

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

### **REGULAR MEETING**

**October 25, 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, October 25, 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; Ms. Marilyn Cook, Director, Comprehensive Community Care (COMCARE); Ms. Jo Templin, Director, Human Resources; Mr. John Schlegel, Director, Metropolitan Area Planning Department (MAPD); Mr. Bill Gale, Election Commissioner; Ms. Caroline Hosford, Environmental Training Specialist, Environmental Management, and Chair, Waste Management Team (WMT); Ms. Deborah Donaldson, Director, Division of Human Services; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Ms. Molly Fox, Director of Development and Pledge Producer, KPTS.  
Dr. Delores Craig-Moreland, Wichita State University.  
Mr. Kenny Hill, Agent for applicant, Poe & Associates.  
Mr. Terry Smythe, Agent for Applicant, Baughman Company.  
Reverend Tim Nicholson, Eagles Nest Church.  
Ray Boese, 13414 W. 23<sup>rd</sup>, Wichita, Ks.

### **INVOCATION**

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

### **FLAG SALUTE**

### **ROLL CALL**

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

**CONSIDERATION OF MINUTES:** Regular Meeting, October 4, 2006

The Clerk reported that all Commissioners were present at the regular meeting of October 4, 2006.

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**Chairman Sciortino** said, “Commissioners, I believe you’ve had a chance to review the minutes of October 4<sup>th</sup>. What is the will of the Board?”

**MOTION**

Commissioner Burtnett moved to approve the Minutes of the Regular Meeting of October 4, 2006.

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, “Next item.”

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING NOVEMBER 2006 AS “MISTER ROGERS NEIGHBORHOOD SWEATER DRIVE MONTH.”**

**Chairman Sciortino** said, “Thank you. Commissioners, I’ll read this proclamation into the record for your review. It states:

**PROCLAMATION**

**WHEREAS**, for over 36 years, Mr. Rogers’ Neighborhood has personified a place where caring and consideration for others instills good feelings in all of us; and

**WHEREAS**, these messages, and the wonderful values that children continue to learn from the program, even after Fred Rogers’ passing, are timeless; and

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**WHEREAS**, Fred Rogers’ red cardigan sweater has come to represent the gentle spirit, warmth and nurturing of the Neighborhood; and

**WHEREAS**, the seventh annual KPTS Mister Rogers Neighborhood Sweater Drive has continued to grow into a unique partnership between KPTS and other organizations and corporations, which include the Salvation Army and Four Seasons Dry Cleaners- which has gathered and distributed more than 18,000 sweaters; and

**WHEREAS**, KPTS and its partners will hold this drive from November 4 – November 18, 2006.

**NOW THEREFORE BE IT RESOLVED**, that I, Ben Sciortino, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim November 2006 as

**‘Mister Rogers Neighborhood Sweater Drive Month’**

in Sedgwick County and recognize the efforts of KPTS and its partners by enabling the citizens of Sedgwick County to have a much warmer winter.

Commissioners, that’s the proclamation. What is your will?”

**MOTION**

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

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. And Kristi, do we have someone here to accept the award?”

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**Ms. Molly Fox**, Director of Development, KPTS, greeted the Commissioners and said, “One of my first tasks when I joined the KPTS team was to organize this three years ago and it’s still one of my favorite activities that I’m involved with each year. You did mention a couple of our partners and this has extended into a large effort by our community and I’d just like to mention the ten folks who are gathering sweaters for us this year being: KPTS, I Need a Cleaners in Hutchinson, Greene Vision Group, Scrapbook Garden, the Wichita Public Library select locations, the Wichita Area SRS, the CPAAA which is the Central Plains Area Agency on Aging, Clear Channel Radio and KZSN, Kidfest 2006, and we’d also like to thank Print Source for printing the posters, dry cleaning by Four Seasons, like you mentioned and the Distribution by the Salvation Army. It really does take a lot of people to pull this off each year and to get the materials we need without expense to make this something that’s very worthwhile to our community and we are proud to do it for our seventh year and plan to continue it into the future. And we thank you for continuing your ongoing support of KPTS and of this community and we’re proud to be a part of it.”

**Chairman Sciortino** said, “Thank you. Commissioners, any questions or comments? I don’t see any, so thank you very much and good luck. Next item please.”

**2. PROCLAMATION DECLARING NOVEMBER 2006 AS “HUNGER AND HOMELESSNESS AWARENESS MONTH.”**

**Chairman Sciortino** said, “Commissioners, I have another proclamation that I’ll read into the record for your consideration. It states:

**PROCLAMATION**

**WHEREAS**, on any given night in America, there are more than 800,000 men, women and children who are homeless; and

**WHEREAS**, in Wichita, there are approximately 600 individuals who are on the streets or in homeless shelters each night. Both nationally, and locally, approximately one-third of the homeless have a serious mental illness; and

**WHEREAS**, two trends are largely responsible for the rise in homelessness; a growing shortage of affordable rental housing and a simultaneous increase in poverty; and

**WHEREAS**, Wichita is host to the Kansas Statewide Homeless Coalition’s 7<sup>th</sup> Annual Statewide Summit on Homelessness and Housing on October 26-27, 2006 to commemorate the start of Hunger and Homelessness Awareness Month; and

**WHEREAS**, the theme for the 2006 Annual Statewide Summit on Homelessness and Housing is

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‘The Road Home: Under Construction in Kansas’ and

**NOW THEREFORE BE IT RESOLVED**, that I, Ben Sciortino, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 2006 as

**‘Hunger and Homelessness Awareness Month’**

and ask all Sedgwick County residents to work to improve public awareness of the needs of the homeless and a better understanding of ways to end homelessness.

Commissioners, that is the proclamation. What is your will?”

**MOTION**

Commissioner Unruh moved to adopt the Proclamation 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

**Ms. Marilyn Cook**, Director, Comprehensive Community Care, greeted the Commissioners and said, “I want to thank you for the proclamation recognizing Hunger and Homelessness Awareness Month. Hunger and Homelessness Awareness Month also encompasses the National Hunger and Homelessness Week which is November 12<sup>th</sup> through the 18<sup>th</sup>. And while America is the land of plenty, we still have many people living among us who are not enjoying the bounty that this country has to offer.

According to the Kansas Health Institute, more than two-thirds of families with difficulty obtaining food have at least one family member that’s working full time and national figures show that one in ten people in poverty will experience homelessness this year.

I’m really proud of the efforts that COMCARE’s homeless program, Center City, has done this year

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in providing outreach to approximately 1,000 individuals, families and individuals who are homeless and connecting them to mental health services, to housing and shelter services and to food. And they continue to do that day after day and that outreach activity and unique and it is very important to the community.

The kick-off activity for this month is the seventh annual summit, as Commissioner Sciortino talked about, that's being held in Wichita tomorrow and Friday of this week at Central Christian Church, on 29<sup>th</sup> and Rock Road. That is the statewide conference and a number of Wichita folks have helped to put that together. It's free of charge for individuals who want to attend that and . . . but they would like people to pre-register by going online at [www.kshomeless.com](http://www.kshomeless.com). Tracy Addington from our program says people can show up tomorrow. The reason they want some pre-registration is a bag lunch is provided and they'll have a better understanding of how many people want that if people pre-registered.

Commissioner Norton is going to be . . . that's no longer happening?"

**Commissioner Norton** said, "Yeah, I've got double booked, so I will not be there and we're trying to find somebody else that can kick it off."

**Ms. Cook** said, "Okay, . . . that was going to offer some opening remarks to that and they do have a nationally acclaimed Broadway actress, Wambui Bahati, who is going to provide the keynote address tomorrow.

In addition to that summit, COMCARE is utilizing money that was given to us by the Forrest C. Lattner Foundation to make our community more aware of homelessness and they have asked that we put billboards up and those will go up next month. There are eight of them. They're scheduled to go up throughout Wichita. Clear Channel very graciously provided in-kind donation of the space on the billboard, so you'll be seeing those as well.

I sometimes wonder if that's very effective but you might remember last month, for Mental Illness Awareness Month, we put some billboards and some advertising on some city buses and I heard that one therapist in the homeless program had two individuals that saw that on a bus and called for some help, so we don't always know the outcome of that, but in this case it really worked well. So I thank you for the support that you provide to this community who are homeless and your support for those who have mental illness, in addition to being homeless. Thanks."

**Chair Pro Tem Burtnett** said, "Thank you, Marilyn. Commissioners, are there any other comments or questions? Thank you. Madam Clerk, will you call the next item please."

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**RETIREMENTS**

**B. PRESENTATION OF RETIREMENT CLOCKS.**

1. **LINDA L. MILLS, ADMINISTRATIVE OFFICER, 18<sup>TH</sup> JUDICIAL DISTRICT, COURT TRUSTEE.**

**Ms. Jo Templin**, Director, Division of Human Resources, greeted the Commissioners and said, "This agenda item recognizes and communicates appreciation to two of our long-term employees from the Court Trustee's Office and celebrates with them their retirement from public service. If I could have Lana Starkey and Linda Mills come forward please.

**Chairman Sciortino** said, "Only if you want to retire."

**Ms. Templin** said, "Our first retirement today is Linda L. Mills who is the Administrative Officer in the Court Trustee's Office. Linda will retire November 1, 2006 after 40 years of service."

**Chairman Sciortino** said, "I have to say, Linda started when she was 12. Linda, here is a proclamation . . . a certificate of recognition from the citizens of Sedgwick County in appreciate of your 40 years of service to them. We'd like to give you this. We'd also like to give you this commemorative clock to kind of let you know that 40 years can go by awful quick if you're not watching the clock and this is pretty heavy. But please, if you'd like to say a few words. No? Thanks ever so much."

2. **LANA S. STARKEY, ADMINISTRATIVE OFFICER, 18<sup>TH</sup> JUDICIAL DISTRICT, COURT TRUSTEE.**

**Ms. Templin** said, "Our next retirement is Lana Starkey, the Administrative Officer in the Court Trustee's Office and Lana will retire November 1, 2006 after 21 years of service."

**Chairman Sciortino** said, "Well, once again, this is a certificate from the citizens of Sedgwick County to recognize your 21 years of service, Lana and also a commemorative clock, but you know now you don't have to go by the clock, so please do whatever you wish. No more 5:00 in the morning. If you'd like to say a few words . . . Okay, well thank you very much."

**Commissioner Burtnett** said, "Commissioners, are there any comments? Well thank you ladies for all your years of service. We certainly appreciate it. Madam Clerk, would you call the next item."

