

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 21st, 2009

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at a.m. on Wednesday, January 21st, 2009 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Tim Kaufman, Deputy Director of Human Services, COMCARE; Mr. Kelly Arnold, County Clerk; Ms. Mary Ellen Phillips, Sedgwick County Advisory Council on Aging; Mr. John Schlegel, Planning Department; Ms. Susan Erlenwein, Director, Environmental Resources; Dr. Timothy P. Rohrig, Director, Regional Forensic Science Center; Ms. Diana Mansouri, Safety Coordinator, Risk Management; Ms. Tammy Brandt, Administrative Officer, Division of Finance; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Kristi Vermillion, Deputy County Clerk.

GUESTS

Mr. King David Davis, www.wichitahillbilly@yahoo.com, Wichita, KS
Mr. George Fulp, 14220 E. Donegal Cir, Wichita, KS 67230
Mr. Robert Hanson, President, Greater Wichita Area Sports Commission
Mr. Russ Ewy, Boughmon Co, 315 Ellis, Wichita, KS
Mr. Charles Peaster, 9453 N. 135th St W, Sedgwick, KS
Mr. John Dailey, P.O. Box 381, Valley Center, KS 67147
Mr. Max Weddle, 862 S. Zelth Ct, Wichita, KS 67207
Mr. Paul Clark, President, Allied Environmental Consultants
Mr. Marty Cornejo, Cornejo & Sons

INVOCATION

The Invocation was led by Pastor Ron Pract of Olivet Baptist Church, Wichita

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting January 7, 2009

Regular Meeting, January 21st, 2009

Chairman Parks said, “Consideration of the minutes, you have all had a chance to read the regular minutes of January 7th, do I hear a motion to approve?”

MOTION

Commissioner Welshimer moved to accept the minutes as read.

Commissioner Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Abstain
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “Clerk, call the proclamation.”

PROCLAMATION

A. PROCLAMATION FOR THE 2009 POINT-IN-TIME HOMELESS COUNT DAY.

Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, “I will read this in for the record.

WHEREAS, Americans across our country each year experience homelessness, compromising the quality of life of the person and the community; and

WHEREAS, Sedgwick County recognizes the adverse affect that homelessness and near homelessness has on individuals and families; and that homelessness creates barriers to safety, health, education and full productive participation in one’s community; and

WHEREAS, approximately 20% of Sedgwick County’s homeless population meets the definition of the chronically homeless, which means they also suffer from a disability such as serious mental illness or substance use disorders; and

Regular Meeting, January 21st, 2009

WHEREAS, it is imperative to have comprehensive and accurate data to establish a baseline count of people who are experiencing homelessness and utilize the data for the Department of Housing and Urban Development's competitive Continuum of Care SuperNOFA grant resulting in approximately \$2 million; and

WHEREAS, on January 28, through the leadership of United Way of the Plains and the support of Sedgwick County staff, along with the City of Wichita, the Community Council on Homeless Advocacy, the Sedgwick County Continuum of Care Committee and other community leaders, businesses and non-profit organizations, the first comprehensive coordinated Statewide Homeless Count in Kansas will be conducted and modeled after Sedgwick County's Continuum of Care.

NOW, THEREFORE BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, on behalf of its citizens does hereby proclaim January 28th, 2009 as

'EVERYBODY COUNTS! POINT-IN-TIME HOMELESS COUNT DAY'

Dated January 21st, 2009."

Chairman Parks said, "And this proclamation to be accepted by Tim Kaufman, Division of Human Services."

Mr. Tim Kaufman, Deputy Director of Human Services, COMCARE, greeted the Commissioners and said, "Good morning Mr. Chairman and Commissioners, I would like to thank you for this proclamation and the attention that you have given to the issue of homelessness. If I may I would like to remind the community of Sedgwick County's involvement in the issue of homelessness. The task force to end chronic homelessness has developed a plan and an oversight committee is now in place and working to see that that plan is implemented. The focus of the plan is those persons that meet the HUD definition of chronic homelessness. That definition is a person with a disability who has also been homeless for more than one year or who has experienced four episodes of homelessness in the past three years. The point-in-time count plays an important part in Federal reporting and funding decisions by the community and the point-in-time count last year resulted in identifying 473 persons as homeless and of those, 93 met the definition, the HUD definition, of chronic homelessness. Again, I would like to thank you for your support through this proclamation and the support that you have given the community through the task force and the oversight committee. Thank you."

Regular Meeting, January 21st, 2009

Chairman Parks said, “Thank you for your presentation there Tim and are there any other comments from the Commission? Seeing none, thank you Tim for your service and we will move on to the next item.”

Commissioner Unruh said, “Mr. Chair I move that we accept the proclamation.”

MOTION

Commissioner Unruh moved to accept the proclamation.

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “Citizen Inquiry, go ahead and call that order.”

CITIZEN INQUIRY

B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING A RENEWED BEGINNING IN SEDGWICK COUNTY.

Chairman Parks said, “King David, will you come to the podium and state your name and address? You will have five minutes.”

Mr. King David Davis, Wichita, greeted the Commissioners and said, “Greetings Commissioners, it is a pleasure to see you once again and to Karl Peterjohn, welcome to the people’s institution of Sedgwick County. Today, I come before all of you humbly and with the noblest of intents regarding a different kind of change. No need for seat belts, life vests or roll bars as is the case for when I speak across the street so I hope that be the case today.

My name is King David Davis. I am also known as the Wichita Hillbilly, a legacy and American

Regular Meeting, January 21st, 2009

tradition for which I am very proud. I began a journey in 1992 to learn the truth and to build for myself a political foundation for which I would be able to stand, firmly, with the knowledge of knowing that when I spoke my words had power to make a difference. During my journey I have learned a great many things. Here is just a few examples: 1) The God of our Nation is faithful and just and when we turn our backs on him we start to lose his protection; 2) His precepts are indestructible and are the very foundation of our nation, 'the laws of nature and nature's God'; 3) It is he, who gave us, the republic for which I still and will stand; 4) Honor and Wisdom are more valuable and powerful than gold and material wealth; when you leave with honor, wisdom will find a way and you will be the last man standing; 6) The advocates of democracy do not want to be bound by laws that protect the innocent from the guilty; 7) Whereas a republic loves and respects the rule of law and is passionate about justice that is equal and liberty that is secure from threat. These by the way, are not opinions but facts. This list is but a very small portion of some of the political trinkets, wisdom and firsthand knowledge that I have picked up along the way.

We are entering into a time of change, a time when government has been the greatest detriment to the people and their prosperity, like a malignant cancer that kills the life of the body. I have been listening to the change masters for many years and I can smell their stench a mile away. Because re-wrapping and rearranging the same old same old, in fact, is not change. On the street it is called pulling a fast one, getting over on the gullible or just a plain old con job. Since we don't have millions or billions to be tossing around what do you say we tap into the simplicity of wisdom, reach deep into our souls, grab some character fortitude, bring together the combined strength of our political positions and put forth with the power of our words when spoken by all of us, as 'one people.'

Think about it for a minute. When the big boys heard they may have to get their hands out of the people's pockets and the tax exploitations may have to come to a public vote, were the owners of government, the exploited people, would have the last say. Now, would not that be a 'real change,' because it sure would not be the same old, same old. Imagine a full commitment to honoring, respecting and restoring civil authority and the ownership rights of the people. Imagine the impact that would have on the mindset and the well being of all the citizens of Sedgwick County. Now, would not that be 'real change?'

Imagine with me for a minute a zero tolerance policy, that no citizen will be treated with rudeness or disrespect of any kind by any member of local government or law enforcement. Imagine the power of that kind of change where change isn't just something we spit out of our lips just because it sounds good. What do you say we turn a new leaf? Today, we give the citizens of Sedgwick County something they have been wanting for a very long time, especially Wichitans. A change that is long overdue. I thank you very much for your willingness to embrace and support such a noble cause as does all the citizens of Sedgwick County, especially those who live in Wichita. I already have a copy of your signed agreements to these ends and if by chance there is one of you

Regular Meeting, January 21st, 2009

who chooses to not support or participate in this endeavor despite your signed agreement just email me at Wichitahillbilly@yahoo.com, once again, Wichitahillbilly@yahoo.com. And Karl Peterjohn, thank you again for stepping up to the plate. I am looking forward to 2009 and seeing you guys again soon.”

Chairman Parks said, “Thank you. Do I hear a motion to receive and file?”

MOTION

Commissioner Welshimer moved to receive and file

Commissioner Peterjohn seconded that motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “Request to address the Board of County Commissioners. Call the next item, Clerk.”

C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING TAXES, PROPERTY VALUE AND THE ECONOMY.

Chairman Parks said, “Mr. Fulp, please state your name and address and you will have five minutes.”

Mr. George Fulp, Fulp & Associates (Mr. Unruh’s district) 14220 Nautical Circle, Wichita, KS, greeted the Commissioners and said, “It is going to be obviously hard for me to follow the King. A couple of items, number one, Mr. Peterjohn welcome aboard. It has been a long road for you and we have a lot of faith and although we are not in your district we are in your county as we are in each of yours and we are looking forward to 2009. You bring a higher degree of integrity and disclosure, openness and a little more financial responsibility to the Board. Commissioner Parks, congratulations on your election as Chairman. It is well deserved. Over the last year or so I have

Regular Meeting, January 21st, 2009

been watching you struggle and trying to get some sensibility back in the government but it is hard to fight. It was very hard to fight Mr. Pompous, not Mr. Pompous...Mr. Winters and his two allies, Mr. Unruh and Mr. Norton and I have never seen such a lame duck period. You know only the President of the United States has five more days of lame duck period then the County Commissioner and there were a few things that went through and I admire you for stating it. You knew how the vote was going to do, there was nothing you could do about it and that is representative of the fact that change is coming. It is difficult to run a government when you have a majority of the Board members receiving over 60% of their campaign contributions during their career here from developers, realtors and other special interests as does Mr. Unruh, Mr. Norton and the former Mr. Winters. But again, congratulations Ms. Welshimer, congratulations on your Pro Tem. My friends in Derby send their best.

Today, two quick subjects; number one, Westar, we need your help. Whatever help you can give the community. When gas was \$1.50 to \$1.80 a gallon we got our electric bills, no problem. When it surpassed \$3.50 a gallon towards \$4.00, Westar started charging...adding on to our electric bills a fuel surcharge. Gas has now dropped down below where it was before we had a fuel surcharge and that fuel surcharge is still there. And Commissioner Welshimer, the rates and the rickets of those in Derby are quite upset and I have to play golf with them this afternoon so all we are asking is can this be? Please use whatever influence you have to try to convince Westar to roll back that fuel surcharge because \$20 a month is \$20 a month.

Last subject; this is the time of year where we do property evaluations. Last year property evaluations were done during January and February and as it rolled out on our invoices later in the year we averaged increases from 3.5% to 14.5% to 15% in property evaluations. My neighbor across the street's house has sold three times in the last two years...two times in the last three years. His property evaluation went down...sold for 15% percent less then he purchased it for even after putting \$50,000 of upgrades in it, that is the market when he sold it last September. My house across the street, I went up 14.5%, doesn't make sense to me. And twice I approached this Board in the fall and said what happened in January and February was maybe done in earnest even though that is a very subjective and biased system. The property evaluations we are now looking at in October of 2008 are no longer real, the whole world has changed. Property values have decreased by 10%, not up 3.5 to 14.5% and now property values across the country are down 20% from where they were last year at this time. We are in a whole new world and we ask that the Board consider directing the County Appraiser to roll back the property increase and evaluations of last year and then assign a citizen's committee, maybe one representative from each district, to overview, partake in this year's evaluation process so we can have some kind of confidence in it. So we are asking you to please consider that. With that, again, I want to say to everyone congratulations on the new year, this is a new era and a new beginning, let that also be here. Please represent the people of this county openly, with transparency, with honesty and with the essential services that we all need,

Regular Meeting, January 21st, 2009

primarily in mind over those that Mr. Norton likes to call social engineering programs. This is going to be tough for us this year and I thank you for your time.”

Chairman Parks said, “Thank you Mr. Fulp and before we receive and file this I would like to make a couple of comments. I do agree and if the staff can maybe make this a topic at one of our staff meetings...Mr. Buchanan, if you can set up something with Westar also, they have a government agent or a person that will come out and talk with us and communicate things with us about this. I know that is a topic, I think, in all our districts about the fuel adjustment. The appraiser we have to work with within the guidelines of the State but we can certainly make that a topic again at one of our staff meetings also and hopefully come back and report something to the citizens through this venue soon. Thank you. Any other comments? Hearing none, do I hear a motion to receive and file?”

MOTION

Commissioner Peterjohn moved to receive and file

Commissioner Welshimer seconded that motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “Appointments, Clerk, call the next item.”

APPOINTMENTS

D. RESIGNATION OF SUZANNE MOODY FROM THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “Commissioners, you received a letter of resignation from Ms. Moody and I would ask that you accept it.”

Regular Meeting, January 21st, 2009

MOTION

Commissioner Welshimer moved to accept the resignation.

Commissioner Peterjohn seconded the motion.

Chairman Parks said, “We have a motion and a second, any discussion? Mr. Unruh?”

Commissioner Unruh said, “Thank you Mr. Chairman. I just wanted to make a comment. Suzanne Moody was my appointment to the Aging Advisory Board and I just want to publicly thank her for her service for these last several years. I think she served with intelligence and dedication and I just want her to know publicly that I appreciate that.”

Chairman Parks said, “Thank you for your comments. Are there any other comments? If not, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

E. RESOLUTION APPOINTING MARY ELLEN PHILLIPS (COMMISSIONER UNRUH’S APPOINTMENT) TO THE SEDGWICK COUNTY ADVISORY COUNCIL ON AGING.

