

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 27, 2008

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, February 27, 2008 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Chair Pro Tem Tim R. Norton; Commissioner David M. Unruh; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Don Brace, County Clerk; Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.; Mr. Jim Weber, Deputy Director, Public Works Department; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Ms. Sonja Armbruster, Community Health Assessment Coordinator, Health Department; Mr. Michael Borchard, County Appraiser; Mr. Michael D. Pepoon, Assistant County Counselor; Mr. Jim Sacs, Computer Ticket Administrator, Kansas Coliseum; Ms. Annette Graham, Director, Department on Aging; Ms. Marilyn Cook, Director, Comprehensive Community Care; 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

Mr. Terrell Black, Member, Storm Water Management Advisory Board.

Mr. Jim Nicholson, 11011 W. 77th, Maize, Ks.

Mr. Russ Ewy, Baughman Company.

Mr. Jon Looney, 11934 Ryan Ct., Wichita, Ks.

Mr. Bob Lock, Chief Engineer, Kansas Public Television Station (KPTS).

Mr. Phil Richardson, Corporate Support Development Manager, KPTS.

INVOCATION

The Invocation was observed with a moment of silence.

FLAG SALUTE

ROLL CALL

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

Chairman Winters said, "Next item."

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APPOINTMENT

- A. RESOLUTION APPOINTING TERRELL BLACK (SPRING CREEK WATERSHED DISTRICT NOMINEE) TO THE SEDGWICK COUNTY STORMWATER MANAGEMENT ADVISORY BOARD.**

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “We’ve prepared this resolution of appointment. The Storm Water Management District does have one appointee who serves at the pleasure of the district and I would recommend you adopt the resolution.”

Chairman Winters said, “Thank you. Commissioners, are there comments or questions?”

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 Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “And Terrell Black is here this morning and County Clerk Don Brace will swear him in.”

Mr. Don Brace, County Clerk, said “Please raise your right hand please.

I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Storm Water Management Advisory Board, so help me God.”

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Mr. Terrell Black, Member, Sedgwick County Storm Water Management Advisory Board, said, “I do.”

Mr. Brace said, “Congratulations.”

Chairman Winters said, “Well Terrell, thank you very much. I’ve known Terrell for some time. Terrell has served on the township board in western Sedgwick County, so Terrell, welcome. Would you like to make a comment or two? And maybe tell us where Spring Creek Watershed District is.”

Mr. Black said, “Spring Creek Watershed District is located in far western Sedgwick County. We have four structures that we oversee. I say structures, dams, and we maintain and take care of them.”

Chairman Winters said, “All right, very good.”

Mr. Black said, “And I look forward to being on this board.”

Chairman Winters said, “Well thank you very much. We’re glad to have you on the board and I’m not sure if the board has had one meeting yet, but I think they’re getting ready to.”

Mr. David C. Spears, P.E., Director, Public Works, said, “The first meeting is this afternoon.”

Chairman Winters said, “The first meeting is this afternoon. Just in time. All right, thank you very much Terrell. Next item.”

CITIZEN INQUIRY

B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING THE ARK VALLEY FLOODWAY.

Chairman Winters said, “All right, if Mr. Jim Nichols is here, as he comes forward I would take this opportunity to remind folks that if citizens want to address the board of County Commissioners, we do have a process in place where the Monday the week before you would wish to speak, if you contact the county Manager’s office, that it’s possible to get on our agenda and we request that you limit your comments to five minutes. Mr. Nichols, welcome to our commission meeting.”

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Mr. Jim Nicholson, 11011 W. 77th St. N, Maize, Ks. greeted the Commissioners and said, “Thank you. I’m here to talk to you in regards to the Arkansas River Float Access project. I have heard for years the Arkansas River is a federal navigable stream. I would just like to know where I could find confirmation that this actually is. I’m not doubting it, I just would like to know where I could get access to that information.

I’ve lived on the river all my life. When the flood control project was built, the land was condemned for two reasons: flood control and flood control maintenance only. This is stated very clearly in the condemnation papers. The condemnation of the ground does not include bicycle paths, hiking trails, three and four-wheel motorcycle’s access, fishing, hunting, camping, campfires or walk paths. This is a violation of what the land is condemned for.

As an original landowner, with property backing up to the flood control project, we still maintain water rights, mineral rights and access rights on both sides of levee and the ground the levee condemnation line to the existing river bank. There are also three different high-water mark determinations for the river boundaries. This is not clear as to where the actual river boundary is. In my opinion, I don’t think this project is legal and will probably end up in a long, legal battle in which case no one wins.

My second concern is liability. At the last commission meeting, the statement was made ‘the adjacent landowners have no liability or responsibility’. I would like to know where I could get this statement also in writing. My house sits approximately a half a mile from the river. If a person on a float trip comes to my house for help and is a quarter of a mile from the river, on private property, breaks their leg, who is liable? If someone on a float trip starts a campfire and it gets out of control and burns my pasture land and burns my house down, who is liable.

I have went to the river on different occasions to ask people to leave because they were shooting guns, riding motorcycles and trespassing. I have been told by these people ‘make me leave, buddy’ was their exact statement. I have told them, ‘I won’t, but the Sheriff will’. Who is liable in this situation if somebody, God forbid, would get shot.

I have been told to get off my own land. I pay taxes and I work hard to keep that land. That is very, very annoying. I also have cattle in the pasture that backs up to the river. If the cattle were spooked by someone shooting, yelling, riding three-wheelers, four-wheelers, motorcycles on the river and run the cattle through the fence, who is liable for my cattle.

I ask you as commissioners to think long and hard about this project, because it seems to me there

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are so many unanswered legal questions that really need to be approached and answered before you people could vote on this legitimately and honestly. I would like to invite you, the commissioners, to come out to my place. I'll be glad to take you to the river, show you the situation of the grass, the fire. We can talk to local landowners. You guys are more than welcome to come to my property and take a look. Thank you."

Chairman Winters said, "All right, Jim, thank you for your comments. Commissioner Parks has a comment."

Commissioner Parks said, "I did talk with Mr. Nicholson. By the way, it is Nicholson. Somewhere it got lost in the shuffle on the official record here, but it's Nicholson, and you do have some legitimate concerns. I do think we need to be very studious of those legal concerns and those concerns that you've expressed here today before we would support any further action with this project. I do agree that there are a lot of unanswered questions in that. So I'd like to thank you for coming in and offering the tour of your farm. That way you can get a hands on or a visual side of it too and I plan on doing that with you."

Mr. Nicholson said, "Okay, thank you. Appreciate it."

Chairman Winters said, "All right, thank you. Mr. Nicholson, if you would leave your phone number with somebody from the county. Kristi, are you over there? If you would leave your phone number, one question we can get an answer for you is how the Arkansas River is declared a navigable river, and that's been to the Supreme Court, so that one will be an easy question to answer for you. And if you will give Deanna your telephone number, when you leave, we'll have somebody call and show you where to find that."

Mr. Nicholson said, "I appreciate it very much. Thank you."

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

NEW BUSINESS

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C. RESOLUTION CREATING A ROAD IMPROVEMENT BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (PRAIRIE BREEZE ESTATES ADDITION-LINDEN STREET).

POWERPOINT PRESENTATION

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, “For your consideration this morning is a resolution creating a road improvement district in Prairie Breeze Estates for the construction of Linden Street. This area is located adjacent to 39th Street East between Rock and Webb Roads in the eastern portion of the county. As you may recall, in August of last year the commission created a road improvement district for the paving of 39th Street. On the screen before you is the map depicting the benefit district that was assess . . . or will be assessed for a portion of the cost of that improvement. This is by way of reference only for you.

The next map shows the proposed project for your consideration this morning. That is the paving of Linden Street, which is the dotted red street there, and the boundaries of the proposed improvement district for the paving of this Linden Street.

This project was initiated by petition signed by 100% of the owners of property proposed to be liable for assessment for this improvement and 100% of the cost of the project will be accessed against this property.

Public Works has prepared an estimate of costs for this project, which is approximately \$175,000. When divided by the number of lots in the benefit district, it comes to approximately \$11,000 in principal amount, or about \$1,131 per year as spread over 15 years at 6%.

Jim Weber of Public Works is here to answer any technical questions you may have and I will attempt to do so also on a legal side.”

Chairman Winters said, “All right, thank you Joe. Commissioners, are there questions on this process? Commissioner Welshimer.”

Commissioner Welshimer said, “Yes, this is in my district. We’ve been leading up to this for almost a year and I think that this is a satisfactory solution to the road problems that the people were having in this area and so I’ll be supportive.”\

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

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Commissioner Parks said, “At what time was this road turned over from private to public entity? Do we know about . . . I’m not going to hold you for a month or a day or anything, but was this a private road to start with, because I know that I will have questions out of my district about some private roads on cul-de-sacs that might qualify for this in the future also.”

Mr. Jim Weber, P.E., Deputy Director, Public Works, said, “This was platted as a public road right-of-way and was constructed as a public gravel road, a year or so ago, and now the developer desires to upgrade it to asphalt and do special assessments. To kind of think a little bit about the other question that you’re asking, we have had places where there are private roads where if they’re able to get the public right-of-way dedicated, it would match the public right-of-way standard for a public road and if they want to pave them, we can do it under this same kind of process with a petition. If they want public roads, but leave them sand or gravel, they have to somehow manage privately to figure out how to get it upgraded to a public road standard but either one can be done. The gravel version is a little more difficult, because people have to pool their money or figure out how they’re going to get the construction done to upgrade it. But if they want to go to pavement, like this one, it’s . . . I wouldn’t say easy, but it’s probably not that hard.”

Commissioner Parks said, “Thank you. That answers my question very well.”

Chairman Winters said, “All right, thank you. Any other questions of Jim or Mr. Norton? Seeing none, what’s the will of the board?”

MOTION

Commissioner Welshimer 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 Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you, Joe. Thank you, Jim. Next item.”

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PLANNING DEPARTMENT

- D. MAPD CASE NUMBER CUP2007-67 AND ZON2007-68 – DP -309 – ASHTON CREEK PARK COMMERCIAL AND RESIDENTIAL COMMUNITY UNIT PLAN AND COUNTY ZONE CHANGE FROM “SF-20” SINGLE FAMILY RESIDENTIAL TO “LC” LIMITED COMMERCIAL, “GO” GENERAL OFFICE, “NR” NEIGHBORHOOD RETAIL AND “MF-18” MULTI-FAMILY RESIDENTIAL; LOCATED SOUTHWEST OF THE INTERSECTION OF 29TH STREET NORTH AND 119TH STREET WEST. DISTRICT #3.**

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, MAPD, greeted the Commissioners and said, “You can see the location for this particular zoning request and request to create a Community Unit Plan for approximately 27 acres on the southwest corner of 29th Street North and 119th Street West. The zoning pattern that the applicant is seeking is on the graphic in front of you now and we put it on, over the top of the aerial photo for this vicinity. You can see that he’s seeking about . . . of the 27 acre total request, 17 acres right at the corner is being requested to be limited commercial and then to the south of that, approximately 7 acres would be in MF-18, which is multi-family residential designation, allowing up to 18 units per acre. And then there are some transitional commercial and office zones that they are proposing, along 119th Street, the NR or neighborhood retail designation and the GO or general office designation and then a small general office designation to the west of the limited commercial designation along 29th Street.

Going back to the zoning map, you can see, they’re wanting to create the CUP out of existing SF-20 zoning district there on the southwest corner. That’s an area that’s still unincorporated. On the east side of 119th Street is the City of Wichita, largely SF-5 zoning in the city, on the east side of 119th Street, although at the corner there on the southeast corner of 29th and 119th you can see the LC zoning that was already created for that parcel, with a CUP and the two small blue squares are general office, which were created to create somewhat of a transition between the limited commercial zoning on that corner and the surrounding SF-5 zoning.

To the north . . . on the northeast corner, there’s a . . . rezoning has been approved for the CUP for LC zoning on that corner. It’s not reflected on the zoning map yet because they have to complete their platting. And then to the north of this site is an area that’s incorporated within the City of Maize. The Dugan Park is this parcel right here and this parcel currently has B-1 zoning.