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**PRESENTATION**

**C. PRESENTATION OF THE SEDGWICK COUNTY JUVENILE JUSTICE AUTHORITY AND COMMUNITY CRIME PREVENTION FUNDED PROGRAMS PROGRAM EVALUATION FOR STATE FISCAL YEAR 2006.**

**POWERPOINT PRESENTATION**

**Dr. Delores Craig-Moreland**, Wichita State University, greeted the Commissioners and said, “I perform your annual review of the prevention programs and intervention programs that are funded through the Sedgwick County Community Crime Prevention fund as well as through funds from the Juvenile Justice Authority. I’d like to just go over some of the highlights of this annual review. This is the eighth one of these annual reviews of these programs.

This year, the combination of delinquency prevention programs and intervention programs served 4,263 youth. These are all at-risk youth. To put that in some perspective, we have approximately 7,800 multiple risk youth living in this community, out of a total of 53,440 total youth. So these services are . . . the numbers of people that are served are significant in terms of the numbers of individuals that are at risk in our community. In order to give you some sense and an overview of what’s going on with these programs and whether they’re actually making an impact, this chart . . . and it’s in section two of the report, this chart indicates the success rates of the various programs. The ones that are highlighted in color have a success rate with their clientele that exceeds 85%. I think you can see that the likelihood is great that these programs are going to have a substantial impact on the youth that are served and the many at-risk youth that are in this community.

Six of these program reached that very high standard. The other programs all were providing reasonable rates of success with very difficult clientele, so that’s just kind of an overview to let you know that these programs are in fact successfully working with the clientele that we’ve asked them to work with, in spite of the fact that many of these people represent a tremendous challenge.

One of the ways that you can judge the effectiveness of these programs, in addition to the success rates of the individuals who are served in the program is to look at the impact of these programs on the community. In your report, you will find the Sedgwick County Juvenile System activity chart. This chart has been put together now since state fiscal year 2000 to give baseline information on



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juvenile filings, JJA new custody cases, Juvenile Correctional Facility commitments, Juvenile Intensive Supervision average caseloads, case management average caseload, the percent of population at the Juvenile Detention Facility who are in JJA custody awaiting placement.

If you look at those figures, the trends that I would most encourage you to note have to do with the Juvenile Intensive Supervision average caseload, as well as the case management average caseload.

Those figures indicate what impact it has when the state is not able to provide the same level of funding to us. Because they were not able to continue a high level of funding. We lost the multi-systemic therapy program and a day reporting program for juvenile. And one of the impacts of that, is you'll see some more kids that stay in this community that must have intensive supervision and juvenile case management. So those numbers, it's not a dramatic thing, but they are creeping up a little bit.

I believe this picture would look substantially worse if you did not make the commitment to these delinquency prevention programs, because that's really helping to keep all of this in manageable levels.

Another important aspect of this is whether these delinquency prevention and intervention programs actually reach the right people. When we look at who shows up at the Juvenile Intake and Assessment Center we see that there's some disproportionality. That there are greater percentages of minority youth showing up than there are minority youth in the community. In order to try and accurately address our delinquency problems, we have to make these delinquency prevention programs more or less match the disproportionality that shows up in the system. This pie chart demonstrates to you the composition in terms of ethnicity and race of those that were served through the prevention and intervention programs. And I think you can see that it does have that same shift that I'm talking about, so that we can feel confident that our services are reaching the sectors of the community that are most likely to have those high-risk youth, so there's a good match in who actually turns into a delinquent and who we are in turn focusing our prevention programs to, so that the right services are getting to the right sectors of the community.

I want to go into a little bit of detail about something that is new in this year's report, which is a differential success rate. As I said with that last graphic, we are trying to make sure that we get maximum effect with the delinquency prevention program. One way to do that, as I said, is to make sure that these services reach the individuals that are at the highest risk, and that includes substantial numbers of minority youth, so this year we asked all the program providers to keep track

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not only of who is successful and who is not successful in their program, and that has different meaning with each program, but we're talking about people who stay the course and go through the various aspects of the program. And we asked them not only to keep track of that, they've always kept track of that, but to keep track of the clientele in terms of race and ethnicity. And you can see that when you compare the success rates of minority clients with Caucasian, they're substantially the same. Their success rate is slightly higher, but it's not statistically different.

On the overall, we are getting the high-risk people to good programs that are appropriate for them and that's what this is telling you. That not only are these services available to the right people, but the programs are appropriate or they wouldn't be able to have this high a level of success.

I do want to say that this is the first year that we've had this available, so rather than looking at this and saying, you know, what's right or what's wrong, we need to look at this as a baseline, so that we begin to challenge and discuss with the providers what this means. Whether they need to explore new avenues in cultural relevance, whatever it might be.

I'm very briefly going to go through what these figures look like on each developmental age group. In the early years programs, which includes the Rainbows Early Intervention Program and parent training, there was a substantially better success rate for minorities. We're not able to identify any specific reasons for this. As I said, this is a baseline, so we're most just taking note of it and having discussions and beginning to make an effort to focus on it.

In the elementary school years, and this includes the Big Brothers/ Big Sisters program, the Communities in Schools program and PASE, which is offered by the Mental Health Association, again you see rates that are very comparable.

With the high school, middle school and high school students, the success rates for the Caucasian clients were slightly higher than for those of minority clients and the other clients, those are typically people we don't have an identified race or ethnicity for, so the rates here are not exactly the same, but again we have to explore, you know, this is just a beginning point.

I might add, pretty much all of the kids that are in these programs represent substantial challenges, because they're at a pivotal point in their life, where they're going to make choices that will set them on a path of delinquency and criminality or not. So these are very important services and they're dealing with very challenging youth.

In the intervention programs and the intervention programs have to do with diversion and the

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detention advocacy service, there's a slightly higher rate of success with minority clients and that's kind of, on one level, the detention advocacy service is specifically designed to make sure that people of lower income and people of minority races and ethnicity are able to have adequate services to be removed from the detention facility if it can be safely accomplished, so you would anticipate there would be slightly higher numbers of individuals served in those groups and that may account for some differences in success rate there.

Before I explain this one, I want to say that all the providers that were provided through your Sedgwick County Community Crime Prevention fund and through the JJA funding had substantial numbers of visits, more than 60 visits for compliance with contractual terms and they were all operating in compliance with their contracts with you. As your evaluator, I really appreciate the work that the county staff that does the monitoring contributes to this, because they help the providers understand exactly what good performance is going to look like, and that's a very important piece of this.

One of the things that is new in this year's report, each program offers you a logic model that explains the program's overall goals, the target population they're working with, the specific activities that are designed to produce the effect and then the outcomes that can be anticipated from that. This is very important in helping staff to understand the exact mechanisms and if there are things that might need to be changed, this gives us a focus for making that change. So as you go through the evaluation report, you'll see this at the beginning of each program. It's a quick way to understand what they're trying to do and what tools they bring to bear on that, so that's important.

The outcomes that are indicated here are clear benefits from these programs. Not very clear in this picture unfortunately, but they're clear indicators of program benefits and this will be something that we can discuss and use at future evaluation time to consider actual cost/ benefit analysis, because each of these outcomes should have a dollar value. The Washington State Institute for Public Policy has begun a very cutting edge process of identifying the exact value, cash value if you will, of each of these outcomes and by putting this logic model together, we are in a position now to begin our own analysis along those lines.

Just in summary, . . . well, before I go through each of these outcomes I want to tell you that two weeks ago I was in Denver at a national meeting. I had been asked to discuss the disproportionate minority contact project that we have here, and the people that were there were from the Federal Bureau of Justice Statistics and from the office of Juvenile Justice and Delinquency Prevention. And I was very proud to talk about not only our Disproportionate Minority Contact program, but our other juvenile delinquency prevention programs and our juvenile justice system. And I can tell you, from the comments that they made, that we have an exceptional situation here. We have a very

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fine information system that helps me be able to do good evaluation work for you, because I can tell what's going on. I can produce, with the help of your folks, I can produce system activity information. I can get down to very fine detail on many things that help us to critically intervene and fix things and the comments that were made there indicate that the Sedgwick County system of prevention, intervention and juvenile justice is among the best in the country, so I think you have a lot to be proud of in the way this system is working.

The specific outcomes from these prevention and intervention programs include better school attendance and performance, reduced referrals of child welfare cases, that's mostly due to the parent training, reduced arrest and delinquency cases, more kids staying in school and finishing. That means they get to be taxpayers like you and I, and they can contribute to society. And there's more protective attachment to positive role models. Those are clear benefits from these programs. Thank you for the opportunity to discuss this."

**Chairman Sciortino** said, "Thank you, and doctor, we have some questions or comments. Commissioner Burnett."

**Commissioner Burnett** said, "Well mine is mostly a comment. Thank you so much for this report. The success rate percentages are very encouraging, as we look at the holistic system of justice system in Sedgwick County. As we look at the expansion of the jail and the alternatives programs we're looking for the adults, it's good to see that these juvenile programs are working, so that hopefully in the three years that we're implementing other programs, we won't have a very full jail when it opens up in three years.

So I really appreciate the report. It's very well put together and very informative, so thanks very much for that today."

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

**Commissioner Winters** said, "Well thank you very much and it's a, Dolores, a good report. I haven't got myself through it yet, but it does have some very good information and I appreciate your comments about your recent trip to the meeting in Denver, and hearing what other folks are saying. I guess I'd take a moment to just say congratulations to several folks here, because probably nobody else will say it. But I believe the Board of County Commissioners, at the time we were building the current jail, did take some pretty bold steps in trying to institute some prevention programs that would hopefully stem the tide of those who were on the wrong side of law enforcement. So I think we've done excellent work. And the other parts of that were Bill

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Buchanan who really suffered through that frustration with us of building that detention facility and saw us struggling with that. Helped us come up with a plan to start a new process. And then thirdly, we've got a staff that is working tremendously hard in this area. From all of the people, I can name them all, I'd forget them, but from Mark Masterson and all the folks that are working on the prevention problems. They're doing excellent work. And then I guess fourthly are the community partners that are stepping up to the plate and trying to develop better systems. So this is still a long, uphill battle but I'm very proud of the work that we've all done.

I do want to ask a little more specific question about the Disproportionate Minority Contact and it would just come down to are we seeing these numbers being pushed in a positive direction or is this still a huge work in progress? I know just last week we approved moving forward with the third year with some state funding to try to answer this. Chris was here and asked for the request and I kind of asked her the question and she said she was going to wait and see what Dr. Craig was going to say when she was here and didn't want to steal any thunder. But I guess, I mean, are we . . . we recognized some time ago that the percentage of minority in custody in our facilities was disproportionately high and we took some steps to try to work that. Are we seeing any positive results in that effort at this point?"

