to the planning commission, additional conditions were given to this conditional use, which have been given to you by John and address some of the concerns of the neighbors."

They addressed the screening. They addressed security, security from nighttime excursions into the cemetery by people who have no legitimate reason to be there, and I believe that's resolved. Some of the screening issues are resolved.

There's a major sticking point, there is one major sticking point and I want to follow up on what Mr. Harden told you. The adjoining property owners west and south had asked Mr. Watson to utilize some type of phasing plan in putting in this development. He's got some 3,000 burial plots and they felt that he could phase it in, protecting the properties to the south and the west and leaving the buffer until that property was actually needed.

The phasing, as you know, is a fairly common land use tool. You utilize it in CUPs and you utilize it in PUDs. However, Mr. Watson says, told me through his counsel, he said that can't be done, it's impossible. Well, it is done in cemeteries in the city. Most all such developments, including Mr. Watson's, have designated sections, designated gardens and then they leave areas for future development.

However, however you can't plan Mr. Watson's development for him and neither can I. That is not within our capability. What you can do and what you also always universally do is you require space between commercial development and residentially zoned properties. That's been a very common practice to provide buffering. So in lieu of the phasing in this case, I cannot think of a single reason why the requirement of some buffering should be waived in this context. I don't know why, nor have I heard from Mr. McCausland or in any of these several meetings a valid

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reason why there should not be some buffering between a commercially zoned property, be it a conditional use, and a residentially developed property such as Donna is going to do on the south.

Now how are we going to get there and I think there is a very simple way you can get there and then I think everybody is satisfied and we have total accommodation here and everybody is happy and that's unusual. We have a landscape plan required by the Metropolitan Area Planning Commission. I think that all you have to do and it's within your authority to do so, is to mandate on that landscape plan, which is yet to be presented, some minimum depth of landscaping which will suffice as a buffering area. In other words, for example, if I may step over here, he has 162 feet here and he's required to landscape on the perimeter, on the property line. So if you impose, on that landscaping plan, you say that it will have a minimum of 50-foot depth, that will provide buffering to the property to the south and to the new home that is going to be built there and that will also suffice for his landscape area, so when he says he's going to have a landscaped area along here, say that it shall be 50 feet in depth. That gives the buffering substitute for the phasing.

Over here, this is Merrill, put 25 feet there let's say. Give 25 feet to the west, give 50 feet to the south and I think everybody is happy. We've now got the landscaping we want, but we've got some minimal buffering. There is no reason, with 3,000-plus burial plots that we've got to dig graves and put markers on adjoining property lines, on or immediately adjacent to these residential homes. There is simply no need for it. Mr. Watson says, 'I'll use maybe 100 lots a year'. He's got over 3,000 burial plots. Maybe in your lifetime, it's not going to be in mine, but I think if you provide these folks about 50 feet on the south, as the landscaping area depth, north to south, and 25 feet on the west, I think everybody will be happy. Questions?"

**Chairman Winters** said, "Okay, Mr. Kaplan, thank you very much. John, I have a question for you. Before I do that, is there anyone else from the public who hasn't spoken who would like to speak? Is there anyone else from the public? Mr. McCausland, you want to . . . and we're not going to get into a back and forth, but I'll give you a couple of minutes and then if Mr. Kaplan needs another couple we'll do that but we're not going to go back and forth a whole lot."

**Mr. McCausland** said, "Right, and I appreciate that. All I want to tell this board is that these arguments that are being brought up today were brought up before the Metropolitan Area Planning Commission and we had a lengthy, detailed discussion of these points. And the MAPC rejected these points by an 11 to 0 vote. There is no requirement, with regard to the cemetery, for buffering. There is no requirement per se for screening, but the purpose of the requirement that the MAPC placed, the condition they placed on here was that a landscaping plan be presented that provided for the perimeter screening that protected the 'SF-20' areas.

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And I understand, from the comments in that meeting, that that has been . . . that there have been those type of plans presented to the director before and that the director will make some requirements that will take care of these issues of screening and how far apart you plant things and what types of vegetation you plant so you have screening down low. The issue of phasing was totally rejected by the MAPC, because it is impractical. What happens in a cemetery is people come in and they look at a plot that they want to purchase for aesthetic reasons, or spiritual reasons, whatever the case may be, and they buy it and they may not use it for 30 years, or 20 years or 10 years. No one knows when that plot will be used, so to try and phase where people are going to be buried is just impractical with regard to a cemetery and that's all I have."

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

**Mr. Kaplan** said, "I think not. I didn't . . . Mr. Chairman, I didn't discuss the spacing of the landscaping at the planning commission, but decided not to quarrel about the phasing, and so I'm just simply saying put in a 50 foot . . . give Mr. Schlegel some parameters on the landscape plan, because he's the one that's got to approve it. That's all."

**Chairman Winters** said, "Thank you, Mr. Kaplan. John, I do have a question for you. And not heading towards . . . anyway, my comments are not headed towards mandating any specific width of depth of a buffer, but just as in your thought and process, if you get involved in approving the landscaping plan, I mean I'd envisioned it would be pretty hard to do a landscaping plan on a two-foot wide piece of stretch. I mean, what kind of landscaping are you thinking about, as we think about approving the landscape plan for this site? And again, I know you're not a landscape architect, but . . ."

**Mr. Schlegel** said, "I hadn't really given it much thought, but I would . . . typically, what I think a 20-foot buffer on which they would plant evergreens, things that would retain foliage for the entire year would probably provide a pretty solid . . ."

**Chairman Winters** said, "Well, can you go to the picture that you have of the landscape plan and I know, again, that this is just a conceptual drawing, but if you plant any kind of tree planting, I mean, you're going to have to assume that there's going to be some width that's going to be probably not 50 feet, but probably certainly more than 10 or 15. Wouldn't you agree with that?"

**Mr. Schlegel** said, "Yeah, I would agree and just as a point of reference, I'd point out, I think this room where you're sitting is probably, just judging by the light fixtures which are probably about

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four feet in length, it's probably about 25 to 30 feet wide, so that should give you a feel for how much room you need for planting sufficient number of trees to screen off the cemetery from the adjoining properties."

**Chairman Winters** said, "But if they would bring you a plan with a bunch of skinny little poplar trees or something, you're probably not going to approve that."