Mr. Euson said, “Commissioners, this resolution will make this appointment to fill to the vacancy just created. The term will expire in April of 2011 and I recommend that you adopt the resolution.”

MOTION

Commissioner Unruh moved to adopt the resolution.

Chairman Parks seconded the motion.

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

VOTE

Regular Meeting, January 21st, 2009

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, "Clerk, call the next..."

Commissioner Unruh said, "Mr. Chairman, excuse me for interrupting but Mary Ellen Phillips is here today and I think that she could be sworn in at this time. I think the Clerk is here also."

Chairman Parks said, "Ok, I wasn't aware of that."

Mr. Kelly Arnold, County Clerk, greeted the Commissioners and said, "Raise your right hand and repeat after me. I do solemnly swear."

Ms. Mary Ellen Phillips, Sedgwick County Advisory Council on Aging, greeted the Commissioners and said, "I do solemnly swear."

Mr. Arnold said, "That I will support the Constitution of the United States."

Ms. Phillips said, "I will support the Constitution of the United States."

Mr. Arnold said, "And the Constitution of the State of Kansas."

Ms. Phillips said, "And the Constitution of the State of Kansas."

Mr. Arnold said, "And faithfully discharge the duties of the office."

Ms. Phillips said, "And faithfully discharge the duties of the office."

Mr. Arnold said, "Of Sedgwick County Advisory Council on Aging."

Ms. Phillips said, "Of Sedgwick County Advisory Council on Aging."

Mr. Arnold said, "So help me God."

Ms. Phillips said, "So help me God."

Regular Meeting, January 21st, 2009

Mr. Arnold said, "Thank you. Congratulations."

Chairman Parks said, "You may say a few words if you wish."

Ms. Phillips said, "It is an honor to be selected and it will be my pleasure to serve. Thank you."

Chairman Parks said, "Thank you very much and Commissioner Unruh..."

Commissioner Unruh said, "Mary Ellen, I just wanted to say before you got away that I appreciate your willingness to serve. We have a lot of advisory boards in the county and sometimes it is difficult to find folks that can find the time to serve. I mean, a lot of interest but for folks who will step up and say well, I will take the job and do it sometimes it is difficult so I appreciate your willingness and I want you to know that we take your activity on the advisory council seriously and the input we get from our variety of advisory councils is important to us so I appreciate your willingness to serve, thank you and we will be looking forward to your service."

Ms. Phillips said, "Thank you."

Commissioner Welshimer said, "Thank you."

Chairman Parks said, "Clerk, call the next item."

F. RESOLUTION RE-APPOINTING BOBBY STOUT (COMMISSIONER NORTON'S APPOINTMENT) TO THE SHERIFF'S CIVIL SERVICE BOARD.

Mr. Euson said, "Commissioners, this reappointment is for a three year term and I recommend that you adopt this resolution."

Chairman Parks said, "And Commissioner Norton is not present but do I hear a motion?"

MOTION

Commissioner Welshimer moved to adopt the resolution.

Commissioner Unruh seconded the motion.

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

VOTE

Regular Meeting, January 21st, 2009

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “And is he present? Bobby is not here today? Ok, we will swear him in at another time. Clerk, call the next item.”

PRESENTATION

G. REPORT ON THE ACTIVITIES OF THE GREATER WICHITA AREA SPORTS COMMISSION FOR 2008.

Mr. Robert Hanson, President, Greater Wichita Area Sports Commission, greeted the Commissioners and said, “Congratulations to Mr. Peterjohn for your election on the Board and congratulations to Kelly, Mr. Parks, for assuming the Chair of the Board of County Commissioners. I appreciate the opportunity to be here with you today and Kristi has just passed out a handout to you. We would like to share some information with you about the Sports Commission.

We were started a little over 11 years ago. I was hired as the Executive Director in 1997 and probably have served as the President/CEO for the past eight years. In February of 1998, our Board met and developed a mission statement, which you see there; basically it is to enhance the quality of life in the City of Wichita. I won’t attempt to read it to you but we live by that mission statement, we work on it conscientiously all the time and hopefully we have reevaluated about two years ago when we stayed right with that mission statement and the goals that we have at this time. We are governed by a Board of Directors and I would like to share with you a representation of the original 19 Charter Gold members who hired me to develop the concept of the Sports Commission. A special thank you to Sedgwick County for your support and partnership. You were one of the original Charter Gold members as you can see up in the top, center, right and today I am happy to be accompanied by some Board members and especially Mr. Bill Livingston, who has been the Chairman for the past two years and has provided great leadership for the Sports Commission and we certainly have a great indebtedness to him and all of our Board members.

As many of you know, each company on this slide contributes \$5,000 a year or makes a commitment for five years. Simple math says we have \$95,000 to start the Sports Commission with in 1997. During my interview process they asked me if I thought I could get it to 25 Board members and then we would have \$125,000 to work with and since that time this is what we have

Regular Meeting, January 21st, 2009

added. We are very proud to say that we have 53 companies on our Board right now, representing a cross section of the leading companies in the community, in the Wichita area and we are very proud that we represent all of these companies. We are proud and very thankful that Sedgwick County is part of that. We have a staff of three, you can see four there. The one guy in the purple shirt is not on our staff but I would be happy to report that he is going to be a father again very soon and...that is Johnny Bench. Nine years ago he joined us but I would like to introduce Tonya Atta, she is with us today. She has been with me 10 years and is our Director of Communications and then Brian Hargrove has been with us five years so the three of us are the ones that try and get the things done with the Sports Commission. Obviously we are very supportive and thankful for Johnny Bench and his contribution. Our staff is very involved in the community as you can see there. We have been involved in some of the County projects. We are involved in many projects throughout the community and we strive to be a part of the community and it really is our life so we just want to make you well aware of that aspect.

We are funded three ways. We are funded by the membership programs that I just showed you, Charter Gold member \$5,000 per year for five years and then we have other levels of membership from \$100 up to \$5,000. We have events sales and sponsors for different events we have that we have sponsorships that we are able to sale and then housing bureaus, which is where we get housing commissions for the events we book hotel rooms for. The three sources of funding have helped us raise \$6,358,000 over that almost 11 year period, since 1997. On the other hand, during that same time the economic impact of sports in the Wichita area has been well over \$265 million, over a quarter of a billion dollars based on industry standards and formulas. If you examine closely it is a very good investment, a great return on the funds contributed. I might say that almost all of these are contributed privately, there is support from Sedgwick County at the \$5,000 a year and from the City for \$5,000 a year. All the rest of it is done privately through contributions and sponsorships. The Sports Commission, our Board, just wants to make people well aware that sports play a huge part of tourism and bringing large amounts of dollars into our community.

The PowerPoint that I am showing you today really parallels the handout that I gave you, which is our review. This is just a good way to be able to present it to you. Nine years ago we were able to recreate the Coleman Company Johnny Bench Award, delivered by AT&T and Papa John's Pizza; that is quite a title. This award has developed into our signature award, a signature event and it has created great awareness throughout the United States. Wichita is brought up and the Johnny Bench Award in Wichita, KS is brought up many, many times across our nation as they talk about the outstanding catchers as we go forward. On the day of the award, which is two days after the College World Series each year, we hold a Catcher's clinic. We usually have over 125 boys and girls and they are in full catcher's gear and the first time I took Johnny Bench there he was totally taken back. He could not believe it. He had never seen that many catchers in one place at one time and he wanted to get to the golf course right away but when he saw all those catchers he jumped

Regular Meeting, January 21st, 2009

right in and started coaching, pushed the coaches out of the way and told them they were doing it wrong, and get it right and do this and do that and now our clinic is directed by Mike Gear, who is one of our Charter Gold members and we have the three finalists here in town, their coaches and their families. We bring them all to town. They visit hospitals as you can see there. We conduct a four day tournament of 16 and under teams and a baseball tournament and the one thing that we are very proud of, we have had 25 young men come to Wichita as finalists. Nine years times three is 27, two of them have come twice and the last one was Buster Posey. He was runner up the year before last and he was overwhelmingly the winner this past year. He is not on the list but will be on this list soon I am sure. The Giants told his father that they want to make him the face of the Giants because of what he could do and they are trying to remove of some of the stigma of Barry Bonds from the Giants and they want Buster Posey to be...but these young men here, nine of them have reached the majors and are doing very well and we stay in touch with them and they are very good ambassadors of our community and the Johnny Bench award.

When I interviewed I said that I wanted to start a sports banquet to honor excellence in sports in the Wichita area and I contacted Barry Sanders and Lynette Woodard and we named the high school male and female athletes after these two great athletes from the Wichita area and we named the Coach of the Year after Gene Stephenson. In the past 11 years we have had nearly 5,000 people attend these banquets and many, many athletes have been honored and they have been Olympians, they have been most valuable players in their leagues, we have winners of our high school players who have played in the NFL, played in the WNBA and we are just quite proud of the accomplishments we have had with our signature event there.

A few years ago we were able to take on the Wichita Corporate Challenge and it has been a great event for our community and we are hopeful of someday getting the County involved in this process. This past year we had 27 companies, represented by over 1,000 participants and the best way I can describe it is kind of like a mini Olympics. We had 23 events, starting with track, three on three basketball; flag football; table tennis; miniature golf; 5k run; 5k walk; and bicycle races, volleyball and many others. Twenty-three events and we are looking at adding two more events this year. Bombardier won the event this year, they were able to wrestle the Corporate Cup away from the Hays Company, which the people of Bombardier were very happy about.

We have also developed a very good partnership with Region 6 Championships. Region 6 is a Junior College in the State of Kansas, there are 22 of them. We hold six championship events here in Wichita, four of them are centrally located, we have good facilities, they like coming to Wichita. We have hosted them in football, basketball, tennis, softball and we host two events in baseball each year. We are very proud that we made it possible for those teams to compete and visit and shop in our community for these various events. We hosted an American Junior Golf Tournament and we had golfers coming from like 23 states but we weren't having very many Kansas kids so we

Regular Meeting, January 21st, 2009

started our own golf tournament. We contacted Woody Austin, he allowed us to name the golf tournament after him; the Woody Austin Midwest Junior Golf Tournament. We had 120 young people enter this past year. They played great golf, some of them played under par the whole four days and we held it at Crestview Country Club last year. This year we are holding it at Auburn Hills. This year promises to be even better. We have golfers from Colorado, Nebraska, Missouri, and Kansas and I think some from Oklahoma too so we are very pleased about that. We are involved with many other events you can see here. Park City Wrestling Classic, I think this will be the 20th year that we hold this. Park City Wrestling Classic is represented by two young men, I think they are six and under wrestlers but we have somewhere between 1,300 to 1,400 wrestlers wrestle in one day. It is the largest one day wrestling tournament in the State of Kansas. You might be surprised maybe even to know that it is held in the horse barn, Pavilion Two. We go in and clean it up and they do a great job of cleaning it up. There are some people who still complain about it but we have about 24 wrestling stations set up and they are very competitive, it takes about 300 volunteers to do that. There you see the Shrine Bowl, Preferred Health Systems Wichita Open, Kansas High School Wrestling Tournament and the Kansas High School State Track Meet. I don't know whether you are aware of this but the Kansas High School State Track Meet is the largest track meet in the country from the standpoint of participants. If you think about it there is really 12 track meets going on at one time. There are six girls, 1A through 6A and six boys; 1A through 6A, so there are 12 track meets going on and each one of those have a certain number of participants. There are usually around 3,500 participants and that doesn't count the bus drivers, the trainers, the coaches or anything so it is a very, very big event for the Wichita area.

You can see here we have partnerships. We have developed many partnerships through the years, I won't attempt to name them. They are defined in your handout there but we develop partnerships with many organizations. When I first took this job they told us that that's what we do. We had to get with the big organization, I can't think of the name of it right now, and then we had to hook it up with the local organizations and that is what we do. We are an intermediary trying to help the different groups from USA basketball to USA swimming to USA wrestling connect with the local organizing groups.

As you are well aware we are certainly proud of what has taken place in the development of Intrust Bank Arena. A big congratulations to all of you, past Commissioners and certainly the staff of Sedgwick County for the leadership you have provided for our community in developing of this jewel and huge community project. I know you are aware of the important role of the Sports Commission and all of our members played in being the arena campaigns to fruition. I certainly want to say thank you to all of you and our Board for being a great partner of Sedgwick County and Sedgwick County with us. We are certainly excited about Hartman Arena. The development is taking place in Park City. One of our own board members, Wink Hartman, is fulfilling a vision and dream of his and will open a new sports and entertainment arena that will be home of the Wichita

Regular Meeting, January 21st, 2009

Wild and other events that may not be a good fit for Intrust Bank Arena. Hartman Arena will open in the first week of April.

We have great partners with the Wichita Pro Sports; the Wichita Wingnuts. They are very excited about the renovations that are being done to Lawrence-Dumont and I think they are equally excited about their new field manager, Kevin Hooper, a former Major League baseball player that has been in pro baseball a long time. It was kind of a disappointment that they lost him as a player...it is kind of a good thing, bad thing. They lose their best player and they hopefully get a great manager out of it so I think he will do a wonderful job and I know the Thunder is very excited about their future and playing in the Intrust Bank Arena. They are in the process of rebuilding right now and having some struggles but still attendance is up and sponsorship is up so they feel good about that. We have great partnerships with local universities; Newman University and Wichita State University. We try and host as many events as we can, they are very, very good to work with. Wichita State, we use Cessna Stadium, we try and use the track, we try and use the stadium and use the Koch Arena and with Newman University we are excited about where they are going with their new develop into Division Two sports and they are equally led by Dr. Eric Sexton and Vic Trilli, the Athletic Director for those areas.