**Dr. Craig-Moreland** said, "I think there are some very positive aspects to the programs that are in play, the various efforts. As you might expect, these are complex questions, because we're talking about the juvenile justice system that has nine critical points of decision and because we have good data, we're way ahead of a lot of people. We've been able to tear apart. One of our areas of high disproportionality is in arrests and we've been able to go down to the actual individual events and look at the exact points, even the locations and we have efforts in play. The fact that people are talking to each other or beginning to have an awareness of this is a move forward.

I believe that we are going to see the numbers move, just as we've seen in other areas. This is a slow process, because it's not a simple question of a decision that's made in a biased or an unbiased way. Every one of the decisions that drives disproportionate minority contact is a complex decision, so we are way ahead of the game, because we have good information. We are way ahead of the game because we're able to tear apart those individual decision points and to look at the actual events that are driving this. So I believe that the foundation is there. That we've made steps and they are leading in a good direction."

**Commissioner Winters** said, "And we can have a level of confidence, when we talk to our partners

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at the state, legislators, senators who have a concern in this area, we can say that we do have initiatives in place. We are recognizing this issue. Commissioners, I know when Melody Miller was a county commissioner and now she's a state representative, she has a high level of interest in this and I certainly want to be confident in telling our legislators that this is a priority issue for us."

**Dr. Craig-Moreland** said, "And the priority to all the members of the community that are taking an interest, the key players in the system, the priority is evident in the important members of each of these organizations that are participating in our discussions and the level of commitment that's evident in the activities that they're engaging."

**Commissioner Winters** said, "All right, well thank you. Well, just in conclusion, commissioners, and Dr. Craig, I certainly want to thank you and your work with WSU. At the time when we started on this whole new process of dealing with juvenile justice issues, it was decided that we wanted to have WSU as a partner so that we could really have some strong foundation when we attempted to say what we'd done or what we've not been able to do and WSU and their involvement has certainly lent just a great deal of credibility, I think, to our whole project. So Dr. Craig, thank you very much for your continued work. That's all I had."

**Chairman Sciortino** said, "Thank you. Let me try to break it down into language that I can understand. When the Board of County Commissioners decided to take on this project, we knew that the results would be long-term, meaning if you plant the seed today, you don't bear the fruit tomorrow. Would you put that last slide back up. The one that was the conclusion. Better school attendance, reduced referrals to Welfare cases, reduced arrests in delinquency cases, more kids staying in school, more protective attachment to positive role models. In essence, what we were trying to do was to try to get a hold of seven and eight-year-olds, change their thinking, get them steering in a different direction so they wouldn't become 17, 18, 19-year-old drive by shooters.

We're not going to know the full results of these steps for quite a while, but initially it looks like we're directing these kids to a more acceptable role in society than what they were taking. And it takes a lot of courage to stand out and take the lead on something when you can't get immediate results. I mean, a lot of people might take potshots and oh this is just throwing money away but if we don't have the courage to lead and to try to do something different, we're not going to have a chance at different results. And we're doing the same thing with our adult detention center. We're trying to come up with alternative programs to try to reduce recidivism there and I think we're to be commended, like Tom said, on at least having the courage to try something different and it looks like, initially, it's starting to work and please keep us posted on it. We have all the confidence in your expertise and the entire correctional counseling coalition that you've put together, so thank

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you very much, doctor.

Next item please. Excuse me, receive and file, if you want to make the motion to receive and file the report.”

**MOTION**

Commissioner Unruh 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. Next item please.”

**PLANNING DEPARTMENT**

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

**DEFERRED ITEM**

- 1. CASE NUMBER ZON2006-00027 – ZONE CHANGE FROM “RR” RURAL RESIDENTIAL TO “SF-20” SINGLE FAMILY RESIDENTIAL, GENERALLY LOCATED 1/8 MILE SOUTH OF 61<sup>ST</sup> STREET NORTH AND WEST OF RIDGE ROAD (5943 NORTH RIDGE ROAD). DISTRICT #4.**

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### **POWERPOINT PRESENTATION**

**Mr. John Schlegel**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "I'd originally presented the case to you back on September 20<sup>th</sup> and at that meeting, a number of you had questions regarding this application and requested that the item be deferred so that the applicant's agent could be here to address some of those questions.

Just a real quick refresher on this. The applicant is seeking this zone change on this approximately 16 ¾ acre site in order to be able to develop it with nine lots. The current zoning, 'RR' would require a two-acre minimum lot sizes and they are looking to develop it with lots of about one acre in size. The applicant is proposing on-site alternative septic systems and individual wells on each of the lots. Because this application lies within the city of Maize's zoning area of influence, it did go to the Maize Planning Commission back on August 3<sup>rd</sup> and their planning commission unanimously supported it. It was heard by the Metropolitan Area Planning Commission at its meeting of August 17<sup>th</sup> and they voted to approve the request, subject to platting.

Again, the issues that you raised at your previous meeting when this item was heard had to do with the water wells, the individual water wells on each lot, some questions about the type of alternate septic system that's being proposed and then there were some concerns about the interior road that's being proposed. It's not required to be paved under the subdivision code, but you had some questions on that.

We have not received any protest petitions or any statements of opposition from anybody regarding this request. You do have in your agenda backup two letters regarding the water well analysis from a consultant that was hired by the applicant and with that, I'll be glad to answer any questions. The applicant's agent is here today and I'm sure if you have any questions for them, they'd be prepared to answer those."

**Chairman Sciortino** said, "Okay, thank you. We do have a question or comment. Commissioner Burtnett."

**Commissioner Burtnett** said, "Well, actually I would like the agent or applicant's agent to come up and answer the questions that we did have, because we were talking about the wells . . . excuse me, I'm still trying to get over that. And I understand that the well depths would need to be about 80 foot to get good, quality water. Is that what you're suggesting?"

**Mr. Kenny Hill**, Agent for Applicant, Poe & Associates, greeted the Commissioners and said, "We did receive a report from the Groundwater Associates, the geologist and the owner is willing to . . .



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or will comply with all the recommendations from that report and I believe that you're correct, that the depth of the well is called out in that report."

**Commissioner Burtnett** said, "Okay. And this may just be a typo on one of the informational pieces I have, but one of the opinions is that the proposed seven domestic wells cannot impair any of the existing water rights. Are there seven or are there nine?"

**Mr. Hill** said, "There are nine lots and there is an existing home on one of the lots."

**Commissioner Burtnett** said, "Okay, it has a well?"

**Mr. Hill** said, "Yes."

**Commissioner Burtnett** said, "Okay. Do you know what the depth of that well is?"

**Mr. Hill** said, "No, I don't."

**Commissioner Burtnett** said, "But they're not having any particular problems. Okay. I know that was one of the main issues we had, and then also with the sewer, the septic."

**Mr. Hill** said, "Okay. The owner has also contacted a soil testing firm and they have performed the required test for sewage treatment, individual sewage treatment facilities on each lot and what he proposes is to put in a package sewage treatment facility on each lot."

**Commissioner Burtnett** said, "I'm not familiar with what a package . . . what you're talking about."

**Mr. Hill** said, "Well, it's actually a packaged sewer treatment plant, an individual plant that is put on each lot. It's not like a septic system that doesn't have any treatment. It does have pre-treatment."

**Chairman Sciortino** said, "It's an alternative sewer system, is what you're talking about."

**Mr. Hill** said, "That's exactly what it is."

**Commissioner Burtnett** said, "And then I believe one of the other comments that one of the other commissioners had when we deferred this was regarding the interior roads and whether or not they'll be paved and I'm understanding that that's not a requirement. Is that something that they looked at?"

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**Mr. Hill** said, "That's generally handled during the platting process. We have submitted a sketch plan a number of months ago. We were right up to approval of the preliminary plat and we're asked to delay that until we got the zone change, so that will be handled during the platting process. We did get a letter too from the county Department of Code Enforcement, approved both wells and the sewer systems for this site."

**Commissioner Burtnett** said, "Okay, well I believe that my questions have been answered, but are there any others?"

**Chairman Sciortino** said, "I believe there are some other lights on. Commissioner Winters."

**Commissioner Winters** said, "Thank you. Well I was one of those that was asking some questions. I think for me the water and the sewer questions have been answered. And I was probably the one that was talking about interior paving of the road, and I realize that that is not a requirement of our subdivision rules and I know you probably don't need any advice from me, but those developments are so much nicer with the paved road that is there from the beginning and once you get nine homeowners in there, it's extremely hard to go back and get a petition signed to pave those. And people will, when they see it going in, they will agree that it's well worth the money to have a paved road. If they wait till later it is just hard to do, so that's my only piece of advice and I know you probably don't need my advice."

**Chairman Sciortino** said, "But you've got it anyway."

**Commissioner Winters** said, "Commissioner Burtnett, I think my questions have been answered."

**Chairman Sciortino** said, "Okay, thank you. Commissioner Burtnett, another question?"

**Commissioner Burtnett** said, "I guess the only thing I need direction on then is with the water issues that we've had and I'm understanding that these wells do need to be at 80 foot depth to have good quality water, do you mind if we put that in as a requirement with this zone change, to make sure that they are 80 foot deep."

**Mr. Hill** said, "Sure, I think you could make that a condition of approval."

**Commissioner Burtnett** said, "I just think that would be helpful to the people that are going to be buying the houses out there that they know immediately that there needs to be an 80 foot depth."

**Mr. Hill** said, "That the wells would be constructed according to the recommendations made by the geologist."

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

**Commissioner Unruh** said, "Well, I just wanted to make a comment on Commissioner Burnett's last comment. It seems like being too specific on a depth might be too restrictive. If there's a way to word that that says we just want compliance with water well experts recommendations, I think that if we could use that kind of language, it would be better than putting a specific number on it."

**Commissioner Burnett** said, "Well we don't have to put a specific number on if . . ."

**Chairman Sciortino** said, "Were did John go? Oh, there he is. John, could you help us on what you think we might . . ."

**Mr. Schlegel** said, "I think the language that Mr. Hill suggested, that the water wells be constructed with the recommendations of the Groundwater Associates letter would be sufficient. They give a range of depths there. They also go on to talk about grouting the well shaft I guess."

**Commissioner Burnett** said, "Well, is that standard operating procedure anyway?"

**Mr. Schlegel** said, "I don't know that."

**Commissioner Burnett** said, "Because if it's standard operating procedure, there's no need to put it into the motion."

**Mr. Schlegel** said, "I guess what I was suggesting is that we go with the language of having the wells installed in conformance with the recommendations given by Groundwater Associates in their letter."

**Commissioner Burnett** said, "Well, you obviously think I can write fast to write that down. Okay, I'll try to word that."

**Chairman Sciortino** said, "Okay, I don't see any other question or comments, so commissioner, would you like to try a motion."

