

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

### **REGULAR MEETING**

**JULY 18, 2001**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, July 18, 2001 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Pro Tem Ben Sciortino; with the following present:; Commissioner Betsy Gwin; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Sheriff Gary Steed; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Tom Pollan, Emergency Medical Service Department; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. Mark Masterson, Director, Department of Corrections; Mr. John Nath, Director, Kansas Coliseum; Mr. Jim Weber, Deputy Director, Public Works Department; Mr. David Spears, Director, Public Works Department; Mr. Jerry Phipps, Purchasing Agent, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Ms. Betty Alexander, recipient, Certificate of Commendation.

Mr. Dwayne Wentworth, recipient, Certificate of Commendation.

Mr. Greg Sullivan, member, County Developmental Disabilities Advisory Board.

Mr. Kevin Fish, Director, Special Projects for the Arc of Sedgwick County.

Mr. Blake Bammes, Student Council President, Y.E.S.S.

Mr. Jason Winchell, Vice President, Y.E.S.S.

Ms. Lucille A. Shifton, Executive Director, The Arc of Sedgwick County.

Mr. Doug Miller, RF System Design Manager, Verizon Wireless.

Mr. David E. Bengtson, Attorney, Morrison & Hecker L.L.P.

Mr. Jeff Berry, 10136 N. Broadway, Wichita, Ks.

Ms. Teresa C. Edwards, Director, Site Acquisition, Communication Equipment Specialists, Inc.

### **INVOCATION**

The invocation was led by Mr. Ashok Aurora, Hindu.

### **FLAG SALUTE**

### **ROLL CALL**



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**A. AWARD PRESENTATIONS.**

**1. PRESENTATION OF SILVER MEDAL OF VALOR TO DANIEL J. ALEXANDER, AND PRESENTATION OF CERTIFICATE OF COMMENDATION TO BETTY ALEXANDER.**

**Mr. Gary Steed**, Sheriff, Sedgwick County Sheriff's Department, greeted the Commissioners and said, "It is my pleasure today to introduce all of you to some citizens from our community who deserve some special recognition for some pretty heroic things they did back on June 14th. On June 14th, Betty and Daniel Alexander were traveling on I-135 near Lincoln when they came upon a car accident. They arrived at the accident, got out and went to the vehicle and found a lady trapped in the vehicle. They attempted to get the lady out of the car. The car was on fire. An off-duty Deputy Sheriff, Darrell Adams came along. With Daryl's help and Daniel's help, they were able to get the lady out of the car and no doubt saved this lady's life.

We would like to present them today with some awards from the Sheriff's Department. Betty, we would like to present you with a Certificate of Commendation from our department and our appreciation. Daniel, we'd like to present you with a Silver Medal of Valor from our department and our appreciation."

**Ms. Betty Alexander** said, "I would just like to thank God for using us to be there when we were needed and I want to thank you all for the recognition. I'd like to say how proud I am of my brave husband."

**2. PRESENTATION OF CERTIFICATE OF COMMENDATION TO DWAYNE C. WENTWORTH.**

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**Sheriff Steed** said, "I have another award also to hand out today. A few days after the rescue on June 14th that the Alexanders and Deputy Adams were involved in, there was another life saving event that occurred on June 17th. Probably you are more familiar with the June 17th event because it brought national recognition to Wichita and Sedgwick County and of course the Sheriff's Department. We're pretty proud of our Deputy Burkhead that was involved in that incident. But any of you that saw the tape saw the lady in that incident that jumped off the bridge and Deputy Burkhead was able to run over and grasp her by her shirt and save her life no doubt. Well Deputy Burkhead ended up in a predicament at that time also and Deputy Burkhead ended up hanging from the bridge rail by one arm and he needed some help in getting back up on the bridge also. Dwayne Wentworth was riding with Deputy Burkhead on that day and Mr. Wentworth came to Deputy Burkhead's aid and assistance and helped him get back up on the bridge. So we would like to present Dwayne C. Wentworth with a Certificate of Commendation today also. Congratulations, Dwayne."

**Mr. Dwayne Wentworth** said, "Thank you very much. I don't really feel that I deserve an award for what I did, but the officers definitely do. I praise God that everyone was all right. Thank you."

### 3. PRESENTATION OF BRONZE MEDAL OF OUTSTANDING SERVICE TO GENE E. STAMM.

**Sheriff Steed** said, "Commissioners, I have another award to give out for Gene Stamm, who is a 30-year volunteer for Sedgwick County. Gene was not able to be here today because of some illness with his wife. With your indulgence, I would like to have him at a future meeting and present his medal. Thank you very much."

**Commissioner Winters** said, "Sheriff, I wasn't quite sure, is Dwayne Wentworth, is he with the Sheriff's Department or is he a citizen? What's his position?"

**Sheriff Steed** said, "He is riding as an observer. I understand he is related to Deputy Burkhead, but he was riding as an observer at that time. We have ride along programs where people can go out and see what we do and how we do it."

**Commissioner Winters** said, "I want to say thank you to you and your department and to these citizens. I want to say thank you to your department for taking a moment to recognize their events. This is outstanding stuff to have citizens who have been put in a position to really make a significant difference in a couple of folk's lives. You all did a great job and you always wonder, as

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a citizen, whether you would be able to respond if you got in those situations. I just certainly want to extend my thanks to you folks for the effort you made in really a life-threatening and life-saving event. Thank you very much.”

**Vice Chair Sciortino** said, "I also, Gary, want to echo something. I was having to go out to see Chair McGinn out in that area and I drove by that bridge just as it was finalizing and I knew something was going on and the next morning I found out exactly what. As this one young lady said first, I think coincidence is sometimes maybe God’s way of maintaining his anonymity because why did these people just happen to be right there at the right time? Why did this young man decide that today was the day to ride as an observer? You never know. I’m amazed at the heroism that people under stress, under time of crisis can display. I think we live in a wonderful country that has its roots founded in maybe a higher power. I’m just really pleased that this was able to be manifested the way it was. You’ve got a great department, Gary.”

**Commissioner Gwin** said, "And real quickly then, at some point, then you’ll recognize the deputies who were involved in these incidences, too?”

**Sheriff Steed** said, "Yes, actually, on July 7th, the National Deputy Sheriff’s Association also wanted to present them with an award. We had a ceremony on July 7th and had many family members and supporters and members from the department there and we presented the deputies and also Officer Prior, from the Maize Police Department who was involved in the incident, with Silver Medals of Valor for the incident event. They’ve already been recognized.”

### **MOTION**

Commissioner Gwin moved to defer item A-3 indefinitely.

Commissioner Norton seconded the Motion.

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

### **VOTE**

|                             |     |
|-----------------------------|-----|
| Commissioner Betsy Gwin     | Aye |
| Commissioner Tim Norton     | Aye |
| Commissioner Thomas Winters | Aye |

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Vice Chair Ben Sciortino  
Chair Carolyn McGinn

Aye  
Absent

**Vice Chair Sciortino** said, "Next item please. Thank you, Gary."

**CITIZEN INQUIRY**

**B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING APPRECIATION OF COUNTY FUNDING FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES PROGRAM.**

**Ms. Lucille A. Shifton**, Executive Director, The Arc of Sedgwick County, greeted the Commissioners and said, "I'm here to say thank you for the continued funding the Arc has received through the Community Developmental Disabilities Organization to provide case management, respite care, and socialization programs. We also appreciate the support we've received from Debbie Donaldson, Director of COMCARE, Colin McKenney, Director of the CDDO and his staff.

County funding has made many of our programs possible. One of them is Y.E.S.S., the Youth Education and Summer Socialization program that provides 11 weeks of special education classes and recreational activities for children with developmental disabilities while providing respite to their families. Y.E.S.S. is unique because it is sponsored by a coalition of agencies, the Wichita Public Schools, the Wichita Park & Recreation Department, Derby Recreation, United Way, Sedgwick County and the Arc of Sedgwick County. For 13 years this one of a kind program has changed hundreds of lives of children with development disabilities and their families. A representative of these families is here this morning. It is my pleasure to introduce Greg Sullivan, a parent and a member of the CDDO Advisory Board."

**Mr. Greg Sullivan**, Member, Developmental Disabilities Advisory Board greeted the Commissioners and said, "Thanks for letting me share a few thoughts with you this morning about this incredible program. My name is Greg Sullivan but I'm better known as Grant's dad. Grant couldn't be here with us this morning because he is recuperating from surgery. Allow me to make three points here this morning. First, Y.E.S.S. opens doors. It was probably over 25 years ago I was a senior in high school, spring, a yearbook assignment took me out to the furthest most portable

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classroom. I was kind of struck by what I found, about two dozen or so special needs students. It kind of bothered me because I didn't even know they were out there. I didn't even know they existed. They kept these kids hidden away behind locked doors. What you need to know here today is that Y.E.S.S. program has opened opportunity for hundreds of MRDD (Mentally Retarded Developmentally Disabled) kids in Wichita and Sedgwick County. They are not kept hidden. These kids go everywhere, do everything. All the cultural, educational, sporting events, they do enriching activities. They go to all the parks, pools, lakes. This year, Grant has gone to the Titanic exhibit in Kansas City, Exploration Place, Cosmosphere, Music Theater. Things they don't do would be a much shorter list to present to you this morning. I'm touched by the lyrics of the LeAnn Womack song, *I Hope You Dance*, 'whenever one door closes, I hope another one opens'. For these kids who have started out life with a door slammed on them, the Y.E.S.S. program has opened doors.

Point two, Y.E.S.S. transforms lives. I've watched this program for eight years and I've watched young people as they grow in their ability, their communication skills, their social skills. I've watched them as their confidence level soars. Again, in that song she says 'promise me you'll give faith a fighting chance and when you get the choice to sit it out or dance, dance' and the Y.E.S.S. program provides that chance, a chance to dance for a group of kids who are used to having to sit it out. Here's how you'll recognize a Y.E.S.S. kid, it is not by their disability but rather by their spirit and their passion for living. But it is not just the lives of these kids who are transformed, it is I think all of us. I offer this challenge and promise to you, Commissioners, if you ever have the chance, the time to volunteer for a day, I know that you'll come home exhausted, as I have, but I also know you'll come home changed.

The third point I want to make is that the Y.E.S.S. program has a strong foundation. The people of Arc are miracle workers. It is because of the passions of Lucy, Marty Rothwell, who couldn't be here, and many others. Two, because of the strong partnerships that have been forged including the County for which I say thank you. Thirdly, because they surround their program with truly gifted, compassionate, hard working staff and volunteers.

It is my pleasure now to get to introduce to you one of those this morning, Kevin Fish. Kevin is the Director of Special Projects for Arc. Kevin has been with the Y.E.S.S. program for six years and has an inspiring rapport with these kids. I bet he could even teach us a few dance steps."

**Mr. Kevin Fish**, Director of Special Projects, The Arc of Sedgwick County, greeted the Commissioners and said, "Thank you very much. That's a hard thing to follow. I think the parents represent us wonderfully. The passion and excitement they feel for what these kids are doing, how it is changing their lives. Today, I brought a couple of our student council officers. Grant is one of

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our student council officers who wasn't able to be here today, but he is our secretary/treasurer. I'm going to go ahead and let our president introduce himself."

**Mr. Blake Bammes** President, Y.E.S.S. Student Council, greeted the Commissioners and said, "I'd like to thank you for your support and acknowledge your support of the Y.E.S.S. program to help us get cheaper prices to come to Y.E.S.S. It has been a great four years so far and I've learned a lot. Thanks."

**Mr. Jason Winchell**, Vice President, Y.E.S.S. Student Council said, "I am Vice President. Thank you."

**Mr. Fish** said, "Our student council would like to bring T-shirts to show their appreciation. You may want to double check the sizes, you might need to trade around a little bit. Thank you."

**Commissioner Winters** said, "Thank you very much. Lucy, was there anything else that you wanted to say or do? I certainly want to thank Lucy Shifton for all of the work that she does. I've known Lucy for some time. She has done incredibly good work in the community and we certainly think that the best way for Sedgwick County to get a lot of things done is to work with agencies and organizations instead of trying to do it ourselves. With partners like the Arc, you are able to accomplish a tremendous amount. Lucy, I just want to say thank you for bringing these folks today so we can have an opportunity to see what is evidently a very great program. I certainly appreciate all the work that you do. Thanks for coming to our Commission meeting all of you."