Going back to the aerial photo, you can see the pattern of surrounding land uses. This is primarily at this time residential in nature. If I go to a larger view, this is a combination aerial photo, with the

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zoning overlaid over top of it, and it takes a little wider perspective on where this parcel is right here in relationship to some other big developments in the general vicinity of this parcel. You can see along Maize Road the amount of commercial development that is already taking place and is pending along Maize Road, between 21st Street and 29th. Just down here, in the lower left-hand corner, you can see a little bit of LC zoning. That's the northwest Y and just to the west of that is the recently approved rezoning and CUP . . . I'm sorry, it was a PUD zoning for the Via Christi Hospital.

And you can just catch, on this particular graphic, this line here is just a little bit of the edge for the right-of-way for the Northwest Bypass. There will be an intersection at that location or the Northwest Bypass as it sweeps down from the north to the south, and there'll be an intersection there at 29th Street and the Northwest Bypass and you're just seeing a little bit of an edge of the right-of-way that would be acquired for that interchange.

Also in this view you can see a little bit of the rezoning for limited commercial that occurred years ago, back down at 119th and 21st Street. City of Maize is up in this area. We don't show the zoning on that, so it shows up as just part of the aerial photo. This is all the City of Wichita in through here."

Chairman Winters said, "John, before you leave that map, could you point out approximately where the City of Wichita's new wastewater treatment plant is, that was recently constructed."

Mr. Schlegel said, "Well it would be up to the north there."

Chairman Winters said, "Right, it would be north of that intersection right there, a half a mile."

Mr. Schlegel said, "Yes."

Chairman Winters said, "Okay, thank you."

Mr. Schlegel said, "I'm going to go back to the aerial photo, so you can see the pattern of zoning that's being asked for. The CUP that's being requested has a lot of the standard features of most community unit plans that you see coming before you, has a number of prohibited uses, standards provisions regarding setbacks, sign regulations, sign standards, uniform architectural compatibility standards and so forth, but none of those became controversial during this case, so I'm not going to go into a lot of detail on those.

When this item was heard by the Metropolitan Area Planning Commission on its meeting on January 24th they voted at that meeting to approve it by an 11 to 1 vote to approve the request as it

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was submitted and per staff recommendation. But there was considerable opposition expressed by residents living nearby, many of whom showed up and testified at the MAPC meeting and their testimony is reflected in the minutes that we supplied to you as part of the agenda backup report.

In addition to the testimony that was heard at the MAPC meeting, we received a large number of e-mails, telephone calls from people and we have supplied all of the written comments that we have gotten from neighbors expressing their opposition to this as part of your agenda backup. The concerns that people have expressed in their testimony and in their e-mails to us is a long list of things. I won't go through all of the issues that have been brought up, but I think the two primary ones seem to fall into the first of all the category of traffic concerns about whether or not 29th Street North and 119th Street West are ready to handle traffic that would be generated by development of this corner for commercial and multi-family purposes. One of the frequent concerns expressed by people in opposition to this request has been that 119th Street is a major route used to take students to and from the Maize schools and so they're concerned about the heavy usage of roads which aren't really capable of handling additional traffic and they're concerned about safety implications of that.

The other category seems to be of issues that are expressed by people that are expressing their opposition is that it just will change the character of their neighborhood. As you can see from the aerial, there's not much commercial development right at this intersection at this time. They like the more rural environment that they live in currently and there's . . . I think what they're seeking is to maintain that more rural ambience that they experience now by living there.

We do have a lot . . . a significant number of protest petitions that have been submitted. You can see them outlined on this map in front of you now. The green boundary line that's drawn in there is the notification area. You can see that the protest petitions submitted by property owners within that notification area is not . . . does not rise to the threshold of having an impact on your vote. It's only about seven and a half percent of the total area. That is more a function of I think the boundaries of the notification area. We did note on the map though all of the properties from which we did receive protest petitions and they're shown on the red and blue on that map. That's just to let you know that there is a significant amount of protests to this request.

Since roads are a big issue here for many of these neighbors, some information that you should have, as you consider what to do with this request, 29th Street east of 119th Street is now being improved by the City of Wichita to a four-lane arterial standard. 29th Street to the west of 119th Street has already been improved by the county by cold mix overlay over to the half-mile mark, which would be right about here and the plan, as I understand it, is to do the second half-mile over to 135th Street this summer.

The county has plans to improve 119th Street North this year to rebuild it to a two-lane rural standard and the City of Wichita has plans to improve 119th Street South of 29th Street. They have

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the money allocated in their CIP for the year 2014 to improve that to a four-lane arterial standard.

So what you have before you is a recommendation from the Metropolitan Area Planning Commission to approve this request, subject to platting within one year and to conditions that were recommended by staff and those eight conditions are outlined in your agenda backup report. And with that, I'll be glad to take any questions."

Chairman Winters said, "All right, thank you John. I think what we'll do today is our normal procedure of any commissioners have comments or questions of John for clarification, we'll take those now. This is not an official public hearing, but it has always been the county's practice to receive input from citizens on this type of a case, so after you've asked your questions of John, we will ask if there are citizens here who want to speak to this case.

Before we do start this process, I would acknowledge that I have received several e-mails from folks that live in this area and I have had one telephone conversation with the owner of this property, but I have not formed any conclusions at this point in time.

With that, we'll start with some questions. Commissioner Norton."

Commissioner Norton said, "John, there's no protest petitions that fall within the ownership . . . the group that you have to mail to. Is that correct? Is that what you're showing me with that green line?"

Mr. Schlegel said, "The green line is the notification area. It's smaller on the two city sides, larger on the county side and the red . . . the properties that are notated in red are ones within the notification area for which we received a protest petition."

Commissioner Norton said, "And the blue is anything outside that protest but are outside the area."

Mr. Schlegel said, "Correct."

Commissioner Norton said, "Describe the Maize and the Wichita city limits again, off of this map."

Mr. Schlegel said, "I'm going to go to . . . I think this one shows it better. The Maize city limits . . . or the properties within the city of Maize are the ones on this map, which do not show the zoning overlay. They would just show up as the aerial photo. So it's all of this . . ."

Commissioner Norton said, "So the green or terra cotta color is . . ."

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Mr. Schlegel said, "Correct. All of this area is City of Maize."

Commissioner Norton said, "So Maize will border this north side of 29th Street and will this . . . have they petitioned for annexation also, this property?"

Mr. Schlegel said, "No, but they're expecting that they'll be required to do that, because they want City of Wichita water and sewer service and in order to get that, they'll be required to . . ."

Commissioner Norton said, "Generally, they sign a . . ."

Mr. Schlegel said, "Petition for annexation."

Commissioner Norton said, "So now we are faced with a property that is Wichita on the south and Maize on the north of the road that we own as the county."

Mr. Schlegel said, "Yes. Another challenge for David Spears to work out."

Commissioner Norton said, "And what . . . I would assume that to the east of 119th, all of 29th Street is city road? Is that correct? The county has no jurisdiction over any of that. To the west, 29th is all county. Is that correct, at present?"

Mr. Schlegel said, "I assume, but David, can you answer that more definitively?"

Mr. Spears said, "To the east it is the city, to the west right now it's township, but we're going to take it over because we're cold mixing it, so there will be a resolution on your agenda in a week or two."

Commissioner Norton said, "Part of it is already cold mixed though, Dave?"

Mr. Spears said, "The first half mile is. We did that towards the end of last year, and we're going to do the other half this summer, but it's technically the township's now but we're going to take it over. We're going to have a resolution on your agenda to take it over."

Commissioner Norton said, "Well, it just becomes another one of those issues where we're going

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to have a different city on two sides of a road that we have to maintenance and we've continued to try to work on pushing the cities to take those, so that we don't have them on our maintenance group. I think that's going to be problematic, if we know that that property is going to go into the City of Wichita and we may not have to deal with that now, but we certainly understand that that's going to be something that comes up later. That's all I have."

Chairman Winters said, "All right, thank you. Well the only comment I would make in response to that, is Wichita has taken an active role in 29th Street from Maize Road headed to the west, and it's under construction, almost done now, of four-lane, maybe five-lane in some places curb and gutter arterial street, so even though Maize is there, it appears to me that Wichita has intentions of that being a pretty significant street, 29th Street."

Commissioner Norton said, "I guess that takes us to the next level of commentary. If they're expanding to four-lane city standards, does it make sense to complete cold mixing that and using our money when probably the best standard for that to go to is to four-lane city standards because that is a high growth area. You know, the Y is just south, you can barely see it there, but I would almost venture to say that next corner, which is . . . I'm not sure, 135th, is that what that is and 29th will be the next corner that has huge economic potential. So maybe we're maybe five years from that, maybe not. I just . . . we need to be thinking about that I guess."

Chairman Winters said, "Well, I think that's a very valid consideration, but I think that's one of the reasons why our cold mix product has worked, in order to bridge those time gaps. David Spears."

Mr. Spears said, "If you look at 29th, actually we have cold mixed it in the past. We started clear over, about a quarter to a half a mile east of Tyler Road and have been coming that way with cold mix and then, like Commissioner Winters was saying, it lasts maybe five years and that's a fill-in gap, while they get organized, design, file right-of-way, move utilities and then the four-lane comes right behind us, so that has happened all the way from Tyler over to this point."

Chairman Winters said, "And then another point is that 135th Street, on east of 119th on 29th, 135th going north is an asphalt, hot mix road that the City of Wichita constructed, leading to their wastewater treatment plant, so it's a pretty good road. All right, other questions?"

John, I had just a couple, and I think you answered this one. The county does not have sewer and water service, so it is the applicant's intention to, once they begin moving forward, to be annexed into the City of Wichita."

Mr. Schlegel said, "Correct."

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Chairman Winters said, “And as you . . . you know, you didn’t go into detail about the features and the restrictions that are placed on this property, but how would you describe this development in relationship to other developments that are taking place on both the west side of Wichita and the east side of Wichita? Is this one different or kind of in their mold or can you talk about that for a second?”

Mr. Schlegel said, “It’s pretty typical of the types of rezoning and Community Unit Plan proposals that we see for these types of section-line road intersections throughout this metropolitan area, both on the east side and west side of town. You know, it’s pretty standard features in terms of how the commercial, multi-family and office developments would be developed within this CUP, standard types of setbacks and height requirements, sign standards and so forth.”

Chairman Winters said, “And so there’s nothing within these restrictions that are less than or would allow for something that is not typically done? They’re all pretty standard for what we would call really kind of up-scale developments.”

Mr. Schlegel said, “Yes, very much so.”

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

Commissioner Unruh said, “Thank you, Mr. Chairman. John, in the neighborhood retail section, I noticed some of the restrictions, following up on the Chairman’s comments, are . . . there’s no auto-related activities in the neighborhood retail and there’s no overhead doors allowed and that sort of thing. Is that correct, as I read this?”

Mr. Schlegel said, “Right. Those are the types of restrictions that you would typically find in these types of limited commercial CUPs in these types of locations.”

Commissioner Unruh said, “But the neighborhood retail area, as you showed on the map, that’s the one that’s most directly adjacent to the adjoining neighborhood. Is that right? And they have the highest amount of restrictions on them?”

Mr. Schlegel said, “Right, and I’m glad you pointed that out, because if you look at the zoning that’s being proposed along 119th Street, directly across the street from the single-family residential neighborhood on the east side of 119th Street, it shows the intent by the applicant to try to buffer those homes from the more intensive types of construction and development that you would see within the limited commercial portion of this proposal.

The neighborhood retail designation is meant to be a small scale type of neighborhood small stripe

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center with smaller stores in it, dry cleaners and types of small scale retail that would serve the neighborhood. And the general office is meant to be just that, general office type uses rather than retail uses. You'll see perhaps dental and doctor's offices going into that type of a location."

Commissioner Unruh said, "All right, so will some of the items that were particularly mentioned, not having night clubs or sports bars or those sort of things . . ."

Mr. Schlegel said, "No, those types of uses would be prohibited under the proposal that's been submitted by the applicant. They're trying to keep it to uses that would fit, as commercial uses, within this neighborhood."

Commissioner Unruh said, "And this proposal is approved by both the staff and the Metropolitan Area Planning Commission?"