### MOTION

Commissioner Burnett moved to approve the zone change subject to platting within one year; making sure that the wells are installed in conformance with the groundwater and then however we need to . . . and want to say that again so she can get it on . . ."

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**Mr. Schlegel** said, “That the individual water wells be installed in conformance with the letter . . . with the recommendations contained in the letter from Groundwater Associates.

Commissioner Burtnett moved to approve the zone change subject to platting within one year; making sure that the wells are installed in conformance with the groundwater and then however we need to . . . and want to say that again so she can get it on . . .” “And direct staff to prepared a resolution and authorize the Chair to sign the resolution based on the zoning uses and character of the neighbor and limited impact on community facilities, the lack of neighborhood opposition and conformance with the comprehensive plan.

**Mr. Schlegel** said, “And those were your findings in support of . . .?”

**Commissioner Burtnett** said, “In support of the zoning change.”

**Chairman Sciortino** said, “Okay, we have a Motion. Is there a second please?”

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, John. Next item please.”

**2. CASE NUMBER ZON2006-00033 – ZONE CHANGE FROM “SF-20” SINGLE-FAMILY RESIDENTIAL AND “NR” NEIGHBORHOOD RETAIL**

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**TO “GO” GENERAL OFFICE, GENERALLY LOCATED ON THE  
NORTHEAST CORNER OF FOREST VIEW STREET AND 21<sup>ST</sup> STREET  
NORTH (13310 WEST 21<sup>ST</sup> STREET NORTH). DISTRICT #3.**

**POWERPOINT PRESENTATION**

**Mr. Schlegel** said, “In this particular case, the applicant is seeking the ‘GO’ or General Office designation for the 7 ½ acre tract. You can see the location of the tract, along 21<sup>st</sup> Street North, on the graph in front of you. The intended purpose of the request is so they can develop general office uses and they are seeking the GO designation in order to allow the construction of medical office buildings greater than 8,000 square feet in size.

They’re currently, you can see on the aerial photo now, there is currently a church located on the northwest portion of the application site. The eastern third of the site had been rezoned back in 2004 to Neighborhood Retail. That’s this portion in here. Although at the time you approved that NR zoning for that portion of the tract, there was a protective overlay put in place that restricted the use of the property to NO, or Neighborhood Office uses, plus a portrait shop and photography studio.

Since that time, the applicant for that rezoning has not complied with the platting requirement that was attached to that approval and the zoning has lapsed. The southwest portion of the site is undeveloped and vacant, as you see on the aerial photo. Immediately to the west of this site is the Forestview Addition, developed in suburban residential style and throughout the surround area, you can see there are a number of rural estates and agricultural land. Off to the east, and to the north of this site, is the Cowskin Creek. On the south side of 21<sup>st</sup> Street is Eberly Farm. Recent rezoning of this property in here to GO with a protective overlay. There is a medical office building under construction on that site.

When this item was heard by the Metropolitan Area Planning Commission at its meeting on September 1<sup>st</sup>, the applicant requested the GO zoning because as I stated before they wanted to be able to build medical office buildings greater than 8,000 square feet in size. The staff recommendation had been for NO zoning on this parcel, but that would have restricted the size of the buildings that could be construct.

And so at the planning commission meeting, the applicant offered a protective overlay district to eliminate many of the GO uses, similar to the protective overlay that was established for the Eberly Farms rezoning on the south side of 21<sup>st</sup> Street.

There was one property owner that was present at the Planning Commission meeting and said at that time that he was in support of the Neighborhood Office designation rather than GO. MAPC did vote unanimously to recommend a GO request, subject to the protective overlay. And that protective overlay included some key provisions, including the dedication of access control along

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21<sup>st</sup> Street, to align any access to this particular parcel with the access points that are being developed on the south side of 21<sup>st</sup> Street. It would also prevent any access from this site onto the adjacent Forestview Street. There's a list of the uses that would be prohibited in your backup report. Lighting would be limited to 25 feet in height and also building height would be limited to 45 feet.

We do have protest petitions that have been submitted on about 22% of the land area within the notification area and you can see that on the graphic in front of you now, so that could potentially affect the voting today. And so with that I'll be glad to take any questions you might have."

**Chairman Sciortino** said, "John, I just have one and then I think we're going to see if there's anybody here that would like to speak to us, but was this recommended by the MAPD? Did they recommend this?"

**Mr. Schlegel** said, "The staff recommendation had originally been for neighborhood office. The applicant then, in an attempt to forge a compromise, offered the protective overlay that restricted the uses. I think you have a list of the uses that would be allowed under the protective overlay and then also offered the access control and the height limitation of the building's construction."

**Chairman Sciortino** said, "Okay. Commissioners, do you have any questions before I see if there's any one in the audience? Okay, I see none. This isn't required but it's kind of been our history. Is there anyone in the room that would like to speak for or against? Please come up and address us. Sir, if you could just please give us your name and address for the record and would limit you to five minutes of time."

**Mr. Ray Boese**, 13414 W. 23<sup>rd</sup> St. N., Wichita, Ks., greeted the Commissioners and said, "I worked with Terry on this zoning and originally they planned on NO. We were applying for it and then they wanted the GO. The problem with the GO right now is the height of the building. That is on a hill. The traffic we've got out there since you've approved the Y is very bad and I see many accidents happen at that intersection, I mean, at that entrance.

And the fact that it is on a hill, 45-foot buildings will kind of be out of proportion with the houses. I mean, we have good neighbors, friendly neighbors and we want to keep this neighborhood friendly, so the height of the building is a concern.

The streetlights, we've got them to 25 foot and that's a minimum and that's fine, but I think the height of the building and the position . . . place that it's in, means it's on a hill, would make it look enormous to houses in the area and that's about all. We still want NO with the height."

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**Chairman Sciortino** said, "All right, sir. Any questions of this presenter? Okay, thank you very much sir. Is there anyone else here that would like to speak for or against this item?"

**Mr. Terry Smythe**, agent for applicant, Baughman Company, greeted the Commissioners and said, "Allow me just to digress just a little bit on the history of this case. About a year ago, we did some work on the Eberly Farms Medical Complex across the street and when I was approached by the contract purchaser on this piece of property. I use that, Eberly Farms Medical Complex, as basically a standard of what was approved out there and what everybody found reasonable.

I generally took those provisions from the Eberly Farms case and applied it to this piece of property. I know I'm going to show my age here, but in the old days good neighbors . . . general offices were good neighbors. And when everybody declined limited commercial zoning, they always told me to go to general offices because they make good, quite neighbors so it's changed a little bit apparently.

At the planning commission a month ago, we revised our initial request to meet the concerns of the neighbors and look in your staff report. It will indicate all the different uses that we eliminated, as well as the height, the lighting, even the height of the building. Initially I think everybody thought 45 feet was an okay height. And I think what's happened is the neighbors got together, which is great and I believe they want an additional reduction in height at this stage.

At that time, I think we met all the neighbors concerns about those issues and with the protective overlay which eliminated many of the uses in the GO district, we're pretty darn close to the NO district. What is forcing our hands, in terms of the General Office request, is because of our need for medical buildings that are more than 8,000 square feet.

Now if you'd look at the indication across the street in Eberly Farms, those buildings are quite large. Doctors are trying to group together, rather than having smaller, smaller buildings, they're trying to become more mini-medical centers so to speak.

If you think of the shopping center at 13<sup>th</sup> and Ridge . . . Tyler, excuse me, Tyler. The old shopping center, the Albertson Store, that's been converted into medical. What's happening on this corridor is kind of the same complex, a group of doctors are trying to put together a large building and the 8,000 square feet in the neighborhood office district is causing us problems and forcing our hands to go for general office.

At that time, the 25 foot lighting standards and the 45 foot building height, as well as the no-access to the Forestview Street to the west, at the Planning Commission meeting everybody thought that was reasonable and the planning commission recommended approval based on those protective overlays and give-aways that we did.

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We believe in this area that we have more than met the normal standards that were established by the YMCA case just down the street, as well as the Eberly Farms to our south. Eberly Farms, as you know, is really on the hill, like Ray was talked about. I do not recall, off the top of my head, what the height restrict on that particular building was, but when this piece of property becomes a part of the city, and as you well know it will be shortly, with the annexation requirement we believe that all the city zoning code requirements, with screening and fencing and landscaping, as well as the landscape ordinance, compatibility setback standards, nuisance and other noise ordinances will more than take care of any potential issues that may occur to the neighbors to the west. Those ordinances were put in place for these types of situations. If there are issues, those ordinances help mitigate any potential problems.

Ray kind of indicated that apparently the 45 foot height is the only thing that's left of the table. From my standpoint, all the homes out there today under the existing zoning can be up to 35 feet themselves. I personally don't believe a 45 foot tall height is a problem. That's my personal opinion, humble as it is. A lot of medical offices will have flat roof, in which they put a lot of the air conditioning units and stuff on, rather than on the ground and I believe that's one of the indicates of why we're going for a little bit higher height. But again, 35 foot height standard for single-family homes, I don't believe a 45 foot height standard, across the street, probably more than 150 feet away from homes, is unreasonable. I will talk for another hour or I'll stand for questions."

**Chairman Sciortino** said, "We do have some questions or comments. But I'll just . . . do we have any questions specifically of this presenter? Who was first? Okay, Commissioner Burtnett."

**Commissioner Burtnett** said, "What is the standard height limit on a General Office zoning?"

**Mr. Smythe** said, "I believe it's sixty foot."

**Commissioner Burtnett** said, "So this is quite a reduction from what the normal General Office . . . okay, that's all I had. Thank you."

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

**Commissioner Winters** said, "Mr. Smythe, what's the plan for the church that's on the northwest corner of this property?"

**Mr. Smythe** said, "The church is currently attempting to buy another piece of property and they will be moving."

**Commissioner Winters** said, "So the church is going to go away."

**Mr. Smythe** said, "Yes, correct."



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**Commissioner Winters** said, "I think maybe you answered this question when you talked about the city, once it comes inside the city, but you know part of our commercial location guide, and I get this out of the backup material, on page 33, talks about 'when any commercial use in proximity to residential development, such as this case, the development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact some of the surrounding residential land users'. And one of the reasons I think this is . . . the Eberly Farms case is certainly right across the road, and as you said, indicates an activity there, but there's still these 16, 17 residences right on the west edge of this particular property. How do you propose to do design features or do you propose design features that will limit noise, lighting and other aspects of commercial activity that would adversely affect residential areas?"