**Vice Chair Sciortino** said, "Next item please."

### **PLANNING DEPARTMENT**

#### **C. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).**

- 1. CASE NUMBER CON2001-00028 – CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY, LOCATED NORTH OF 101<sup>ST</sup> STREET NORTH AND WEST OF BROADWAY.**

### **POWERPOINT PRESENTATION**

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**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "One zoning case on today's agenda and that is for a proposed tower for telecommunications equipment, specifically for Verizon in this case, which is attempting to expand coverage more in the suburban and rural areas of the County. This site is located where the arrow is pointing, which is the west side of Broadway and north several hundred feet from the intersection of 101<sup>st</sup> Street North and Broadway in the north part of the County. It is about 150 feet or so to the west of the right-of-way at that location. The proposal is for a 150-foot monopole. It will serve the needs of Verizon but is also to be constructed per the wireless master plan and the ordinance resolution that was adopted after the master plan to accommodate other carriers if they are needed in the future.

The staff originally recommended approval of this request. We felt that they met the requirement that there was no feasible alternative for providing coverage on an existing tower or structure in the area. There is an existing rural water district tank about a mile to the east of this site and they were contacted and we verified that they were contacted and they were not interesting in accommodating this facility at that location. There isn't any way that we can require them to do that retroactively. They documented that there was a need and there wasn't another location where they could use an existing tower or structure. Our recommendation was for approval, subject to the conditions that were found in the agenda report that you have. This is an area that is generally rural with scattered homes. This property, the owner is leasing the property, he owns about a quarter of a section in the area and his house is located to the north and he has some farm buildings and a barn over further to the north. There is a house and we didn't quite realize that originally, there is a house that is across the street and you'll see photographs of it. It is just off Broadway on the other side of the street, directly facing with its living room window at this tower.

This case was heard by the Planning Commission and the Valley Center Planning Commission had not heard it yet. So we asked the Planning Commission to defer it, number one so Valley Center could look at it and number two so that the applicant could explore other alternatives somewhere on that quarter section that would be less impacting to this property owner who is right across the street and less than 300 feet away from the proposed tower. The applicant went to Valley Center, they did review that issue. They went back to the Valley Center Planning Commission and to the MAPC, and by the way, at the first Planning Commission meeting this owner did appear and he did speak in opposition to the request. We felt and we told the Planning Commission at that time we thought that there were other alternatives that did deserve to be explored.

The applicant came back and explained to the Valley Center Planning Commission that they felt

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that they couldn't relocate the tower on this site. Number one, they had made an investment at this location, in terms of site planning and engineering and I guess it would be a loss in time also. They were concerned that some locations on this quarter section would interfere with the operations of the farm or might have flood plain problems or other types of problems and they also said that to move it north could cause a problem up at the County line, which isn't far up the road to the north. There is another provider already established in Harvey County and the indication from the applicant's agent was that they would have to then work with that provider to make sure that, if they were getting any closer, that they wouldn't be causing interference with that provider's coverage of Harvey County that had already been established and they had already worked out this deal.

The Valley Center Planning Commission heard the case and they recommended approval, subject to moving the tower within that compound, which is about 50 feet by 50 feet, 25 feet to the south. They felt that that would get it at least I guess off of 180 degrees to be not quite in line with the picture window of that property owner across the street. They also recommended that there be trees planted and those trees would be planted most effectively if they were closer to this homeowner along Broadway right-of-way and they recommended also two other recommendations. One that a red flashing light, not a strobe, but a red flashing light be placed on top of this tower, even though F.A.A. may not require it because apparently there are some light planes in this area and that would warn them. Last, they recommended as they do with all of their cases, apparently, that a bonding requirement be established as a condition where the County would hold the money in guarantee that if the tower wasn't used for 12 months that it could be used and they could use that money if necessary. We don't have that in the City/County requirements and haven't thought that was necessary. When the Planning Commission reviewed this case, that is the one recommendation that they did not carry forward from the Valley Center Planning Commission.

But it went to the Planning Commission. We told the Planning Commission that we felt that another alternative really was viable and ought to be explored with the Harvey County provider before giving up on it. That is to relocate the tower to an area behind the barn and behind some trees in this location, about here, where it would be clearly out of the way. It didn't seem that moving it several hundred feet to the north would create that much more of a problem in terms of potential interference, but it was at least worth exploring.

The Planning Commission debated this issue for quite a long time and in the end they felt, the majority of them, the vote was six to five as you can see in the staff report, the majority of the Planning Commissioners felt that this was not going to be such a detrimental impact and that moving the tower would help and the trees would help. They recommended approval subject to the tree planting, subject to the flashing red light, subject to moving the tower 25 feet south within the compound that had been advertised. The property owner has protested by written protest and he is

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an owner within 1,000 feet but his area represents less than 20% of the area in that 1,000 foot ring and therefore it will only require three of the four Commissioners today to follow the Planning Commission's recommendation and approve this request. It would also require, if you were to try to override the Planning Commission's recommendation today, four votes of the County Commission to do that. Of course, you do have the option of returning this case to the Planning Commission for further consideration.

I'll go through the slides quickly. This is just a little blow up. You can see the home, which on the east side and the compound which is on the west side. This is the owner's home who is leasing this property and that is the barn area that we were talking about earlier. These are pictures of the site plan with the typical compound that would be off a drive off of Broadway in this case. This is a coverage map that indicates that there is a coverage problem. This is the 135 corridor and these new towers in more rural areas are being located close to the major travel lines, which are the interstates and the K-lines. This is the impact of locating a tower in this area is it would bring it further up. There would obviously need to be something further up in Harvey County if they were trying to get to Newton. This is the homeowner and his property and his protest which represents just 6% of the area in the 1,000 foot radius. We're looking at the property itself and the quarter section that the land is on. This is the homeowner's property who lives across Broadway. This is looking south down Broadway. This is the east side of the road, south of that homeowner's house and even locating somewhat further south would also at least not be in line and would be blocked from trees from properties that are further east.

This is looking south and west across the property. This is the owner of the property who has a home that's just north of the proposed tower site. This is looking to the north and east. The homeowner would be over here. This is north and east of his property. There is another home that located up there. We're back to the aerial photograph now and the zoning map. I'll try to answer any questions that I can for you."

**Vice Chair Sciortino** said, "Commissioners, any questions of Marvin? Marvin, I don't hear any questions for you? Thank you. This item legally does not require public comment, but if there is anyone in the audience who would like to speak for or against this item, I think we'd like to hear about it. Yes, sir. Please come forward and give your name and address for the record."

**Mr. David Bengston**, Attorney for applicant, Morrison & Hecker L.L.P. greeted the Commissioners and said, "Speaking today on behalf of Verizon Wireless in support of the application. Verizon obviously concurs with the MAPC's decision to approve the application for a Conditional Use Permit for this cell tower. The approval is consistent with MAPD staff report. It is

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consistent with the recommendations of the Valley Center Planning Commission after two public hearings. It was also made by the MAPC, after two public hearings that it held on this application. The decision to approve the application, we believe, is supported by substantial evidence in the written record. You need to look no further than staff's initial report and their recommendation to approve the application. Staff analyzed all the facts. They applied all those facts to the legal tests, which were identified by the Supreme Court in the Golden versus City of Overland Park case, and they found that all of those legal standards were satisfied and met by the applicant and this application. The only negative factor they noted was the possible adverse effect on the adjoining property owner who lived on the east side of Broadway and the potential visual impact of the tower. However, staff report stated that the visual impact on that owner could be minimized by screening that would be accomplished by landscaping, which Verizon has agreed to do.

I will state now that MAPC's recommendation to approve the application was subject to a laundry list of conditions and Verizon is more than happy to live with all of those conditions that are set forth by the MAPC. I will tell the Commissioners that Verizon has been sensitive to the concerns of the adjoining landowner. After the first round of public hearings, we agreed to look for alternative locations. After study of the entire property and possible alternative locations, the decision was made that in the best interest of Verizon and the landowner on whose land the tower it is going to be located, that the proposed location that we've applied for was the best location. There are two other people here today, Doug Miller with Verizon, he's a radio frequency engineer, and Teresa Edwards, who are going to speak to the efforts of Verizon to look for alternative locations on this property and why they weren't acceptable.

I want to address, just briefly, the two complaints that have been raised by the landowner to the east who has protested today. Essentially, I'll summarize, there are two objections he's raised. One is his fear of decreasing the value of his property across Broadway if the tower is located where it is proposed. The second complaint is the visual obstruction of the monopole tower that will be constructed. First, with respect to his fears of diminished property value, I would submit to you that an unsubstantiated fear of his, his personal fear is not based on any competent evidence that he has been presented and that it is not a sufficient reason to deny the request. I'd refer to the Telecommunications Act of 1996. It is a federal law. It states that any denial must be based on substantial evidence contained in a written record. Unsupported speculative fear of an adverse impact on a property owner's property values is not sufficient. Mr. Berry, the protestant is not an appraiser. He has not presented either Valley Center or MAPC or with any written studies any reports to substantiate this fear that if the tower is erected at the proposed location that his property value will be effected. It is simply not a sufficient reason to deny the application.

The second thing I would like to talk about is the visual impact of this tower if it is located at the location that has been proposed. Incidentally, the tower with the conditions that MAPC has requested will actually not be located in the center of that square, it will be located at the far south

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end of the square. I've got an aerial view."

**Vice Chair Sciortino** said, "Sir, normally we give five minutes per presentation. How much longer will you need?"

**Mr. Bengston** said, "I'd be happy to pass this issue on visual impact on to another speaker if you'd like."

**Vice Chair Sciortino** said, "How much longer will you need?"

**Mr. Bengston** said, "Maybe about another two or three minutes?"

**Vice Chair Sciortino** said, "Is it the will of the Board to extend it? Okay, go ahead please."

**Mr. Bengston** said, "Thank you. We're placing up on the easel an aerial view of the property. It is similar to the view you've seen presented by the Director, but it includes lines that we've added. You'll see down here at the bottom is the homeowner's house outlined in black. Up to the west is an X. That is the proposed location of the tower. You'll see two red dash lines which indicate line of sight from his house. The line of sight, essentially, goes to the west and to the north of this home. There are existing trees, which you will see here in front of his house that actually act to screen the location of the tower. You should have, in front of you, two photographs. One is labeled, if you'd look first at Exhibit A. That just gives you an idea of what the photograph depicts.

A crane was taken to the location. The boom of the crane was raised to 150 feet and the jib of the crane was lowered down to the point where the base of the tower will be located. The crane is not located where the tower will be, but you'll see the line extending from the top of the boom down to the ground is where the monopole will be located. If you'll look at and then turn to Exhibit B, in front of you is a photograph that is taken from the front of his residence, near the front of it, looking to the west. You'll see that the monopole is going to be located off to the south. It is not directly in front of his home. It is going to be screened by the existing trees located on his property. Also, Verizon has agreed to add additional screening, if the Conditional Use Permit is approved. We're going to plant trees along the west side of Broadway that will also provide additional screening between the homeowner's home and the location of the tower. I would add that if the homeowner

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desires, Verizon would be happy to add a tree into his front yard, if that would help minimize the impact that he feels.

The other conditions that Verizon has agreed to are also going to minimize the visual impact of this tower. We've agreed that it is going to be a monopole design. It is going to be slender. It is going to be an unobtrusive color with a matt finish. There is going to be, as I've said, landscaping provided and we already agreed to move it 25 feet south of the original location to get it further out of his view. Verizon's position is based on substantial evidence in the written record. It should be approved. There are two other speakers on behalf of Verizon today. I can answer questions now or we could defer that until all three of us have spoken."

**Vice Chair Sciortino** said, "Thank you. We do have some questions of you. Commissioner Gwin."

**Commissioner Gwin** said, "What is the diameter of this jib?"

**Mr. Bengston** said, "The jib is a crane cable, approximately an inch."

**Commissioner Gwin** said, "What is the diameter of the monopole?"

**Mr. Bengston** said, "The monopole will be 18 inches at the top and of course to be designed that high it has got to get wider at the bottom. I understand it will be approximately 40 inches at the bottom."

**Commissioner Gwin** said, "That's at the ground?"

**Mr. Bengston** said, "Yes."

**Commissioner Gwin** said, "Then you took this picture from the property across the street?"

**Mr. Bengston** said, "That is correct, near his driveway."

**Commissioner Gwin** said, "Did you ask some other company or something to utilize an existing tower?"

**Mr. Bengston** said, "Yes, Rural Water District has an existing water tower nearby. We wanted to locate our antennas on that and they refused permission."

**Commissioner Gwin** said, "If this is approved, will you consider letting other people use this?"

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**Mr. Bengston** said, "It will be designed so that, I believe, two other carriers can locate on that tower. Three other carriers can locate on that tower."

