

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

AUGUST 26, 1998

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, August 26, 1998, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Mark F. Schroeder; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Melody C. Miller; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; Mr. Paul Rosell, Chief Deputy County Clerk; Ms. Carolyn Earnest, Member Wichita/ Sedgwick County Board of Health; Ms. Mary Ann Nichols, Personnel Director; Ms. Irene Hart, Director, Division of Community Development; Mr. Eddy Chielo, Department of Housing & Economic Development; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. John Nath, Director, Kansas Coliseum; Mr. Daryl Gardner, Controller, Accounting Department; Ms. Michelle Daise, Assistant County Counselor; Tom Pollan, Director, Sedgwick County Emergency Medical Services; Mr. Steve Lacy, Director, Public Works; Mr. Charles Magruder, MD, MPH, Director, Community Health; and Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Johnnie Darr, Trustee, Riverside Township.
Linda Bowman, 6802 S. Grove, Wichita, Ks.
Daniel Creekmore, 7101 S. Volutsia, Wichita, Ks.
Gerald Blood, President, Pine Bay Owner's Association.
John Maksimowicz, 7058 S. Lorraine, Wichita, Ks.
Anita Creekmore, Representative, Applewood Farms Homeowners' Association.
Rod Bell, 3802 Haven, Wichita, Ks.
Bob Patrick, 7217 S. Chautauqua, Wichita, Ks.
David Waters, Owner, C & W Salvage and D & T Salvage, 1817 E. 68th St. S.
Gary Wiley, 303 S. Topeka, Wichita, Ks.
Vincent L. Wilson, 9337 SE 90th, Leon, Ks. Owner, A to Z Recycling.

INVOCATION

The Invocation was given by Mr. Bob Brunei of the Christian Businessmen's Committee.

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FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Winters was absent.

CONSIDERATION OF MINUTES: Regular Meeting, July 29, 1998.

The Clerk reported that all Commissioners were present at the Regular Meeting of July 29, 1998.

Chairman Schroeder said, "Commissioners, you've received the Minutes of the meeting, what's the will of the Board?"

MOTION

Commissioner Hancock moved to adopt the Minutes of July 29, 1998.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Ms. Becky Allen-Bouska, Finance Director, greeted the Commissioners and said, "You have previously received the certification of funds for expenditures on today's Regular Agenda. I am available for questions, if there are any."

Chairman Schroeder said, "Thank you, Becky. I see no questions. Thank you. Next item, please."

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APPOINTMENT

A. RESOLUTION APPOINTING CAROLYN EARNEST (COMMISSIONER HANCOCK'S APPOINTMENT) TO THE WICHITA-SEDGWICK COUNTY BOARD OF HEALTH.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "Commissioners, we have prepared a Resolution, which would authorize this appointment. This is for a vacancy in Commissioner Hancock's appointment to this Board for a term to expire on January 28, 2002. We recommend it for your approval."

Chairman Schroeder said, "Thank you, Mr. Euson. Discussion on this item?"

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "I understand, today, Carolyn is present with us. Please come forward. The Clerk's Office will swear you in."

Mr. Paul Rosell said, "Just say I do swear at the end of this. Please raise your right hand. I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the Office of Wichita Sedgwick County Board of Health, so help me God."

Ms. Carolyn Earnest said, "I do swear. Thank you, very much. I will do my best."

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Chairman Schroeder said, "Thank you, Carolyn."

Commissioner Hancock said, "I just wanted to say thank you also, Carolyn. My requirement in making an appointment to the Wichita Sedgwick County Board of Health is to find a registered nurse. Carolyn came to me eminently qualified, with a significant education beyond RN. I'm very pleased that she could join the Board of Health and I think she'll be a good addition. Thank you."

Chairman Schroeder said, "Thank you. Congratulations, again. Good luck to you. Next item please."

RETIREMENT

B. PRESENTATION OF RETIREMENT CLOCK TO AGNES CHRISTMANN, OFFICE SPECIALIST, DISTRICT ATTORNEY'S OFFICE.

Ms. Mary Anne Nichols, Personnel Director, greeted the Commissioners and said, "It is my privilege this morning to present a retirement certificate to Agnes Christmann, Office Specialist with the District Attorney's Office. She will retire September 1, 1998, after seven years of service. Agnes was hired on September 19, 1991, as a Senior Office Assistant and became an Office Specialist on January 1, 1992. I was discussing with Agnes, before the meeting, what she was going to do when she retired. She said 'Well, everybody's asked me that and I'm going to do everything I couldn't do when I was married'. It sounds to me like she's going to have a lot of fun. Congratulations, Agnes."

Chairman Schroeder said, "Well Agnes, on behalf of the Board of County Commissioners, we want to congratulate you on a few things I think. But first of all, thank you on behalf of the citizens of Sedgwick County for your service to Sedgwick County. We truly hope you enjoy your retirement and this is a token of our appreciation for all you've done for us. Thank you."

Commissioner Hancock said, "Next item, please."

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PUBLIC HEARINGS

C. PUBLIC HEARING REGARDING GRANT APPLICATION FOR FUNDING OF A DRAINAGE IMPROVEMENT PROJECT.

Ms. Irene Hart, Director, Division of Community Development, greeted the Commissioners and said, "Today we have three grant applications for your consideration. All of them are to the Kansas Department of Commerce and Housing. The first two grant applications are for CDBG funds or community development block grant funds. The federal requirements are that there is a public hearing held when applications are made for that type of funding.

1. PUBLIC HEARING REGARDING APPLICATION TO KANSAS DEPARTMENT OF COMMERCE AND HOUSING (KDCH) ON BEHALF OF RIVERSIDE TOWNSHIP FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR A DRAINAGE IMPROVEMENT PROJECT LOCATED IN OAKLAWN-SUNVIEW.

"The first project we have is a drainage project in Oaklawn. We are applying for the grant on behalf of Riverside Township to hopefully resolve some drainage problems in the Oaklawn neighborhood. The total project is \$77,300. Riverside Township is providing more than half the funding, which is \$42,300. So they are asking for a \$35,000 grant from the community development block grant. Since the County has to apply on behalf of Riverside Township, we're in the grant administration responsibility on this, so we're asking for the Commission to consider approving it and then there will be the additional paperwork if you do approve the application. There is additional paperwork and things you need to approve following that. There are people here from Riverside Township who would comment in a public hearing."

Chairman Schroeder said, "Okay, thank you, Irene. Any questions from the Commissioners at this point? If not, we'll open the Commission meeting to public hearing. If anyone would like to be heard on this item, please come forward, state your name, and your limited to five minutes."

Mr. Johnnie Darr said, "Chairman and Commissioners, I'm here on behalf of the Riverside Township. I'm the trustee down there. Didn't think I would ever get involved with politics again but I did, so here I am.

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“We applied for a grant through Eddie Killough to help out, or relieve, the flooding problem in Oaklawn. The ditch we’re talking about is a ditch that goes west of Oaklawn into the river. We’ve contacted engineering at the County, and we’ve also had an engineer draw up a plan for us that could be presented to you. I don’t have it here today, but I do have the person who drew up the plans. He didn’t get much notification, but hopefully he can help us out if we need any help on answering questions and that is Harlan Foyer. That’s about all I have at this time. We showed the plans to Phil Dietrich and Mr. Weber and a couple of other people took a look at it and they could see nothing wrong with the plans. I think it would relieve the flooding conditions in the south part of Oaklawn. If there are any questions, I’d be glad to answer them. Harlan is here also if you need to ask any questions.”

Chairman Schroeder said, “Thank you Johnnie. Any questions?”

Commissioner Hancock said, “Johnnie, in our back-up we have a copy of the profile and plans to look at. They’re available to us, we have them here.”

Chairman Schroeder said, “Any other questions? Johnnie, appreciate you being here today. Good luck to you on this project. Next speaker. Is there anybody else here today who would like to be heard on this item? If not, we’ll close the public hearing and limit discussion to bench and staff. Irene, anything else to add? Commissioners?”

MOTION

Commissioner Hancock moved to approve the Application.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, “Thank you. Next item, please.”

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2. RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY TO KDCH FOR THE 1998 KANSAS SMALL CITIES CDBG PROGRAM AND AUTHORIZING THE CHAIRMAN TO SIGN THE APPLICATION.

Ms. Hart said, "This again is some of the paperwork associated with the grant. This says that you have the legal authority to make the grant application on behalf of the Riverside Township and authorize the Chairman to sign."

Chairman Schroeder said, "Okay, thank you, Irene. Discussion on this item?"

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

3. RESOLUTION OF ASSURANCE OF LONG-RANGE FINANCING FOR OPERATION AND MAINTENANCE COST.

Ms. Hart said, "What this paperwork says is that once the project is completed that there is enough money to make sure it operates. Often times this is used when the funds are used to build a community building or some other public facility that requires ongoing operation."

Chairman Schroeder said, "Okay, thank you. Discussion on this item?"

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MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

4. AGREEMENT WITH RIVERSIDE TOWNSHIP FOR RECEIPT AND DISBURSEMENT OF GRANT FUNDING FOR RIVERSIDE TOWNSHIP.

Ms. Hart said, "Since we're making this application on behalf of Riverside Township, this is a written agreement between the County and Riverside Township. It assures that they will provide any ongoing operating costs and they'll conduct the project in accordance with federal and county rules and regulations."

Chairman Schroeder said, "Very good. Thank you. Discussion on this item?"

MOTION

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

Commissioner Miller seconded the Motion.

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

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

D. PUBLIC HEARING REGARDING GRANT APPLICATION FOR FUNDING OF A HOUSING REHABILITATION PROJECT.

1. PUBLIC HEARING REGARDING APPLICATION TO KDHE FOR SMALL CITIES CDBG FUNDS FOR A HOUSING REHABILITATION PROJECT IN RIVERSIDE TOWNSHIP WITH EMPHASIS IN AN OAKLAWN-SUNVIEW CENSUS DESIGNATED PLACE.

Ms. Hart said, "Again, this is a community development block grant application and as such requires a public hearing and will be followed by a lot of paperwork again. This request is to do housing rehabilitation. We're asking for \$300,000 in community development block grant funding. We've been funded twice before from this source. We'll match it with \$66,000. Of that \$66,000, a landlord will provide \$37,500. The state weatherization program will provide \$18,500, and the County will provide \$10,000 as cash match. Our match will go to help low income landlords provide matching funds to take advantage of this program. There is a number of federal and state requirements in a rental rehab program. That includes that the landlords need to be of a certain income qualification. That tenants need to be of a certain income qualification. That there are liens placed on the property, so that we don't fix it up and then someone sell it and gain financially from it. That tenants ongoing have to be of a certain income qualification. So what it goes to do is improve the rental housing stock and provide safeties and affordable housing for people in this neighborhood."

Chairman Schroeder said, "Okay, thank you, Irene. At this time I'll open up the Commission meeting to public hearing. Anybody who would like to be heard on this item please come forward. Is there anyone in the audience today who would like to be heard on this item, Item D-1? If not, we'll closed the public hearing and limit discussion to bench and staff. Commissioner Miller."

Commissioner Miller said, "Thank you, Mr. Chairman. Irene, are you saying that our match dollars, which are approximately thirty-what thousand or more than that?"

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Ms. Hart said, "The actual match from the County, the cash match would be \$10,000. But there is another \$56,000 that would come from landlords who could afford to provide the match and from a weatherization program, where the weatherization services would also go into that house."

Commissioner Miller said, "This is for rental stock?"

Ms. Hart said, "It is a combination of owner-occupied and rental-rehab. This will be our first initiative into rent rehab."

Commissioner Miller said, "Okay. I didn't think we had done that before."

Ms. Hart said, "In Oaklawn, about half the units are rental units. So if we can help upgrade the community by doing homeowner-rehab, but we also need to find a way to assist particularly low income landlords on upgrading their stock."

Commissioner Miller said, "So our match dollars will assist those landlords."

Ms. Hart said, "The low income landlords who couldn't otherwise afford to provide match. In order to have, if you have a rental property, there is so much federal money that would come, but you have to match it with your own money. Some of the landlords in the neighborhood are low income themselves and wouldn't have the cash to be able to up draw the federal money to rehab the unit."

Commissioner Miller said, "So there is a specific criteria guideline that, basically, defines what a low income landlord is and must fall within that, and if they do, then we can assist them."

Ms. Hart said, "Right. That's what we're proposing to do."

Commissioner Miller said, "Okay, thank you."

Chairman Schroeder said, "Very good. Other questions or comments?"