Mr. Schlegel said, "Right, the staff is supportive of this. It's the type of commercial development that we think is appropriate for this type of intersection. I know it's hard to believe now, but at some point in the future, maybe five or ten years out, this is . . . the character of this neighborhood will be much more urban than what it is today. This is kind of the urban frontier for the west side right now but the City of Wichita is moving out this way very quickly and I think the rural character of this area is going to change whether or not this zoning is approved or not."

Okay, well that's picturesque language, 'urban frontier'. Thanks, that's all I have Mr. Chair."

Chairman Winters said, "All right, thank you. Commissioner Parks."

Commissioner Parks said, "Commissioner Norton touched on a lot of my questions, but one of my questions had to deal with the corner here, and that could be signalized in the future to elevate some of the concerns about the traffic, could it not?"

Mr. Schlegel said, "There's no doubt in my mind that it will become signalized at some point, when the traffic warrants it."

Commissioner Parks said, "I'm sure that whether it be the City of Wichita or whether we're relegated to that, traffic counts and engineering studies could certainly get that in there."

The second thing that I had, Cowskin Creek drainage, does any of this serve that area that we're

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going to be approving, that we voted on a couple of weeks ago to improve that Cowskin drainage project? Do you know if that's part of that drainage project?"

Mr. Schlegel said, "I do not know that, sir."

Commissioner Parks said, "Okay."

Mr. Spears said, "Excuse me, are you . . . I'm not sure which Cowskin drainage project. You know, there's one with Wichita and the Corps of Engineers down between Maple and Kellogg on the Cowskin and that's the huge one that's on . . . I'm not tracking with you on another one up in that area."

Commissioner Parks said, "Well one of the e-mails that was sent in by Steve Hill had mentioned Cowskin drainage area. I don't know if that had any direct correlation to this or not."

Mr. Spears said, "Well I know the Cowskin is close to this area, but I don't know what correlation it would have with it, and impact this zoning case."

Commissioner Parks said, "Okay, thank you."

Chairman Winters said, "Anything else, commissioner?"

Commissioner Parks said, "That's it."

Chairman Winters said, "Commissioner Welshimer."

Commissioner Welshimer said, "Who is the applicant?"

Mr. Schlegel said, "The applicant's name is Chris Dugan, is the property owner. He owns this parcel in through here, excluding these two out-parcels along 119th Street."

Commissioner Welshimer said, "So is the applicant a developer?"

Mr. Schlegel said, "I don't know if his intension is to actually be the developer of this parcel or not or if they'll sell it off to a developer. We can . . . his agent is here and you could ask that question of the agent."

Commissioner Welshimer said, "And there's no definite plan on who the tenants would be?"

Mr. Schlegel said, "On who his tenants would be?"

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Commissioner Welshimer said, “So that we know what type of commercial . . .”

Mr. Schlegel said, “No, you can ask that of the agent, but my sense from what I’ve heard is it’s too early for them to really know who the tenants would be. This is pretty early in the development process.”

Commissioner Welshimer said, “Okay, thank you.”

Chairman Winters said, “All right, any other questions, commissioner? All right, at this point we will open this up for public comment. I see that the agent for the applicant is here, Russ Ewy and Russ, maybe if you would start with comments and if there’s anybody else who is here in support of this project, we would hear from them, and then if there’s anybody who would like to voice heir objection, we’ll hear from them.”

Mr. Russ Ewy, Baughman Company, Agent for Applicant, greeted the Commissioners and said, “I believe a lot of the discussion after John’s presentation answered a lot of things that I was going to address to the commission. I would say, again, to reiterate my comments in front of the planning commission, this does fall into standard zoning practice. The applicant does own the surrounding balance of that property, at the corner, as John just mentioned. His intension is to work with developers, home builders to develop that into a nice single-family, residential development so he is seeking the zone change and the CUP package that we’re presenting to you today, in light of the fact that he wants something to be harmonious and something integrated with his commercial development.

There was a lot of concern expressed in the e-mails that I too received copies of. One of the things that I did receive was an e-mail late after the planning commission actually supportive of our multi-family residential development, which seemed to draw kind of a special amount of attention. To answer your question, commissioner, we really at this point have no idea as to what the type of multi-family development or in fact if there will be apartments on this site. We sought the neighborhood retail, the general office and MF-18 zoning district to add another level of protection, as part of this non-residential development for such things as sign rights, specifically.

So this, by not zoning everything LC and then paring down the uses by going to straight zoning

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district, with a CUP overlay, we actually added to some of the restrictions. One of the things that we had talked about with Mr. Dugan is assisted living on that parcel that allows MF-18 uses. So at this point it could easily be a church, as it could be an assisted living complex, as it could be an apartment complex. I'd just want to point out the fact that there will be other single-family residential development around this that we're going to look to protect as well."

Commissioner Welshimer said, "Is there any contracting or restrictions in writing that sets out the quality of construction that will go in there?"

Mr. Ewy said, "Nothing that would be tied to zoning, in my experience, no."

Chairman Winters said, "Other question of . . . thank you. Mr. Ewy, you have more to say?"

Mr. Ewy said, "No. I'll stand for any questions."

Chairman Winters said, "All right, I do have just a couple. On following up with that question from Commissioner Welshimer, can you speak to I guess I would say the quality of the development that Mr. Dugan has in mind? I mean, if there's more acres there to sell, his intension is for single family. How many acres of that, and kind of what quality of home is he thinking about for that area?"

Mr. Ewy said, "He owns a substantial acreage . . . I'm not sure if I'm going to be able to do that right. You can see the creek off to the west and as John pointed out, there are one or two home sites on 119th Street that are excepted out of his ownership. I'm guessing it is in the 80 to 70 acre range, less this 30-acre CUP. I know that we have done . . . our office has done preliminary sketches for single-family that's going to be typical of the area. I know that he has the physical feature of the creek and the vistas and the topography that that presents itself for some upscale home sites. I believe we've sketched out what we would call premium suburban lots. It's probably not my place to state this, but I think there's even the intension of him having a home site in this development himself, so . . ."

Chairman Winters said, "So you would then . . . I guess I could interpret that to say that this is going to be kind of a quality development or the intensions are to make this a quality development, and if he's going to have 80 acres of home sites for sale, doesn't want something on this corner to detract from that?"

Mr. Ewy said, "That's absolutely correct, yes sir."

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

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Commissioner Norton said, "Russ, what creek is that that runs to the west?"

Mr. Ewy said, "I believe that is the Cowskin."

Commissioner Norton said, "That is the Cowskin. That's what I thought. What part of that, on the east side, is in the floodplain or has been in the floodplain at any time? Has it ever been? Do you know?"

Mr. Ewy said, "Surprisingly, very little. None as much as it effects this application. For the single-family residential, some around . . . just to the southwest of the property, there's a current pond that's enveloped in that zone. Again, with typical residential development, once we get through the platting stage and start looking at the drainage and the grading of the site, we'll better be able to determine what we're going to be taking out of the floodplain and how that line is going to be manipulated. I can say that one of the concerns expressed by the neighborhood to the east was how drainage from this site was going to impact their homes. The standard or the current drainage flow from this site is from the northeast or the intersection to the southwest, to the creek, so none of the runoff that would be generated by this project would impact those homeowners to the east."

Commissioner Norton said, "Is the pond a natural pond or is that a detention pond from construction that had been done previous?"

Mr. Ewy said, "It is an existing, just a standard, natural pond. I can say that due to the topography of the site, we will have our detention facilities, probably in the center of Mr. Dugan's ownership, which will handle the commercial runoff as well as some of the residential runoff."

Commissioner Norton said, "And all of the drainage will have to be done during platting on a residential. Is that correct?"

Mr. Ewy said, "That's correct, yes sir."

Commissioner Norton said, "That's all I have."

Chairman Winters said, "All right, thank you. Any other questions or Mr. Ewy? Seeing none, is there anyone else in support of this project, zoning change? Seeing no one, is there anyone here that would like to speak in opposition to this? Anyone want to speak? Yes, please come forward to the microphone please. Please give your name and address and we would like to try to keep comments to five minutes, but we certainly want to give everyone an opportunity."

Mr. Jon Looney, 11934 Ryan Ct., Wichita, Ks., greeted the Commissioners and said, "I'm within

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the mailing district that got the notification of the zoning change. And just a couple of comments that I have on this, as it relates back to the traffic. The notes on the Wichita Planning Department's write up on this notes that all the traffic counts were taken north of 29th Street. It doesn't reflect south of 29th Street. And also, I just want to know what time of year were these traffic counts taken, because if it's during the summertime, school is out of session, so I don't know if that's taken into consideration also.

Also, two corners on this intersection is already LC and this will add a third to this intersection. The fourth corner is a park, so the adjacencies there, if that's appropriate, that's for you to determine, but I would say it's not and that's all I have to say."

Chairman Winters said, "All right, thank you Mr. Looney. David Spears, do you have any information about the traffic counts and again, would you restate where Sedgwick County is going to construct 119th Street now? Does that project begin at 21st or at 29th?"

Mr. Spears said, "Chairman Winters, our project begins at 29th and goes to 53rd and it's a two-lane, open ditch facility. I was trying to look on our traffic count map to see. We only count the county roads so I don't think that we would have that count. I could answer the gentleman's one question, not taking in summer. It doesn't matter when you take it, you can factor in the seasons. If you get a count, there are factors you can put on there to get the different counts for the times of year. But I'm just trying to see here, on 119th . . . no, we just have north of 29th, 3,373 we're showing in that mile to the north of the . . . the south part is Wichita, so they would have counted that. I'm sure they can factor in the seasonal factor."

Chairman Winters said, "And that 3,000 count is north and again, 119th Street project that's going to commence this year, in partnership with the State of Kansas, 3,000 traffic count in comparison, just for comparison, when Maize Road was a two-lane road the traffic count on it was 10,000 cars a day when we took it to four-lanes. Is that correct?"

Mr. Spears said, "That's right. In fact, today I can see to the south of 29th, on Maize Road, is 14,000. The next mile is 12,000 and the next mile is 12,000. When you get to around 10,000 is when you go four-lanes. So right now, to the north of 29th, we're 3,373, then 3,323 the next mile."

Chairman Winters said, "All right, thank you, that's helpful. Is there anyone else who would like to speak in opposition to this zone change? Anyone else want to speak in opposition? All right, we will close the public speaking part and limit discussion to the commissioners and staff.

Commissioners, I guess I'll start off since this is in my district and this has been one of those cases

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that has had some challenges to it, like I would assume others and the Metropolitan Planning Department, I have been contacted by citizens who are not enthusiastic about this at all, but I think in listening to John and conversations with staff and reading the backup material on this case, reading and trying to get a good consideration of the restrictions that have been placed on this and again, relying on John and his staff and just what I do know about other developments, this project does not seem to be out of character with other significant development that's happening on both the west side and the east side of town.

There is, at the corner of 135th and Maple, south of here several miles, there's again a development that is not dissimilar from what we're looking at here. And I think it appears to me that the applicant and Mr. Ewy have developed a plan that has a pool of potential uses here and then has some buffers to both the west and to the east and I think kind of having this layering in of different zoning will allow for, one, a significant development, but one that has got some, I think, really positive restrictions on it.

And then I have pretty much, in my term as a commissioner, have been supportive of encouraging business and development to occur. If we look at the impact that New Market Square has had, there are thousands of people employed in that New Market Square and the sales and property tax that come from that kind of a development I think are important to the development of the county. So after hearing what I've heard today, and I'd certainly be glad to listen to any other commissioner's comments or view, I'm confident that I'm going to be able to support this zone request. Commissioner Unruh."

Commissioner Unruh said, "Thank you Mr. Chairman. I will not repeat the comments you made. I think they're pretty much right on track. I'm going to be supportive of this. It seems like commercial development of mile-line intersections of areas that are going to be developed and carry high traffic is appropriate development. I am sympathetic with the concerns of the citizens that are recorded in our backup material and I understand that they're very protective of the lifestyle and the ambience that they enjoy in their current neighborhood, but this seems like it's appropriate, controlled development on an intersection, has the appropriate restrictions on it and I will be supportive."

Chairman Winters said, "All right, thank you. Commissioner Parks."

Commissioner Parks said, "I'm not going to rely so much on MAPC's recommendation, but from Commissioner Winters, I know has studied this and in my study of this I haven't seen any five, ten

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or twenty-acre lots around. When we're talking about rural areas, I think of horses and livestock and row crops and things like that, and I'll be following Commissioner Winter's recommendations on this and like I say, I haven't seen any really rural lots in this area where livestock has been or anything such as this, so I think that this is an appropriate development."