**Mr. Smythe** said, "That's a good question. Part of the requirements that I will have, once the property gets in the city limits, is a very specifically designed landscape requirement, building setback requirement, as well as lighting requirement in terms of simply stated that I can direct lights directly at the neighbors. I have to downcast them or direct them in a different area. By lowering these things down to 25 feet, in the future when the trees become more mature, that we'll be required to plant out there, they'll even buffer them even more than they would. But even today's standards, the ordinance would prevent me from putting a large KG&E safety light, for lack of a better description, that would light the whole area up.

I have to, by design standards, downcast those lights with the luminaries on the buildings or on the parking lot. I don't have a choice, so I'm stating that those ordinances in place today prevent me from undue influence on those homes to the west."

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

**Mr. Smythe** said, "And I think with the lower light standards that we've agreed to already helps immensely, in terms of the potential light trespass that may occur on the homes to the west. In the future, obviously we've given up access to the road. I believe at some point in time that road will get paved and sometime that road will have the normal street lights. I would envision, once 21<sup>st</sup> Street gets the normal street lights that are general put on there that those lights will be larger and brighter than these parking lot lights will be."

**Commissioner Winters** said, "All right, thank you. I may have a question for Terry in a minute but I also have a couple of questions for John, unless there's somebody else that wants to speak."

**Chairman Sciortino** said, "Is there anyone else? Sir? I think, we have someone that would like to address us. For the record, again sir, if you'd just give us your name and address please."

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**Reverend Tim Nichols**, Eagles Nest Fellowship, greeted the Commissioners and said, “Since you asked a question regarding the church, I thought I’d go ahead and comment today. This process for us has been over a year. It has been our desire, with Ray and the other neighbors, to do everything we could to be a good neighbor the last 14 years that we’ve been at the church. And then because of our growth, but also because of our almost a change of heart in the vision of our church, we’ve been out on the far west side forever waiting for Wichita to finally come to us and it is, and all of the sudden we’re getting ready to move, believe it or not, back downtown, where a lot of downtown churches are moving out, we’ve decided to move back downtown. And so we’ve been patient through all of the processes. We decided to share with the people who are contracting with us to purchase our property, we decided to share so that the church would have a higher profit margin in our sale in this rezoning process.

But also more importantly, we thought it was important to be a part of that process, so that we were not only good neighbors while we were there, but we would be good neighbors while we were leaving and we’re not trying to offend anybody. We’re actually working with people that I truly believe have the best interest of the neighborhood and that property and that corridor at heart. And they, by our request, have done everything they could to make everybody happy, okay. So there’s nothing technical about what I’m saying. I’m just trying to tell you that this has been our heart and it’s been our desire that we would do everything we could to accommodate everybody in the process, while at the same time we’ve gone through one delay after another in the acquisition of our new building, to their frustration and to ours, and so we’re hoping today to be able to kind of put this to bed and get closing dates started and keep ourselves moving forward.

If you need it as part of the record, we’re . . . the property that we will be taking is the old Trinity United Methodist Church, which is at Maple and Martinson Street, which is just off of Seneca and Kellogg, right behind the Masonic Temple, you’ll find a 40,000 square foot building that’s been empty for two and a half years. We’re going to reclaim that, redeem that and become a part more of that Delano area and feel that God’s called us to that area. And since you had brought us up, I just wanted to comment about what our heart and what our desire is for the community. Thank you very much.”

**Chairman Sciortino** said, “Thank you. Is there anyone else in the audience that would like to speak for or against this item? If not, John, did you have something else you wished to . . . did you want to speak now?”

**Commissioner Winters** said, “Yeah. John, I’m confused about the road and the access and Forestview Street and where the access is going to be for this property. Can you help me? There’s going to be no access from this property onto Forestview?”

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**Mr. Schlegel** said, "That is correct. That is a condition of the protective overlay and then the access out onto 21<sup>st</sup> Street would be to allow one full movement opening aligned with the 21<sup>st</sup> Street Court North, which I'm going to presume is that cul-de-sac, and one aligned with the access drive 400 feet to the west of 24<sup>th</sup> Street North, which would be some 400 feet west of there."

**Commissioner Winters** said, "Okay, and then how about turning lanes and turn bays? Is that something that's part of the zoning record, or does that all get taken place . . .?"

**Mr. Schlegel** said, "That will be taken care of during platting. If there is a need for any additional turning lanes or accel/ decel lanes, then that would be an issue addressed at platting."

**Commissioner Winters** said, "Okay. And so there's . . . and then there's no need to talk about Forestview is a sand road now, so this property though is not going to make any use of that current sand road."

**Mr. Schlegel** said, "Not if you adopt . . . if you approve this with that protective overlay, and that condition is part of the protective overlay, there would be no need for that, no."

**Commissioner Winters** said, "All right. When we get to the east edge of this property, it is getting close to the floodplain issue. It's not . . . and I always get confused about the floodplain and the floodway. One you can fold anything in, so this is going to take some . . . require some fill dirt, but it is still a considerable distance, the edge of this property, from the Cowskin Creek. Is that correct?"

**Mr. Schlegel** said, "That's correct. You can see that better on the aerial photo and I don't know exactly where the boundary of the floodplain is in relationship to this property, but if any portion of the property is in the floodplain, then they would be required to develop it in conformance with the county and the city's floodplain construction standards."

**Commissioner Winters** said, "What do you think will happen if somebody comes in with that property onto the east of this property?"

**Mr. Schlegel** said, "Well, next week you will hear a request for rezoning of that property immediately to the east. It's a rezoning request for 'NO'."

**Commissioner Winters** said, "Okay. I guess when we come hear that, I guess we'll certainly want to hear all about how much fill that's going to take to fill that and exactly where the floodplain and floodway are both located."

**Mr. Schlegel** said, "I will be prepared then to show you where the floodplain boundary is then."

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**Commissioner Winters** said, "Because that looks to me like that may be a little more difficult. John, what's your opinion about this height issue of 45 feet. Mr. Boese seems to make a good point. Mr. Smythe seems to make a good point. Do you have a recommendation about the height that's in this protective overlay?"

**Mr. Schlegel** said, "Well, the 45 feet would be, for a commercial building, could be anywhere from a two to a three-story structure. If it was residential in nature, you could have up to four stories, but I think with a commercial building, it would be more likely it would be two or three stories. Three story would probably be unlikely to be developed here and I think what they're looking for, you know what Terry Smythe said about the need to put things like air conditioning and heating equipment up on the roof is probably what's driving their request to make it 45 feet.

And typically on a medical office building of this type, that type of equipment then would be screened off on the roof, so that it wasn't real visible. 45 feet would be, in this particular neighborhood, a pretty prominent looking building. I think that the neighbors concerns about the height are valid concerns."

**Commissioner Winters** said, "Okay. I asked Mr. Smythe about the design guidelines. Do you agree with him that once this is annexed into the city, that there will be design standards in place that they'll have to follow that will take care of part of this discussion about limiting noise, lighting and other aspects of a commercial activity that's surrounded by residence."

**Mr. Schlegel** said, "Yeah, I think the city's landscaping and buffering requirements would take care of those issues sufficiently."

**Commissioner Winters** said, "Okay, thank you very much. I guess I'd be interested to hear what any other commissioner has to think about this height issue, which seems to be kind of the last issue. Thank you."

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

**Commissioner Unruh** said, "Well, thank you Mr. Chairman. Pardon me for not turning my light off. I had a question about flooding and so forth, but I think that's been adequately answered. I will comment though, Commissioner Winters asked about what we thought about the height issue. It seems to me that the compromise that's been suggested to 45 feet from 60 feet allowable in GO, in light of the fact that residential can go 35 feet, I think that that's not burdensome. I can't see where that would be offensive, at least in my view so I don't have a problem with that. That's all I had."

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

**Commissioner Norton** said, "The church presently has access to Forestview Road. Is that where it enters and exits?"

**Mr. Schlegel** said, "Correct."

**Commissioner Norton** said, "Okay, so there is traffic from an institution that is already added there, but there's not going to be any additional because of this property. Is that correct?"

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

**Commissioner Norton** said, "What will the use of the church be once it's abandoned by the present owners? Is it going to be sold to another church or is it going to be razed or going to be taken down?"

**Rev. Nichols** said, "We potholed that gravel road really good right now."

**Commissioner Norton** said, "John, do you have a picture of that? There was a picture of the church, I thought, in there. How tall is that church?"

**Rev. Nichols** said, "There's a 30-foot pitch on the roof."

**Mr. Norton** said, "And a steeple."

**Mr. Schlegel** said, "Let me run through the photos. You can see one of the homes along Forestview there. This is looking north. This is looking north. Again, you can see just off on the left edge of that photograph, the eastern edge of the church building. Did you catch all those? This is looking off to the northeast towards the Cowskin Creek. That line of trees is the creek. Looking down 21<sup>st</sup> Street to the east. Looking across the street, where the new medical building is being constructed. You can see that's a two-story medical building. Are those cows or buffalo? Cows I guess. And again, looking then now to the west, along 21<sup>st</sup> Street you can see some of the homes in the Forestview Addition."

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

**Commissioner Burtnett** said, "This is going to sound like an odd question, but to get my depth perception, how high are the utility poles? Do you know, about a standard height? That just kind

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of gives me an idea of how high.”

**Mr. Schlegel** said, “David, can you help me out here?”

**Mr. David C. Spears, P.E.**, Director, Public Works, said, “They vary. I don’t know how high those are.”

**Commissioner Burnett** said, “Because I’m try to figure out how much more 15 foot on that church would look like and that’s hard for me to get that depth perception. Okay, never mind.”

**Mr. Schlegel** said, “Okay, well if that church is 30-feet high, then you’re talking about half again the height, so if you visualize the roof on that church perched on top of that structure, that would be about the height.”

**Rev. Nichols** said, “There’s also a grade difference too, by the way. There’s . . . that does mound towards the front of 21<sup>st</sup> Street and I’m not sure of what the plan is, Terry would have to speak to that, but there may be some regrading there along 21<sup>st</sup> Street that accommodates some of that, so that if you’re looking at that initial grade there. But we sit on the backend of that property.”

**Commissioner Burnett** said, “Okay.”

**Chairman Sciortino** said, “This is . . . why don’t we . . . you had something else that you wish to say, sir?”

**Mr. Boese** said, “The houses in that area is single-story. There’s only one house that’s a double story and it’s way on the north end, so that’s what we’re going by the height. I mean, Eberly Farms, that medical center over there, that’s in a valley. That’s near the floodplain. So you know, they say two stories over there, we’re sitting on a hill. I guess that’s what I’ve got a . . . and this building or houses are single, one story.”

**Chairman Sciortino** said, “Okay. All right.”

**Mr. Boese** said, “And he was asking about the entrance. According to Donna at the Metropolitan, she said the entrance on this would be adjoining straight to the Eberly Farms house, so they’ll be straight across.”

