

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 14, 2006

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, June 14, 2006 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Ben Sciortino, with the following present: Chair Pro Tem Lucy Burtnett; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. John Schlegel, Director, Metropolitan Area Planning Department; Mr. Andy Schlapp, Director, Government Relations; Mr. Marty Hughes, Revenue Manager, Division of Finance; Ms. Sonja Armbruster, Policy and Program Development Coordinator, Health Department; Mr. Ray Vail, Finance Manager, Department on Aging; Mr. Colin McKenney, Director, Community Developmental Disability Organization; Mr. Richard Vogt, Chief Information Officer, DIO; Mr. John Nath, Director, Kansas Coliseum; Mr. Pete Giroux, Senior Management Analyst, Budget Department; 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

Dr. Tom Rosenberg, Mayor, City of Eastborough.
Mr. Bob Kaplan, agent for Kansas Paving (Larry and Terry Hacker).
Ms. Thelma Black, 8255 W. 73rd St. N., Park City, Ks.
Mr. Jim Meyer, 9101 W. 73rd St. N., Park City, Ks.
Mr. Ronald Niday, 7425 W. 77th St. N, Park City, Ks.

INVOCATION

The Invocation was led by Pastor Lincoln Montgomery of Tabernacle Baptist Church, Wichita.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, May 17, 2006

Regular Meeting, June 14, 2006

The Clerk reported that all Commissioners were present at the Regular Meeting of May 17, 2006.

Chairman Sciortino said, “Commissioners, I believe you’ve had a chance to review the Minutes of the May 17th meeting. What is your will?”

MOTION

Commissioner Burtnett moved to approve the Regular Meeting Minutes of May 17, 2006.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Next item.”

PUBLIC HEARING

A. PUBLIC HEARING TO CONSIDER THE PETITION OF CITY OF EASTBOROUGH FOR EXCLUSION OF PROPERTIES FROM SEDGWICK COUNTY FIRE DISTRICT NUMBER ONE.

Mr. Michael D. Pepoon, Assistant County Counselor, greeted the Commissioners and said, “This morning you have before you a petition. Actually, the petition is from a group of landowners within the City of Eastborough, because the state statute doesn’t provide actually for a city to petition to get out of a fire district, but allows landowners of a certain tract of land. The tract of land in question that has been defined in the legal description just happens to be the City of Eastborough.

Regular Meeting, June 14, 2006

You see on the map the broken red line here would be the border, boundaries of the City of Eastborough. The shaded areas in red are the different petitioners from within the City of Eastborough that have asked to be detached from the fire district.

Metropolitan Area Planning Department has reviewed their petition. By law, there has to be at least 10% of the area of land sought to be excluded to owned by these particular landowners. MAPD came up with the figure, it would be 12.2%. All the proper notices have been published. We have attached a resolution for your adoption that would allow this area of land to be detached from the fire district. If within 30 days of the last publication of this resolution, 19% of the area, landowners owning 19% of the land come forward with a petition, that would make our resolution null and void.

We have today with us Mr. Rosenberg, Tom Rosenberg, Mayor of the City of Eastborough and the City of Eastborough's attorney Glen Young to answer any questions. Our recommended action would be to open the public hearing, accept any public comment, close the public hearing and then adopt the resolution. And also Bob Lamkey is here to answer any questions you might have concerning the fire district."

Chairman Sciortino said, "Thank you, Mike. Before I open up the public hearing, just for my own edification and perhaps maybe the public's too, less than 50% of the folks that are presently in the fire district in that area have requested to get out of it. Is that sufficient for us to take action, and exclude everybody in Eastborough?"

Mr. Pepoon said, "Yes. The way the statute is worded, if 10% of the landowners in a particular area ask to be excluded, then you can legally exclude that particular area. And the protection that the rest of the landowners have is that 19% later, if they don't want to be detached, can come forward with their own petition not to be."

Chairman Sciortino said, "So we would start some action and then there would be a period of time that if 19% of the remaining 90% say 'Well wait a minute, we don't want that' then we can't exclude it."

Mr. Pepoon said, "Then it nullified the resolution you adopt this morning."

Chairman Sciortino said, "Okay, got it, that's fine. All right, well at this time I'll open up the public hearing and ask if there's anyone that would like to speak for or against this item? Seeing none, I'll close the public hearing and limit the comments to the bench. Commissioners, do you have any questions of Mike or the mayor or anyone? Oh, I'm sorry, I guess I look at the light, if it's on, acknowledge you. Okay, I'll learn this job yet. Commissioner Unruh."

Regular Meeting, June 14, 2006

Commissioner Unruh said, "Well, thank you Mr. Chairman. I think it would be appropriate if we ask Mayor of Eastborough, Dr. Tom Rosenberg that maybe if you want to make a comment about this action."

Dr. Tom Rosenberg, Mayor, City of Eastborough, greeted the Commissioners and said, "Sorry about that, Commissioner Sciortino. I want to thank you for allowing the City of Eastborough to present this petition to the County Commissioners. We have had an ongoing, very well working relationship with the county and we certainly want to continue that. As you know, the fire protection under the fire responder rule, actually the City of Wichita has been responding to the fire needs of the City of Eastborough and it was felt by our council people and by many of our residents of the city that a change would be appropriate, basically because of the funding, and the amount of funds that we are currently paying for the protection. I can assure you that as far as I know, the City of Eastborough is very much in favor of this petition and we would appreciate an unanimous vote for that."

Chairman Sciortino said, "All right, thank you. Any other comments, Commissioners? Commissioner Unruh again."

Commissioner Unruh said, "Well, I just might continue. I just want to tell the mayor that we appreciate the way that this request was handled. I know it was initiated with preliminary conversations and it was approached in such a way that there was no adversarial relationship between the City of Eastborough and county commissioners or county staff. This does represent a financial impact to the fire district budget and we are aware of that, but in spite of that, this consideration and this action I think is so logical and so appropriate that it's foolish not to be in agreement with it, even though it does represent some impact to us."

In light of our first responder agreements, the fire protection for the City of Eastborough is almost exclusively handled by the City of Wichita and we appreciate those first responder agreements. They're beneficial to all the citizens of our county, but especially in light of that, and our closest station is quite some ways away, it just seems foolish not to go ahead and be approving of this. But thank you for the way that you handled it, and we're very happy that we can respond to the desires of this community and our county."

Dr. Rosenberg said, "I appreciate it. One thing, probably for your information, this will help us. You know, we have two main streets, the east/ west streets of Douglas and Huntington going through Eastborough. The City of Eastborough has a ten-year street project which is going to be costing us about \$700,000 to \$800,000, again, over the next ten years. This will allow us to keep our streets open to the community of Sedgwick County."

Regular Meeting, June 14, 2006

Commissioner Unruh said, "Very good. Well, appreciate that. Thank you. That's all I had, Mr. Chair."

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

Commissioner Norton said, "I'm going to be supportive of this action. I was a business neighbor to Eastborough for 20 years at my Target Store. I backed right up to Eastborough, so the folks over there, I know a lot of them very well. The truth is, you know, years ago when the county was providing fire protection, Eastborough was on the edge of town, so it butted up against the county portion of where we delivered services. Those days are far gone. Eastborough is pretty deep into the city now, as the boundaries have been pushed out. And it has pushed our fire stations and our protection further out from them and it only makes sense that if the first responders are coming from City of Wichita, that they provide that service, so I'll be very supportive of this action."

Chairman Sciortino said, "Okay, thank you. Well the only comment I wish to make is that this is . . . and I'm going to be supportive of this also, but this is another example of where we don't think parochially, 'Oh no we can't do this because we're going to lose a few dollars here' and we still look at what is best for the region, what's best for the area, what's best for the citizens. And in this case, the evidence is overwhelming that it's in the best interest of the citizens of Eastborough to go ahead and get their fire service directly for the city, and pay for it. I mean, that's fair. Now we could say 'Well, no that's okay', they'd still get their fire service from the city, because they're the first responder, but that's the old way of thinking and this commission has shown time and again that we're willing to think regionally and what's in the best interest of the citizens, even though short term we could think, 'Well, that adversely affects our fire department and we've got to protect our fire department'.

We're all in the same boat together. I've said it once, I'll say it again, it doesn't make any sense to laugh because Tom's end of the canoe has a hole in it. We're all in the same boat. We either are going to sink or swim together, so I'm going to be very supportive of this. Commissioner Norton."

Commissioner Norton said, "Well just another thought. One of the things that's so important is that connectivity, year in and year out. You know we had a mayor's dinner and Dr. Tom came and visited, the mayor was there and we have a chance to have a relationship that's ongoing, so that when times are good, you have that relationship, and when there's issues that come up, you can talk about it, have the debate, discern it and come up with a good conclusion without being adversarial or not even knowing who you're talking to, and I think that's very important in our community, as we reach out to the small cities and have our mayor's dinner and enter into things with SCKAC to be sure that we stay connected and understand the issues of the small cities that are within

Regular Meeting, June 14, 2006

Sedgwick County.”

Chairman Sciortino said, “So, let’s get his title right, it’s Dr. Mayor Tom.”

Commissioner Norton said, “I’m sorry. I’ve called him Dr. Tom is because . . .”

Chairman Sciortino said, “He’s Dr. Mayor Tom. Commissioners, what’s the will of the Board on this item?”

MOTION

Commissioner Unruh moved to adopt the Resolution.

Chairman Sciortino seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thank you, Mayor. Next item please.”

PLANNING DEPARTMENT

B. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

DEFERRED ITEM

- 1. CASE NUMBER CON2006-00013 – CONDITIONAL USE FOR SAND EXTRACTION, GENERALLY LOCATED ON THE NORTHEAST CORNER OF 77TH STREET NORTH – 87TH STREET WEST. DISTRICT #4.**

Regular Meeting, June 14, 2006

POWERPOINT PRESENTATION

Mr. John Schlegel, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “You’ll recall this first item from two meetings ago. The applicant is requesting a conditional use for this property along 77th Street North. The issue came down to, at that meeting, whether or not to go with the MAPC recommendation, regarding this conditional use, which did not include a requested condition from your Public Works Department for the paving of 77th Street or whether to include that as a condition of the approval. And at that last discussion about it, the applicant asked for a deferral to today so that they could work on a proposal to you on how they might otherwise handle the situation.

And so with that, perhaps it would be best to see what the applicant has come up with in terms of a proposal.”

Chairman Sciortino said, “Okay, thank you. Mr. Kaplan.”

Mr. Bob Kaplan, Agent for applicant (Kansas Paving), greeted the commissioners and said, “As Mr. Schlegel told you, this matter is before you by reason of an appeal from the decision of the Metropolitan Area Planning Commission. The MAPC approved the conditional use and deleted from the conditions requested by staff the requirement of the paving of 77th Street. Staff recommended, or Public Works recommended paving of 77th Street and quoting from the staff report, and I do quote ‘Meet the impact of the proposed 20 years of heavy truck traffic’.

I suggest to you that nothing is being stated and there is no evidence in the record that suggests that such paving is currently needed. Now in fact, the factors which normally mandate hard surfacing of any road, county road, or city, are clearly absent. There is no development in the area and that’s the reason you have a small GIS in your booklet and I understand I have to be at the podium here, but if you’ll look at the . . . this is the subject . . . this is the subject area right here, this quarter section. This property, all around this area is agricultural. There is no development, except for a small housing development just off of Ridge Road, on the south side of 77th, and I’m going to deal with that in a moment, because we have a suggestion. We have a solution for those folks, those few houses that are there.

But we’re talking about an agricultural area and we’re suggesting, according to Mr. Weber’s

Regular Meeting, June 14, 2006

numbers which he gave you two weeks ago, using the county budget number of \$500,000, half a million dollars per mile, we're at three-quarters of a mile. We're talking about \$350,000 to pave a road that serves very, very few people. I've given you traffic counts. I had Bill McKinley go out, our former traffic engineer. Most of you are familiar with Bill. I had Bill go out. He's done it for me before, and I had him set two counters. He set one just west of Ridge and he set one just east of 87th, which as you know is Tyler and we took traffic counts and those traffic counts . . . and I understand the county did counts also. I don't know what the county results were, but a traffic counter is a traffic counter and they should certainly be in sync. And keep in mind, when we did these traffic counts, we're now in harvest and when Bill was out there, he saw a lot of ag equipment, ag trucks and heavy machinery because they're cutting wheat in the area as we speak.

Probably the most reliable, if you look, if you take a moment and you look at the traffic count, which is in my booklet, probably the most reliable is the 13th, is Monday, and the reason I say that is that it rained Monday morning and harvesting was at a minimum, so I think probably the most accurate picture is Monday. But regardless of the dates or the hours you suggest, there is simply no traffic on that road. There are simply not enough to warrant . . . yes, sir."

Chairman Sciortino said, "We're trying to find the traffic count."

Mr. Kaplan said, "It's item seven, it's clear at the end, sorry. There's an index in it but she didn't tab it very well. This is a last minute effort. I had assured you I would bring you a proposal. I did, just a little bit late. So you've got two things to consider. You've got either the needs of residents on the road or you've got traffic counts. We don't have either of those. We have no traffic counts that justify. We can't go out, Mr. Hacker can not go to his banker and say 'I want to borrow \$350,000 as a private citizen to pave a public road'. Banks do not loan private citizens large sums of money to pave public roads.

Now bottom line, bottom line folks, we want to come to some accommodation here. We do want this sand and mining extraction. We understand that there are policies. We understand your feelings about hard-surfacing roads and we feel that there should be some accommodations, some compromise that can be reached today between my clients and the county commission to provide a satisfactory road bed, at least for the interim and I've set forth, in my little synopsis, the first article in my booklet . . . I'm sorry I didn't get it to you sooner, about three or four different alternatives that I would like to have you suggest.

As to that housing development, that small housing development just to the west of Ridge Road, on the south side of 77th, there's a few houses in there, we will pave past that housing development and

Regular Meeting, June 14, 2006

are happy to do it. We will put county standard, hard surface asphalt concrete paving down past that housing development, so that those folks will have a hard-surfaced road from their homes to Ridge and they won't be in any way impaired by anything that we may do west of there, because they're going to go to Ridge Road. They're not going to drive to another sand and gravel a mile west of Tyler. May I have just a few more minutes? Thank you."

Chairman Sciortino said, "Take all the time you need on this one. This is very important."

Ms. Kaplan said, "And we're perfectly willing to do that. As to the rest of the road, we will maintain, just as we've done on 73rd Street, and I've given you some photos of 73rd Street and I've got some folks here, I have several neighbors on 73rd to come up and talk to you and some of those folks are here who tell me, they say 'Mr. Kaplan, 73rd Street, to the entrance of the sandpit is 110% better since your clients went in and started operating'.