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

Commissioner Norton said, "Well, it is typical that a lot this size on a major intersection would become commercial or general office or retail so that's not untypical. Probably the two things that came out of this that I'm interested in and that will be for further consideration and drainage, what will happen in that basin area, because it is close to the Cowskin. We know with our new storm water advisory committee that we're going to have to always be understanding what any kind of development like this will do to the floodplain, to the drainage plan, to citizens, particularly on the west side and the south side., so that's one issue that's come out of this, kind of ancillary.

The second one is the roads up there, it's kind of dicey to me that a lot of that is between Maize and the City of Wichita and they should be very, very interested in getting the roads paved and maybe it's not all county's issue but that's a discussion for another day. As far as the zoning change, I think I'm okay with that and will follow Commissioner Winters' lead."

Chairman Winters said, "All right, thank you. Commissioner Parks, did you have another comment?"

Commissioner Parks said, "Well I just wanted to remind any of the people in opposition that there are restrictions to this. If you see anything that is going on there, call county code enforcement, let one of the commissioners know in your area that there is something going awry here because that's part of this process and those restrictions will be there for a long time, just make sure that they're being followed."

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

Commissioner Welshimer said, "Well, I can't put my finger on anything that's outside the norm of the city moving on out and land developing right next to the city of Wichita, so without that, I would be supporting your position."

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

MOTION

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Chairman Winters moved to approve the zone change to LC, GO, NR and MF-18; creation of DP-309 Aston Creek Park Commercial and Residential CUP subject to platting within one year and conditions of the CUP; adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate Resolution after the plat has been approved and authorize the Chairman to sign the Resolution.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you all very much. Now it’s my understanding that we have a zone case that’s actually on our consent agenda, but we need to move it to the regular agenda. Mr. Euson, is there a way we need to do that? Do we need a motion to bring that to the regular agenda?”

Mr. Euson said, “I would suggest a motion would be consistent with what you’re doing.”

MOTION

Commissioner Norton moved to move the MAPD case item from the consent agenda to the regular agenda.

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 Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “John, you’re up, or I guess we need to call the item into the record. Madam Clerk, do you have a copy of that?”

MAPD CASE NUMBER ZON2007-00067- SEDGWICK COUNTY ZONE CHANGE FROM ‘SF-20’ SINGLE-FAMILY RESIDENTIAL TO ‘LC’ LIMITED COMMERCIAL; GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 21ST STREET NORTH AND 159TH STREET EAST.

POWERPOINT PRESENTATION

Mr. Schlegel said, “The applicant in this particular case owns about a four and a half acre site on the southwest corner of 21st Street North and the Butler County line or 159th Street East. It’s currently part of this larger SF-20 tract that you see south of 21st Street. The intension is to put it into commercial zoning or limited commercial zoning for future commercial development. This is part of the county that is rapidly developing. You’ll see . . . you’re probably aware of a great deal of development activity that’s occurring out along East 21st Street and extends into Butler County to the east.

The zoning pattern you can see on this map is surrounded by SF-20, Rural Residential zoning here. The area immediately to the north within Sedgwick County, the area immediately to the north of this property has been already rezoned and is part of a larger community unit plan that had previously been approved at that location.

You can see the surrounding land uses on a little bit better on this aerial photo, although what this photo doesn’t show, because it’s a couple of years old now, is that there’s a lot of residential developing occurring, this is Monarch Landing in here and there are a lot more houses on the ground than are shown on that aerial.

Property to the northeast of the intersection in Butler County has a school under construction about a quarter mile to the east and another under construction about an eighth of a mile to the north along 159th Street.

The MAPC heard this case at its meeting on January 24th. The applicant was there to speak in favor of the request and there was one other member of the public that . . . the owner of this property right here, who came to the meeting to basically ask some questions of the applicant regarding their

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intensions on moving the berm that you can see on this aerial photo here and the applicant at that time stated their intension was per an agreement that they have with this property owner was to move this berm to the south of the property line, opening this property up for commercial development. This speaker was concerned about whether or not the berm that exists along the western edge of this property would remain or not, and the answer was that no, it would not.

So the MAPC voted unanimously to approve the request, subject to Protective Overlay #206, and there's four conditions listed in your agenda backup report that . . . for that protective overlay. We did receive one protest petition from a property owner within the subdivision over here. We don't have a protest map, because it really does not influence the vote today. That protest petition was from a resident on the east side of the Butler County line. And with that, I'll be glad to take any questions that you might have."

Chairman Winters said, "All right, thank you. Well again, are there questions of John at this point in time, before I ask if there's any citizens that want to speak on this issue? Seeing none, is there anyone here in the audience who wants to address the commission on this zone case? Anyone in the audience want to address the commission? All right, seeing no one, again we might make a comment, just for the record, this was inadvertently placed on the consent agenda when it should have been our regular agenda, is how we handle this, is that correct?"

Mr. Schlegel said, "Yes, and I apologize for that error. It was just something that got overlooked by lots of sets of eyes, as it made its way through the review process."

Chairman Winters said, "All right, very good. Commissioner Parks."

Commissioner Parks said, "John, can you give me a condensed version of what the protest petition said, even though it's not with our support."

Mr. Schlegel said, "They were just opposed to the rezoning of this property to commercial development. I think their perception was probably that it was more directly across the street from where . . . you can see where these homes are, further to the south from this . . . it's a relatively small, less than five acre parcel on the corner and they're just opposed to commercial zoning in that area."

Commissioner Parks said, "Okay."

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

Commissioner Unruh said, "Thank you Mr. Chairman. Well this is in District 1 and I have not

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received any comment from any of the landowners or actually the applicant. This seems to be pretty standard process for development on what's going to be a very high traffic street. 21st Street is currently under improvement now, where it's going to be basically a five-lane road from K-96 to the county line and so this seems like appropriate development for the area. It has I think reasonable restrictions on it and the applicant has been in agreement with suggestions by MAPC staff. The creek is going to remain over there, there's a little waterway to provide drainage and moving that berm to the south will screen this development from the neighbors, so it seems perfectly reasonable and in order and I'm going to be supportive of it."

Chairman Winters said, "All right, are there any other questions or comments? I see none, so I think we're ready for a motion."

MOTION

Commissioner Unruh moved to adopt the findings of the MAPC; approve the zone change to LC, Limited Commercial subject to platting within one year and subject to Protective Overlay #206; also direct staff to prepare an appropriate resolution after the plat has been approved and authorize the Chairman to sign the Resolution.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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

PRESENTATIONS

HEALTH DEPARTMENT

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E. UPDATE REGARDING ADDRESSING ORAL HEALTH NEEDS IN SEDGWICK COUNTY.

POWERPOINT PRESENTATION

Ms. Sonja Armbruster, Community Health Assessment Coordinator, Health Department, greeted the Commissioners and said, “And I’m here this morning to talk to you about oral health. Frequently, during Children’s Dental Health Month, which is the month that we’re in February, we come with a proclamation but we had just a little bit more to say this morning so we asked for an opportunity to give you an update. One question was why focus attention on oral health? And it really does impact the quality of life for everyone, not just children, but for everyone. When they have painful teeth they don’t eat properly and even in our own country last year two people died from their oral health needs not being met, from extreme circumstances. Dental caries is the single most common chronic disease of childhood. Most people think of asthma, because asthma will lay the kid out in the hall and there has to be immediate attention given to them in the school. But frequently, we don’t think to look in the mouths of children and we learn some sad things about what’s there and so I’m here to tell you about what we’ve learned about the mouths of children in Sedgwick County.

I gave you a large copy of this ‘Process for Improvement’ because this is the outline and the structure I’d like to talk about today. We start with collecting data and then analyze the data, consult what the best thing to do is when we learn, develop a plan, and then we take action in which this case was to get some financial support, develop report cards, increase our education and outreach, develop new oral health materials and talk more about how we can assure access and so that’s the outline for what I’m going to talk about this morning.

Collecting data, for years we have been doing dental screenings in our schools in Sedgwick County and I’m really proud of the fact that the Sedgwick County Health Department has updated and done school screenings every year, in dozens of schools every year. It’s the most active screening program in the state and they consult my colleague Christy Hillard, who is here with me today, about how to do that statewide as they’re working on a statewide dental plan.

We have a very strong screening program and what you see on your screen are the things that we look for: defects in their primary teeth and their permanent teeth; and especially their need for sealants, which is the plastic coating on their molars, their six and twelve year molars; and then one thing of note is the emergencies. These are kids who need immediate action to be taken and last year, in the school screenings that were done, 580 children were found who needed immediate

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emergency attention for their teeth.

And then we do some analysis of the data, and this is a moderately complex slide, but what I wanted to talk to you about was first of all, the first row, is untreated decay in children. So what we're looking at there is the primary teeth, so in their primary teeth we find that 22% of children in our community have untreated decay. And to define untreated decay, that is . . . the screener, Christy or her colleague or other dentists in the community who provide some of these screenings, look in the mouth with a flashlight and a tongue depressor. There's no probe. It's not like going to the dentist and they say 'this is a little sticky spot'. It's just looking in the mouth and seeing the decay, which means it's pretty advanced, so 22% of our kids have that and then the national objective, the Healthy People 2010 standard goal that's a guide to public health, is to have less than 21% of those children have that. And so, as far as reaching the national goal, we're really not far from the national goal. And in adolescents, we're looking at their permanent teeth, so the data I'm showing you is the permanent teeth and 17.8% of our adolescents have decay in their permanent teeth that you see just by looking and the national objective is that we get less than 15%. And again, we're approaching the 2010 goal, so if you look at the community as a whole, we're not doing too badly.

Additionally, if you look at sealant needs, that's whether or not they need to have a sealant placed, we are exceeding the national standard. We have 38% of our elementary students needing sealants and nearly 42% of our middle school kids, so this looks like a pretty good story.

So then we dig deeper and we look at some specific schools and we tell a slightly different story. We've pulled out five elementary schools in our community and you can see that in the blue column is their untreated decay and we're approaching nearly 40% of kids in some of our schools have untreated decay that you can see just by looking in their mouths.

And additionally, you can see that we far exceed the community norms for sealant use, in the dotted column. We're approaching a much higher threshold. So essentially, we have some schools with a lot of decay in the kid's mouths and what are we going to do about that?

And then if we look at the middle schools, you can see that the national standard was less than 15% would have untreated permanent decay and here we've more than doubled that in some of our schools and we have a school that exceeds even the national standard for getting sealant. So we have some work to do to try to encourage healthier teeth. So we have a plan and that's what I wanted to share with you today. We consulted our best practices to develop standards for education

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and created some quality materials and part of the standards for education is making sure your materials are readable at a sixth grade or lower reading level and that they have opportunities to read those in a variety of languages and we have this translated in Spanish. You have a number of those report cards on your desks, and what we've been doing with the report card is delivering them either through parent/ teacher conferences, that happened at one school. At a couple of schools we've mailed them directly home to parents. We've given them out when we've done oral health presentations in those schools and we developed a school to . . . or a plan to target these specific schools that I talked about in the slides.

The Delta Dental Foundation provided funding so we could get oral health kits and toothbrushes and toothpaste to give to the children. And so far we have reached more than 500 kids in their classrooms providing oral health education.

I'd like to talk about a couple of things. One story that I heard from our dental hygienist, Christy is with us today, is she went to do school screenings in a school and looked in this child's mouth and the first child of the day, to look in this child's mouth and it was filled . . . just this past month, filled with puss and sores and redness and needed immediate attention. This is the kind of thing that we're screening to hope to address quickly. And there has been follow-up with the parent and follow-up with the school nurse to assure that the child gets the appropriate outreach and care.

Also, Christina Helmer, whose presented to you recently, does a lot of our oral health education outreach, she went to a pre-K classroom and you know they were doing their eat the red tab . . . or chew the red tablets and see where the plaque is stuck on your teeth. This child was holding a toothbrush and didn't recognize what it was for, didn't understand that it was for brushing your teeth, just did not understand why they had the toothbrush.