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MOTION

Commissioner Gwin moved to approve the Application.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

- 2. RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 1998 KANSAS SMALL CITIES CDBG PROGRAM FROM KDHE AND AUTHORIZING THE CHAIRMAN TO SIGN AND SUBMIT THE APPLICATION.**

Ms. Hart said, "That should be the Kansas Department of Commerce and Housing, rather than Health and Environment. Again, this is paperwork saying that you all have the legal standing to be able to apply for these grant funds."

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

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VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Ms. Hart said, "Chairman, I would like to recognize one of our County staff members, Eddy Chielo. Eddy has worked on these grant applications for four years, now. He will be leaving County employment soon and going back to school full time to finish up a masters degree, which I think is his third masters degree. He has been successful in grant applications. He's put together the three applications you'll see today and I wanted you to know that we've appreciated his hard work in bringing these resources to Sedgwick County, that I don't know that we would have gotten without his help."

Chairman Schroeder said, "Maybe we need to have Eddy come up to the podium. Come on up, Eddy. We would like to see the person who has three masters degrees. We want to say thank you, Eddy. Appreciate all that you've done for us over the past few years in helping us obtain these grants. Sometimes it is a difficult task, but tell us where you're headed, what you're going to do."

Mr. Eddy Chielo said, "It has been a pleasure to serve the citizens of Sedgwick County. I'll be heading out to finish a graduate program in political science and hopefully pursue another career. I'm not sure what it is going to be, at this time."

Commissioner Miller said, "You did say political science, Eddy?"

Chairman Schroeder said, "Well, good luck to you."

Commissioner Hancock said, "They'll be one or two of us in trouble, now."

Commissioner Gwin said, "Thanks, Eddy."

Chairman Schroeder said, "Thank you. Good luck to you in the future, Eddy. Irene, thank you very much. Next item, please."

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PLANNING DEPARTMENT

E. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER SCZ-0768 - REQUEST FOR ZONE CHANGE FROM "RR" RURAL RESIDENTIAL AND "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL AND "SF-20" SINGLE-FAMILY RESIDENTIAL;**

AND

CASE NUMBER CU-483 - REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A RECYCLING/SALVAGE YARD, LOCATED BETWEEN HYDRAULIC AND GROVE, SOUTH OF 63RD STREET SOUTH AND IMMEDIATELY NORTH OF THE WICHITA-VALLEY CENTER FLOOD CONTROL DITCH.

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Do you have any questions? There is one zoning item on this morning and this is a little bit of a complicated request, so it will take a little bit of an explanation. This is a request by the owner of this property, which is a non-conforming salvage yard on about an acre of land. It is A to Z Recycling. They operate what is primarily an auto crushing business, where they take the cars and crush them on the site and then they ship them back out for material. So it is sort of a specialized end of the salvage business.

SLIDE PRESENTATION

"They are located in an area, this is Hydraulic over here, this is 68th Street, Minnesota, Cider, and this area along Minnesota and 68th Street has, for many years, been developed as a collection of operations of different owners, salvage yard operations for many years. With a couple of exceptions, this exception and this exception, those are all in the rural residential district, which means those are non-conforming uses. They don't conform to the zoning and so they don't have automatic expansion rights. If improvements are torn down or burned, they can't be automatically replaced.

"In these two cases though, in 1992 and 1995, I think, there were some improvements that were going to be made and so they did need to try to seek proper zoning, to be able to do those improvements, and the zoning to industrial with conditional uses was granted for those uses. But the majority of this area still is zoned rural residential, despite the nature of those uses.

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“Just to give you an idea of the surrounding area. This is the area of request and the owner is asking to expand that salvage operation, he already has as you probably will hear, to some extent, but wants to expand that operation on an additional 12.5 acres. That is about 450 feet to the east. Subject to conditional use and requirements that I’ll talk about under conditional use. They’re also asking to rezone this acreage, 27 acres, to the SF-20 district, the suburban district from the rural residential district. This is the suburban district and this is be the Applewood Farms neighborhood. This is Pine Bay Addition and that area is developing, and that area is also SF-20. If you recall, just off map, last week we had another case just up the Big Ditch and across Hydraulic, for a tract to go from rural residential to SF-20. So SF-20 is the general designation, in the Comprehensive Plan, for this general area including this area, meaning that the intended general uses for the general area were expected to be suburban residential, based on the availability of on-site water and sewer services. There aren’t any public water and sewer services that are expected to be provided to this area.

“As I said, there has been an expansion of this area. It was not a legal expansion. As a result, the property owner, I believe, was requested to come in and ask to rezone the property, although I think that they’ve had some plans for expansion for some time. The site plan, well let me show you the aerial photograph, first, to give you a better idea. These are all salvage yards, in that triangular area, I’d say about 20 acres, north of the Big Ditch, which is here and on the east side of Hydraulic. This is the Pine bay area. This is a lake in Pine Bay. This area is not developed, but there is a planned cul-de-sac and lots that would come along there, so that maybe one of the most effected properties would be the future residential development, which would touch a corner of that proposed expansion of the salvage yard area. This is a large lot, large acreage home site. This is the Applewood Farms area, the area further to the east. This is Grove and the area east of Grove and that direction is undeveloped today. That gives you an idea about the general character of the surrounding area. This was the original site plan and this site plan will give you a little bit more information, about what is being proposed. This is the existing non-conforming use. There’s a scale in this location, and an office building, and basically the trucks come in, they’re weighed, and then the crusher is located here. Trucks come in and then they take out the crushed material, out Minnesota and 68th Street to Hydraulic. The proposal is to have access, as it exists today and also one access point off of Cider, which runs along the Big Ditch. The stored materials, the car bodies, would be in the perimeter area of this 12½ acre expansion and the circulation of the trucks, in and out, bringing the materials two and from the crusher would be in this area here and then out either Cider or Minnesota.

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“As required by the conditional use, as recommended by the Planning Commission and the Haysville Planning Commission, there are several requirements that appear on this site plan. First or all, there is a nine foot flat steel fence that would be constructed all along the perimeter of the north, the east, and along Cider road. There would be a 20 foot landscape area along Cider. In the rear of the lots that are planned in this area that would be developed for SF-20, that’s owned by the same owner, they would create a landscape reserve, and they would do immediate plantings of trees at a rate that is higher than the Wichita landscape ordinance, which usually requires for buffering non-residential uses to residential uses. But it would be on the rear of the residential lots and not on the property of the proposed expansion for the salvage yard. There would be a ten foot set-back, along that fence, between that fence and any stored materials, on the north edge, also with landscaping at the same rate, there would be a 40 foot landscape buffer, plus the nine foot fence. Along this edge of the property, where the property adjoins other salvage yards, the fence would be reduced to six feet in height. I think that covers, probably, the key issues with the site plan.

“There are several other conditions that were recommended by the Haysville Planning Commission and the MAPC. They include one, that there would be operating hour limitations on the use of this property, with the exception of being able to deliver cars or car bodies to the site. That the actual crushing and operations and removal of material could only occur Monday through Saturday, between the hours of 7:00 a.m. and 6:00 p.m. There were issues about ground water that were raised. The overall quality of water in this general area has been questioned. The Health Department has been involved with residents in this area. As a result, the applicant agreed to do, at his own expense, annual testing of the ground water and submit it to the Health Department for inspection. So that is a condition of approval. Also, as recommended by the Planning Commission, this conditional use would have a five year time frame. Which means at the end of five years, this property owner would have to come back in and ask to renew the permit. Then the extent to which he has been a good housekeeper and a good neighbor will be either proven or not, at that time, and that could be a basis for a decision to renew, or not renew, the permit.

“The Haysville Planning Commission had their hearing and voted eight to one to recommend approval. The Metropolitan Area Planning Commission voted seven to four to recommend approval. At both of those meetings, there was opposition. The opposition came from the nearest neighbor, to the south along Cider, that large lot that I showed you that came from the Applewood Farms area. Also the developer and I think, one homeowner from the Pine Bay Estates area, also appeared at the hearings. Number one, they expressed distrust for how this operation would work, because it has been expanding illegally and has been very visible and unsightly to the neighbors. Second, they expressed concerns about the potential for contamination from possible leakage from these car bodies. I think George Hanegard will be here, if you have any questions about ground water. That was a concern.

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“The Health Department did say that there is no evidence of groundwater contamination in this area. However, they agree that they will review the testing that is required under this conditional use. The concern was with the effect on property values, of having an expansion of this salvage yard come closer to the residential properties, particularly in an area over here, where lots are proposed to be developed, although the attempt is made to try to buffer the property with a combination of screening and landscaping and setbacks. Last, there was some concern expressed about the condition of the streets, of Cider and Minnesota. Apparently, from the Applewood area, this is the most convenient way to get to Hydraulic and on out to other parts of town and so the state of the streets, the materials that one way or another get deposited in that road can cause flat tires and all are a concern to neighbors and they would probably like to see all these non-conforming uses be eventually leave for other quarters.

“Let me go through a couple of slides for you. You should be aware that this case does have opposition. This is one of three different maps that we actually drew to determine what the protest was. This looked at the protest around the area being requested for the conditional limited industrial use for 12 ½ acres. The ring that is 1,000 feet around that, minus the floodway, which doesn't count, constituted over 50% of the property area in that 1,000 foot ring. Now, when we looked also at the SF-20 area and we looked at the areas as a whole, because this case was really advertised as a whole and I think most protestors were protesting to the overall request, which included the limited industrial with conditional use and the SF-20. It was also over a 20% protest. So, no matter which way you look at it, this case did have a 20% protest to approve anything, other than the current RR, rural residential zoning, would require four votes. I should also say that because the Planning Commission has recommended approval, it would take four votes to override the Planning Commission's recommendation and deny this case. If you don't find four votes in either direction, then your option is probably to send it back to the Planning Commission and then, if you hear it a second time, you can make a decision to not follow the Planning Commission, if they recommend approval, again, with just a simple majority. So it is a little bit unusual from the voting standpoint, too.

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“This is the scales and we’re in the one acre parcel that is the long standing non-conforming use. It is beyond that area, in the field, that is being requested for the 12 ½ acres. You do see a little color in this slide, did you notice that? The toggle switch, I think, has straightened out. This is some of the illegal operation that currently exists. There is a tree row behind that one acre area and this is the western portion, then, of that 12 ½ acre area and this is where the activity, because of the nature of the business, has spilled over, these car bodies being stored waiting to be crushed. This is Minnesota Street. It turns into 68th Street. You can see, there are some cars lines up and there was some testimony about that. These are not necessarily the cars of this applicant, but there is probably at least eight or so different operators in this area. That’s not proper use of the street, but obviously in the case, if there is a problem with space for some of these uses. We’re looking again north along Minnesota. This is on the west side of the street. I’m sorry you can’t see the quality of some of the fencing in this area. There is quite a variety of car bodies and parts of car bodies that are used for some of the screening and these non-conforming uses.

“We’re looking across the street, across Minnesota, from this use. Now we’re looking at, this is the levy of the Big Ditch. So this is Cider over here and we’re looking near the intersection of Minnesota and Cider. This is, there again is the Big Ditch, and this is Cider, as it goes around the site, and the back area here is where the expansion would occur. This is the site itself, looking at Cider across at that field that would be used for the expansion. That is part of the expansion along the western area and the expansion would continue to about this point. This is just looking south at the Ditch, at the levy of the Ditch. Now we’re looking back at the site. In the background, this is the floodway, so we’re looking at the back site, more to the south and the southwest. Looking north from Cider. This is looking south down Grove. This is the east side of Grove and the west side of Grove. This is the area that would not be developed for a salvage yard, but be developed for single family lots under the SF-20 district. Again, this is the area, that looks like Grove back there, and this is the 27 acre area the would be developed, which would be, if it develops, a buffer between the Applewood area and the proposed expansion of the salvage. This is looking up Grove again, north of the Applewood area and looking north and back. This would be west across the site. Back to the aerial photograph. We were looking at this area. The zoning map. I’ll try to answer any questions you have.”

Chairman Schroeder said, “Thank you, Marvin. Commissioners, do you have any questions at this point?”

Commissioner Hancock said, “Just one, Mr. Chairman. Marvin, we’re doing both zoning requests the today, both designated zoning requests at one time?”

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Mr. Krout said, "You could divide them up and you could have separate motions on each of those. If you did, each one of those would require four votes to either approve or deny."

Commissioner Hancock said, "Okay, thank you. Thank you Mr. Chairman."

Chairman Schroeder said, "Commissioners, let me ask you a question here. This is not a public hearing, but what are your feelings of a discussion on this point."

Commissioner Gwin said, "I'd want to hear it."

Commissioner Hancock said, "Yes."

Chairman Schroeder said, "Okay, at this point we're going to open the Commission meeting to discussion. Anybody that would like to be heard on this item, you're welcome to come forward. You're limited to 5 minutes. Need to state your name and address for the record."