It's hard to see, it's very hard to take a photo of a road and show very much, but 73rd Street has been vastly improved and I've got folks here to attest to that and I believe if you've driven that, you know that.

Now the township trustee, Mr. Neely, wrote a letter in which he criticized our efforts, in which he said we've torn up the road, in which he said he doesn't want 77th Street to become what 73rd Street has become. And I'm going to tell you and I've not talked to Mr. Neely, my client has, but that letter is totally inaccurate and Mr. Larry Hacker tells me, when he talked to Mr. Neely, Mr. Neely wrote the letter and acknowledged he hadn't even been down to look at the road. He never even went down to see what he's talking about. He simply wrote a letter and said they've destroyed the road. That is just a grossly inaccurate statement. He cannot support it. That road is substantially better than it ever was. Now we're willing to do some temporary things. We'll do asphalt millings.

We'll maintain it like we did 73rd Street. We're willing to do any one of several compromises that either this commission may suggest or that I've set forth in my little synopsis.

An interesting thing about the traffic count . . . you're not going to have the time and that's why I should have gotten it to you sooner, you're not going to have the time to really digest that traffic count. You're not going to have the time to take with it to look at it, but if you do look at it closely,

Regular Meeting, June 14, 2006

you will see that the majority of the traffic on that count is coming off of Ridge Road. You take the traffic coming off of Ridge Road and then you take the traffic which is traveling across the counter at 87th, at Tyler Road, and there's a difference. If you get six cars off of Ridge and you're getting two cars past the site, going down to Tyler, four cars are going someplace else. They're not passing the site and I suggest that that's the traffic that's generated by that housing development, so I think that's really the crux of the issue are those folks and we will pave that and then we'll maintain the rest of it.

Here's what I'd like to see you do. We're amenable to coming back. You can put in a condition that we can look at this again in three years or five years. We would have a right to come in and seek amendments in another public hearing. Give us an opportunity to go in and demonstrate what we can do with the road and then provide for a review. Look at it again in a couple of years, or three years, and we'll go ahead and pave past that development right now. So that's really my pitch here this morning. I just don't think it's reasonable, there is no justification, I've got the land planners here, I've talked to the engineers, there is no basis for asking us to spend \$350,000 to pave a dirt road that carries no traffic, that has no houses along it, it's an ag area. So that's basically my position here this morning and let's do something on a temporary basis and figure out a way to look at it again. Got questions?"

Chairman Sciortino said, "Thank you. We have questions. I just need some clarification. You indicated that you would be willing to pave to our industrial standards just to cover that housing development. Is that what I heard?"

Mr. Kaplan said, "We will bring the paving, Commissioner Sciortino, we will bring the paving to the west edge of that development and we will do that to an industrial standard and that's what we do. I mean, this is a paving company, Kansas Paving. We will do that and eliminate any kind of problem those folks may have. The rest of the road . . . the only thing that I can think of is you might say there's dust and there is no . . . sand does not make dust. There is no dust in sand. If 73rd, if the township would grade from the far ditch to the center of the road and keep the gravel on the road, they wouldn't have dust either, but if you grade from the center to the ditch and you grade the gravel off the road, you're going to have dust."

Chairman Sciortino said, "Got it. Commissioner Winters."

Commissioner Winters said, "Thank you. I just again, clarification, and I think Mr. Kaplan answered that, but his proposal is to pay for what would be one quarter of a mile."

Mr. Kaplan said, "That is correct, commissioner."

Commissioner Winters said, "Thank you. That was the only question."

Regular Meeting, June 14, 2006

Chairman Sciortino said, “And did we also hear that you would be willing to do that, plus you would be willing to have us review, in three years I think was the term, how well you’ve maintained the rest of the road, etcetera, so that we could reverse it and say okay, after three year, ‘no, I’m sorry you have to pave the other portion’?”

Mr. Kaplan said, “Yes, sir. Set the paving, set the condition, or set the paving requirement three years in or three years hence and if we feel it’s not necessary then, we can seek an amendment to the conditional use and we’ll be entitled to a public hearing to discuss it again. Anything short of full paving, that’s reasonable.”

Chairman Sciortino said, “All right. I think I stepped all over what Commissioner Burtnett was going to ask you, so I apologize for that. Commissioners, any other questions? I want to err on the side of being more open that I think we need to be, or by law we have, this isn’t a public hearing but is there anyone else here in the audience that would like to speak to this issue, because I think the applicant has presented an alternative that’s worthy of our consideration. Yes, sir. If you’d like to come up to the microphone and give us please your name and address and limit your comments, if possible please, to no more than five minutes.”

Mr. Ronald Niday, 7425 W. 77th Street N., Park City, Ks., greeted the Commissioners and said, “That is in the housing cluster that you mentioned. What I’d like to do first is just talk to the commission concerning the proposal when it began. I understand state statutes say that if you’re proposing any type of business proposal beside residents who own property within 1,000 are notified. There aren’t more than two or three families that are within 1,000 feet but there are 24 homes in that cluster that were never notified, because we didn’t come within the 1,000 feet. I think that is egregious. I really believe that we should have been notified, because it affects us more than anybody in that area. Therefore, we were not able to come to the May 5th commission to discuss our protests to the land site even being used. That was my first comment.

The rest of the comments are I appreciate the applicant saying ‘We want to pave that road’ because my concerns with it not being paved have not been mentioned today. We have . . . and I also believe, with the paving, I believe the county needs to put up speed limit sides, because as you see we have a family here with children that are part of that community site that play on those roads

Regular Meeting, June 14, 2006

constantly. The truck traffic, even today there is, I believe it's Harper's Sod Company is about a half a mile west of . . . Krammer, I'm sorry, a half mile west of the proposed site, and with that truck traffic they do not . . . there's no speed limit on that road so there's a lot of danger involved for our children that play in that area.

Also, I appreciate the paving because we have elderly folks and families that have respiratory problems and it causes a lot of dust in the air and they can't be outside when that dust is there. Also, I've noticed with just Krammer's Sod, with their trucks going back and forth, normally in the summertime I have to clean my air conditioning coils three times a summer. I've done it four times already this summer already, so it's going to cause some damage to the resident's air conditioning units and other machinery that they have so I appreciate that. I believe it needs to be paved because other than the residents at 73rd, I've driven both 77th and 73rd for the last seven years that I've resided there, because there is a church camp on 73rd Street that I'm a part of and I would disagree that it's been maintained as good as 77th. There is a lot more ruts. There is a lot more bumps in the road than there is on 77th because it's maintained by the Valley Center township, so I would disagree with that, because I've driven both.

So I would appreciate the commission going with the proposal that it be paved. I understand there are no residents from that west, furthest west home in that cluster, there are no residents, it is all agriculture, but I do believe it needs to be paved and paved to industrial standards and that's all I have."

Chairman Sciortino said, "So you're in support of the compromise proposal that the applicant has presented this morning?"

Mr. Niday said, "Yes. I didn't know that proposal was going to be on the docket this morning and I came to say it has to be done. And as I said, I would appreciate the county commission considering that there be speed limit signs because there is a danger to our children in the area."

Chairman Sciortino said, "All right, sir. I don't know for sure if this is a question to you or not, but I have a light on. Commissioner Winters."

Commissioner Winters said, "Right. It is a question. I mean, what proposal today was we were thinking about requiring the full half-mile or even mile and three-quarters to the entrance, but this compromise proposal has been just to pave one-quarter of a mile west of Ridge Road. So you think that would solve your problem that you anticipate could be happening to your neighborhood?"

Regular Meeting, June 14, 2006

Mr. Niday said, "I think that would solve the problem. And again, I agree with the representative and the applicant saying to review it, because you're going to find that even though . . ."

Commissioner Winters said, "That's all we need. You've said plenty."

Chairman Sciortino said, "Sometimes it's better not to talk past the close, if you've already won. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Mr. Kaplan, excuse me, may I . . ."

Chairman Sciortino said, "You have the power. Thank you very much, sir, for your presentation."

Commissioner Unruh said, "If we hard-surface the road that quarter of a mile that you've indicated, then you are also going to put the temporary asphalt millings on the rest of the road to the entrance of the project."

Mr. Kaplan said, "Yes that is correct. We'll be glad to do that and we'll be glad to do the maintenance, or work in conjunction with the county to maintain that, but we will asphalt mill it and that should solve any dust issues."

Commissioner Unruh said, "Okay, thank you. Another question, just for my information, on your information about the traffic counts, 77th Street North, west of Ridge Road, you have no traffic at all listed here, no traffic counts."

Mr. Kaplan said, "There is . . . what date are you looking at, commissioner?"

Commissioner Unruh said, "Well, the 9th."

Mr. Kaplan said, "Does it have a line down?"

Commissioner Unruh said, "Yes."

Mr. Kaplan said, "Yeah, well there was a period of time the counter went down. Somebody picked it up or disconnected it. There was a period of time we didn't have a counter, I don't recall the day, there were five days, there were traffic counts taken five days. There was half of one day that there's just a line drawn through the column. I'd have to get mine, and that's the day that Mr. McKinley said somebody picked up the counter, did something, it didn't read."

Regular Meeting, June 14, 2006

Commissioner Unruh said, "Okay, I understand it now."

Mr. Kaplan said, "That was a technical kind of glitch, but I think that there's enough counts there to give you a feel for the traffic."

Commissioner Unruh said, "All right. Thank you very much. That's all I had, Mr. Chair."

Chairman Sciortino said, "Okay, thank you. Commissioner Burtnett."

Commissioner Burtnett said, "Mr. Kaplan, I have a question for you while you're up there. If the applicants were to revise their operational plan and move the plan entrance closer to the half . . . it would be a half mile then, if they moved their plant and the entrance in, so rather than a quarter, if they went a half mile."

Mr. Kaplan said, "That would cut distance and I think that would make it approximately half mile, that would be . . . he's moving the entrance to the east edge of the site."

Commissioner Burtnett said, "Right. Is that a big problem? Would that be an issue?"

Mr. Kaplan said, "I don't know that that's a big problem at all, commissioner. I think we could accommodate that, if you would like that, we could do that. If you're thinking in terms that that will just simply lessen the costs of doing an overall paving, the cost will still not be feasible, but we will move the entrance, yes and that will avoid . . ."

Commissioner Burtnett said, "I'm trying to think of a compromise also and I had thought about the quarter mile, just past the houses, but the more I thought about it, it's like this is 20 years that you're talking about."

Mr. Kaplan said, "Well."

Chairman Sciortino said, "Review in three."

Commissioner Burtnett said, "Well, originally we're talking about 20 years for this project, so that's kind of what I was thinking too, is if you could move the plant closer and have it less paving, that would be . . ."

Mr. Kaplan said, "We will do that, we will move that entrance, which will eliminate another

Regular Meeting, June 14, 2006

quarter mile, will it not? Approximately, so we'll have about a quarter mile of unpaved road and a quarter mile of industrial standard paved road and that quarter mile we can do with the millings and do our own maintenance."

Commissioner Burnett said, "And the millings is more than what you're doing at 73rd Street?"

Mr. Kaplan said, "Yeah, we're not using millings at all, but we will put millings down and they're affective."

Commissioner Burnett said, "Okay, that's all I had right now."

Chairman Sciortino said, "Thank you. Is there anyone else in the audience that would like to speak to this item, either for or against? Again sir, just for the record, if you'll give your name and address."

Mr. Jim Meyer, 9101 W. 73rd Street N., Park City, Ks., greeted the Commissioners and said, "Which is approximately a half a mile west of where the entrance to their sandpit is now. And I have lived there since 1980 and I have literally plowed mud from my entrance to my house all the way to Ridge Road for a lot of years. I'm a former buyer at Cessna Aircraft, so I spend a lot of time on that road every day.

And I can tell you for a fact that when they put their sandpit in and started improving that road, that it is at least five times better than it was before, because it was strictly mud, even when the county put sand on it, it still turned to mud. They came in there with rock and mud balls and rock and there were some soft spots in it that they had to repair, but yes, it does now have a crown in it and as recently as a couple of days ago, when it rained, I again plowed mud from my house up to their entrance and then it was pretty much fine from there on in. There were a couple of soft spots, but they did a great job on it and that's all I have to say. Thank you."

Chairman Sciortino said, "So you're standing in favor of the compromise proposal?"

Mr. Meyer said, "Yes, I am. Yes, and they did a fine job fixing that road. Let's hope it doesn't go back bad."

Chairman Sciortino said, "Okay, thank you sir. Anyone else that would like to speak for or against this? Yes, ma'am. Again, I have to say for the record if you would just please give your name and address."

Ms. Thelma L. Black, 8401 W. 73rd Street N., Park City, Ks., greeted the Commissioners and said,

Regular Meeting, June 14, 2006

“I’ve lived there since 1966 and I agree with Jim Meyer, the road is far better than it’s ever been any time we’ve lived out there. It’s in good condition. They can put a 30 mile speed limit there to protect from so much dust and noise coming down there. I haven’t had a problem with them at all.”

Chairman Sciortino said, “Okay. So you’re standing for the applicant in the proposal that they’ve presented then?”

Ms. Black said, “Yes, I disagree with the neighbor on 77th, that is not as good as 77th. It’s much better, I think.”

Chairman Sciortino said, “Anyone else that would like to speak for or against the item? Mr. Schlapp, you don’t count. All right, I’ll just close this . . . as you know, it wasn’t a public hearing. I’ll close public comment and limit comment to the bench. Commissioners? Commissioner Winters.”

Commissioner Winters said, “Well thank you. I’m certainly going to listen to Commissioner Burtnett. I know that she has had a lot of involvement in this case because it is in her district. I know she’s worked hard on thinking about lots of things. My first response is this compromise sounds kind of interesting but I know you’ve been out there, you’ve driven the road a number of times. I know you’ve driven 73rd a number of times, so I’m going to look to you for some guidance. But this compromise sound like something workable to me. That’s all I’ve got.”

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

Commissioner Norton said, “I’d like some dialogue about our own rules and regulations. Are we only guided by subdivision regulations on the paving of roads? We had a lot of dialogue about that at one point, but was that just subdivisions went in, or did it have to do with industrial development?”

Mr. Schlegel said, “Well in a situation like this, where you’re approving a conditional use, you have a lot more discretion in applying other requirements on an approval of that conditional use. So you’re not just constrained by what’s in the subdivision regulations.”

Commissioner Norton said, “But that dialogue we had, would that normally control what we would do in this instance, John. The dialogue we had for two years with Jim Weber and everthing. Maybe Jim has the answer to that, since he’s here.”

Mr. Jim Weber, Deputy Director, Public Works Department, greeted the Commissioners and said,

Regular Meeting, June 14, 2006

“I think you’re referring to the discussion that we had with the urban fringe development policy.”