So it's not something that we just recognized. We didn't just begin to think that oral health was a problem. We've been doing the Molar-Drama event for over 30 years in our community and this is a wonderful event. It's the first week of February every year, and it's the Molar-Drama, it's Cavity Crisis in Cowtown and they get some oral health education in a fun melodrama kind of way, 2,200 second-graders came this year and here's just some pictures of the experience they have. And while they're there, they get a toothbrush and toothpaste and some more education.

And one of our supporters for that is the Wichita District Dental Society, that helped support the funding to make the play happen and support that effort and also our partner at Dillons provides coupons for apples so the kids will have a healthy snack when they go to the store.

The last thing that we're hoping to do is assure access. We have a fax sheet that talks about indigent clinics, places that people can get safety net care for their oral health needs. Also, our own

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clinic provides over a 1,000 visits annually for uninsured children and coming up on Saturday, March 1st there's going to be an event called 'Give a Kid a Smile Day'. It's for zero to ten year olds who are uninsured and don't have access to care. This is a project of the Wichita/ Sedgwick County Oral Health Coalition and it's going to take place at Grace Med Clinic. If people want more information about the event, or want to make an appointment for their child, they can call our partners at United Way, 2-1-1 and they will get them connected with that information. I stand for questions."

Chairman Winters said, "All right, thank you very much Sonja. Why don't you give us that date, time of this Give a Kid a Smile Day and if people are watching and just go over that one more time, when that's going to happen and what they can expect and where they can get more information."

Ms. Armbruster said, "The date is March 1st and it will be taking place at Grace Med and it will be . . . I think it's going all day, but the critical thing is if a person wants to receive care, they need an appointment, so if you want information about the March 1st event it's critical that they make an appointment by calling 2-1-1. I mean, I understand that we have over 200 children who have already signed up for this event, so it's important that they call and get that reservation."

Chairman Winters said, "All right, so this is for children under the age of . . ."

Ms. Armbruster said, "Right, zero to ten."

Chairman Winters said, "Zero to ten."

Ms. Armbruster said, "We have pediatric dentist volunteers who are going to be working that day, dental hygiene volunteers, folks with no dental experience helping get people checked in and figuring out where to go and making sure we've provided oral health kits, our toothpaste, toothbrush, dental floss so that every child who leaves will leave with a ready to go oral health kit."

Chairman Winters said, "All right, so unless you're watching a rebroadcast, today is Wednesday February 27th and this event is going to take place this Saturday and folks need to call 2-1-1 which is the United Way information line, to get more information."

Ms. Armbruster said, "Yes, thank you."

Chairman Winters said, "All right. Commissioner Norton."

Commissioner Norton said, "Well you know this is a great project. I'm very supportive of it. It's interesting that when we talk about access to dental, it falls in the category of access to health and what we're working on globally in our community. We've got workgroups that are working on

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navigation and coordination of the system and coverage, but dental health falls right in that and the capacity to get access to just the primary dental upgrades is critical in our community, particularly for children. Grace Med has just become a federally qualified community health center and has been able to expand their dental capacity two or three fold, so I think that's where it's going to be located in all the work. So wonderful project, but it falls right in with what we're trying to do on health access in general. That's all I have Mr. Chair."

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

Commissioner Parks said, "To kind of elaborate on your volunteers, and on my personal dentist volunteers on some of these projects also. But if the volunteers are out there and want to get on a list to be a volunteer, will they just contact your office or where will they contact?"

Ms. Armbruster said, "I would encourage them to contact 2-1-1 and they would get directed immediately to the event coordinator. That's the best way to get coordinated."

Commissioner Parks said, "I would hope that all the dentists in the area would have that availability. I do know that a couple of years ago that when we had an event at the Coliseum that we didn't have quite enough dentists hygienists to serve everybody that showed up and I'd just like to encourage those dentists to, if they're not in the program, to seek this out and look at this. And in the future, I would certainly be supportive of any of our buildings that are used to waive any kind of a fee that we would have on that, for the project also. Thank you."

Chairman Winters said, "Okay, thank you. Commissioner Welshimer."

Commissioner Welshimer said, "Well, just to elaborate a little more on the subject, I'm a new member of the Board of Directors for Healthy Options for Communities which at one time was Healthy Options for Planeview and they're located in Planeview. This was started by WSU and in the health sciences department. They were providing a multitude of different services from childcare to healthcare and so on over the last couple of years and they have evolved into finding that the dental services seems to be the most needed and most important service that they can provide, so they now have three dental hygienists and a facility that leaves a lot to be desired, but is acceptable and one dentist and that is not enough to serve the community that apparently is in need of these services. So appreciate all that and I'd like copies of those statistics."

Ms. Armbruster said, "Absolutely. I'd be happy to give you a more detailed report. We have a number of volunteer dentists, 34 who help in our own clinic at the Sedgwick County Health Department and a number who provide voluntary care and support for the various clinics around here, so there is a lot of support from the dental community for events like the one we're having on Saturday and it's just a regular, consistent strategy in our community to meet the many needs."

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Commissioner Welshimer said, “Okay, thank you.”

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

Commissioner Unruh said, “Thank you. Well Sonja, I would just want you to express appreciation from the county commissioners for those who do volunteer both in our regular volunteer program. I know that you’ve had an event for them recently and we do want to just make sure they know that we appreciate their time and effort and their willingness to give their professional expertise to helping people. And for the event on Saturday, for all the hygienists and dentists that are there, we just want them to know that we truly appreciate their contribution to our community, so thanks.”

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

Commissioner Norton said, “Well this is not totally related to this issue but it is ancillary to it and Sonja mentioned it. 2-1-1 is becoming a really powerful, kind of one stop for volunteering or for services needed in our community. It’s run through the United Way, it’s state wide. They host a cadre of operators that are skilled in guiding people to the services they might need or guiding them to places where they might volunteer. And it’s good that you mentioned that, because more and more we’re going to use 2-1-1 in our community to connect people to services they need, where they’re underserved, or to volunteer in our community. So I just want to give them a plug, because that’s becoming a really powerful one-stop phone number to call in our community, just like 9-1-1 for emergencies. For volunteering and for care, 2-1-1 is starting to serve that area. That’s all I have.”

Chairman Winters said, “All right, thank you. It looks like that’s all the questions or comments. Do we have a motion to receive and file?”

MOTION

Commissioner Norton moved to Receive and file.

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Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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

F. PRESENTATION OF SEDGWICK COUNTY APPRAISER'S ANNUAL REPORT OF REAL PROPERTY VALUE TRENDS IN SEDGWICK COUNTY.

POWERPOINT PRESENTATION

Mr. Michael Borchard, County Appraiser, Appraiser's Office, greeted the Commissioners and said, "Well we have finalized our 2008 appraised values. We're preparing to mail those notices out this weekend and we wanted to let you know the results of our yearend analysis and look at the market trends and new construction activity.

There are really three primary duties that the Appraiser's Office real estate operations are involved with throughout the year. These processes insure that our property characteristic data remains stable over time.

One is to physically inspect each property in the county every six years. We try to inspect 17% of the county each year. The second is inspection of properties with significant changes. We use the building permit process to do this. And the third and most critical one is to update appraisals each year to assure that they are valued at fair market value. So staying on top of these processes is critical to maintaining uniformity and creating a fair property tax system.

This chart here shows the parcel growth, 2003 through 2008. Increases in parcel counts are a result of vacant and agricultural lands as being subdivided and developed. There's about 3,000 parcels that were subdivided in 2007 and our parcel count is up to almost 216,000. As far as sales activity in the county, all classes of property, the total number of sales dropped about 4% in 2007. These are all sales that went through the verification and validation process, so there were screened to

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insure that they met qualifications for representing fair market value.

The Appraiser's Office is also responsible for assigning the appropriate classification to properties based on their current use. The assessment rates and the approach to value are laid out in the Kansas Constitution. You see there, that residential, commercial and vacant land are all valued at market value. The assessment rates are shown there. Agricultural is valued at use value and is assessed at 30%. The property tax form is the appraised value times the assessment rate times the mill rate.

So now I'm going to review the three major classifications of property, starting with residential. Residential property represents about 50% of the total assessed value in the county. You can see building permit activity in 2007, slightly down on new home starts, 2,158. Also slightly down on other residential permits compared to last year and pretty stable over the last three years. Market activity in the residential classification declined some, but probably not due to interest rates, as they have remained steady, around 6%. Median sale price continues to climb. The median sale price of existing homes has increased 117,200, which compared to 2006 is up about five and a half percent.

The other major class of property in Sedgwick County is commercial/ industrial property and it represents about 30% of the total assessed value in the county. As far as commercial building permit activity, the number was up quite a bit this year. Really, the properties that we inspected weren't that many more. The main reason for the substantial increase in 2007 were permits that were related to reroof from the prior year hail storm.

This is just a summary by property type of how much square foot or units were added in the county. Last year, through the building permit process, there was 421,331 square feet of retail space added, 173,259 square feet added in office, industrial added 758,676 square feet and we added 180 apartment units.

Like residential, the number of personal property transactions declined compared to 2006, closer back to the 2005 levels. Of those 753 sales, as we compared the 2007 sale prices to the 2007 appraised values, the appraised values were typically in the range of 85 to 90% of the sales price.

As far as agriculture goes, it's still about 70% of the land in Sedgwick County is dedicated to ag use. Each year, the Department of Revenue property valuation division sets the ag use values for the entire State of Kansas. For January 1, 2008, agricultural land values showed moderate decreases.

So the 2008 valuation summary, it looks like 112,653 properties that are classified as residential

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will see an increase in value for 2008. It's about 74% and of those 74% that went up, the typical increase for those will be right about 3%. On commercial type properties, the median increase was 8% and about 63% of those properties will see an increase. And as I mentioned before, ag mostly saw moderate decreases and only 5% of those parcels will see an increase in value.

There has been some evidence that the market has slowed down a bit, both in activity and the rate of appreciation during 2007, but there also has been some indication that late 2007, early 2008 that that trend is continuing. Obviously, there is naturally less market activity in the winter and spring, but I think spring and through the summer months will be key for us to watch to see if those trends continue.

So the property owners will be receiving their value notices on March 1, 215,000 will be mailed out. Property owners do have the opportunity to appeal updated appraisal values. The instructions for appealing those appraised values are on the back of the notice and we would ask property owners to carefully read the instructions before sending them back in to us. The informal hearings will begin March the 19th and the appeal deadline, have to get those back to our office by April 1st.

We make a lot of information available to property owners for researching their appraised values. Folks can walk in at the court house, at our convenience centers on North Tyler or West Greenway in Derby, but the best place to do your research, if you have access to the website is our website, that's www.sedgwickcounty.org. You can find the appeal process information, you can compare properties, similar properties in your neighborhood, see the real property values and you can also, if you're considering an appeal, you can also look at real property sales.

So that is the report for 2008. I want to thank all the folks in the Appraiser's Office who did the hard work to get these values out and done timely and we'd ask that you'd receive and file this report."

Chairman Winters said, "All right, thank you very much Mike. A couple of quick comments, one I think if you could print that presentation, I think I would appreciate having one and I think the other commissioners may also, think that would be good information for us to have and be aware of."

Mr. Borchard said, "Absolutely."

Chairman Winters said, "Then the other thing that I would just encourage citizens as they perhaps receive their notices here over the next few weeks and consider the appeal process, as they begin to think about that and what they would want to do. Remember that the Appraiser's Office is trying to determine market value, what would take place in an arm's length transaction, sale of a piece of property. And as they begin to think about their property, keep that in mind and make your thought processes revolve around what the value, market value of your property is. Commissioner Unruh."

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Commissioner Unruh said, "Thank you Mr. Chairman. Mike, I want to ask you a question to get your response that I'm asked by my constituents, my enemies, by different folks in the community who say 'will my value ever go down'?"

Mr. Borchard said, "We use historical information to appraise property values, so our base valuation date is January 1, so if properties stabilize or go down over the next year, yes, we're going to adjust our property values to taxpayer market value. So . . . but what that will take is properties actually begin selling for less than they are right now."

Commissioner Unruh said, "All right, thank you for that response. I wanted to get the response from the expert, so we have now. Thank you."

Chairman Winters said, "Thank you commissioner. Commissioner Parks."

