

**MEETING OF THE BOARD OF COUNTY COMMISSIONERS
SITTING AS THE GOVERNING BODY OF SEWER DISTRICT**

REGULAR MEETING

APRIL 23, 1997

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, Sitting as the governing body of the Sewer District, was called to order at 11:14 a.m., Wednesday, April 23, 1997, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Chair Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Melody C. Miller; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Richard Euson, County Counselor; Mr. Joe L. Norton, Bond Counsel; Mr. David C. Spears, P.E., Director, Bureau of Public Services; and Ms. A. Karen Casto, Deputy County Clerk.

ROLL CALL

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

NEW BUSINESS

A. STATEMENTS OF COSTS AND ASSESSMENT ROLL; ESTABLISH PUBLIC HEARING DATE REGARDING PROPOSED SPECIAL ASSESSMENTS FOR CERTAIN INTERNAL IMPROVEMENT PROJECTS IN THE DISTRICTS; AND PROVIDE NOTICE THEREOF.

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C., said, "This is a companion item to the one you considered earlier in your Regular County Commission Agenda, with respect this time to thirteen Capital Improvement Projects that were created within the Sewer District of which you are also the governing body. Again, in brief summary, these projects have been previously authorized by the Board of County Commissioners. The projects are now complete or substantially complete and final cost determinations have been prepared by the Bureau of Public Services. Your consideration today is to accept these costs, establish May 14, 1997, as the date and time for public hearing to receive comments from affected property owners and to authorize that adequate notice be given under state statute and your charter resolution for this public hearing. These thirteen projects, twelve of which are again, as referenced earlier, initiated by petition of the affected property owners, most of which are 100% of the property owners. There are two projects that are slightly less than 100%, but a substantial majority of the property owners to be affected.

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“Item one is the Gilder’s Gardens Sewer Project. That is the one exception. This was the project, you may recall, that in order to initiate, the county had to adopt its own Charter Resolution modifying state statute, giving the County Commissioners the authority to deem it advisable to undertake a sewer improvement project, provide for a public hearing and an opportunity for citizen protest to stop that project. To date, this is the only application of that Charter Resolution and this project has become a special one. As you may recall, there were a number of attempts made to get federal grant and state grant assistance and those were unsuccessful, so the county determined it advisable to proceed with that project. That is why on the lower portion of the screen before you there is a N/A on the petition percentage because there were no petitions. This was initiated by the County Commission action subject to protests.

“Again, the significant items here are the top, which we’ll go over briefly on the projects. The item in green, the amount to be bonded is the all end cost of the project. The next cost per unit in blue is the amount that is estimated to be assessed and the capital amount to the property owners affected in the benefit district. Again, that Gilder’s Garden Project is in the southeast portion of the intersection of Greenwich Road and Central Street. The total estimated cost of the project, approximately \$1,783,000.00, 175 units accessed equally resulted in a capital cost of about \$10,200.00.

“Project two is the Belle Terre Improvement Sewer District, Phase I, approximate location is 159th Street East and Central. Capital costs of about \$168,000.00 divided equally among 38 parcels in that benefit district results in a cost of about \$4,400.00 per parcel.

“The next item, Balthrop Addition Sewer. Once again, there are a variety of types of lots in this benefit district. Some are commercial bearing a portion of a larger amount and various residential districts. Those residential lots, although slightly different in size, average about \$3,900.00 per lot for the sewer improvements. Phase II of the Balthrop in the same general area of Central and Greenwich Road, \$2,800.00 per parcel. Similar costs associated with Brookhaven 2nd Addition Sewers located at 159th Street East and Central, about \$2,700.00 per parcel in that Sewer Improvement District.

“Page two commences with project number 6, which one is Harrison Park 2nd Addition. That is located near Harry and Webb, capital costs for 39 parcels of about \$1,968.00 per lot. Kimberly Hills 2nd Addition Sewers, a smaller project near 127th Street between Central and 13th, three lots in that benefit district, rather large lots. The capital costs are about \$15,885.00 per lot for the sewer service.

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“Overbrook 2nd Addition Sewers, this is one that had a 61% petition due to the fact that some of the lots in the proposed benefit district were at the time subject to foreclosure and petitions weren’t received, but the property owners actually residing in the area did petition the project. There are 23 parcels in the assessment district, about \$3,000.00 per parcel.

“Savanna 8 Sewers, at 143rd and 13th, about \$3,300 per parcel to the 26 lots in the benefit district. Project ten, Smithmoor 5th Addition Sewers, near Harry and Greenwich Road, about \$1,475.00 per lot for the 38 lots in the benefit district. Project eleven is Woodlawn Lakes Sewer, south of Kellogg on 127th Street north of Harry. Capitol costs of about \$2,000.00 per lot for 100 lots within the benefit district. Woodland Lakes Sewer Phase I, again associated in the same general area, about \$4,275.00 per parcel for the 92 lots in this benefit district. The final project, number thirteen is Woodland Place Sewer, again near Central and 159th Street East. Fourteen lots within the benefit district for an approximate cost of about \$4,800.00 per lot.