Commissioner Norton said, “Right.”

Mr. Weber said, “That policy was driven by issues that we have with residential development, say in the 2030 growth area, even farther out in the county. I don’t think that the policy was and those discussions were necessarily driven by . . . you know, we didn’t really talk about industrial type development, like this is, when we were talking about that policy. I think that leading to a little bit of confusion for the applicant, because Mr. Kaplan was liking to talk about traffic counts and residential development, but they’re in for this zone change because they are getting ready to do an industrial operation out there and we have always looked at industrial operations as being separate and apart and something we really have to consider what’s going on there and whether that’s going to be a maintainable situation. Not necessarily relating to traffic counts, although that’s a factor. Not necessarily relating to other residential developments around it, although that’s a factor, but the key here is that this type of a road, sand road, is going to be very difficult to maintain out there for that township. I’ll stop. I may go on later.”

Commissioner Norton said, “Well, to me it all ties together that we were trying to put together some kind of policy and procedure that dictates when traffic counts get escalated because of some kind of development. We talked about residential subdivisions going in and it be onerous on the township roads and the county having to put that up. I would think some of the same thought process applies when you’re talking industry is going to go out there.

Now if it’s industry that has very few employees and no truck traffic, maybe it doesn’t have much bearing, but something that’s going to run a lot of heavy trucks through there might, you know, stipulate that we would have to do something with paving, so I just want to be sure that we have that dialogue, because more and more as urban development, industrial uses, commercial uses and residential pushes out, we’re going to continue to have these debates, what to do with the township roads. And what we do today may set in motion the next guy that comes in and says ‘Well, I only want to do a quarter of a mile, I don’t want to do a whole mile’ or whatever. We better be sure that we’re not setting precedence that are going to . . . we’re going to have to live with for many, many years. I just want to have the talk about it.”

Chairman Sciortino said, “Sure, and I think that’s something that maybe at some time we need to discuss further, but the reason we did what we did, primarily, if my memory serves me right it was on commercial development . . . excuse me, residential development with the concern that they put it in, don’t pave it and then all of those citizens are going to be calling the commissioners, complaining about . . . and eventually, the county would have to do it. I don’t think we’re going to

Regular Meeting, June 14, 2006

get a petition from this person saying ‘Dog gone it, why don’t you pave this road, because my trucks are getting dusty’.

And the other thing that I really appreciate that Mr. Kaplan presented this morning was the fact that if we decide to go along with the compromise, we have a three-year review to see are the roads still at the same . . . Are they maintaining them properly, are the residents happy with the way they’ve been maintained’. We could always, in three years, impose the extension of that and I think that’s a good, healthy compromise. But I like the idea of maybe at some time talking more about this, because we did just focus on developers developing homes, not what happens if industry is developing traffic and what have you. Commissioner Burnett.”

Commissioner Burnett said, “I do have a couple of questions regarding the actual paving and I don’t know if Mr. Schlegel or Mr. Spears would be able to answer this. If we’re talking about industrial paving for a quarter mile and then some millings for a quarter mile or to the entrance to the operation and then dirt for the rest of the way, whose is going to be maintaining what? Is there . . . where do we go with that?”

Mr. David Spears, P.E./ Director, Public Works, greeted the Commissioners and said, “Well, that’s the exact question I had. Who is going to maintain this?”

Commissioner Burnett said, “I’m assuming that if the applicant is doing some paving and they’re going to have some money invested, they’re going to make sure that road stays in good shape. But I’m seeing a patch here, a patch here and then dirt here and I’m trying to figure out how is that going to be best maintained?”

Mr. Kaplan said, “We maintain from the entrance to Ridge Road, the millings, the unpaved portion and we can even . . . this is a paving company, so we maintain the hard surface, industrial paving. We ought not to be asked to maintain from the entrance west to 87th, although I don’t know if that would be out of the question, as far as putting down rock and blade-ing that. I don’t know how Mr. Hacker feels about that, but the township does do that currently, so it would alleviate the township’s responsibility from the entrance to Ridge Road, which approximately that half mile.”

Mr. Spears said, “So you would enter into an agreement with the township to maintain whatever part of that road.”

Mr. Kaplan said, “I would certainly proffer that agreement. That’s what we did with Park Township on 73rd Street. Notwithstanding the comment, I think it worked out real well. The gentleman was talking about 77th Street being better. I think 77th Street was in better shape than 73rd Street to begin with and I think we’re bringing 73rd Street up to those standards.”

Regular Meeting, June 14, 2006

Mr. Weber said, "I'm sorry, I need to bring some clarification to that. I don't remember where Bob Kaplan was when we wrote that agreement with the township, but I don't remember him being there. That agreement only calls for the owner of that site to provide material to be used by the township to maintain 73rd. I don't know what they're doing up there. They have no agreement with us now. They're not doing anything to provide liability coverage for anybody for the maintenance work they're doing on 73rd. An agreement on 77th, of the type they're talking about, we've never done before."

Commissioner Burnett said, "Do you think it's possible?"

Mr. Weber said, "We got into it with the township and the arrangement we had because it was a problem at that time to just turn over maintenance responsibility to a private organization."

Commissioner Burnett said, "And I can understand that could be a problem, but we're trying to compromise and work together here. What was my next question?"

Mr. Weber said, "Well my only point was that that's not quite as simple as Bob would make it sound."

Commissioner Burnett said, "Okay, but in defense of 73rd Street, I have to admit, it is a lot better than it was a year and a half ago, when I came on this board and that operation had apparently just begun not too terribly soon before that. And that road did get a lot of attention and they've done a good job. I still continue to worry about the dust, so I'm glad to see this compromise because this is what we're looking at."

The other question I had is in the actual paving. Is this something . . . and this again is Schlegel or Spears, is the actual paving of the road something that the Hackers could do themselves, since they're in the paving business and they could probably do it for less money than if we had to send out for bids? I mean, we're requesting them to do the paving, so I'm assuming they can do it however they want? I mean, they could do a standard . . ."

Mr. Spears said, "They are qualified to do the work. They bid on other county projects and they're qualified to do the work. It would have to be done to the county standard and we would be there to inspect it."

Commissioner Burnett said, "Okay. That's all I have right now."

Chairman Sciortino said, "Okay, I think it was Commissioner Unruh next."

Commissioner Unruh said, "Thank you Mr. Chair. Well, I don't know who to ask about this. The

Regular Meeting, June 14, 2006

question is, going west from the entrance, your trucks won't be using that direction, so the traffic load west of the entrance will have no higher usage?"

Chairman Sciortino said, "By their activity, right."

Commissioner Unruh said, "But any maintenance then on the west half-mile of this, approximately, would still normally then fall to the township. But then we're setting up a situation where we're have a mile road here where half is township and half would be maintained by the applicant. It would seem like, as part of our compromise, that we would ask the applicant whether it's used with the asphalt millings or he just grades it, to take responsibility for that entire mile, even if it is sand and gravel on the west half-mile, the east half-mile with millings on a quarter of it and then county standard road on the last quarter, but under one person's maintenance on a contractual agreement, so that we know it's going to be taken care of."

Mr. Kaplan said, "Kansas Paving will assume that responsibility for the entire mile. The millings to the quarter mile and then the industrial standard paving for the remaining quarter. We will assume the entire responsibility."

Commissioner Unruh said, "All right. Well, it seems like that tightens up this compromise to some degree, if that whole mile is taken care of by one company on a contractual basis, if we find out that we can actually make an agreement to do that, and I'm assuming we can. Is that right, Dave or Mr. Euson? Can we make agreements to do that?"

Mr. Richard Euson, County Counselor, said, "Yes, there's a way that can be done."

Commissioner Unruh said, "And then the doing of this, although we're finding a compromise and doing something that seems pragmatic and practical, we're not violating any other policy relative. Is that correct, John?"

Mr. Schlegel said, "No, not that I would be aware of."

Commissioner Unruh said, "So we're not violating a policy and we are not creating a policy. I mean, we are setting a precedent, but we're not creating new policy. We're just finding a practical way to solve this problem."

Mr. Schlegel said, "Right, actions such as this that are taken for conditional use are for that particular conditional use, that particular case."

Commissioner Unruh said, "All right, thank you. Well, that's all I have. I think I would be supportive of that type of compromise and I'll let Commissioner Burnett say what she thinks about

Regular Meeting, June 14, 2006

it, but it seems like that would be workable.”

Chairman Sciortino said, “Commissioner Norton.”

Commissioner Norton said, “My first question is don’t we generally try to not pave things a quarter mile, half mile, because of the traffic leaving a paved road and going into gravel is pretty dangerous? Isn’t that generally our thought process, Dave?”

Mr. Spears said, “Generally that is our thought process and when we cold mix, we generally do a mile at a time for that reason. Somebody going 55 miles an hour and by the way, we did a speed count on that road too and traffic is at 54.4 miles per hour on the 85 percentile, which means you would sign that road at 55 miles per hour, as . . . I’m sorry to tell the gentleman that, in the red shirt over there, but that’s how that road would be, 55 miles per hour, because that’s what the 85 percentile is. So that, we’ve had accidents before where cars go from paved to gravel at that speed or higher speeds illegally. But that generally is our policy, when we cold mix.”

Commissioner Norton said, “The other thing is, today we’re talking about a company, industrial, that has the ability to pave and maintain. What if the next person is a distribution operation that has a lot of trucks coming and going but they aren’t in the paving business. Do we require them to pave the road and maintain it?”

Chairman Sciortino said, “I don’t think we’re establishing that. I think this is a particular conditional use that we’re taking into consideration all of the conditions and perhaps maybe even the applicant. I don’t think this would force us into any action based on what we’re taking today. I think this is just dealing with this one particular conditional use and if the other conditional use we may want to impose that it get paved and somebody else will have to pay for it. I don’t know, but that would be something we would deal with at that time.”

Commissioner Norton said, “And as far as the maintenance, is it a one-year agreement to maintain it, or is a 20-year agreement, or the life of the conditional use? And if they, after five years, want to close down the sandpit or they somehow have changed business or go out of business, now who maintains that road? Are they obligated through mitigation to continue 20 years of maintenance?”

Commissioner Burnett said, “Good question.”

Commissioner Norton said, “I’m just trying to think through the process of what we’re doing.”

Chairman Sciortino said, “I’ll just throw out what I would be comfortable with. I would be comfortable with the agreement that the applicant maintains it as long as he’s in operation. Now if he all the sudden went bankrupt or whatever, I think it should also should he decide to sell this to

Regular Meeting, June 14, 2006

another operator, that the commitments made by this one would inure to the new purchasers, but I don't know it would be reasonable to say I don't care if you continue operating, you close it down or whatever, you still have to maintain it forever. But I think it should be maintained for the length of the conditional use and as long as this operator is operating and that this commitment inure to anyone that he would sell the operation to. I mean, that's just my thinking on that."

Commissioner Norton said, "Well if they don't . . . if this particular entity does not maintain it, then it falls back to the township and is the township capability of maintaining three different kinds of roads: asphalt milling, gravel and paved? Generally, paved roads come back to the county, so does that mean we pick up a quarter of a mile and the township takes the rest? I'm just trying to think through all the scenarios that could happen on a precedent, per say."

Chairman Sciortino said, "I don't know the answer to that subsection of the question, commissioner. Commissioner Burtnett."

Commissioner Burtnett said, "Well I was going to see if David had an answer to that."

Mr. Spears said, "Generally, when we take over a road from a township, we generally take a mile. We don't take a portion of the mile. If we would take it over, we would take the whole mile."

Commissioner Burtnett said, "Okay. Would we be able to handle the three different types of road?"

Mr. Spears said, "We would not like that and we would probably end up, I would say, cold mixing the west half then, west half-mile, if that was to be the case . . . if we ended up with it."

Commissioner Burtnett said, "Okay."

Mr. Spears said, "And we'd have the whole thing paved. The millings part, we're not crazy about that idea. Quite frankly, we've tried that before and it's a high maintenance problem for us. Millings is not cold mix. It's just millings that are not compacted together. Sometimes with traffic, the driving on it, where the wheels are, the wheel lanes can pack it back together, but you'll end up getting potholes in it. We've tried that, because it's a lot cheaper solution than when we do our cold

Regular Meeting, June 14, 2006

mix, but it does not work. Some of the other townships, Salem has tried it and it does not work. It's just a high maintenance thing, I'd just put it that way."

Chairman Sciortino said, "But as long as the applicant is maintaining it, that wouldn't be a concern, but what I'm hearing is if we ever took over, you'd probably be talking to us about cold mixing everything that they haven't already, asphalt it to industrial standards. I've got it."

Mr. Spears said, "That's right. Well, no we wouldn't want to cold mix it anywhere to the east, because that's where the heavy trucks would probably be and the cold mix wouldn't last for that so we would hot mix that."

Chairman Sciortino said, "Hot mix the millings?"

Mr. Spears said, "We would redo that portion, that quarter mile, that eight . . . yeah, quarter mile."

Chairman Sciortino said, "Yeah, okay. Commissioners, any other questions?"

Commissioner Burnett said, "Yeah, David, I just want to do some clarification, because we've been talking about a lot of different things. So we are talking about industrial standards for the first quarter-mile, to get past the first set of houses. Then from that point on, millings for only a quarter-mile or to the entrance of their operation?"

Mr. Kaplan said, "Entrance of their operation, yes ma'am."

Commissioner Burnett said, "Yeah, where they move it and it's a little closer or it stays . . . okay, and then the rest of the road would stay as is, but you would still maintain it, as you are doing 73rd Street."

Chairman Sciortino said, "And let's qualify one thing on that maintaining that Jim Weber . . . maintaining means material and the work required to get the material working, not just hand the material to the township."

Mr. Kaplan said, "We'll do the work also, yes sir."

Commissioner Burnett said, "And you're willing to have this revisited in two or three years? You said three. You want to go to the podium, if I'm going to be asking you questions."

Mr. Kaplan said, "I'm sorry, my fault. I'd prefer three years, if you want to review it in two years. My suggestion is that you could make the condition to terminate, if you want to, in two years. In

Regular Meeting, June 14, 2006

two years, you'd provide for a review of the condition use, or three years. Your discretion, we'll do it either way, because I know that we're going to do the job, because we've been doing it."

Commissioner Burtnett said, "And this would all be done before the operation is started."

Mr. Kaplan said, "Absolutely. That is presently a condition anyway, yes."

Commissioner Burtnett said, "Okay, so is everybody clear on what we're talking about? Okay. Are there any other comments on this?"

Chairman Sciortino said, "I don't see the lights on at all."

Commissioner Burtnett said, "Okay, now if I can just remember what I just said."