Ms. Linda Bowman said, "We live at 6802 S. Grove, which is directly east of this proposed expansion area. I'd like to start by telling Mr. Wilson that my remarks are not directed at him, personally. My husband and I are happy for him that his business is doing well and he has the need to expand. We are, however, opposed to him or any other salvage business expanding in our neighborhood for the following reasons. First, we bought our place 13 years ago, because of the country farm like setting. That's the atmosphere and the surroundings that we wanted to raise our family in. Because it has been zoned rural residential since 1958, when zoning laws in that area were put in place, we felt confident that it would remain that way. We're used to watching the baby deer grow up each year, watching them graze in the field as we'd sit at our table or we look out our kitchen window. That has certainly changed over the last few months, as this is what we now see when we look out our window. It is really disheartening. Our property is elevated a little up from the road. A wheat field and a nine foot fence would not hide our view. The proposed landscape will take years to fill in a thick hedge row and to my knowledge there are no irrigation facilities on that property. There is no guarantee that planted trees would ever live.

"Secondly, personally speaking, we feel too much farm ground is being turned into residential areas. We read recently that in 20 years there will be 19 billion more people. At this point, there is 700 million people we're unable to feed. If we keep allowing farm ground to be turned into housing, where is our food going to come from, a few years down the road? I know 40 acres doesn't seem like much, but it is 40 acres here, 40 acres there, it makes a huge difference in the big overall picture.

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“Thirdly, the property values in our neighborhood would go down, if this passes, because one can only imagine the quality and caliber of homes that would go into an area that backs up to a junk yard. No one would want to go in and build a \$100,000 plus house and have it right next to a junk yard. Junk yards and residential homes just do not go together. There are several areas around Haysville that are already zoned industrial, one of which is right next to the turnpike, which is what this business wants to be close to. The Haysville Planning Commission felt that, ‘they would be an enhancement to the area.’ So an option would be to relocate. The MAPC made certain stipulations, to which Mr. Wilson agreed. One is paragraph F on your copy, stating the working hours, which you’ve discussed. ‘The facility shall not be used on Sunday’s or official holidays.’ The first part was taken on Sunday, August 9 and it shows them working.”

Chairman Schroeder said, “What date was this?”

Ms. Bowman said, “Sunday, August 9. When the crusher comes in, this part was taken Sunday, August 23. Well, you get the idea.”

Chairman Schroeder said, “Do you have a tracker on that, Fred?”

Ms. Bowman said, “They were also working after 6:00 p.m. on August 12 and 13th. That’s okay, you got it. It was stated that they would not need to stack vehicles if they were allowed to vehicles. They’ve already expanded illegally and they still have numerous vehicles. They were also required to have proper drainage. That’s paragraph G on your paper. This picture shows their ditch, which makes a lovely pool by the side of the road when it rains. They’ve said semis and wreckers would not have to use Grove Street, they do. They said there would be no need for semis to sit on Minnesota. They still do. If these agreements have already been broken and final approval has not yet been received, I’m not naive enough to think that a signed piece of paper in a file cabinet somewhere is going to make a bit of difference on how business is done in the future.

“You, as elected officials, have a lot of authority and I thank you for using it wisely in giving this proposal careful consideration. Please consider how many families and lives in our neighborhood are going to be effected by your decision. It really hurts to put 13 years of your life into building up your home and property in a rural setting and have the rug pulled out from you in one piece of paper tells you that someone wants you to live in an industrial community now. Please don’t allow that to happen. Thank you.”

Chairman Schroeder said, “Thank you. Is there anyone else today who would like to address the County Commission on this item?”

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Mr. Daniel Creekmore said, "I live at 7101 S. Volutsia. I have some pamphlets here to hand out to you guys. Commissioners, members of the public, from what we have seen from A to Z, I understand their need to expand. Running such an operation on only one acre is nearly impossible. They have little room to maneuver the large trucks that they use and their storage capacity for salvage is virtually non-existent. Allowing some expansion also gives A to Z the opportunity to clean up their mess and take down piles of cars. With the space, they can take much of the operation off the street. Right now, A to Z falls under the grandfather clause, which removes them from any regulation. However, the expansion that they have proposed today is inappropriate and unnecessary.

"As a community, we are extremely hesitant to allow any expansion of a company that has never taken the responsibility to clean up or respect the community in which they operate. Currently, A to Z operates in a very untidy fashion. Although in the last several weeks, they have removed them, likely due to the zoning process. It is not uncommon to see wrecked cars in the ditches in front of A to Z. Debris from these smashed cars lines the street in front of their property, as you can see on figure nine on the second page of your handout. White goods, as they call them, washers, dryers, and refrigerators, which they also deal with, are mounded in the background along the property line and spilling into the property in question. That is figures seven and eight in your handout.

"We also face damage to our own personal property. Many of us now avoid driving on Minnesota and 68th Streets because of the constant debris in the road. At one time, my family had a problem with recurrent flat tires in both of our vehicles, due to screws and nails. Remarkably, the number of flat tires dropped dramatically after we stopped using those roads.

"The disorganization that we have seen has not been a recent thing, either. In the last four years that Mr. Wilson and Mr. Nelson have owned A to Z, they always run it in an extremely disorganized fashion. Already, their current operation, along with the others in the area, have been devastating to residential property value. Should A to Z recycling be allowed such a massive expansion and continue to operate in the same fashion, the effects on property will be even worse. Their new facility will have the capacity to fit approximately 1,000 crushed cars, single stack. Should they double stack those cars, the number of course would be doubled. An operation this massive is completely inappropriate for the area in which they wish to expand. Any industrial operation of this nature is completely out of place in a residential area. The homes this surrounding residential area in this case are well kept middle class homes, as you can see on figures one through four on the very first page of your handout.

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“Furthermore, 11.5 acres that has been requested is far more than he needs to perform the tasks that they wish, the loading of multiple semis and the storage of cars for salvage. The buffer that they’ve offered, a flat sheet metal fence, sounds like it would be adequate. However, as you can see in figures ten and eleven, after a time that fence tends to deteriorate. Being that it is constructed of a very flat material, even the slightest flaws tend to stand out. Furthermore, it only takes two cars stacked on top of each other to exceed the maximum height of the fence. In the case of A to Z, they’ve already taken the liberty to illegally expand into the residential zones. Right now, piles of cars are clearly visible from Grove and the surrounding neighborhoods. As you can see in the aerial photos and in figures 13 through 17 on the last two pages, you can clearly see how much they’ve already spread out. The area of mowed grass stretching from the cars, would be approximately two thirds of the size of their new facility. I believe on most of your pictures I have outlined the actual complete size of the new facility. If A to Z is allowed to officially expand, how long will it be before they overflow their new facility and once again spill into our neighborhood. To date, we have been given nothing to trust in.

“Asking their company to continue to operate on a single acre is a lot. However, it is far more to ask the community to allow the massive expansion of a business which has proven time and time again, to be untidy and show no regard for County regulations. Our community has no problem with a necessary expansion of business. We do have a problem with losing such a massive area to a business which has been completely unsuitable and damaging to our neighborhood.”

Chairman Schroeder said, “Okay, thank you. Questions for the speaker? Thank you. Appreciate your presentation today. Next speaker.”

Mr. Gerald Blood said, “I’m president of the Pine Bay Owner’s Association. I’m representing the residents of Pine Bay Estates today. As you know, we obtained 100% of all residents within the 1,000 foot notification area for petitions against the conditional use permit and zoning change. The only signatures within the notification area we did not obtain were those of other salvage yard operators.

“I think a very brief history of this salvage area might be in order. In the ‘50s, urban renewal funding was used to clean up an area in northwest Wichita called Hoover’s Orchard. This displaced salvage yard operator settled on the 25 acres, that is now known as Sandburr Hill. There was no zoning ordinance in the County at the time. When the County adopted the present method of zoning, Sandburr Hill was a nonconforming use and has basically remained non-conforming for the past 40 years. No expansion has ever been granted. They operated under the grandfather clause. During the past 40 years, the area around Sandburr Hill has developed into residential development.

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“I brought this map this morning, that gives you a little more vision of the area around the area. As you see, all of the yellow area is already designated residential. The 25 original acres is right here in red. The proposed additional 12 ½ acres would represent a 50% increase in what has been there for the past 40 years.

“These single family areas that you see here, followed the required procedure and were all approved by the Planning Commission and this County Commission. Pine Bay residential area that I represent is located directly north of A to Z Recycling and the other existing salvage operation. The lake, the golf course and housing in Pine Bay were all designed so only one residential lot adjoined the other view of the existing salvage yard of Sandburr Hill. The homes in Pine Bay range in value from \$120,000 to \$250,000. If this request for expansion of the salvage yard is granted, it will directly effect the future value of the homes and lots. As you can see on the map, no one would built a home on these lots here, directly across from the salvage yard. An unsightly nine foot fence will do nothing to curtail the effects of the aesthetic, monetary, and certainly the ecological integrity of the area.

“In addition to the residential tone of the entire area, I’d like to call your attention to the large green area right here. This area was purchased by the City of Wichita Park Department for further development. With the Arkansas River and the Big Ditch so nearby, you can imagine what a natural park area this is. Considering the nature of the surrounding area, we ask that the Commission not allow any expansion of this salvage yard recycling operation. The 12 acre request, approximately 50% expansion of the entire Sandburr Hill salvage area. Please hold the line on conditional use and require the A to Z to operate and locate in appropriately zoned ground.

“In closing, I’d like to bring up to you our one additional fact. We realize the conditional use zoning has regulations and restrictions attached. But regulations and restrictions must be monitored and enforced, which is costly to the tax payers of Sedgwick County. A to Z Recycling has already begun to fully operate on the land in question. They have disregarded all conventional rules of waiting for approval by the Planning Commission and the County Commission. They have been operating contrary to the rules and conditions set forth by the MAPC, with disregard to times of operation and days of operation. There is no fence to keep the neighborhood children off the junk cars that are piled more than one high. These are also again the rules by MAPC. We have no faith that A to Z Recycling will follow any rules in the future when they have no regard for proper procedure and the rules that apply presently. It is quite clear that Mr. Wilson does not or perhaps cannot share the vision of our community since he, the owner and operator of A to Z Recycling Salvage Yard is not a constituent of Sedgwick County. Do I have any questions that I can answer for you.”

Chairman Schroeder said, “Any questions for Mr. Blood? I see none at this time.”

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Mr. Blood said, "I do have some handouts for you from the homeowners."

Chairman Schroeder said, "Be glad to take those. Okay, next speaker, please."

Mr. John Maksimowicz said, "I reside at 7058 S. Lorraine. I am a resident of the Applewood Farms Addition. I must reiterate our concerns. They are much the same as the speakers you've heard today. The one thing that I would like to reflect on, in particular, is the repeated thumbing of the nose to both the other residents in the area, as well as state and local laws. One of the other things I would like to bring before the Commission is, not only do they scatter debris in the roadway, those salvage operations often block the roadway to where it is physically impassable. Whether it be with junk vehicles, with the semis, just other car mashing equipment, those type of things. My children have often come home and said that the school bus has to reroute, just simply because the roadway is block down there. They're not able to get through.

"One thing I would like to touch upon is the concern for groundwater contamination. Literally, all of us in that area are dependent upon groundwater at least at this time, for our drinking water supplies. By information the County provides, it indicates that one gallon of used motor oil can contaminate up to a million gallons of fresh water. While this is slated to be monitored by the salvage operation, by the County, those type of things, what happens if it is polluted. I doubt that they have adequate funding resources to be able to clean that up. Will they simply be gone one night from their operation? Particularly, just in context of where they've already disregarded several different rules, regulations and laws that are already applicable to them, I do not see how we can trust them to comply with any type of regulations that are currently being imposed upon them in conjunction with the rezoning. Thank you."

Chairman Schroeder said, "Thank you. Questions for this speaker? Thank you. Next speaker."

Ms. Anita Creekmore, Representative, Applewood Farms Homeowners' Association, said, "Mr. Chairman, Commissioners, ladies and gentlemen, I will speak briefly on behalf of the Applewood Farms Homeowners Association. We did circulate some petitions which I will hand to you. There are 51 signatures representing 40 homeowners. We did this on short notice, not able to reach all of the residents. It was done over the weekend and there were a number of people not at home. Of those owners that were contacted, there were upwards of an 80% response in protest to the expansion of this operation. The homeowners have their reservations, as has already been stated as to whether the owners of this property would comply.