We have many good facilities as you can see here, Cessna Stadium and Koch Arena, Ice Sports Arena, Strykers Soccer Fields, Lawrence-Dumont, this is just to name a few of them. 81 Speedway and Eck Stadium...we are always looking for opportunities to get more facilities. People are always coming to me with ideas and dreams and I have lots of proposals but a lot of them kind of fall on hard times when it comes to finance as part of it but we are always willing to listen and work with them to see if we can't get something developing. We are always in the process of event development; you can see here, some of the things that we have talked about are in the process of being developed again for next year. We have some new ones, right now; we are trying to bring the USA Men's Olympic volleyball team to town in July. We are very close to getting that done. They would play the Netherlands at Koch Arena on two different days and we have the Shrine Bowl coming here on July 5th, which we have to bid on that and we get it about every third or fourth year. There are many of these events, others that we are trying to get...we are trying to get an NBA game again, but we had it once and we lost it because they decided to send the team that we had here to Europe and we lost out on that after we had already sold tickets so...

All in all, I want to thank you for this opportunity to share with you. Oh, the look ahead, here is a look ahead at the events that we are going to have. You can see a lot of the events that we've talked about, some of them there are reoccurring events, there may be some new ones in there but we have developed a database of events that we can continue to develop each year and this is what develops the economic impact that we have on our community. We couldn't do it without our Board members and the contribution of these communities. We couldn't do it without our public groups;

Regular Meeting, January 21st, 2009

the County and the City, Wichita State and Newman University. We would like to thank you for this opportunity. We are very proud of our contributions to the Wichita Community and we express our appreciation to the County Commissioners, all the staff as well as the citizens of the greater Wichita area. Our Board of Directors asked me to pass on our thanks and appreciation for your support and partnership in the continued effort of accomplishing our mission. Thank you and I will be happy to answer any questions.”

Chairman Parks said, “Are there any questions of the Commissioners? Any comments from the Commissioners? I have a couple of comments and I have one myself. Commissioner Peterjohn?”

Commissioner Peterjohn said, “If I may begin with a question, I am sorry I wasn’t quite quick enough with the light but you will have to excuse me this is only my second meeting, Mr. Hanson, the Sports Commission has been around for over a decade now so you have been through at least one economic downturn from 2000-2001. Are there any lessons that the Sports Commission could provide from what you experienced with that last downturn that might be able to help us looking ahead for this year and into the future?”

Mr. Hanson said, “Well I know you would have to watch the budget closer and obviously we have to work harder because we raise all our funds and it makes it difficult on us when it is a downturn in the communities and companies start their cut backs and obviously we have to go out and touch more people. I can’t really tell you how to run the County and I wouldn’t attempt to but what we do, I know that we just have to touch more people and we are always networking, trying to develop some new members, people who want new facilities and we help them in any way that we can. I know, one thing I wanted to say is we are a central resource for...people call us wanting to know how to put a boat in the river, they want to know where they can get a wrestling glove, they want to know where they can get a tennis racket and we are always helpful to people and we never turn people down. We don’t give out money, that is a good thing that we have learned, that we can’t give out money and learn to continue to move forward like we want to but we do give people support and we will touch a lot of people and help a lot of companies and we have to certainly stay in touch with the people that we are involved right now and keep them active.”

Chairman Parks said, “Along that line you are a 501-C-3 aren’t you?”

Mr. Hanson said, “No, we are not. We are a 501-C-6. And we do have a 501-C-3 foundation that we also have that makes it possible.”

Chairman Parks said, “Well, that was good to clear that up too. Commissioner Unruh?”

Commissioner Unruh said, “Thank you Mr. Chairman. Bob, I just want to make a comment to tell you that we are appreciative of your efforts and the economic impact that you bring to Sedgwick

Regular Meeting, January 21st, 2009

County and so for your leadership and for Bill Livingston as Chair and your other Board members, we just want to express appreciation for what you do with very limited public financing because nearly all of your money comes from the private sector and you have multiplied that into a significant economic impact and it really, I think, has a positive effect on our community and our standard of living, the culture of our community to have these entertainment and athletic events to go to and to bring some excitement to our community so its...well, I guess I should say also I have been to a lot of Little League wrestling tournaments and that is chaos I think rather than..."

Mr. Hanson said, "Its organized chaos."

Commissioner Unruh said, "Organized chaos, right, anyway, we appreciate your efforts and think you are doing a great job and wish you the best of luck as you go through this next look ahead and the opportunities you have to bring this competition to our area."

Mr. Hanson said, "Well, we wouldn't be able to do it without our Board and the support that we have to make it possible."

Commissioner Unruh said, "Well, thanks. That is all I have Mr. Chair."

Chairman Parks said, "I would also like to thank you Bob for doing your work with the organization. I did have one question and then one comment. The swim meets; you eluded to swim meets, where do you hold those?"

Mr. Hanson said, "Well, normally we don't hold them. We help support and they have them out at Wichita Swim Club...it's the best place. Obviously there is going to be some new pools in the community here in the near future, which might make it possible but Wichita Swim Club is one of the best swim clubs in the Midwest and they have some very large swim meets there each year."

Chairman Parks said, "Are any of those new ones going to be Olympic sized do you know?"

Mr. Hanson said, "I couldn't tell you the exact size but I would guess they are."

Chairman Parks said, "Well, I just have a grand niece that is going to be an Olympic swimmer. I wanted to..."

Mr. Hanson said, "Ok, great! That's great."

Chairman Parks said, "On July 5th the Shrine Bowl coming up..."

Regular Meeting, January 21st, 2009

Mr. Hanson said, “The 25th.”

Chairman Parks said, “On the 25th?”

Mr. Hanson said, “Yes.”

Chairman Parks said, “Ok, that is something that is real important to the community and it is also...the Shiners’ raise a lot of money out of that for another good cause for the Crippled Children’s Fund and man, if I haven’t attended them, I’ve watched them on TV. You get to see your kids from the State of Kansas that go all over the nation and are great in representing our state.”

Mr. Hanson said, “This Shrine Temple has raised more money for Shiner’s Hospital than any other Shrine Temple in the country and they do a good job of doing that. It is very well organized by Dave Meis, you know, they obviously have a parade...they not only do that but they bring a band, they have a Shrine Band Camp here during that same time and so a lot of people, it takes a lot of hotel rooms to bring them here and we bid on it for 2011 again. We will know here, I think, about February 8th or something like that they told us.”

Chairman Parks said, “They certainly help a lot of children so having said that do I hear a motion to receive and file Mr. Hanson’s report?”

Commissioner Welshimer said, “I have a question.”

Chairman Parks said, “Oh you had a question. Commissioner Welshimer?”

Commissioner Welshimer said, “Mr. Hanson, how does our community rate in, compared to other states, for facilities for these events? I mean, are we average, below average, above average, are we losing?”

Mr. Hanson said, “I would say we are below average from the standpoint of facilities...being very frank with you. I mean, if you go to Emporia and see the soccer fields in Emporia; go to Omaha and see the facilities they have in Omaha, from a standpoint they...you know, they obviously have their new arena but they have great youth sport facilities...that is where you get a lot of the economic impact. Obviously if we could get a NCAA Regional it is going to have a huge impact but when you can have youth sports and you have 16 or 20 fields and you have 116 teams coming to town, you know, I have been in Denver. We can’t compete with Denver, I understand that but where they have 600 volleyball teams coming. We have one big event and that is MAYB basketball and it is very big. We will have 600 to 800 teams, not players, teams here during one

Regular Meeting, January 21st, 2009

time and that is a private entity but it still brings the dollars into our community.”

Commissioner Welshimer said, “Yes, thank you.”

Mr. Hanson said, “Yep.”

Chairman Parks said, “Thank you. Any other comments or questions?”

MOTION

Commissioner Unruh moved to receive and file the report.

Commissioner Welshimer seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “Call the next item.”

H. PLANNING DEPARTMENT

- 1. PUD2008-00009 – REQUEST FOR A PLANNED UNIT DEVELOPMENT FOR THE DEVELOPMENT OF YOUTH HORIZONS GROUP RESIDENCE GENERALLY LOCATED ON THE WEST SIDE OF 63RD STREET EAST (WOODLAWN) AND APPROXIMATELY ½ MILE NORTH OF 109TH STREET NORTH. (DISTRICT 4).**

Mr. John Schlegel, Planning Department, greeted the Commissioners and said, “This case that I am presenting to you today is a request by the applicant, Youth Horizons, to change the zoning on

Regular Meeting, January 21st, 2009

this 20 acre parcel from its current designation as rural residential to a planned unit development zoning designation. The application area is this 20 acre corner, northeast corner of an 80 acre parcel that they own, located along North Woodlawn. Although their application area is only for this 20 acres at this time, they may at some time in the future want to expand beyond that. The site plan that they've submitted shows that what they want to do with this planned unit development zoning designation is develop a campus of group residences to provide for the youth that they serve. And you can see the four residential structures arrayed on the property around a core area of other buildings, which offices at this location and recreation on athletic fields and off to the west.

Part of the application is for... also includes a request to allow approval of a sign up to 96 square feet to be located along the road frontage. I'll show you a picture of the sign that they have already built at the entrance location. You can see on the aerial photo, the surrounding land uses are predominantly agricultural, with a scattering of residential development in the vicinity of this property. The property has been utilized as a group residence that was allowed by a conditional use that they applied... conditional use permit that they applied for back in 2005 and they are expanding now from that one group residence to four. We have not heard any opposition from any of the neighbors on this application. On the previous conditional use application, there had been a number of neighbors that were concerned about this type of land use being put in their neighborhood but we're interpreting that lack of opposition as the neighbors saying that this group residence and Youth Horizons has been a good neighbor in their vicinity. The item was heard by the Metropolitan Area Planning Commission at its meeting on December 18th, they voted unanimously to approve the request, subject to three conditions that are listed in your agenda backup report. There was no one at the meeting to speak either for or against this application so you have a recommendation for approval from the Planning Commission and with that I will be glad to take any questions."

Chairman Parks said, "Are there any questions from the Commissioners? Commissioner Unruh?"

Commissioner Unruh said, "Thank you Mr. Chair. John, you have said there were no protests or comments made by any citizens."

Mr. Schlegel said, "None."

Commissioner Unruh said, "But I am assuming that we followed our procedure of notification sent to everyone in the area?"

Mr. Schlegel said, "Yes."

Commissioner Unruh said, "Alright."

Regular Meeting, January 21st, 2009

Mr. Schlegel said, “Standard procedure, with notification to everyone, all properties within the 1000 foot radius.”

Commissioner Unruh said, “Ok and does this zone change here, does it pretty well cover the entirety of the property. I have looked at that and didn’t quite catch it I mean...”

Mr. Schlegel said, “The zone change covers the 20 acres in the northeast corner of their 80 acre property so this is only for 20 acres.”

Commissioner Unruh said, “Ok so they may come back later on if they have future plans?”

Mr. Schlegel said, “Correct.”

Commissioner Unruh said, “Alright, thank you. That is all I have.”

Chairman Parks said, “And I did spend considerable time...I know this is right on the border of Commissioner Unruh’s and my district but I did spend considerable time with staff and I feel comfortable with this and especially in light of the no protest petitions on this. I did ask something in particular since there were sports fields, if there was going to be any kind of lighting and they said that there are no plans for any kind of lighting at this time and if anybody is here representing the company that would like to speak at this time or the applicant if you want to come on up.”

Mr. Russ Ewy, Boughmon Company, 315 Ellis St, Wichita, KS, greeted the Commissioners and said, “I am the agent for the applicant, Youth Horizons, with Boughmon Company. The intention of this development has been in the past and it continues to be one to provide a rural setting for these kids. The ancillary features of this development are going to be unlit. There is going to be no softball tournaments held there or anything like that. It is simply for the benefit of the residence.”

Chairman Parks said, “These are children in need of care as opposed to violent offenders?”

Mr. Ewy said, “That is absolutely correct. One of the center themes three years ago, if you remember, was the idea that we wanted to put in place, which we have put in place, an agreement between Youth Horizons and these neighbors to ensure that there are no juvenile offenders located on the property. It is simply, as I used three years ago, the term an orphanage if you will. So again these are people, these are children ages eight to 18 that need care.”

Chairman Parks said, “And I certainly support privatization of that and the work that you are doing on that. Commissioner Peterjohn?”

Regular Meeting, January 21st, 2009

Commissioner Peterjohn said, “Thank you Mr. Chairman. Quick question, how many children in need of care would be out on that property, living there?”

Mr. Ewy said, “Each residence and I will say just a brief overview of the development, initially Youth Horizons had always had the vision of four homes on the property and understanding the delicacies of zoning out in the rural areas we wanted to establish a presence so we sought a conditional use for the one group home. Each of these group homes house up to eight children with two live in sponsors, if you will. There is various support staff throughout the day but the minimum care each one of these homes will provide are with two mentors, two in-house residential staff members so ultimately 32 children over the time frame that this develops. We are asking for four homes at this point, feeling very comfortable with the reputation, if you will, that we have established over the last three years. There is the intention of building a second group home currently within the year. The other two remaining homes will come online as need in funding occurs in the future.”

Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “Any other questions of Mr. Ewy? As is customary, I know this is not a public hearing but are there any other people in the audience that would like to address this issue. Seeing none thank you Mr. Ewy.”

Mr. Ewy said, “Thank you for your time.”

Chairman Parks said, “I would entertain a motion.”

MOTION

Commissioner Welshimer moved to approve the zone change to PUD #30 Youth Horizons Planned Unit Development, subject to conditions and platting within one year, adopt the findings of the Metropolitan Area Planning Commission; direct staff to prepare an appropriate resolution after the plat has been recorded and conditions have been met, and authorize the Chairman to sign the resolution.

Commissioner Peterjohn seconded the motion.

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

VOTE

Regular Meeting, January 21st, 2009

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, "Clerk, call the next."