**Mr. Schlegel** said, "That would be a plan I would approve [sic]. What I'm hearing very clearly, and we heard this at the MAPC hearing as well is that they're looking for pretty substantial screening of their properties from the cemetery."

**Chairman Winters** said, "And it would be, just as a planner, and working with projects like this, it would be your assumption probably that if this is developed in some kind of ugly manner, that probably the whole business operation would have difficulty working. I mean, if you had an inexperienced landscape architect do a poor plan, what would that do for business?"

**Mr. Schlegel** said, "Correct, and I think that, just to elaborate on that, I think the site plan that they've submitted indicates that they do have a commitment to making this property as attractive as they can. I think that's been their business practice, is to try to make it enticing for the public that they serve."

**Chairman Winters** said, "If they make it enticing to the customers, it should be, I would think, acceptable to the neighbors, would be my opinion. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. And I don't know for sure, John, if I have this question of you or the applicant's attorney, so whoever can jump in. But I think what I heard from the applicant, through his attorney, is that they plan on addressing the concern of the lady in the back and some of the ladies about the low hanging . . . not low hanging, but whatever the word was, that it would be kind of a low, solid bushes or trees or whatever to block the concerns that they have.

I've been intimately involved in this and I've had a lot of phone calls and e-mails from the neighbors and I'm not totally happy with what the applicant has agreed to, but I am pleased that it looks like they have made a lot more concessions, albeit maybe kicking and scratching and screaming, but then they had the first time it was to us. I agree with you that in order to do now what's mandated, as far as the landscaping, will require 20 or 30 feet anyway. I don't know that there's a magic number, fifty, and you start taking back big hunks of the land and then you have to

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question why you're even changing the zoning, because there's not going to be very much to develop.

I do agree with the applicant that to require phasing in probably isn't practical, because I do believe that a person comes in and pre-buys a lot and usually they buy five or . . . well, I don't know, but I mean him and his wife and maybe a couple of extra lots and hopefully they're not used for quite a while, and they do pick certain areas, maybe the guys who liked to fish and they want to be next to the pond or whatever. And I don't know that that would have to be a requirement, because if you mandated phasing in, but didn't regulate where that phasing in could be, they might decide to phase in the first property right along Webb Road and that would be the only place where people could develop the plot. I think they've adjusted the security. They added the one concern about water purity and what have you by agreeing to be in cement vaults, so I think they have made an honest attempt to comply with most of the concerns of the neighbors.

The sticking point, as Mr. Kaplan says, about the phasing in, and I didn't have as much problem with the phasing in as I did with the landscaping and the buffering, and to try to make this as aesthetically acceptable as possible to the neighbors, and it appears to me that the applicant has made a legitimate attempt. You are going to be charged with the final responsibility of approving the landscaping plan and making sure that it addresses those concerns, and I have confidence that you'll do a good job there. That's all I have."

**Chairman Winters** said, "All right, Commissioners, do any of the rest of us have other questions or comments? Commissioner Norton."

**Commissioner Norton** said, "Is the pond functional or aesthetic?"

**Commissioner Sciortino** said, "What does that mean, a functional pond?"

**Commissioner Norton** said, "Well, I mean is it a drainage? Does it have a function or is it just aesthetic?"

**Mr. McCausland** said, "Well, I think that it may have some function, in terms of irrigation for some of the property at some point. Right now, although the property looks very flat, it does generally flow that direction and the idea is it would be aesthetic primarily but it might be water for irrigation."

**Commissioner Norton** said, "Or some drainage retention?"

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**Mr. McCausland** said, "Well, as I have viewed the property, it appears that it drains from west towards the Webb Road and maybe somewhat to the southeast. So it might, some of it may drain into the lake. Those are the kind of things that you let the landscape specialist deal with on what to do with elevations and berms and things around the perimeter, because they can do things with berms and shrubs and things to create screening too and Gossen Livingston are the architects on this."

**Commissioner Norton** said, "Most of that lake, Paul, is on the property that's already preexisting. Is that correct, that we're not changing any . . . ?"

**Mr. McCausland** said, "Yes."

**Commissioner Norton** said, "Only maybe the bottom tip is going to be affected. So he could probably put the lake on, almost entirely on the property that he already has zoned properly, pretty close to it, some of it."

**Mr. McCausland** said, "Some of it."

**Commissioner Norton** said, "Yeah, it appears to me that, particularly on the south side, that you would want, as a business owner, you would want more screening, knowing that you may have funeral plots that would look right into somebody's backyard. And if they put a machine shed up and want to pull a tractor in there during somebody's funeral, they have every right to do that, and I think that would be very distracting. I don't know that I'd want to have my loved ones funeral and have somebody running their lawnmower or whatever right next door. So it only appears to me that it's good business to want to have landscaping and some buffer down there from the funeral plots."

It also appears to me that it would be smart business to make sure that there's good views from 31<sup>st</sup> Street and from Webb Road but that you wouldn't particularly care if there was great views into the property on the south side, where it's only going to be one person's residence or owner, and even on the west side, where there's a large buffer between there and Rock Road, of other people's property and homes and could be commercial businesses. So truthfully, it would make sense to me that you would want more buffering, more vegetation on the south and the west, and probably west

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on Webb Road and 31<sup>st</sup> Street, where you would want drive-by traffic to look in and see the garden, see the turn-around, see the vegetation and make sure that the people know that it's a well kept cemetery.

So I would really urge the applicant to think about more landscaping, low landscaping and buffering on the south side, because there's no reason to believe that there could be four or five residences built in there with machine sheds and things going on right in the middle of people's funerals and I don't think that would be good for business. Just a comment."

**Chairman Winters** said, "Yeah, I agree with you, Commissioner. I think you've pointed out the reasons why I think if he hires a good landscape architect, those are the things they're going to discuss and those are the things that they're going to address in their plan. All right, I see no other lights. Commissioner Unruh."

**Commissioner Unruh** said, "I'd just like to say I think it's a suitable usage of the land. It looks like some compromise has been affected. We have the recommendation of the Metropolitan Area Planning Commission. There is a landscape plan that has to be applied to this piece of property. It has to be approved by the director, so with that as my rationale . . ."