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“One of the things they have said a number of times is that they are soliciting the cooperation of their other salvage yard neighbors in using the same fencing, cleaning up and things. I believe they will do that, but there are so many other things that you’ve already heard, ways they still violate the . . . up to seven semis at a time wait on the road to be loaded. The forklifts, the tow trucks, they still are on the road. Despite the fact that they are working in their new area, they are still doing things on the road. You’ve heard the kinds of problems that causes.

“One thing I had not thought about until recently is that everyone of those cars you see or perhaps two or three represent one tow truck coming in. One group of white goods represents another truck coming in. You have approximately 116 homes in the area. The roads through this area are our most direct route to Haysville where the children go to school, we work, we go to church, we go to the doctor, the dentist, do our business. The homeowners wanted me to ask you, to make you aware, of the severe traffic problem we have already and if you do approve this, A to Z’s request, we will definitely need some changes made. We’re requesting a stop sign at the south end of Grove Street, where there is none now. There have been several near misses. One resident, at least, has already had a wreck with a tow truck hurrying to bring in a vehicle before 5:00 p.m. to get his money, at Minnesota and 68th Streets. There is right-of-way to the south of the area, to continue Cider up behind the salvage yards, to bring it up to Hydraulic, where 68th meets it now. We would like you to consider doing those things for us. That would separate the residential and the business traffic and it would be necessary to block Minnesota at the south end. This is a significant safety concern we have.

“It is also known that the white goods are not always checked for the red tag to show that the refrigerant has been removed. There was at least one load taken in where one of the refrigerators was not drained. There were no red tags. The load was accepted.

“The landscaping buffer on the east side, personally I would like to see put on the light industrial property, so the owner has the responsibility to maintain it if you approve his request. If it is left on the SF-20, these lots will be sold to other homeowners who will have to maintain it and there is no guarantee that they will. We would like the buffer, if you approve it, to be on the light industrial area on the east side. We would not like to be treated so differently from the Pine Bay homeowners, who have more expensive homes than we do. We would like the buffer to be consistent, if you approve it.

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“I also noted in what was said earlier by the Director of the Planning Department, that there is an exception for times of operation for the tow trucks coming in. We did not believe there was an exception. The rules that we have received did not state that there was an exception for any part of their operation. I thank you for your consideration of our concerns. As I said, we do have these specific requests for the stop sign. One thing that had not been mentioned at our last meeting but we said before, was a trucks turning sign at the south end of the bridge, because it is a blind entrance onto Hydraulic. Thank you, very much.”

Chairman Schroeder said, “Thank you. Next speaker.”

Mr. Rod Bell, 3802 Haven, said, “I’m a property owner along Minnesota Street, adjacent to A to Z Recycling. That location has given me opportunity to know Brent and Vince for about 10 years. I’ve observed their business activities and I believe them to be very trust worthy and credible individuals. This ten year association with them has allowed me to observe their expansion. I’ve watched them spend thousands of dollars upgrading the property that they now operate on Minnesota Street. I’ve talked with them, almost on a daily basis, about their activity. I believe they will be where you can count on them to observe the zoning codes and regulations that might be put upon them, if this zoning is approved.

“There is a definite need for an operation such as A to Z. Even though it is unpopular to look at, the zoning will require the fencing that will go along the backs of four separate salvage lots. Those lots have previously been screened only by a few trees. The new fence that would be proposed would improve the view from Grove Street tremendously, it would seem to me. No government agency processes old cars or removes them. It is left to private business, private industry. There is a need for a business like A to Z to eliminate old cars from the streets. They help the City, the County, and private individuals who no longer need worn out vehicles. They could be viewed as a transfer station. They compress old cars and load them on semis and send them out of state. Transfer stations are kind of popular right now. It is an efficient operation. It provides numerous spin-off jobs. Wichita needs jobs. Dump truck drivers earn money. Semi truck drivers earn money. Office personnel earn money. That transfers into tax dollars. Not all business can operate out of a nice looking warehouse or a pretty office building. Auto recycling requires outside space, but it can be effectively screened with fencing or shrubbery and hidden from view.

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“There are eight separate salvage lots in our location around Minnesota Street. They’ve been there for a long time, as Mr. Blood stated, and they will remain there for a long time. This will not change. Salvage property is very limited in the County. It seems a perfect place for a salvage operation to me, with the Big Ditch on the south side and only a half mile north the south sewage plant with its associated odors.

“Cars are becoming increasingly throw-away. The need to process and recycle worn out cars will continually increase, it will never diminish. Recycling facilities are needed and necessary. I strongly support allowing A to Z to expand their operation within whatever guidelines you think best to eliminate these cars from our property. Thank you.”

Chairman Schroeder said, “Thank you, Mr. Bell. I see no questions. Next speaker.”

Mr. Bob Patrick said, “I live at 7217 S. Chautauqua, which is in the Applewood Farms Addition. I’m here on behalf of the A to Z Recycling for the fact that the 16 years that I have lived in this area, the salvage yards were there before I came and they’ll be there after I’m gone, probably. In this 16 years, there’s been continuous improvement of the salvage area because I can remember when it wasn’t safe to drive down Minnesota, period. I think that A to Z is getting blamed for the other seven salvage areas. They have tried to clean up their operation. They are working hard on it. Right now, if they put their fence up, it is going to block the view. Recently, the County came in and wrote 30 plus tickets to the residents of Applewood Farms because the back yards have turned into salvage areas. I have a problem with, let’s clean up our own back yards before we worry about somebody else’s. But, I really feel that with what they propose, because when this first came to me they were going to go all the way to Grove with salvage cars. I hit the ceiling about this, too. I went out and contacted A to Z, Mr. Wilson, he showed me his blueprints, his plans for what they wanted to do and was very open to what he wanted to do. I saw no problem with this, other than it was going to help clean the area up, which we don’t have, now. I understand what these other people are saying. I’ve lived there a long time. I would like to see our area clean, as well as anyone else. As they’ve said, we’ve got to have a salvage area somewhere. We’ve got to have a way to disposing of these and Minnesota has been used for this purpose long before we moved in as residents. So we invaded on them and now they’re asking us to help them clean up the area and I think we need to allow them. Thank you.”

Chairman Schroeder said, “Thank you. Next speaker.”

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Mr. David Waters said, "I live at 1817 East 68th. I have D & T Salvage. I was the first one that went for a heavy industrial use permit for a salvage yard. I own five of those salvage yards down there. I've cleaned up every one of them and put up fences, improved the property. I think the neighborhood's grown because of that. There is a new house by, I own C & W, too, my father had that. There is a new house there, right beside me. He is happy with what we have. It is well over \$120,000. I don't see anything but improvements. I've known Vince for the last four years. I live there in that salvage yard. If they do what they say their going to do, then I'll be happy and I believe they will be because I will be watching them just like everybody else. I don't have no paperwork to give you, but like I say, I've had four or five of those salvage yards, I still have two. I sell a lot of new parts out of my D & T place, which I'm glad to see improving. I think the only thing they can do is improve. Cars have got to go somewhere and like the last guy who talked, I picked up 20 of the cars down there in the trailer park. I do a lot of business with those people. They didn't bring me nothing to sign but anyway, that's all I can say. Thank you."

Chairman Schroeder said, "Thank you. Next speaker."

Mr. Gary Wiley, Professional Engineering Consultants, said, "I'm here on behalf of the applicant. I won't reiterate what's already been said this morning, but there are a few things that I would like to bring to your attention. One, A to Z has been at this location for approximately five years. They bought the 38 plus acres to the east of them about a year and a half ago. One of the first things they've done is to approach the Planning Department for their development review committee to look at the expansion of this existing operation. It was, I think, the decision of the development review committee that this would be a logical expansion area. They have come in and ask to expand the area by some 11 ½ acres. There's been a talk of 12 ½ acres, but that's to zone the existing one acre parcel. We have included that into the zoning application area, so that the total area is approximately 12 ½ acres. That still leaves some 20 plus acres to the east of the project. I think you have a copy of the latest development plan, that was prepared, that shows some 20 residential units to be platted off onto that area. The closest point, for the industrial use, would be approximately 900 feet to Grove. In between, eventually, would be a residential development. It's not that these people are going to continue to look at a fence. They're going to be looking at homes in the future, along with a fence and some mature trees in the future."

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“As was mentioned earlier, the salvage yards have been there some 40 plus years. I think the oldest residence in the area has been there 17 years, less than half the time the salvage yards have been there. We are in complete agreement with all the conditions of approval that were established by the Planning Commission, including those recommendations by Haysville. As Mr. Krout indicated, the Haysville Planning Commission approved this eight to one. MAPC approved it some 7 to 4, after a lot of deliberation and coming up with the plan you see today with a nine foot fencing, the landscaped areas, and in addition, Mr. Wilson has also told me that it is his intention to go ahead and put the nine foot fence along all the east side of Minnesota, from Cider all the way north, to the north line of 68th Street South.

“There have been some comments about the red tags on some of the white goods. A to Z is licensed to remove the Freon. There will be no crushing of any materials where freon has not been removed. They are licensed to remove this and it will be done in all instances. As Mr. Blood said, he platted Pine Bay Estates with only lot adjacent to the existing salvage operations. That is the first lot along Hydraulic to develop. That was some several years ago. To my knowledge, as was stated earlier, that it is a nice home and I don't think they have a problem with what's happening in the area. Hours of operations that were brought up. These hours will be required to be met, if this zoning and conditional use is approved. Mr. Wiltse is here today and I can assure you that a call to Code Enforcement will bring Mr. Wiltse to the site.

“As was mentioned, this approval is on the conditional use, would be a requested approval, for a five year period. This does give the Commission time to see what's happened over the last five years. Keep it in mind, that any violation of a conditional use can suspend operation immediately on this site.

“There was some mention about semis, seven of them in fact, waiting to get into the site to be loaded. In viewing your development plan, the area that we have set aside for staging allows these semis to pull off, out of the public right-of-way and onto this property and allow them to stage for loading and unloading. This added area will allow us to keep items at one height. It will also minimize the times of crushing. If this is granted, we can limit the crushing to maybe two or three days a month and allow us the time to collect the material and reduce the crushing time. Be happy to answer any questions that you have.”

Chairman Schroeder said, “Okay, thank you. Questions? I see none. Thanks. Next speaker.”

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Mr. Vincent Wilson, 9337 S.E. 90th, Leon, Kansas, said, "I'm the owner of A to Z Recycling, the man who is being talked about I guess. I would like to clarify, on some of the stuff that was talked about, some of the Applewood Grove stuff. Working on Sunday, yes, I was caught on tape. The nights, we pulled the crusher from A to Z, that's the only thing we did and pulled it to Mayfield, Kansas. That is when KAKE 10 interviewed us. The other one, on the 9th, which in violation I was they said, I was told to clean it up. I was told by Code Enforcement to knock it down by 70%. That's what I did. That's why I was working on a Sunday, on the 9th. If I can get in compliance with this, I won't have to work on a Sunday. I will have the nine foot fence, exactly like I said I would. I do everything on a handshake, I always have. I'm farm raised.

"I came up here in 1980. I clean out about, I have put back to pasture a 99 acre salvage yard in Iola, Kansas, which there is cattle on it now, no chrome, no nails, no screws. I don't know where they come from, I deal with cars. I don't know where they got their flats. The other is in Rose Hill, Kansas, which is pretty close to the Wichita area here, Templins Auto Service. It is back into wheat, it's beautiful. I mean, you can go by and there is not a thing there. I do what I say I'm going to do. Like I said on TV, I'd like to have a chance. They said they already gave me a chance.

"The grandfather clause is one of those deals that I don't have to meet compliance. It is not something that I'm thumbing you guys or thumbing anybody else, I'm not doing that. I would like to be able to thumb the other guys, the neighbors. I'm proposing to put a fence all across adjacent to the property to me to the north that's with Potter. I want to clean it up just as bad as they do. It's just that I cannot do it, I cannot expand and have those rules and regulations, without having this zoning where I can expand. I don't mind the rules and regulations, whatsoever. It doesn't bother me a bit, and I will comply with them. I don't know what else to say but give me a chance, again. There is not many things that I've done.

"The violations that they say that I've done, basically the Haysville Commission said and everybody else said, well Applewood Grove, a long story short, they said I was working on Sundays and that is a violation. KAKE 10 actually said I was in violation. I am not in violation, because I don't have any of those restrictions. Basically, I'm telling you I want the restrictions, so I can get the land and everybody else beside me, down the street from me, Rod Bell that is adjacent to me. So I can put everything in there, exactly the way we want it. Clean up the area. It's been a mess. I've talked to people that's lived there all their life. They say, 'man, you're doing a great job'. I put a \$50,000 scale in there. I bought \$115,000 worth of property, behind me, to actually clean up the area. I'm going to be an \$18,000 fence all the way around the property. I would like to clean up the area. Thank you, very much."