- 2. DER2008-00009 – ADOPTION OF THE DECEMBER 4, 2008 EDITION OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE INCLUDING CODIFICATION, MINOR AMENDMENTS AND ADDITION OF THE CONSTRUCTION BURN SITE, GENERAL ("CBS, GENERAL") AND CONSTRUCTION BURN SITE LIMITED ("CBS, LIMITED") AS SPECIAL PURPOSE DISTRICTS.**

Mr. Schlegel said, "I'll be brief in my presentation on this because we spent a lot of time over the past week talking about this and I know that there are some people in the audience that want to address this item. This particular item that we have before you is a codification of a number of amendments that have been made to the code since it was adopted in 2001 and what we're trying to do is incorporate those amendments within the base document so that it's easier for users to find out what they need to know when they use it.

Majority of the proposed changes are modifications to the style and not to content. These include such things as capitalization of defined terms within Article Two. Other modifications include adding consistency to punctuation, alphabetical ordering of defined terms, updating references to the comprehensive land use...comprehensive planned land use designations and some additional new terms. We've also added in here some new requirements for neighborhood swimming pools in response to some input that we have gotten from builders over the years that our parking requirements for neighborhood pools were more than what was needed. We have also...for the fencing and screening definitions, we've revised some things to add more clarity to how and where fencing and screening are required. We've also made the definitions for group home, assisted living and nursing facilities consistent with state statutes. One major substantive amendment has to do with the construction burn site regulations that have been worked on in recent months. When this item was heard by the Metropolitan Area Planning Commission at its meeting on November 20th, they held a public hearing regarding the codification and amendments that are being proposed. They continued that discussion to their December 4th meeting at which time then they voted unanimously to recommend approval to both this body and to the City Council and with that I will end my presentation and I stand for questions."

Regular Meeting, January 21st, 2009

Chairman Parks said, “Well, do we want to answer the questions in the public hearing or I think at this time I’ll open the public hearing for comment and we can just have the Commissioners ask that during this. We are opening public hearing for this item and Commissioner Welshimer?”

Commissioner Welshimer said, “Oh well, I have a question for John Schlegel.”

Chairman Parks said, “Please.”

Commissioner Welshimer said, “Would you define for the public the type of materials that will be allowed to be burned under these regulations?”

Mr. Schlegel said, “Yes, the types of materials would be the trees and other types of vegetation that are removed from a development site by a developer or a home builder. What is being proposed would allow in certain circumstances for a developer or home builder to transport that vegetation to another site and burn it there. They are currently permitted to do that on site with a burn permit from the Fire Department but these proposed amendments came about because of a situation that you are aware of where a developer wanted to consolidate vegetation that they were removing from other sites onto another property that they owned and burn it there and this would under certain circumstances and according with the standards set out here allow that to occur.”

Commissioner Welshimer said, “But only with one of those burning...”

Mr. Schlegel said, “The air curtain, yes, they would have to use an air curtain to do that.”

Commissioner Welshimer said, “And is there some type of citation or anything if that curtain is not used and they go ahead and burn?”

Mr. Schlegel said, “Right. That would be Code Enforcement then would...if they did not follow the standards set out by this amendment then they would be sited.”

Commissioner Welshimer said, “And then they have to get a permit to do this?”

Mr. Schlegel said, “They would have to have a burn permit from the Fire Department, yes.”

Commissioner Welshimer said, “And what distance from any other neighboring improvement on any of the neighbors property?”

Mr. Schlegel said, “I will have to look that up.”

Regular Meeting, January 21st, 2009

Commissioner Welshimer said, “You know originally...”

Mr. Schlegel said, “I don’t know off the top of my head.”

Commissioner Welshimer said, “Originally I think it was...wasn’t it 100 feet originally on just a burning situation?”

Mr. Schlegel said, “The minimum set back would be 300 feet from property line structures, power lines, public roadways, fuel storage areas, pipelines and other fuel sources. 300 feet.”

Commissioner Welshimer said, “What about adjacent properties?”

Mr. Schlegel said, “300 feet from properties.”

Commissioner Welshimer said, “300 feet, ok. Ok that is all I have. Thank you John.”

Chairman Parks said, “John, could you...while you are up there just kind of go over the definition of evergreen for us. I know there is going to be probably some question about that and I have had some calls about the evergreens, whether lilacs or spireas or whatever qualify for evergreens and whether trees that are deciduous that are dense enough to block and screen the term evergreen being in there.”

Mr. Schlegel said, “The screening requirement now as it is in the code is for an evergreen, an evergreen screening barrier and that would be any kind of plant that would hold its leaves throughout the year or that is non deciduous. Now I know...I think one of the comments will be, that we will hear, is that we should consider other types of deciduous barriers where the density of the plant material would be such that it would create a visual barrier from the street and that is something that we can certainly take a look at.”

Chairman Parks said, “Ok, so that would have to be amended if that were...”

Mr. Schlegel said, “Correct. The current standard is evergreen.”

Chairman Parks said, “Ok. So that is what we are after, the bottom line is the visual impairment into the screening then.”

Mr. Schlegel said, “Yeah, it’s to visually screen off a property from the street or neighboring properties.”

Regular Meeting, January 21st, 2009

Chairman Parks said, “Ok, thank you. Commissioner Peterjohn?”

Commissioner Peterjohn said, “Mr. Schlegel, a couple of questions and a comment. Let me begin with the comment first. I personally use some red tip photinias very successfully for screening purposes at my own house and I think it has worked extremely well and they keep their leaves year round so as a though in that area, this recodification I appreciate very much your information that you provided to us as the Commission. As the second zoning case as the new Commissioner I am looking at close to 250 pages that has been recodified so there is quite a bit to chew on here. Let me ask you a question concerning the definition of the word adjacent because...and adjoining and if you could provide some clarification in terms of the difference between adjacent and adjoining and how the definition of adjacent in terms of the zoning code, I would appreciate that very much.”

Mr. Schlegel said, “Okay, as those terms are defined in the code, adjacent means lying near or close to; neighboring but not necessarily touching or contiguous. Adjoin means to touch or be contiguous as distinguished from lying near or adjacent. So if it’s touching, if a property is contiguous...if another property is contiguous to yours, then it’s adjoining. If its one property separated from yours, then it would be adjacent.”

Commissioner Peterjohn said, “Ok, could it be two properties away and still be adjacent?”

Mr. Schlegel said, “Well, there is some subjectivity in that and it would depend on, I guess, the context of what we’re looking at.”

Commissioner Peterjohn said, “Let me try to provide you with a little context of Article Three, Section B-19, the Central Business District, which as I understand it is strictly the City of Wichita, it wouldn’t affect any of the other municipalities here in Sedgwick County. The property that would be adjacent to the downtown core area being redeveloped would fall into that so the question of trying to avoid subjectivity in a zoning code, I mean, if we have a subjective zoning code, we’re going to have a lot of gray area and I think that creates some difficulties.”

Mr. Schlegel said, “Well, I think the section you’re reading from is the purpose or intent statement for the Central Business District Zoning District, correct?”

Commissioner Peterjohn said, “Right.”

Mr. Schlegel said, “And I think that’s meant to be, provide guidance to, in this case the City Council on where it would be appropriate or not appropriate to zone property for that particular zoning designation and it would really be up to them to decide, when a case came before them, if a

Regular Meeting, January 21st, 2009

property for which somebody wanted Central Business District Zoning was in fact two properties away from another Central Business District Zone, whether or not that would be adjacent or not and they would have to look at that within the context of that particular request. I don't know if there's any hard and fast rule that we could apply to make that any clearer within that purpose statement. I think it was meant just to be guidance to them as a decision making body on when it would be appropriate to apply that particular zoning designation. Am I answering your question?"

Commissioner Peterjohn said, "Well, you're providing some clarification for me and I appreciate it and I think it would be helpful for the public too. The more information we can get out here because there...when you have a 250 page document, there can obviously be an awful lot of detail and for folks to understand this and to have some information and some comfort factor with how this will operate for all of Sedgwick County because we are talking about not only the unincorporated areas of Sedgwick County but the City of Wichita too and also having an impact across the entire community. I think that is important for the public to know."

Mr. Schlegel said, "And if I could provide a follow up comment. I think you will see as I bring other zoning cases before you that frequently you are making judgment calls about the applicability of the zoning standards to a particular circumstance and you have to do that on a case by case basis. It is hard to write zoning regulations where there is absolute clarity in every situation without looking at things on a case by case basis. There are so many variables involved in making these decisions that you really do have to look at the context of that particular case."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "The results of that case may be a Code Enforcement officer writing a ticket for a violation of that zoning code though couldn't it?"

Mr. Schlegel said, "Yes, that could happen."

Chairman Parks said, "I would like to open it up for other people if there are no other questions of John Schlegel from the bench. Is there anybody else in the audience that would like to speak to this matter? Please state your name and your address and you will have five minutes."

Mr. Charles Peaster, 9453 N. 135th St West, Sedgwick, KS, greeted the Commissioners and said, "Chairman Parks, County Commissioners, I'm here to speak today about the proposed change in the Wichita-Sedgwick County Unified Zoning Code. Having received the proposed changes, I do not believe they go far enough and that the code that is proposed is as confusing as it's been in the past and I'm going to give you an example, Commissioner Peterjohn related to one of them. On page 199 in the book under Home Occupancy, it gives a list of allowed occupancies in a home. Under D,

Regular Meeting, January 21st, 2009

there shall be no outdoor storage of equipment, including but not limited to construction equipment, material or vehicles used in the home occupancy, then it goes to E; no more than one commercial vehicle may be parked or temporarily stored inside or outside of a building and the one permitted commercial vehicle shall not exceed 26,000 pounds gross weight. Then we go over to page 201, uses determined by Zoning Administrator to be some familiar changes to those listed above and previous to this, there was a list of what home occupancies could be, however, none of the following shall be used to determine to be the similar in character. Then it goes to two, vehicle repair general and limited as provided in section 4-E-7. So now we have gone from there and we go to a different section of the code but before we get there, under six, qualifying conditions for rural home occupancies in addition to the home occupancies allowed, section 4-E-5, home occupancy has specifics under section 4-E-7 allowed by rights on side in RR and S-20. Each of the tracks shall be located upon a Federal or State highway or a section line road and shall contain a minimum of 20 acres. You live on a two acre site; according to this you can't have a home occupancy. Then we go to outdoor storage. We previously heard you couldn't have any. Outdoor storage is permitted provided the size of the storage area does not exceed 10,000 square feet. Ok, I got involved in this a long time ago because of exactly what Commissioner Parks is talking about, this is confusing. I believe the code has been administrated as written, has not been administrated as written and needs to be changed so the average citizen can read and understand it. There are other examples but just so that you know if found guilty of violations of this code you could be fined up to \$500 or imprisoned in jail for six months or both. There are other examples if you would like them. I only brought a few pages of the code with me today because there are 250 of them and we only found out about this a short time ago and several of us have been going through this and we are having a lot more problems then I just explained to you. But by now you do not understand that the code is not clear...by now you do understand that the code is not clear or easy to understand and because of the number of pages we have not had time to look at half of them and there have been four of us working on this. If you are a lawyer or a judge you might understand it, but we don't have lawyer and judges writing tickets, we have Code Enforcement officers and I don't think they understand it. My recommendation is to you that this not be approved at this time and it be sent back for rework. I would be glad to answer any other questions that you have at this time. Thank you for your time."

Chairman Parks said, "Commissioner Peterjohn?"

Commissioner Peterjohn said, "Mr. Peaster, I appreciate you coming down and speaking with us today. You said you and three other people have been working on this to try and get an understanding on it, can you kind of give me a ballpark idea how long you have had this and how long you...how much time you have put in to trying to get a better understanding of the ramifications of this revised code and I am curious, the provisions that you identified, is that different from what had been in the previous code?"

Regular Meeting, January 21st, 2009

Mr. Peaster said, “No, no it has been confusing from day one, which started back in my case in the year 2000. I bought a code book that was adopted in ’99, one of the gentlemen working on this has a code book that was adopted in ’96. If you go to one particular issue, which is vehicle storage yard it gives one definition, in the book of ’99 it gives another definition. In the current one it gives another definition and this one the definition has changed again because there has been a resolution between this that Mr. Schlegel related to that they want to make a part of this but it is not a part of it and if you went to the code book that you had gotten that was approved in ’01 you wouldn’t have that resolution unless you go to the Clerk’s office and get a copy of the resolution because it was not put in the book at the time, if he bought it in 2006 it wouldn’t be in there, even though the resolution was approved in 2001. So they are trying to bring this up, we weren’t made aware of it. Mr. Schlegel told me that nobody from the City complained about it. Well, us people that live in the County didn’t know about it and when we found out about it then we started looking at it and there is a lot more that needs to be done to this code to make it workable in our opinion. Yes, there are several of us, I have probably spent over 60 hours looking at this. My delineated copy is not the same as a delineated copy that I saw at a later date and was told when I picked it up it wasn’t the most current one. The most current one was not made available until at least a week and a half ago, to my knowledge. Because I picked this up, the delineated copy I picked up...when did I tell you I picked it up John, can you remember? As you well know trying to go through this, number one looking at the delineated part compared to one we have seen, which is highlighted in red compared to the black, which makes it easier to read, which we didn’t have. It is a little easier to read. The new parts are in there, the old parts coming out are in there but my recommendation is that you send this back to the Metropolitan Area Planning Committee for more refinement of it rather than approve it. I am sure Mr. Schlegel is going to recommend that you approve it and we work on it later. Later last time, the last one was 2001, this is 2009.”

Commissioner Peterjohn said, “Thank you.”

Mr. Peaster said, “Thank you.”

Chairman Parks said, “As a legal matter, on the visual item that we have in there for evergreen if I could ask Mr. Euson or Mr. Parnacott, either one, would some wording in there that said trees or shrubs that provide visual impairment, could that be substituted for the word evergreen?”

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “Well, you are the Legislature that adopts these regulations so you can put in whatever you deem as appropriate.”