**Chairman Sciortino** said, “Okay. Anyone else that wishes to speak to us? John, is there anything else that you need to speak to us? Commissioners, I’ll just limit comments to the bench. Is there any further comments? I’ll entertain a motion on this.”

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**MOTION**

Chairman Sciortino moved to approve the zone change to GO, subject to provisions of Protective Overlay #179; adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate resolution after Condition #1 of Protective Overlay #179 has been met; and authorize the Chairman to sign the Resolution.

Commissioner Unruh seconded the motion.

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

**VOTE**

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

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

**NEW BUSINESS**

**E. UPDATE ON ADVANCED VOTING OPTIONS AND ELECTION DAY VOTING FOR NOVEMBER 2006 ELECTIONS.**

**POWERPOINT PRESENTATION**

**Mr. Bill Gale**, Election Commissioner, greeted the Commissioners and said, "I appreciate the opportunity to be with you today and give an update on the election. Election Day is now less than two weeks away, coming up November 7th. However, the election has already begun and we've had thousands already have cast their votes and so real quickly just want to give you an update today as to where things stand. First of all . . ."

**Chairman Sciortino** said, "Oh, darn it, I thought you were going to say who is getting the votes."

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**Mr. Gale** said, "Oh, whose ahead? No, we haven't counted any of them yet, who has voted for who. Some of the things we did and learned from the August primary and have implemented to try and make things better for the voters come November, one of the biggest concerns we heard was the privacy issue, as voters voted on the new voting machines and so we've purchased additional screening for each machine and we've also redrawn the sample polling place layouts that we provide to the board workers, as they set up the polling place and where they locate machines and how they position them to provide the maximum privacy for each voter, as they cast their vote.

And we've all this week are holding training sessions for the election workers and have been going over that with them during those sessions. Also we've, with the help of the Communications Office here at the county have put together videos. One, a general how-to video on using the new voting equipment that's available on our webpage, as well as with the assistance also of folks from the local blind organization helped us prepare a video on assisting blind and disabled voters cast their votes on the new voting machines, and so we appreciate their assistance in that, and that's available on our webpage as well, as well as being provided this week during the training sessions that the election workers can watch and learn from.

Signage at the polling locations, we've as we've had a number of polling place changes and reduction this year, we wanted to improve the signage available at our polling places and so this year we purchased new 'vote here' signs and had in place for the August primary, larger than our previous ones, in fact over four times as large, red white and blue, versus the old black and white ones. But however, even since the primary, we've purchased more of those, to be sure, and we're covering that with the board workers as well this week to be sure that we have as many as we need at each polling place to sign and direct the voters in, especially at the larger facilities where there may be larger parking lots and multiple entrances into the building. We want to locate the signs and as many signs as needed to help direct the voters to where they need to go to vote on election day.

Real quick again, you know we've talked a lot about the multiple ways to cast your vote. You don't have to wait for Tuesday, November 7<sup>th</sup> to vote, and as I said, several thousand have already voted. Advanced by mail, we mailed out, started mailing out in bulk ballots last Wednesday and in fact, we've to date mailed out over 18,000 ballots throughout the county and we've already gotten back about 4,000 of those."

**Chairman Sciortino** said, "I was going to ask you, Bill, historically what percentage of the people



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actually will return an advanced ballots?”

**Mr. Gale** said, “Somewhere between . . . it varies from election to election, but between 75 and 90% returned a ballot.

Advance in person, that’s another option. People can go vote early in person, and that started today in the Election Office, this morning at 8 a.m. and I don’t know if Bob was the first one. He was there early to vote and so many have already taken advantage of that. And we’ll of course, starting next Tuesday, expand that to as many as 15 advance locations all at once where any voters can go and cast their vote.

And then finally, still the majority of voters do vote on Election Day at our . . . and can do so November 7<sup>th</sup> at their polling place. The advanced voting by mail, the application is available not only on our webpage, but also at the office. We can send them out, or also at the Dillons Stores and we appreciate their partnership in providing those.

As I said, we started mailing them out on October 18<sup>th</sup>. We’ll continue to mail out ballots through November 3<sup>rd</sup>, but as Commissioner Burnett pointed out last time, you know, don’t wait too long and the soon the better because that is . . . to think about when we send the ballot out to voter and send it back, you want to be sure and have plenty of time to get it back to us by 7 p.m. on November 7<sup>th</sup>.”

**Chairman Sciortino** said, “Now they can hand-walk those in, they don’t have to mail them back to you.”

**Mr. Gale** said, “That’s right, they can hand deliver them back.”

**Chairman Sciortino** said, “And when will the advanced balloting . . . I think you said starts on 10/31. I mean, it started right now down at your office but I mean, 10/31 till where, if people want to advance vote in person.”

**Mr. Gale** said, “That’s right, today . . . it started today at the Election Office, will continue through Monday, November 6<sup>th</sup> at noon and you see the times, between now and then, that that will be available each day. And then, starting October 31<sup>st</sup> at the 15 other advanced voting centers throughout the county, starting noon on Tuesday October 31<sup>st</sup> and running through that Saturday, November 4<sup>th</sup> for those hours on Saturday will be 9 a.m. to 4 p.m. And the nice thing about those locations, any voter in the county can go to any one of those locations and vote.

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And there's a list of those locations. Most of them will be open the full five days and then the exceptions at the bottom, the one in Valley Center open four of the five and then the Machinists' Building and the Haysville Activity Center sharing those five days."

**Chairman Sciortino** said, "Are these advanced voting centers also a regular precinct voting place that's going to be on November 7<sup>th</sup> also?"

**Mr. Gale** said, "That's right. Each of these advanced voting locations you see here listed also are polling places on Tuesday, November 7<sup>th</sup>. But then of course on Tuesday, November 7<sup>th</sup> each voter is assigned to one particular place."

**Chairman Sciortino** said, "Now I don't see one . . . there's not an advanced place in Mulvane. The closest one would be Derby, is that correct?"

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

The map showing those locations, the advanced locations. And then finally, voting at your polling place on Election Day is . . . many voters, their polling places has changed from two years ago, so we've mailed out new ones to them, or you can call the office and ask them 'where's my polling place?' and we'll be glad to tell you. Or you can access, use 'voter view' on the Election webpage to find your location as well.

And with any questions, you know if you need an application to vote by mail or where do I vote, what are the hours, am I registered, where am I registered, give us a call and we'll be glad to help you and I will point out one thing. I know, as we began mailing out the advanced ballots and we've had several voters, in the instruction, recommend or tell them to vote with a black ink pen, which works very well. However, we have had several call that used . . . they wanted to make it nice and dark and used a felt tip pen. I will caution you, the problem with that is it does . . . they do bleed through the ballots, onto the back side. Our ballots are front and back, so ballpoint pens are the best and they mark just fine and the machine reads them great."

**Chairman Sciortino** said, "Okay. If you're finished, we have some questions. Or do you have some more that you wanted to . . .?"

**Mr. Gale** said, "No, that's it and again appreciate the chance to give you an update and I will mention one last thing, to thank you all again and the Manager for your support and all the county employees that helped us out in the primary and are again helping us out for the general. In fact, many of them are helping us out this week with the training at the board worker sessions, so that's been a huge help and thank you again for all your support."

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

**Commissioner Burtnett** said, "Well, I'd like to just kind of refresh my memory and kind of go over some of how this works, during the election. With the voting by mail, and as you get these envelopes back, you just sit on them until election day. Correct? Well, not sit on them literally."

**Mr. Gale** said, "We sometimes set things on them to help make sure they're nice and flat. But no, right now actually we log them into the computer, as we get them back."

**Commissioner Burtnett** said, "And that's running them through a machine. You open up the paper and just run them through a machine. Is that . . .?"

**Mr. Gale** said, "Well actually, they're still closed at the moment but we're able to log in and say, as we get them back from each voter mailing, and that's even available on 'voter view' that you can access from our webpage. A voter can go in and look up their record and see 'have they got my ballot back yet'. And so yeah, they are getting logged in as they come back."

**Commissioner Burtnett** said, "Okay, so that eliminates the thought of somebody being able to go and vote on voting day somewhere. Okay, so that's by the mail, and then when you have the advanced ballots at these 15 locations, which is really convenient for people and I'm liking this, each one of your cartridges is for a different district or a different race or how does that work?"

**Mr. Gale** said, "We have good news. For the November election, it worked like we were told it would work, where we can, with the new voting machines, we can put every ballot in the county and for November there's over 250 different ballot styles, depending on what district a voter lives in, can fit all on one machines. And so at the voting machines located in the office that are being used today or also at those 15 locations, each voter . . . you know, the board worker can pull up the specific ballot for each voter."

**Commissioner Burtnett** said, "Okay, the voter doesn't have to pull up the ballot. You do that as you take them to the machines."

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

**Commissioner Burtnett** said, "Okay. Well, I think that helps, because I've had some people question how that really works and it is kind of confusing with the new equipment that we have, so thank you. I appreciate that."

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**Mr. Gale** said, “And so we’re glad that it, for this time, it did work. We were able to fit them all on each machine and so that’s how we can accommodate voters, any voter in the county at each of those locations.”

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

**Commissioner Unruh** said, “Thank you, Mr. Chair. Well, Commissioner Gale, I just want to thank you for the presentation today. I know that this process, since the changes were initiated, has received a lot of scrutiny and publicity and criticism and suggestion. And I really believe that that whole process has made your office better and more responsive, along with county commissioners and county manager and county staff that have all tried to respond, it’s really made us all better and I hope that the message that has come across to our voting public is that we are trying to be responsive and trying to be progressive in this whole process, as we actually do this under certain mandates, actually.

But now that we’ve done what we can, we’ve tried to be responsive to criticisms. I think the thing to do now is go forward and encourage everybody to vote, with the idea that this system is going to work so lets give it a chance. A lot of what we’ve been doing here has been saying ‘oh gosh, this is going to be terrible, it’s not going to work’ and I’m suggesting that what we’ve done has made it better, it is going to work great, lets everybody go vote and if we have problems, then we’ll respond to those and make it better the next time, but this is . . . we’ve done a good job in trying to react and respond to the criticism. Now it’s time to go forward and just get everybody to the polls. And if it doesn’t work, if we’ve got problems, we’ll correct it next time. But anyway, good job, thank you for your responsiveness.”

