

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

### **REGULAR MEETING**

**JANUARY 24, 1996**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, January 24, 1996, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chairman Pro Tem Melody C. Miller; Commissioner Betsy Gwin; Commissioner Paul W. Hancock; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Stephen Plummer, County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Ms. Becky Allen Bouska, Director, Budget Department; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Bob Lamkey, Director, Motor Pool; Mr. Harry Haynes, Director, Human Resources; Ms. Deborah Donaldson, Director, Bureau of Health Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Cecilia Chavez Maggard, Deputy County Clerk.

### **GUESTS**

**Ms. Candice Dyer**, Wichita Super 8 Motel

**Ms. Debra Sock**, Assistant Vice President, Insurance and Safety.

**Mr. John Robbins**, Proclamation for Kansas Masonic Home Centennial Year

**Mr. Ken Caldwell**, Proclamation for Kansas Masonic Home Centennial Year

**Mr. Andrew Hudanick**, 11701 East 3rd Street, Wichita, KS 67206

**Mr. Bill Cozine**, 1147 S. Broadway, Wichita, KS 67211

**Mr. Gary Wiley**, Professional Engineering Consultants, P.A. (P.E.C.)

**Mr. Gary Snyder**, Contract/Purchaser, P.E.C.

**Dr. William Skaer**, Chairman, Sedgwick County Animal Care Advisory Board

**Mr. Joe Johnson**, Project Architect, Shaeffer, Johnson, Cox, Frey & Assoc.

**Rev. Andrew Simpson**, President, Board of Directors of the Black Historical Society

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### **INVOCATION**

The Invocation was given by Mr. Pete Morris of the Christian Businessmen's Committee.

### **FLAG SALUTE**

### **ROLL CALL**

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

**Chairman Winters** said, "Thank you. Next item please."

### **CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

**Ms. Becky Allen Bouska**, Director, Finance Department, greeted the Commissioners and said, "You've previously received the certification of funds for the regular and sewer district agendas for today. I am available for questions if there are any."

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

### **AWARD PRESENTATION**

#### **A. PRESENTATION OF CORPORATE HOSPITALITY AWARD TO THE BOARD OF COUNTY COMMISSIONERS.**

**Ms. Candice Dyer**, Wichita Super 8 Motel, said, "I'm here today on behalf of a new motel that we are opening in Park City and we're here to present you with our symbol of hospitality, the pineapple."

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**Ms. Debra Sock**, Assistant Vice President, Insurance and Safety, of the Corporation that owns Super 8, said, "Thank you for allowing us this time. We have an open house on Friday at 10:00 a.m. and you're welcome to come for cake, coffee and tours. We'd love to see you there."

**Chairman Winters** said, "Thank you. We appreciate your addition to the community. Why don't you give those to Fred right here and he can take care of those. We appreciate your addition to the County and we wish you the best success. Thank you for being here. Next item please."

**PROCLAMATIONS**

**B. PROCLAMATIONS.**

- 1. PROCLAMATION DECLARING THE YEAR OF 1996 AS "KANSAS MASONIC HOME CENTENNIAL YEAR."**

**PROCLAMATION**

**WHEREAS**, the Kansas Masonic Home is celebrating its 100th year as a unique Sunflower State facility which provides the best in adult retirement, home health, skilled nursing and extended care to its Kansas constituents, and offered children's home services for its first 60 years; and

**WHEREAS**, the Board of Trustees and Staff members represent a present day "Masonic Family" which encompasses more than 70,000 persons and involves Blue Lodge, York Rite, Scottish Rite and Shrine Masons, as well as members from the Order of the Eastern Star, the Order of Amaranth, the Order of DeMolay, the Rainbow Girls of Kansas, the Order of Job's Daughters and other appendant bodies of Masonry; and

**WHEREAS**, the Kansas Masonic Home Centennial -- a year long observance under the theme of "Celebrating our Living Mission" -- will represent the past work of thousands of Kansas people and generate goodwill among all Sunflower State people toward a second century of elder-care work;

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**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim year of 1996 as  
**"KANSAS MASONIC HOME CENTENNIAL YEAR"**

in Sedgwick County, and urge all citizens to join me in supporting the volunteers and staff who are dedicated to strengthen and enrich the lives of our needy citizens.

**MOTION**

Chairman Winters moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Schroeder second the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much. John Robbins is here to accept the Proclamation. Please come forward. If you'd like to make a few comments, please do that."

**Mr. John Robbins** said, "I have the Chairman of our Board here, I'd rather have him up here."

**Chairman Winters** said, "That's probably a good idea, bring him up too."

**Mr. Robbins** said, "Chairman, Ken Caldwell, is President of our Board of Trustees

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for the last six years. He is a retired business person from Chanute, Kansas, so at this time, this is Ken Caldwell."

**Mr. Ken Caldwell** said, "Thank you very much. We appreciate greatly the honor you've bestowed upon us today and we are very grateful that we can look forward to this next 100 years in serving the people of this area of Sedgwick County and surrounding counties. We thank you, we're very grateful."

**Chairman Winters** said, "Thank you. A hundred milestone is a remarkable thing and we wish you the best in the next 100 years. Thank you. Madam Clerk, next item."

### **2. PROCLAMATION DECLARING FEBRUARY, 1996 AS "AMERICAN HISTORY MONTH."**

**Chairman Winters** said, "Commissioners, I've been informed that we are going to hold this one over until next week when we can have folks here. I don't know if we need to have a motion to defer a Proclamation."

**Mr. Steve Plummer** replied, "Yes, you do."

#### **MOTION**

Commissioner Schroeder moved to defer the item for one week.

Commissioner Gwin second the Motion.

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

#### **VOTE**

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

**Chairman Winters** said, "Thank you. Next item please."

**DEFERRED ITEM**

**C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING SEWER TAXES.**

**Chairman Winters** said, "Okay, Mr. Hudanick. I would take this time to mention to all the public that anyone who would like to address this Commission can do so at this part of our agenda. You do that by requesting the agenda spot from either one of our Commissioners or from the Manager and you are limited to five minutes in this time spot. Please state your name and address."