“Again, assuming you take the recommended action today, a public hearing will be held on May 14. Property owners will have the opportunity to pay in cash within thirty days in the amount of any assessment levied. If not, they will be spread over a fifteen-year period at the rate that the county would sell its general obligation bonds in the summer and those would increase the tax rolls later this year. Mr. Weber and I would be pleased to address any questions you may have at this time.”

Chairman Winters said, “Thank you. If we take this action to establish May 14, do these numbers become firm then, or when do they actually become firm numbers?”

Mr. Norton said, “They become firm numbers as of the 14th. This information that you are receiving today will be the basis of the notification that is mailed and published. Property owners, our experience has been with a large number of parcels we have, there occasionally will be a situation where we will have a legitimate technical comment about they should or should not be assessed this amount and various corrections have been made from time to time prior to that public hearing and at that time updated information, if necessary, will be given to you and the final amount of assessment to be determined at that time.”

Chairman Winters said, “Okay, thank you. Commissioner Gwin.”

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Commissioner Gwin said, “Thank you Mr. Chairman. Joe, on Gilder’s and I know that you indicated that we tried and tried and tried to keep getting grant funds and those kinds of things and I quite frankly have not given up. I still have Congressman Tiahrt’s office and others looking for non-traditional sources for some of the more needy residents out there either through Aging Funds or some other environmental funds that may be available to them. We continue to strike out, but we’re not through looking. If we should discover a source, maybe to help some of the seniors or people who are over a certain age or under a certain income, people who most need the help, may I continue to look for that before this becomes final?”

Mr. Norton said, “Sure. There are basically three ways that can be accomplished. I think that the suggestion would be to go ahead and if we don’t achieve that amount of funds by the 14th of May, which is somewhat optimistic maybe, that we then have a thirty-day time period in which those people can pay on their assessments. The way that assessment is to be spread is equally per residential living unit in that area. Based on prior experience on these types of grants when they were available they would be available only for certain individuals. So you would need to spread the assessments equally to all parcels and then apply any grant funds to those parcels who would qualify. So if the money were received within that 30-day time period, obviously it could be applied directly to assist in their payment and they would have no assessment or a partial assessment depending upon the amount. Then shortly thereafter, we will proceed to the issuance of bonds and that is another critical step. If we know the money is available, we wouldn’t need to borrow it and we could maybe deal with getting those things taken care of. After we issue bonds and the assessments have been spread, it becomes a little more complicated, but I think if there is a will there’s a way to make that work and we may need to create some things and do some charters, but I think we can be innovative there if we can get those funds. We’d like to work with you in that regard.”

Commissioner Gwin said, “I appreciate that and I just wanted to ask if it is okay that we continue to look.”

Mr. Norton said, “Definitely. I might add that I think we also are working with Commissioner Gwin and Jim to try to set up an informational meeting in that area prior to the 14th. This is a unique situation. Most of the other projects are a newly developing area, specials are common, houses are being built. This is an area that has existed for a number of years. It is pretty well fully built out right now.

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“We have existing property owners and they may have more questions and we can address them in the evening maybe out near their area prior to the 14th and address some of the concerns without having to make them come down here to a Commission meeting during the day.”

Commissioner Gwin said, “Thank you. Thank you Mr. Chairman.”

Chairman Winters said, “Thank you. Commissioner Miller you had questions about this, have they been answered?”

Commissioner Miller said, “They’ve been answered, thank you.”

Chairman Winters said, “Is there any other questions or discussion? If not, what’s the will of the Board?”

MOTION

Commissioner Hancock moved to approve the Statements of Costs and Assessment Roll; establish May 14, 1997 at 9:00 A.M. as the date and time for a public hearing; and authorize a notice of such public hearing to be published.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, “Next item.”

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CONSENT AGENDA

B. CONSENT AGENDA.

Budget Adjustment Request.

| <u>Number</u> | <u>Department</u> | <u>Type of Adjustment</u> |
|---------------|-------------------------|----------------------------|
| 970229 | Brentwood Village Sewer | Supplemental Appropriation |

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

MOTION

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

Chairman Winters said, "Is there other business to come before this Board? This meeting is adjourned."

C. OTHER

D. ADJOURNMENT

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

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

THOMAS G. WINTERS, Chairman
Third District

PAUL W. HANCOCK, Chairman Pro Tem,
Second District

BETSY GWIN, Commissioner,
First District

MELODY C. MILLER, Commissioner,
Fourth District

MARK F. SCHROEDER, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1997