**Commissioner Gwin** said, "And you will be responsive to those requests?"

**Mr. Bengston** said, "Absolutely."

**Commissioner Gwin** said, "That's all I have for right now."

**Vice Chair Sciortino** said, "Thank you, Commissioner. Commissioner Winters."

**Commissioner Winters** said, "I really didn't have a question of this presenter, but after hearing everybody speak I may want to visit with him again."

**Vice Chair Sciortino** said, "Okay. I do have one question if I could. I know that you said you would move 25 feet to the south of where the jib is right now or does this jib indicate moving 25 feet already?"

**Mr. Bengston** said, "In that photograph, the jib has been moved 25 feet south of its originally plotted location."

**Vice Chair Sciortino** said, "Well, looking at that whole property that you got permission from the owner, it's about 100 acres there, if my information is correct. The area that was suggested to the north about 200 feet or 250 feet that Marvin had talked about that was farther to the north and behind some structures that are already there, is that something that would work for you but maybe the owner wasn't willing to give you that space or geographically?"

**Mr. Bengston** said, "The issue on moving to the north and the west involved landowner issues because of his existing farm compound which you see outlined in the ash line and also involves an issue that Mr. Miller, an R.F. Engineer, is going to address, which is the issue with the wireless carrier to the north, in Harvey County. That in order to locate this tower here, Verizon has to enter into an agreement with them because it will overlap their territory and they're unwilling to allow us to move any further north than the current location."

**Vice Chair Sciortino** said, "Thank you. I don't think we have any other questions of you. Thank you. Does anyone else wants to speak for this project? If you'd come forward and give your name and address and as a reminder, we'd like to limit your comments to five minutes."

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**Mr. Doug Miller**, R.F. Systems Design Manager, Verizon Wireless, greeted the Commissioners and said, "I wanted to address the reasoning behind why we, as Verizon, feel this is an ideal location for us. We have two issues at hand. We needed to extend our coverage to the north along I-35 and also cover north Valley Center. This particular spot works good because it provides adequate coverage heading north up toward Harvey County and then it also provides coverage in Valley Center, where we do not currently cover today.

The reason we are having trouble locating further north is because we have had enter into a verbal agreement at this point. We can't do anything formally until we get exact coordinates, but going with these coordinates I've been in contact with Western Wireless who is a provider to the north. As Verizon, we are not allowed to propagate our signal into Harvey County. Our service boundary ends at the north border of Sedgwick County. If we propagate into Harvey County we have to notify the other carriers. We have to provide them with coverage plots, boundaries, to show where the signal will cover and in discussions and talking with Western Wireless, we are, at this point here, we are extending at least five or six miles into Harvey County and going further north will just propagate further. They are unwilling because what we try to do, as carriers, is at the County lines we like to have equal signal strength. If we're providing a neg80 decibel dbm, we want the adjacent carrier to provide neg80. If we start moving forward north, we're going to provide a stronger signal on the border than the other carrier and nobody is going to agree to that because now our customer will be able to travel into their territory and use our service and not pay the other provider.

That is how extension agreements work and that is how they work all around Wichita. Wichita is kind of an island for us, we have the Wichita, Sedgwick and Butler County. Those are the only two counties we have and we are surrounded all around by Western Wireless. So we have agreements in place and in order to even get this tower approved we have to notify Western Wireless. They've expressed concern about this location being too far north. Locating any further north, there is no guarantee that we'd be able to even put any antennas on that tower. So that is kind of where we're at, as far as Verizon is concerned. That is really all I wanted to address."

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**Vice Chair Sciortino** said, "Thank you. Any questions of this presenter, Commissioners? Thank you very much. Does anyone else wish to speak for this project? Please give your name and address and just to remind you, five minutes is our maximum."

**Ms. Teresa Edwards**, Director, Site Acquisition, Communication Equipment Specialists, Inc. greeted the Commissioners and said, "I just wanted to take just a couple of minutes and clarify some of the things from the aerial. We just want to clarify for you that we did attempt to move this structure somewhere else on the property. There are many things shown by the aerial that would be from the builder's standpoint and or easement and or environmental concerns for Verizon to be able to put it any where else, in our opinion.

South, on the southern border here, you can see evidence of the white which is an apparent drainage issue. There is also a pipeline easement that is not shown here but does run along here into this gentleman's property as well. Down through this from the north to the southwest corner, again there is evidence of drainage and we drove the property in this area and there is water standing down there in the southwest corner. Plus, there is no curb cut or access along 101<sup>st</sup> Street, which would also be an issue.

This area here we did look at and again this would invade upon the landowner's use currently of the property in which we feel would be detrimental to him. There would be a longer easement that would be required and with this there would be a culvert that would be a great expense to Verizon to have to overcome here, in order to get back to this area, plus it would pretty much take away the landowner's ability to use this as the cattle pen area that he currently uses it for now.

Here you can see evidence of a race track of which water is standing here and that water up here seems to be running this way, which again is a concern possibly in this area as well. There is evidence of an abandoned oil well here, also more water in this part of the property and a pipeline easement, that you can see, I know it is probably fairly light for you all, but there is evidence here of a pipeline and there is concern of environmental contamination in the ground here of which Verizon, as a carrier, would not want to run the risk of liability and cleanup or some other concern that result in the future. So they, as a company, have a policy by which they will not locate on any area that has soil contamination.

Again, this area here shows the landowner's use of the property. I believe he keeps his bulls in this particular area. So we wouldn't want to just take up a big clump in the middle of that and impede

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his ability to use continue to use this property in that way. Thank you.”

**Vice Chair Sciortino** said, "Thank you. Any questions, Commissioners, of this presenter? Is there anyone else in the audience who would like to speak for this project? Is there anyone who would like to speak against this project? Yes sir, please come forward.”

**Mr. Jeff Berry**, 10136 North Broadway, Wichita, Ks. Greeted the Commissioners and said, “My wife and I live directly across the street. Bear with me, I’m not a public speaker. Numerous things I’d like to say here. The tree factor, they’ve actually, as of this morning, went into my yard without my permission, excuse me, yesterday morning. Just came in and took pictures. They always do this the day before they have to appear. What they’re not showing here is one of those trees that is going to help block this has to come out. It is diseased. The only reason it is still standing there is to help protect the juvenile tree that we planted there, which is going to take years to grow. They have listed here a monopole tower of 150 feet. The next line down is it is to be constructed in such a manner that it permits future height extensions of up to 25 feet. That brings that tower height up to 187 feet 6 inches. What type of trees are we going to plant there and, thank you for the consideration, but I already have the trees I want in my yard, what type of trees are we going to plant there that is going to block a 187 foot tower, much less a 150 foot tower? They say this is going to be able to handle four carriers. I believe those other carriers will probably have to pay Verizon to be on that tower. Automatically, they don’t get that tower for free.

As far as the bleed over factor, I carried a cell phone for the company that I work for for some time. I never had a problem with reception out there. I am sure there are flat spots. I could go over, heading towards Newton shop, I never had a problem. So, I believe there already is bleed-over. This is just the prime spot for them to put it, easy access. They have said in the past that they want to work with everybody. When this came about, the only way I knew about it was when a sign went up one day and I thought ‘wow, what’s this’. I went across the road and talked to Bob. They never bothered contacting me. They knew from day one that this was going to impact me.

As far as property value goes, no, I’m sorry I don’t have it documented to start with. I have talked to numerous real estate agents and I’ve talked to appraisers. Appraisers aren’t going to document anything until I have them come out and appraise it. I can’t afford \$500 plus for an appraisal to do that. So yes, that is word of mouth, but every time they were asked, ‘did you test somewhere else, do your core samples?’ No. What will it cost? Five thousand dollars, that’s what they brought up, it should be in the meetings of the MAPC meetings and things like that. That’s minimum of the property value damage that it can do to my house.”

**Vice Chair Sciortino** said, "Excuse me, \$5,000 to do what, to relocate?"

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**Mr. Berry** said, "Yes, to do another core sample. They've already said they never did another core sample. Bob Haley that owns the property originally told me, he said can we put it over here and this type of thing, back off? They never even did a core sample there. I know what it takes. I know how long it takes us to make \$5,000. Maybe Verizon would like to explain how fast they make \$5,000. They do have a red flashing light on top, fortunately it is not a strobe, but at 150 feet I think we're going to see it from our picture window. Those pictures, if you would notice, on there it is hard to see, but our house on that side of the road sits five to six feet lower than the other side. Actually, I have a drainage problem that I have to put in a new driveway. It is going to cost \$8,000 to \$10,000 with a drain in it, but I can't do that if I'm not ever going to get my money back out of the place. It does sit lower. We are at an incline. So if they want to plant trees, are they going to be able to bring in 150 foot trees? I don't think so. This will have a visual impact and I do wish I could afford to have the appraisers come out and appraise the property. Everyone of them have told me, common sense says, yes it will."

**Vice Chair Sciortino** said, "How much longer will you need sir?"

**Mr. Berry** said, "Maybe just a minute or two."

**Vice Chair Sciortino** said, "Fine. Go right ahead."

**Mr. Berry** said, "Moving that 25 feet, I think it is obvious in the picture, moving it over 25 feet does not do anything. That's pretty much it. I think it is obvious that they can't go in and plant trees that are going to block this thing. If I can wait 30 years or something maybe they can get big enough to do something, but that is not the situation here."

**Vice Chair Sciortino** said, "We do have a question. Commissioner Winters."

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**Commissioner Winters** said, "I think maybe Mr. Berry has answered my question because my question was going to be, Valley Center made this recommendation to move it 25 feet to the south and my question was going to be do you think that that is going to be a move that is far enough to get the tower out of the line of sight from the front of your house."

**Mr. Berry** said, "No sir, I don't. I think Verizon shows that in their pictures with that crane moved over there."

**Commissioner Winters** said, "It appears in the picture that it does move it far enough to the south that it would make a difference. I'm just asking you if you believe . . ."

**Mr. Berry** said, "I think it would make a little bit of difference but it is not going to block the view of it, no sir."

**Commissioner Winters** said, "Thank you. That's all I have."

**Vice Chair Sciortino** said, "Any other questions of this applicant? Commissioner Gwin."

**Commissioner Gwin** said, "Mr. Berry, the Verizon folks mentioned something about, I thought I heard them say about planting trees on your property. I know that wouldn't make you happy, but particularly if you're losing one, might that mitigate some of your concerns?"

**Mr. Berry** said, "Actually, the one we're losing we want to lose because it is diseased. It is a big cedar tree and it is diseasing the other cedar trees that are out there and I have to take some of them out in the back also. What we have planted is a large fruitless pear."

**Commissioner Gwin** said, "Is that what I see here?"

**Mr. Berry** said, "Yes, ma'am."

**Commissioner Gwin** said, "Would another of those be helpful? I am assuming it is the tree here that you're losing, the bigger one and it is to the south of this, correct?"

**Mr. Berry** said, "Yes ma'am. You can see the distance in between the existing tree that we've planted in the driveway; there is not enough room to plant there. To go to the south where that existing tree is, my water line runs right in-between those two. So we've got to be very careful with that."

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

**Vice Chair Sciortino** said, "Is there anyone else who would like to speak in opposition to this item? All further comments will be from the Board. Marvin, do you have something else that you wish to said?"

**Mr. Krout** said, "I did want to give you one more option and I know there are a lot of facts here that you are weighing. But if one of the concerns that is primary for you is this issue of the Butler County provider and the possibility of interference . . . Harvey County, I'm sorry, we heard first from one of the speakers that they were unwilling and then we heard from another speaker that they had concerns. We charge fees that allow us from time to time to hire a third-party engineer to try to look maybe objectively at an issue like this and try to determine what the options really are. It is possible that we could enter into a short contract with someone who would try to get the facts and talk to the Harvey County provider and find out whether or not that is clearly out of the question or not. That is just another option is that you might defer it and allow us to try to get some more information on that issue."

**Vice Chair Sciortino** said, "Marvin, I think we have some questions. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you. Marvin, in our back-up, it appears that at one point the staff recommendation was to deny and then later, with additional information, did that recommendation change to approve?"

**Mr. Krout** said, "No, it was actually the reverse. We recommended approval, originally, and then I think that . . . we do visit the site. I didn't personally visit this site. I think when the facts were presented at the first Planning Commission meeting about how close and how directly in the view of the home across the street this was, we changed our recommendation, based on the new evidence at the hearing, from approval to denial."

**Commissioner Gwin** said, "I knew there was a change I just wasn't sure of the steps. Then the motion from the Planning Commission was very close, six to five and one abstention. Can you give me a sense of where the Commission was at that time? Usually it's not that . . . That's a pretty substantial split?"