**Mr. Andrew Hudanick** said, "I live in the Gott addition of Guilders Garden next to Beech and I look at this five minute limit and it puts me in a position I was 45 years ago when my English History instructor said, I should say my English instructors mentioned give us a three minute verbal review of Tolstoy's unabridged version of **War and Peace**. Now honorable Commissioners, thank you for having me here and that's the good news. The bad news, one of the reasons I am representing a coalition of people who have lived in Gilders Gardens, the Gott portion of Gilders Gardens for almost eleven years now. We have been battling for a sewer district.

"Now let me give you my background first that I've been researching this. I'm a retired military officer, I'm used to the military background, the bureaucracy. I'm a business man, I moved out here in 1981 and set up an oil and gas company. I did it from scratch, on my own, did all the paperwork and got it registered as a security

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exchange commission, got it over the counter. I'm also a PhD in History and Political Science. I've been teaching off and on for over 25 years. One of my areas is mostly political science, studying bureaucracies and my objective here is to more or less apprise you people that nothing has been done, little has been done for us actually for eleven years. My research also indicates that it is not really that anyone has been doing anything bad, it's just you have no check and balances, proper checks and balances within your system.

"For example, I'm told many times that the Capital Assets Board uses a process to get projects into the main stream. And they told me how they go about doing that and I said that's fine and I look and I said who selects the project and nobody can tell me. Once the project has been selected, who does the reprioritizing? No one can tell me. It's easy to blame you people for that, you Commissioners, but the thing is you only get what you get from your bureaucracy. There is a flaw in your system.

"I wanted to make an analogy here, about say you Commissioners and I went into a business deal over a bus, but I don't have the time. I want to point out that in the eastern sewer district we are the poorest among the wealthy in that district. In other words, we are in there with Timber Lakes, Crestview, and so forth. The original deal that we be treated like an equal partner with Crestview and Timber Lakes and that has not happened. They have their sewer system and it's been updated, it's been working. In fact, what has happened is that other people are coming in, developers are coming in. I can name you about ten if I had the time here that have come in onto the system and we turn around and ask what about us, the original partners? And then on top of that, the County, the County states that oh yes, the original partners, we filed federal grants for you people.

"In other words instead of paying the \$10,000 original you people in Crestview and Timber Lakes and others on it can pay half price and we asked what about our federal grants? Well, you didn't submit the paperwork on time. Well we didn't realize we were suppose to put the paperwork in on time. Too late for the grants. Years go by, five or six years go by and all of a sudden new projects come into the system and low and behold we did find a grant for your people like Greenwich

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Heights, we found it, the grants for you. And you ask the people at Public Works how about us, weren't we neglected somewhere along the way, we're the original partners. Plus the fact, I was the one originally always bugging the people at Public Works about the grants. We don't get them and other people do.

"In the same process, they filed grants for the western sewer district. What I'm trying to say is what has happened to us after eleven years. Eleven years and we still don't have our sewer district. The research I did on this project found out they planned a sewer district for Gilders Gardens in 1976. I should have pointed out that it's the oldest residential district in Sedgwick County. We are going to pay the highest rates of any sewer district in Sedgwick County and for the state for that matter. We have been told, 1985 when this district came on line under Don Gragg, when I would contact Don Gragg, that the philosophy, and I have documentation on this, the philosophy behind the eastern Sedgwick County sewer district was..."

**Chairman Winters** said, "That's five minutes, can you conclude in about 60 seconds."

**Mr. Hudanick** said, "Yes, that's 60 seconds."

**Chairman Winters** said, "Okay let's just go for one more minute please."

**Mr. Hudanick** said, "I might as well cut it out right there because I'll wax very eloquent again. I'd like to come back again for another five minutes and get this out one way or the other. This is serious because what we're contemplating, we're contemplating legal action. We can't do it because we find out that will tie up the district even more. What I contemplate on going is like I'm a David against a Goliath. My slingshot is a little worn out.

"Perhaps it has to be Goliath against Goliath but I'm probably going to take this up to the State level to say there is something fishy going on here and when people tell me that the developers are not involved in this I told this to one of my real estate friends, she laughed so hard she split her pantyhose, literally. That the developers don't have anything to do with it. What I am asking is I'll ask the Commission to come back again and complete it. It's very difficult for you people to understand, I'm trying to compress eleven years of neglect into five minutes."

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**Chairman Winters** said, "We're really going to try to stick by the five minutes because I believe that is even a County Resolution that we limit it to five minutes. I know of no reason right now why you can't request to be on the agenda again, so I would say that might be your best opportunity."

**Mr. Hudanick** said, "It's just that I've noticed people come here before and they stay out for 45 minutes or so but I guess the Kansas and how to solve world hunger is more important than that."

**Chairman Winters** said, "Most of the reports that we have that are more than that are coming from staff or talking about an issue that is on our agenda. This is really time for the public to say what they feel needs to be said. And really, if you have comments that are going to take longer than that, I would suggest that you set an appointment with any one of the five Commissioners and share your concerns. We are all open for business and I would suggest that you use that."

**Mr. Hudanick** said, "I've been doing that, but it seems our Representative has more or less turned their back on us. So I could see I don't get anything here, we're just going to have to move on to something else."

**Chairman Winters** said, "Well, I think that's probably the best you're going to get here today at this time."

**Mr. Hudanick** said, "Okay."

**Chairman Winters** said, "Alright, thank you very much."

**Mr. Hudanick** said, "Thank you."

**Chairman Winters** said, "Commissioner Schroeder. I yield to Commissioner Miller."

**Commissioner Miller** said, "I am sorry, the pronunciation on your name sir? Mr. Hudanick, you might want to come to the podium again, please. I would like to hear from staff, I'd like to hear from our Bureau of Public Works Director, Mr. David Spears. For the public's sake, I'd like to know what the chain of events have been

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from the County's prospective, why it is that we're at the position that we're at right now where you indeed are rendering us information that basically sounds as though there was, I don't know what has occurred, but from your prospective I haven't gotten the full picture and I understand that there is a time constraint and I understand that you'd like to come back so you could further this conversation. I'm hopeful that you are open to continue to communicate and not to go into the rash mode of, well since I can't get it all out at this moment, then I'll result to well you know. But I would like to do is hear from Mr. Spears what has occurred to bring us to this point. Mr. Spears?"