**MOTION**

Commissioner Unruh moved to adopt the findings of the Metropolitan Area Planning Commission (MAPC), approve the Conditional Use subject to the recommended conditions of approval, and authorize the Chairman to sign an associated Resolution.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye



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Chairman Winters

Aye

**Chairman Winters** said, “Thank you all very much for being here today. Commissioners, you want to take a break, or shall we just keep on going.”

**Commissioner Sciortino** said, “Let’s keep . . . we’ve got a lot to go.”

**Chairman Winters** said, “All right, Madam Clerk, call the next item, we’ll keep on rolling.”

2. **CASE NUMBER ZON2004-00042 – ZONE CHANGE FROM “SF-20” SINGLE-FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL, GENERALLY LOCATED MIDWAY BETWEEN 29<sup>TH</sup> AND 37<sup>TH</sup> STREETS NORTH, ON THE WEST SIDE OF RIDGE ROAD. DISTRICT #4.**

### POWERPOINT PRESENTATION

**Mr. Schlegel** said, “Commissioners, these will get easier now, I hope. This particular application is a request for a zone change from ‘SF-20’, Single-Family Residential, to Limited Commercial on a 1.6 acre unplatted tract, midway between 29<sup>th</sup> Street North and 37<sup>th</sup> Street North, on the west side of Ridge Road. The applicant has indicated that he has no specific use in mind at this time for the zone change.

The surrounding area, let me put the aerial photo up there, is characterized by a mix of land uses, including large, undeveloped, industrial tracts, single-family residential areas, commercial and office developments, medical and dental services all mixed in with predominate single-family residential developments and small duplex and multi-family residential development.

The large tract abutting the west side of the application property is zoned ‘SF-20’ and is a large sand pit operation which was established by conditional use CU-293 and this subject site is part of that tract. There is an undeveloped portion of this property just to the south, also zoned ‘SF-20’ and it’s also part of that larger sand pit operation and will be the subject of the next case that I present to you.

Properties east of the subject site and across Ridge Road are zoned ‘LC’ and ‘GO’ General Office with a Community Unit Plan overlay, CUP DP-237. Development on these properties include small, one-story commercial office, strip shopping centers, housing a gym, medical and dental offices, a pharmacy and other commercial properties. Property north of the site is zoned Neighborhood Retail and ‘LC’ and is part of another CUP, DP-242.

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The MAPC heard this case at its September 9<sup>th</sup> meeting. No one spoke in opposition to the request and we've received no phone calls or written protests to this requested change. And the MAPC voted unanimously, 11-0, to recommend approval, subject to platting within one year and the provisions for Protective Overlay #146, which are listed in your backup."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. John, I drive by this area every day. It seems to be consistent with all the other things that are going on along there. I haven't received any phone calls, so this looks like a pretty good deal and a good fit for that area. Okay."

**Chairman Winters** said, "And John, you're shaking your head yes. Just from your staff opinion, I mean this seems to be very appropriate to me."

**Mr. Schlegel** said, "This fits in with that mix of land uses that are already occurring within that area."

**Chairman Winters** said, "Okay. I think we're ready . . . I would, I guess ask if there's anyone here in the audience who wants to address the commission on this? This is not a formal hearing, but we do talk to anyone that wants to talk to us. All right, I think we're ready for a motion."

**MOTION**

Commissioner McGinn moved to approve the zone change, subject to platting within one year with the recommended platting conditions and the provisions of Protective Overlay #146; adopt the findings of the MAPC; 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 Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye

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Chairman Winters

Aye

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

3. **CASE NUMBER ZON2004-00039 – ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL, GENERALLY LOCATED MIDWAY BETWEEN 29<sup>TH</sup> AND 37<sup>TH</sup> STREETS NORTH, ON THE WEST SIDE OF RIDGE ROAD. DISTRICT #4.**

**POWERPOINT PRESENTATION**

**Mr. Schlegel** said, "Okay, same applicant, this time for a six-acre unplatted tract, same vicinity as the previous application. It's part of the same sand pit operation, covered by the same Conditional Use for that sand pit operation. And in this particular case, the applicant is asking for the Limited Industrial zoning in order to be able to expand the 'LI' zoning district that is immediately adjacent to the south.

It's the same mix of land uses surrounding this as I described for the previous case."

**Chairman Winters** said, "Excuse me, and John, that area immediately to the south is all commercial?"

**Mr. Schlegel** said, "It's in Industrial."

**Chairman Winters** said, "It's industrial, okay, great."

**Mr. Schlegel** said, "Again, the MAPC heard this case on September 9<sup>th</sup>. Again, no opposition, no protests and they voted unanimously to approve it, subject again to platting within one year and the provisions of Protective Overlay #145. A little different provisions than the previous one, but they are all listed in your agenda backup."

**Chairman Winters** said, "All right, thank you. Commissioner McGinn, comments about this property in your district?"

**Commissioner McGinn** said, "Same as the comments on the previous item."

**MOTION**

Commissioner McGinn moved to approve the zone change, subject to platting within one year with the recommended platting conditions and the additional provisions of

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Protective Overlay #145; adopt the findings of the MAPC; 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.

**Chairman Winters** said, "We have a Motion and a second. Is there any other discussion. Seeing none, call . . . You know, I didn't ask if there was anybody here. I'll ask again, if there's anybody here wish to comment on this property? All right, thank you very much. Seeing no one, we have a Motion and a second. Madam Clerk, call the vote."

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

**Chairman Winters** said, "John, is that the last of your cases?"

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

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

- J. LETTER OF AGREEMENT WITH FEDERAL EMERGENCY MANAGEMENT AGENCY TO PROVIDE AN MMRS INTEGRATED EMERGENCY MANAGEMENT COURSE FOR SEDGWICK COUNTY/WICHITA, KANSAS APRIL 11-15, 2005 AT THE NOBLE TRAINING CENTER IN ANNISTON, ALABAMA.**

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**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "Commissioners, you have before you background information regarding this training opportunity for Sedgwick County. About 10-11 years ago, we did do a training provided by FEMA for natural disasters that has served us well in developing our staging areas and developing communication networks and policies and procedures to deal with emergencies.

This is another opportunity that is based around matters of national security and some issues around the emergency management course for weapons of mass destruction and those sorts of issues. It's a different thing than we've done before. I would recommend that you authorize the letter of agreement.