Chairman Schroeder said, "Thank you. Questions of Mr. Wilson. Commissioner Gwin."

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Commissioner Gwin said, "Thank you. Mr. Wilson, do you know how many cars you have on site now, or vehicles to be recycled?"

Mr. Wilson said, "To be processed now, probably about 250."

Commissioner Gwin said, "Now, are some of the vehicles on site not going to be recycled?"

Mr. Wilson said, "Most of our business is just strictly crushing. If there are any vehicles that are not going to be processed, we put them back on the one acre that is there already."

Commissioner Gwin said, "Okay. On a given work day with the crusher working and everything else, how many cars can you crush in a day?"

Mr. Wilson said, "I can process probably 200 cars a day. So, basically, with the extended area we are going to have, instead of having to crush every other week or every four days, we'll be able to crush once or twice a month."

Commissioner Gwin said, "Then, how many additional cars would you expect would arrive a day?"

Mr. Wilson said, "To be honest about it, the additional cars now, what we see and what everybody's filmed and got pictures of here, that's the additional cars I've got now. I'm only operating on about 2 ½ to 3 acres now. That's going at 440 feet. The only reason I need the additional property is because the fact that I can keep up with it, but I've got to have the room for the trucks to come in. We've got 65 to 80 foot trailers at seven at a time like their talking about. When you get seven at a time waiting for you, you've got to have quite a bit of room. You've got to be able to turn them around."

Commissioner Gwin said, "The crusher is outdoors?"

Mr. Wilson said, "Yes."

Commissioner Gwin said, "Is there any way to minimize the noise of that?"

Mr. Wilson said, "I haven't had any problem with the noise. Never had a neighbor, ever, one time, come down and say there was any type of noise. There are people that live, John Potter and Elizabeth Potter live within 50 yards. They're just right across the way and they've never said anything. The people across the street, never said anything. The Water's family, they live there. Nobody said anything."

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Commissioner Gwin said, "Okay, thank you. Thank you, Mr. Chairman."

Chairman Schroeder said, "Thank you. Commissioner Miller."

Commissioner Miller said, "Mr. Wilson, you were saying that you would like to come into compliance, but you first of all are under a non-conforming use and so, therefore you don't have to come into compliance, but in order for you to come into compliance you would need more room. In answering a line of questioning for Commissioner Gwin, you explained, it sounds as though you need room for the semis to be able to come in and turn around and probably even enlarge your staging area. I'm not sure what the terminology is, but that's what it kind of sounds like to me. Once again, I need to hear from you that you simply don't have enough space to do appropriately the job that you are currently doing. Is that what you're saying?"

Mr. Wilson said, "That is correct. We've had, just like the complaints about the school buses. I just don't have the room. I need the room. I purchased the 38.5 acres back there for the room thinking that, a year and a half ago, going on two years and I haven't done nothing with it, because of the fact that I spend so many thousands of dollars wondering if this business was actually going to keep going. Well, I took a gamble and bought that land and now it is expanding. Now, it just like what do I do? I'm asking you to help me out. I'll do exactly whatever I have to do. But the expansion is for that reason. I went to the Haysville Commission and I went to City planning and I told them 'man, I've got complaints about the school buses, they're having to wait. I need to get the stuff indoors if possible'. So that is why I went last November and did it. Then there was some turnaround in employment up at Planning, and they kind of put me on hold for about six months. So I've been after this for over a year."

Commissioner Miller said, "I have a question then, regarding your proposed plan to do a housing development."

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

Commissioner Miller said, "Elaborate, for a moment, on that for me."

Mr. Wilson said, "Well, Mr. Wiley is the one that is taking care of that."

Commissioner Miller said, "Well maybe Gary."

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Mr. Wiley said, "Commissioner, what we've got and I don't know if you've seen this plan here, with two cul-de-sacs that would be coming off of Grove. It would accommodate about 20 single family lots in the 40,000 square foot plus range as far as size, since there is no water or sewer systems in the area. This would have to be on septic tanks and water wells. What we have proposed would, in fact, accommodate that type of dwelling. The same thing that is in the Applewood Farms or the same thing as in the Pine Bay Estates area."

Commissioner Miller said, "So I'm looking at the proposed request. One is for the zone change from rural residential to single family residential."

Mr. Wiley said, "That is correct."

Commissioner Miller said, "That would be the proposed development."

Mr. Wiley said, "Yes, that would be over the easterly 880 feet."

Commissioner Miller said, "And the limited industrial, that's for the usage of the salvage yard."

Mr. Wiley said, "Yes, 440 feet."

Commissioner Miller said, "So, really you're only wanting to expand your salvage yard . . . I thought I heard one of the speakers say a 50% increase."

Mr. Wiley said, "I think was of the total salvage operations that are there today, some eight different operators that are there today. Actually yes, as far as Vince's condition, it will be a 11 time expansion."

Commissioner Miller said, "So it is a sizeable expansion."

Mr. Wiley said, "Yes."

Commissioner Miller said, "Okay, I don't have any other questions. Thank you."

Chairman Schroeder said, "Okay, thank you. See no other questions, appreciate it. Next speaker. Is there anybody else here who would like to address the County Commission? If not, we'll close the public speaking portion of this item and limit discussion to bench and staff. Commissioners, any questions or comments? Marvin, anything else to add? Commissioner Hancock."

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Commissioner Hancock said, "I have a question for Marvin. Marvin, because of the type of zoning request, the differences in the two, is it possible for the County Commission to accommodate the SF-20 but not the industrial or do the whole thing as SF-20 and not include the conditional use permit."

Mr. Krout said, "The County Commission can approve any less intensive zone that what is being requested and SF-20 is between the rural residential and the industrial. So you could zone all or part of this total acreage to the SF-20 district. You could take the area being requested for SF-20 or you could take that area along with the area that is being requested for industrial and change it from rural residential to SF-20."

Commissioner Hancock said, "Did you happen to attend the Haysville hearing?"

Mr. Krout said, "No, I wasn't at the Haysville hearing."

Commissioner Hancock said, "Okay. Of course you were at the Metropolitan Area Planning Commission hearing. Was there a lot of discussion on this issue? I imagine, if they're having the same problem I'm having, it is very difficult. Did they have the same difficulty that we are going to have today?"

Mr. Krout said, "I think they did have some difficulty. That's why it was a split vote. Actually they had two hearings. If you saw the Minutes, we deferred the case. There was some question about the interpretation of this use, because the crushing operation was kind of a specialty within the salvage field and the Planning Commission, in the final recommendations on the conditional use, very carefully crafted some requirements for buffers, screening, and landscaping, and tried to do the best they could to create the buffer that they thought would protect the nearby residential uses. They were very thoughtful about the process. Even though this area shows on the plan for residential use, I think that along with staff, we felt that these are very difficult to find sites that are acceptable for salvage yards. These uses were here first. They have been long established. It is difficult to imagine them being removed. The expansion of this, while it does bring the use closer, is controlled. It removes some of the problems that people are dealing with on a daily basis, today, in terms of use of that road and the stacking up and blocking of a the road. It does put conditions on in terms of operating hours, especially for the crusher, which could be a noisy use to some people even if we haven't heard comments. We don't often do it, but this one does have a time limitation which says we'll look at it in five years. Which means that we'll look at this whole area in five years and see whether or not it should be continued or maybe it is time for these kinds of uses to go."

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Commissioner Hancock said, "I know we discussed, briefly, the possibility of eventually eliminating non-conforming uses. I'm not really sure I'm quite ready to take that step at this time or even consider it. It's a pretty radical step. In my view, it really goes a long ways toward the violation of folks' rights to own properties for a number of years. Maybe upon transfer of title or something in the future, we can discuss it. But folks have grown up using the property, making their way in life and their living. I hate to interfere with that."

Mr. Krout said, "I think the Board of Zoning Appeals, which would have to make a final decision on that, would also have difficulty with that. That's why, as we looked at the case, and I think the Planning Commission, thought these are operations that are going to continue and they're going to be there. This case, as in the other two cases we saw, through the legalization and the conditional use permit, that we were cleaning up this area."

Commissioner Hancock said, "Thank you, Mr. Chairman."

Chairman Schroeder said, "Thank you. See no other questions, Marvin. Do you have anything else to add at this point?"

Mr. Krout said, "Nothing."

Chairman Schroeder said, "Okay. Commissioners?"

Commissioner Hancock said, "I have a long history of living in the area and know the area very well. It is something that I'm familiar with and this has been a very difficult decision for me. Both sides have made very compelling arguments. I want to congratulate both sides for doing that. I think everyone has demonstrated professionalism and courtesy and they should be congratulated. Like I say, I've been there in the area for a long time and I've watched the area grow and develop. This is not one of those decisions that I like to make. I have folks who are friends who work in the salvage business right there in that area and I have friends who live in the area and who I've known and grown up with all my life. I don't mean to offend anyone in this case, but that is probably not possible to do. I just wanted to assure all of you that I've thought about this. I've read the Minutes. The Metropolitan Area Planning Department gives us the Minutes from all the meetings and we have the opportunity to read them and go through them. I did that. I tried to read into them what was going on and the nature of the discussion and what everyone was feeling. I'm not sure that got me any place. I heard the discussion today very well and I want to assure you I take to heart both sides. But there is, in this area, a substantial opposition to the request, as evidenced by the testimony both In the minutes of the Metropolitan Area Planning Commission hearing and by those folks here today and by the petitions. That was evidenced here today."

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“Also, the 12 ½ acre proposed site for this development, for the salvage area expansion, is suitable based upon the area around it for residential construction. There is water available and there is the soil type that allows for on-site sewer systems. I know with an appropriate buffer from the existing operations, since the applicant is proposing that, the residential development is marketable there and those lots could be sold. So we are not strangers to development in the area. With a new development, that was approved last week, zoning for it last week on the west with Pine Bay on the north and Applewood on the east, the area is very heavily residential at this time and I don’t deny the area immediately east to the applicant’s salvage yard would be developed also. I feel that is possible. Based upon the character of the area and what I hope to be the future of the area, Mr. Chairman, I would have to move to deny the zoning request.”

Chairman Schroeder said, “Are you making that in the form of a Motion?”

MOTION

Commissioner Hancock moved to deny the request.

Commissioner Hancock seconded the Motion.

Chairman Schroeder said, “Discussion? Commissioner Gwin.”

Commissioner Gwin said, “Mr. Chairman, Commissioner Hancock complimented both sides of the issue and I want to take a moment to do the same. It is uncommon that we have such controversial cases before us wherein both sides act with such decorum. Usually it gets pretty ugly and pretty testy. It may have been that already and maybe you all worked through that, but at least in your presentation today, everyone has handled himself, or herself, very well. I appreciate the fact that these non-conforming uses have been there for decades. I understand that. I understand that they preceded most of you, not all of you, but most of you in their existence. However, I think it is very difficult to change zoning after residential has become a part of the neighborhood, particularly to change it to an industrial zoning. It is very tough on residential folks. I also understand, though, from Mr. Wilson’s presentation, that I think he might be one of the best operators of this kind of business that we’ve seen in a long time and the fact that he has conducted this kind of business for years, knows how to do his job and convert those spaces back is admirable.”

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“I would, however, go back to his decision to buy a site of this sort, of this size, understanding and hoping that his decision would make him profitable and he’d be able to expand it. I wouldn’t want to tell him he had to move, or go some place else, but I think the decision, several years ago, to buy a site of this size certainly should have indicated that it would be very difficult for him to expand that business. I’m going to support Commissioner Hancock’s motion, understanding that there is a need for this kind of business and there is a need for these kinds of businesses to grow and expand, because we are a throw away society, but I’m not going to approve this one, at this time. I believe the opposition, the development that can and does occur certainly the existing character of the majority of the neighborhood, are the reasons that I would site for opposing it too. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Other questions or comments? We do have a motion on the floor to deny the request.”

Commissioner Hancock said, “Mr. Chairman, before we take a vote. I think government has the responsibility not only to say no, but they also have the responsibility to say yes. I can’t think of anything tougher to site than a salvage yard. I know the reason that the area has existed down there for so many years is, because it has been so very difficult for folks to move and find better sites. Nobody wants a salvage yard around. I think if government makes a determination that zoning is required for sites like this and they make it so difficult for sites to locate, we also have a responsibility to do something about that also. I think there should be a level playing field for industry and commerce, because there definitely is a need for recycling of automobiles. I would like to see us do more about that.