**Mr. Spears** said, "Mr. Weber knows the details more than I."

**Commissioner Miller** said, "Is he here?"

**Mr. Spears** said, "Yes, he is here. Joe Norton is here also."

**Commissioner Miller** said, "Okay, than I'll gladly call you up to the podium Mr. Weber."

**Mr. Hudanick** said, "Do you want me to stay here?"

**Commissioner Miller** said, "Yes, you can just move over to the side for a moment and I'd like to be able to hear that."

**Mr. Jim Weber**, Director, Sewer Operations and Maintenance, said, "Is there a particular issue you'd like to have addressed?"

**Commissioner Miller** said, "What I'd basically heard is that they were first in, they were the original partners, and that for some reason they are being last, in terms of getting the sewer service. So I'm wondering what were the chain of events that have occurred that made this happened?"

**Mr. Weber** said, "I think, first of all, Andy is probably right. This is very difficult in a short period of time, because it was a complex series of projects. The Four Mile Creek projects, if you will, were originally initiated back in the early seventies with progression through the seventies, while the City of Wichita and Sedgwick County

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and Butler County attempted to work out some kind of an overall original plan. For economic reasons, obviously it was a very expensive project in total, this thing stalled, if you will, and didn't revive itself until about 1985 when there was a task force put together of County staff people and some outside consultants to try to formulate a plan that was economically feasible and politically viable, to go out and replace three or four different County operated wastewater lagoon systems or mechanical plants that had various problems and for various reasons were in violation or nearly in violation of state permits. In 1985, a plan was put forward to address these issues.

“It was different from any plan we had before. It was set up as a phased plan with its first goal to take out the systems, the existing treatment systems that had problems. We progressed from, first of all, to serve the entire basin, we don't have the maps or anything, we're not well prepared for this today, but the entire Four Mile Creek basin is about 8,300 acres. Basically, from the east side of Wichita over to the Butler county line, from the railroad tracks which would be at 17th North it went through and down to about Pawnee. This area, to serve the entire area, required the construction of four separate interceptor sewers. Those are sewers that we generally consider to be over about 12 inches in diameter. In order to comply with the State's wishes to get the existing systems taken care of, the County offered in its phase one to do three projects.

“First of all, to build the Spring Creek interceptor sewer which runs in along Harry from the old Park Meadow system over to the Timber Lakes system. Andy has mentioned Timber Lakes, that's a neighborhood that's been out there for about twenty years, and hook them up to the Timber Lakes lagoon had more capacity. The second one was to go up and run an interceptor through what is called the Crestview interceptor up to the treatment plant that we were operating that the Crestview Improvement District had built at Central and the turnpike.

“That Crestview plant then was tied in also down to where the new plant will be built. And somewhere in between and during all that period, we also built what we called phase one of the Four Mile Creek wastewater treatment plant which was

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designed to take care of the needs of the existing homes, all the existing homes out there, as well as existing platted lots. It has the capability of doing that."

**Commissioner Miller** said, "That's including Gilders."

**Mr. Weber** said, "It will include the capacity for Gilders. However, because of the cost of all those projects, we spent about seven million dollars doing those three projects. It was decided that the best thing to do would be to get that in the ground and take care of those while I think that in Andy's neighborhood they do have serious problems with the septic systems. From the County's point of view, we had serious regulatory problems with the State on existing facilities that we did own and operate. Those projects were completed. They tied together all the existing public sewer systems in eastern Sedgwick County and that was finished in about late '89 or early 1990.

"The phase one assessments were made in December of 1990. They actually went on the books in 1991. At that point, because the Gilders Gardens and the Gott subdivisions were in effect, in an extreme peripheral locations and not in one of the basins where we had a legal mandate in a sense, to go out and provide service to those systems, they happen to be in a remote location in the sewer district.

"During '85, well I wasn't actually involved in that, but when the County put together the plan they recognized it would be necessary to go out and build the Minneha interceptor and in order to service all that area, the Minneha interceptor and Spring Creek come together in one location at Timber Lakes, we would need to upgrade the interceptor through Timber Lakes. That was the Four Mile Creek interceptor project.

"So as soon as we had completed those two projects, I'm sorry, the three projects, the Crestview, the Spring Creek interceptor and the Four Mile Creek plant, we started to look at moving forward with the two other interceptor projects. We could not put the Gott and Gilders Garden system in the service without upsizing the system through Timber Lakes and we proceeded to work on the Four Mile Creek interceptor project first. That will upgrade that to a 36 inch line and we ran into

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significant opposition from the people in Timber Lakes that turned into a legal matter which we could not go forward until we had that settled. We had to work out some right away issues and some access issues with those people. So this is the engineer's prospective, that legal problems stalled out that project which in turned stalled out the Minneha interceptor project."

**Commissioner Miller** said, "How much time?"

**Mr. Weber** said, "I'd say two years. So this happened after 1991 when we made assessments, we bumped into that problem, so there's two years. Then when we resolved that problem, we went forward with the Four Mile Creek interceptor project and it was completed about December of '94. We turned right around and overlapped them, but we started moving forward with the Minneha interceptor project which would go up into Andy's neighborhood. That was completed, I'm going to say the spring of '95, December '94. And as that was being completed we have also begun working with the people in Andy's neighborhood to put together the Gilders Garden - Gott project. We have had conversations with those people for a number of years.

"Now, it is typical, for up until this point of time, the only way to create a sewer district would be to have the Health Department make a determination that it was necessary and the Board of County Commissioners could order it in or the property owners would have to sign a petition, the majority of the property owners would have to sign a petition. When we look at the projects that we have done, we've gone into three existing neighborhoods out there already. Windsor Park circulated a petition and got a majority to sign it. Park East did the same thing and we have the same situation in Greenwich Heights.