This training will occur on April 11-15 and will require somewhere between 20 and 30 of our elected officials and staff to attend this training."

**Chairman Winters** said, "All right, commissioners you have questions or comments? And this is different . . . this community participated in I believe it was 1993?"

**Mr. Buchanan** said, "Yes."

**Chairman Winters** said, "And this is different than that training."

**Commissioner McGinn** said, "You mean 9/03?"

**Chairman Winters** said, "'93, the first year I was a commissioner, a whole contingency from this area went to Emmetsburg?"

**Mr. Buchanan** said, "Yes, exactly."

**Commissioner Sciortino** said, "I think this is a good deal."

**Chairman Winters** said, "All right, and we've been selected to participate in 2005, as a community."

### **MOTION**

Commissioner McGinn moved to approve the Letter of Agreement and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

**K. DIVISION OF COMMUNITY DEVELOPMENT.**

**1. SEDGWICK COUNTY HOUSING AUTHORITY ADMINISTRATIVE PLAN.**

**Mr. Snapp** said, "Earlier, we approved the plan for 2005. This manual is our policy manual. We've done significant work last year and years previous we've had pretty much a bare-bones policy manual. We've added procedures, we've made this document easier for the public to use, because it is a public document and it just gives us a better foot to stand on if we're challenged in any of the actions that we get. If you have any questions about it, I'll be glad to talk about it."

**Chairman Winters** said, "Commissioners, you have any questions of Brad? Seeing none, what's the will . . . Commissioner Norton."

**Commissioner Norton** said, "Who all worked on the administrative plan, as you added the policy and procedures? Where did you get your information? Did you steal from other administrative plans that you've seen? Kind of give us just a quick thumbnail on that."

**Mr. Snapp** said, "We asked other successful housing authorities in Kansas to send us theirs. We asked City of Wichita and we contacted the City of Atchison. And then we used, we incorporated other, you know, documents that really pertained to us and really worked on it a long time, over and over and over and through and through, until we have a document that we believe is a good one."

**Commissioner Norton** said, "Okay, good. That's all I have, Mr. Chair."

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**Chairman Winters** said, “All right, we’re ready for a motion, if you’d like to make a motion.”

**MOTION**

Commissioner Norton moved to approve the Plan and authorize the Chairman to sign.

Commissioner Sciortino seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

**2. GRANT APPLICATION TO THE STATE FARM INC. COMMUNITY DEVELOPMENT COMPANY FOR FUNDING OF FLOODPLAIN EDUCATION.**

**Mr. Glen Wiltse**, Director, Code Enforcement, greeted the Commissioners and said, “This is kind of breaking new ground for us, requesting to do very many grants. We do have one grant with the state on our wastewater program, but we’re looking for additional money to operate, basically. We started looking for grants available and we found a possible source through State Farm. There’s another insurance company that offers grants to jurisdictions also, but this grant is for education purposes only.

What we found was there was a little over 3,000 structures that are actually within the floodplain within Sedgwick County. And we also found, in checking with State of Kansas, in their flood plain, with their flood plain coordinator, that there’s only approximately 400 structures that are protected by insurance. So what we are requesting is permission to gain money to research to identify all of these properties within the floodplain and then just send a simple notification to the property owner that states, ‘If you’re not aware of this, this property is within the floodplain’ and some of the

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avenues that you might want to take.

There would be nothing on it that addresses that the money is coming from the insurance company or anything and there's multiple insurance companies out there that write the insurance, so we're just requesting to educate the public who owns structures within the flood plain."

**Chairman Winters** said, "Okay. Glen, did you bring these folks with you?"

**Mr. Wiltse** said, "Yes."

**Chairman Winters** said, "Why don't you introduce these folks, tell us who they are."

**Mr. Wiltse** said, "Okay, I have Rhonda Montgomery. She's with the National Flood Insurance program and her assistant, I believe, Susan Cooper and of course Bob George. He is our Flood Plain Technician and Kelly Dixon, who actually wrote the grant. He took a class this last year and he wanted to put it to use so we started to look for areas to allow him to do that."

**Chairman Winters** said, "Okay. Commissioner McGinn, do you have comments? Well I think you've, probably just from listening to Commissioners over the past few weeks even, have again heard our concerns about floodplain, floodplain development, floodplain management, so we'll be very interested to stay in tune with what you lead forward with. And again, if this can any way correspond or be helpful to David Spears and his group, as they start conversations with the city, we want to keep that all tied together. Commissioner Norton."

**Commissioner Norton** said, "Well, I see this as a really good public service element to this, because I know back after the tornado Bob and I had to work with trying to figure out what areas were in the floodplain that were damaged by the tornado and how did we get them out of there and how do we let people re-build, when they're in the floodplain and they didn't have . . . some of them had insurance, some of them didn't have insurance.

There's a real quagmire and a lot of people don't realize they're even in the floodplain. They know they're in a low lying area, and you would describe it as an area that floods, but there is a really descriptive term that says it's a floodplain by FEMA, and some people just don't realize that and don't realize their obligations when it comes to insurance and liability. So I think this is a great service to 3,000 citizens or property owners in our community. So, I'll be supportive."



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

**Commissioner McGinn** said, “I just want to say thank you for doing this and taking the initiative and I think it will tie in with some of the things we’re doing. Will we get a report back, how things went or . . .?”

**Mr. Wiltse** said, “Yeah, I’m not sure the time frame they have to respond back on the grant.”

**Chairman Winters** said, “All right, thanks very much.”

**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 McGinn seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

**Chairman Winters** said, “Thanks, Glen and thanks you folks for joining us this morning. Next item.”

**Commissioner McGinn left the meeting room at 11:06 a.m.**

**L. DIVISION OF HUMAN SERVICES – COMCARE.**

- 1. AMENDMENT TO AGREEMENT WITH KEITH BOMHOLT FOR THE HOUSING AND URBAN DEVELOPMENT GRANT.**

**Ms. Marilyn Cook**, Director, Comprehensive Community Care (COMCARE), greeted the

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Commissioners and said, “This is the third amendment to the agreement we have with Mr. Keith Bomholt for the Housing and Urban Development grant. As you know, interactions with HUD are very formal and they’re very complicated. This item involves what we hope to be the last change to this contract that resulted from Miracles Incorporated withdrawing from the project earlier this year.