“I know the City of Haysville, a few years ago, bought one of the old orchard areas and turned it into an industrial development area because they wanted one for industrial development and they wanted sites available for folks in the community to do their work. It was a good idea, both good for the people who moved in there and it was good for the City of Haysville, because they got taxes. Industrial development, we all want development. It helps us make easier decisions. I think it was a good idea and maybe it is something that Sedgwick County ought to look at, in terms of our overall industrial development plan. Maybe we ought to be able to provide places where those are not desirable industries to have in our community, so to speak. There are a lot of folks, and I don’t mean who say I have no objection whatsoever to this, but there are a number of folks who would. I think along with this motion, I’d like to go on record that maybe this County ought to look at difficult heavy industrial uses of property and where we might site them and how we could provide incentives to people who are in the business, to locate there and operate those kinds of businesses. I think it would be good for our community, it would create less havoc as far as zoning cases are concerned. I think it is a real advantage to have some of those industries in the area.”

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Chairman Schroeder said, "I agree with you. I see Marvin taking notes. I think Marvin has an idea of what he needs to be looking at. I agree with you 100% on this issue. It is a tough one. Further comments or questions? If not, we do have a motion on the floor to deny the request. Madam Clerk, take the vote."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	No
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Thank you all for being here today."

Mr. Richard Euson, County Counselor, said, "This is a case that, I believe that takes four votes to deny and also takes four votes to approve. That makes it kind of difficult, but I do think it would be appropriate to have a motion to approve, based upon the recommended action and allow that to fail if in fact it is going to fail or die for a lack of a second. I do think that would be appropriate."

MOTION

Chairman Schroeder moved to adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting within one year and approve the Conditional Use Permit subject to the conditions stipulated; adopt the Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication of the Resolution until the plat has been recorded with the Register of Deeds.

Chairman Schroeder said, "Motion fails for lack of a second. Now what do we do, Mr. Euson?"

Mr. Euson said, "I believe that concludes this matter."

Chairman Schroeder said, "Okay, thank you."

Commissioner Gwin said, "I don't understand then, what did we do? Did we approve it or deny it, what happens now?"

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Mr. Euson said, "Because of the four votes for approval or denial, the case is deemed to be denied. It fails in both instances."

Commissioner Gwin said, "I see. It didn't fail in both instances. Well, it did because we needed four and we only had three for the motion to deny."

Mr. Euson said, "The approval of the zoning case was denied in both instances, is what I meant."

Commissioner Gwin said, "So it is denied."

Chairman Schroeder said, "Now, have we taken up both issues? Let me ask this question. Have we resolved CU-483 and SCZ-0768 in that motion? That was to take up both of these case numbers with one motion."

Mr. Euson said, "I assume that was your intent, because you were on Item E-1, which includes both those zoning cases."

Chairman Schroeder said, "The Agenda is set up that way. I just wanted to make that clarification. Okay, go ahead. Rich, do you have anything else?"

Mr. Euson said, "I do not have anything else. The comments that I was making to the County Manager were the MAPC recommended approval in this case. Your zoning regulations require if you wish to override that, a recommendation of approval, you should do that be a two thirds vote of all Commissioners and you do not have that for denial. You needed four votes for denial. You also needed four votes to approve. So while you did not accomplish the over turning of the MAPC by your three to one vote, you did accomplish that by failing to approve. So the case would be deemed denied."

Commissioner Hancock said, "I asked the question earlier in the office about the SF-20. Effectively, by a lack of a second, denied the zoning request for both now the SF-20 and the industrial. Does that end it, or can we now, amend a motion and approve the SF-20?"

Mr. Euson said, "Well, that does conclude the matter. I think if you wish to reopen it and consider that, I don't know of any reason why you could not do that."

Commissioner Hancock said, "That's what I was a little confused on, because it was a possibility from the beginning and I thought maybe."

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Mr. Euson said, "You are here on this case today and I don't think that would be inappropriate for you to take that up."

Commissioner Gwin said, "Are you considering the SF-20 from rural residential to SF-20 on the entire piece or just on the eastern piece that they originally requested?"

Commissioner Hancock said, "The entire piece. Can we do that?"

Chairman Schroeder said, "Do you want to formulate a motion to that effect?"

MOTION

Commissioner Hancock moved to adopt the findings of fact and approve the applicant's request of SF-20, which includes the industrial portion also, for the entire application area.

Commissioner Gwin seconded the Motion.

Commissioner Miller said, "I have a question. Does the applicant need to speak to this at all? Aren't we changing the original request? Does the applicant need to speak to this?"

Mr. Wiley said, "Commissioner, it's not what we wanted, but it is better than nothing I think in this respect. At least it would give us the right to develop, if the applicant so desires."

Chairman Schroeder said, "Okay, further discussion? Mr. Euson, anything to add?"

Mr. Euson said, "No, I do not."

Chairman Schroeder said, "Marvin? Commissioners? We do have a motion on the floor to approve the SF-20 zoning for the entire area. Further discussion? If not, Clerk call the vote."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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Chairman Schroeder said, "Thank you. Does that conclude our business, Mr. Euson?"

Mr. Euson said, "Yes sir."

Chairman Schroeder said, "Okay, thank you. Next item, please."

2. MAPD MONTHLY REPORT.

Mr. Krout said, "You wanted to hear what happened in July and this is one of the things that happened in July for the Planning Commission. This is one of a number of cases that the Planning Commission took up, along with cases that you've heard over the last couple of weeks that were heard by the Planning Commission and prepared for them. There were also several conditional uses that were heard by the Planning Commission and conditional uses, if they're not accompanied by a zoning change and not appealed by protesting neighbors, they stop now at the Planning Commission. We've had several requests and hopefully they'll all reach consensus on them and they won't need to come to your desk, but they involve accessory apartments for assisted living. We're seeing both in the City of Wichita and outside the County, in fact we had three cases in Valley Center last night involving what is sometimes called eco-housing. These are modular units that are actually rented and placed on a property, sometimes in garages, sometimes detached from the main dwelling for, basically, usually elderly parents. So that as they reach a certain age, they can have some independence of living in their own dwelling unit, but also be nearby to family for care that they may need with their progressing years. We're very supportive of that. We've got provisions under the conditional use to try to accommodate those on a case by case basis, so we can do it in a simpler way generally by just going to the Planning Commission. Generally, those are being met with approval by the Boards who are reviewing those. I just wanted you to know that is something that we're seeing more of. I think we've seen two or three dozen of these units being marketed and coming onto lots throughout the County, in the last couple of months.

"We had 43 new applications of all types in July. That is a little bit of a slow down from the previous months and it does allow us to do some catch up, because we have gotten behind with the volume of case load over this year. We've been working on the amendments to the vacation ordinance, They were adopted by the Planning Commission in late July. We've since been working with the County attorney and City attorney to fine tune some of the provisions of that and hope to see you in another week or two with the final version of the ordinance and resolution that would amend the process for vacation cases.

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“The subdivision amendments, we also prepared those in July and sent them out to various County and City staff and had meetings to discuss possible amendments to the subdivision regulations. We’ve taken that draft and then in the past few weeks we’ve sent out that draft to the subdivision committee, to all the private utility companies who serve with the subdivision committee in reviewing that and also to members of the development community. We have a meeting set up early next month to discuss possible amendments to the subdivision regulations.

“On the comprehensive plan, we did mail out the surveys, that survey to 7,000 people, was mailed out in July. We have now reached the point where we have cut off the returns. The returns were over 20%, which statistically is very good. We think we’ll have very good samples and the consultants have just begun to evaluate, analyze, and compute that information.

“In transportation, the primary activity was continuing to work on all the follow up activities, both in the County and the City, on all kinds of railroad matters that have to do with the follow up of making improvements, of closing streets, and of gating streets with improvements for safety. The Planning Commission, as you know, reviewed the County CIP back in the month of July and made the recommendations to the Board. You had those recommendations before you, took final action on your CIP, but that is a statutory responsibility the Planning Commission has, before you approve a capital improvement program.

“We had several unanticipated projects that began in July. One you may have heard about, the Wichita City Council is considering redistricting. In fact, under their charter ordinance, they are basically required to, there has been some much activity with annexations and new development that they have reached such an imbalance between those districts that their charter ordinance requires them to consider that. So, with the assistance of County GIS and also the Water Department data, we were able to estimate pretty accurately for small areas the population so we would be able to identify what the existing population is by precinct to let an election committee consider alternatives. That did take quite a bit of work though. The other major unanticipated project that began in July has to do with the new Federal Transportation Program. You remember the ICE-T program it was called, was the federal transportation program that funds roads and bridges and other projects that ran from 1991 to ‘97. This spring, the congress passed a new bill that is called T-21. Transportation equity act for the 21st Century. T-21, basically, the good news is there is 45% approximately more money coming to the State of Kansas then being distributed through the various categories of projects that are available for transportation improvements in the future. I think that both the City and the County will probably be revising their capital improvement program sometime, maybe before the next normal round, to try to look at how to program some of that additional money.

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“There is a set aside program that is called transportation enhancements. That is by federal law, that 10% of all these funds has to be set aside for projects that are not just building road miles but fall into one of three categories, pedestrian, bicycle improvements, scenic and environmental improvements, or historic improvements, all of which have to have significant transportation content. You can’t just restore a historic house. It has to be a railroad depot or an aviation museum or something that has some kind of transportation content. We’ve taken advantage of those enhancements funds in previous years. We’re preparing some recommendations and this year we want to take the recommendations to the County as well as the City. There are several projects we’re working with your County Public Works director and hope to have at least about three candidates for proposals to take advantage of this 80% federal money to be able to do some of these particularly bicycle and pedestrian improvements. I think I’ll stop there, unless you have any questions.”

Chairman Schroeder said, “Thank you. Commissioner Hancock.”

Commissioner Hancock said, “Marvin, I was listening, but I wasn’t. When you first started you talked about accessory buildings or attachments, tell me more about that.”

Mr. Krout said, “What does our zoning codes say about these units?”

Commissioner Hancock said, “Yes.”

Mr. Krout said, “Well, there is a particular developer and marketer of these units. I think we have some materials and can send them to the Commission if you have an interest. Instead of someone purchasing those units, he rents them to the family for the period of time that the elderly parent is going to be living with them. They come in modules. They come in different sizes, some are just extra bedrooms. Some are complete units with kitchen and bathroom facilities. As I said, they can slide into garages for some people or they can be in the side or rear of a structure. I think they accommodate a need in the housing market and allow people to find alternatives to nursing homes and assisted living.”

Commissioner Hancock said, “Can you put your kids in them?”

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Mr. Krout said, "I'd love to put my kids into them. Technically, the provision in the zoning code allows the Planning Commission to consider an accessory apartment not just for this purpose. We've had a provision for a long time, in the County only, for manufactured homes to be pulled on site temporarily and used for this purpose. These modular units I'm talking about do meet the building code. They're not manufactured homes. They are manufactured but they don't meet HUD standards, they meet local building code requirements. It is possible, we've had one case where someone wanted to do an accessory apartment and it wasn't for an elderly parent. It is possible. We're interested in taking some of these large lots and densifying them in some areas at least if it is not incompatible with the neighborhood, doesn't overload the parking on the street and that sort of thing."

Commissioner Hancock said, "Very good. I'd be interested in knowing more about that."

Mr. Krout said, "Okay, I'll try to put some information together for you. There is a video, in fact, too."

Commissioner Hancock said, "Okay, thank you."

Chairman Schroeder said, "Any other questions? If not, what's the will of the Board?"

MOTION

Commissioner Hancock moved to receive and file.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Absent
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Marvin. We're going to take about a five minute break."

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The Board of Sedgwick County Commissioners recessed at 11:00 a.m. and returned at 11:08 a.m.

Commissioner Winters arrived.

Chairman Schroeder said, "Let the record show that we're back in session. Next item, please."

NEW BUSINESS

F. GRANT APPLICATION TO KDCH FOR 1998 HOME FUNDS IN THE AMOUNT OF \$150,000.

Ms. Irene Hart, Director, Division of Community Development, greeted the Commissioners and said, "This is our third grant application to the Kansas Department of Commerce and Housing. This time it is for \$150,000 in home funds to do homeowner rehabilitation in the Oaklawn area. Again, we're asking for \$150,000. Match will be provided in the amount of \$37,500 by a non-profit organization and we're proposing \$10,000 in cash match from Sedgwick County. This is the same kind of program that we've been carrying on for the past four years."

Chairman Schroeder said, "Thank you, Irene. Before we discuss this, Madam Clerk for the record, show that Commissioner Winters is present at the meeting. Discussion on this item?"