"Those projects, which I won't describe in detail, go into areas which are existing neighborhoods on septic tanks like Andy's. We did not have, I don't think we had a clear consensus that there was a group of people that wanted to go up and do that. We've had a lot of conversations about how to handle that project. As a result of the need to get that project done, and the problems with organizing large groups of individual people, there was a change made by Charter Resolution to the

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statutes here in the County and I don't recall the date that was done, but that was later in the process, that would allow the County Commission to create a sewer district like the one in Gilders Gardens subject to a protest petition. In other words, we say it's the good thing to do and pass a Resolution and it is created unless within a certain time period the majority of the property owners protest it out, and that Charter Resolution was passed.

"There was a protest period on that, some time that occurred in here, and then the County Commission did go ahead and create that district. There was no protest, and we proceeded then with the design of the project and right of way acquisition. We have always said that the next big problem in an area like this is right of way acquisition. We have to essentially, we have a neighborhood with approximately 180 houses in it, 180 different property owners, out of those we needed easements from approximately 100 people. We have attempted to acquire those easements through negotiation or donation.

"At this point in time we have 62 of the 100 or so signed. There are 40 remaining. All of those are now as of this week, under condemnation. As soon as the condemnation cases are completed, the plans are already completed and on the shelf, we will proceed to bid the project and build it. I expect to have the project significantly if not completely done by the end of this year."

**Commissioner Miller** said, "I thank you for that overview."

**Mr. Weber** said, "It's a little long I know."

**Commissioner Miller** said, "Actually, you condensed it but yet it was accurate. I've heard it before but I felt it was important for those that are listening that were listening also to Mr. Hudanick that they needed to hear from the County's perspective, the delays that have been in this process. Now, I'm thinking that Commissioner Schroeder will ask a question that I will ultimately ask if he does not. As this time, Mr. Hudanick, basically who are you representing?"

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**Mr. Hudanick** said, "There are a bunch of us that live in the Gott Addition who coalesce together and started putting together letters to Commissioner Gwin and others and to Mr. Weber and so forth trying to get something done on this. We've been at this now for, I've lived in there for 15 years, and I personally have been doing it since 1985 on my own and then we coalesced, oh there's about five, six, seven, eight of us now. They've dropped out because they feel abandoned. They feel the County has given up on them. I've been from the old ghettos up in New York state. I'm a fighter and I've kept Commissioner Gwin, who is our representative, informed. She has a thick file of everything that has gone on. It is obvious that we're not going to get, our representative is not going to help us out on this."

**Commissioner Miller** said, "The other question is, understanding that there are delays and that legal battles had occurred and we needed to resolve those and you may debate that and it is debatable, but understanding that, what would you like to see happen? What are you asking for?"

**Mr. Hudanick** said, "Our problem has been, Commissioner Miller, and thank you very much for asking, is that there seems to be no continuity. In other words, they put in the Minneha interceptor finally and low and behold and I won't say it because it's casting aspersions, but there is a delay. When I would ask Mr. Weber and others, and I'm not blaming this on Mr. Weber, there is a system involved, why can't you do two things at once? You are putting in the Minneha interceptor, go out and get the rights and so forth where the people are going to put lateral in. They can't do it.

"So the interceptor gets built and then after it's built, now there is this delay, they have to get a survey of the area. I ask why can't you do that while they're putting in the interceptor. They can't do it. Finally get the survey, which was delayed, by the way a few months because they said bad weather. I've worked in the oil industry with surveyors. They get that accomplished finally after I put pressure on, I started writing letters. They get that accomplished. Now they have to go get the rights, the transit rights. I said why couldn't that have been done when you put in the interceptor. Can't do it that way. So there was a two or three year delay right there. For example, they sent out a letter to the people for transit rights and didn't

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even put a suspense date on the letters."

**Commissioner Miller** said, "I understand all of that and my mind tracked in the same manner, but I am still asking the question of, besides apprising us and bringing the awareness level up, what else would you like to see happen? Because we're in the process of getting the condemnations completed so that the sewer line can go down, but I am just...."

**Mr. Hudanick** said, "Speed up the condemnations, because I offered to do it on my own. Authorize me and I'll go do it for nothing. Go and get the people to sign or not to sign or what."

**Commissioner Miller** said, "So no more delays, get it done quickly."

**Mr. Hudanick** said, "Yes ma'am, and look at what they did at Timber Lakes. Two years it was tied up by the courts when they could have condemned. Five months of that two years, I found out, was spent, the sewer that had to be replaced had to go under their lake to get to us, their artificial lake. Five months was spent on what type of fish to put back into that lake. And I said, for God's sake I'll buy the fish, I'll pay for the fish."

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

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

**Commissioner Schroeder** said, "Thank you. Mr. Hudanick, I'm going to brief, I don't want to belabor this any longer because I think we all want to get on with our meeting today but a couple of things that you said back years ago that when the County started this process and you mentioned Don Gragg's name and I want to tell you when I got here, the study had been done, action had not been taken to proceed with building Four Mile because we could not figure out as Mr. Weber said, what is politically appropriate and acceptable to everybody. But there was a 75% grant available at that time which was passed up and I wanted to let you

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know that and we did not have that kind of money available to us when we built this project this time around and so there were obviously a lot of concerns budget wise about how we were going to do this and I will say that the Timber Lakes issue also did take about two years to resolve.

"That fish issue, I had people in my office and on my phone about the fish in that lake for months. It was a terrible process and it had a lot of people upset. I apologize if we caused you any delays, but it was not done purposely, it was done to try to make people happy, to try to satisfy constituents. In that process, I guess we dissatisfied some others and I want to apologize for that but that's the nature of the process once in a while. I wish it would go much more smoothly. I have had problems, just as Commissioner Gwin has had problems."

**Mr. Hudanick** said, "Give me another minute please. We understand that and five, six years fine, eleven years now it's been going on. The thing is, in our area, when it rains, especially '87, '88, '89, the weather was real bad and wet. My neighbors, a family of four, couldn't use their bathroom or water for a whole week. They had to go down to the service station. And on top of that, when this was going on, they came out and increased the valuation of the homes. I had a \$20,000 increase. I can't even sell my home because it is flooding and the septic tank from my neighbor is draining onto my property and the Health Department said it is my job to get that water off."