It’s complicated. I hope I can explain the three . . . how we started, where we are and give you a sense of what this item is. Originally, the contract with Mr. Bomholt, he agreed to provide . . . there are a total of 16 units under this grant that need to be provided. Mr. Bomholt provided eight of those units and an office unit. And the other eight residents were to be housed through the Miracles Incorporated organization.

The second contract amendment we did in July of this year, the Miracles folks pulled their people out. We transferred those people to COMCARE and Mr. Bomholt agreed to pick up three additional residents. So he went from eight to eleven at that point, Miracles still had five units.

This contract amendment adds those five units to Mr. Bomholt’s contract, with Miracles having no longer staff involvement now, will no longer have any housing involvement in the contract. We’re recommending that you approve this amendment and authorize the Chair to sign, and I’d be happy to answer any questions on this.”

**Chairman Winters** said, “All right, Marilyn. Commissioners, questions or comments? Even though it seems a little tangled, I think it’s going to work out.”

**MOTION**

Commissioner Unruh moved to approve the Amendment to 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 Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Absent
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

**2. AMENDMENT TO AGREEMENT WITH FAMILY CONSULTATION SERVICE OF WICHITA, INC. FOR CAMPUS CONNECTIONS.**

**Ms. Cook** said, "This item involves our Campus Connections Program. We came to you about a month ago indicating that we had a new plan and reorganization for Campus Connection, or mental health in schools based project. Family Consultation was providing the therapist there and the supervision for our case managers and that is where the change occurred. We thought we would be able to hire those clinicians to COMCARE a little bit more quickly than we did, and that's not been the case. We need to extend that contract for one more month. Rather than three months, we would extend it through this month.

We have one of the clinicians hired, three others are in the final stages of that, so we should be able to accomplish this by the end of the month. The recommended action would be for you to approve the agreement, or the amendment and to authorize the Chairman to sign."

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

**MOTION**

Commissioner Norton moved to approve the Amendment to Agreement and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Absent
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

**Commissioner McGinn** returned to the meeting room at 11:08 a.m.

**M. EMERGENCY MANAGEMENT.**

- 1. GRANT AWARD OF HOMELAND SECURITY FUNDING IN THE AMOUNT OF \$646,613 FOR ALL GOVERNMENT ENTITIES WITHIN SEDGWICK COUNTY FOR FEDERAL FISCAL YEAR (FFY) 2004, AND CONTRACT WITH KANSAS HIGHWAY PATROL FOR FUND ADMINISTRATION.**

**Mr. Randy Duncan**, Director, greeted the Commissioners and said, "We're appearing before you this morning to ask your approval to received \$646,613 in homeland security funding. This funding is basically comprised of three major programs. A state homeland security grant, which provides equipment for the emergency responders located here within Sedgwick County. A law enforcement, terrorism prevention program, which does the same thing specifically focused towards law enforcement. And the funding for . . . Citizen Core funding, which is for our Citizen Emergency Response Team program. I'd be happy to answer any questions, if I could."

**Chairman Winters** said, "All right. And I guess, when it says 'This is for all law enforcement' . . . 'For all government entities within Sedgwick County' and who all else would that be then?"

**Mr. Duncan** said, "That would include all 20 communities within Sedgwick County, plus the County."

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

**Commissioner Sciortino** said, "Yeah, in the backup it says, in essence, Fisher Scientific becomes a clearing house. If some other community wants to do something, wants to get some equipment or something, do they have to go through us and then it goes to Fisher, or do they just go directly to the state and make their application for these fundings."

**Mr. Duncan** said, "Emergency Management is the exclusive conduit to access those funds for all the local government entities within Sedgwick County."

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**Commissioner Sciortino** said, "Okay. So, do we know the parameters in which . . . so we could pretty well tell them, 'Yes, this will be approved, go ahead and order it and send us the bill'?"

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

**Commissioner Sciortino** said, "Okay."

**Mr. Duncan** said, "Actually, technically the way it works is we set the priority and send the list of equipment to the Highway Patrol. The Highway Patrol approves the order to Fisher and they send us the equipment and the Highway Patrol pays the bill, so the money doesn't actually pass through us."

**Commissioner Sciortino** said, "Okay, got it. All right, and this is dramatically down from what they did last year, isn't it though?"

**Mr. Duncan** said, "Yes, sir. I neglected to point out, our federal fiscal year '03 allocation was 1.02 million. The allocation for federal fiscal year '04 is the \$646,000. I would point out that the State of Kansas received relatively the same amount of funding both years, but the State of Kansas changed the distribution formula this year to place a higher priority on agricultural related items. And I might add that Sedgwick County received the largest single amount of funding in the State of Kansas."

**Commissioner Sciortino** said, "So we're the conduit for the agricultural security issues also, is that correct?"

**Mr. Duncan** said, "Well, the impact that had is, for example, Butler County got about \$500,000 of this money for '04, whereas in '03 they got a much smaller allocation. So what it boils down into though is that those counties which had agricultural interests, for example out in the Garden City/Dodge City area, they received significantly higher allocations this year than last year."

**Commissioner Sciortino** said, "But I mean, we have agricultural concerns in Sedgwick County also, so that \$600,000 that we got is going to have to go toward addressing those issues too?"

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

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

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

**MOTION**

Commissioner McGinn moved to accept the Grant Award; approve the Contract; authorize the Chairman to sign the Contract and all necessary documents; and approve establishment of budget authority.

Commissioner Sciortino seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

- 2. GRANT AWARD TO SEDGWICK COUNTY LOCAL EMERGENCY PLANNING COMMITTEE THROUGH SEDGWICK COUNTY EMERGENCY MANAGEMENT FOR FUNDING TO DEFRAID COSTS OF STUDENTS ATTENDING THE 2004 KANSAS HAZARDOUS MATERIALS SYMPOSIUM.**

**Mr. Duncan** said, “It’s also my privilege to appear before you with this second item to bring some

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additional funding into Sedgwick County. This particular grant is a grant from the Kansas Division of Emergency Management, funneled through our local emergency planning committee, and its purpose is to help defray the cost of attending specialized hazardous materials training for first responders here within the state.

This year will be the 13<sup>th</sup> year that we have held our hazardous materials symposium. We're anticipating a little over 300 attendees and I know Commissioner Sciortino, amongst others, has been present at previous of our symposiums, and naturally any of you that have the time and interest are welcome to come this year. But the particular item before us today is to receive \$20,000 to help defray the cost of those folks attending.