Chairman Parks said, “I just wanted to make sure it was legal...”

Mr. Euson said, “The difficulty is that this process goes through a filter, being the Metropolitan

Regular Meeting, January 21st, 2009

Area Planning Department and Planning Commission and since we have enforcement of these regulations it is always appropriate to go through that filter but ultimately, yes, you could do whatever you want.”

Chairman Parks said, “Before we have somebody else I have a couple of questions. Did you have another question?”

Commissioner Welshimer said, “Well I just wanted to clarify but I think...if I understand Mr. Peaster correctly it is not necessarily the issue we are trying to solve here for the burning, it’s the way the codes are written, is that correct? Mr. Peaster?”

Chairman Parks said, “Do you want to step back to the podium Mr. Peaster.”

Commissioner Welshimer said, “What you are objecting to is the way that the codes are written, not necessarily what we are trying to solve as far as the burning issue?”

Mr. Peaster said, “No ma’am. It doesn’t have to do with the burning issue, it’s how it has been explained to me.”

Commissioner Welshimer said, “Yes, ok.”

Mr. Peaster said, “What the main part of it is and I only gave you one example of where in the code it says one thing and then if you are a citizen trying to comply with the ordinances and you read that and then you read further and then you start getting confused because it says yes you can, no you can’t, yes you can, maybe, conditional, approved...there is a whole list of what I could give you of what little of the book and out of eight chapters of this thing we have only been able to go through four of them and we haven’t been completely through Article Three because it amounts to over half of the book.”

Commissioner Welshimer said, “Ok, thank you. Then I have a question for John Schlegel.”

Chairman Parks said, “Ok, Mr. Schlegel.”

Commissioner Welshimer said, “Who would go over that code enforcement, the rules we have written into code enforcement, would that be the MAPC or the code enforcement people or the legal department?”

Mr. Schlegel said, “Well, if you are instructing us to review that section of the code we would involve the code enforcement people from both the County and the City and then take it back through the Planning Commission.”

Regular Meeting, January 21st, 2009

Commissioner Welshimer said, “So we are not just talking about codes written for the County we are talking about...”

Mr. Schlegel said, “No this is a joint code adopted by both the City and the County and the intention is to, as we move forward with this and amend it, that both bodies would adopt the same provisions so that we continue to have a Unified Zoning Code.”

Commissioner Welshimer said, “So this burning change that we are making to the codes is going to allow that type of burning to happen in the City as well as the County?”

Mr. Schlegel said, “Well, it could happen...it would allow for it to happen in the city if there were properties that were large enough to accommodate. It is less likely to happen in the city then in the county. Simply because there would not be vacant properties large enough, as many vacant and large enough properties within the city to do that.”

Commissioner Welshimer said, “Ok, so it would be quite an undertaking to address these changes that they are asking for, address a clearer way of stating the codes?”

Mr. Schlegel said, “Well...”

Commissioner Welshimer said, “I mean it sounds to me like over the years we have just added, added and added until we’ve just made a tangled mess of it.”

Mr. Schlegel said, “Well, I have to tell you zoning ordinances can be very complex and this is a pretty complex ordinance and that is what happens over the years is that as governing bodies seek to address different issues that arise and they get complaints from constituents and they instruct staff to write something into the code to address that particular concern and so you do build over a time a complex side of regulations and this is certainly complex.”

Commissioner Welshimer said, “Well, do you think we can clear some of that up by rewriting some of those codes? Just modernize them.”

Mr. Schlegel said, “Well, I guess the way I would want to address that is not just start all over again and try to rewrite this. That would be a huge undertaking but if we could narrow it down to specific issues that these gentlemen want us to address we would be perfectly willing to sit down and work on those with them and then take those requests back through the Planning Commission for their consideration. I am not quite sure what Mr. Peaster was getting at, if he was wanting us to do a complete rewrite of the code. That’s a huge undertaking and would take an enormous amount

Regular Meeting, January 21st, 2009

of time and staff resources to do.”

Commissioner Welshimer said, “Well, going from, it sounds to me as though they have found some discrepancies, in other words, you refer to one code and then refer to another one and they are not saying the same thing and...”

Mr. Schlegel said, “I guess I would want to look at those situations one by one and see if we can’t untangle whatever knot they are perceiving is there because sometimes when you look at it and you explain what it really says it is not quite as complex or as tangled as some people might think so it would be useful for us to sit down with them and go through their list of concerns and try to address them one by one.”

Commissioner Welshimer said, “Do we have any burning applications that are waiting on this?”

Mr. Schlegel said, “No, really the impetus for doing what we are doing here was the fact that we had all these amendments that have been adopted to this code since 2001. We were trying to get all those amendments incorporated into this ordinance with the idea that it would make it more user friendly because right now...unless you know about those amendments you might be looking at the wrong thing in the code book so what we are trying to do in essence is codify those changes into the zoning code and then while we were at it there were some other things, some other issues that have come up recently that we were made aware of like the swimming pool parking requirements and the inconsistency between the definitions for certain types of uses with the state statutes and then the more recent issue with the construction burn site issues that we were just trying to incorporate into this and that quite simply is all we were trying to do. We weren’t trying to rewrite the whole code and we weren’t aware of the issues that these gentlemen have and we didn’t go out and have a big public review process out of this because it was, quite frankly, we thought we were doing just some simple cleanup work here.”

Commissioner Welshimer said, “Ok, well it sounds like we need to do a little more cleaning up and...”

Mr. Schlegel said, “Well, we are willing to do that.”

Commissioner Welshimer said, “You know, I would prefer that we take a couple of weeks, table this for a couple of weeks and let these people all get together, MAPC and Code Enforcement and the gentlemen who are concerned about this and see if we can’t do something to make it more reasonable, more readable and understandable.”

Chairman Parks said, “I think that could probably come at a later time after we close the public

Regular Meeting, January 21st, 2009

hearing but I do want to hear all the comments in the public hearing that we can get in and that certainly would probably be a motion later on but Commissioner Peterjohn?"

Commissioner Peterjohn said, "Question for County Counselor, in terms of, Rich, what are our options in terms what we can and cannot do today and since this is a joint code if we don't take action on this item today, what are the ramifications? Has the City already passed this and would we would end up in a situation where the codes aren't and I will broaden that question to let Mr. Schlegel have a shot at it too but as the new Commissioner handling my second zoning case, I would really like and also for the public's benefit, I would really like to have an understanding of what we can and can't do and since we do have one Commissioner missing today, if there are any limitations on what we can do since there are only four of us."

Mr. Euson said, "Sure. I think these amendments are on the Wichita City Council agenda for next Tuesday. John, is that correct?"

Mr. Schlegel said, "That is correct."

Mr. Euson said, "So your options today are to approve the recommended action. You can approve the recommended action and direct staff to work with Mr. Peaster and others. You can defer today's action and direct that Mr. Schlegel work with this group. You can send this whole thing back to the Metropolitan Area Planning Commission as a fourth option and ask them to work with the Metropolitan Area Planning Department and this group to broaden the amendments to the code and bring it all back to you at the same time. The ramifications to the City of Wichita in options two, three and four of those is that you may, they may want to defer action until they figure out what everybody is going to do."

Commissioner Peterjohn said, "Thank you."

Mr. Euson said, "And that is all by majority...that is all by majority vote."

Mr. Schlegel said, "And if I may add to that, if your action today is to defer any action on what is before you then we will simply ask the City Council to defer any action until we complete whatever review you ask us to do."

Commissioner Peterjohn said, "So that would leave a joint...we wouldn't get into a situation where one part of the code...the City is in one part of the code and the County is another?"

Mr. Schlegel said, "Right, we want to avoid that. That is not a good thing."

Regular Meeting, January 21st, 2009

Commissioner Peterjohn said, “Ok, thank you.”

Chairman Parks said, “Commissioner Unruh?”

Commissioner Unruh said, “Thank you Mr. Chair. I will defer my questions until after the public meeting is concluded.”

Chairman Parks said, “Ok, thank you. Is there anyone else that would like to speak in the public hearing? Please step to the podium, state your name, address and you will have five minutes after you do that.”

Mr. John Dailey, P.O. Box 381, Valley Center, KS, greeted the Commissioners and said, “I live in the unincorporated area of Sedgwick County between Wichita and Valley Center. I am here to request that the Board of County Commissioners table the adoption of the Unified Zoning Code because adequate notice has not taken place. The MAPD did not follow the existing purpose of code, Article One, Section C, the number 12 of the existing code, now it is also number 13 in the upcoming book and that is to provide adequate notification on subsequent changes to this code and an opportunity for interested parties to be heard regarding the lack of notification. At best it was negligence, if not intentionally ignored. I would like to know how this notice and the information was disseminated to the public. I asked the Zoning Administrator at Valley Center if he knew about the Unified Zoning Code being revised. He was not aware of the work being done much less a draft ready for adoption. The questions I have are when was the UZC draft started, what was the notification and who was notified? Who was asked for input? When did the Commissioners receive this notification? There was a lack of input from residences in the unincorporated Sedgwick County and I don’t mean real estate speculators and developers but people that actually own land and live in the unincorporated area of Sedgwick County. If the MAPD did get input from outside sources it was from those that already agreed with the way the MAPD wanted the zoning code written. One example is what has happened since 1996, the definition of storage yard has evolved to vehicle storage yard with a totally different meaning and use, therefore changing what is permitted in zoning district, thus changing zoning districts without a hearing by the MAPC. What the storage yard used to mean back in 1996, storage yard means a parcel of land devoted to outdoor location, placement of storage of inoperable vehicles or any other goods, property, products or wears and now it is a totally different meaning and there is no place that is defined for these inoperable vehicles. The MAPD states changes are minor such as modifications to style, capitalization, consistency and punctuation. I suggest there should be some changes and additions to the definitions and content. The draft refers to KSA’s and other Sedgwick County Codes without including that text so the average citizen doesn’t know what is really in the code. This addition to the code needs to be tabled until the input from citizens can be accepted and incorporated in the code. There should not be a rush to approve something that needs more input and work. Let’s get it

Regular Meeting, January 21st, 2009

right before it's approved. Please table until Commissioners and MAPD know what the citizens want. I will stand for questions."

Chairman Parks said, "Are there any questions of Mr. Dailey? Seeing none, thank you for your input. Is there anyone else that would like to speak on this matter? Anyone else in the audience that would like to speak on this matter? Please come to the podium, state your name and address and after that you will have five minutes to speak."

Mr. Max Weddle, 862 S. Zelth Ct, Wichita, KS, greeted the Commissioners and said, "I'm innocent. At least I'm not guilty. I've never had a ticket for code violations or nuisance violations, so I guess I don't really have a dog in this fight. But what I did do was 20 years ago I had a heart bypass and I vowed at that time that I would not sit and watch soap operas. 11 years ago, I retired and I had to figure out something to do in lieu of starting to watch the soap operas so what I started to do was watch City and County government. They have a diverse cast of characters and it's been quite interesting but one of the things that I've noticed over the last few years that there's a lack of a clear cut process that's really transparent to the citizenry on how the codes work, how enforcement works and how the courts work. It may be the fact that I'm not ambitious enough to go dig deep enough to find it but I've observed County court, I've observed the City court and some of it is frankly, appalling. Fortunately for the County right now, most of it was in City court. City court reminded me in my youth. We had 40 head of sheep and every once in a while we used to get the guy with the trailer and he'd run the sheep through the sheep bin. That's kind of how they treat the citizens in City court. They just run them through the sheep bin and usually they fleece them for 150 bucks a shot. But never mind.

What my recommendation would be, to have a citizens' review committee stand back from this and take it out of the context of having a deadline on the timing and actually sit down and review it and come to an understanding from a layman's standpoint of what the codes really mean to the guy out there that's trying to get on with his life. I sympathize with these gentlemen because they're more passionate than I am because I don't think some of them are quite as innocent as I am. There are four basic codes that need to be reviewed together. The Housing code, which I think the one, is unified. The Nuisance codes also get into this because when the inspector is out there, they're going to look for different subject matter.

The other thing I've observed is that the inspectors...and this is mainly in the City because I haven't had any contact with the County inspectors, but the City inspectors are not really quite up to snuff on what their codes mean and what the constitutional rights of some of the citizenry are. There seems to be confusion about where you can trespass and where you can't trespass as an example but I guess that's about all I have to say. I would recommend you back it off and review it and then come back with some sort of a process diagram that actually lets somebody with a two page, maybe

Regular Meeting, January 21st, 2009

even literally a diagram, show how it functions, how it works. Thank you.”

Chairman Parks said, “I would want to say something to you before you leave the podium. Any time you have a Unified Code like this and were dealing with two bodies and then you add the third body in there, Metropolitan Area of Planning, it is difficult to get all those entities together and get them on the same page so...”

Mr. Weddle said, “That’s right. Thank you.”

Chairman Parks said, “Are there any other questions of Mr. Weddle. Seeing none, is there anybody else in the audience that would like to speak to this matter? Anybody else that would like to speak to this matter? Seeing none, we will close the public hearing and Commissioner Unruh?”

Commissioner Unruh said, “Thank you, Mr. Chair. John, I just had a couple of questions. For folks who presently before any changes wanted to have an interpretation, how did they find it? Did they call Code Enforcement? I mean, there was a venue or an avenue through which they could get interpretation on the...”

Mr. Schlegel said, “Right, the official interpreter of the zoning code is the Zoning Administrator and that’s the Chief of Code Enforcement Officer in the County and the City and they are the ones that provide interpretations.”

Commissioner Unruh said, “Ok, so if someone is confused by the code as written or whatever there was a way to call and get a call...”

Mr. Schlegel said, “They call Glen Wiltse or Kurt Schroeder at the City.”

Commissioner Unruh said, “And this code here for county wide... the communities in Sedgwick County can opt out of that. I mean this is not imposing county code on say the City of Valley Center?”