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**Mr. Krout** said, "I think probably the same reasons that you have. It is clear that there is a need and other options, in terms of existing structures, have been looked at and it was just a weighing of the facts and I think the six Commissioners, I guess, felt that the trees and the relocation of the tower would be sufficient to mitigate."

**Commissioner Gwin** said, "We adopted, did we not, a wireless plan for this County?"

**Mr. Krout** said, "Yes."

**Commissioner Gwin** said, "Did it discuss in rural areas are there different rules or different things we need to consider?"

**Mr. Krout** said, "It talks about . . . there are location guidelines and there are design guidelines, but in the end you are faced with, occasionally, these tough cases and I know there is at least one more that is coming up tomorrow at the Planning Commission."

**Commissioner Gwin** said, "I saw that one on my desk."

**Mr. Krout** said, "That's right, it's in your district. You've probably got some calls on it already. So you do have to take them case by case and I think you do have to explore . . . the Federal Communications people say that you can't deny service to a company but they don't say that you have to have grade AAA service for everybody in the County. There is a lot of discretion that you have about if and where to locate towers in the community and, generally speaking, communities that haven't been totally arbitrary and unreasonable or used RF radiation as a reason to deny a case have been upheld by the courts in their decision. I think you have a lot of discretion in this area. This is just a tough decision. The wireless plan says try to minimize the visual impact by minimizing the silhouette, by looking for tree cover, by looking for buildings to help obscure and that is why, when presented with the information, we felt like we needed to really try as hard as we could to look at the alternatives and I guess we felt that, yes, you are taking a 75 foot square out of this landowners 100 acres but after all that, what he is getting the lease for is to compensate him for the use of his land."

**Commissioner Gwin** said, "My dilemma here today and I'll let my colleagues get on with it, but my dilemma here today is I don't want to deny this company the ability to put up a monopole. They provide a valuable service to us and to this area. I want to try to facilitate that. I still have concerns about the placement of this. I wonder, I appreciate that they've looked and done some checking, but I wonder if your recommendation to get a little bit more input and see if we can't forge a better compromise between the service provider to the north and this service provider that is important to

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those of us who live in this County, if that might not be a better solution and, again, might minimize the visual impact for the fellow who came and talked to us this morning. I think I could defer or postpone this and see if there might be a better location. I don't want to take it away from this fellow, the landowner either, because he has agreed to provide some place and there is an opportunity for him to make some money and more power to him. I just wonder if, with a little more work, there might be a better site on this property that is not quite as obtrusive to his neighbor. I think I'd be willing to look at that sort of solution if anyone would concur."

**Vice Chair Sciortino** said, "Commissioner Winters."

**Commissioner Winters** said, "Thank you, Mr. Chair. I guess I'm a little bit perplexed, too. The thing that we all know is that there is probably a need for the service and one of the things that we tend to forget is that, in this day and age, the agri-business person, the farmers, are beginning to use cell phones a lot and that is one of the complaints I hear from the southwest part of the County is we wish we had better cell phone communications in the southwest part of the County because they are pretty slim. So, everybody in this day and age is beginning to really rely on cell phones so I see the need.

It is just a little bit frustrating to see a 100 acre piece of property and not be able to pick a better site. I was impressed with Ms. Edwards presentation about they apparently looked at a lot of other sites on this piece of property. I'm not quite sure, in just looking at the map, whether everything south of this particular site was really investigated. I can see that there are some drainage problems on this property and I wouldn't want to anticipate anybody having to do major dirt work in order to site a tower. That doesn't make sense. I guess I would say that I'm leaning towards thinking we need a tower on this piece of property and would be willing to support that. I think I would support a deferral for one or two weeks and just let somebody work with Marvin or Marvin work with them and, I mean, just fully investigate and make sure that if this is the only 75-square-foot on this property that it can be, then maybe so be it. But if there is any other possibility on this piece of property, I'd certainly like to explore that."

**Vice Chair Sciortino** said, "Thank you, Commissioner. Rich, I have a question of you. If we were to defer this, I know the protestor indicated that it would be quite prohibitive of him, financially, to have to go pay an appraiser to come out and give him a written estimate as to what damage it might have on his property value to have a tower right in close proximity. I agree with him that it doesn't take a lot, at least from my point of view, of scientific data to realize that if someone were looking to purchase a home that had to look over an empty field or a rather huge monopole sitting in close proximity, I may find that if I had choices I may not want the one that is close to the pole as opposed to another view. If we were to defer it, I think the Appraiser's Office here at the County

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will take a letter from a Realtor who is an expert in property value, not a full fledged appraisal, just saying what in their opinion might be the detrimental effect on property value. Would that letter from a realtor be used as sufficient evidence to substantiate the fear of the landowner that maybe his property value might be decreased?"

**Mr. Richard Euson**, County Counselor, said, "Commissioners, under Kansas law, any owner of property is competent to testify as to the value of his or her property. So, any evidence to the extent that there is evidence before you by this landowner of value, is good evidence and there is no requirement that he receive evidence of an MAI Appraiser or something of that sort. But to answer your question, certainly you could have the County Appraiser or a Realtor give such a certification to back up the owner's opinion."

**Commissioner Gwin** said, "But in considering impact, if the property owner of any property comes before this Board and says 'I believe because I live here and I know what my home is worth to me, I believe that X will have a negative impact', that's information that I can consider valuable and credible. Correct?"

**Mr. Euson** said, "That is competent evidence and the only thing you need to determine is how much weight to give to it."

**Commissioner Gwin** said, "Okay. Thank you."

**Vice Chair Sciortino** said, "Any further comments? Commissioner Norton."

**Commissioner Norton** said, "What is the typical zoning in the sphere of influence in this area, maybe further out?"

**Mr. Krout** said, "Rural Residential."

**Commissioner Norton** said, "Where is the closest change in zoning to this?"

**Mr. Krout** said, "The County has two primary categories of zoning in the unincorporated areas, Rural Residential and Suburban Residential. The suburban residential was identified many years ago in basically the three-mile ring around Wichita. So, around all the small communities, once you leave the incorporated area of those communities, unless there is an established industrial or commercial business and has some special zoning, it is going to be Rural Residential."

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**Commissioner Norton** said, "So there is not a suburban area that could grow to this site very quickly in the next few years? It is pretty isolated is what I am getting at."

**Mr. Krout** said, "I think so. Park City has ambitions to grow to the County line someday but I think that they're looking at a little bit to the east of here."

**Commissioner Norton** said, "Okay. What are the closest towers already to this? Is the one in Harvey County the closest one or are there others?"

**Mr. Krout** said, "The one in Harvey County is just a couple of miles up the road, just over the line in Harvey County."

**Commissioner Norton** said, "Are there some southwest, east of this tower anywhere?"

**Mr. Krout** said, "Not anywhere close, not anywhere where I think it would provide the coverage that I think they're looking for. The nearest would probably be the Park City area."

**Commissioner Gwin** said, "Are there not towers located at the Coliseum?"

**Mr. Krout** said, "And the Coliseum, that's right, 85<sup>th</sup>, about four miles away. I can't tell you that we've really explored the adequacy, obviously that would give some coverage to 35. I don't know if there is a possibility of their getting on the tower in Harvey County or not. We really haven't explored those issues either."

**Commissioner Norton** said, "I would have a question of Rich. Is there any way to write a contract with a landowner that is contiguous with the property to remunerate him for loss of value or his line of sight. Can you enter into any kind of agreement to do that?"

**Mr. Euson** said, "I suppose that is a possibility."

**Commissioner Norton** said, "Just thinking if the property owner is going to make money across the street and it going to affect this property owner that a contract might be drawn up for whatever amount as long as he lives there or whatever. That's all I have."

**Vice Chair Sciortino** said, "Thank you, Commissioner. Commissioner Winters."

**Commissioner Winters** said, "Well, I was going to come back to your original comments, Mr. Chairman, about the valuation. To me, I'm not an expert on property appraisal but I don't think that

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that is going to be a significant factor. I think what is going to be a factor is if you can see a pole out your front window. I think to me that is the issue and again it comes back to you would just think with 100 acres there, there could find a better spot. So, I was just going to say I, for one, am not thinking that the appraisal value is not where I think the most important thing is. That's all."

**Vice Chair Sciortino** said, "Any further comments?"

**Commissioner Gwin** said, "Just a question. Marvin, if it is the will of this Board to defer this item, do you have any estimate or recommendation as to how long a deferral you would need?"

**Mr. Krout** said, "At least two weeks. I don't know if two weeks will be sufficient, I know one week won't. If two weeks is not, then I guess we can try to contact, if we're making progress, try to contact both the applicant and the owner across the street and let them know and then come back and tell you we need another week or whatever it is. I would suggest to you two weeks and we'll try to do it in that time."

**Commissioner Gwin** said, "I'm trying to check, based upon our public hearing for the budget and that kind of stuff. Two weeks from today is August the 1<sup>st</sup>. We don't have a public hearing that day. We have them the 25<sup>th</sup> and the 8<sup>th</sup>. Would that be okay?"

**Commissioner Winters** said, "That would be all right with me. I do not think that there is any reason we need to return this to Metropolitan Planning. I don't think we need to send it back and go through all that process again. I think we can come to a conclusion, but I'd certainly like to have somebody really, with Marvin's help, explore this possibility and then I think we get it back here in two weeks, we can make a decision."

**Commissioner Gwin** said, "Okay."

### **MOTION**

Commissioner Gwin moved to defer the item until August 1, 2001.

Commissioner Norton seconded the Motion.

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

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**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Commissioner Gwin** said, "Marvin, you understand with that our desire for you to further investigate and see if there is a better or different place to utilize this tower. Thank you. Thank you, Mr. Chair."

**Vice Chair Sciortino** said, "Clerk, call the next item please."

**2. CASE NUMBER DR2001-07 – PROPOSED AMENDMENTS TO THE UNIFIED ZONING CODE RELATED TO PARKING AND STORAGE OF VEHICLES AND REGISTRATION OF NONCONFORMITIES.**

**Mr. Krout** said, "Commissioners, this is an attempt to try to clarify areas of the code that aren't clear so that we have as few discussions about the purpose of zoning is possible. We're still going to have those but, in this case, you passed some significant changes to the Unified Zoning Code several weeks ago. We and the Planning Commission both thought that because of some input from County residents who were concerned about parking and storage on their residential property and how it might affect them that we needed a little more time to go back and hear from them again and discuss with the Planning Commission and try to clarify as much as we could what those rules ought to be. The intent is really not to change anything but to clarify what current practice is.

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The City Council approved the proposed changes that are before you. The Planning Commission has recommended that they be adopted and they recommended that by unanimous vote after they did have an official advertised hearing last month. There are really two areas where there are changes that are proposed in the code. One has to do with parking and storage of vehicles. We've clarified a number of definitions. Clarified that typical residential accessory uses that you wouldn't think of as vehicles, but are like boat trailers up to a certain size and unoccupied RVs and the like should be treated like personal vehicles and should be allowed where personal vehicles are permitted to be parked or stored. Basically, the difference between the City rules and the County rules today and if this Resolution would be adopted, is that the City has more restrictions on the use of the front yard for the storage of vehicles and related equipment because it is an urban area, denser, you're closer to your neighbors, and the County has always been a little bit more permissive about that. This doesn't change anything except clarify that you can have those things like a boat trailer and other things along with the vehicles that you're normally permitted to park out in the front yard in the County.

There is a clarification of the definition of what's a salvage yard, so that someone in the County might not inadvertently be called a salvage yard because they are in fact are complying with your recent resolution that allows for miscellaneous types of things along with inoperable vehicles to be stored behind a screening fence. Basically, it is an attempt to try to clarify. There was some discussion about whether or not areas like Crestview and Oaklawn that are urban and denser ought to be treated like areas of the City of Wichita. I would tell you that probably the Crestview neighborhood in the east part of the County are protected by covenants pretty well from those sorts of things. The Oaklawn area, we suggested that is an issue for the consultant planner who is working in the Oaklawn area, I think, to discuss with residents there and see how they feel about that issue. So, we're not attempting through this to change anything in Oaklawn or really anywhere else, but just to clarify the language.

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I will tell you that there is one clarification, kind of at the 11<sup>th</sup> hour, that the County Counselor's Office has suggested to us for clarification. That is in the language on residential accessory uses, both for the City and for the County. We list the kinds of uses where storage is permitted, storage of motor vehicles, boats, trailers unoccupied and construction equipment. We need to add in the word 'storage of, in those sections in the delineated version that follows the staff report, Section 3b-7b, residential accessory uses. That says 11, storage of vehicles and equipment in the City and 12, storage of vehicles and equipment in the County. Just underneath each of those subsections, to clarify that what we're talking about is storage use, we need to add the word 'storage of'. Between that and also some numbering changes that the City Attorney wanted, we would suggest to you if you are prepared to approve these amendments today, that you approve the amendments but not adopt the Resolution and we will bring a revised Resolution and put it on your Consent Agenda at a later date.