**Commissioner Schroeder** said, "I understand and I appreciate you coming."

**Chairman Winters** said, "Mr. Hancock, did you have a question?"

**Commissioner Hancock** said, "Mr. Hudanick has talked about the length of time he's worked on this project. I am not as familiar with the area as Commissioner Schroeder or Commissioner Gwin is but the plant has only been on line since 1990."

**Mr. Hudanick** said, "The upgraded plant since 1990. 1987, I understand, is when all they did was refurbish the Crestview and Timber Lakes."

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**Commissioner Hancock** said, "No, the Four Mile Creek has only been on line since 1990. I was here for that and I don't doubt that you have worked on this and wanted a sewer, but there hasn't been any available."

**Mr. Hudanick** said, "In 1987, I've got the Wichita Eagle, they quote Mr. Weber saying that everything is ready to go but it's with the area down in Timber Lakes."

**Commissioner Hancock** said, "Well if you don't have a plant..."

**Mr. Hudanick** said, "I've got documentation also Commissioner Hancock that will show you what the philosophy behind it was."

**Commissioner Hancock** said, "Well I don't know what the philosophy was and I don't know about the documentation, but I can tell you this, they didn't turn the cotton picking thing on until 1990, okay?"

**Mr. Hudanick** said, "Okay, we have six years of what's going on if you want to put it that way."

**Commissioner Hancock** said, "And so you know if there isn't a plant available to process the sewage nothing is going to happen."

**Mr. Hudanick** said, "But other people were using it, how come the..."

**Chairman Winters** said, "Excuse me a minute. We need to bring this back to some order. If a Commissioner has a specific question of Andy, we'll ask the question and feel free to do that then just answer the questions and we'll proceed from there. Mr. Hancock?"

**Commissioner Hancock** said, "I don't have anything else. I will say this, that I've been familiar with the process and following it through the first and fifth district and I will say this, and my office is right next door to Commissioner Gwin's, and I am well aware of the fact that this has been, I heard you say your representative didn't do anything and I can assure you this has been on her mind and she has pushed as much as possible for the last few years to get something done over there. I

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remember when she first came on, she was concerned about that area because the citizens had expressed concerns and she worked with Mr. Weber and the rest of the Commissioners in seeking some kind of action on that issue and, as much as anyone, her hands have been as tied as anyone else's.

"You could assume that nothing has been done, but I can assure you, my view is if someone would ask, yes, a lot has been done and there's been a lot of pressure asserted by Commissioner Gwin to move forward on this issue. She has been very sensitive to it. There have been a lot of misunderstandings, but it seems to me like we're pretty close now aren't we?"

**Mr. Hudanick** said, "That's what I'm trying to say, that it is not that close. It is still another year before we'll actually hook up. And the Minneha interceptor has been setting there for over a year now not being used."

**Chairman Winters** said, "Thank you Mr. Hancock. Commissioner Gwin?"

**Commissioner Gwin** said, "I don't have any questions of Mr. Hudanick."

**Chairman Winters** said, "Okay, any other questions for Mr. Hudanick? Thank you."

**Mr. Hudanick** said, "Thank you Commissioners. Thank you Commissioner Miller."

**Commissioner Gwin** said, "Mr. Chairman, I would though like to express my concern that Mr. Hudanick and his neighbors think I've turned my back on them. I would like to mention a couple of things that I believe I have done or have tried to do and I think I have itemized those in letters to the neighborhood. One of the first things I remember doing when I got here was talking to Andy and some of his neighbors whose sewers would back up on a regular basis and had to be pumped on a regular basis. So I think I started, Jim Weber and I, came to know each other pretty quickly.

"We also attempted to receive a grant from the state for that subdivision. Mr. Hughes and Mr. Weber and others worked on it. It was to assist the older citizens

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and people of a more modest income in payment of their special assessments. We submitted the grant application to the state. Mr. Hughes and others did a fine job of that, but unfortunately, it was not a prioritized application by the state. When we got the list back of grants they were funding they tended to all be American's With Disabilities Act grants applications and we were way down on the list and didn't make the cut for that grant. The Resolution that Mr. Weber referred to, I think some of the people in Legal have referred to it as the Gwin Resolution because I was having such a fit to find another way to create a sewer district.

"As Jim said, the state will only give us two ways, either KDHE or others come and said this is a mess clean it up, or residents have to put forward a great deal of time and effort to circulate petitions and those kinds of things. It occurred to me that for this subdivision and others in the future that there ought to be an easier way to do that and you shouldn't have to send the residents out to the streets to do that job. So, we did in fact create a Resolution that allows the County to create a district when the Board of County Commissioners see that there is a need for that to be done and I assisted in that. I have pushed Mr. Weber, Mr. Spears, Mr. Norton, anybody else who gets within an arm's distance of me to continue with this project.

"As a matter of act, when we came to the discussion of condemnation and unfortunately at this point, I am afraid the County may not be Mr. Hudanick's biggest opposition, it may be some of his neighbors who don't want to give voluntarily the right-of-way, those people that we are having to take to court, unfortunately. But when it came to that decision, I believe there are other people who can tell you that I was the one at the table who said we're going to go forward with this. I expect our right-of-way people to negotiate, but I will not accept a delay or oh, let's wait a little longer to see what we can work out with these people. Condemnation is the next step in the process and if they chose not to voluntarily sign their right-of-way, then because of eminent domain, we'll condemn it and we'll take it and we'll lay the laterals down and Mr. Hudanick and his neighbors who so desperately need it will in fact have sewer service.

"I appreciate your frustration. I think there are several people in this room who have been frustrated by this project besides Mr. Hudanick, but I appreciate him being here this morning and appreciate your interest and your questions and

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concerns. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you very much. At this time we need to take a five minutes recess.

**The Board of Sedgwick County Commissioners returned from recess at 9:50 a.m.**

**Chairman Winters** said, "Let the record show we are back from recess. Before we get started on the business of the day, our Manager, Mr. Buchanan, has some introductions that he would like to make at this time."