Chairman Sciortino said, "Why don't you just make the motion based on what you just said?"

Commissioner Burtnett said, "Well, Legal is looking at me like you need to say something."

Mr. Euson said, "Well commissioners, we have talked about a number of different concepts involving maintenance and whose going to build and where the entrance is going to be and asphalt millings and a number of things that really weren't considered by MAPD staff. They, in their report on page 28 of your backup, have very carefully gone through a set of conditions and it sounds to me like perhaps you are ready to do some kind of a compromise here, but I would recommend that you do . . . assuming that Mr. Schlegel agrees, that you do something that would allow the conditions to be perfected, as they have been with the MAPD staff, and come back . . . at least come back to you on the consent agenda. So perhaps you could approve this, subject to staff and the applicant agreeing and perhaps the township if they're going to be involved, agreeing to the wording of conditions and have us come back to you on a consent agenda."

Chairman Sciortino said, "So could you draft . . . like if you were making the motion, what you would say? I make a motion that we accept the compromised proposal, based on review or however you . . ."

Mr. Euson said, "I think the motion would be to approve the conditional use, subject to the agreement among county staff, the township and the applicant relating to specific conditions as discussed today and return to the board of county commissioners on a consent agenda. I think that would be . . ."

Regular Meeting, June 14, 2006

Commissioner Burtnett said, "I'm fine with that. I think David Weber has something . . . I'm sorry, I'm looking at David and thinking of you."

Mr. Weber said, "Just as a thought for you, if you're looking at this compromise, I'd make a recommendation that you require the applicant to put up a petition now that could be used to pave this road anytime in the future if this thing is not properly maintained or they go defunct or whatever and the operation continues to operate. It wouldn't cost anything to put up a petition. It would be a guarantee and sort of a final hammer to keep everybody honest, if this compromise doesn't work out."

Commissioner Burtnett said, "Mr. Kaplan, what's your thoughts on that?"

Mr. Kaplan said, "I would prefer . . . I think that's a rather onerous condition, basically assuming we're not going to maintain it. I would like to see that deferred to the review period. If we're talking about a petition for a special assessment, for special assessments, that's going to pull everybody else into it, and I don't know that that's going to sit very well with your constituents, quite frankly. I think that may not be appropriate at this time, because that's going to bring everybody in, not just my clients, on a petition for improvements, so I think that maybe that ought not to be part of it at this time. You can impose that condition in two years or three years, if you wish."

Commissioner Burtnett said, "Okay."

Chairman Sciortino said, "Commissioner Winters."

Commissioner Winters said, "Well, I didn't know I had my light on, but I guess my comment would be I would rather wait and see what happens in the two or three year time review and then make that decision whether that needs to be part of go forward."

Chairman Sciortino said, "Let me try something. I'm just speaking out loud, but the motion that I think that I'm hearing is that we make a motion to approve the conditional use, subject to the review of the applicant's compromise proposal today and that it come back to us, once staff and the applicant, and I don't know if that includes MAPD or whatever, makes sure that what we heard is put in and it could come back to us in the consent agenda. Is that basically what you're

Regular Meeting, June 14, 2006

recommending, Mr. Euson?”

Mr. Euson said, “Yes sir.”

Chairman Sciortino said, “Okay.”

Commissioner Burtnett said, “Okay, all I have to do is figure out how to put all that into a Motion.”

Chairman Sciortino said, “You want me to try the words?”

Mr. Schlegel said, “I have a suggestion for that motion. It would be to work off the recommended action that’s in your agenda backup and would read this way: approve the conditional use, subject to the conditions recommended by the Metropolitan Area Planning Commission, with an additional condition regarding the paving and maintenance of 77th Street North, which condition will be negotiated by applicant and staff and placed back on a future agenda, adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.”

Commissioner Burtnett said, “Does that sound right to our counselor?”

Mr. Euson said, “It doesn’t sound right to me, because the MAPC did not make any findings and staff added some conditions into their report that weren’t considered.”

Commissioner Burtnett said, “Mr. Manager.”

Mr. William P. Buchanan, County Manager, said, “Can I make a suggestion, Mr. Chairman, that you allow Rich Euson and John Schlegel and Mr. Kaplan to frame a proper resolution to return to you within 15 minutes?”

Chairman Sciortino said, “Well it makes us look kind of foolish that we can’t even frame it. I think . . . but I mean, we may want to do that, but to me the motion is real simple. That we approve the conditional use, subject to the conditions recommended by the Metropolitan Area Planning Commission, including the applicant’s compromise proposal, subject to review by staff and the applicant. To me, that’s the motion and Mr. Euson has already said he’s comfortable with that

Regular Meeting, June 14, 2006

motion. But I don't care, we can let them figure up the words, but we're going to get 17 people trying to design a horse and it's going to come out like a camel because everybody wants . . . Mr. Euson, you're our legal counsel. You give us advice."

Mr. Euson said, "I was happy with the motion to approve the conditional use, subject to the wording of conditions as agree to by the applicant and staff and returned to the board of County Commissioners."

Commissioner Burtnett said, "And I'm fine with that."

MOTION

Commissioner Burtnett moved to approve the conditional use, subject to the wording of conditions as agreed to by the applicant and staff and returned to the board of County Commissioners.

Chairman Sciortino seconded the motion.

Chairman Sciortino said, "Motion has been made and seconded. Commissioner Unruh."

Commissioner Unruh said, "Well earlier on I was going to say that I was happy with having the principles involved in this and our legal counsel sit down and give us some language that is specific, clear, that we know what we're voting on."

Chairman Sciortino said, "Now wait a minute. The only advantage of that would be that we wouldn't have to have it come back to us again, right? If everybody got . . ."

Commissioner Unruh said, "No, it would still come back to us. I mean, I'm also . . . I mean, when I turned my light on, that was going to be my comment. I'm not going to, if you all are fine with this the way it reads, I'm all right with it too. But I am more comfortable with specific language that says exactly what we're voting on, so I would like for these gentlemen to get together and I don't know how we get to that . . ."

Chairman Sciortino said, "You could make that as a substitute motion, if want that."

Commissioner Unruh said, "Because the way it reads, it almost says that we're passing this things, subject to the conditions by the MAPC, which requires a paved road."

Commissioner Winters said, "No, I don't think it says that."

Regular Meeting, June 14, 2006

Commissioner Unruh said, "Well, then that's part of the confusion."

Commissioner Winters said, "But whatever agreement and language they come up with, it will come back to us and we will have an opportunity to read that final language before it's either on a consent agenda or if we're not happy with it, I assume it will be discussed at the agenda, but I just think as long as we've got an opportunity to see the final, negotiated results we'll have an opportunity to say yes or no at that time."

Commissioner Unruh said, "Well, I think there's general agreement that we want to move forward this request, with a compromise, so what it takes to do that I'm not going to fuss about."

Chairman Sciortino said, "We already have a motion and a second on the floor. Commissioner Norton."

Commissioner Norton said, "My only comment is I prefer that it didn't come back as a consent agenda item because if it's complicated and we want to be sure that we get it right, I'd hate for the applicants to think 'well it's just going to go through automatically, and not show up' and not show up and be here and be represented, if we're going to have some kind of dialogue and then have it get balled up because it was going to be on the consent agenda item, one of us looked at it and said, 'I still have some questions on this' and that's not a consent agenda item. You usually have the idea, on consent agenda that there's no questions, it's just going to go through. It's just a little notation that it's already been handled and we consent to it. And I don't know that I've got all this straight in my head, what we're going to be doing right now. I trust that the applicants and staff can figure this out, but I'm afraid that we could end up taking some actions that would hurt the applicant and not come up with the right solution, if we just leave it on a consent agenda."

Chairman Sciortino said, "Okay, so the only concern is it comes back to us as a regular agenda item, not a consent agenda."

Commissioner Norton said, "But to be sure that we know . . ."

Commissioner Burnett said, "That's fine. That's great."

Commissioner Norton said, "The other part of it is this could set a precedent that goes for a lot of years, just like when we were talking about the residential and everything and we need to be sure we get it right."

Chairman Sciortino said, "Commissioner Winters, do you have a comment?"

Regular Meeting, June 14, 2006

Commissioner Winters said, “The last thing I want to say, and I appreciate Commissioner Norton’s concern about setting a precedent and I know we need to be very careful, but it’s just as in this case, if that whole half-mile had the residences on it as the first quarter of a mile had, I mean I’d be on paving the whole road, no questions asked, it’s a deal, don’t even talk about anything else, but it’s not. And what I think we’ve done is really address the concerns of this particular case of the citizens that live on this particular road. So again, I agree with you, we need to be consistent in what we do, but I think this is one case where we’re really trying to kind of change the system to make sure that we fit both the needs of the applicant operating their business and the homeowners, and so I don’t think it’s really setting precedent. I think it’s just trying to help citizens. That’s all.”

Chairman Sciortino said, “Any other comments? We have a Motion and a second. Clerk, call the roll.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

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

- CASE NUMBER DR2005-32 – PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE PERTAINING TO MANUFACTURED HOME PARKS.**

POWERPOINT PRESENTATION

Regular Meeting, June 14, 2006

Mr. Schlegel said, “The impetus for the changes that are in the Unified Zoning Code and the city licensing code that are before you today was the south Wichita/ Haysville Area Plan, and in that plan which was adopted in 2001, the plan identified that poorly maintained manufactured houses areas were a major concern of south Wichita and the Haysville area. And the plan linked manufactured home parks to a negative perception about the area and strains on area infrastructure. And it recommended a number of very . . . what I think would be fair to characterize as fairly stringent new standards and regulations for manufactured home parks.

And I think you can see on this map why that would be a concern in the planning of that area. Although all of the city council districts do have manufactured home parks within them, the preponderance of these parks are located in the south Wichita area.

There were other contributing factors to getting these changes underway. There have been recent changes in state law, so this was an opportunity for us to make city code and the zoning code consistent with those changes. And there’s been a lot of complaints by concerned citizens about the weak efforts by the city to enforce current rules, so this was an opportunity also to beef up the city’s enforcement capabilities.

We tried, through the development and review of these amendments, to provide opportunities for both concerned citizens and representatives from the manufactured home park industry. We have spent time briefing you individually on these proposed changes and we spent time with the city’s district advisory boards back in February and March, briefing them.

This slide lists the major changes that are being proposed, as far as setbacks go. The intent was the match the setbacks for mobile . . . manufactured home parks with those that are found in the zoning code for single-family housing and these would be only for . . . these new standards would only be for new or expanded parks. For parking, it increases the standard from two to 2.5 spaces per unit but allows additional flexibility in how those spaces can be located within a park and utilized. Again, those new regulations would only apply to new or expanded parks.

Screening requirements generated some controversy in the review of these new proposed regulations. Basically, what they require is screening along arterial or collector streets for new parks and that screening could come in the form of either a wall, a fence or solid row of evergreens. For the city only, there was a provision recommended by staff to require screening for existing mobile home parks, or compliance with screening requirements for existing mobile home parks

Regular Meeting, June 14, 2006

within 24 months of license renewal. And then there was a related waiver provision for that particular regulation.

A number of new licensing requirements in the city code. Basically, these were intended to be changes that would strengthen the city's enforcement capabilities. Again, just to list these out very quickly for you, not going to review them in a lot of detail, since they apply only within the city. There have been those that argued at the planning commission that these don't go far enough, that they should go further, but the staff believes that these need to be tried first to see how affective they will be before we try something else. Another important set of changes were in the non-conformity regulations and these are all intended to help with strengthening the city's code enforcement efforts.

The proposed amendments were heard by the Metropolitan Area Planning Commission on three separate occasions, March 16th, May 4th and on May 18th. One area of discussion by the planning commission was regarding the retroactive screening requirements. They did feel that it was unfair to apply these new screening requirements to existing manufactured home parks, so their recommendation is for approval of the amendments that were recommended by staff, with the exception of the provision that would require existing parks that do not currently meet the screening requirement to do so within 24 months and then also the related provision that I mentioned earlier, that would allow waivers of those screening requirements.

And yesterday, at the city council meeting, the city council adopted the recommendation of the Metropolitan Area Planning Commission. And with that, I'll be glad to take any questions."

Chairman Sciortino said, "Commissioners, before maybe we hear from you, I don't know if I need to do this or not but I'd rather err on the side of being . . . making more disclosure than not. This week I believe he was the president of the Manufactured Home Association came to see me and wanted to visit about this item and he indicated to me that his association was in complete agreement with what was negotiated. I don't know how much involvement they got in on the talking but he just wanted to let me know that they had no opposition to what was being presented today. So I just am disclosing that he did come to see me and I did visit with him on it.

Any comments? Oh, that was a tie, but I always lean to the right, so I'll call on Commissioner Norton first."

Commissioner Norton said, "Well, obviously if you look at the map 80% of the manufactured home parks are in my district, so I have some skin in the game when it comes to this issue. The true is, and this goes back to times when I was on the city council in Haysville and even mayor, I've had issues with some manufactured homes parks, and I work hard to use that term 'manufactured home park' because in many cases they're not old fashioned trailer parks or mobile home parks anymore. But the truth is, in that vernacular, we still have trailer parks and mobile home parks existing today.

Regular Meeting, June 14, 2006

I mean, if you dive some of the areas of home parks that we have on the south side, they are not screened, they are not paved. They are areas where certainly it is affordable housing, but sometimes I have a question whether it's really livable housing and I fight for that, for every citizen to have affordable housing that is also very livable housing.

The truth is, we need to work on this issue continually. I think the city has taken some good action to get us started. First of all, you have to have the ability to enforce the regulations you have, and I think the ones that have been brought forward will be enforceable. The part about screening that was kind of debated and left out, there's kind of two schools of thought and one of them is that you need that screening because you're looking back at something that people don't want to see, that they don't want to recognize, that they don't want to look at. It's kind of like a salvage yard. Let's put screening around it. It's still there, but we don't want to look at it. Well the truth is, we need to deal with the real issues that manifest themselves with this kind of affordable housing that always is number one, not taking that property and doing the best use of it. I mean, there are plenty of parcels that are in areas where the highest and best use might be something else, something commercial or something site built, residential. So we need to think about all of those.

If it were up to me, we would start sunset-ing all substandard parks. We'd start figuring out how to work with the owners and have them, as sites become open . . . because with the site-built home surge that we've had in our county, manufactured home parks have not proliferated and in many cases there are parks that have open slots that aren't being refilled because people are not buying manufactured homes and siting them, they're building stick-built homes and I think that's good news for our community. The down side of that though is that every year that that goes by and new manufactured homes aren't going into those sites, the stock of manufactured homes gets older and older and older and as regulations change, as standards change, a lot of those homes do not meet the regulations and standards of the industry and there aren't inspections, there's aren't ways to figure out if they meet livable home standards, so they just keep proliferating as less than livable kinds of things.