There is a soft match of 20% of this amount required. The soft match, we will put up the salaries of those emergency responders who attend the training while they're on duty as the soft match, so we will not have to produce any hard match or cash against this. I'd be happy to answer any additional questions you might have."

**Chairman Winters** said, "All right, thank you Randy. Commissioners, are there questions? Pretty straight forward."

**Commissioner Sciortino** said, "Pretty good program."

**MOTION**

Commissioner Sciortino moved to accept the Grant Award; authorize the Chairman to sign all necessary documents; and approve establishment of budget authority.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

### **N. KANSAS COLISEUM MONTHLY REPORT.**

#### **POWERPOINT PRESENTATION**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, "Report today on our activities during the month of September and some of the highlights. We've had two top-ten touring concerts visit us during September. We also had a first time ever event that we've been working on for several years, which I'll get into once we get into the presentation.

First off, Metallica in concert, one of the top tours that has been around for like 20 years. They've just reformed. As with a lot of rock and roll bands, they went through their rehab, now they're all clean and they're sober and they're back and they're just as bad as ever. We had over 8,000 people attend that show. It was a great show. We had Tim McGraw, the second top-ten tour. Tim is the top country touring act right now. We had another audience in excess of 8,300 people attend that concert.

First time ever event, for several years now we've been working on a cross-country meet and we worked with Valley Center High School. They did a regional meet. We had about ten schools participate. We had four different courses mapped out through our Wiedemann Park. Had 260 runners participate and it was kind of interesting. Got some rolling terrain, so that made it a little bit of a challenge, and the courses went all the way from a one-mile course all the way up to a legitimate 5K for the varsity runners. But these kids really got active and it was a great day, wasn't too hot. It just worked out real well for them, they had a great, great time.

We had the Kansas Junior Livestock Show, which is one of our favorite events annually, had just about 8,000 people attend that one. World Wrestling Entertainment came with their Smackdown. Again, we were on live TV. The event was filmed that Tuesday for broadcast on the following Thursday. All in all, we had almost 38,000 through our doors, 12 events, 21 individual performances and our net revenues, or our net event related revenues were in excess of \$241,000.

Coming up, this Saturday we have Toby Keith in concert, another one of the very strong country acts on the road today. Thunder Hockey starts their season October 23<sup>rd</sup>. We have the Mid-America Flea Market returning on October 21<sup>st</sup>. Wheatland Poppin' Johnnies towards the end of



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the month. Van Halen in concert November 6<sup>th</sup>. The Farm and Ranch Show again November 9<sup>th</sup> through 11<sup>th</sup>. Incubus in concert November 18<sup>th</sup>. Now this is a concert that was postponed, due to an injury to one of the band members from July.

And Tran-Siberian Orchestra is returning November 24<sup>th</sup>. This was a show that we had last year and we had never received so many favorable comments, through telephone and e-mail. The people that really saw this show really loved it and I would encourage everybody to take a chance and go see this show, because it is fantastic. It is classical Christmas music, set to a story done with a rock and roll theme on guitar with a light show. It's just . . . I've been in the business a long time and I was impressed. It was just a fantastic show."

**Chairman Winters** said, "So is it a Siberian orchestra?"

**Mr. Nath** said, "It . . . Well, it's an interesting name. I don't think they're from Siberia though. But if there's any questions, that concludes my report. If there's any questions I'd be happy to answer them at this time."

**Chairman Winters** said, "All right, thank you very much, John. Commissioners, comments or questions of John? Seeing none, do we have a Motion to receive and file?"

**MOTION**

Commissioner Sciortino moved to receive and file.

Commissioner Unruh seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

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**O. ADDITION OF A TRACKED EXCAVATOR TO FLEET INVENTORY.**

**Mr. David Spears**, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, "In this item, we are requesting the addition of a tracked excavator to the fleet inventory. The excavator will be used to complete work on County bridge and drainage projects. We have found that the most efficient way to work heavy equipment in stream channels is to use teams consisting of one bulldozer and one tracked excavator. Replacement of a bulldozer with an excavator will allow us to create two teams that can either work in separate locations or work opposite sides of the stream on larger projects. The bulldozer will be eliminated from the fleet inventory January 1<sup>st</sup>, 2005.

We've been working with Fleet Management to make this change in our fleet. Funds for the purchase of the excavator will come from existing set-aside funds and the trade-in allowance on a 1995 bulldozer that will be deleted from the inventory as part of the 2005 budget reductions. There is currently \$275,000 in set-aside and Fleet Management has estimated that the trade-in allowance for the '95 bulldozer will be \$9,000. The combination of these fund sources will provide an estimated \$365,000. The Finance Department and Fleet Management also concur with this request and I recommend that you also approve the request."

**Chairman Winters** said, "All right, thank you. Pretty straight forward. Anyone have questions?"

**MOTION**

Commissioner Unruh moved to approve the addition to Fleet inventory.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

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**P. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF OCTOBER 7, 2004.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of the 7<sup>th</sup> resulted in nine items for consideration today.

**1) HOUSEHOLD HAZARDOUS WASTE DISPOSAL SERVICES  
FUNDING: HOUSEHOLD HAZARDOUS WASTE**

The first item, household hazardous waste disposal services. Recommend the low proposal from Univar USA and establish a two-year contract, with two one-year options to renew, for an estimated annual cost of \$179,245.80.

**2) HEARTLAND CHURCH ADDITION STREET IMPROVEMENTS- PUBLIC WORKS  
FUNDING: PUBLIC WORKS**

Item two, Heartland Church Addition street improvements for Public Works. Recommend the negotiated bid of Ritchie Paving in the amount of \$29,308.70.

**3) UPGRADE OF SECURITY SYSTEM- SECURITY  
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item three, upgrade of security system at the Stillwell complex. Recommend the low bid from Sandifer Engineering in the amount of \$83,733.

**4) ANTENNA SITE LEASE- EMERGENCY COMMUNICATIONS  
FUNDING: COMMUNICATIONS EQUIPMENT**

Item four, antenna site lease for Emergency Communications. Recommend the expenditure with Pinnacle Towers in the amount of \$66,366.72.