### **INTRODUCTIONS**

**Mr. William Buchanan**, County Manager, said, "Good morning Commissioners. It is one of those great opportunities that I have to introduce you to some new folks. The first one I have to introduce is Bob Lamkey. Bob has been a resident of this community for the last four years and he is going to be our new Motor Pool Director.

"I don't know if this is an advantage or a disadvantage because of Bob Rogers, Don Brace and Blake Ingram and others, but Bob is a retiree from the United States Air Force. He served them in a capacity that matches well with this organization. It had to deal with logistics. And for you and I, logistics means pulling in flip charts and that's not what he's going to do. Logistics means dealing with issues of Motor Pool and fleet management. We're pleased that he comes to us with 23 years of experience. We will see an opportunity to see our fleet, our emergency vehicles, our fire trucks, our sanders and spreaders that we have needed in the last couple of days, and Sheriff's vehicles in top notch condition. Because what his work does, really, is the core of public safety. Without further ado, Bob welcome."

**Mr. Bob Lamkey**, Director, Motor Pool, said, "Thank you. Chairman Winters, Commissioners, I am very pleased to be part of a top match County management team and I look forward to building upon the legacy of my predecessor, Blake Ingram, who is happily retired. I think being in the Air Force is a good training

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ground for this kind of thing, so I am pleased to be part of the team."

**Chairman Winters** said, "Thank you very much and welcome to Sedgwick County's management team."

**Mr. Buchanan** said, "The next introduction is a brand new position in this organization. We have, because of your good graces and wisdom, we have created a position of the Director of Human Resources. This position will combine the activities that we have done in the past in terms of applications and testing and checking peoples qualifications, to training, training for diversity, training for equal opportunity, education, grievance processes, dealing with Americans with Disability, and our benefits and worker's compensation program. It is a total package of how we deal with our employees and how we treat them and they are our best resource. We spend 50% of our budget dealing with our people and we have an individual whose only concern is how we interact with them.

"That individual is Harry Hayes and Harry comes to us from Houston, Texas, where Harry worked for that city, in a similar capacity in a large department. The department had more employees than Sedgwick County does. He comes to us with great skills and talents and most of all a great deal of energy which pleases me and we're glad to have him as part of the team. Harry."

**Mr. Harry Hayes**, Director, Human Resources, said, "I want to say good morning Mr Chairman, Commissioners. I am glad to be here. I've asked the County Manager to think about building us in our CIP because I spend so much time over here. I am extremely pleased to be part of such a well administrated County. The leadership from the County Commissioners, from the County Manager and from the Department staff throughout that I've had the opportunity to meet with so far. It's been a truly great experience being here. The first day at work was a bit cold, but I'm getting used to it. I'm very pleased to be here."

**Chairman Winters** said, "Thank you. We welcome you to Sedgwick County and the Wichita area and are pleased to have you here. We're confident you'll make a good addition to our team. So, congratulations and welcome."

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**Mr. Hayes** said, "Thank you."

**Chairman Winters** said, "Thank you. Commissioners, I think we're about ready to begin with new business. Madam Clerk call the first item."

**PLANNING AGENDA**

**D. METROPOLITAN AREA PLANNING DEPARTMENT.**

- 1. CASE NUMBER SCZ-0702 - ZONE CHANGE FROM "R-1" SUBURBAN RESIDENTIAL TO "LC" LIGHT COMMERCIAL, LOCATED WEST OF THE K-96 EXPRESSWAY ON THE NORTH SIDE OF 21ST STREET NORTH;**

**AND**

**CASE NUMBER CU-386 - CONDITIONAL USE PERMIT FOR A CEMETERY, CREMATORIUM, MAUSOLEUM AND COLUMBARIUM, LOCATED IN AN AREA NORTHEAST OF 21ST STREET NORTH AND GREENWICH ROAD.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, said, "Well, not much I can add to that. There are two planning items on the agenda. This first one, if I could have the first slide, is a request to rezone a seven acre tract, the tract that is labeled SCZ. It is on the north side of 21st Street and east about a quarter mile from Greenwich Road. The intersection of 21st and Greenwich. We've had a couple of cases in this area recently that I'll remind you about in a second. That is for a proposed mortuary and the conditional use is for 68 acres that surrounds that mortuary site, has extensive frontage along K-96, extending from Greenwich down to 21st Street and that is for the proposed cemetery and related uses.

"The staff did have concerns as this was coming into the case about this being a very attractive site, really prime real estate in the County and the Comprehensive Plan designated this general area. There is not a lot of detail about specific parcels but identified the general area as appropriate for large scale commercial

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uses. One of about four sites in the City that we thought could accommodate the special amount and types of commercial uses because of the accessibility of K-96 and the other roads in this area. And there have been recent rezoning to commercial uses.

"Twenty acres expansion of this six acre corner to 20 acres at the northeast corner of 21st and Greenwich and then if you will recall, 80 acres on the east side of the street with 20 acres of commercial and 60 acres of light industrial on the east side of Greenwich were approved by the County Commissioners just a few months ago.

"The applicants, however, did make some persuasive arguments to the Planning Commission and the Planning Commissions vote was unanimous to recommend approval and let me try to summarize some of those. First of all, this cemetery use is in conformance with the existing zoning and the existing surrounding use of the property which is largely undeveloped and rural suburban development.

"Looking into the future, they brought to the Planning Commission the interesting point which was that a lot of the property in the vicinity, across the street on 21st and across K-96 has been purchased by institutional uses, churches and schools and so this kind of use was more in keeping with that kind of campus setting that seems to be the future of the development along the 21st Street frontage. In fact, they submitted, and I believe you have a package with the support of all the surrounding property owners, including the owners of the proposed new church and school sites. In addition, there were no property owners who spoke in opposition at the Planning Commission meeting. There was no neighborhood opposition.

"The applicant argued that cemeteries are businesses and that they do have needs for accessibility and visibility in order to be marketable. Finally, they indicated that this was a site that had some special character, it has quite a bit of topography. It has three lakes and trees and they wanted to preserve the beauty of the site and thought that was a special asset for the cemetery development and related to that, the County has a bike path along this side of K-96 and obviously this would be an attractive setting for the bike path as opposed to the warehouses or some other development that might occur if it was developed for commercial use.