I think this is a good first step. I don't know that the screening is a drop-dead issue for me, so I can be supportive of it. Screening only hides what is behind the wall that maybe we don't want to recognize or look at in our community. And I think there's a greater, bigger issue that we should think about and although it is very affordable housing and people elect to chose that, in many cases it's substandard, it's not kept up and it's in areas that if we did something else with that land, it would help the community much more than that kind of affordable housing. So, I'll be supportive of this today. I think we should continue the dialogue about this issue in our community and

Regular Meeting, June 14, 2006

ultimately, the final thing should be that more and more stick-built homes should be built and less and less manufactured homes should be built. That's all I have."

Chairman Sciortino said, "Thank you, sir. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. John, I had two questions. One, existing parks will or will not be required to comply with these new screening requirements?"

Mr. Schlegel said, "Will not. That provision was removed. That was a provision that had originally been recommended in the staff proposal. It was removed by the planning commission."

Commissioner Unruh said, "Okay. And that's the proposal that was approved by the city commission? They approved it?"

Mr. Schlegel said, "They recommend . . . they approved the planning commission recommendation, yes."

Commissioner Unruh said, "Secondly, if a manufactured housing park, mobile home park whatever it's called does not comply and then does not get their license renewed, the people that are living in that park, what happens? I mean, they've been living there and then all of the sudden the operator of the park didn't do something we've asked them to do and shut down the park and then we've got to make those people move?"

Mr. Schlegel said, "Well ultimately yes, if they're not in conformance with the requirements for manufactured home parks then they would either have to bring it into compliance or without the license, then people would not be able to live there."

Commissioner Unruh said, "So if I owned one of those homes in a park and you just say 'Well tough luck, you chose to live in a bad park, you've got to move'. I don't know what it costs to move one, but it's got to be expensive."

Mr. Schlegel said, "Well hopefully there will be economic incentive for the park owner to bring the park into compliance so that wouldn't happen and there are a variety of different appeal processes built into the regulations, so that it would not happen overnight without an opportunity for the mobile home park owner to have that action by the city code enforcement people reviewed."

Commissioner Unruh said, "Well I'm in favor of what we're trying to do here and I'll be supportive of this. I just wonder what are the consequences to an individual who happens to be

Regular Meeting, June 14, 2006

kind of caught in the squeeze, where someone doesn't want to comply and say I'm not going to comply and then we shut down the park and the guy says 'I guess I've got to move' and that's just invested in a mobile home and moved into some place that gets shut down, that's kind of tough on him."

Mr. Schlegel said, "Well that could happen with any code enforcement effort for any housing unit. You know, if they go out and inspect a housing unit and find that it's substandard and not habitable, then somebody could lose their place of habitation that way also."

Commissioner Unruh said, "All right, that's helpful explanation there too. So just wanted to make that point clear and I appreciate it. That's all I had, Mr. Chair."

Chairman Sciortino said, "And the other point too commissioner is if a park owner makes a business decision that he's not going to comply, he'd rather shut down, the people would be in the situation you indicated, but that would also be the case, like Commissioner Norton said, people are moving, he's having more and more blank pads and he decides it's just not economically feasible any more, so he's going to shut it down. The people would still have that same vulnerability. So, that isn't quite as big a concern for me, because that would be a business decision that an owner would make, I'm just not going to comply with this, I mean, so he would be making a business decision to shut down whatever income he has. Okay, I don't see any further comments, so what is the will of the board on this item?"

MOTION

Commissioner Norton moved to adopt the amendments to the Wichita-Sedgwick County Unified Zoning Code; and approve the Resolution and authorize the Chairman to sign.

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Regular Meeting, June 14, 2006

Chairman Sciortino said, "Next item please."

NEW BUSINESS

C. AGREEMENT WITH AIRTRAN AIRWAYS, INC. FOR AIR SERVICE.

Mr. Buchanan said, "You have before you a contract with AirTran for . . . a one-year contract that sustains and maintains their affordable airfares in south central Kansas. To get to this contract, we had to go through a number of hoops and one of the hoops was that we were going to enter the new contract until the state legislature did pass what we had hoped that they would pass.

And because of the good work of the south central delegation, south central Kansas delegation, we now are in a position to maintain affordable airfares to the east and to look towards affordable airfares towards the west. It was with their great help and support that this was done, and we're thankful for that.

Our purpose in going to Topeka was two-fold if you remember. One is to maintain what we had and the second was . . . low-cost, affordable airfares to the east and the second one was to go . . . to have sufficient resources to go west.

And this . . . today's contract with AirTran is a component of the affordable airfares plan. It's the component that goes to the east. The state legislature did their work, based on the good work of Andy Schlapp and others from this community, but it was also based on some hard numbers produced by Janet Hare and the Center for Economic Development and Business. Those numbers were reported to us in October of '05 and indicated that the state's return on investment would be four times as much as Sedgwick County's or City of Wichita and that there was 10.6 million dollars, after we took out all the costs of providing service, 10.6 million dollars because AirTran is doing business in Sedgwick County to this community and to the State of Kansas.

The agreement is for one year. We have a three-year agreement in principle. This allows for up to \$7,000,000 in subsidy if needed, but using the projections that we did last year, and seeing the growth rate of passengers and if fuel costs are stabilized, I believe there are sufficient dollars, significant dollars, in excess of \$1,000,000 to start pursuing a western route."

Chairman Sciortino said, "In excess of how many?"

Regular Meeting, June 14, 2006

Mr. Buchanan said, “In excess of a million. And if AirTran’s Business plan continues at a faster pace than what we have seen, certainly there’s room for us to be optimistic that the subsidy would be considerably less or non-existent.”

Chairman Sciortino said, “And we could use all of the unused funds to keep negotiating for a western route then.”

Mr. Buchanan said, “Yes. So I believe that’s true. We will have . . . if you recall, the state legislature included that these funds would be made available to REAP, the Regional Economic Area Partnership and why REAP? Why not the city or the county? Well, REAP is bigger than . . . this is a bigger issue than just Sedgwick County or the City of Wichita. This is a regional issue that helps businesses in this region grow and go and make sense in staying here.

Now some of our critics might suggest that we should have waited until we had all the ‘i’s dotted and all the ‘t’s crossed with REAP and with the city, but I’m proud of this organization that we didn’t take that position. We in fact didn’t get bogged down in that bureaucratic process. We had a job to do and that was to maintain air service to the east. We’re going to enter an agreement with AirTran to do that. We fully expect to have an agreement with REAP in the next month or so and we have plenty of time to do that, about how those funds would flow and tomorrow we will send folks to Topeka to talk to the Kansas Department of Commerce about how we’re going to . . . how REAP is going to receive the state money.

After that meeting, we will enter an agreement with the City of Wichita and proceed to manage the process now. After this agreement is signed and after we have pinned down the relationship with REAP and the relationship with the City of Wichita, it is our intension for the Chairman and I to go to Orlando to begin developing that relationship with AirTran and start talking to them about future additional and what else we might be able to do for this community.

We have . . . this program . . . and I would remind you, this program is not just with the state, but it’s the state and the local governments, both city and county. It is with local governments that are part of REAP and the business community has contributed half a million dollars to a frequent flyer program that entices business flyers to join in pursuit . . . join in flying AirTran to the east. So it is with that information and I’ll be happy to answer any questions that you might have, that I would recommend that you authorize the Chair . . . approve this contract and authorize the Chair to sign.”

Chairman Sciortino said, “Okay. Commissioners? Yeah, we do have some comments or

Regular Meeting, June 14, 2006

questions. Commissioner Winters.”

Commissioner Winters said, “Well thank you, Mr. Chairman. I guess I probably have got comments as much as questions at this point in time. I do want to make, I guess, two quick points. You know, again, this is moving ahead with affordable airfares that we were successful in working with our state legislators in determining the real need.

And I guess I just want to pass a lot of the credit around for that legislative success. This was really part of the initiative of our unified legislative agenda from south central Kansas that kind of originated through the Visioneering process and city staff and county staff were particularly engaged and very hard working. But we also had come into play a number of other local government jurisdictions. And at this point in time, although the contributions have not been huge, there is over 21 cities and counties in south central Kansas that have stepped forward and said, ‘we’re ready to put some money in this, we’re ready to sign resolutions saying that this is an important opportunity for south central Kansas’. And I think it really goes to the benefit of our citizens and businesses in south central Kansas. And then the positive response that we had from our legislators, they heard all of the business folks and citizens and we heard from those in Hesston an Hutchinson an Winfield and Ark City and others that saw a direct impact on their economies. And so we were all able to pull together and once the legislature saw that what was happening and how much of an economic issue this was, they lined up with the local governments and local businesses and we were successful in Topeka.

The other comment I want to make is just this past Monday, the REAP organization adopted what their . . . as they see their responsibility, they have developed what they believe is the selection process and the criteria that need to be met. And I for sure don’t want them to think that we’re getting ahead of the cart here by taking this action today, but in discussing this with some of the REAP folks, this is a real document that we’ll be able to show to them that we have an agreement with a low-cost airline and that we’re ready to move forward, so the REAP organization will not be in a position of saying ‘well, here is a request, do they really have a deal put together’, is there really some benefit of getting a deal put together? We will now have the actual contract to show REAP and say ‘Yes, we have a contract with an airline, please consider this a part of your selection

Regular Meeting, June 14, 2006

process and criteria process of awarding affordable airfares as you determine the state legislature has directed'. So I think we're on a path here.

As Chairman Buchanan has said, if you were going to pick out the best path, maybe we would have had the things lined up a little differently and done things a little bit differently, but this is responding in a very rapid way to legislation that was just recently funded and so now we're all moving forward, kind of at the same pace, and nobody is trying to get out ahead of anybody, but we know that we've got a private business airline that probably doesn't understand exactly how everything needs to go in local government but we're moving on. And we think we're on the right track, so those are just a couple of comments I had."

Chairman Sciortino said, "And you feel also, just one more time, Tom also sits now as the Chairman of REAP this year, he was elected to that position by his peers, so you feel this action would assist REAP in making a decision."

Commissioner Winters said, "I think this will be a clear indication to REAP that here is a real proposal, a real document, a real effort. Something that is not just going to be talked about. This is something that we're ready to move forward with."

Chairman Sciortino said, "Okay. Thank you very much. Commissioner Norton I believe was next."

Regular Meeting, June 14, 2006

Commissioner Norton said, “Well just some comments and then a couple of questions. One of the things that has been worrisome, and I’m supportive of this, I think it’s great, the state stepped forward, but I saw a tag line in some of the media that said ‘County to spend more money on airfares’. Well, it’s not the county. I mean, the county may administer it, but it’s not all county money. I mean it’s state money, it’s City of Wichita money. Now granted, it’s all taxpayer money. It all gets wrapped up. It’s not the county’s money or the city’s money or the state’s money. It’s the taxpayers’ money. But it isn’t that we’re coming up with more money, individually, from the county. It’s that we will be the administrator of all of this money through REAP. Is that correct?”

Chairman Sciortino said, “That’s correct. Our commitment remains the same, the local, whatever our local commitment is.”

Commissioner Norton said, “We’ve committed a million, a million-one, something like that. But that was worrisome that if you only look at that tag line, it just seems like that sound bit is ‘Oh there goes those county guys again, spending a lot more of our money on something one way or another’. Well, it’s everybody’s money put into this pot to try to keep affordable airfares, so I wanted to talk about that.

Secondly, why are we administering the money? How did we get to that? I understand why the City does do it, that’s it’s kind of fallen to us and I think there needs to be some kind of explanation there, that you know it’s the City’s air terminal. It really is the City runs all that, why is it the county now and REAP that’s taken that on?”

Chairman Sciortino said, “Mr. Buchanan, can you respond to that?”

Mr. Buchanan said, “There two parts to that question and the first question was why REAP, and again the state legislature was much more comfortable in assuring that the funds flowed from the state to a regional body rather than to just either the city or the county. And again, I think that was fine with us. Our goal continues and remains how do we sustain affordable airfares to the east and how do we gain affordable airfares to the west. The blinders are on and whatever is in the way of not have that occur, we’re going to put aside. So when the state suggested that REAP be the one, that was fine with us.

Regular Meeting, June 14, 2006

Number two is that the City of Wichita approached us and said, ‘Would you enter the contract with us?’ Our obligations with each others has worked in the past year. It matters not to us whether you enter the contract with AirTran or REAP or the City. We made a decision that it was probably easier for the county to enter, in the way it’s structured with the state, it would be easier for a local government to enter the contract with AirTran or anybody flying west than it would be for REAP, because REAP would be the recipient of the grant and then spending it on what would appear to be their own program, so we need a local government. And when the city approached us and asked us to do that, we said yes.”

Commissioner Norton said, “Was there any complications because the city is the ward of Mid-Continent?”

Mr. Buchanan said, “I’m sure that played in their thinking.”

Commissioner Norton said, “Thought process a little bit. Okay, my final question is what money first? If we look at this, state money we use first? City money next? Or is it all co-mingled and . . .?”

Mr. Buchanan said, “That’s one of the ‘i’s that are not dotted and one of the ‘t’s that are not crossed. The city and REAP’s contribution from smaller communities and the county’s local share is enough to sustain us over the next several months, if we need be. We have a 75-day clause that we could cancel and AirTran knows that. If there’s some reason the state gets bogged down in some bureaucratic processes that we don’t anticipate that occurring, but we are planning for success and failure and a failure means there’s a flow of money from the state that is slow or doesn’t happen for a while. I think we’re in a position to maintain that service and continue that service. We don’t know how the state’s money will flow. We suspect that it will probably be on a quarterly or monthly basis and we know that part of the program requires, part of the legislation requires a 25% share, so how we mix and match those funds will hopefully be determined tomorrow. Tomorrow we’re sending a representative of REAP and Chris Chronis and others are going to Topeka to talk to the Department of Commerce.”

Commissioner Norton said, “That’s all I’ve got, Mr. Chair.”

Regular Meeting, June 14, 2006

Chairman Sciortino said, “And the other thing too, commissioner, as I understand it, in cooperation with the state and the city and the county, there’s a pool of funds. The entire pool of funds will be spent, if it isn’t spent on AirTran it’s going to be spent to entice something west, so our commitment is going to remain the same, whether or not whoever starts to pay what, it’s still going to have to be paid out, because our goal is, number one, to protect the affordable route that we already have established to the east and to aggressively pursue a route to the west, so all of the funds are going to be committed and spent on an annual basis. Just what portion goes to which. So, Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I have one question along that line. What is the county’s . . . how much are we committing too at the county government?”