The second area that we talked about was registration of nonconforming uses. If you remember, we had a little discussion about that when we were bringing the other amendments to you. I think I agreed at that time that we probably don't need to have a deadline which we have in the current code today that says one year after 1996 you're required to register your nonconforming use and if you don't then the only way that you can prove that your nonconforming is to go directly to the Board of Zoning Appeals. We thought that really wasn't necessary. There is some reason, I think, to be prompt when you have a nonconforming use, for your own good, to try and register it and then it is settled and there is no issue but our recommendation was to take away the deadline because there probably are a lot of nonconforming uses that haven't been registered and we want to encourage them to be registered. The easiest way to do that is by going to the zoning administrator. So we've eliminated the deadline.

We've also tried to clarify that there is a special class of uses where the 1996 zoning code changed the rules but we had a special provision that sort of exempted them from being called nonconforming and we called them exemptions. We've tried to identify those as a special class to differentiate those from what is otherwise a nonconforming use. But we're suggesting that both of those ought to be registered so the landowner can prove that he is an exemption or a nonconforming use when the time comes that he wants to expand his use or whatever.

The only issue that I recall that we talked about there, where citizens had a view and the Planning

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Commission did not go along with that, was that there was a suggestion from Mr. Daily, and I don't know if he is here this morning, that somehow we could write in some kind of guidelines into the zoning code so that if the owner provided certain of these proofs, like his own statement and the statement of two neighbors or something like that, that there would be sufficient evidence that the County zoning administrator couldn't say 'no I'm not sorry, that's not enough proof, I don't think this is a legal nonconforming use'. The Planning Commission felt and I feel and I think the County Counselor's Office feels that when someone wants to come to the zoning administrator and prove that they're a nonconforming use he is acting in a quasi-judicial manner, he is trying to weigh the facts. That is his job, to interpret the zoning code and looking at the individual cases and the recourse that is in the zoning code today is if the zoning administrator doesn't agree with him then his recourse is to the County B.Z.A., is to appeal that administrative decision like appealing an interpretation of a zoning code. I think that works well and that is what the County Counselor, the planners, and the Planning Commission are recommending that you stay with. We just don't think that we can come up with language that would be suitable that would cover every situation but would also protect us from differentiating which really is a nonconforming use with something that maybe just snuck in illegally. We're not recommending any changes in that area.

"There was one other comment that came up about, which really had to do with your County Resolution and not with these zoning amendments. That had to do with making the provisions about screening, that if you have screened your outside storage then you're okay, making that retroactive. I think this is someone who maybe has some cases that have been heard in court and has some violations pending and would like maybe for those violations to go away. That is really not an issue of the zoning amendments. You can take it up today if there is discussion, but it is really not an issue that we are addressing through the zoning amendments, or that you can address through these zoning amendments today.

Donna Goldtree, who worked long and hard on these amendments and Aaron Blase was very helpful to us. Glen Wiltse the Zoning Administrator here. Glen can address the questions that you had Commissioner Norton about database. Basically, he has a database but it is not computerized. He has talked to the County G.I.S. people about computerizing that. There is a database, there is an address file that lists the nonconforming uses that have been documented and have been registered. I'll answer any questions that you have before you open it up."

**Vice Chair Sciortino** said, "Thank you, Marvin. Any questions of Marvin?"

**Commissioner Norton** said, "It appears to me that they've done a pretty good job of putting what we challenged them to do in a written form. I'm very supportive of what we've got here."

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**Vice Chair Sciortino** said, "Marvin, it doesn't appear that we have any questions of you at this time. This is another item that doesn't require, by law, a public hearing but it has been our tradition to elicit public input. Is there anyone in the audience who would like to speak for or against this item? I'll require that all other comments be at the Bench. Any further comments on this item?"

**MOTION**

Commissioner Gwin moved to follow the recommendations of the MAPC and approve the proposed amendments to the Unified Zoning Code.

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Next item please."

**3. MAPD MONTHLY REPORT.**

**Mr. Krout** said, "I'll try to be brief. The Planning Commission completed their zoning amendments that you just approved. They had 43 new cases that were filed in June. The planners

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in current plans participating in developing draft policies concerning this proposed new alternative sewage treatment issue, some policies that would be kind of process-oriented on how and where you would deal with these cases and how they would be monitored. The land use and research division issued a couple of recent publications. One is an early census profile that takes the information that we just had and you received copies of and it is on the web page, and we'll do a little more work on that also. The information keeps dribbling out from the census. We thought it was a good time to see where we are and there are some interesting changes that are in that report, along with the annual development trends report that we do every year that has more detail and information on development activity, lot activity, by school district, by other jurisdiction and so on.

We have been meeting with the Delano Business Association and the steering committee concerning the rezoning that's part of the Delano plan to pursue that issue. The Planning Commission and Planning Department had a brown bag workshop session and we invited the County's new engineering section and the consultant P.E.C. who did the work in the south drainage study and Commissioner Norton attended that meeting where we were briefed on some of the needs that were identified in that study. We have two new Planning Commissioners who were appointed to the MAPC, both City appointees. They were oriented and have taken their seats this month. We are continuing to work in a coordinating role on I.T.S., Intelligent Transportation Systems, and have a meeting later this week with the City people to try to talk to them about the benefits of that program. We had a workshop that was sponsored by the Federal Highway Administration and K.D.O.T. where we brought in, not just the public sector people, but private sector people too to talk about how to coordinate our efforts in improving transportation by technology.

We have collected information in the Planning Commission. Tomorrow we'll hear other public comments about the proposed re-signing of U.S. 54. I think we provided you with a document and talked a little bit about the pros and the cons and we find the people in the communities are all over the board about their preferences on that issue and that is probably what the Planning Commission will report to K.D.O.T.

The Planning Commission did do minor amendments to the Transportation Improvement Program and we also, I think I talked to you once earlier about the Rock Road zoning case which was kind of interesting. That case was deferred and the city ended up hiring two consultants, a traffic consultant to do an independent report and another economic consultant to do something we haven't often done in detail before, look at the situation of supply and demand in that Rock Road corridor, in terms of whether or not this additional six acres of zoning would be a positive thing or not for the

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Rock Road corridor and the community in general. That study is still being completed and so the zoning case has been deferred until that is done. I'll try to answer any other questions that you have about our month, but it has been active."

**Vice Chair Sciortino** said, "Thank you, Marvin. Any questions of Marvin? Hearing none, what's the will of the Board?"

**MOTION**

Commissioner Winters moved to receive and file.

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Thank you. Next item please."

**NEW BUSINESS**

**D. CONTRACT WITH WICHITA STATE UNIVERSITY TO PROVIDE AN OAKLAWN NEIGHBORHOOD ECONOMIC DEVELOPMENT PROPOSAL.**

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "Irene Hart, is not here today. The proposal before you, we have the funds in the budget to contract with Wichita State

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to do an economic development proposal for Oaklawn. We've reviewed the proposal and recommend you approve it."

**Vice Chair Sciortino** said, "Thank you. Bill, I have a question. On the backup on page 97, it indicates and I remember this was what the will of the Board was, a market study of both McAdams and Oaklawn. However, in looking at the actual contract, starting on page 98, I see no mention of Oaklawn, it is just referring to the project of McAdams. Is that an error? The item first says it is just supposed to be for Oaklawn and then the backup says both and then the contract says just McAdams."

**Mr. Buchanan** said, "It is an error. Both will be studied under this contract. We'll get that fixed before we get it executed. So, if you want to modify it, approval upon the technical changes being approved by the County Counselor and the Manager."

**Vice Chair Sciortino** said, "I would feel a little uncomfortable approving it the way it is now but I don't know for sure what we're supposed to say here. The whereas I guess it would say as need an economic development proposal for both McAdams neighborhood and Oaklawn, would we add to that?"

**Mr. Buchanan** said, "What I'm recommending, Mr. Chairman, would be that you approve this item subject to technical changes that the County Counselor and Manager will bring to you."

**Vice Chair Sciortino** said, "Which will include both neighborhoods. All right, I assumed it was an error. Any further comments?"

**Commissioner Norton** said, "I just think it is important that we move forward on the Oaklawn issue. I don't want to delay it any at all because of some technicalities. Certainly, we need to move ahead. It is a very important issue in Ben's district and it affects my district also because of close proximity."

### **MOTION**

Commissioner Norton moved to approve the Contract and authorize the Chair to sign pending the technical changes that will done by County Counselor and County Manager that will include the Oaklawn and McAdams area.

Commissioner Gwin seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Thank you. Next item please."

**E. AGREEMENT WITH BARTON COUNTY COMMUNITY COLLEGE FOR SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE TO PROVIDE FIELD INTERNSHIPS FOR TRAINING PROGRAM STUDENTS.**

**Mr. Tom Pollan**, Emergency Medical Service Department, greeted the Commissioners and said, "This is with Barton Community College and they have up to a maximum of ten students who are interested. We may not have quite that many. They are interested in coming here to gain their experience which is required before they can be certified as an M.I.C.T. or paramedic in the State of Kansas. This gives us an opportunity to one, to evaluate any potential recruits that we might want to recruit out of this particular group of people but it also gives them invaluable experience to take back to whatever community and citizen of Kansas they so choose to serve. We believe it is important to both and I would recommend your approving this and allowing the Chair to sign."

**Vice Chair Sciortino** said, "Thank you, Tom. Any questions of Tom?"

**Commissioner Norton** said, "Are there other colleges that have programs similar that we draw from or does Barton have a particular program or protocol that they have?"

**Mr. Pollan** said, "We have had students from literally every paramedic program in the State of Kansas: Coffeyville, Johnson County, Hutchinson Community College, Cowley County Community College, and Wichita State."

**Commissioner Norton** said, "Thanks. That's all I had."

**Vice Chair Sciortino** said, "Thank you. Commissioner Winters."

**Commissioner Winters** said, "Tom, this is kind of off the subject but I was just curious if you're

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having any increased activity and heat-related illnesses? Are you seeing any requests or emergency situations with folks related to the heat? I guess that is just kind of a general curious question.”

**Mr. Pollan** said, “Yes, we did in the longer heat wave prior to a week or so ago break we began to see heat related incidents. The longer this goes on we’ll begin to see them again. This will be isolated to an individual who might be very susceptible to the heat but the longer it goes the more it begins to affect people. It also affects our folks who are out there working in it constantly.”

**Vice Chair Sciortino** said, "Any other questions for Tom? If not, what's the will of the Board?"

**MOTION**

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

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Next item please."

**F. DIVISION OF HUMAN SERVICES.**

**1. CONTRACT RENEWAL WITH CITY OF WICHITA, KANSAS FOR SEDGWICK COUNTY TO ADMINISTER THE SPECIAL LIQUOR TAX PROGRAM.**

**Ms. Deborah Donaldson**, Director, Division of Human Services, greeted the Commissioners and said, "This first contract is a renewal with the City of Wichita to manage the City’s liquor tax dollars. Through that contract we set outcomes with providers, monitor those. We’ve established a

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liquor tax coalition and make recommendations on funding. They pay us \$89,000 to provide this service. I'd be glad to answer any questions."

**Vice Chair Sciortino** said, "Any questions of Debbie on this item? Hearing none, what's the will of the Board?"

**MOTION**

Commissioner Norton moved to approve the Contract Renewal and authorize the Chair to sign.

Commissioner Gwin seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Thank you. Next item."

**2. ADDITION OF ONE ADVANCED REGISTERED NURSE PRACTITIONER (ARNP) POSITION, RANGE 29 AND ONE PART-TIME ARNP POSITION, RANGE 29 AND ONE OFFICE SPECIALIST POSITION, RANGE 15, TO THE COMPREHENSIVE COMMUNITY CARE (COMCARE) STAFFING TABLE.**

**Ms. Donaldson** said, "Commissioners, these three positions are positions that would be in the jail providing mental health services to the inmates that are incarcerated there. The amount of that for the end of the year is \$65,641. With these additions to the jail program that will bring us closer to

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the standards that are set by the National Commission on Correctional Mental Health Care and the American Association of Correctional Psychology. I'd be glad to answer any questions."

**Vice Chair Sciortino** said, "I think we do have a question of you, Debbie. Commissioner Winters."

**Commissioner Winters** said, "Debbie, I think this is a great idea, but can you talk to us about what the objectives are going to be here and what this really means and how this has the potential of affecting both individuals and our jail population. I think we're all aware that a number of folks in our detention facility have some kind of mental illness. What is going to be the objective of this program?"