**Mr. Gale** said, “Great, thank you commissioner.”

**Chairman Sciortino** said, “Okay. Bill, one thing . . . request that I have. I don’t know if my other colleagues . . . if you could send us a little 8 1/2 by 11 map of the advanced balloting things, if you could do that just so somebody asks us, we could have it and say ‘well here’s the places’. And then also, I guess, a map would be a little bit confusing, but if you could just send us a list of all of the polling places that we actually have so if somebody says ‘where is mine in Oaklawn’ or Haysville

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or I don't know but I'm just saying, we'd have something, 'well, here it is right here for you'. If that wouldn't be too much of a bother, if you could e-mail it to us or send it to us hardcopy or whatever."

**Mr. Gale** said, "Sure, we'd be glad to do that."

**Chairman Sciortino** said, "Okay, commissioners, anything else that you'd wish to talk to the Election Commissioner about? Okay."

**MOTION**

Commissioner Unruh 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, "Good luck, Bill. I assume you'll be in town in a couple of weeks."

**Mr. Gale** said, "Oh yeah, I'll be here."

**Chairman Sciortino** said, "All right, great, thank you. Next item please."

**F. RECOMMENDATIONS BY WASTE MINIMIZATION TEAM (WMT)  
REGARDING REVIEW OF U.S. MAYOR'S CLIMATE PROTECTION**

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### **AGREEMENT.**

### **POWERPOINT PRESENTATION**

**Ms. Caroline Hosford**, Environmental Training Specialist, Environmental Management and Chair, WMT, greeted the Commissioners and said, “Recently, you asked the Waste Minimization Team to review information related to the Cool Cities Initiative and the U.S. Mayors Climate Protection Agreement and to come back to you with some suggestions. And I have to say that this task was enthusiastically undertaken by members of our team. And Tyler DeBarea from Corrections is here representing our team here today.

We tried to understand what has already been done in the context of energy usage and efficiencies here in the courthouse and what other opportunities remain. We knew that the main courthouse had already undergone some major heating and air conditioning, cooling upgrades and that there had since been some lighting retrofits done as well.

And upon further investigation, we learned that these energy modifications, they were completed in May of 2004 and they included reducing the electricity usage by over six million kilowatt hours and also reducing the natural gas usage in this building.

There’s been a \$266,000 savings since this project was completed two years ago in the main courthouse and in addition to that, this is equal to energy consumed by over 1,000 vehicles and the power to operation over 350 single-family homes, so it’s not all just about the money. After the main courthouse was done, the historic courthouse and the Munger Building were looked at, and the savings here were even more dramatic. During the first nine months after that project was completed, the electricity usage increased by 83% and natural gas by 84%, so there were substantial savings in energy usage in those two buildings. And not emitted into the atmosphere were some fossil fuel byproducts, and these are just a few of them, greenhouse gases of 3,000,000 pounds and you’ll see others there. And in the main courthouse there were over 16,000,000 pounds of greenhouse gases that were not emitted.

Because of doing all of that, Sedgwick County was actually given an award by the Kansas Department of Health and Environment, an award for energy efficiency last year, so we feel like that Sedgwick County and courthouse have actually done some really good things. However, as we continue to do our investigation, we found that there’s still more opportunities, and so the Waste Minimization Team has some recommendations and we have divided these into four categories. The first is energy efficiency within county buildings. Another area that we addressed was the vehicle fleet. We also looked at lawn care equipment and then kind of jumbled all the rest of what was remaining into a category that we would call ‘other’.

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So concerning energy efficiency in county buildings, these are the recommendations of the Waste Minimization Team. To replace any incandescent light bulbs with compact florescent bulbs if this has not already been done. It's been done in a great many places, but we do still have some outlying buildings where they have these. We know that compact florescent bulbs will last up to ten times as long as a regular light bulb. They'll save maybe 75% in energy. Don't have to change the light bulbs as often, and as I think Commissioner Sciortino related in a previous meeting, you may not have as many work comp claims if people aren't falling off ladders and things like that, so it has, we believe a less than a two year payback as well.

Another recommendation is to replace T12 lamps and magnetic ballasts with T8 lamps and electronic ballasts. Again, this has been done in many locations across the county already but there are still some outlying buildings where they still have the T12 lamps. This could result in a 35% energy savings and a less than a four-year payback.

I think I skipped one there, but we would recommend a workshop for any county maintenance personnel who are not already familiar with lighting efficiencies to be included in that. When we visited with the maintenance personnel in some of our outlying buildings, I mean they were onboard and they were positive and like this would be great. It's just that it really had never been stressed or pointed out to them.

We would encourage county departments, where it's possible, to adjust the thermostat up or down one degree, depending on the season, if that could happen, just one degree. And we would also encourage people to do that at home too. It may save a little money, probably we could put a sweater on if we're really a little chilly and that would help as well

Now, concerning our vehicle fleet, the Waste Minimization Team recommends that we monitor the economics of high efficiency hybrid vehicles. There's been a lot of talk about it lately. It's in the news and particularly these are good for in-town use, maybe not highway use as much, but in-town use, they're good for that. And we would recommend that the economics of this be studied more intently, to consider the cost and the fuel and everything over the life of the vehicle.

I guess I'm pushing this button too fast. There we go. We would recommend that a no idling policy for non-emergency vehicles be developed, so that fuel isn't wasted and pollutants are not emitted into the atmosphere."

**Chairman Sciortino** said, "What does that mean? When they come to a stop sign, you turn off your car?"

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**Ms. Hosford** said, “Well, not that dramatic, but at a certain length of time, that you wouldn’t just have a county vehicle pulled up somewhere and it would idle for five minutes while you’re doing some other job. We would recommend that the exploration of alternative fuel usage be studied more intently. We know that ethanol and other alternative fuels are available and we want to be sure that it would be cost effective for our fleet. And we would like to explore the possibility of using smaller vehicles for some uses, not for all uses, but for some.

Concerning lawn care equipment, the Waste Minimization Team recommends replacing gas cans that are in use around the county with no-spill gas cans. This should reduce the volatile organic compounds by 75% that are released. We know that these gas cans would be a bit more costly, but we’re talking about small dollar amounts here, so this would be one recommendation.

Another would be to develop county standards for low-emission lawn equipment, so that when people are using lawn trimmers and that sort of thing that they’re using low emission equipment. We believe that these are available at a comparable price with less emissions.

In the category concerning other things, we would recommend that the county install bicycle racks for employees or others who would like to ride their bikes to work and leave their cars at home. It might fit in well with the Wellness Committee also, so that we’d get some exercise, but we do need a safe place for people to put their bikes. And the final recommendation would be to include the Waste Minimization Team chair on any committees that are involved in any future construction projects, so that energy and environmental considerations are noted. So there you are, those are the recommendations of the Waste Minimization Team and I’d be happy to answer questions if you have any.”

**Chairman Sciortino** said, “Thank you and we do have some. Commissioner Winters.”

**Commissioner Winters** said, “Just a couple of quick comments. Caroline, thanks for the presentation. You’d mentioned that we’d received an award, Sedgwick County had, from KDHE in 2005. Are you involved at all or aware of any of the National Association of Counties energy efficiencies for counties and their projects? And if not, you know as I attend a number of those NACo buildings, there’s always a push for counties to be more efficient and I usually don’t say anything at those meetings, but I think we probably are doing quite a bit. Have we shared any of that or can we share that or do we need to get on board with saying we’re an energy efficient county with the National Association?”



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**Ms. Hosford** said, “We certainly could. I know that the National Association of Counties has a program called a ‘Change a Light’ campaign where they’re trying to get everyone to sign on and pledge and just change one light bulb in their homes, a light bulb that used a lot one of their heavier usage ones and to see what difference that would make.”

**Commissioner Winters** said, “Well, would you try to get on NACo’s website and review some of that and just give me some information that, as I participate in those meetings, that I’ll be better aware of where we are in relationship to what NACo is trying to do.”

**Ms. Hosford** said, “Certainly.”

**Commissioner Winters** said, “Thank you. And then I guess I had a question for Manager Buchanan. On the alternative fuels and ethanol, I know that we’ve talked about that before and there’s always been either a supply or distribution problem or a pricing problem. Is there just some way we can make sure that even just following up on this Waste Minimization Committee, that we need to be paying attention to alternative fuels. Are we doing that or can we make sure we do that?”

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, “Absolutely. We’ve had conversations with Charlene Stevens and Mr. Miles regarding different vehicles and alternative fuels and we will once again examine that possibility.”

**Commissioner Winters** said, “Okay, thank you. One last question. Caroline, is it your recommendation that we officially join up with this U.S. Mayors Climate Protection agreement or do whatever we need to do to show our support of this and be on safe, solid ground?”

**Ms. Hosford** said, “When our group studied this, we felt that it was actually more important to move forward than to look backwards. The U.S. Mayors Climate Protection agreement asks and the Cool Cities Initiative asks that we reduce our greenhouse gases by 7% from 1990 levels by 2012. And sometimes those figures are difficult to obtain without a lot of iteration and so our committee actually thought it would great if it could be signed. However, I think the general feeling was that it’s more important that we really do some things, rather than just have our name on a piece of paper.”

**Commissioner Winters** said, “Well, and I think I would support that, but I would like us to communicate with former city councilman Bill Cather and just tell him, as he came and made the

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presentation, tell him some of things that we've done, particularly concerning our two major buildings, this courthouse and the old historic and Munger Building, and really just tell him what kind of things we've done and accomplished."

**Mr. Buchanan** said, "Commissioners, we've struggled with that issue about signing the agreement and there was a number of us that thought that would be important. But to do so, we'd have to go back to 1990 and then try to determine what our levels, greenhouse gas levels were. That would entail . . . we could make up a number, but rather than do that, we thought we'd . . . and rather than go back and spend a lot of time and it would take a enormous amount of time to get the accurate figure, is we've already put a number of things in place. We can move forward and continue to address these issues and we're just not going to be able to check that box."

**Commissioner Winters** said, "Well, could we put some kind of report together based around Caroline's committee's findings here that we could share with people, as here's what we are doing going forward."

**Mr. Buchanan** said, "Absolutely."

**Chairman Sciortino** said, "Bill, just to jump in before I forget the thought, I would think that we could get a feel for what we were doing in 1990, you know, and we know what we're doing now and we know by what we're doing now, what efficiencies are, that we could come up with some kind of a number."

**Mr. Buchanan** said, "We could make it up."

**Chairman Sciortino** said, "Well, it would be an educated guess. I don't know if you can make it totally made up like that, but I'm confident that we're probably exceeding what they were hoping our goals would be. I think we've probably exceeded it, but if it's impossible to do, then it's impossible to do. Or you might share with them the difficulty we're having and maybe they could give you some ideas on how to come up with a plausible figure, because I don't know, I just thought it would kind of be a neat thing to do, to just show that we are actively involved in this."