Mr. Buchanan said, “Last year, we committed up to one million dollars and the city and the county have said that we will do that again.”

Commissioner Unruh said, “Okay, thank you. Well, I’m in agreement with this item and going to be very supportive. I think it was the right thing for us to do, to get behind it early and appreciate the cooperation we had from both the business community and from our local communities in our regional area. It truly is a matter of economic development for the entire state and this is a good investment for us, and ready to go forward.

I appreciate the efforts, as Commissioner Winters was starting to name a few folks, who had a part in making this happen and I’d also want to express appreciation for those who worked very hard and directly on the effort to make this successful in Topeka, not just our Government Relations folks, Andy Schlapp and the folks from the Chamber and the City of Wichita but in Topeka I would want to specifically name Senator McGinn’s name as one who was very supportive and helpful early on in bringing the issue to the senate, getting early passage and strong support there and we’re all familiar with the senator. She used to be a former county commissioner.”

Chairman Sciortino said, “What was her name again?”

Commissioner Unruh said, “Senator McGinn. At any rate, Mr. Chairman, I just think it’s worthy of stating the fact that she was very helpful in initiating this process and getting some momentum going, so many, many people to be thanked and I think it’s going to be helpful to the entire state of Kansas and it’s . . . I’m going to be very approving of it. So Mr. Chair, that’s all I have.”

Chairman Sciortino said, “Thank you, sir. Commissioner Burtnett.”

Regular Meeting, June 14, 2006

Commissioner Burtnett said, “Looking through this agreement, and trying to remember what the city’s agreement with AirTran was it looks very similar. Are there any major differences between this contract and the one the city had?”

Mr. Buchanan said, “There is no major differences, except that we did increase the subsidy.”

Commissioner Burtnett said, “Other than the money.”

Mr. Buchanan said, “There’s been a change in the formula, a little change in the formula which was mutually agreeable.”

Commissioner Burtnett said, “Okay, that’s all I had.”

Mr. Buchanan said, “Okay. Well commissioners, I attended a dinner honoring all the South Central Delegation last night and one of the key issues that all the business community that was there was to applaud what they thought was the first time in the history of the South Central Delegation where there was total unanimity. It didn’t matter if you were labeled a far left liberal or a far right conservative, they spoke with one voice and it was very heartening that once we can get out of this parochial thinking and think more regional, that we can accomplish better things for the entire community. And they were rightfully applauded for the effort and I’m in hopes now that this will just be the beginning of other issues that we can come . . . I think the work that Tom is doing on REAP, it is becoming a political force, when you start talking about how many communities and counties are involved, now the entire state, you could argue, is helping fund affordable airfares out of the largest airport in the state.

And I’m just in hopes that in the future our entire South Central Kansas Delegation can get their arms around other issues that we may be coming up on a unified platform and the whole key is talking regional, as opposed to just talking parochial, as evidenced by the thing we did a couple of weeks ago with that manufacturing company going into McPherson and the corporate headquarters is going to be down here. It’s just neighbors helping neighbors for the benefit of all. So I’m very excited about that. Okay commissioners, what’s the will of the board on this item?”

Regular Meeting, June 14, 2006

MOTION

Commissioner Winters 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 Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

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

D. PRESENTATION REGARDING THE 2006 LEGISLATIVE SESSION.

Chairman Sciortino said, "Andy, did we already steal all your thunder that you were going to talk about unification and koom baya and everything?"

POWERPOINT PRESENTATION

Mr. Andy Schlapp, Director, Government Relations, greeted the Commissioners and said, "You did. I'm hoping you can find some new words of encouragement when I'm done. Just wanted to wrap up the legislative session and kind of talk about what happened this session.

We just spent time talking about affordable airfares and again, that was a tremendous win for Kansas and I think when you look at this past legislative session, I think as we look at the success that we as an organization had and south central Kansas had, is that we started defining things as Kansas issues and things that are important to Kansas happen here, and for too long a time, it was all about Sedgwick County and Wichita and what's important to us and I think that was a big change and I think you guys, as the Board of County Commissioners, are the ones that led that change. For years, you have done that.

Regular Meeting, June 14, 2006

I think our organization understands the art of the possible. Too many organizations spend time standing on principle, knowing that they need this because they're right and they're smarter than everybody and they're going to go beat people over the head to show them that they're right. Unfortunately, it doesn't get anything done. The fact that you guys take the approach of what's possible and what can we accomplish with the group that we are dealing with today makes a huge difference. I think that was one of the reasons we were very successful this year.

One of the things that I've been impressed with the Board of County commissioners and this organization is our use of open communication and developing a preferred future. We go out and talk to all our stakeholders and make sure we're all on the same page and we determine how we can all be successful. Again, that makes a big difference and again, that makes the issue broader than just Sedgwick County. Broader than just the regions that we represent and in fact many of those issues, if you start talking about it, have an impact on all of the state of Kansas and I think affordable airfares show that. Two-thirds of the state see a huge savings because of affordable airfares that happen to happen in Wichita and Sedgwick County.

And the third thing I think that has made us successful is not only do we have this plan and this open communication and we talk to the stakeholders. But when people need information and data to show that we provide that accurately and we show that on time, and again that's the added value that we bring to the table is that we can give that data, so they can be successful as they're making decisions.

So I just say thank you for your foresight and understanding how this process can be effective and again, I think this year was a very successful year. We look at our priority issues that we had at the beginning of the year and we had five and I want to talk about them real briefly. First, affordable airfares and we spent enough time talking about the process, but it's about the cost of doing business. You know, this session they talked about machinery and equipment taxes and all these tax cuts for business. It's about how can we make the cost of doing business less in this community than it's happening in other states and I think affordable airfares is that also. I mean, so many people tend to look at it as a subsidy and it is. But truly, it's about reducing the cost of doing business and I think we made that argument clearly and again, that affects the entire state of Kansas.

Out-district tuition is something that we have been dealing with for years and years and this year we saw the final phase-out of out-district tuition. So again, thanks to the work of Mike Pepoon, my predecessor and many folks that now we are not helping to subsidize the community colleges to have our students take classes here and we pay part of their tuition.

Idle funds, public funds, investment of public funds in banks, previously the local governments could only invest in Kansas banks, while the State of Kansas could invest in any bank. This year, any bank that has a presence in your community, brick and mortar, you will now be able to invest in

Regular Meeting, June 14, 2006

it. It offers more competition and more choice and we should see some savings there and also some improved interest rates in our idle funds. So that was again a huge victory and that was people coming together and working together for the good of the state.

And I want to take a little bit of time and talk about imminent domain. And I think this is really where your leadership came and showed that we're different than most organizations that go up to Topeka. Imminent domain, once the key location is decided, it was clear that the federal government and state legislators were going to do something with imminent domain, to limit imminent domain for economic development. The federal legislature has done some of those issues already. Most state legislators have also addressed that. We went in and said we want to make sure that we don't ruin or lessen economic development for good public use processes. And we think there are times that you need to use imminent domain for economic development purposes, but we understand there needs to be some changes to that process. What that allowed us to do was get into the debate of what that will be and I think we came out very, very well in this imminent domain issue, where a lot of other organizations and government groups will say 'We lost and we didn't fare well in that issue'. Well quite frankly, that issue was going to be that issue, no matter what. We at least got the language to insure that public use didn't get affected, which it would have if the bill would have stayed in its form before the final part of the session.

So again, I think your leadership there was tremendous and lets . . .one of the things that surprised me, when I came back to Sedgwick County after the five years that I was up in Topeka, but it turned out it was only about five months, is the issue of gambling in Sedgwick County. Gambling is a state issue and for some reason in Sedgwick County many people believe it's a local issue. And I guess I just come to you to let you guys know, as you deal with the media and the perception that you're dealing with here, many counties throughout the state have votes on gambling. Not one of them got it. There's nothing that a local government can do to get gambling. It's a state issue and the state legislature is going to decide what's going to happen with gambling, so again, if we move forward, we're interested to know what's happening in that debate, but we really don't have a say in anything that's going on there, and I just think that's important for the citizens of our community to understand, that this is truly a 100% state issue.

There's some others issues that we can look at here that didn't happen this session. Annexation was an issue that was brought and they wanted to stop all unilateral annexation, the county and commission had to be the arbiter. That didn't go anywhere and we're glad to see that didn't happen. There was legislation to have an increased tax . . . or a new taxing entity, the WATC, and that legislation did not move forward. The funeral picketing bill unfortunately did not move forward. I still think there's some issues that need to be addressed there, but there's some first amendment issues with how we deal with Reverend Phelps and the protesting of military heroes' funerals.

M & E tax exemption, again this is an issue, again, with your leadership that has a financial impact

Regular Meeting, June 14, 2006

to us, because we'll be receiving less revenues, but if the plan holds to be true, this will spur some economic development and business growth in our community. And the legislature also again, because we had a working relationship looking for ways to mitigate some of those loses for local government, so again I look at that as an issue that we're going to have to wrestle with, but an issue that the legislature did help us in some capacity not feel the full brunt of a tax . . . or a revenue cut immediately.

And one of the things that I'm sure Rich Euson is happy for is they were talking about taping executive sessions and that was also realized, through the process, that that was not a good idea and did not move forward, so there's a lot of activity this year. It was a fun year to be up there. It was pretty exciting to see everyone working together. As far as next year goes, we're going to continue to meet with our stakeholders around the state. We're going to continue to look at the Sedgwick County issues and how they are state issues. Continue to show all of Kansas why doing things in Sedgwick County improved the state and hopefully the things that we put forward will again, they will see that that does improve the state and I think again, affordable airfares is one of those that really stands out, that this really isn't . . . it's pretty special what's happening here in Wichita, Sedgwick County but it's not about Wichita and Sedgwick County. It's about the state of Kansas and the cost of doing business, so thank you."

Chairman Sciortino said, "Thank you very much for that update, Andy, and you are to be congratulated but I just want to remind you that past is prologue, so there's very little flame that provides no warmth from past successes. We're going to expect for you to use this as the base of excellence and go from there next year. That's the cost of doing a good job. You're going to be given more work to do. Commissioners? Excuse me, Commissioner Winters."

Commissioner Winters said, "Well, thank you. I just wanted to very briefly say that in the time that I've been here I think we've had some very good folks representing us in Topeka, but I would just like to commend our manager Bill Buchanan for the selection a couple of years ago of Mike Pepoon who just really took our representation to a new level and then this is the first year that Andy Schlapp has been up there, and I just want to commend the manager for selecting Andy. I think we continue to do and improve the relationships with not only our legislators, but everybody that has an interest in working in Topeka, and I think Andy has carried that on very well, and so I'd just like to say thank you for his work and support and work that's been accomplished in Topeka. I think we've continued to do good work up there and I appreciate it very much."

Chairman Sciortino said, "Well, rumor has it he's a little bit higher maintenance than Mike Pepoon but I didn't know if that's true. No comment is required, Mr. Buchanan. Andy, we do

Regular Meeting, June 14, 2006

think you're doing a good job and keep it up. I guess we don't have to . . . do we have to make a Motion to receive and file this report?"

MOTION

Commissioner Winters moved to receive and file.

Commissioner Burtnett seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

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

Commissioner Norton left the meeting room at 11:07 a.m.

E. ADDENDUM TO CDBG MICRO-LOAN LOCAL REVOLVING LOAN FUND GRANT PROGRAM ADMINISTRATIVE SERVICES AGREEMENT WITH SOUTH CENTRAL KANSAS ECONOMIC DEVELOPMENT DISTRICT, INC.

Mr. Marty Hughes, Revenue Manager, Division of Finance, greeted the Commissioners and said, "On May 10th the county received a letter from the Kansas Department of Commerce, notifying it of a change in the CDBG micro-loan program. Effective January 1, 2006 the amount of micro-loan repayment allowed for administrative expenses was increased from 3% of the loan repayments to 7% of the loan repayments. Based on this notification, an addendum to the administrative services agreement with SCKEDD has been prepared, SCKEDD meaning South Central Kansas Economic Development District, has been prepared by the County Counselor's Office.

Under this addendum, the administrative fee rate paid to SCKEDD will be adjusted to correspond to the amended CDBG micro-loan guidelines. Under this program, SCKEDD currently administers 15 active loans with small businesses in Sedgwick County, with current balances as of 21/31/05 of \$111,056. Through this micro-loan program, we have issued a total of 17 loans totaling \$240,000 and South Central Kansas Economic Development District has provided excellent administrative

Regular Meeting, June 14, 2006

services throughout the program. I recommend approval of the addendum, which will increase the administrative fee to about \$2,000 a year and I'd be glad to answer any questions you might have regarding the program or this addendum."

Chairman Sciortino said, "Well Marty, I don't see that there's any questions, so commissioners, what's your will on this item please?"

MOTION

Commissioner Burtnett moved to approve the Addendum to Agreement and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Sciortino said, "Thank you. Next item please."

Commissioner Norton returned to the meeting room at 11:11 a.m.

DIVISION OF INFORMATION & OPERATIONS- HEALTH DEPARTMENT

F. GRANT APPLICATION TO KANSAS DEPARTMENT OF HEALTH AND

Regular Meeting, June 14, 2006

ENVIRONMENT FOR WORKSITE WELLNESS SUNFLOWER FOUNDATION FUNDING.

POWERPOINT PRESENTATION

Ms. Sonja Armbruster, Policy and Program Development Coordinator, Health Department, greeted the Commissioners and said, “The last time I was before you presenting a grant application, it was a receipt of funds. It was \$11,500 from KDHE. They said, ‘We want you to continue the work you’re doing in worksite wellness’ and I was asked a provocative question from you all, asking ‘We need to do this, right?’ Asking why are we even doing this at all, so I had decided that when I would put forth this application this time, I would ask that . . . I would provide an answer to that question more appropriately.

So, I’m here to share with you some of the important data about our community, which tells you that 38% of Sedgwick County adults are overweight and 24% are obese and that is just an indication of the fact that way more than half of us are carrying around more than what is normal weight.”

Chairman Sciortino said, “What is the difference between overweight and obese? I’ve always been confused about that.”

Ms. Armbruster said, “That’s an excellent question. They are indicators of BMI, the Body Mass Index, which is a calculation of your height and weight and over 25 is overweight and over 30 is obese.”

Chairman Sciortino said, “So we may not be fat, we’re just too short for our weight?”

Ms. Armbruster said, “Yes, indeed, we could be too short for our weight, which would be nice. Except, with that overweight and obese comes risk factors for health and a whole host of chronic disease. Also, in direct coalition to our weight, we have fruits and vegetables consumption and only 22% of Sedgwick County adults consume the recommended five or more fruits and vegetables today. And only 32% of Sedgwick County adults get the 30 minutes of physical activity they should have at least five times a week. So we know we don’t move enough. We know we don’t eat the right things and our weight is indicating that.