**Ms. Donaldson** said, "The objective of this program is to help individuals who get into the jail system, many of whom we are aware of and are aware of the medications they should be taking. Often what we do is help them get back on their medication, get back on track, connect back with their service providers so that when they leave the facility that things do not occur that means they will end up back in the jail. We are continuing to look at a variety of different programs and options throughout the country that keep people not only from going into the jail but if they do go there they don't go back."

**Commissioner Winters** said, "Have you had contact with the Sheriff and his folks about how this is going to work? Have you got a system in place?"

**Ms. Donaldson** said, "We work very closely with the Sheriff's staff and the medical care staff from Via Christi who provide the physical health care aspect of the work that is done. It really is a team effort that occurs at the jail."

**Commissioner Winters** said, "So will you try to intercept these folks as they come through the booking procedure or is it going to be dealing with folks after they already in the jail?"

**Ms. Donaldson** said, "At this point we don't have a mechanism to catch them if they're brought in to booking. But anyone who is brought in to booking every day we check that against our master file so we know anyone who has been seen in our system, if in fact they have come into the jail, then we immediately let the folks who are in the jail know that and then we let the staff that worked with this individual know that they have been picked up and have been booked."

**Commissioner Winters** said, "If we pass this today, how soon do you plan on having this up and running and in operation?"

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**Ms. Donaldson** said, "If we pass today we will start advertising immediately. These are not easy positions to fill, but they do an excellent job once you find an ARNP who can provide the service. I would anticipate probably three to four weeks."

**Commissioner Winters** said, "Okay, thank you. Thank you."

**Vice Chair Sciortino** said, "Thank you. Commissioner Norton."

**Commissioner Norton** said, "Yes, Deborah, are any of these positions . . . are all these going to be staff positions and can we outsource any of that? Are there agencies or groups that might be able to provide that for us like we do with a lot of other contracts?"

**Mr. Buchanan** said, "If it would please the Commission, let me answer that. We've taken a look at that possibility. You remember several weeks ago and we continue to struggle with this new regulation, the HIPA regulations, the Health Insurance Portability and Accountability act. At the recent conference of NACO, we spent some time talking with my colleagues around the country about how that may affect us and how it is going to affect these kinds of programs. Because of those discussions, I am reassured again and know that we are, in this instance, approaching it correctly. What allowing placing our mental health staff in that facility does is it allows us to use all the records that we have about folks who are mentally ill and who may be in the jail so we can assign the appropriate treatment and do whatever is necessary to get these people on their feet.

That doesn't mean that a private sector person or someone else couldn't do it. What it would require, however, would be for them to get a release signed by someone who is mentally ill who is in jail. Now that is not the most cooperative kind of person that you're going to run into and we think, in this case, by using our staff to get this going that this is the appropriate way to provide the treatment. It doesn't mean at some other point when we figure out all this HIPA stuff in the next year and a half that it may not be a different way to go but for now this appears to be the best way to go."

**Commissioner Norton** said, "To be able to have access to all the records already as they come into the system."

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**Mr. Buchanan** said, "Exactly."

**Commissioner Norton** said, "Okay."

**Vice Chair Sciortino** said, "Debbie, I have one question. Is there a way or mechanism that we are going to be able to source the effectiveness? Will we be able to follow this inmate that we've been able to now get back on his medication to see if indeed he stays out of jail, if indeed he stays on his medication longer? Just to see that we are having some positive affect, will there be a way to source that or look at that?"

**Ms. Donaldson** said, "We don't have that in place at the present time but we are looking at our full forensic program in terms of folks who are involved in the correctional system that have mental health needs. It is our intent to bring to you a full program and some ideas and part of that will include, I assure you, an evaluation and outcome component."

**Vice Chair Sciortino** said, "I think that would be a good element of it. Any further comments? If not, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve the additions to the COMCARE Staffing Table.

Commissioner Winters seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Next item."

**3. COMMUNITY CORRECTIONS GRANT PROGRAM BUDGETS FOR FISCAL YEAR (FY) 2002.**

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**Mr. Mark Masterson**, Director, Department of Corrections, greeted the Commissioners and said, "The State Department of Corrections has approved our annual comprehensive plan for Community Corrections for 2002 which you reviewed and approved last May. We've now received our awards and must submit budgets by July 27 to the State. The award for Adult Intensive Supervision is \$1,990,065.57. The award for Adult Residential is \$1,199,451.60. Budgets for both programs are provided and each was approved by the Community Corrections Advisory Board on July 12 at their meeting. I ask that you approve both budgets and authorize the Chair to sign them so we can submit them to the State."

**Vice Chair Sciortino** said, "Thank you, Mark. Any questions of Mark on this item? What's the will of the Board please?"

**MOTION**

Commissioner Winters moved to approve the Budgets and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Thank you, Mark. Next item."

**4. CONDITIONAL VIOLATOR GRANT BUDGET SUMMARY FOR FY 2002.**

**Mr. Masterson** said, "The State Department of Corrections has also approved a Conditional

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Violator Grant Application for 2002. To receive these funds we must submit the budget to the State by July 20. Our award this year is \$204,405, which increased by just under \$30,000 to fund one additional substance abuse counselor to work in our program for which we are very appreciative. The Advisory Board approved this budget on July 12 and I ask that you do the same and authorize the Chair to sign.”

**Vice Chair Sciortino** said, "Thank you, Mark. Any questions of Mark on this item?"

**MOTION**

Commissioner Gwin moved to approve the Budget Summary and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Next item."

- 5. PROPOSED PLAN TO DISTRIBUTE STATE FISCAL YEAR 2002 FUNDS TO JUVENILE JUSTICE GRANT PROGRAMS, AS RECOMMENDED BY THE JUVENILE CORRECTIONS ADVISORY BOARD.**

**OVERHEAD PRESENTATION**

**Mr. Masterson** said, "Commissioners, the Juvenile Corrections Advisory Board has developed funding recommendations for your consideration for the State funded Juvenile Justice Grant Program for State fiscal year 2002. My purpose for being here today is to share the plan with you and ask for your approval to proceed with developing the actual funding application which is due to the State August 24. In developing this plan, the Board had Wichita State University access the performance of each of the programs and make recommendations to ensure the implementation for

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our new programs were on target with our comprehensive plan. The report was presented to you by WSU staff at one of your staff meetings in May. The Board used this information, information from our monitoring of contracts and your input from that meeting with providers in making adjustments to programming and goals for this new year. Staff are now in the process of negotiating contracts that will be presented to you at future meetings this month. At this time, more detailed information about each of the programs will be presented.

This year, the Board had several things to deal with in developing the funding plan. First, the State created three programs rather than two for funding purposes: prevention, intervention and graduated sanctions and rules for each one of those. This was done because the legislatures wanted intake and assessment treated separately. Second, we received less money for prevention and intake in our area and about 96,000 more dollars for graduated sanctions. Third, local districts were approved to use unexpended funds from the previous year which we fortunately have to buffer these changes. The reason we have unexpended funds is due to the staggered implementation of new programs which we implemented during this year.

I will now briefly review the details of the funding plan. Let's begin with prevention. Our purpose for funding these programs is of course to prevent juvenile delinquency by intervening early. The challenge this year was that we received about \$95,000 less money for prevention. The first three programs listed on the left side, on the overhead, focus on reducing truancy by providing programs that targeted elementary, middle and high schools and services in the community to parents and at-risk children. The providers of this program work collaboratively to achieve the most impact possible for the money. Wichita Acts on Truancy serves as the lead agency to coordinate this effort. The other programs include the Juvenile Intake and Assessment Case Management that is provided by Kansas Children's Service League, Family Group Conferencing, Functional Family Therapy, and Parent Training. These programs are geared to intervene early with at-risk youth and their parents to get the kids back on the right track. Each has specific target populations that fill gaps that existed in our local services. WSU provides professional services which is shown up there to provide administrative support to the advisory board and the portion of administrative costs to administer this program are also apportioned there.

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Next, the plan for prevention unexpended funds for 2001 is shown as carry-over funds on the bottom. These funds are projected to be \$172,341. Two programs are to be funded, the USD 259 Suspension Reduction project in eight elementary schools and a Communities in School site at Jefferson School. Both continue services with modifications from the previous year.

Now we switch to the intervention program component. This funds the Juvenile Intake and Assessment Center and has apportioned cost for administration. The intake and assessment function is a core program that is required by the State. You may recall that the legislature reduced funding this year by \$1,000,000 statewide for intake services. Our share of that reduction is just under \$135,000, which is reflected here in this budget. The program simply could not absorb that level of cut and continue 24 hour a day operation, which is deemed absolutely necessary in our check with stakeholders and supported by the Board. Therefore, the 2001 carry-over funds, shown as graduated sanctions carry-over funds, were reserved for this purpose. The total recommended budget for juvenile intake and assessment for 2002 is \$744,052, considering the carry-over funds, which is a \$25,000 reduction from this year.

Then we move down to graduated sanctions, which is the term we use for our programs that address juvenile delinquency, more serious delinquents. The graduated sanctions program funds includes the other two required core programs, Juvenile Intensive Supervision and Juvenile Case Management and the D.A.'s Diversion, District Court Detention Advocacy, and Multi-systemic Therapy programs and the share for administration. Overall, this fund increased about \$96,000 this year because of an increase in the number of reported dispositions we have in our district. Finally, local purchase of service dollars are provided as part of the local grant to pay for services for youth served by the State for clothing, transportation, and day reporting services. These funds must be used for this purpose only. Our allocation was the same as last year, which is reflected on the bottom of the chart which we feel is adequate to provide these services.

Overall, this proposed funding plan distributes \$5,253,183 of State funding for local juvenile justice programs in our district. I'd be happy to answer any questions and I'd ask that you approve the plan."

**Vice Chair Sciortino** said, "Thank you, Mark. Any questions of Mark, Commissioners? Commissioner Winters."

**Commissioner Winters** said, "The only comment I would make is I am certainly glad that our State legislators and those in Topeka continue to think of prevention as something that needs to be in any Juvenile Justice plan. If we all remember back, it wasn't very many years ago when Juvenile Justice was first passed in '96-'97, prior to that time prevention wasn't even mentioned in any kind of State activity. I think I'm certainly pleased that the State continues to see prevention and the

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Juvenile Justice Authority in Topeka continues to see prevention as something that we need to continue working on.

In that same breath, Mark, I keep challenging you and those who work on the prevention side to continue to communicate with us things that you see that are working and things that you see that aren't working because we don't want to continue or stay with programs that aren't doing what they need to do and meeting objectives. We'll continue to look to staff for those kinds of insights about what is going on and whether things are working or whether we're not spending the money efficiently. I know that you'll continue to talk to us about that. Do you have any comments from your perspective? You did a good job of presenting the program here. Do you have any other comments from your perspective about the amount of these funds and whether they will be adequate to get the job done this year?"

**Mr. Masterson** said, "I believe that they'll be adequate to get the job done, simply because we have the carry-over funds to be able to buffer certainly the decrease in intake and assessment. I believe that we'll be back with many others across the State at the next legislative session advocating for those funds to be restored."

**Commissioner Winters** said, "So next legislative session again is going to be critical, not only for your department, but probably several others. I think it will be important, that as we begin to look at our platform for the 2002 session I think Juvenile Justice issues will continue to need to be brought out as something that we're concerned about. I get confused about time frames. This budget that we're submitting now is from when to when?"

**Mr. Masterson** said, "July 1st of this year through July 30th and we have to submit the funding application by August 24th, which is why if it seems the cart is before the horse it is because it is. That's why I put this item on the agenda. The advisory board started working on the evaluation of these programs in January to get to a point where we would be ready for July 1st to negotiate contracts and have modifications, tightening things up and making adjustments based on the data. That's why we put this item on, to be sure we kept you well informed and you could tell us if we were on track so we could proceed with getting our contracts signed in the next two weeks and proceeding with our funding application."

**Commissioner Winters** said, "Thank you very much. Thanks, Mark, for the work that you and your staff do. Thank you."

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**Vice Chair Sciortino** said, "Any further questions of Mark Masterson on this item? What's the will of the Board please?"

**MOTION**

Commissioner Winters moved to approve the proposed plan.

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Thank you, Mark. Next item."