**5) GEOTECHNICAL SERVICES- FACILITY PROJECT SERVICES  
FUNDING: KANSAS COLISEUM IMPROVEMENTS**

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Item five, geo-technical services for Facility Project Services. Recommend the acknowledgement of the expenditure with Terracon in the amount of \$27,896.25.

**6) WIDE FORMAT COPIER/ PRINTER/ SCANNER- CLERK'S OFFICE**  
**FUNDING: LAND TECH FUND**

Item six, wide format digital copier/ printer/ scanner for the County Clerk's Office. Recommend the low bid meeting specifications, including trade-in, from Salina Blueprint and Micrographic Systems, option one, for a cost of \$24,970.61.

**7) SPORT UTILITY VEHICLE- FLEET MANAGEMENT**  
**FUNDING: VEHICLE ACQUISITION**

Item seven, sport utility vehicle for Fleet Management. Recommend the low bid from Don Hattan Chevrolet, including manuals, for a cost of \$26,550.

**8) PASSENGER VANS- FLEET MANAGEMENT**  
**FUNDING: VEHICLE ACQUISITION**

Item eight, passenger vans for Fleet Management. Recommend the low bid from Don Hattan Chevrolet, including manuals, in the amount of \$63,925.

**9) PROPERTY & CASUALTY INSURANCE AGENT SERVICES- RISK MANAGEMENT**  
**FUNDING: RISK MANAGEMENT**

And item nine, property and casualty insurance agent services for Risk Management. Recommend the low complete proposal from Arthur J. Gallagher and Company and execute a three-year contract for a total cost of \$97,000. Would be happy to answer any questions and I recommend approval of these items."

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

**Commissioner Sciortino** said, "Thank you. On number two, something is just not sitting right. We sent out a bid, everybody came in substantially higher than the engineer's estimate and we accepted the Ritchie Paving bid and then negotiated it down to 29?"

**Ms. Baker** said, "We did not accept their original bid, we just negotiated until we got them down to . . . we're not changing the scope of work."

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**Commissioner Sciortino** said, "I understand that part. There's two things that concern me, that were they just really padding their bid? I mean, when you start, all of the sudden, asking somebody to cut their bid by 25% and they say, 'Okay' that kind of . . . what were they doing, since they didn't change the scope of the work? But the other thing that I was going to have you, for the public to know, we have three bids, all of them . . . do we reject everybody's bid? Why do we just negotiate with Ritchie to get it down? Why didn't we reject the bids and go out for new bids? Why didn't the other two companies have the ability to negotiate downward too?"

**Ms. Baker** said, "We didn't reject the bids, because we didn't anticipate changing any of the scope of work to reject those bids. We negotiated with Ritchie . . ."

**Commissioner Sciortino** said, "But you said you didn't accept the Ritchie bid?"

**Ms. Baker** said, "Correct. The bids came in. The bid opening is a public meeting, so we acknowledged at that time Ritchie's bid of 40,000-plus. We visited with . . . since Ritchie was the lowest of the three who submitted, under our policy, we can negotiate with them and we visited with them and the engineer's estimate was an old estimate, was originally given to the church, and we just stood ground on that and they finally agreed to do it for that price. There was no change to the scope of the work."

**Commissioner Sciortino** said, "No, I'm not questioning that. I guess what I'm questioning is how much padding do these people put into their bids, because usually 'This is my lowest price I can afford to do it' as long as you don't say anything about it, but if you say something about it, I can cut it 25% with no problem."

But the other concern I have is that since that bid was unacceptable to us, are we above board in doing the right thing when we have a bid and if we didn't accept their bid because it was too high, why wasn't it just open for new bidding saying that we're looking for somebody to give us a bid of \$29,000 or we're going to reject it? I don't understand why we just negotiated with Ritchie."

**Ms. Baker** said, "We just negotiated with Ritchie because they submitted the lowest bid."

**Commissioner Sciortino** said, "Yeah, but that was not acceptable to us. We wouldn't have accepted it at \$40,000."

**Ms. Baker** said, "Correct, but based on our policy and our process, they were the lowest, so that's who we negotiated. If we could not have gotten them to come down, if they would have refused to come down, we would have rejected all of the bids and either not done the project or rewrote the scope of work, something more acceptable in line with what the engineer's estimate was."

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**Commissioner Sciortino** said, “Okay, no more . . . Mr. Euson, do you concur that what we did was right and proper and we didn’t do anything improper here?”

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, “Yes, I do. There may be some difference of opinion about doing this, but we essentially agree. But I think the statute says that you have to . . . you can’t exceed the engineer’s estimate, so it has to be at that point anyway.”

**Commissioner Sciortino** said, “Okay, but we didn’t do anything improper by just negotiating with . . . I want to make sure that everything we do is aboveboard and we didn’t do anything improper by just negotiating with Ritchie to get it down to the engineer’s bid.”

**Mr. Euson** said, “No, I don’t think so.”

**Commissioner Sciortino** said, “Okay, thank you.”

**Chairman Winters** said, “And again, I’m not sure it makes much difference, but this is a special benefit project. It’s one that the beneficiary here is Heartland Church. It’s not the taxpayers and of course we’re going to go through our regular bid process, but this is a special benefit project. Any other questions, commissioner?”

**Commissioner Sciortino** said, “No, I just want to make sure we’re doing everything aboveboard.”

**Chairman Winters** said, “All right. Commissioners, you have any other questions? I know that there had been . . . the Manager’s Office had been contacted about one of the items and I’m not sure there’s anybody here wanting to speak to that. We usually don’t take comments from the public, but was there anybody here who wanted to address the commission about any of the bid board items? All right, I see no one. Commissioners, you have any other comments before we approve the bid board items?”

### **MOTION**

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

Chairman Winters seconded the motion.