Mr. Schlegel said, “Oh, no. This is only for the City of Wichita and the unincorporated portions of Sedgwick County. It doesn’t apply to any of the other cities.”

Commissioner Unruh said, “Ok, thank you. And this whole process to this point has gone through the Metropolitan Area Planning Department and the Metropolitan Area Planning Commission?”

Mr. Schlegel said, “Correct. Yeah, our sounding board here was the Planning Commission and we felt that was perfectly adequate. We complied with the state statutes in terms of notification,

Regular Meeting, January 21st, 2009

providing for advertisement in the newspaper and other than that we had no idea that there was this much interest in rewriting the zoning code. If we had any idea that there was this much interest we would have invited other participation but we had no idea.”

Commissioner Unruh said, “Well, thank you. I just wanted to substantiate that you followed what evidently the rules of notification are, you did that.”

Mr. Schlegel said, “Right. Yeah, we did that.”

Commissioner Unruh said, “Then just one technical question, I mean, that is just general things...I just want to substantiate that we have gone through the process and we may not have been somehow as thorough as we should have been and I don’t have any objection of delaying this from my personal perspective. I didn’t want folks to get the impression that we had done things deliberately non-public or without notification. We went through that process. A question I have is one of the things that Mr. Peaster asked about, you can’t have a home business unless you have at least 20 acres, is that a proper or do you remember that reference you made?”

Mr. Schlegel said, “That sounds right to me. I would have to check the code but I can’t dispute that that’s...”

Commissioner Unruh said, “But there must be some sort of exceptions to that to allow someone to have a home business operation on something less than 20 acres or am I not...or is that what the code says? If you don’t have 20 acres you can’t have a home business?”

Mr. Schlegel said, “If that is what the code says then yeah, you would need 20 acres.”

Commissioner Unruh said, “Ok, so that might be something we need to look at again.”

Mr. Schlegel said, “Right.”

Commissioner Unruh said, “Alright, well I just wanted to get clarification. I just thought that maybe you could have it on less than 20 acres if you met certain conditions because that seems unreasonable, that if you don’t have 20 acres you can’t have a home business so...”

Mr. Schlegel said, “I am not sure what you are getting at.”

Commissioner Unruh said, “Well, I was just trying to find out if the code is written such that it says in general you can’t have a home business unless you have 20 acres unless you meet certain conditions.”

Regular Meeting, January 21st, 2009

Mr. Schlegel said, "Correct, yes, right."

Commissioner Unruh said, "Ok, well, the implication that I got from his question is that you can't have a business unless you have 20 acres. Maybe I am not making my question..."

Mr. Euson said, "Commissioner, I don't think that is correct. The code distinguishes between home occupations and rural home occupations and I can't tell you page number and chapter and verse but there is a big difference between them and rural home occupations are different and they are perhaps more intense than regular home occupations but I think the two of them co-exist and in rural home occupations; yes you have to be on a paved road, yes you have to have 20 acres but there is a difference between them and I didn't want to extend and get into a debate about what they are because I didn't want to delay this but there are provisions for many home occupations in the zoning code."

Commissioner Unruh said, "Well, thank you. That is helpful. I appreciate that. And John, thank you and that is all I have."

Chairman Parks said, "Well, in interest of moving the meeting along I know there are a lot of these things that we could discuss for a long time but I want to make sure that the meeting flows well and that we don't get into the particulars of things but I did want to say something. I wanted to ask Mr. Dailey something if he could come back to the podium. I know that the public hearing is over but this is for my clarification on something you said about the legal notices. I did see a document from our County Clerk that said January 8th, it was printed in the Eagle but I think Mr. Dailey was referring to something outside of that."

Mr. Dailey said, "Yes, I would agree that legal notification but see what they have printed right now that to provide adequate notice on subsequent changes. I don't think there was adequate because each meeting there are things that are announced of what is coming up. This could have been included in a meeting before, after, during that people that live out there in the county this is coming up, if you have input contact your Commissioner. But if we don't know about it and I do watch Channel Eight, most of the meetings, if it had been announced I would have been calling you and saying 'hey, what do you know about this?' So it is adequate notification."

Chairman Parks said, "And I wanted to ask you one more question. Commissioner Unruh had said something about it...didn't affect other cities like the City of Valley Center but their Planning Commission does have a three mile limit around their area?"

Regular Meeting, January 21st, 2009

Mr. Dailey said, “We have a planning area. It doesn’t particularly hit right at three miles. It is not over three miles but it would be nice to have inner communication between the MAPC and the Planning Commission at Valley Center, which I served on and our Zoning Administrator, he didn’t even know it was happening and he checks the Internet on what is going on and if he didn’t know the residences out there, they are not going to know.”

Chairman Parks said, “Well, I can certainly see some problems with this. I had initially thought this would be passed with some caveats or other things on it to bring us back some things but you know we talked about...thank you Mr. Dailey...we talked about a bus situation. The new Commissioner may not remember that but the other Commissioners where we had a discussion when somebody was wanting to park a party bus at a location and we said at that time we need to bring this back and study it and see if we can get a new law. I think that when we take this action today we need to make it date specific and direct staff to do some things but moving this right along if I can have Commissioner Peterjohn have just a quick comment.”

Commissioner Peterjohn said, “Yes, Mr. Chairman, a quick question for Mr. Schlegel except it is multi-part. Was there a public hearing held for this in front of MAPC, if so when and did anyone testify at that time?”

Mr. Schlegel said, “There was a public hearing held on November 20th. There was no testimony other than Commissioners from...Planning Commissioners who had participated in the review of the amendments and then they deferred it to their December 4th meeting so that they could discuss in greater detail the construction burn site amendments that were being proposed at that time.”

Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “Are there any other questions or comments before we get a motion on this? Hearing none do I hear a motion to approve or disapprove of this action?”

MOTION

Commissioner Unruh moved to adopt the recommendation of the MAPC as the December 4th, 2008 Edition of the Wichita-Sedgwick County Unified Zoning Code; approve the resolution and authorize the Chair to sign.

Chairman Parks said, “Do I hear a second? Hearing no second that motion dies for lack of a second. Commissioner Welshimer?”

Commissioner Welshimer said, “I would move that we table this item until...oh, I don’t know if

Regular Meeting, January 21st, 2009

we need two weeks or if we need more. Let's give it two weeks. We can address it again in two weeks and have this brought back to us again in two weeks."

Chairman Parks said, "Could I intervene just a little bit there? I was thinking more like August 12th but if two weeks was..."

Commissioner Welshimer said, "John, how much time do we need?"

Mr. Schlegel said, "Yeah, we are not going to get this done in two weeks. I think we need a little bit more time to work with...and I am going to interject here that perhaps part of the motion would be to direct staff to work with this group of individuals that testified today, to go through their list of concerns and see what we can do to address some of those and then come back to you with a follow up on changes."

Commissioner Welshimer said, "Ok, so we will just table it without a date and when you are ready to bring it back."

Mr. Schlegel said, "Well, I like the idea of setting a specific time so that we have a deadline to shoot for, it is not just indefinite."

Commissioner Welshimer said, "What do you think is a reasonable amount of time? March?"

Mr. Schlegel said, "I would say this will probably take us five or six months to get things hammered out. Because, you know, I would really like to take this back through...after working with this group of individuals, take it back through the Planning Commission again and have them review whatever changes we are going to propose."

Commissioner Welshimer said, "Ok, six months, does that sound alright?"

Chairman Parks said, "Is that a motion?"

Commissioner Welshimer said, "That is a motion."

Chairman Parks said, "That we table this item for six months until staff can work with interested parties and take more public input and do I have a second."

MOTION

Regular Meeting, January 21st, 2009

Commissioner Welshimer moved to table Item H-2 for six months.

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, "Clerk call the next item."

3. DER2008-10 AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS. (ALL DISTRICTS).

Mr. Schlegel said, "The item that's before you are amendments to the Unified Subdivision Regulations for the City of Wichita and Sedgwick County. These amendments were prepared by staff and a subcommittee of the Metropolitan Area Planning Commission and involved making changes of the following type: capitalization, change to the consistent usage, names of entities are updated, terminology; outdated terminologies been corrected, redundancies deleted, cross references corrected and numerical references corrected. The specific changes are outlined in your agenda backup report. I won't go through all those because I think we've covered those during briefings. There's quite a few of them. I'd be glad to take any questions you might have. The recommendation of the Planning Commission is for adoption of the amendments as presented."

Chairman Parks said, "And was that unanimous?"

Mr. Schlegel said, "That was unanimous."

Chairman Parks said, "Ok, we need to open a public hearing for this also. I hereby open the public hearing for comments on this item on DER 2008-10. Are there any comments from anyone in the gallery besides staff? Are there any comments from anyone in the gallery? Seeing none, close the public hearing. Comments from Commissioners. Commissioner Peterjohn?"

Commissioner Peterjohn said, "Mr. Schlegel, if you could clarify, will there be any problems if

Regular Meeting, January 21st, 2009

we adopt this with the action we took just a couple minutes ago? Is there any... are these two items tied together in any way, shape or form and can we adopt this item in light of what we just did on the preceding item without causing you any problems or the Planning Department any problems?"

Mr. Schlegel said, "No, the two codes are not directly linked and we have not heard any concerns about the subdivision regulations. I mean, you can take whatever action you want on this and if your wish as a Board is to defer this in the same time table as the Unified Zoning Code then of course we will honor that request but these are two separate codes. The subdivision regulations are much more administrative in nature. They are really just standards for how property, once it is being developed, is to be developed. I don't know if that answered your question or not."

Commissioner Peterjohn said, "I think it does. Thank you."

Chairman Parks said, "Commissioner Welshimer?"

Commissioner Welshimer said, "Are there really...that you can give us out of here, two or three significant changes?"

Mr. Schlegel said, "Well, its things like changing where it used to be the Kansas State Board of Health is now the Kansas Department of Health and Environment, so all those changes have been made. One that I like to cite, because it's kind of amusing, is that what used to be called the National Geodetic Vertical Datum is now called the North American Vertical Datum 1988. It's changes like that. Just to update the code to the more recent terminology, eliminate duplications and redundancies. It's that sort of cleanup."

Commissioner Welshimer said, "And people reading this are supposed to know what it used to be or what those Boards are?"

Mr. Schlegel said, "Well, I guess, along the same lines as comments that were made on the zoning code, I mean, the zoning regulations can be difficult for a lay person to read and interpret and I wish that there were a way to make all of these ordinances and other laws that get adopted by various governing bodies perfectly clear to lay people but there is an art to writing these things and it is not always easy to make it so it is crystal clear to everybody that reads it and that is why we have people that are available, staff is available to provide interpretation."

Commissioner Welshimer said, "We can't prevent the name changes so we can only follow through with that. I am just making a comment. It complicates things but mostly developers that are going to be reading this."

Regular Meeting, January 21st, 2009

Mr. Schlegel said, “Yes, basically the subdivision code is used by people that are developing property.”

Commissioner Welshimer said, “And you are just updating the amendments to the regulations?”

Mr. Schlegel said, “I would move we...oh, are we in public...we are through?”

Chairman Parks said, “Well, we can discuss more after the second, go ahead.”

MOTION

Commissioner Welshimer moved to adopt the December 4th, 2008, Edition of the Subdivision Regulations; approve the resolution and authorize the Chairman to sign.

Commissioner Peterjohn seconded the motion.

Chairman Parks said, “A little more discussion here. John, do you have a backup with you? Do you have page 203 of our backup today?”

Mr. Schlegel said, “I would not have your...what page 203 is.”

Chairman Parks said, “Ok, well in Sedgwick County Subdivision Regulations like 6-2, you have talking about splitting lots, one of the items that I wanted to address here was if you have a road like we had the private road that they wanted to dedicate to the township here a while back and you had five acre lots and they wanted to split them into two and a half, make two two and a half’s, that would in fact make that a land lock then, would it not? But this has been in the code for quite some time?”

Mr. Schlegel said, “Yes, there was no change made to this in this revision and you could not, depending on how they did the lot split, they would have to provide access to the property by either public road or private road. Does that answer your question?”

Chairman Parks said, “Well, the item said public road, it didn’t say anything about a private road accessing that so that is just one of those things I think that we do have a motion and a second and we may want to look at this item as being a living document also and being able to take input from people that have specific things but I know this is not the venue to get into a lot of that but I would like to see staff take the portion of that and look at that as a living document. So we have a motion and a second. Is there any other discussion? Seeing none, call for the vote.”

Regular Meeting, January 21st, 2009

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, "Thank you Mr. Schlegel. Next item."