Commissioner Parks said, "Might just to kind of elaborate on what Commissioner Unruh said, if there is an event that happens, the property could go from an 'a' to a 'c' or some other event or damage or grade of the structure or something like that, could it also make that go down? An example, Barton Solvents is not worth today what it was a year ago, things like that that do impact that and if people have that information, they should bring that to you?"

Mr. Borchard said, "Absolutely."

Commissioner Parks said, "Okay, thank you."

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

Commissioner Welshimer said, "So residential is up 3% as far as 74% of the total is concerned."

Mr. Borchard said, "Correct."

Commissioner Welshimer said, "Wasn't it 5% last year?"

Mr. Borchard said, "Last year was actually 6%."

Commissioner Welshimer said, "So we haven't had as large an increase."

Mr. Borchard said, "No."

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Commissioner Welshimer said, "What's the total percentage of increase for everything, all together? Total appraised value?"

Mr. Borchard said, "Total appraised value increase, I'm thinking it's in the range of 5%."

Commissioner Welshimer said, "Okay. I think it's interesting that commercial is up 8%. That's not a normal . . . normally, commercial doesn't grow in value faster than residential, does it?"

Mr. Borchard said, "No, it probably doesn't. Last year actually we raised about the same number of commercial properties and the typical increase last year was closer to 10% so it too has backed off a little bit. I think we're . . . the last prior two years were very strong in the commercial market and we're still trying to play a little catch up from that as well."

Commissioner Welshimer said, "Okay, thank you."

Chairman Winters said, "Thank you commissioner. Commissioner Norton."

Commissioner Norton said, "Mike, talk just a little bit about the appraisal system, because the way you determine values is really guided by the state and you really get your . . . the tenets that you follow from the state on appraised values, on making it fair and equitable across the state, and in neighborhoods, and in our particular jurisdiction, is that correct?"

Mr. Borchard said, "Yes, that's correct. Each year, the State of Kansas Property Valuation Division puts out maintenance specifications for the county appraisers to follow, along with all the directives and the laws that pretty much lay out the plan for each year. We put our plan in place and the state does an annual compliance review, where they look at our values and do statistical analysis and make sure that the level and uniformity of those values is fair and accurate."

Commissioner Norton said, "They set standards and what are those standards for accuracy?"

Mr. Borchard said, "As far as the level of appraised value to sale price, that range is typically between . . . we need to be between 90 and 110% and there's also some measures for uniformity as well. We don't want to have too much variation about that mid-point."

Commissioner Norton said, "Okay, and where are we at in this county on residential right now, within that compliance? What percent?"

Mr. Borchard said, "On residential, based on our mid-year study that the state did, we're right around 93%."

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Commissioner Norton said, “So really on the low side of the tolerance, as opposed to the high side.”

Mr. Borchard said, “Right.”

Commissioner Norton said, “That’s good. What about commercial? Where do we fall there.”

Mr. Borchard said, “Commercial was closer to 90%.”

Commissioner Norton said, “So just barely over the state guideline. And we’ve actually been in violation of that some years ago. Was that correct? That was several years . . .”

Mr. Borchard said, “That was quite a few years ago. We’ve done a real good job, paid a lot of attention to our process and worked hard to get that median ratio back into substantial compliance and it’s been there for three years now.”

Commissioner Norton said, “Right. I think the good news now is we’re in substantial compliance, but not in the over 100% of market value range, which I think is testimony that you’ve worked hard to keep the values fair and equitable, but not over what we would consider market value in this area. Is that correct?”

Mr. Borchard said, “That’s correct.”

Commissioner Norton said, “Okay. Talk a little about the CAMA system, because a lot of people think you know, you go out and you maybe drive by their home and pull a value out of a hat and that’s really not the way it works. In fact, we’re in the throes of a brand new computer-aided, mass appraisal system that’s going to roll out, but you have to really use that system to come up with you guidelines, don’t you?”

Mr. Borchard said, “The CAMA, or Computer Aided Mass Appraisal system is our primary tool for valuation. It holds all the property characteristic data for all the properties in Sedgwick County. It also holds all the characteristic information for properties that have sold. And inside that CAMA system there are analytical tools that help us develop mark up models on the sold properties. We inputs different variables, come up with different coefficients for the size and quality of properties and then we’re able to generate appraisals on properties that haven’t sold. So it is the primary tool

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that we're using. This is the last year on the old system. We're going to be migrating to a new system over the next 12 months and it's going to be a challenge for us. We've done a lot of preparation for it and it's going to be a better system in the long run."

Commissioner Norton said, "There's been a little conversation that because of ag prices that the farm economy is really pretty good right now and that's going to drive ag values up but we saw just the opposite in our state. Is that fair?"

Mr. Borchard said, "Well, I don't know if it's fair, but . . ."

Commissioner Norton said, "I mean, is that a fair statement?"

Mr. Borchard said, "It's a fair statement. The process for valuing ag land is laid out in the Kansas Constitution as well. There was some legislation back in 2003 that put a floor and a ceiling on the cap rate that's used. It's a modified income approach to value that's used to value ag land, and it put a floor and a ceiling and I think the floor was at 11%. Right now, the actual cap rates are closer to 9, so they can't go below 11. The lower the cap rate, the higher the value, so it's kind of stuck there at 11% and it's going to be . . . it's not a big impact in Sedgwick County, but there are communities across the state where it's going to be a major impact."

Commissioner Norton said, "Right. Well unlike residential or commercial, you find your highest and best use and hopefully the property develops that way and it's because of what infrastructure is put on there, either in building or in land value. With ag, it's about what can be produced and how much money comes out of it creates the value of the land. Is that correct?"

Mr. Borchard said, "That's correct."

Commissioner Norton said, "Okay, well and we're 70% ag, so that's always an important conversation to a few people, but a lot of people that have land that they derive their income from and ag values are important.

We talked a little bit about homeowners having the ability to appeal, particularly if conditions have changed, if they don't think their value is right. Talk about that one more time, about the appeal process, because there's some certain dates that you have to hit and a process that you have to go through."

Mr. Borchard said, "Right, so we'll be mailing these 215,000 real property value notices out this

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Saturday. If property owners don't think that it's a fair representation of their property value, if they have evidence whether it's a recent sale of that or a recent appraisal or if they can show us that there's a lack of uniformity with their property value compared to others in their neighborhood, we want to know that. We also want to know if there's conditions with the interior of the home that we may not know about. If there is damage to a structure or if there's a problem with the basement or plumbing or condition, we need to know about that and they can inform us at the informal hearing. We'll respond to that."

Commissioner Norton said, "Okay. And the reason I asked that is because I know I've worked with some homeowners on the south side that have had some . . . they don't qualify for FEMA money with flooding, but at the same time the floods hit Coffeerville and other places. They had some flooding problems and the conditions of their basements changed dramatically and you've worked with them to do inspections and try to figure out how to set new values, based on what was still selling in the market to be equitable, but what had happened to the condition of their home, and that can happen pretty easily.

The final thing is comment a little bit about what's happened nationally on the coast with some pri . . . mortgage and the different conditions or foreclosures. We haven't seen that change the value substantially. Three percent rise has gone down, but the coast, I mean they've lost, I mean some of them have lost 20, 30% values in their homes and we're not seeing that here yet. Is that correct?"

Mr. Borchard said, "We haven't see that here yet. The major difference is those properties had been appreciating 10 to 15% per year for lots of years, where we have been pretty stable, around 3 to 5% per year. So we know there's a lot of uncertainty out there, both politically and economically. I think Wichita and Sedgwick County are doing a little bit better economically and real estate values have been more stable."

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

Chairman Winters said, "All right, thank you very much. Mike, thank you for the report. Commissioners, are there other questions? If not, do we have a motion to receive and file?"

MOTION

Commissioner Welshimer moved to Receive and file.

Commissioner Norton 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 Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “And Mike, if you could get us hard copies of your presentation.”

Mr. Borchard said, “I’ll do that.”

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

G. AMENDMENT TO KPTS AGREEMENT TO PROVIDE CLOSED CAPTIONING SERVICES.

Mr. Michael D. Pepoon, Assistant County Counselor, greeted the Commissioners and said, “You have before you today a contract amendment with KPTS, the Channel 8 that broadcasts our live county commission meetings. And this amendment would allow for closed captioning for the hearing impaired. And just by way of a little background, for about the past year and a half, we have had an internal compliance team that’s been looking at issues concerning the county being in compliance with the Americans with Disabilities Act.

I might mention some of the members that have been involved in that: Pete Giroux with the Division of Finance and Pete is here this morning; Jo Templin with Human Resources is also here; Dorsha Kirksey from Human Resources has been involved in that; and Steve Claassen, Director of our Facilities has been involved in that along with I have been as well.

We have been looking at all sorts of issues, involving parking and such and one of the issues we’ve been looking at is the accessibility to the county programs to people in the community and one program obviously that the community is involved with is the broadcast of the county commission, live broadcasts of the county commission meetings. And this internal committee that you have would recommend that you accept this contract amendment and go forward with closed captioning, beginning, I think, beginning in March.

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I might also add, if I have a second, today is her first day on her job, but we have just hired a new ADA coordinator for Sedgwick County. Her name is Lindey Mahoney. Lindsey, if you want to stand up. Lindsey comes to Sedgwick County from Kansas City. She has been in a private, architectural firm for the past five years and brings a wealth of experience from that end of it, facilities and architecture and of course has worked the regulations involving the ADA and buildings being in compliance with the ADA and we're real excited to have her on board and following this presentation, I'm going to take her down and we're going to meet with members of the Wichita/ Sedgwick County Access Advisory Board, which is meeting just up the street. So we're looking forward to having her on board. She replaces Bob Bean. I know most of you or all of you have met with Bob and I'm sure Lindsay will be around and be introducing herself to you too as well.

But Sedgwick County is very serious about being in compliance with the Americans with Disabilities Act and closed captioning of your broadcasts on Wednesday morning I think is another part of this process and shows how serious the county is in regard to being in compliance with this legislation. I might also add, there are representatives from KPTS, I believe Phil Richardson is here to answer maybe any technical questions you might have concerning the broadcast, so would recommend you approve the contract amendment."

Chairman Winters said, "All right, thank you very much. Commissioners, questions? I do have one question and Mike, I'm not sure if you want to answer it or somebody from KPTS, but the way closed captioning works is most newer televisions have a way to access closed captioning, either turn it on or turn it off? Am I correct, or is it on all the time?"

Mr. Pepoon said, "I could try to answer, but I might let somebody that knows more about it."

Mr. Phil Richardson, KPTS, said, "I'm going to ask Bob Lock, our head engineer, to come up and answer that."

Chairman Winters said, "Okay, would you both identify both of yourselves, just so we could have . . ."

Mr. Richardson said, "Sure, I'm Phil Richardson, with KPTS Corporate Support Development Manager with the station."

Mr. Bob Lock, Chief Engineer, Wichita Public Television Station (KPTS), greeted the Commissioners and said, "I would be more than happy to describe to you how the closed captioning system works and if I could take a few minutes to do that, I'll go ahead."

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Chairman Winters said, "All right, yes."

Mr. Lock said, "As many of you know, closed captioning is available on almost every program that's broadcast, whether it's live or pre-taped. And in the case of a pre-taped program, the closed captioning is encoded into the program when it's produced or shortly thereafter. And therefore, when it airs it's simply a pass-through signal through our station or any other TV station. And it is decoded within the consumer's set, and typically that's done with a remote control function to enable the closed captioning feature of that set. And as most of us know, when you see the closed captioning, it appears as usually white letters in a black box in the lower part of the screen.

And the signal is available on both analogue and digital, so when the conversion occurs next February we'll continue to be closed captioned on the digital signal. And the way that it happens, in the case of the county commission meeting, which is a live event, the closed captioning is not done here in the room, but it's done outside the facility, typically in a closed captioning coder's home, typically is where it's done at.

The company that does our closed captioning has captioners all across the county that do this, and the way it works is when it's time to, in closed captioned program the captioner that's involved in doing that will call into our TV station, there's two phone numbers they have to call. One line they call gives them the audio in their earpiece, that's the line audio that's on the air, so they will be listening to the program. And once they have that established, then they call another number with their close captioning encoder which is like a keyboard, a computer keyboard and that calls into our close captioning encoder that's located in our studio downtown, and once they have done that, they get logged onto that device, they have confirmation they're logged on.