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

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**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

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

**CONSENT AGENDA**

**Q. CONSENT AGENDA.**

**1. Right-of-Way Easements.**

- a. Two Temporary Construction Easements for Sedgwick County Channel Clearing Project 642-7-2145, 95<sup>th</sup> Street South between 295<sup>th</sup> and 311<sup>th</sup> Streets East. District #3.
- b. Utility Easement for platting requirements at K-42 and MacArthur Road. District #3.
- c. One Dedication Deed and one Floodway Reserve Easement for Sedgwick County Project at MacArthur and Ridge Roads. District #3.
- d. Easement for Utilities for Savanna 9<sup>th</sup> – Phase 2 Sanitary Sewer Improvement Project. District #1.
- e. Temporary Construction Easement for Sedgwick County Project 606-15-1895, bridge on 53<sup>rd</sup> Street North (west of Colwich) between 167<sup>th</sup> and 183<sup>rd</sup> Streets West. CIP# B-409. District #1.
- f. Dedication Deed for project at 215<sup>th</sup> Street West and 71<sup>st</sup> Street South. District #3.

**2. Notices of Hearing (two) for November 17, 2004 for post annexation public hearings for the area of Kellogg and 151<sup>st</sup> Street West, and for the area of Harry Street and Greenwich Road.**

**Regular Meeting, October 13, 2004**

3. **Agreement with Funding Resources Services providing on-line access to Sedgwick County's electronic data.**
4. **Resolution adopting revised Floodplain Management Regulations for Sedgwick County.**
5. **Application for License to Retail Cereal Malt Beverages.**

<u>Applicant Name</u>	<u>Business Name</u>
Mark O. Branham	QuikTrip West Inc. #392
6. **Budget Adjustment Request.**
7. **Orders dated September 29 and October 6, 2004 to correct tax roll for change of assessment.**
8. **Payroll Check Register of October 8, 2004.**
9. **General Bills Check Register(s) for the weeks of September 29 – October 5 and October 6 – 12, 2004.**
10. **Notice of Hearing for October 20, 2004 regarding adoption of the International Fire Code, 2003 Edition, as amended.**

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

**Chairman Winters** said, "Commissioners, questions, comments? What's the will of the Board?"

**MOTION**

Commissioner Sciortino moved to approve the consent agenda as presented.

Commissioner Unruh seconded the motion.



**Regular Meeting, October 13, 2004**

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

**Chairman Winters** said, “Commissioners, is there ‘Other’ business? We do need to have an executive session today. I know a couple of folks are anxious to get out as soon as possible, but if anybody has community business. Commissioner McGinn.”

**R. OTHER**

**Commissioner McGinn** said, “Thank you. This weekend at Cowtown is the Civil War reenactment, so a lot going on again at Cowtown. Every weekend, it seems like they’ve had something going on.

And then also, Maize’s fall festival is this weekend. The parade, I believe, is at 10:00 and lots of things going on in the Maize area and hopefully they’ll hold out for the good weather we’ve had this fall.”

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

**Commissioner Norton** said, “Just a plug for Haysville’s fall festival, it’s this weekend in competition with Maize’s fall festival, north side/ south side. Haysville’s starts Friday night. I think they have some activities in the park, they have community bingo. It just happens it’s homecoming weekend, so there’s going to be a lot going on in Haysville Friday night. The parade is Saturday morning at 9:00 and then activities in the park. Concert that night, plenty going on for three days in Haysville too.”

**Commissioner Sciortino** said, “Is Elvis going to show up again this year?”

**Commissioner Norton** said, “Elvis will probably be there.”

## Regular Meeting, October 13, 2004

**Chairman Winters** said, "All right. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you. I just wanted to mention that last Saturday I was out at Station 38, where we initiated the opening, if you will, of a cooperative agreement between the City of Wichita and Sedgwick County and also our EMS services at that location, so it's kind of a first step and a new experience. There were quite a few folks there and had some tours of the facility and Chief Curmode and Chief Garcia both spoke and Councilwoman Schlapp also had some comments, but everyone is excited about the potential for this cooperation and maybe this is the beginning of more cooperation, especially within the Fire Department."

Also one other thing, next week's meeting, I just want to let the commissioners know, I will be absent. I'm going to meet with the Kansas Board of Regents, along with Ron Holt, as we talk to them about our involvement in technical education and training and see if they're going to approve the resolution we passed as an amendment to the transition plan. So, I will be gone next Wednesday. That's all I have."

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

**Commissioner McGinn** said, "I just wanted to say I'm glad Commissioner Unruh brought that up about the fire houses. This is a perfect example of two governmental entities trying to come together to try to save the taxpayers' money. I think it's a great deal and been waiting for this to happen for I think six years since we started working on it and we just needed the right people in place to make it happen, so I want to say thank you."

**Chairman Winters** said, "Thank you. Which sparked another question or comment from Commissioner Norton."

**Commissioner Norton** said, "Well, it kind of made me think about, we had one of our final visioneering meetings, bringing together I think 280 folks out of the 400 that showed up to start drafting the visioneering plan. I think it's going to be critical that there are community groups that sign up to hear the proposals and the draft, so if you've got a community group, a church, a neighborhood association, a school that would like to hear what the draft is going to sound like, what some of the talking points are, I would urge you to get hold of Visioneering Wichita, through the Chamber, and weigh in on that because there's some pretty exciting items that are going to hit the table, but we'd certainly like the community to weigh in on what has come out of the visioneering groups. And we had that on . . . was that Monday? Monday morning we had that and there will be a lot of community activity and scrutiny before the final draft is made."

**Regular Meeting, October 13, 2004**

**Chairman Winters** said, "All right, thank you. Commissioners, if there's nothing else, we do need to have an Executive Session."

**EXECUTIVE SESSION**

**MOTION**

Commissioner Unruh moved that the board of County Commissioners recess into executive session for 20 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 personnel matters of non-elected personnel and that the Board of County Commissioners return to this room from executive session no sooner than 11:52 a.m.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

**Chairman Winters** said, "We're in recess."

**The County Commission was recessed into executive session at 11:32 a.m. and returned from Executive Session at 12:30 p.m.**

**Commissioner McGinn did not return to the meeting room from Executive Session.**

**Chairman Winters** said, "All right, we'll call back to order the Regular Meeting of October 13<sup>th</sup>. Let the record show there was no binding action taken in Executive Session. Is there any other business, Mr. Manager? Mr. Euson? The meeting is adjourned."

**S. ADJOURNMENT**

**Regular Meeting, October 13, 2004**

There being no other business to come before the Board, the Meeting was adjourned at 12:31 p.m.

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

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

**Regular Meeting, October 13, 2004**

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

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

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**CAROLYN McGINN**, Commissioner  
Fourth District

\_\_\_\_\_  
**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

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