MOTION

Commissioner Gwin moved to approve the Application and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

G. RESOLUTION DECLARING CERTAIN COUNTY PROPERTY TO BE SURPLUS AND AUTHORIZING THE DISPOSAL THEREOF.

Mr. Daryl Gardner, Controller, Accounting Department, greeted the Commissioners and said, "The surplus equipment being mentioned is old computer equipment which is no longer useful to the County and has a value of less than \$50 and the Resolution authorizes the County Controller to dispose of this property in the best manner possible. I would recommend approval of the Resolution."

Chairman Schroeder said, "Thank you, Daryl. Discussion on this item?"

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

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H. RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY TO THE CITY OF DERBY, KANSAS.

Mr. Euson said, "Commissioners, under the FEMA buy-out program, the County has obtained several parcels of real property. Four of those are located in the city limits of the City of Derby. The City of Derby has asked that we convey those to them. The properties that we obtained are subject to restriction by virtue of federal law. The lands must remain in public ownership. They can be used only for open space. They can be leased for agriculture, but no buildings or structures can be placed upon them. Any buildings and structures that would otherwise be placed on them must remain open and the lands are not eligible for future disaster assistance. The City of Derby is agreeable to taking these properties by means of conveyance from the County, under the terms of those conditions and restrictions. So we recommend the Resolution for your approval. Mr. Coslett is here and has been administering this program on behalf of the County and he can answer any questions you have relating to specifics."

Chairman Schroeder said, "Okay, thank you, Mr. Euson? Discussion on this item? If not, what's the will of the Board?"

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Rich. Next item, please."

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I. AGREEMENT WITH NEWTON CONVENTION AND TOURISM BUREAU FOR ADVERTISING RIGHTS AT THE KANSAS COLISEUM.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, “The Agreement before you, right now, is our standard advertising agreement for a concourse panel. This one is with the Newton Convention and Visitors Bureau. We recommend approval.”

MOTION

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

Commissioner Hancock seconded the Motion.

Chairman Schroeder said, “Discussion?”

Commissioner Hancock said, “I was just curious. I thought you approved these agreements on your own now?”

Mr. Nath said, “We do the license agreements for the rental of the facilities, but not the advertising agreements.”

Commissioner Hancock said, “Okay, thank you, John. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Any other questions? If not, Clerk call the vote.”

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, “Thank you. Next item, please.”

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J. EMERGENCY MEDICAL SERVICE (EMS).

1. AGREEMENT WITH EDWARDS COUNTY EMS TO PROVIDE FIELD OBSERVATION FOR THEIR PERSONNEL.

Mr. Tom Pollan, Director, Sedgwick County EMS, greeted the Commissioners and said, “This is an Agreement much like the field internship agreement except these folks are not students, they are actively providing care in their community, but it does not have the volume that we do. So they are asking to come and observe and work with our crews to improve their skills and improve the care that is rendered to the folks of Edwards County. I would recommend your approval and allow the Chair to sign.”

MOTION

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

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

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2. AGREEMENT WITH EAGLEMED, A DIVISION OF BALLARD AVIATION, INC., TO PROVIDE HELICOPTER EMERGENCY SERVICE WITHIN SEDGWICK COUNTY.

Mr. Pollan said, “To give a brief background, in 1977 the state statutes were enacted that would allow the Board of County Commissioners to have authority and extend that to provide EMS services in the County. The Board has exercised that authority and along with that authority comes the responsibility to establish a level of operations and training requirements for the EMS service within its boundaries. You have exercised that authority and shouldered the responsibility in establishing the EMS system that you have.

“The Agreement that is before you today is an extension of that authority and responsibility to ensure that the standards of care in the community are given to the citizens. The Agreement has been drafted by Michelle Daise, Assistant County Counselor, with extensive input from our key stakeholders that are involved with the EMS system in this community. We have used the EMS strategic management model that has been developed and have developed a memorandum of understanding regarding the operational integration of Eaglemed Helicopter Services into our emergency medical system in Sedgwick County.

“This Agreement is temporary in its duration to facilitate the immediate incorporation of Eaglemed into our system. A final agreement is being worked on and is being developed again with all stakeholders involved and it will specifically address response distribution and other long term issues. There has been some concern voiced and I recognize that now, with the parties that are linked to this process. But one thing I think we have learned from our strategic planning process, management process, is that it does take a little bit longer time but it allows the key stakeholders to give their valuable input and feedback and what it has done is allowed us to develop a much better product if we use all the steps effectively.

“The Agreement is not perfect but does express your intent to provide quality public services to the community of Sedgwick County and that public safety and health care are the highest priority of this Board. I’m pleased to present this Agreement for your adoption that will increase the availability of helicopter services for those critical care patients that need transport rapidly to our trauma facilities. With that, I would recommend your approval and allow the Chair to sign. Michelle is here and I believe there are also members of Eaglemed here as well.”

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Chairman Schroeder said, "Thank you, Tom. There are plenty of questions up here and I'm going to start off, today, by saying thank you to the staff for putting together the agreement. However, I think one year is probably a little bit too long. I would like to see a 30 day process, is what I'm hoping for. I would like to see us fully utilize this second helicopter. I'm worried that a one year time frame, that that is too much time. We don't need that much time to put together an agreement of how we divide this community. I don't know whether you divide it with a line down the middle of it or if you divide it according to east and west or one takes one case and one takes the other. I think it is not that terribly difficult a decision to make. I understand that we're probably wanting the Medical Society to be involved in this process. But, I think that a year is abnormally long and I think that our instructions and what we were hoping was, that we could fully utilize these people within this new service, with this new helicopter, within a few weeks. That's what I was hoping for. I'm going to strongly suggest that we come up with an agreement, within the next 30 days, so that we can fully utilize this second helicopter. There are other questions up here, I might add."

Ms. Michelle Daise, Assistant Counselor, said, "We also recognize the need to get this underway right away. I've spoken with representatives of both Eaglemed and Lifewatch. Yes, the agreement is for a year but we do have a short notice provision in there. The intent behind that is that once we do get the, so called, permanent agreement worked out, we can do the short notice, get that one terminated, get the new one signed and be underway, each operation operating equally. Eaglemed and Lifewatch will be sharing a responsibility on an equal plan basis at that point. I've spoken with representatives of both organizations. They are both aware of that and they both are obviously in getting to that point as soon as possible. So while it is a year, no one anticipates it being that and certainly we will work on getting that done in the next 30 days."

Chairman Schroeder said, "Okay, thank you. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. I too have expressed some concerns to Michelle and to Rich about how this came out. It was my intent when we approved it and I think the Chairman has indicated what his thoughts were and I think that is kind of where I was too. Your temporary standard operating guidelines that are attached, I think, is where I have a problem. Under Dispatching 2.1, it indicates that Eaglemed will provide back-up coverage. I understand you have to have a contract and the Ballards have signed it, but I have no intention and didn't have any intention of making Eaglemed be only back-up for just the minimum amount of time. My thought was, when we discussed this, that they were going to be back-up until they could get radios or the ability to communicate. As soon as they had that, I thought they'd be in the business. So I have ongoing concerns with dispatching that does not provide equitable dispatching of these two services."

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“Again, if we have to wait for the Medical Society, if they’re going to continue to drag their feet, I’ll draw a line someplace or I’ll flip a coin and say this company goes first and the next one goes next. It was never my intent that this should take this long. I understand that Mr. Ballard has signed this and I understand that they want to be as friendly as they can be, so that they can do business here in this County. I think by continuing to limit them to a back-up status, we are not doing what this Commission’s intent was. I guess I could approve the Agreement, because I want them to operate under our guidelines and protocols and those kinds of things. My big problem is in the temporary standard operating guidelines. I don’t know why we can’t decide today, how these people are going to be dispatched and move on. Thank you.”

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

Commissioner Winters said, “I guess I’ll ask a question in the same thrust. I certainly agree with the Chairman and with Commissioner Gwin. I guess my question would be to Tom and Michelle. How long do you think it would be before we could have this long term agreement in place. I would assume it is not going to be a whole lot different than the short term. I would assume we’ve done part of the research to make a long term agreement, in getting this short term agreement done. How much time do you think it would take to have a long term agreement prepared and offered to both Eaglemed and Lifewatch for their signatures?”

Mr. Pollan said, “In reviewing this information, I think we can do that in two steps. One, under the short term provision of this and, again, I’m saying it is temporary and certainly we would have liked to have brought this to you earlier. We can modify the distribution of calls through the modification of the standard operating guidelines. I understand where you want us to go. We can do that under this agreement ten days after it is signed. We’ve already operated the standard operating guidelines twice just of the changing conditions. So those can be modified in ten days once we’re under agreement. I believe that can move very quickly. I believe we’re 95% where we want to be. The other 5% can be handled in that step, as well as a long term agreement, which will have the whole process under consideration. I don’t see that it is a lot more than what we’ve got right now. The idea of this was to get this underway, because when leaving the meeting of the first meeting you had hearings on this, I understood the intent and involved them immediately after that as soon as they had radio communications. What we hoped this would be is simply a temporary and then move right on to a long term agreement, which would have the information that we needed.”

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Commissioner Winters said, "Right, and I think that's right, Tom. I think when we left the first meeting where we talked about this, our intent was to get something in writing so that, temporarily, we would both know what our obligations are to each other. We would have some kind of written agreement on this temporary. But I think, and again you can hear from the Commissioners today, that the Commission even then was to have EagleMed flying on an equal basis with Lifewatch as soon as possible. I think that is, again, what I've heard my two colleagues say and I would echo that, as soon as possible. Thank you."

Chairman Schroeder said, "Thank you. Commissioner Hancock."

Commissioner Hancock said, "Thank you. I agree with all that was said. One other thing is Tom and I know you're concerned with this and so am I. That is the primary function, the reason we're going about this whole process, is to help folks who need help. I just wanted you to know that you have all our confidence in making the best decisions possible in how to provide that service. I wouldn't presume to know how to do your job, I just wanted you to know, on the record, that I want you to make those decisions and bring them to us. Don't be afraid to provide the best service possible out there. That's what this is all about. While I prefer that we have a better capability as far as air lifting trauma patients, patients in need. That's great. We want to keep in mind our mission and that is to provide the best service possible all around. The benefit of those doing this is secondary to the benefit of the folks that we're serving. Thank you Mr. Chairman."

Chairman Schroeder said, "Thank you, Commissioner Hancock. Tom or Michelle, in this Agreement, item 8, Term, it says this Agreement shall remain in full force and effect for one year from the date of the signing of the Agreement unless terminated by either party. Can we change that to 30 days?"

Ms. Daise said, "I believe the Ballards are here, if they are comfortable with that, if they think that we can do that by agreement, the County certainly does not have a problem with doing that."

Commissioner Winters said, "Can I add something?"

Chairman Schroeder said, "Sure."

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Commissioner Winters said, "I'm not sure the way to push the issue is to change this contract. As Michelle has said, this contract, they picked a year just to make sure that they covered a time. If something would happen in 30 days, we would not want to have to go through this again or not have a contract. I would rather us direct staff to come back in two weeks and tell us that in 30 days they're going to have the whole thing put together and have them return in two weeks and say here is where we are in the process of negotiating a long term agreement with Eaglemed and with Lifewatch and just give us a two week update shooting for the fact that in 30 days they're going to have a final agreement."

Chairman Schroeder said, "But, Tom, I've been here long enough to know that those two weeks can turn into a year. I don't care what we do in that term, but one year is way too long for temporary. If you want to do six months or two months, I would feel much more comfortable with that. That pushes us to get it done. I don't want us to two weeks ourselves to death on this deal. Commissioners, do you want to come to some kind of consensus. Melody, do you have any ideas?"

Commissioner Miller said, "I'm leaning towards what Commissioner Winters has just stated. I would much prefer to see this actually come to some resolution within 30 days as opposed to simply extending the temporary contract for 30 days as opposed to the ambiguous one year that we have. Six months, I have no problem with sizing it down."

Commissioner Gwin said, "On the term, obviously the Ballards need to know they have the permission to operate here. We do have a short out on that, 48 hours prior, which is pretty short, to terminate it and change it to some other agreement. The issue I want resolved and I want it resolved as quickly as possible, is 2.1 under the Dispatching, under the temporary standard operating guideline. That's the one that has to be resolved tomorrow, for me, as quickly as possible. That's the one where I'm stumbling."

Chairman Schroeder said, "Okay. I think you understand that we'd like to have something done within the next 30 days, permanently, but understanding that today we will change the contract to a six month period, instead of a one year period. Commissioners, any other questions?"

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MOTION

Commissioner Gwin moved to approve the Agreement as amended to 6 months rather than 1 year and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Tom. Thank you, Michelle. Thank you, Ballards. Appreciate it. Next item, please."