Then when the program starts, in the case of the commission meeting, at 9:00 on Wednesday mornings, then they're listening to the audio and they are typing the text that will appear as closed captioning in real time and they do a very good job of making that occur accurately and in nearly real time. So they continue listening to dialogue, as the program goes on, and are encaptioning throughout the show and at the end of the show, they simply log off of their encaptioning encoder and the signal returns to normal. But technically, that's how it works. I don't know if I've overlooked anything, but I can elaborate further if you'd like."

Chairman Winters said, "No, you've done an excellent job. As always, something that looks so simple sitting from the outside is a lot more complicated to do than one would first think, but just in hearing that process, it makes me, again, pleased that we're able to add this service to the community for those that are impaired of hearing. But again, that is not a simple task."

Mr. Lock said, "No it's not. And Channel 8 is happy to be able to participate in providing this service also for the community."

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Chairman Winters said, “Well, we appreciate our partnership with KPTS and have had that relationship for a number of years and are proud that this is strengthening it. So thank you very much for that explanation. Mike, I’m sure you could have explained that.”

Mr. Pepoon said, “I just mute my TV, I think is pretty much . . .”

Chairman Winters said, “All right, are there other questions of Mike? We might note that this does have a fiscal note attached to it. The total cost is going to be a little over \$18,000 for a year, but it seems like this is a project that needs to be completed. Commissioners, are there questions or comments?”

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you Mike and thank you, gentlemen from KPTS. That was very helpful, and Lindsey, welcome to Sedgwick County. All right, Madam Clerk call the next item.”

H. AGREEMENT WITH TB OF AMERICA, INC. FOR LEASING OF SPACE FOR TICKET STOCK AND INDOOR ADVERTISING.

Mr. Jim Sacs, Computer Ticket Administrator, Kansas Coliseum, greeted the Commissioners and said, “What we’ve got here today is an advertising agreement for the back of the ticket stock that we currently use and also, with that, indoor advertising at the Britt Brown Arena. I’ll take any questions and ask for your approval.”

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Chairman Winters said, "All right, are there questions of Jim? Jim, the advertiser is TB of America?"

Mr. Sacs said, "It actually will be Taco Bell and Blockbuster Video is what's going to be represented on our ticket stock and also our print-at-home ticket stock too."

Chairman Winters said, "All right, very good. Commissioners, questions or comments. I'm sorry, I'm sorry ma'am. Commissioner Parks."

Commissioner Parks said, "I noticed on my Wichita Wild tickets that they had a coupon on the back of there and those expire 4/ 2008 and before it said those tickets are good through September or so."

Mr. Sacs said, "Right, we worked with the current advertiser right now is Pepsi and has a Spangles coupon on the back. They have in the past worked with those and making those good, as long as the event hasn't already taken place."

Commissioner Parks said, "Thank you."

Chairman Winters said, "All right, now we're ready."

MOTION

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

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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Chairman Winters said, “Commissioner Unruh has a comment.”

Commissioner Unruh said, “Jim, before you get away, I wanted to ask if you could get a hold of Dave Nash and Ron Holt and start conversations with the State High School Activity Association about reserving time in 2010, when we don’t know if we’re going to be in the Coliseum or in the new arena. I know we had a scheduling conflict this year, but the 6 and 5-A will be back next year and they’re looking forward to returning and they like having those classes together. But Gary Musselman, the executive director of the State High School Activities Association hollered me at the state tournament last weekend and said he wants to start conversation and I’d like for you to follow up on that.”

Mr. Sacs said, “I sure will. I know we’re excited to get them back in the building and excited for continuing a relationship with them.”

Commissioner Unruh said, “Very good, thank you.”

Chairman Winters said, “All right, thank you Jim. Madam Clerk, next item.”

DIVISION OF HUMAN SERVICES- DEPARTMENT ON AGING

I. DEPARTMENT ON AGING.

- 1. FY 2008 CONTRACT WITH HALSTEAD HOME HEALTH CARE, LLC. TO PROVIDE IN-HOME.**

Ms. Annette Graham, Director, Department on Aging, greeted the Commissioners and said,

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“Central Plains Area Agency on Aging, which covers three counties, Butler, Harvey and Sedgwick County enters into agreements with local home health agency providers to provide the Senior Care Act program. This is a program for individuals age 60 and older who qualify for nursing home level or care but chose to remain in their home with services. This Senior Care Act program was established by the state legislature. It is funded with state funds and some limited matching funds from the counties that are involved and it also involves a co-pay for the clients. It’s on a sliding fee scale, looking at their income and their liquid assets.

This is a new contract with Halstead Home Care, which is a provider based in Harvey County. We do not at this time have a provider based in Harvey, so we’re excited about this agreement. I would request that you approve the fiscal 2008 in-home contract and authorize the Chair to sign and would be happy to answer any questions.”

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

Commissioner Unruh said, “That was my light left over from . . .”

Chairman Winters said, “Okay. I have a question. Annette, talk to me for a second about the Harvey County aspect of this and our involvement.”

Ms. Graham said, “As the Area Agency on Aging, we receive funds and are required to provide services in these three counties with state and federal funded program dollars. Now we currently do serve people with Senior Care Act program in Harvey County, but this will make it easier by having another provider that’s available in Harvey County, because right now the providers we have are based in . . . mostly in Sedgwick County, so they have to travel all the way there. This just gives more options for our consumers because they get to choose their provider that they utilize for their services.”

Chairman Winters said, “Okay, so let me see if I have this right though. Then since we’re the administrator of our three-county program, Butler, Harvey and Sedgwick, we’re using federal and state dollars that are designated for their counties but we’re involved in the contract because we’re the administrating contractor for the three area agency.”

Ms. Graham said, “Yes.”

Chairman Winters said, “But these are federal and state dollars.”

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Ms. Graham said, “For this program, these are state only dollars. There is some matching funds, so for any of the consumers that utilize the program in Harvey and Butler Counties, their county provides the matching dollars. It’s not a one-to-one match. There’s a certain . . . we have a certain amount of dollars that we have historically matched for the Senior Care Act programs, so that amount stays consistent over time. There’s a set amount of matching dollars that we’re required to provide and for their consumers in these other two counties, they provide the match funds for those consumers.”

Chairman Winters said, “All right, thank you. I think that’s very clear. If there’s matching funds needed, they come from the counties where the services are taking place.”

Ms. Graham said, “Yes.”

Chairman Winters said, “All right, thank you. Commissioners, are there other questions? Seeing none, what’s the will of the board?”

MOTION

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

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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Chairman Winters said, "Next item."

2. AGREEMENT WITH WICHITA FESTIVALS, INC. FOR THE SPONSORSHIP OF A RIVERFEST 2008 SENIOR GALA EVENT.

Ms. Graham said, "Central Plains Area Agency on Aging is proposing to sponsor the River Fest 2008 Senior Gala on May 15th from 7 to 10 p.m. at the Airport Hilton. In the past, the River Fest has held a senior day and provided events including a fair, a luncheon and at one time even a ball. This has not been available for several years in the Wichita River Fest. However, due to the success of the Senior Expo and the Senior Gala and a lot of requests from older adults in our community to have more kind of events such as the dance, we have approached River Fest to provide a River Fest Senior Gala.

The event will be open to the public age 55 and older, and will provide a River Fest event that is solely targeted for older adults. We plan to promote Central Plains Area Agency on Aging, the services and to help get the word out where do you call when you need assistance for an aging adult or a family member, and a Senior Expo event. This activity will also promote healthy aging, healthy activity and socialization. This would be . . . we would sponsor the event for \$1,500 and Humana MarketPoint will pay for the cost of the event, which is approximately \$3,500. I would request that you approve this sponsorship agreement and authorize the Chairman to sign and would be happy to answer any questions."

Chairman Winters said, "All right, thank you. We have a comment or question. Commissioner Norton."

Commissioner Norton said, "Not really a question, but I'm really tickled that we're attaching to this event. In another lifetime of mine I was with Target and we sponsored the Senior Celebration for ten years and we did a walk along the river, we had a meal at Century II, we played bingo, and I got prizes from vendors and then there was a gala. I think it was sponsored by one of the banks, but a lot of that kind of went away for years and there was a segment of the population that can still do all the other River Festival events, but really didn't have an event kind of specifically for them. And I'm really proud that Sedgwick County has attached to that population, who we serve day in and day out and have a great connection to anyway through Central Plains Department on Aging

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and our Department on Aging. So I'm going to be very supportive. I think it will be a wonderful event and I fall into that senior category now, so I'll probably attend, so I feel it's going to be a great event and I'm looking forward to seeing how it works out."

Chairman Winters said, "All right, thank you. Are there other questions? We're ready for a motion."

MOTION

Commissioner Norton moved to approve the 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 Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, "Next item."

3. AGREEMENTS FOR FY 2008 TARGETED CASE MANAGEMENT SERVICES.

- **ANGEL CHANDLER – BEL AIRE, KANSAS**
- **BETHANY CHRONISTER – EMPORIA, KANSAS**
- **MELISSA M. MARCUM – WICHITA, KANSAS**
- **DENISE A. MITCHELL-LOPEZ – WICHITA, KANSAS**
- **JUDY PENNER – WICHITA, KANSAS**

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Ms. Graham said, “These contracts cover targeted case management services for the fiscal year 2008, in accordance with the Kansas Department on Aging, SRS and Medicaid regulations. This contract is for five additional targeted case managers to help us provide for the increasing number of referrals we receive for this Medicaid program, the home and community-based services who are eligible for the waiver program.

This is our twelfth year as a Medicaid home and community-based service provider. The clients are age 65 and older. They’re in Butler, Harvey and Sedgwick County. These again are people at risk of nursing home placement but choose to remain in their own home with these services. These individuals also have to be eligible for the Medicaid program.

This will expand our number of case managers. We have brought before you already several case managers. I think we have about 20 targeted case managers that we contract with. We have about eight on staff, but the number of referrals we get for this program continues to increase. In order to enable us to continue to meet the growing needs and do the assessments for all these individuals, provide the case management, monitor the case plans and the care plans, we are needing additional case managers.

So in this program, we complete the billing for all the case managers. We review their case work, their case logs, make sure that it all matches, make sure they meet all the regulations. We complete the billing process for them. We pay them for their services and we are reimbursed by Medicaid for these certain billable hours. The five individuals are :Angel Chandler, Bethany Chronister, Melissa Marcum, Denise Mitchell-Lopez, Judy Penner. They all meet the qualifications and will receive the mandated and required training. I would request that you approve the contracts and authorize the Chairman to sign. I would be happy to answer any questions.”

Chairman Winters said, “Commissioners, are there questions or comments of Annette on this item? Commissioner Parks.”

Commissioner Parks said, “Just real quickly, the Medicare that reimburses us, do we have a pretty good turnaround on that, or can you answer that question?”

Ms. Graham said, “Medicaid reimbursement is very good. We have a very good rate, because we do such a good job of quality assurance and making sure that all the billing activity meets their requirement, and so we get I think it’s a 97, 98% billable rate. There’s very few errors on this program.”

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Commissioner Parks said, “Okay, thank you.”

Chairman Winters said, “All right, other questions or comments? If not, what’s the will of the board?”

MOTION

Commissioner Welshimer moved to approve the Agreements and authorize the Chairman to sign.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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

DIVISION OF HUMAN SERVICES- COMCARE

J. COMCARE.

- 1. AMENDMENT TO THE CONTRACT WITH URBAN LEAGUE OF KANSAS TO PROVIDE GROUP AND INDIVIDUAL PSYCHOSOCIAL REHABILITATION AND ATTENDANT CARE SERVICES.**

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Ms. Marilyn Cook, Director, Comprehensive Community Care, greeted the Commissioners and said, “COMCARE contracts with the Urban League to provide group and individual psycho-social rehabilitation services to kids who have serious emotional disturbances. When we established these rates last June, last year, we knew that there were going to be significant changes in the Medicaid state plan, in the rates and the services and in the providers that were a part of that network. So when we established the rates, we established very conservative rates for our business partners and we agreed that in December we would sit down together as a system and look at how we were doing financially and increase rates if we were able to, especially on those services that we depend on them so much to provide.