NEW BUSINESS

I. COMMUNITY DEVELOPMENT

1. E-WASTE COLLECTION AT KANSAS COLISEUM SCHEDULED FOR JANUARY 24, 2009 IN PAVILLION 2.

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "The Sedgwick County Electronic Waste Collection Event occurs this Saturday from 9 a.m. to 4 p.m. at the Kansas Coliseum, Pavilion Number Two, it is free to Sedgwick County citizens. Electronic waste that we'll accept includes such items as telephones, whether it's a wall mount, desk mount, portable phone, and cell phone, any of those are welcomed. Computers, whether it's the tower, the printer, the keyboard, the mouse, the monitor; bring those to this event. We also accept electronic games, DVD players, VCR players, GPS units, especially televisions. We have received a lot of phone calls already from citizens who want to know about television sets. To answer some of those questions, yes, we will take the console TV's, the large cabinet TV's; bring those. We will also receive the big screen TV's. We've had quite a few calls for people wanting to bring big screens; bring those along and then that leads to another question we've had. There will be no scavenging at this event, so people, it is not a shop and swap event. We would not allow people to take other electronic devices no matter how tempting it might be when you see that big screen TV sitting there. The purpose of this event is to help clear out electronic devices that people have been storing in their homes for years. E.P.A. estimates that 75% of computers are still in the people's homes because they're looking for a proper way to handle the disposal of that material. We provide that with this electronic event. Our contractor is I.T. Global and I.T. Global has a policy of reusing the material first so if it's a workable unit, they will reuse that equipment. Second is recycling of the material. Material can be broken down and recycled appropriately and I.T. Global follows the E.P.A. and Kansas Department of Health and Environment guidelines for proper worker's safety and health and environmental safety and protection when this material is handled whether it is through this company or any other vendors they also work with so we do not have to

Regular Meeting, January 21st, 2009

worry about improper disposal of the material. In fact, there's a no landfill policy with this material. So we think this is a good event for people to get rid of the electronics that have been stored up, especially in light of the new digital conversion in February. So if you have those old electronics, we encourage people to bring them to this event. Again, it's this Saturday from 9 a.m. to 4 p.m. at the Kansas Coliseum, Pavilion Two, it is free for Sedgwick County citizens. We encourage you to enter off of 85th Street North. If you went up I-135, took a right, come on in 85th, follow the yellow signs that will lead you around the Coliseum to Pavilion Two, which is on the southeast corner of the Pavilion. It's supposed to be cold this Saturday. The high keeps dropping every day I listen to it. Now it's 29 but don't worry about that because in Pavilion Two, you will drive into the Pavilion and there will be people to unload this material from your vehicle so you don't even have to get out of the car. People will unload it for you and then you'll drive out and exit on to Hydraulic so we're trying to make this as convenient as possible. If you have any questions about the event, please call the Environmental Resources Office at 660-7200 or visit the Sedgwick County website, Sedgwick County.org to receive more information and I'd be happy to answer any questions that you might have."

Chairman Parks said, "Just a little logistics, we are coming in on 85th Street and also exiting onto 85th Street?"

Ms. Erlenwein said, "Exiting onto Hydraulic."

Chairman Parks said, "We are exiting onto Hydraulic. So if a person has a TV set that they are taking to their kid in college and one that is going to be recycled, when they get there they either need to have those labeled or they need to do that at a separate time?"

Ms. Erlenwein said, "Or work with the people who are off loading it to make sure that the right thing gets off loaded."

Chairman Parks said, "So they don't even need to get out of their vehicle?"

Ms. Erlenwein said, "That is correct. In fact, we encourage that, for them to stay in the vehicle, things will go much faster that way."

Chairman Parks said, "And when they are able to go then the people will tell them to roll on out?"

Ms. Erlenwein said, "That is right."

Chairman Parks said, "I have been on some recycle projects before and that is the best way to do it for everybody's safety and for doing things quickly and I think this is just a wonderful program. Any comments that we have from the Commission?"

Regular Meeting, January 21st, 2009

Commissioner Unruh said, “Thank you Mr. Chairman. In the definition of E-Waste though it doesn’t include your refrigerator that has a fancy door on it that you can program.”

Ms. Erlenwein said, “That is correct. We do not want refrigerators or large appliances like washers or dryers even though they may be computerized now. We have information on the Sedgwick County website that can help guide people to where to take those appliances for recycling.”

Commissioner Unruh said, “Alright, thank you.”

Chairman Parks said, “I wanted to add something from...you said the big screen TV couldn’t be salvaged at that time but the company will have a possibility of selling those things if they are working and that comes back in to add to the project that we get a part of that from the company.”

Ms. Erlenwein said, “We get part of rebates, not resale. If they are doing it that way.”

Chairman Parks said, “Just wanted to make sure that we let the people know that. Commissioner Welshimer?”

MOTION

Commissioner Welshimer moved to receive and file.

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Regular Meeting, January 21st, 2009

Chairman Parks said, "Next item."

2. KDHE PERMIT APPLICATION FOR CORNEJO & SONS C&D LANDFILL EXPANSION AT 3299 SOUTHEAST BOULEVARD, WICHITA, KANSAS.

Ms. Erlenwein said, "Kansas Department of Health and Environment issues permits for solid waste facilities and modifications to existing solid waste facilities. Part of that permit process is for the local solid waste planning authority, in this case, the Board of County Commissioners, to make sure that the permit is consistent with the local solid waste management plan. Before you today is a modification of an existing construction and demolition landfill located along Southeast Boulevard at 31st Street South. If you look at the city map I have, you can see a red dot there showing the approximate location of the facility, just west of K-15 between that and the Arkansas River. The Solid Waste Plan does address construction and demolition facilities. First, let me define what that material consists of. If you envision any construction project or demolition project, you would encounter such products as bricks, concrete, dry wall, two-by-fours, roofing material, carpet; that sort of material can go to construction and demolition landfill. What cannot go there are hazardous materials or any liquids and the landfills do screen to make sure only the appropriate material is brought into the facility. My department inspects the facilities on a weekly basis and also Kansas Department of Health and Environment inspects these facilities to make sure that things are handled properly.

This facility has been in existence before the Solid Waste Plan was developed and our plan prohibits construction and demolition material that's commercially produced from going to the municipal solid waste landfills or transfer stations. The reason for that is this is inert material, the drywall, the two-by-fours. It does not need to fill airspace in a municipal solid waste facility in a landfill. Instead, it could be handled in a more economic situation such as a construction and demolition landfill. Two new facilities were developed on the north end of town since we developed our Solid Waste Plan and I'll say all of the facilities are half the tipping fee of the transfer stations. So businesses that utilize these facilities are saving money in the business process; might be around \$25 a ton at these facilities versus \$55 a ton at the transfer stations. So it's quite a saving for the businesses and having a north C & D facility, excuse me, I'm getting too confused, helps the businesses as well because that allows them shorter driving distances to deposit the material. As I mentioned, this is a current facility, it's a modification and a representative of the company is here to talk about what the modification is. I'll also point out that there are buffer areas that we require around these facilities of 150 feet and this modification will encroach into that 150 foot buffer area. The Commissioners have the ability through our regulations to grant a variance for that and we'll be discussing that as well so I'll turn this over to Paul Clark from AEC."

Chairman Parks said, "I do have a question of you Susan before you leave. You said it had

Regular Meeting, January 21st, 2009

screening. Do you know what kind of screening that is there?"

Ms. Erlenwein said, "There are trees that have been planted around that facility, plus you have the Ark River on the west side and you have the interstate and Paul will address that as well."

Chairman Parks said, "Okay. I don't know. Did you have a question of Susan?"

Commissioner Peterjohn said, "Yes, I did."

Chairman Parks said, "Commissioner Peterjohn has a question of Susan also."

Commissioner Peterjohn said, "I would appreciate it as the new Commissioner up here, you mentioned a number of item, would, for instance, would metal, shingles, tile be permitted in a C & D landfill?"

Ms. Erlenwein said, "Yes, they are permitted and the nice thing about the C & D facility is it's a good operation for allowing the people to remove what can be recycled. Concrete is recycled for recycling, so is asphalt, wood is often removed and metal is specifically removed because they can make money on that so even though a lot of these materials can go in there a lot is also removed for recycling."

Commissioner Peterjohn said, "Commissioner Welshimer?"

Commissioner Welshimer said, "Susan, there is not only a C & D landfill at this site but there is also a solid waste landfill."

Ms. Erlenwein said, "No there is not."

Commissioner Welshimer said, "Well, there has been."

Ms. Erlenwein said, "This is just a construction of demolition landfill. There was also a concrete plant north of this site but there is not a municipal solid waste landfill."

Commissioner Welshimer said, "So has that been closed or done away with or..."

Ms. Erlenwein said, "I would have to look over past records. There have been over 60 municipal solid waste dump sites throughout the County in the past and I would have to check my records to see if this was one and when that was a time period of one. Chapin landfill was an active municipal solid waste landfill that is not at this location that was Hydraulic."

Regular Meeting, January 21st, 2009

Commissioner Welshimer said, “Well this is K-15.”

Ms. Erlenwein said, “This is K-15.”

Commissioner Welshimer said, “But people pull in there with trailers full of stuff and dump it.”

Ms. Erlenwein said, “They do accept material from the public and it has to be from a construction job site. It can’t be house trash so you may see people pulling in with trailers with material. If it is the appropriate material they will allow them to dump it. If not, they will be turned away.”

Commissioner Welshimer said, “Well, nothing is being done about that. That is going to remain the same.”

Ms. Erlenwein said, “The material accepted is what is permitted by the State for construction demolition and I think the citizens using it, as far as I know, will remain the same. The consultant can address that. Any other questions?”

Chairman Parks said, “Any other questions from the County Commissioner of Susan?”

Ms. Erlenwein said, “I would be happy to answer questions after the consultant.”

Chairman Parks said, “If you would step to the podium sir and address your name.”

Mr. Paul Clark, President, Allied Environmental Consultants, greeted the Commissioners and said, “We are an agent for Cornejo & Sons. We are providing designs for that company. I have two exhibits today and the first exhibit is to give you a little bit better clarification on where the site is located and how it is adjacent to both the Kansas Turnpike and Southeast Boulevard K-15. The area in question is labeled as Phase Three; it is encompassed by the yellow circle shown on the exhibit. The one thing I would like to point out is part of the reason why we are asking for the variance is due to the unique location of this particular phase it is going to become land locked given that the facility is already in place and the majority of facilities were north of this particular little addition. It also sits again railroad right-of-way and two railroad corridors and we feel like the encroachment is allowed for here given the fact there aren’t any immediate adjacent dwellings; schools, properties of other concern. The 150 foot setback set by KDHE regulation is shown there with the black dash line that kind of comes into the center of Phase Three. This exhibit provides some design details that we would like to discuss as part of the request to the Committee on the Solid Waste Management Plan.

We pointed out a couple of facts within the application. One was the encroachment issue that we

Regular Meeting, January 21st, 2009

are discussing and secondly, the heavy dashed red line is a fill area within the flood plain. Cornejo & Sons made application to the United States Corp of Engineers as well as the Division of Water Resources to allow for that fill to go ahead. Both of those entities agreed to that. The fill has been placed and it consists of approximately four feet of compacted clay material. That allows for the base of the proposed disposal area to be well above the flood zone and will allow for a clay liner in place at this location.

One of the other elements I want to point your attention to, in the upper right hand corner of your monitor is Phase Three volume. This phase will allow for the additional deposition of 65,160 cubic yards of material. That equates out to about 30,950 tons of material. The landfill, including Phase Three if approved today, will be subject to a conditional use permit. That conditional use permit approved by MAPC has an expiration date of 2010. That is only two years away and so we have two years work at that capacity that will be filled. The facility takes in between 150 to 300 tons per day depending on the different volumes and that may include at times storm material that derives from damage due to storms. This is, in our opinion, a very much needed facility. Without this facility, one thing you may be able to anticipate would be County dumping, dumping along back roads and that sort of thing, which we have tried very, very hard as a society to do away with. The only way we can do away with that given the regulations within the County and within the management plan because of the prescription not to dispose of this material by a municipal solid waste transfer station is to have construction demolition landfills such as this one. This one will be completed in 2010. There is no plan at this moment with Cornejo & Sons to extend beyond that time frame. Given the amount of material that is flowing into this facility that will be easily achieved and so what the County is facing from 2010 going forward is no viable disposal location to serve the south part of Wichita or the south part of Sedgwick County.”

Chairman Parks said, “Ok, I do have a couple of questions of Mr. Clark. You say that there is no plan after that date. Is there a plan to put up a park or other things in this area or...”

Mr. Clark said, “The conditional use permit does allow for a park to be located on this. Cornejo & Sons has some ideas on a bicycle path as well as a little parking area to make access to this location.”

Chairman Parks said, “Well near the river there and such I thought that would be a good location for that. Now getting back to the dumping, kind of explain to us how you monitor the asbestos and liquids and such that come into your facility and being so close to the river especially on that.”

Mr. Clark said, “You mean delivered by the public or by contractors?”

Chairman Parks said, “Yes.”

Regular Meeting, January 21st, 2009

Mr. Clark said, "That material is screened. Every load that arrives to the facility is screened, both at the scale house and that is a visual screening that takes place very quickly but more importantly, screened almost by hand, each item that comes to delivery for disposal by workers at the site and Ms. Erlenwein indicated there are dumpsters there for recyclables that can be pulled out, tires are pulled out, appliances are pulled out, metals are pulled out, roofing shingles and those kind of materials go into the disposal area."

Chairman Parks said, "Thank you very much. Are there any other questions from the Commission? Commissioner Unruh?"

Commissioner Unruh said, "I notice a representative from the applicant is here and can you tell us or maybe we could hear from Mr. Cornejo, what is the percentage of materials recycled down there?"

Mr. Clark said, "I can't give you that but Mr. Cornejo may."

Mr. Marty Cornejo, Cornejo & Sons, greeted the Commissioners and said, "Approximately...we also do rock crushing and recycling and asphalt so we pull quite, actually a lot of that out of there so I'm going to probably say, including concrete and asphalt, 50% is recycled. And it all depends on storm damage and did the material come in but I would say 50% is recycled of what comes in the gate and reused."

Commissioner Unruh said, "Thank you. I knew it was a high percentage and of course, everyone is interested in recycling so of the total tonnage you bring in how much leaves for other purposes."

Mr. Cornejo said, "And as you were told 2010 is the end of that facility at this point so naturally we want to recycle as much as possible and save as much room as we can so..."

Commissioner Unruh said, "Thank you."

Mr. Cornejo said, "You are welcome."

Commissioner Unruh said, "That is all I have Mr. Chair."

Chairman Parks said, "And does this vote take a super majority from legal or is this just a simple majority?"

Mr. Euson said, "No sir, it is simple majority vote."

Chairman Parks said, "Thank you. Are there any other questions? Do I hear a motion?"

Regular Meeting, January 21st, 2009

MOTION

Commissioner Unruh moved to find that the proposed permit application for the extension of the C&D landfill is consistent with the Sedgwick County Solid Waste Management Plan.