**G. KANSAS COLISEUM MONTHLY REPORT.**

**POWERPOINT PRESENTATION**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, "For the month of June, we had over 34,000 people attend 12 events, 30 performances, and net revenues were in excess of \$151,000. That is pretty good for June because usually at this time of the year we start to slow down traditionally. We were pretty fortunate. We had three horse shows, the Junior Quarter Horse Show, the Wheat State Morgan Horse Show, Stars and Stripes Benefit Show because the calendar, the way it falls this year, with the 4<sup>th</sup> of July being in the middle of the week it moved a week ahead into June rather than the normal time period it was in July. We had over 8,200 people attend the horse shows. We're also very fortunate. We had two concerts in the month of June, we had the Lynyrd Skynyrd, Deep Purple, Ted Nugent Show and we also had the Poison, Quiet Riot, Warrant and Enuff-E-Z-Nuff concert. Averaged about 4,000 per concert attendee.

If you recall, during our budget presentation, we were talking about what we were going to do and some of the things that we need to do. We talked about creating a premium customer base,

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something that we really haven't had the opportunity to do. We took this example to do some experimenting. Working with KRZZ radio we created the Classic Rockers Club in our conference room B. What it entails is people go to KRZZ and they get the pass to get in the club. It is somewhat like a laminate that they receive when they came in and it gives them a little exclusivity. You have to have the pass to get into the room. You get the chance to win some concert merchandize. You perhaps have some shorter lines for the concession line. We had the room set up café style. You can sit down and you can talk. You can go in and out any time you want during the show.

In the Lynyrd Skynyrd concert, which was on a Friday, the average spending for all the attendees for food and beverage was \$11. The people who went into the Classic Rockers club responded with \$28 a head, almost three times the average. For the Poison concert which was on a Tuesday, average concert spending for food and beverage for all attendees was \$10. The folks who were in the room spent \$19. I think that really illustrates that there is a segment out there, a customer base that will pay for upscale amenities, for something a little extra. Keep in mind we don't have the plush seats. Right now they're sitting in our regular molded plastic seats and we have not been able and we can't at the present time address the restroom issue. I think we still had a great response from those folks and we're going to continue that with all of our concerts. These are the folks that take advantage of the club seats, that would take advantage of a bar or a restaurant, perhaps take advantage of the corporate suites when we could get those amenities."

**Commissioner Norton** said, "John, do you think that the Lynyrd Skynyrd crowd was probably older than the Poison crowd, would that have something to do with it?"

**Mr. Nath** said, "Well, it was and it was also on a Friday night. That makes a big difference rather than a Tuesday in the middle of the week. In the sports zone, we had 7,700 people attend two Stealth games. That kind of wraps it up for the month of June. I'd be happy to answer any questions, if you should have them at this time."

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**Vice Chair Sciortino** said, "Any questions of John? John, I have one question. I notice in the backup it looks like year to date, page 128 Commissioners, compared to last year to date we're slightly ahead, revenue-wise. Where do we stand, year to date, compared to how we budgeted, year to date?"

**Mr. Nath** said, "We're ahead, where we're at right now, revenue-wise."

**Vice Chair Sciortino** said, "That's what I suspected but I didn't see it here. So we're doing a little bit better than even your very generous budget that . . ."

**Mr. Nath** said, "We've been very fortunate. The fact that we've been able to book some concerts which have really helped us out."

**Vice Chair Sciortino** said, "Is the Stealth doing as well as they had anticipated doing, at this particular juncture in their career?"

**Mr. Nath** said, "Stealth did very well this year. They certainly put on a competitive product and have been consistent in how they've presented it. I think they have a tremendous upside. They've already had their last home game. They finish up this weekend in Lincoln. They're probably going to finish with a 500 record, which is respectable for an expansion team. They're going to start right away working on next year. I see some good things coming from the Stealth."

**Vice Chair Sciortino** said, "Great. I think you're doing a fantastic job out there. Anything else we need to discuss with John? What's the will of the Board?"

### MOTION

Commissioner Gwin 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 Tim Norton     | Aye |
| Commissioner Thomas Winters | Aye |

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|                          |        |
|--------------------------|--------|
| Vice Chair Ben Sciortino | Aye    |
| Chair Carolyn McGinn     | Absent |

**Vice Chair Sciortino** said, "Thank you very much, John. Next item please."

**H. PUBLIC WORKS.**

- 1. CONTRACT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A. TO PROVIDE DESIGN ENGINEERING AND CONTRACT ADMINISTRATION SERVICES IN CONJUNCTION WITH SEDGWICK COUNTY PROJECT – CESSNA ADDITION STREETS. DISTRICT #2.**

**Mr. Jim Weber**, Deputy Director, Public Works, greeted the Commissioners and said, "In Item H-1 we are requesting your approval of a Contract with Professional Engineering Consultants for design services on the widening of Ridge Road south of K42. Construction of turn lanes on Ridge Road and the traffic signal at K-42 were required with the plat of the Cessna addition. These improvements are related to construction of the new parts distribution facility at the southeast corner of the intersection. The contract is in the amount of \$31,000. All costs of the project are to be paid by the benefited property, Cessna, through special assessments and we request your approval of the recommended action."

**Vice Chair Sciortino** said, "Thank you, Jim. What's the will of the Board on this item?"

**MOTION**

Commissioner Winters moved to approve the Contract and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Thank you. Next item."

**2. AGREEMENT WITH KANSAS TURNPIKE AUTHORITY FOR SEDGWICK COUNTY PROJECT 618-36; WIDENING OF THE BRIDGE ON CENTRAL BETWEEN 143<sup>RD</sup> STREET EAST AND 159<sup>TH</sup> STREET EAST. CIP# B-425. DISTRICT #1.**

**Mr. David Spears**, Director/County Engineer, greeted the Commissioners and said, "Item H2 is an Agreement between Sedgwick County and the Kansas Turnpike Authority for the widening of the bridge on the turnpike over Central, between 143<sup>rd</sup> and 159<sup>th</sup> Streets East, designed as B-425 in the Capital Improvement Program. The K.T.A. will reimburse Sedgwick County an amount equal to the present value of the extended twenty years of useful life of the bridge assessed at \$346,882. I recommend that you approve the Agreement and authorize the Chair to sign."

**MOTION**

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

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |     |
|-----------------------------|-----|
| Commissioner Betsy Gwin     | Aye |
| Commissioner Tim Norton     | Aye |
| Commissioner Thomas Winters | Aye |

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|                          |        |
|--------------------------|--------|
| Vice Chair Ben Sciortino | Aye    |
| Chair Carolyn McGinn     | Absent |

**Vice Chair Sciortino** said, "Next item."

- 3. RESOLUTION RECLASSIFYING 143<sup>RD</sup> STREET EAST BETWEEN 13<sup>TH</sup> STREET NORTH AND 21<sup>ST</sup> STREET NORTH (839-N) FROM THE MINNEHA TOWNSHIP ROAD SYSTEM TO THE SEDGWICK COUNTY HIGHWAY SYSTEM. DISTRICT #1.**

**Mr. Spears** said, "Commissioners, this item was previously approved on November 22, 2000 and no further action is needed. You may proceed to the next item on the agenda."

**Commissioner Gwin** said, "Mr. Euson, do we have to do something other than that?"

**Mr. Euson** said, "I think it is sufficient for the Minutes to show that it has been previously approved."

**Vice Chair Sciortino** said, "Okay. Next item please."

- 4. SYSTEM ENHANCEMENT AGREEMENT WITH CITY OF WICHITA, KANSAS AND KANSAS DEPARTMENT OF TRANSPORTATION FOR THE NORTHWEST BYPASS PROJECT. DISTRICTS #3 AND #4.**

**Mr. Spears** said, "Item H-4 is a three party agreement between Sedgwick County, the Kansas Department of Transportation and the City of Wichita regarding corridor preservation for the Northwest Bypass, designated as R-280 in the Capital Improvement Program. This is a K.D.O.T. system enhancement project.

In this Agreement, the County is responsible for one and a half million dollars (\$1,500,000) in rights-of-way costs. The City is also responsible for one and a half million dollars (\$1,500,000) in rights-of-way costs. K.D.O.T. will be responsible for 100% of the costs of preliminary engineering and all other costs associated with rights-of-way purchase price over \$3,000,000. Sedgwick County is the administrator of the project. After your approval today the Agreement will be forwarded to Wichita for their approval, then forwarded to K.D.O.T. At this point, rights-of-way acquisition should begin in 2005, according to K.D.O.T. I recommend you approve the Agreement and authorize the Chair to sign."

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**Vice Chair Sciortino** said, "Thank you. What's the will of the Board?"

**MOTION**

Commissioner Winters moved to approve the Agreement and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Thank you. Next item."

- 5. AUTHORITY TO AWARD CONTRACT COMMITMENT OF COUNTY FUNDS (FORM 1309) WITH KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) FOR SEDGWICK COUNTY BRIDGE REPLACEMENT PROJECT ON 85<sup>TH</sup> STREET NORTH BETWEEN RIDGE ROAD AND HOOVER ROAD OVER THE WICHITA-VALLEY CENTER FLOOD CONTROL PROJECT. CIP# B-217. DISTRICT #4.**

**Mr. Spears** said, "Item H-5 is the authority to award contract commitment of County funds Form 1309 for the Kansas Department of Transportation. This is for the bridge project located on 85<sup>th</sup> Street North, between Ridge Road and Hoover, over the Wichita/ Valley Center flood control project, designated as B-217 in the Capital Improvement Program. The low bidder was King Construction out of Hesston, Kansas at a price of \$1,625,859.82. Sedgwick County's share will be 20% of construction, plus a small percentage for construction engineering, totally \$350,186.04. I would tell you that we had budgeted \$396,000 for that, so we're under by almost \$46,000. I recommend that you approve the Form 1309 and authorize the Chair to sign."

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**MOTION**

Commissioner Gwin moved to approve KDOT Form 1309 and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**Vice Chair Sciortino** said, "Next item. Thank you, David."

**I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF JULY 12, 2001.**

**Mr. Jerry Phipps**, Purchasing Agent, Purchasing Department, greeted the Commissioners and said, "You have the Minutes of the July 12th meeting of the Board of Bids and Contracts. There are five items for your consideration.

**(1) EXTERIOR MAINTENANCE HISTORIC COURTHOUSE – FACILITY PROJECT SERVICES**  
**FUNDING: CAPITAL PROJECTS**

Item one, exterior maintenance for the Historic Courthouse for Facility Project, it is recommended you accept the low bid of Bauer & Son Construction for \$249,514.

**(2) HIGH DENSITY MOBILE STORAGE SYSTEM – ADULT RESIDENTIAL FACILITY**  
**FUNDING: ADULT RESIDENTIAL**

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Item two, high density mobile storage systems for the Adult Residential Facility. It was recommended to accept the low bid of Systematic Solutions for \$31,092.80.

**(3) ARCHITECTURAL/ENGINEERING FOR HAZARDOUS WASTE – FACILITY PROJECT SERVICES**  
**FUNDING: CAPITAL PROJECTS**

Item three, architectural/engineering for Household Hazardous Waste Facility with the facility project services. It was recommended to accept the proposal from Wilson Darnell Mann for the additional work for \$19,000.

**(4) PAVING OF THE SEDGWICK COUNTY ZOO PARKING LOT – PUBLIC WORKS**  
**FUNDING: SALES TAX FUND**

Item four, paving of the Sedgwick County Zoo parking lot for the Public Works Department. It was moved to accept the next low bid of Apac Kansas, Inc for \$231,620.85.

**(5) ROCK SALT – PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

Item five, rock salt for Public Works. The item was deferred by the Board of County Commissioners at the July 10th meeting for further review and after further review it was recommended to accept the bid of Ritchie Sand for \$80,255. I'll be happy to take questions and recommend approval of the Minutes of the Board of Bids and Contracts."

**Vice Chair Sciortino** said, "Commissioner Winters was first on the button."

**Commissioner Winters** said, "I guess I just would ask Jerry, and I would assume that after working on the rock salt bid we assumed that this is the only and the best way to do this? David Spears, County Engineer, you agree? This the only way to do this deal?"

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**Mr. Spears** said, "Commissioner Winters, I think the key thing that Iris Baker and Jerry found out was that the Hutchinson Salt is not taking any more orders or any more new vendors. You have to be an existing vendor on the list and Ritchie is on the list for us and we'll be able to get rock salt from them. I think that is the key thing."

**Commissioner Winters** said, "So in your opinion we need to approve this and just move on."

**Mr. Spears** said, "Commissioner, I think this is the way we ought to go on it."

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

**Mr. Phipps** said, "Commissioner, we have checked with several other salt entities and they're production likewise is sold through the winter and their cost is slightly higher than what is recommended here."

**Vice Chair Sciortino** said, "Okay. I have a question also. Is Ritchie the only vendor in Wichita that has a contract with a salt company, so that if we need salt we should just forget about going out for competitive bids? Ritchie's got the monopoly on it?"