We had that discussion in December and decided to raise a number of the rates, particularly for the Urban League we raised the rates in the two services I mentioned, individual and group psycho-social services. And in the process, this amendment to the agreement gives the new rates and it also increases the total compensation cap for that organization. I’m going to recommend that you approve the amendment to the contract.”

Chairman Winters said, “All right, thank you. Commissioners, are there questions or comments? If not, what’s the will of the board?”

MOTION

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

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “Next item.”

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2. AGREEMENT WITH SOUTH CENTRAL MENTAL HEALTH COUNSELING CENTER, INC. FOR COMCARE TO PROVIDE AFTER HOURS MENTAL HEALTH EMERGENCY SERVICES.

Ms. Cook said, “Commissioners, this is a renewal of an agreement that we’ve had with . . . for about eight years, with the South Central Mental Health Counseling Center, the main office there is in El Dorado, in Butler County. As with other after-hour agreements that we have with other community mental health centers, this agreement allows for our crisis staff to address any after-hours needs for their clients, either by phone or if they choose to come in, we will do that face-to-face. I’ve spoken recently to their executive director, Dan Rice. He’s very pleased with how this has been going with COMCARE and was very interested in continuing and renewing the agreement. Our crisis program takes about 45 calls a month from Butler County residents.

I had a really cool story, but when the computer went down this morning, it was kind of caught there, so I don’t have the story. And the clinician that provided it was unavailable but I can tell you that several times a month I get notes from staff, from consumers and clients who have had our crisis services and they are very appreciative of knowing that we are there when they need us the most. So I’m going to recommend that you approve the agreement.”

Chairman Winters said, “Well thank you. I think, you know, we provide this service for a couple of other counties and I really think it’s a positive thing, that the cost to them is onerous, yet really I think fills in a big gap, and so we appreciate all the work that our folks do in providing these services, after-hours and during hours, so please convey that to them. Are there other questions or comments? What’s the will of the board?”

MOTION

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

Commissioner Norton 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 Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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

CONSENT AGENDA

K. CONSENT AGENDA.

- 1. MAPD Case Number ZON2007-00067 - Sedgwick County zone change from "SF-20" Single-family Residential to "LC" Limited Commercial; generally located at the southwest corner of 21st Street North and 159th Street East. District #1.**
- 2. Amendment to Affiliation Agreements with Breakthrough Club of Sedgwick County and Mental Health Association of South Central Kansas adjusting rates for services.**
- 3. Credentialing/Training Agreement with Sedgwick County Fire District #1.**
- 4. Amendment to Parking Stall Lease Agreement with Via Christi Senior Services, Inc., located at 2716 W. Central, reducing the number of parking stalls from 50 to 25.**
- 5. Amendment to Agreement with DeWaay Financial Network, LLC providing a name change from M&I Marshall & Ilsley Bank to DeWaay Financial Network, LLC.**
- 6. Agreement with Affirm Background Screening, Inc. to provide on-line access to Sedgwick County's electronic data.**
- 7. Order dated February 20, 2008 to correct tax roll for change of assessment.**
- 8. General Bills Check Register(s) for the week of February 20 – 26, 2008.**

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Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “You have the consent agenda before you and I would recommend you approve it.”

Chairman Winters said, “Thank you. Before we do that, we’ve already dealt with Item #1. We’ve pulled that one off and dealt with it during the Planning session, so it would be consent items 2 through 8.”

MOTION

Commissioner Norton moved to approve the Consent Agenda, Items 2 through 8, as presented.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “Well that brings us to the end of our regular agenda. We do need to have an executive session and the discussion of ‘other’ business, but we also need a fire district, so I will recess the regular board.”

The Board was recess into the Fire District #1 meeting at 11:19 a.m. and returned from recess at 11:23 a.m.

Chairman Winters said, “I’ll call back to order our regular meeting of February 27th. This is the time our discussion for other business. Is there any other discussion? Commissioner Norton.”

L. OTHER

Commissioner Norton said, “Well I didn’t get to talk about it in the staff meeting yesterday and I have before, and I just wanted to talk a little bit about annexations and kind of what’s happening between south Sedgwick County and Sumner County. People I think know about the Mulvane

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annexation that has tried to link Mulvane with some property that might be used for casinos. Now I understand that maybe Bel Plaine is thinking about some kind of an annexation that would connect to that property.

Out of that comes some issues that the townships have and the county can have with those kind of annexations and we've kind of stood back and watched what the legislation was going to do. I think there's several bills that are floating through the legislation right now, but I wanted us to be very aware that that's an issue that I have an interest in, because I'm not so sure that ribbon annexations, as they've been done in several communities over the years, really makes sense and follow the intent of the law that was established by the state.

Having said that, I don't know that we want to get encumbered in the siting of a casino fight, but the understanding that this annexation legislation that's being looked at, I think we should follow very closely. I've had some conversations with Andy Schlapp who is on the ground for the county in Topeka and I know they're debating it right now and I'll get some more information. But I think we need to be ready at some point to understand what our culpability is and how we want to weigh in on it.

I don't know if that's today. I don't think we've had enough discussion but at some point that annexation statute really could have profound, unintended consequences if we really don't understand what it could do to county . . . to townships, the county land, to what will happen if it's a ribbon annexation along a road that we typically take care of and do we pass that on to that particular jurisdiction. I think all of that has to be talked about. Truthfully, there's a huge debate between consensual annexation and unilateral annexation as it pertains to this ribbon kind of procedure, so I did want to bring it up again, talk about it a little bit.

I don't know if anybody wants to weigh in on it a little bit, but I wanted to be sure that it's something that's on our radar screen and that we understand that most of what's going to happen with this is going to happen in Topeka with the legislation, but we, at some point, will have a dog in the fight if it goes one way or the other, depending on what their conversation is. So I did want to kind of lay it out, whether we want to have any debate about it or talk about it or dialogue, it's up to everybody else, but I did want to let you know that the ribbon annexation is at the bottom of my district. There are some folks, not only just citizens that are concerned about what the land use could be with this connected piece, but what it's going to do with townships, so I've had some township officials very interested and at some point we'll have to have a dialogue. Maybe that's something we'll want to take up in a staff meeting here real soon. That's all I have."

Chairman Winters said, "Okay, that's it? Okay, thanks. Commissioner Parks."

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Commissioner Parks said, "Just on Bill 2747 and revise our statutes, I was told yesterday does not have some of the criteria in that bill that came out of the subcommittee of the local elections committee, but it is back over in committee."

I wanted to pass along to some of my constituents there was questions about, and David Spears, I didn't get a chance to talk with you this morning before we came in, but the bridge near 7300 North Ridge is scheduled for some type of repair this year, is it not, and do we have any time schedule on that?"

Mr. Spears said, "Yes, I think that's the bridge deck that we're going to replace there and I'll look through the schedule here, if I have it, but it's going to be this year, yes."

Commissioner Parks said, "Okay. If you could, you might have one of your crews send somebody out there. I just got an e-mail this morning that said there's some pretty big potholes in the deck on that."

Mr. Spears said, "Well I guess that's why we're going to redo the deck."

Commissioner Parks said, "That's exactly right, and I just wanted to make sure it was safe to cross."

Mr. Spears said, "We'll check it out."

Commissioner Parks said, "But I just got that this morning."

Mr. Spears said, "If it needs something temporary, we'll put it on."

Commissioner Parks said, "I just go that this morning, right before we came in. Also, the Wichita Wild football team, March 8th is their first football game and if you need a fix for football in the next several months, that's a good place to go. They're in a league this year. There's a lot of excitement going on about actually having some competition for them this year, a lot of good players, a lot of local contacts and players. So invite you to seek out those season tickets and participate in that. Thanks."

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

Commissioner Unruh said, "Thank you. I just wanted to mention that Dennis Rowe, who is president of the Kansas Farm Bureau Agricultural Association has invited us to a meeting tomorrow for lunch and, as we heard today, 70% of Sedgwick County property is agricultural ground, so it's

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appropriate that we stay in contact with those folks and maintain that good relationship, so looking forward to meeting with the Farm Bureau Ag Association tomorrow. And that's all I have."

Chairman Winters said, "All right, thank you. Commissioner Welshimer."

Commissioner Welshimer said, "Well, I wanted to bring up in yesterday's staff and also didn't get to do that on we never did have a follow up on our Secretary of Labor's visit here and I think we should have some discussion on that.

City of Wichita's employees are unionized and Fire Departments, both city and county are unionized, Sheriff's officers are unionized, the State of Kansas employees are unionized and Sedgwick County employees are not. These organizations serve the other employees and employers and enhance the communication and encouraged development of harmonious and cooperative relationships between government and employees. And I think that we should give some serious consideration to giving our employees the opportunity to vote on whether or not they would prefer to be organized or unionized or both, and they're going to have to have our permission to do that. So I'd like to bring that up at the staff meeting and get a . . . maybe a report from our legal staff on the points that were made by Mr. Garner, Secretary of Labor."

Chairman Winters said, "All right, anything else for now? All right, thank you. Well I in a sense apologize that yesterday's staff meeting took so long, but we did have two pretty good important topics that we've been putting off. We did have discussion about a drug court in the district court venue here and we spend a lot of time about that and I know that there are several of you had other items that you wanted to discussion, so hopefully next week's agenda will be open and we can take up several of those other issues. Commissioner Norton."

Commissioner Norton said, "Well, just before you get off that subject, you might want to describe a little bit about the conversation on the drug court. Judge Kissner and Judge Corrigan were here and I thought Judge Kissner did a pretty good job outlining what the Criminal Justice Coordinating Council has been working on, the very thoughtful approach they've taken to figuring out how we deal with people who have addictions and drug problems and there's a pretty good population out there that maybe could come out of the jail overcrowding situation, but part of that's going to cost money, but you've been very attached to that, you and Commissioner Unruh both."

Chairman Winters said, "Commissioner Unruh, you want to make a couple of comments about yesterday's discussion?"

Commissioner Unruh said, "Well thank you Mr. Chairman. I agree with Commissioner Norton

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that it was a thorough and comprehensive discussion on the activity to date. We are poised I think, as a commission, to make a decision on whether or not we think this is a viable, cost effective, beneficial way to address this need in our community, both on the human side of it, on how we're helping individuals become productive members of society, and overcome the particular addiction they have, and on the other hand, whether it's cost effective in reducing the jail overcrowding issue and perhaps relieving our need to take immediate action on expansion of the jail.

So it has been thoroughly investigated. Judge Kissner has been around the United States looking at different operations that are currently under operation, so that he can see if they seem to be effective and how we can implement it here. I for one have sat through much of that discussion in the CJCC and think that we should proceed with it, but we need to go ahead and take these last few steps to get everybody on board. But I think it would be a positive thing for Sedgwick County and we have both the agreement and cooperation of the district court judges, who will be instrumental in this. Without their cooperation, it just won't go forward. But they're convinced of its value and I think we're ready to make that decision."

Chairman Winters said, "All right, thank you very much. It was a good discussion and we'll have more of it. Is there any other thing to come? We do have an executive session, so if we could have a motion for executive session."

MOTION

Commissioner Norton moved to 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 preliminary discussions relating to the acquisition of real property for public purposes and that the Board of County Commissioners return to this room from Executive Session no sooner than 12:00 p.m.

Commissioner Parks 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 Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, “We are in recess.”

The Board of Sedgwick County Commissioners recessed into Executive Session at 11:32 a.m. and returned at 12:25 p.m.

Chairman Winters said, “I’ll call back to order the meeting of February 27th, 2008. We’ve been in executive session. Let the record show that there was no binding taken in executive session. Do we have other business, Mr. Euson?”

Mr. Euson said, “Yes sir. Commissioners, while in executive session we discussed a Worker’s Compensation case involving a former employee by the name of Lana Simpson and we have a recommendation to settle that case in the total amount of \$34,818.30. This settlement would close out all issues relating to review and modification of the award and future medical payments and I recommend you accept it.”

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

MOTION

Commissioner Unruh moved to take the recommended action as presented by counsel.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye

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Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you, Rich. Is there anything else to come before this board? Mr. Manager? This meeting is adjourned."

M. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:33 a.m.

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

THOMAS G. WINTERS, Chairman
Third District

DAVID M. UNRUH, Commissioner

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First District

TIM R. NORTON, Commissioner
Second District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner,
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2008