K. ADDITION OF TWO PART-TIME TRANSPORTER POSITIONS, RANGE 11, ONE EACH TO THE ZOO AND KANSAS COLISEUM STAFFING TABLES.

Mr. Jarold D. Harrison, Assistant County Manager, greeted the Commissioners and said, "About eight months ago we entered into a partnership agreement with the City of Wichita and the Correctional Facility at Winfield. That partnership was to provide inmate labor to certain County departments. Over time, we have continued to build that program to the point that we now have a bus dedicated to transporting just inmates for the County programs. As a result of that, we are required to provide someone to ride that bus, morning and evening, as the inmates come from one field and as they go back. It has come to the attention of the departments that are participating in this program that providing that person you basically lose their productivity for the entire day. So there was a meeting about two weeks ago at the Sedgwick County Zoo amongst us participants and their solution was to hire a couple of part time people to be the transporters, to ride the bus down and back. By using part time positions, there is very limited benefits applied and no health insurance. To do that for the remainder of this year would be about \$5,600 and about \$13,800 for 1999. Those costs would be spread over all program participants pro-rated, based on the number of inmates that they have in the program.

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“All the departments were supportive of doing this. We talked about where those positions ought to go. The major participants in the program are the Kansas Coliseum and Sedgwick County Zoo. They had the most flexibility, budgetarily, to be able to handle this, so we are recommending that you add two part time transporter positions, one to the Zoo staffing table and one to the Kansas Coliseum staffing table. Be glad to answer any questions.”

Chairman Schroeder said, “Okay, thank you, Jerry. Commissioner Gwin.”

Commissioner Gwin said, “What’s the responsibility of these transporters?”

Mr. Harrison said, “The transporter gets on the bus at the central maintenance facility, rides it to Winfield where they pick up the inmates, rides it back here, where they check the inmates in, and then we have set up a distribution system using that bus and transporter through the County departments. Then they reverse that process in the afternoon.”

Commissioner Gwin said, “Their only responsibility is to ride?”

Mr. Harrison said, “They are on the bus. They have their sheet to check them in and check them out, that’s their responsibility.”

Commissioner Gwin said, “So the state does not provide personnel to do that.”

Mr. Harrison said, “They are not a guard.”

Commissioner Gwin said, “Are there guards on the bus?”

Mr. Harrison said, “No, there are not.”

Commissioner Gwin said, “Again, the state does not provide personnel.”

Mr. Harrison said, “Not for this program.”

Commissioner Gwin said, “Okay, thank you.”

Chairman Schroeder said, “Thank you. Other questions? If not, what’s the will of the Board?”

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MOTION

Commissioner Hancock moved to approve the additions to the Zoo and Kansas Coliseum Staffing Tables.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Jerry. Next item, please."

L. FLOOD CONTROL MONTHLY REPORT.

Mr. Steve Lackey, Director of Public Works, City of Wichita, greeted the Commissioners and said, "There have been three events over the last couple of months that are driving the work activities for the Flood Control Division and Public Works and one of the events was a major windstorm in June. Another event was a major rain storm around that same time in the upper basin of the Little Arkansas River and now we have a drought, which allows us to get in and perform some of the maintenance activities. The wind storm caused a considerable amount of debris to be placed in the Little Arkansas River portion of the floodway. So a lot of our crews have been spending time in removing debris as listed in item three of our monthly report. We've removed over a thousand cubic yards of debris in that particular region. We've also had to clean and inspect 263 gate systems that provide a mechanism to inhibit back flow into other neighborhoods. Limbs and debris had to be cleaned from those.

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“In addition, we’ve been doing some repair of bank erosion around Haysville and also around 71st Street South. We’ve moved dirt from other projects, in and around the community and are using that as bank stabilization and we’re using material that is purchased out of the flood control budget, rock riprap to make those repairs as well. Finally, we’re responsible for reading stream gages on the floodway, not only for our activity but also for the Core of Engineers and we read 160 of those stream and rainfall gages.

“I also mentioned a month ago, or two months ago, that we’re preparing a video that would depict how the floodway functions. I believe we’re almost finished with that particular production and hopefully, next month, I’ll be able to show you the results of that. I think it is going to be really helpful. We plan on taking that to different civic groups or different organizations in the community and if you have anyone who is interested in seeing this, I think it is a good educational piece to provide to the community to show how the floodway functions and what it does for the County and the City. If you have any questions, I’d be glad to answer them at this time.”

Chairman Schroeder said, “Thank you, Steve. I don’t see any questions here. Appreciate the presentation today. Commissioners, I’d entertain a motion to approve.”

MOTION

Commissioner Hancock moved to receive and file.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, “Thank you, Steve. Next item, please.”

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M. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.

Mr. Charles Magruder, MD, MPH, Director of Community Health, greeted the Commissioners and said, "There is one particular item I'd like to update you on, that actually has primarily occurred in the month of August, before I answer any questions that you might have. That relates to an item that you have probably seen in the newspaper somewhat frequently regarding pertussis, or whooping cough, which has been determined an outbreak in the community. Just so you know, a formal evaluation has occurred. We have had consultation with both state and federal officials on this issue. Basically, the findings boiled down to three primary items. The first is, that in many instances the vaccination rates are not adequate among children who should have been vaccinated. Infants too young to have already completed their immunization series are subsequently becoming infected from these children and others. The others are older children who were previously immunized, but are somehow getting the infection anyway and then are in contact with these infants and causing the infection there. The recommendations, at this point, were also primarily threefold. The first is that we continue our active surveillance of the investigation, which we are doing. We are continuing to get 10 to 15 calls a day, sometimes more about this issue. To mount an education program for the public and also medical personnel about the importance of this issue. Then to put some type of plan together so we can increase the levels of immunization in our community.

"Our current status, as I mentioned, the number of calls that we're getting, we anticipate that will increase as people get educated. The state has provided us with some resources so that we can maintain our routine disease control activities and also mount a temporary educational campaign which we feel has been somewhat successful. We've also temporarily transferred personnel from other areas in the Health Department to provide assistance with this. But what we really do not have the resources for are to mount an effective immunization campaign or outreach effort. That is where we have officially made requests for additional funding and the answers to those requests will hopefully come forth fairly soon. In a nut shell, that is what has occurred."

Chairman Schroeder said, "Thank you, Doctor. What kind of funding are you looking for, dollar amounts?"

Dr. Magruder said, "Probably in the neighborhood of about \$200,000."

Chairman Schroeder said, "Okay, thank you. Other questions or comments? If not, what's the will of the Board?"

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MOTION

Commissioner Gwin moved to receive and file.

Commissioner Miller seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, “Thank you, Doctor. Next item, please.”

**N. REPORT OF THE BOARD OF BIDS AND CONTRACTS' AUGUST 20, 1998
REGULAR MEETING.**

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, “You have minutes from the August 20 meeting of the Board of Bids and Contracts. There are three items for your consideration this morning.

**(1) CASEBINDERS - DISTRICT COURT
FUNDING: DISTRICT COURT**

“Item one, casebinders for the District Court. It was recommended to accept the sole source bid of Records Retrieval System. That amount is \$23,991, to match existing equipment.

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(2) PERSONAL COMPUTER HARDWARE & SOFTWARE - INFORMATION SERVICES
FUNDING: INFORMATION SERVICES

“Item two, personal computer hardware and software for Information Services. I’ll note the grand total of purchases is \$22,478.60. That is divided up among five vendors. Those include Business Computer Center, \$16,758, Computer Services, \$3,451.68, Computerland East, \$6,198.81, Comp USA for \$257.58, and Inacom Information Systems, \$17,812.53. There are approximately four pages attached to this outlining the recommendation and a complete tabulation.

(3) BLUE LINE SERVICES - VARIOUS DEPARTMENTS
FUNDING: VARIOUS DEPARTMENTS

“Item three, blue line duplication services for various departments. This was mainly Public Works and Capital Projects. It was recommended to accept the low bid per individual item of City Blue Print, Inc., for the blueline reproduction services. We expect that the annual amount may approach \$5,000.

ITEMS NOT REQUIRING BOCC ACTION

(4) STREET & DRAINAGE IMPROVEMENTS - BUREAU/PUBLIC WORKS
FUNDING: SPECIAL ASSESSMENTS

(5) ARTICULATED MOTOR GRADER - MOTOR POOL
FUNDING: MOTOR POOL

“There are two items that do not require action at this particular time. Those were tabled for review. They include street and drainage improvements for the Bureau of Public Services, South Oliver Street, and an articulated motor grader for the Central Motor Pool and the Bureau of Public Works. Those proposals are being reviewed. I’ll be happy to take questions and recommend approval of the minutes as provided by the Board of Bids and Contracts.”

Chairman Schroeder said, “Thank you, Darren. Discussion on this item? If not, what’s the will of the Board?”

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MOTION

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

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Darren. Next item, please."

CONSENT AGENDA

O. CONSENT AGENDA.

1. Right-of-Way Easement.

The following tract of land has been granted by Easement for Right-of-Way at no cost to the County. The Director, Bureau of Public Works, requested this Easement as a condition of receiving a Platting Exemption on an unplatted tract.

Road Number 791-I, Owner: Steven A. Winter, located in the Southwest Quarter of Section 13, Township 26 South, Range 3 West, more specifically located on the east side of 231st Street West and north of 37th Street North. Sherman Township. District #3.

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2. Floodway Reserve Easement.

The following tract of land was granted by Floodway Reserve Easement at no cost to the County. This Easement was requested by the Director, Bureau of Public Works, as a condition of receiving a Platting Exemption on an unplatted tract.

Owners: Don Klausmeyer Construction, Harley A. Peery and Rebecca K. Peery, located in the Northwest Quarter of Section 16, Township 28 South, Range 2 West, more specifically located south of 39th Street South (MacArthur Road) and east of 183rd Street West. Illinois Township. District #3.

3. The following Section 8 Housing Contracts are being amended to reflect a revised monthly amount due to a change in the income level of the participating client.

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V95119	\$302.00	\$198.00
V96087	\$252.00	\$230.00
V96084	\$351.00	\$210.00
V94063	\$204.00	\$196.00
V95117	\$241.00	\$270.00

4. Agreement with Harvest Document Services to provide on-line access to Sedgwick County's electronic data.

5. Real Estate Purchase Contract with Gertrude Burnside in the amount of \$20,500 for acquisition of property located at 1129 North Minneapolis Avenue, Wichita, Kansas.

6. Consideration of the Check Register of August 21, 1998.

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7. Budget Adjustment Requests.

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
980400	Finance General Coroner	Transfer
980401	Election Commission	Transfer
980402	Community Development	Transfer
980403	Information Services	Transfer
980404	COMCARE-Outpatient	Transfer
980405	Aging	Transfer
980406	Aging	Transfer
980407	Aging	Transfer
980408	COMCARE-Crisis Donation Fund	Supplemental Appropriation
980409	COMCARE-Heartland	Transfer
980410	Coroner SIDS Network	Supplemental Appropriation
980411	District Court Child in Need of Care Project	Supplemental Appropriation
980412	Temporary Notes Series 1998-1	Transfer
980415	Tara Falls Addition Phase 1-Street	Supplemental Appropriation

Mr. William Buchanan, County Manager, said, "You have the Consent Agenda before you and I would recommend you approve it."

MOTION

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Gwin seconded the Motion.

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

Regular Meeting, August 26, 1998

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. I'll recess the Regular Meeting."

The Board of Sedgwick County Commissioners recess to the Sewer District meeting at 11:40 a.m. and returned at 11:45 a.m.

Chairman Schroeder said, "I'll call back to order, the Regular Meeting of the Board of Sedgwick County Commissioners, August 26, 1998. Other business?"

P. OTHER

MOTION

Commissioner Hancock moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with Legal Counsel on matters privileged in the Attorney Client relationship relating to pending claims, litigation, legal advice, and personnel matters of non-elected personnel, and that the Board of County Commissioners return from Executive Session no sooner than 12:00 p.m.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Regular Meeting, August 26, 1998

Chairman Schroeder said, "Thank you. We are in Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 11:46 a.m. and returned at 12:01 p.m.

Chairman Schroeder said, "We're back in session. Let the record show there was no binding action taken in Executive Session. Mr. Euson, anything to add? Mr. Manager? Commissioners, anything else? Then we are adjourned."

Q. ADJOURNMENT

Regular Meeting, August 26, 1998

There being no other business to come before the Board, the Meeting was adjourned at 12:01 p.m.

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

MARK F. SCHROEDER, Chairman
Fifth District

PAUL W. HANCOCK, Chairman Pro Tem
Second District

BETSY GWIN, Commissioner
First District

THOMAS G. WINTERS, Commissioner
Third District

MELODY C. MILLER, Commissioner
Fourth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1998