Why worksite wellness? Why should we even promote that as a health department initiative? Preventable illnesses account for 70% of the burden of disease, so we have an opportunity to impact

Regular Meeting, June 14, 2006

the cost of disease and the cost in our community in the lives of the people and in the payment of the health care dollars by preventing and getting people to move more and eat better. The factors contributing to preventable disease include tobacco use, alcohol consumption or sedentary lifestyles and our poor nutritional habits.

Worksite wellness has several benefits and I can cite various research studies to support it, if you have more questions. I'm just going to breeze through them quickly. You decrease healthcare costs. You decrease the employee absenteeism. You decrease short-term and long-term disability, which can be very costly. Decreased worker's compensation, a healthy employee works better. Increase employee morale and enhance employment and retention, and that was one of the things that I was particularly interested in, for health. It's a challenge to seek and retain nurses for public health and people like working in places that have worksite wellness initiatives going.

Briefly, in the last year and a half, we've been engaged in developing a worksite wellness initiative and this chart is an indication of the goalsetting the actual activity of the people who participated, so we had a first, second and third challenge, so you can see those bars. The bar indicates what people actually did and the diamond shape indicates what their goals were. So what I'm showing you on this illustration is we asked the people who engaged in the Take Charge of Your Health challenge to set goals for their physical activity and, as a group, they exceeded those goals and I think that was pretty exciting. That was kind of what we were hoping would happen.

The second element is a slightly more complicated issue, but it's the heart of the matter. It's behavior change. These . . . across the bottom you see contemplation, preparation, sub-action, action and maintenance. Those are the stages of change and so I might think for a long time about whether or not I'm going to take my dog for a walk every day or what my physical activity is going to be. I might think about eating salad more, but that's contemplation. Thinking about it doesn't get it done, so we did a survey with all of the participants and they indicated where they thought they were and they answered a series of questions to arrive at where they were.

And as you can see from the green bars, the contemplation, preparation, sub-action, people not really quite moving towards their goals was where the bulk of the respondents lay. And then if you look across the curve, moves to the right. After ten weeks in the challenge, more people were in action and sub-action and more people were moving forward in their goals, so that's the goal. It's a complicated process that . . . ten-week programs do challenge people to move more, eat better and they achieve the results that they're hoping for.

We had several personal testimonials. One of them was 'Knowing that others are trying to eat more carefully makes people think twice about the foods they bring to the office' and we've had those conversations in this room as well, and one of the funnier ones that we got from a staff person was

Regular Meeting, June 14, 2006

'I think I threw Walgreen's for a loop when I went through the pharmacy drive-through on my bicycle'. So I've enjoyed these kinds of personal accounts.

Another piece that you'll see, I think all of you have a copy of this, very much credit is to our Communications Department and their clever, skillful and timely efforts to put together our Worksite Wellness booklet. We will be submitting this, along with our grant proposal, as evidence that we have already piloted and made strong efforts to create materials that will be useful. This is a tool that we will take to work sites to share with them how they might help their employees move more and eat better.

The purpose of the grant that we're submitting before you today is to request \$187,785 from the Sunflower Foundation for three years to fund a staff position for three years and to support the funding for evaluation of the program, so that we can have a public health education program manager and so that we can reach at least ten new businesses a year but I anticipate that it will be more than that. I just didn't want to set a goal that was completely out of our reach.

And through this process, we will use the tool that we've been given, reach more people, have people moving more and eating better and what I'm hoping is going to happen is a replication of what's happened in this organization, as we've taken this challenge to the Department on Aging and the Sheriff's Office and the Health Department, now we have a Wellness Committee and we have the support of Jo Templin and a whole committee of folks who are making a culture of change and wellness, part of what we do as part of our county business as employees and I appreciate that support and I hope to help us to make that happen in more places throughout the county. We ask that you approve the grant application and authorize the Chairman to sign all necessary documents and I'm happy to take any questions."

Chairman Sciortino said, "I have one. On the 55 ways to improve your health, did you mean walk at work or walk to work? Is that walk to work?"

Ms. Armbruster said, "That is one way to improve your health. There are people who do that. Who intentionally move to a place where they can walk to work. One comes to mind, immediately, but we have staff that do that as well."

Chairman Sciortino said, "I'm going to try that doing sit ups in front of the TV, so I can wean myself off of turning the TV off, so I can keep it on. Commissioners? Commissioner Unruh, you have a question or a comment."

Commissioner Unruh said, "Yes, thank you. Sonja, how much is our financial commitment to this, above the grant?"

Regular Meeting, June 14, 2006

Ms. Armbruster said, “That’s an excellent question. We are not required, by the grant, to have any match specifically. However if you don’t show them that you are going to make an effort to sustain this in the future, you won’t get funded. They said that in so many words. So what we have committed to doing in this grant is we are committing \$10,000 each year in actual cash match. That’s \$10,000 that we have in our budget this year that we plan to spend on Worksite Wellness. It’s not new. It’s something that we budgeted for 2007 and we will continue to budget for Worksite Wellness efforts.

Additionally, in the third year of the grant, we pay for 40% of the salary of the public health educator. And that will come from either this will be successful and we will attain federal funding or large private grant funding or we will reallocate funds within the Health Department, but that’s our commitment in this grant application.”

Commissioner Unruh said, “Okay, thank you. Well, is this the same program that we’ve been involved in in some way, where we identified some companies and recognized them for getting healthy activities at work? I think Love Box was a winner.”

Ms. Armbruster said, “Right. A portion of the grant application and as we have described our partnership with the Health and Wellness Coalition of Wichita, and that group collectively is holding an annual Worksite Wellness conference. You spoke at that conference last year and Love Box was recognized as a well company. If people are interested in being recognized this year in our August conference, they can pull the application from the Health and Wellness Coalition website, hwcwichita.org and they can get that application for a Well Worksite and several applications have already come in. So yes, part of our work for this Worksite Wellness Initiative is to partner with the Health and Wellness Coalition, which represents more than 30 agencies across the community, hoping to move people more at work.”

Commissioner Unruh said, “Okay, very good. Well I think it’s a worthwhile initiative and we need to be involved in this. It’s too bad we all have to be reminded to eat less and exercise more but it seems like we have to be continually reminded of it, but it does make a difference. A little comment, the last few days, my wife and grandson and I were in Boston and it’s called ‘America’s

Regular Meeting, June 14, 2006

Walking City' and it was amazing. I made the comment a couple of times, and we were walking all over the city, as was thousands of other people, but it did seem like, that I was, in my observation, there were fewer people that I would consider obese and I was telling my grandson 'That's what happens if you exercise, eat a lot fish and that sort of thing'. But exercise makes a difference and I think it can make a difference in our entire community and I guess that's reinforced by my recent observation. So at any rate, I'm going to be supportive, but thank you.

Chairman Sciortino said, "Are you going to start walking to work?"

Commissioner Unruh said, "I probably won't walk to work, but I will continue my regimen of walking."

Chairman Sciortino said, "Great. Commissioner Norton."

Commissioner Norton said, "Well I think this ties in with the Health Assembly from years ago. One of the key topics was getting people moving and figuring out how in our community we could have more walking paths and more bike paths and how we could promote wellness at the work site. So I'm going to be very supportive of us moving forward on this, because it is another checkmark from the Health Assembly that we had, we can check off and say we've actually put together a program, we've got a public health educator that will continue to work with our community on things that make us well and healthy."

Chairman Sciortino said, "So you could say 'We don't just talk the talk, we walk the walk'?"

Commissioner Norton said, "You could say that."

Ms. Armbruster said, "I would agree that not only is it an extension of the Health Assembly, but also of the Visioneering Wichita's quality of life initiative and we have a letter of support from Visioneering Wichita to accompany our application."

Commissioner Norton said, "It all layers on top of each other."

Chairman Sciortino said, "I just have one real quickly and this is just an unexamined thought that I'm going to throw out but I do know that peer pressure can be a motivator. You know, if you get together with a couple of friends, 'Okay, let's go walk every Monday, Wednesday, Friday' and they're coming in your office, well you ready to go and yeah, you're motivated. Do we have any

Regular Meeting, June 14, 2006

plans to maybe if some people are really wanting to lose some weight, to have a little incentive program where they form a club and they all weigh in at one particular time and maybe there's some cash incentive or some coupon to something if they lose whatever. I don't know exactly what I'm saying, but again some kind of a group thing."

Mr. Armbruster said, "I couldn't have written a better segway. The challenges that we have, that are part of the grant proposal, the challenges that we have that we will bring to work site and provide technical assistance to do are, for example a take care of your health challenge. It's a ten-week challenge. People will enroll, we put them on teams. They have a team captain that is basically their cheerleader who is supposed to be motivating them. We've seen examples of team captains take their whole teams out on walks.

The walking around the health department and K.U. complex has increased significantly since we started our take charge challenge efforts. They are on teams. They do have a captain to push them and do that motivation piece and the purpose of our \$10,000 match that we're providing, Sunflower wouldn't allow us to use any of their funds to purchase incentives. That was one the . . . well, you couldn't exceed \$500 and that doesn't go very far in incentive purchases so that's the purpose of our \$10,000 cash match from the County is to purchase those incentives, because if people meet their goal at five weeks and if they meet their goal at ten weeks they do get things like pedometers, water bottle holders, cooler bags, exercise bands. It's been a host of prizes."

Chairman Sciortino said, "I mean, do you ever let an elected official join that?"

Ms. Armbruster said, "I will be sure that you receive information the next time a challenge starts."

Chairman Sciortino said, "Because there's times when you need that group push or whatever. On your own, there's oftentimes I'm sitting down and I know I'm supposed to get on my bike and 'ah, to heck with it' but if all the sudden Joe or Sam or whatever is calling, 'Hey now, we're getting ready to go' it give you that 'Yeah, I'd better do it and we're getting close to our' . . . Yeah, that's neat, yeah. I'd be interested in any information you have. Okay, commissioners, anything else? I think this is a great program. What's the will of the Board on this item?"

MOTION

Commissioner Unruh moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget

Regular Meeting, June 14, 2006

authority at the time the grant award documents are executed.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thank you very much. Next item please.”

G. DIVISION OF HUMAN SERVICES- DEPARTMENT ON AGING.

1. AGREEMENT WITH KANSAS DEPARTMENT ON AGING FOR CENTRAL PLAINS AREA AGENCY ON AGING TO PROVIDE SENIOR CARE ACT IN-HOME SERVICES DURING FISCAL YEAR (FY) 2007.

Mr. Ray Vail, Finance Manager, Department on Aging, greeted the Commissioners and said, “I here to present to you the contract between the Kansas Department on Aging and the Central Plains Area Agency on Aging to provide in-home services under the state funded Senior Care Act program. This program provides in-home services in Butler, Harvey and Sedgwick Counties and I ask that you approve the contract and authorize the Chair to sign.”

Chairman Sciortino said, “Thank you. Commissioners, any questions or comments? If not, what’s the will of the Board?”

MOTION

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

Commissioner Winters seconded the motion.

Regular Meeting, June 14, 2006

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you so much. Next item."

2. CONTRACTS (22) TO PROVIDE SENIOR CARE ACT IN-HOME SERVICES DURING FY2007.

- **ADVANTAGE HOME CARE & HOSPICE**
- **AFFORD-A-CARE, INC.**
- **ALL SAINTS HOME CARE, INC.**
- **ASSOCIATED HOMECARE**
- **BLESSED HOME HEALTH CARE**
- **CARE 2000 HOME CARE**
- **CATHOLIC CHARITIES ADS**
- **DEPENDABLE ASSISTED LIVING, INC.**
- **HOME HEALTHCARE CONNECTION**
- **HOME HELPERS**
- **HOME INSTEAD SENIOR CARE**
- **LOVING HEARTS HOME CARE**
- **MEDICALODGE HOME CARE**
- **MERCY HOME CARE, LLC**
- **MOUNT HOPE HOME HEALTH SERVICES**
- **PROACTIVE HOME CARE, INC.**
- **PROGRESSIVE HOME HEALTH & HOSPICE**
- **RESOURCE CENTER INDEPENDENT LIVING, INC.**
- **RIGHT AT HOME**
- **ST. RAPHAEL DIRECT CARE**
- **ST. RAPHAEL HOME CARE**
- **WICHITA LIFELINE, INC.**

Regular Meeting, June 14, 2006

Mr. Vail said, “Commissioners, these are the in-home service contracts for 22 service providers to provide the services for the state funded Senior Care Act program. They provide attendant care, homemaker and respite for the aging population of Butler, Harvey and Sedgwick Counties and I ask that you approve the contracts and authorize the Chair to sign.”

Chairman Sciortino said, “Thank you. Commissioners, your will?”

MOTION

Commissioner Winters moved to approve the Contracts 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 Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Thank you so much. Next item.”

**DIVISION OF HUMAN SERVICES
COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION (CDDO)**

H. ADJUSTMENT TO THE CDDO STAFFING TABLE TO INCLUDE ONE

Regular Meeting, June 14, 2006

BOOKKEEPER POSITION, B217; ONE ADMINISTRATIVE ASSISTANT POSITION, B218; AND ONE CASE COORDINATOR POSITION, B220.

Mr. Colin McKenney, Director, Community Developmental Disability Organization (CDDO), greeted the Commissioners and said, “You have before you a request this morning to add three additional positions to the CDDO staffing table. A little bit of history about this, during the 2006 contract negotiation process with the State of Kansas we agreed to reduce the number of individuals who perform annual basis assessments on eligible individuals. That reduction is to bring down the number, the ratio to one assessor per 100 clients in our area. The directive was to create a local plan to make sure that we could meet that ratio, which we did. We met with our local provider and the bulk of these assessments will continue to be provided through our contract with affiliated service providers.

Those providers who could not meet the 100 to 1 service ratios and others that just chose not to do this service, deferred to us to perform those assessments, so we come before you this morning to add the additional positions required to allow us to perform those assessments and there’s an additional position included in the request that allows us to keep up with the increase in billing, data control, overtime and so two specific to the basis assessment function, an additional position tied to the fact that we continue to grow faster than any other CDDO in the State of Kansas and need to keep up with the size of the service population.

The cost of these positions will not be taken, as has been the case for a number of years, from the annual allocation you provide for developmental disability services. All of the funding you provide for the CDDO will continue to be paid to affiliated service providers and the cost of these position additions will be funded through fee for service revenues, by performing the basis assessments and through our contract with the State of Kansas to be the local administrator of mental retardation and developmental disability services. So again, all of your funding will continue to be paid to local providers to provide the services for persons in need. I’d be happy to answer any questions and recommend your approval of this addition to our staffing table.”