**Commissioner Winters** said, "But that's why I think just to correspond with Bill Cather, particularly, and tell him what our report says. I think that would be sufficient."

**Mr. Buchanan** said, "We will."

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**Chairman Sciortino** said, "Okay. We could do that. So we are going to do that?"

**Mr. Buchanan** said, "Absolutely."

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

**Commissioner Burtnett** said, "Well Caroline, I have a question about when we turn the thermostats up or down 1% . . . one degree, pardon me. Are there statistics that show what the savings would be for like this courthouse? And what I'm getting at is in as many departments as we have, as you try to do that, it's just like all of us here. He's hot, he's cold, you know you have so many different people that have different levels of comfort, so if you get it too cold by turning it down one degree, then do you have the little heaters going that are not making up the savings? I mean, I'm just curious if you'd looked into that."

**Ms. Hosford** said, "That's why I hope I was careful to say to turn it up one degree or down where possible. Because in certain buildings, like this one, that may not be a good solution, but in a building where I work, where they're just one department, it's a smaller facility, it might work a lot better. There are statistics that talk about how much you save, but most of those that I have seen and are familiar with have to do with residential homes and of course it depends on the square footage and the weather and lots of other things, so I'd be hesitant to give a number. But you're right, you don't want to turn it down just to have a space heater going beside you."

**Commissioner Burtnett** said, "Okay, all right. Thank you for that clarification."

**Chairman Sciortino** said, "Okay, I don't see that there's any questions or comments so can I have a motion to receive and file the report please."

### MOTION

Commissioner Burtnett moved to receive and file.

Commissioner Winters seconded the motion.

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

**VOTE**

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

**Chairman Sciortino** said, "Next item please."

**G. DIVISION OF HUMAN SERVICES.**

**1. CONTRIBUTION IN THE AMOUNT OF \$11,605 TO UNITED WAY FOR AN EMERGENCY OVERFLOW SHELTER SERVICE FOR HOMELESS INDIVIDUALS.**

**Ms. Deborah Donaldson**, Director, Division of Human Services, greeted the Commissioners and said, "Asking your approval for a contribution of \$11,605 to the United Way for the Emergency Overflow Shelter. As you know, we do this in partnership with United Way and the City of Wichita. The United Way has taken over the administrative responsibilities for this. The shelter will be open from December 1<sup>st</sup> through the end of February and on other days where the temperature wind chill falls below freezing.

There are typically, according to the providers, between 350-400 people unduplicated served annually. I would be glad to answer any questions."

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

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**Commissioner Burtnett** said, "This is something we do annually. Is that correct?"

**Ms. Donaldson** said, "Yes."

**Commissioner Burtnett** said, "And does the amount change dramatically, year to year?"

**Ms. Donaldson** said, "It is slowly gone up, just from the cost of doing business over time, but it's been fairly consistent over the last couple of years."

**Commissioner Burtnett** said, "Okay, thank you. That's all I had."

**Chairman Sciortino** said, "Question I had was who else joins in this effort. I know we make a contribution. What other entities? Is there any private sector people coming up with some cash to help this problem out, or do they all look to the government for the relief?"

**Ms. Donaldson** said, "At this point, for the overflow shelter, it's just the three partners, us, the City of Wichita and the United Way to come up with the funding. Now of course you know the churches donate their churches, there's a number of volunteers. In fact, I think there were like 812 volunteers involved in one way or the other last year on this."

**Chairman Sciortino** said, "Okay, all right. That's all I had."

**MOTION**

Commissioner Winters moved to approve the funding.

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 Debbie. Next item."

**DIVISION OF HUMAN SERVICES**

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**COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION**

**2. AGREEMENTS (31) WITH QUALIFIED PROVIDERS OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITY SERVICES.**

- **ADVOCATE CARE SERVICES, INC.**
- **ARROWHEAD WEST**
- **BETHESDA LUTHERAN HOMES & SERVICES**
- **BROADWAY HOME MEDICAL EQUIPMENT**
- **CATHOLIC CHARITIES, INC., ADULT DAY SERVICES**
- **CEREBRAL PALSY RESEARCH FOUNDATION**
- **CREATIVE COMMUNITY LIVING**
- **DREAM CATCHERS**
- **ENVISION**
- **GOODWILL INDUSTRIES EASTER SEALS OF KANSAS**
- **HART PHARMACY – MEDICAL EQUIPMENT**
- **HEART OF CARE AGENCY, LLC**
- **HOUSE OF HOPE, INC.**
- **INDEPENDENT LIVING RESOURCE CENTER, INC.**
- **INDIVIDUAL ADVOCACY, LLC**
- **JOSHUA’S CARE, LLC**
- **KANSAS TRUCK EQUIPMENT COMPANY, INC.**
- **KVC BEHAVIORAL HEALTHCARE, INC.**
- **KETCH**
- **LIFESPAN CARE MANAGEMENT SERVICES**
- **MOSAIC**
- **NEW HOPE**
- **PARADIGM, LLC**
- **RAINBOWS UNITED, INC.**
- **RES-CARE KANSAS, INC., LIFE CHOICES**
- **STARKEY, INC.**
- **TAYLOR DRUG**
- **THE ARC OF SEDGWICK COUNTY**
- **THE RIGHT THING, INC.**
- **TSS, INC.**
- **ZACHARY HOUSE**

**Ms. Donaldson** said, “I’m asking approval for the affiliate agreements with 31 of our qualified

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providers for services. This affiliation allows them to bill Medicaid directly and also to receive funding through the county and the funds that are received through the county are state grant, case management reimbursement and then county funds.

And these particular funding sources are important because often the Medicaid funds through the waiver are not available for children’s services. We also provide funding for crisis programs, in terms of having that available, because we are not a provider, so if we have someone come to us in crisis, we need to have a provider who is willing to take them, and also the case management reimbursement does come through us. I would be glad to answer any other questions, would recommend you approval.”

**Chairman Sciortino** said, “Thank you. I don’t see that there’s any questions or comments. So commissioners, what’s the will of the board on this item?”

**MOTION**

Commissioner Burtnett moved to approve the agreements and authorize the Chairman to sign.

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, “Debbie, thank you. Next item.”

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**CONSENT AGENDA**

**H. CONSENT AGENDA.**

- 1. Amendment to the fourth-time DUI grant award from Kansas Department of Social and Rehabilitation Services (SRS) merging the grant for the Sedgwick County Behavioral Health Services with the grant to COMCARE.**
- 2. Amendment to grant award from SRS merging the grant from the Sedgwick County Behavioral Health Services with the grant to COMCARE.**
- 3. Termination of Right to Use Water Conservation Reservoir.**
- 4. Plat.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2005 and prior years have been paid for the following plat:

Hong's Addition

- 5. Order dated October 17, 2006 to correct tax roll for change of assessment.**
- 6. Payroll Check Register of October 20, 2006**
- 7. General Bills Check Register(s) for the week of October 18 – 24, 2006.**

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

**Chairman Sciortino** said, "Thank you. What's the will of the board on the consent agenda?"

**MOTION**

Commissioner Unruh moved to approve the consent agenda as presented.

Commissioner Burtnett seconded the motion.

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



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**VOTE**

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

**Chairman Sciortino** said, “Commissioners, I don’t believe we have an executive session planned, nor do I believe we have a fire district meeting, so we’re down to other. Anything going on with T-Rex there, commissioner?”

**I. OTHER**

**Commissioner Norton** said, “You’re not even going to let me put my light on, are you. Well, I do have EP’s new figures and I’ve got not only the month to date but the whole period that T-REX has been here. Month to date we’re at a gate attendance of 13,906 against 3,900 last year, so pretty significant increase. Gate revenues of \$94,000 against \$24,000 month to date. But I think the real significant numbers are from 9/1 to present, which is the Labor Day weekend when Sue started till today, total revenue: \$224,000, last year: \$47,000, \$177,000 swing at Exploration Place, pretty significant numbers. And when you look at there’s still another week and it’s the most active week, going into Halloween, for kids to come out there I think it’s going to be pretty dramatic results and I think that’s, as I’ve said before, is just the beginning.

The neat thing is the total gate attendance is 31,000 people this year, 7,000 people last year, 24,000 plus and people participating, passport sales are up and revenues at the store and the café are significantly up, so really good news for Exploration Place. Once again, I continue as a board member to advocate that we need to continue to take bold action, be aggressive with exhibits, continue to work on our vision and part of that mission will be, at some point, to diminish what Sedgwick County and the government has to put in to kind of hold up Exploration Place. That we took some action to make sure that Exploration Place has the chance to succeed, but now that it looks like that there is a good chance they’re going to succeed, that we don’t have to spend the money forever. That’s all I have, Mr. Chair.”

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

**Commissioner Unruh** said, "Thank you, Mr. Chair. I just would want to report to you that I attended the College Hill Neighborhood Homeowners' Association last night. There were a couple of hundred people there. The remarkable thing about that is how many citizens want to get involved in issues that effect their community and their quality of life and the character of their neighborhood. The issue they were talking about is the new Walmart store planned to go over near Kellogg and Oliver. But anyway, very good citizen turnout and I was . . . appreciated the opportunity to be able to talk to them for just a few moments.

And then, shortly after that, hustled over to the Wichita Art Museum where I met Commissioner Burtnett and we received, on behalf of Sedgwick County Board of County Commissioners special recognition award from the Arts Council. This is their 2006 award, it's a nice little piece of glass and just an effort to show appreciation to Sedgwick County for our support of some of the cultural attractions in our community. So there was a lot of people there at that event also. And so, a lot of folks in our community appreciate the cultural opportunities that we have. So anyway, thanks to the Arts Council and we'll put this on display for everyone to see. And that's all I had, Mr. Chair."

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

**Commissioner Winters** said, "Thank you. Last night also was the Kansas Department of Transportation hosted an open house meeting out at Extension to talk about plans and options for Kellogg and 235 and Central and 235 on the west side of town. And I believe the City of Wichita has taken some temporary improvement actions that they're going to apply at the Central and 235, which I think will be very helpful, but it was a good presentation. They had all their maps out and set up in a kind of move around and talk to the engineers as you want to learn more about a specific option, so a lot of west side folks attended it and it was a good presentation."

**Chairman Sciortino** said, "I don't see that there's anything other to come before this board, so this meeting is adjourned."

## **J. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 11:15 a.m.

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

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**BEN SCIORTINO**, Chairman  
Fifth District

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**LUCY BURTNETT**, Chair Pro Tem  
Fourth District

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**DAVID M. UNRUH**, Commissioner,  
First District

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

**Regular Meeting, October 25, 2006**

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

ATTEST:

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

APPROVED:

\_\_\_\_\_, 2006