**Mr. Phipps** said, "It is my understanding from Hutchinson Salt Company, visiting with them, that they had set allocation for Ritchie Sand and no one else has an allocation set for it. In other words, their production is sold clear on through the winter months and they had stated they wished not to run any weekends or any extra hours that they want to run their business."

**Vice Chair Sciortino** said, "Okay. So, if I'm hearing that correctly, if the County needs salt it is whatever price Ritchie wants to sell it to us at or agree to bring it to us, then we have to accept his bid, if he's got the monopoly on the salt and they won't sell it to anybody else, is that correct?"

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

**Vice Chair Sciortino** said, "How do we change that, in the future, because I am very uncomfortable about any company having a monopoly on a product and then we have to just go to that one vendor. How do we change that for next year?"

**Mr. Spears** said, "Commissioner, I might comment on that. This is the first time this has happened and of course when the gas explosion was in Hutchinson, that is the first time that happened last year. That has had a lot to do with this. So, it is our hope that, in the future, we won't have to go through this again. That is our hope. They are not going to expand production, like Jerry said."

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They are not going to work overtime. They want to keep it at a minimum of what they produce and I think a lot of this has to do with the gas and the potential for explosion. We're hoping that that situation clears itself up and we can get back to business as usual like we used to."

**Vice Chair Sciortino** said, "And how was business as usual, in the past, on this?"

**Mr. Spears** said, "We sent it out to several vendors and different trucking companies could bid on it. I'll be honest with you, usually Ritchie is the lowest bidder of the truckers because they are in a good location to go over there. See, they're at West Street and K-96 is where their trucks come out of. With trucking it is distance, as you know."

**Vice Chair Sciortino** said, "I understand that but my concern and I think it was a concern of both Commissioner Winters and myself. Why aren't we attempting to contract with the salt company for 'x' number of tons of salt a year and then we could let the bid out to a multiplicity of truckers to give us a bid on picking up our salt and bringing it back, as opposed to bidding to a vendor that also has trucks and also has the contract on the salt."

**Mr. Phipps** said, "Sir, we did send the bid to Hutchinson Salt and they chose not to bid."

**Vice Chair Sciortino** said, "I understand that. That would just be two vendors. Last week our concern was could we not enter into an agreement for future years for 'x' number of tons of salt and then let out bids to trucking companies to go pick up our salt and bring it back."

**Commissioner Winters** said, "In trying to make it simplified, would it be possible . . . I mean I am going to support this and we'll get this done today, but we need to begin some communication with the salt company in Hutchinson about getting an allocation for Sedgwick County. We need to get on their list somehow and maybe that will just take some negotiation and whatever. I'm sure there are other governmental agencies, the State of Kansas or Turnpike Authority, City of Wichita has got to be a big consumer of salt. We just need to do our best to get on that allocation list. David, if you would work with purchasing and try to track down the method in which we could get on the allocation list for future years in case it doesn't resolve itself. Hopefully they'll be back under normal production by next summer. Let's try to get our own allocation."

**Vice Chair Sciortino** said, "I think you're saying the same thing I'm saying. Thank you. Further comments on this? I think it should be noted also too on one other item and that was Item 4 as noted here in our backup that we were forced to accept the next to lowest bid on this item because

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the previous lower bidder that we had agreed to had, for whatever reason, failed to sign the contract and that was why we were forced to go to the next to lowest bidder. I think it was important to bring that up.”

**Commissioner Norton** said, "I'd like to comment more on that and have David kind of give us some history of why someone would bid, we would pass it and they would back out. What exactly happened there, Dave?"

**Mr. Spears** said, "Commissioner, in this case, and I don't want to get into too many details because there is going to be litigation in this case because the County is going to attempt to collect the bid bond of the low bidder because he would not sign the contract. Basically, he is saying that he made a mistake. That he bid on four inches of asphalt instead of six inches. The six inches is clearly defined on the plans and the specifications. In this particular case it has curb and gutter around it at the zoo and it has to be six inches thick and we do not deem that as a mistake, so we're going to attempt to collect the bid bond. We've gone to the second bidder and we may also attempt to collect damages, the difference between the low bid and the second bid.”

**Commissioner Norton** said, "Thanks, Dave.”

**Vice Chair Sciortino** said, "Any further questions? What's the will of the Board on this item please?"

### MOTION

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

Commissioner Norton seconded the Motion.

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

### VOTE

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

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**Vice Chair Sciortino** said, "Next item please."

**CONSENT AGENDA**

**J. CONSENT AGENDA.**

**1. Right-of-Way Agreements.**

**2. Section 8 Housing Assistance Payment Contracts.**

| <u>Contract Number</u> | <u>Rent Subsidy</u> | <u>District Number</u> | <u>Landlord</u>         |
|------------------------|---------------------|------------------------|-------------------------|
| V010105                | \$485.00            | 4                      | Brian L. Woods          |
| V010106                | \$286.00            |                        | Walnut Grove Apartments |

**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> |
|------------------------|-------------------|-------------------|
| V2059                  | \$269.00          | \$269.00          |
| V97048                 | \$206.00          | \$222.00          |
| V2061                  | \$515.00          | \$444.00          |
| V2058                  | \$262.00          | \$359.00          |
| V2060                  | \$248.00          | \$239.00          |
| V98043                 | \$350.00          | \$375.00          |
| V2061                  | \$275.00          | \$275.00          |
| V96065                 | \$142.00          | \$222.00          |
| V2063                  | \$211.00          | \$425.00          |
| V2082                  | \$53.00           | \$000.00          |

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|        |          |          |
|--------|----------|----------|
| V2055  | \$375.00 | \$375.00 |
| V99053 | \$392.00 | \$600.00 |
| V9901  | \$312.00 | \$450.00 |

- 4. Order dated July 11, 2001 to correct tax roll for change of assessment.**
- 5. Payroll Check Registers (two) of July 6 and July 13, 2001.**
- 6. General Bills Check Register of July 13, 2001.**
- 7. Budget Adjustment Requests.**

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

**Commissioner Gwin** said, "Don't you have an Off Agenda consent item that you would like to add to that? Do I take them separately?"

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Winters seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**MOTION**

Commissioner Winters moved to take an Off Agenda item.

Commissioner Gwin seconded the Motion.

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

**VOTE**

|                             |        |
|-----------------------------|--------|
| Commissioner Betsy Gwin     | Aye    |
| Commissioner Tim Norton     | Aye    |
| Commissioner Thomas Winters | Aye    |
| Vice Chair Ben Sciortino    | Aye    |
| Chair Carolyn McGinn        | Absent |

**OFF AGENDA ITEM**

**Mr. Buchanan** said, “You have an issue before you and I’d recommend you approve it.”

**Commissioner Winters** said, "I have a question. I don’t understand it. I don’t understand why we are working on a paving petition in the City of Wichita.”

**Mr. Buchanan** said, “We own property that is adjacent to an alley so we are, with Via Christi, petitioning to have that portion paved. It is part of the entire program package to do that. We need to get the authority from you to sign that petition asking the City to pave it.”

**MOTION**

Commissioner Winters moved to approve the Off Agenda consent item concerning the petition for paving the alley.

Commissioner Gwin seconded the Motion.

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

**VOTE**

|                             |     |
|-----------------------------|-----|
| Commissioner Betsy Gwin     | Aye |
| Commissioner Tim Norton     | Aye |
| Commissioner Thomas Winters | Aye |
| Vice Chair Ben Sciortino    | Aye |

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Chair Carolyn McGinn

Absent

### K. OTHER

**Vice Chair Sciortino** said, "Any other items to come before the Board at this time? Commissioner Norton."

**Commissioner Norton** said, "I just have a couple. Commissioner Winters and I got to go to the beginning of the County Fair and it was a wonderful event. We had a real good time out there. Mayor Koster hosted us and we took our wives and walked the fairgrounds. I would urge everyone to think about going next year if you haven't been this year because it is a wonderful County fair and it offers a lot of sights and sounds and smells that you normally wouldn't get if you live in an urban setting. I would urge constituents to go out and enjoy it next year because it was a wonderful fair this year.

The other thing I would comment on is I did head out to the Kansas Grown Market at the Extension Service Building last week and they have really grown and they're doing some wonderful things out there on Saturday morning. I would urge people to make it out. Finally, I made it to a McCormick Neighborhood Association and they've done some wonderful things out there forming a new association. They're kind of dealing with the household hazardous waste building being put in that area and Joe Brunk and Susan Erlenwein did a great job stopping by and explaining what the building is going to look like and connecting with the community and I would like to applaud them for that. That's all I have."

**Vice Chair Sciortino** said, "Thank you, Commissioner. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you. We have been doing some work out at Station 38 on 143<sup>rd</sup> Street that some of the neighbors have seen happening. The Fire District has set up an obstacle course to evaluate potential candidates for firefighter positions. We're running candidates in on behalf of Sedgwick County Fire District and also the City of Wichita Fire Department. So it is one of the few stations in our domain or in the City's domain that has the room to house this obstacle course and to be able to pick it up and move it inside and store it, too. We'll be doing that a couple of times a year, as we evaluate potential candidates for firefighter's position. It does bring about a little more traffic, some more equipment is out there on those times and certainly a lot more activity outdoors around Station 38 than there ever has been. I want to thank the neighbors for their understanding and our staff for getting out and informing them as to what was taking place.

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Also in the Crestview area, just a personal note of thanks to both Crestview Country Club Organization, Crestview Homeowners Association, and others out there for their patience and understanding, their volunteer hours in hosting the Buy.com Wichita Open. That did make some logistical challenges for them but according to those folks out there, Dave, Public Works people did a great job of signage and doing all the things that they needed to do. I expressed to the neighborhood that if they had any suggestions before they got to next year to please let us know as they do kind of an evaluation or debriefing of the event. But in talking with the homeowners president and others everything went well. Their people were taken care of. Our Public Works folks, Sheriff's Officers and others did a great job of overseeing crowd control and those kinds of things. Thanks to our staff and to that neighborhood for helping make that a successful weekend. We sure appreciate it."

**Vice Chair Sciortino** said, "It was a great event. Do you have anything?"

**Commissioner Winters** said, "Yes, I certainly do have. I just returned yesterday evening from the National Association of Counties annual meeting, which was held with 5,000 or so other County officials in Philadelphia this year. It was a very, very good meeting. There is kind of at least two or more purposes of this meeting. One is to help county officials develop their legislative policies, so our folks who work in Washington D.C. will be able to understand what counties, throughout the country, what them to have on their priority list. Then just the educational opportunity to attend various seminars and try to pick up information. I was fortunate to spend almost all day Saturday on a subcommittee and a main committee working on national policies concerning energy to come from counties. I know that you think that may not affect us but we all realize that counties have a big stake in energy policies and how those work. It was really a very rewarding experience to be on that national committee, as we dealt with issues and had the give and take and the debate back and forth, talking about conservation versus continuing exploration and what kind of combinations that you get.

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I also spend about half a day with a group of folks who are developing a new strategy to approach congress about the cost that the judicial system is having on counties throughout the country. When you really stop and you begin to see things in a new light but the whole thrust of this half-day was what happens after the arrest is made and the person is then in your county jail. Then, we all talk about this but it was a fresh perspective for me then to see, as these people walked through all of the obligations that county government then has to a person after the arrest is made. There is really going to be a new initiative to try to get those who represent us in Washington to see that from a county perspective and we'll hope that that works. Again, a very successful meeting. Chair McGinn also attended the meeting and she is still back in that area. She did not return yesterday, but I did come back to make sure that we had a quorum for today's meeting."

**Vice Chair Sciortino** said, "Just to piggy-back on a couple of things that Commissioner Gwin stated. I thought the Buy.com tournament was a very prestigious event that Wichita holds. I heard nothing but compliments about the new venue at Crestview Country Club. I understand it is a three year contract with them so they'll be here for the next two years. I had occasion to participate a little bit in a pro-am and I'm seriously thinking about selling my clubs and maybe taking up bowling because I totally embarrassed myself. I would be interested, Commissioner Gwin, what was your times, you failed to tell us, on that obstacle course? How did you do?"

**Commissioner Gwin** said, "I didn't even go look."

**Vice Chair Sciortino** said, "If there are no other items, I'll adjourn the meeting of July 18, 2001."

#### **L. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:25

**Regular Meeting, July 18, 2001**

a.m.

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

\_\_\_\_\_  
**CAROLYN McGINN**, Chair  
Fourth District

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**BEN SCIORTINO**, Chairman Pro Tem  
Fifth District

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**BETSY GWIN**, Commissioner  
First District

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

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

ATTEST:

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

APPROVED:

\_\_\_\_\_, 2001