Chairman Sciortino said, “Commissioners, is there any comments or questions that you have of Colin? Commissioner Unruh.”

Commissioner Unruh said, “One question. This change in procedure is brought about by a state requirement, that we get our ratios differently. Is that what you’re telling me?”

Mr. McKenney said, “The state’s concern was that we just had too many people doing these assessments in too many different ways and we really couldn’t argue that point. In our case, we

Regular Meeting, June 14, 2006

have approximately 90 case managers within Sedgwick County and all of them could be performing these assessments and so we understood the concern of the state saying could we get fewer people doing these assessments to be more consistent, more timely and more accountable. And so that's why we agreed to the language which spoke to the creation of a local plan. We didn't want them telling us specifically how we would get the ratio to within 100 to 1, but we understood their concern."

Commissioner Unruh said, "And here we're picking it up from those providers who do not perform that service in their own organization."

Mr. McKenney said, "They have, historically, performed the service. They would not now. They're the smaller providers that could not meet that ratio or where just willing to defer to the CDDO to provide this assessment."

Commissioner Unruh said, "Okay, but the good side of all this is that all of the money that we have been spending for actual services is still going to serve individuals who need those services."

Mr. McKenney said, "Absolutely."

Commissioner Unruh said, "All right, thanks. That's all I had."

Chairman Sciortino said, "Thank you. Any other comments, commissioners? What's the will of the Board on this item please?"

MOTION

Commissioner Winters moved to approve the adjustment to the CDDO Staffing Table.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye

Regular Meeting, June 14, 2006

Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you, Colin. Next item please."

I. ADJUSTMENT TO THE DIVISION OF INFORMATION AND OPERATIONS (DIO) STAFFING TABLE TO TRANSFER FOUR POSITIONS FROM LAND TECH FUND TO DIO GEOGRAPHIC INFORMATION SYSTEMS, AND TRANSFER FOUR POSITIONS FROM LAND TECH FUND TO DIO BUSINESS SOLUTIONS GROUP.

Mr. Richard Vogt, Chief Information Officer, DIO, greeted the Commissioners and said, "This action returns these positions to the general fund. During the last two and a half years, DIO was able to use the land tech fund but this funding is not going to be available for the foreseeable future, so we are asking that these positions be moved back to the general fund. I ask that you approve the staffing adjustment to the DIO table. Any questions?"

Chairman Sciortino said, "I don't see that there are any. So what's the will?"

MOTION

Commissioner Unruh moved to approve the adjustment to the DIO Staffing Table.

Commissioner Winters seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you. Commissioners, before we go on to the next item, I just suggested to Carol that maybe she get your ideas on a sandwich, because I know after we get done here, we have a 45-minute Executive Session and that's going to put us in to probably past one o'clock, plus we have a fire district meeting, so she'll be coming around just asking for your sandwich request."

Regular Meeting, June 14, 2006

Commissioner Unruh said, “Well, it will include several vegetables and fruits.”

Chairman Sciortino said, “At least four servings of each, and light on the chips. Okay, next item.”

J. KANSAS COLISEUM MONTHLY REPORT.

POWERPOINT PRESENTATION

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, “Report this morning is for our activities in the month of May. We had nearly 43,000 people through our doors, ten events, 27 individual performances, net revenues between the operations of the Kansas Coliseum itself and Select-a-Seat was almost \$106,000.

Highlights, at the beginning of the month we have Homier Distributing Company. This company does a lot of public sales. It was over in our Pavilion II, anything from automotive tools to household appliances, to some sporting goods, to some power tools, hardware. We had slightly over 1,100 people come to the sale. U.S. Weapons was back with a gun and knife show. They do five of those a year with us and we had almost 2,200 people in attendance at that. F & E Food Show, now for the past five or six years, F & E has put on their food show over in Pavilion II. They were purchased last year by Bennie Keith, which is another larger food wholesale commercial type food supplier. And they decided to upgrade the show a little bit this year, so it was held off the floor of the Britt Brown Arena, a lot of carpet on the floor, just made it a little bit different atmosphere, very well received, as you can see. That building dressed up very well. They were very satisfied with the turnout for the food show. We had the Mid-America Flea Market, with a little over 6,000 people in attendance at that. We do nine flea markets a year.

And we were graduation central. We had seven separate graduations. U.S.D. has four of theirs out at our building. Goddard High School was a first-time customer this year. They were so pleased with what they received, they’ve signed a three-year agreement. Derby High School of course is a repeat business and Friends is another normal, everyday reoccurring customers. We had almost 34,000 people combined for all the graduations through the doors.

And of course, in Pavilion I, in the arena building we do a lot of equestrian shows and the Kansas Arabians had their horse show at the end of the month with 3,000 in attendance.

Okay, coming up we have the Flea Market again, this Sunday. We have the Stars and Stripes Charity Benefit Show the 29th through the 1st. Tornado Alley is coming back with another paintball tournament in the arena building on the 8th and the 9th. Everybody’s favorite, Rob Zombie is here

Regular Meeting, June 14, 2006

for a concert on July 9th. We have Michael Buble in concert on July 14th. U.S. Weapons Gun and Knife Show is returning again at the beginning of August and we have the Wiggles Live, a nice children's show, or children's concert as it were on July 8th . . . excuse me, August 9th. If there's any questions commissioners, I'd be happy to answer them at this time."

Chairman Sciortino said, "Thank you, John. Commissioners, any questions of John on his monthly report?"

MOTION

Commissioner Burtnett moved to receive and file.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "John, thank you. Keep up the good work. Clerk, would you call the next item please."

- K. AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCREASE #R-275, WIDENING OF 63RD STREET FROM ROCK ROAD TO THE BUTLER COUNTY LINE.**

POWERPOINT PRESENTATION

Regular Meeting, June 14, 2006

Mr. Pete Giroux, Senior Management Analyst, Budget Department, greeted the Commissioners and said, "Public Works has requested a CIP amendment to increase the funding in R-275, which is the widening of 63rd Street from Rock to the Butler County line. This is a joint project with KDOT and you approved it as part of the 2005 CIP. When it's complete, this will extend four-lanes from the Butler County line all the way to Hydraulic.

The project was designed by Public Works staff. If we'd gone to a consultant to do that, it would have cost approximately \$9,000. Here is the original budget. When KDOT opened the bid on May 17th you can see that it exceeded the available funding and we again attribute these price increases to the increasing cost of fuel and oil-based asphalt products and to a lesser extent, to the fact that the bid opening was delayed into this year.

Public Works has requested a total of \$560,403 from the fund balance and we are continuing to monitor the available fund balance and anticipate that we'll need to make continuing adjustments and probably need to reprioritize certain projects within the five-year CIP. The CIP Committee recommends approval. Do you have any questions?"

Chairman Sciortino said, "Commissioner Winters."

Commissioner Winters said, "Just one question. Is the next item coming up, that's also concerning this?"

Mr. Giroux said, "Yes sir."

Commissioner Winters said, "And this was . . . the bidding process didn't go through our bid board process or am I just not remembering it?"

Mr. Spears said, "No, it was let in Topeka. KDOT let the project."

Commissioner Winters said, "Even though it was slightly over, were there sufficient bidders? I mean, do you know David?"

Mr. Spears said, "My recollection is there were at least three bidders. It's usually the same group of bidders that we have here."

Commissioner Winters said, "All right. That's the only question I had, is just that this went through the KDOT bid board process."

Regular Meeting, June 14, 2006

Mr. Spears said, "Yes."

Chairman Sciortino said, "I have just a couple of questions or comments or just random thoughts. The total project is 11.4."

Mr. Giroux said, "And that's the construction phase."

Chairman Sciortino said, "Correct and we're committing to 20%, plus we built in a 10% contingency fund. Is that . . .?"

Mr. Giroux said, "Well, our contingency is less than that. It's capped in larger projects at \$75,000 and there's some other items that will benefit us that don't benefit the state, so that's where the other . . ."

Chairman Sciortino said, "Okay and will this be the same way it is west of Rock, a curb and gutter four-lane, or just a four-lane?"

Mr. Spears said, "Part of it will be curb and gutter and part of it will be open ditch. The more rural, as we get further away."

Chairman Sciortino said, "But does it stay four-lane?"

Mr. Spears said, "It will be four-lane the entire distance."

Chairman Sciortino said, "So we'll have a major arterial then, basically, east/ west from the Butler County line all the way through darn near downtown Wichita."

Mr. Spears said, "That's the idea."

Chairman Sciortino said, "Yeah, I think that's a great idea and I think that type of work is going to open up the availability and maybe further development and what have you, because we'll have a beautiful road on it. And I am very complimentary of you, I guess, Mr. Spears that we did a lot of the design work inside, thereby saving the taxpayers a fairly sizable amount of money."

Mr. Spears said, "I think Pete was conservative on his price. I think . . . I mean, if you went to a consultant for a \$10,000,000 job, it could cost 10%, a million dollars and we did it in-house. I'm going to say we spent maybe a quarter million, \$300,000 at the most."

Chairman Sciortino said, "Very good. Okay, that's all I had. Commissioners, if there's no further

Regular Meeting, June 14, 2006

comments, what's the will of the Board on this item?"

MOTION

Commissioner Unruh moved to approve the CIP amendment.

Commissioner Norton seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, "Thank you very much. Next item."

- L. "AUTHORITY TO AWARD CONTRACT COMMITMENT OF COUNTY FUNDS" (DOT FORM 1309) WITH KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY PROJECT 634-32, 33, 34, 35, 36; WIDENING OF 63RD STREET SOUTH BETWEEN ROCK ROAD AND THE BUTLER COUNTY LINE. CIP# R-275. DISTRICT #5.**

Mr. David Spears, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, "Item L is the authority to award contract commitment of county funds, Form 1309, for the Kansas Department of Transportation. This is for the road improvement project on 63rd Street South between Rock Road and the Butler County line. This project is designated as R-275 in the Capital Improvement Program. The low bidder was Cornejo & Sons Construction at \$11,460,431.09. The previous item on the agenda was a CIP amendment, which increased the budget authority by \$560,403. Sedgwick County's matching local share is \$2,405,000, which

Regular Meeting, June 14, 2006

represents 20% of the bid, plus 10% for KDOT construction engineering. I recommend that you approve Form 1309 and authorize the Chairman to sign and we will fax it to them today, as it is due today.”

Chairman Sciortino said, “Okay. Commissioner Winters.”

Commissioner Winters said, “Thank you. And David, again, I would just for the record ask my same question again. This did go through the KDOT bidding process and there were multiple bidders on this project?”

Mr. Spears said, “That is correct, sir, went through the KDOT bid process and the same bidders usually bid there that bid here. My recollection is there were three or four bidders on it.”

Commissioner Winters said, “Thank you very much.”

Chairman Sciortino said, “Okay commissioners, what’s the will of the Board on this item?”

MOTION

Chairman Sciortino moved to approve the DOT Form 1309 and authorize the Chairman to sign.

Commissioner Burnett seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Chairman Sciortino	Aye

Regular Meeting, June 14, 2006

Chairman Sciortino said, “Thank you David, very much. Next item please.”

CONSENT AGENDA

M. CONSENT AGENDA.

1. Right-of-Way Easements.

- a. Three Easements for Right-of-Way for Sedgwick County paving project on 111th Street South, west of Greenwich Road. District #5.
- b. Two Easements for Right-of-Way and one Drainage Easement for Sedgwick County Project 616-3 through 36; widening of 13th Street North between K-96 and 159th Street East. CIP# R-253. District #1.

2. Resolution stating findings made by the Board of County Commissioners at the post-annexation hearing held May 31, 2006 related to City of Valley Center annexation ordinance numbers 968-00, 980-00, 994-01 and 995-01.

3. Equipment station easement for a Southwestern Bell Telephone d/b/a AT&T Kansas communication station for the Public Safety Center located at 714 North Main Street, Wichita.

4. Line item adjustments to the Truancy Prevention, Juvenile Intake and Assessment Case Management, Parent Training, and Juvenile Case Management Programs, to be submitted to Kansas Juvenile Justice Authority.

5. General Bills Check Register(s) for the week of June 7 – 13, 2006.

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

MOTION

Commissioner Norton moved to approve the consent agenda as presented.

Commissioner Winters seconded the motion.

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

Regular Meeting, June 14, 2006

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “Commissioners, at this time I will recess the Board of County Commission Meeting.”

The Board of County Commission meeting was recess to go into the Fire District #1 Meeting at 11:43 a.m. and returned at 11:46 a.m.

Chairman Sciortino said, “I’ll return to the regular meeting. Are there any other items to come before the . . . on our regular little ‘Other’ item thing? Yes, Commissioner Unruh.”

N. OTHER

Commissioner Unruh said, “Well I’d like to make a comment about the zoo. This weekend we’re going to be opening the Kookaburra Station at the zoo, which is a new concession stand. It’s going to be a nice place for folks to stop by and get refreshments and so forth while they’re out visiting the zoo and would say we need to have some folks come out there. I think our May attendance wasn’t quite as much as we expected it to be, so we want everybody to come out during the month of June and go by the Kookaburra Station.

Also want to say that while I mention the fact that I visited Boston last week and while we were there we went to the New England Aquarium and they have a very interesting penguin display as part of their aquarium exhibits and I just want to say I think the folks in Sedgwick County and this area are going to be really excited when we get our penguins. They’re just . . . they’re hypnotizing, you know just to sit and watch those guys swim around and do the different things they do, and so I’m excited about the new Cessna penguin exhibit we’re going to have here in about a year from now. But it’s going to be fun. We’re really going to like it when it finally opens. But anyway, that’s all I had for right now.”

Chairman Sciortino said, “Okay, thank you. Commissioners, anything else? We had a bunch of breakfast Saturday in Haysville, always that low cholesterol stuff that they serve. Okay, commissioners, I think we have something else that we have to discussion. Commissioner

Regular Meeting, June 14, 2006

Burnett.”

MOTION

Commissioner Burnett moved to recess into Executive Session for 45 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to 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 12:30 p.m.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Chairman Sciortino	Aye

Chairman Sciortino said, “We are now recessed into Executive Session.”

The Board of Sedgwick County Commissioners recessed into executive session at 11:46 a.m. and returned at 1:15 p.m.

Chairman Sciortino said, “Let the record show that there was no binding action taken while in Executive Session. Seeing no further business, this meeting is adjourned.”

O. ADJOURNMENT

Regular Meeting, June 14, 2006

There being no other business to come before the Board, the Meeting was adjourned at 1:17 a.m.

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

BEN SCIORTINO, Chairman
Fifth District

LUCY BURTNETT, Chair Pro Tem
Fourth District

DAVID M. UNRUH, Commissioner,
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2006