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"At the Planning Commission hearing, there were two property owners who testified in opposition. These were not neighbors but they were competitors, local competitors to the cemetery and they indicated that they felt there were plenty of cemetery plots already in Sedgwick County and that we didn't need to add to the supply of cemetery plots. The Planning Commission was unanimous based on the arguments that were presented and they voted 13 to 0, that unanimous vote again, to recommend approval of this case subject to platting and subject to standard conditions. We are working out with them the restrictions on the Light Commercial use of the seven acres that I think will be mutually acceptable that I think will be in the same line as other commercial developments that have come in the County at the fringe of the City of Wichita.

### SLIDE PRESENTATION

"The applicant and his agent are here and I think have some remarks for you. Let me go through the slides very briefly. This is the aerial photograph, the area again the proposed mortuary and cemetery and you can see the string of lakes along here and there is quite a drop in the topography from K-96 down toward the mortuary site. This is the County's bike path so looking from K-96 south across the site. This is looking at the bike path, this is Greenwich Road and this would be the K-96 intersection of Greenwich Road.

"So this is the northeast tip of the site and this is the industrial area that was rezoned and the housing of Tallgrass East behind that. This is looking north across K-96 at the undeveloped area to the north. This is looking north at the site from 21st Street. We're standing on 21st Street and looking north onto the site. This is looking down 21st Street East at the intersection of 21st and K-96 with the site on the left and looking the other direction, this is the south side of 21st Street, with a strong hedge row along that side of the street, the cemetery site on this side. This is looking up Greenwich Road and the intersection of K-96 and Greenwich there. Back to the aerial photograph and the zoning map again. I'll be glad to answer any questions that I can for you."

**Chairman Winters** said, "Thank you, Marvin. Commissioner Gwin has a question."

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**Commissioner Gwin** said, "Marvin, no questions just a clarification. I know there was support on the Planning Commission but as I read the minutes of the vote on the motion passed eleven votes in favor and one abstention."

**Mr. Krout** said, "That's right, there was one abstention and that was the property owner."

**Commissioner Gwin** said, "I wanted to clarify there was no opposition to it, there was one abstention."

**Mr. Krout** said, "Right."

**Chairman Winters** said, "Okay, thank you. Commissioners, any other questions? Thank you Marvin. At this time if the applicant or the agent is here and would like to speak to this, this would be a proper time to do that."

**Mr. Bill Cozine** said, "Good morning. I want to thank you very much for the opportunity to come today. I also want to thank you for the staff recommendation that this be granted. I would like to take just a moment and introduce my family. I'd like to introduce my wife, Susan, and my son, Ashley Cozine. Ashley is a partner with me and Broadway Mortuary and Kensington Gardens and his new wife Caroline. I might mention that we are a fourth generation family of Wichita. A third generation mortuary family.

"This is a vision that we have lived with now for six or seven years and we feel like with the addition of K-96 that created an absolutely perfect piece of ground for us to be able to develop a cemetery that eventually will benefit all of Wichita. As was mentioned, this is a very unique site in the topography and it is our intent to be able to move into that area and utilize the beauty of the naturalness of that area as opposed to the more symmetrical type of cemeteries that most of us are familiar with. There has not been a new cemetery started in almost 50 years in Wichita.

"The comments that were made by those people in opposition that there are plenty

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of spaces in Wichita for all the people of Wichita to be buried, that's a true statement. But there is also, we're not talking about now, we're talking about into the future, so I feel like this is, 29 years ago when we had the opportunity to stay at Wesley Hospital while my son was being born, I feel like this is an opportunity that you all are giving to us. And as citizens of Wichita and a family of Wichita, understand that we appreciate the responsibility and the opportunity that you give to us. If you have any questions, I'd be glad to answer."

**Chairman Winters** said, "Okay, thank you very much. Doesn't appear to be any questions, thank you Bill. Is there anyone else here today that would like to speak to this issue. Anyone else in the audience who would like to talk about this agenda item. If not, we'll limit discussion to staff and bench. Commissioners, you've heard presentations, do you have any questions?"

**Commissioner Gwin** said, "No questions, Mr. Chairman, just that I appreciate the Cozines' plan for this site. I know that first the Planning Department was somewhat disappointed because we expected to see, or had hoped to see on these intersections near 96, some big tax base expanding developments or those kinds of things and I know that at first the Planning Department was a little concerned that this would be an under utilization as far as tax base. But given the plan for the utilization of the land, the long term benefit to this community and quite frankly, the very competitive nature of their business and I believe what they can bring to the residents of Wichita and Sedgwick County. I believe their plan and utilization of the land is a very valid one and will certainly support and prepare to make a motion unless there are other comments."

**Chairman Winters** said, "Commissioner Schroeder has a comment."

**Commissioner Schroeder** said, "Mr. Chairman, if you please, it's just a comment and I got a call from Bill yesterday and after I talked to him I looked over the information a little closer and understanding MAPC and Marvin's concerns it seems like to me it is an excellent use of the property."

"It may not be something that we consider its highest and best use but I think it is a good use of the public and it just makes sense for that location. I don't think we can go wrong with putting that there and so I am going to support the motion to

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approve it today."

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

**Commissioner Gwin** said, "Just another thought. You know there are plenty of other opportunities and there is a lot of undeveloped land out there in that district and near or close to K-96, so I think we have plenty of opportunities to expand the tax base and to create other business opportunities as well as this one. Somebody else want to talk?"

**Chairman Winters** said, "No."

**Commissioner Gwin** said, "This is a long motion, but all of it has to be said, so bear with me."

**MOTION**

Commissioner Gwin moved to adopt the findings of fact of the Metropolitan Area Planning Commission (MAPC) and approve the zone change and Conditional Use Permit subject to the condition of platting and recording a development plan agreement for the property proposed to be zoned "LC" Light Commercial; adopt a Resolution establishing the zone change and instruct MAPC to withhold publication until the plat and development agreement have been recorded with the Register of Deeds.

Commissioner Hancock second the Motion.

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

**VOTE**

Commissioner Betsy Gwin           Aye  
Commissioner Paul W. Hancock   Aye

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Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you. Next item please."