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Ms. Erlenwein said, "Thank you very much."

Chairman Parks said, "Next item."

J. APPROVAL OF A GRANT AGREEMENT WITH THE CITY OF DERBY FOR INSPECTION OF A KDOT CONSTRUCTION PROJECT AT BUCKNER AND MEADOWLARK IN DERBY. DISTRICT 5.

Mr. David C. Spears, P.E., Director, Public Works, greeted the Commissioners and said, "In Item J, we request your approval of an agreement with the City of Derby for inspection and testing services on their construction project at Buckner and Meadowlark. The City of Derby does not have KDOT certified inspectors and both KDOT and the City of Derby have asked that Sedgwick County Public Works provide inspection services for the project.

The County entered into a similar agreement in February of 2004 for inspection of construction work on K-15 in Derby. At that time it was determined that use of a grant funding format would best meet the accounting and budgeting requirements of the County. Public Works staff is fully certified to perform this work for KDOT and Derby. Public Works personnel and equipment will be available during the construction window to complete the work. Reimbursement rates will fully cover the cost of personnel, any equipment used on the project by the County and the agreement calls for reimbursement of up to \$73,841 to the County for work performed under the grant agreement and we request that you approve the agreement and authorize the Chairman to sign."

Regular Meeting, January 21st, 2009

Chairman Parks said, “Are there any comments from the Commission on this? Entertain a motion.”

MOTION

Commissioner Peterjohn moved to approve the agreement and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Mr. Spears said, “Thank you.”

Chairman Parks said, “Call the next question.”

K. ACCEPT THE PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT (NFSIA) GRANT IN THE AMOUNT OF \$33,262.

Dr. Timothy P. Rohrig, Director, Regional Forensic Science Center, greeted the Commissioners and said, “Before you this morning you have a request to accept the National Forensic Sciences Improvement Act Grant, more commonly known as the Paul Coverdell Grant. These are Federal dollars that are passed through the State and onto the local and state crime laboratories. Each year a certain amount of money is allocated by the Federal government, transferred down to the Governor’s office who then contacts the three crime lab directors within the state, us being one of the centers. We are asked on we would utilize the money and that has to be consistent with the developed state plan. In the State of Kansas, our plan is to use these funds for either education of Forensic Science staff or purchase of forensic laboratory equipment. For our portion, we have elected to buy some needed equipment in the forensic laboratories. There are no match dollars involved. This is 100% pass through from the Federal government. And unless you have any questions in regards to this grant I would recommend that you accept the grant, authorize the

Regular Meeting, January 21st, 2009

Chairman or his designee to sign all necessary documents, progress reports and approve the establishment of the appropriate budget authority.”

Chairman Parks said, “Do I hear a motion to that affect?”

MOTION

Commissioner Welshimer moved to accept the grant, authorize the Chairman or designee to sign all necessary documents and reports and approve the establishment of budget authority.

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Dr. Rohrig said, “Thank you.”

Chairman Parks said, “Next item.”

L. ADOPTION OF THE 2009 SAFETY SLOGAN FOR SEDGWICK COUNTY EMPLOYEES. “SUSTAINING ACCIDENT FREE ENVIRONMENTS TAKES YOU!”

Ms. Diana Mansouri, Safety Coordinator, Risk Management, greeted the Commissioners and said, “I would like to begin by giving you a little bit of history for Commissioner Peterjohn’s purpose. Each year since 1994 Risk Management, with your support of course, has sponsored a Sedgwick County Employee Safety Slogan contest. This contest encourages all employees and departmental safety committees to submit a safety slogan for possible adoption. A copy of the safety poster for each of the past 15 years is currently on display in Risk Management, which is on the 11th floor in Suite 1150 if you are interested in viewing our progress over time. Employees in almost all offices, departments, and elected officials and divisions submitted 171 slogans this year. We continue to experience a positive change in our organization safety culture, which encompasses priority, enthusiasm and a lot of pride. A special thanks goes out to each employee who submitted a slogan. We would like to thank this year’s selection committee, which was comprised of 21 employees,

Regular Meeting, January 21st, 2009

supervisors and managers who reviewed this list of slogans to help determine the winning safety slogan for 2009, which is...let me get it up here for you...I will go ahead and tell you what it is here. The slogan is 'Sustaining Accident Free Environments Takes You.' Congratulations to the Division of Finance Safety Committee for submitting this winning slogan. This year's poster features the word safety as an acronym for the safety slogan. The photographs on this year's poster illustrate safe behaviors that we are currently emphasizing such as fire extinguisher training, safe lifting, use of handrails while going up and down stairs, use of appropriate personal protective equipment to protect employees from injury and occupational illnesses such as blood borne pathogens. I would like to take this time to thank Lori Westphal, Division of Information and Operations print shop and also Tony Guiliano in Communications for the time that they devoted for taking the pictures and assisting us with the design of this year's poster. Lori prints the posters in house, which keeps our printing costs very low. A special thanks goes out to departments and employees who volunteered to be photographed and everyone else who made this possible. To Chris Chronis, our Chief Financial Officer, who has been very supportive of the Division of Finance Safety Committee. At this time I would like to ask Tammy Brandt who is the Chair of the Division of Finance Safety Committee to come forward to accept the award for her committee."

Ms. Tammy Brandt, Administrative Officer, Division of Finance, greeted the Commissioners and said, "I would like to thank the Board of County Commissioners for the opportunity to participate in the annual Safety Slogan contest. It is a fun way to get employees to think about safety issues. Division of Finance Safety Committee members include: Linda Rangel, stand up; Deena Rutter, Nikki Spencer couldn't be here today and Anita Wareing. Some of the 2008 highlights of our committee are our Finance employees receive fire extinguisher training, three Safety Committee members attended the State Safety and Health Conference. We also conduct quarterly walk throughs the Division to ensure a safe work environment and we have three safety suggestion envelopes that are located throughout Finance for employees to submit concerns and suggestions. Again, thank you for supporting the Safety Slogan contest and we look forward to next year. Thanks."

Ms. Mansouri said, "Commissioners, the award consists of a basket with safety related items and a framed poster of this year's safety slogan. I will entertain any questions at this time."

Chairman Parks said, "Well, we certainly appreciate all employees and especially those ones that participated in the program this year. It is an important part of the...not only for the healthy portion of our people with the County and being able to do that but we are appreciative of the low accident rate and the work that you all do in keeping those accident rates low. I would put that up against any other county of our size so thank you."

Ms. Mansouri said, "Thank you very much."

Regular Meeting, January 21st, 2009

Chairman Parks said, “Any other comments?”

Commissioner Unruh said, “Mr. Chair, if I may take a moment I just want to express my appreciation also and congratulate this winning team for your efforts and it takes effort to keep safety at the forefront of our thinking and so without this program I think it is pretty obvious that we would not have the record that we have so for your leadership and for the creativeness of the winning team and for all the County employees who got involved, we just want to express our appreciation.”

Ms. Mansouri said, “Thank you Commissioners.”

Commissioner Unruh said, “And I think we ought to give them a round of applause.”

Chairman Parks said, “Thank you so much.”

Commissioner Peterjohn said, “Mr. Chairman, do we need to pass a resolution and authorize...adopt the safety slogan and allow the presentation of the framed poster...”

Chairman Parks said, “Well, we will just receive and file the information on this and that will be sufficient then.”

Commissioner Peterjohn said, “Ok.”

Chairman Parks said, “Ok, call the next item.”

**M. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING
ON January 15, 2009.**

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of January 15th results in three items for your consideration. First Item:

**1. MAINTENANCE AGREEMENT FOR LIFEPAK 12 AND BATTERIES—
EMERGENCY MEDICAL SERVICES
FUNDING-EMS OPERATIONS—FOR POSTS**

The recommendation is to accept the quote from Physio Control for the amount of \$34,569.20.
Item Two:

2. SOFTWARE MAINTENANCE & SUPPORT RENEWAL-ENTERPRISE

Regular Meeting, January 21st, 2009

RESOURCE PLANNING
FUNDING—ENTERPRISE RESOURCE PLANNING DEPARTMENT

The recommendation is to accept the quote from PSI in the amount of \$67,540.20. Item Three:

3. FIRE HOSE—SEDGWICK COUNTY FIRE DISTRICT #1
FUNDING—FIRE DEPARTMENT

The recommendation is to accept the low bid for Items One, Three and Four with Danko Emergency Equipment Co. and Items Two and Five with Municipal Emergency Services and establish contract pricing for one year with two one year options to renew. I would be happy to answer any questions and I recommend approval of these items.”

Chairman Parks said, “Is there any discussion or anything that needs to be pulled from this agenda? Commissioner Peterjohn?”

Commissioner Peterjohn said, “Mr. Chairman, a question for Iris. The second item, I was interested to see that this was a contract that was originally approved back in April of 2001 and with provision it has an annual 5% increase per year. As the new Commissioner, I am curious, how many contracts do we have that would have an automatic increase in it like that. Is that fairly common or uncommon?”

Ms. Baker said, “It is not very common at all. This particular software is tied to their cashiering and receipting system and we purchased it when we went live with SAP. This software will eventually go away once we implement the new tax system. That is about a year away or so, by the time we have all the bugs worked out and go live with that so we bring these to you every year on the renewal, on the anniversary of the renewals as we do with most maintenance agreements for technology.”

Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “Any other questions of Ms. Baker on this? Do I hear a motion?”

MOTION

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

Commissioner Peterjohn seconded the motion.

Regular Meeting, January 21st, 2009

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Ms. Baker said, “Thank you.”

Chairman Parks said, “Commissioners, we have a Consent Agenda. Is there anything that staff needs to be aware of on this Mr. Buchanan?”

CONSENT AGENDA

N. CONSENT AGENDA.

- 1. Two (2) Easements for Right of Way for Sedgwick County Project 634-27; widening to 4-lanes on 63rd Street South from Hydraulic to Broadway. CIP# R-302. District 2.**
- 2. Approve starting salary for Chief Deputy County Clerk.**
- 3. Consideration of an agreement between Barton County Community College Training program and Sedgwick County EMS.**
- 4. Order dated January 14, 2009 to correct tax roll for change of assessment.**
- 5. General Bills Check Register for the week of January 7, 2009 – January 13, 2009.**
- 6. Payroll Check Register for the week of January 3, 2009.**

Regular Meeting, January 21st, 2009

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “Not that I am aware of sir. You have the Consent Agenda before you and I would recommend you approve it.”

Chairman Parks said, “Do I hear a motion to approve the Consent Agenda?”

MOTION

Commissioner Welshimer moved to approve the Consent Agenda.

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Absent
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

O. OTHER

Chairman Parks said, “And that brings us to the other portion of our Commission meeting today. I did have one thing and then I will let...or a couple of things and then I will let the other Commissioners make their comments. I have asked Commissioners Peterjohn and Welshimer to work on an Ad Hoc Committee, having heard many comments, I am averaging about four emails a day and a couple of phone calls a day and even got a packet from aeronautical engineer today so...and all the Commissioners got that so...of the bird strike. I have notified my appointee to the Airport Authority so he will know that this is coming also and I anticipate them working. Commissioner Welshimer has McConnell Air Force Base in her district and Commissioner Peterjohn has the Mid Continent Airport in his district and I think it is important that we get to the table and discuss some of these issues with bird strikes and how they relate to not only zoning but

Regular Meeting, January 21st, 2009

other County business that we might make sure we are doing the appropriate action and taking the appropriate steps that we need to as a body and they will report back later on this year to me and we are on that path to at least do something for that. Also, February 6th and 7th the Wichita A's has an auto swap meet. However, the A's, you know when we discuss this and I have talked to people that say 'well, I don't have any model A equipment' or 'I don't have anything I want to look at' but the 6th and 7th there will be much more at the Kansas Coliseum Pavilions then just the Model A parts. Everything from A to Z, auto, motorcycle, new, old...there is a variety of things and this is one of the premiere things, swap meets for auto enthusiasts and other people in the Midwest so I want to invite you to put that on your calendar. Commissioner Unruh?"

Commissioner Unruh said, "Thank you Mr. Chairman. I just wanted to remind folks who are watching that we have a tiger exhibit coming up at the Sedgwick County Zoo. It is nearing completion. It is truly going to be a world-class exhibit. I think we have a couple of tigers at the zoo now that are in quarantine and so we are going to be ready to go very shortly so I just encourage everybody to look forward to that and once again thank the Slawson family for their generous support of that exhibit at the Sedgwick County Zoo. That is all I have Mr. Chair."

Chairman Parks said, "Thank you. And I have been informed that most of Mid Continent is in Commissioner Norton's district so, however, Commissioner Peterjohn is out west and he is taking this and I know that with Commissioner Norton being absent today we have discussed this and in fact, he is the one that brought up the term moratorium on this and so we will certainly be looking at the bird strike issue. Commissioner Peterjohn?"

Commissioner Peterjohn said, "I don't have anything to..."

Chairman Parks said, "Ok, Commissioner Welshimer?"

Commissioner Welshimer said, "Are we going to call this the Bird Committee right?"

Chairman Parks said, "Well, the Bird Strike Committee or the Bird Committee or...may have to review some Alfred Hitchcock films to get into this but..."

Commissioner Welshimer said, "Well, I will be glad to serve on this committee."

Chairman Parks said, "Thank you. Having no other action for the Board again, any other comment or action from staff?"

Mr. Buchanan said, "No sir."

Regular Meeting, January 21st, 2009

Chairman Parks said, “Legal?”

Mr. Euson said, “No sir.”

P. ADJOURNMENT

Chairman Parks said, “This meeting is adjourned.”

There being no other business to come before the Board, the Meeting was adjourned at 11:44 a.m.

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

KELLY PARKS, Chairman
Fourth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

_____, 2009