**2. CASE NUMBER SCZ-0703 - ZONE CHANGE FROM "R-1" SUBURBAN RESIDENTIAL TO "LC" LIGHT COMMERCIAL, LOCATED NORTH OF 21ST STREET NORTH ON THE WEST SIDE OF MAIZE ROAD.**

**Mr. Krout** concluded, "Well, here is possible opportunity for you to compensate on that issue of tax base. The yellow outlined area, this area represents 49 acres of zoned R-1 in the County. This tract abuts the City.

"This is the Wichita City limits I am following for you here, so in this direction and this direction it abuts the Wichita City limits, but the property is in the County and zoned R-1 and the request is for Light Commercial on this tract. This is part of a larger tract of land that includes land that was already zoned in the past by the County to "C" Commercial and is being used as a tree and grass farm today and also includes property that has frontage on 21st Street that is zoned Light Commercial and Office today for a total of 64 acre tract that is being developed in one planned shopping unit. That 64 acres, which looks like this, is part of a larger tract of over 200 acres that extends further to the north and the west and the area around this tract is proposed to be developed with single family developments.

"So actually the bulk of the 200 acre tract will be developed with single family. But this 64 acres is for a planned shopping district. You can see there is a lot of color on the map today because there is a lot of zoning at the intersection. This is a tree and grass farm that is owned by the current owner of this property that is requested for rezoning. There is additional Light Commercial zoning and development with

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a convenience store and shopping strip here. There is a mobile home on this tract, there's a church on this tract. Most of this undeveloped today, but this is the site of a new proposed Dillons store. There is a church on this site and this is the Chadsworth Addition new residential development that is across Maize Road to the east.

"More commercial on both the southeast and southwest corners and residential behind that. This is a very active area. In fact, 21st Street has been suggested as the Rock Road in the other direction. The Rock Road of the west side is seeing a lot of interest in commercial development in this area.

"Staff has recommended approval. The Comprehensive Plan (CP), first of all, did identify this as one of those several intersections in the City where larger scale commercial uses are appropriate and we did that because of 21st Street being a major road on the west side, but also Maize Road being a special north south road on the west side.

"It connects two major state highways, K-96 on the north and K-42 on the south, so this seemed to be a major cross road for the County, an appropriate area for more than the typical amount of neighborhood-serving shopping uses and that is why we identified it as such in the Comprehensive Plan.

"From a traffic standpoint, certainly 64 acres of shopping use is going to generate a lot of traffic and I think you'll see a significant increase in the amount of traffic that the intersection of 21st and Maize handles today. But Maize Road is in the City of Wichita's Capital Improvement Plan for improvement south of 21st Street in the next year. Also, the City of Wichita is holding petitions from these property owners and will combine them with petitions from this property owner for major improvement of the intersection and extension of Maize Road north and 21st Street to the west.

"In fact, Maize Road and 21st Street will be improved to what the Public Works Director says will be seven lanes in each direction. Two through lanes in each direction, left turn lane, and decel lanes, turn lanes, so it is equivalent to 21st and Rock type of intersection which also has major commercial. Seven lanes will be continued all the way back, as I understand it, to the entrance to the Chadsworth

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Addition and then will be tapered down to the five lanes and also there will be an extension of lanes and left turn lanes along the frontage of 21st Street as far as this development goes. So there will be significant improvements. I think we're talking in the scale of a \$1,000,000 worth of road improvements. They will be guaranteed by the property owners in this area for road improvements, so that should help to deal with any future traffic problems. If this was in the City, it would be subject to community unit plan divisions, which are requirements for all commercial developments over 6 acres.

"In cases like this, where they've been in the County and near the City limits, we've negotiated with the applicant and have in this case, a number of conditions and I believe that you have hopefully received a map and conditions for approval. These would be submitted to the City as part of the planning process. In fact, if this zoning is approved, this property would be annexed as part of the planning process and then those restrictions include restrictions on uses, access, signage, landscaping, screening, architectural controls.

"They vary a little bit from site to site as appropriate. In this particular case, this is the aerial photograph and I'll just point out that this is the commercial at the intersection that has begun. This is the church site that is next door. This is the grass farm operation. This is the Chadsworth Addition and I think this is the large parcel which is part of the ownership that includes this land here and this land here. You can see three pad sites along 21st Street, five pad sites along Maize Road across from the commercial development that is already zoned and then in this area where it is across from Chadsworth Addition, there is an extra wide landscape buffer that is proposed.

"The CP also has limitations on access to reduce the number of access points and improve traffic. There are some use restrictions on tracts in the property. The city landscape and screening requirements need to be met. There are architectural consistency requirements or in lieu of that, additional landscaping requirements so overall, we think this should become a quality development with those controls.

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"The applicant, at our request, because this was in a developed area did meet at the church just to the west of this site and in our notice to property owners we told them that there would be this informal meeting and there was an opportunity to meet with about a dozen or so of the nearby property owners before the Planning Commission hearing and try to explain the case and try to understand any concerns that may have come out of that meeting.

"At the Planning Commission meeting, there was no opposition. There were a couple of residents apparently who were at the meeting. There was property owner who spoke in favor of the request. He was a commercial property owner of a portion of the tract on the southwest corner on this intersection and he spoke in favor of it as being complimentary to the general commercial development of this site and being consistent with the Comprehensive Plan. The Planning Commission voted by eleven to one to approve subject to platting and the other conditions.

"After the Planning Commission meeting we did receive several calls indicating that property owners, I think these were property owners in the Chadsworth area to the east, had not received mailed notice and I can explain what our process is on mailing if that would be useful, but we are sure that we did do the mailing and we're sorry that sometimes the post office doesn't deliver all the mail that we mail, but we did definitely do a mailing on this site. There were protest petitions that were filed after the Planning Commission hearing and within 14 days which is the statutory requirement.

"You can see that there are about 18 owners, this is a thousand foot area, and that is the notice area for cases that are in the County or tracts over this size that are in the City. There are 18 owners in the Chadsworth area and a couple of property owners in the Timber Ridge area within a thousand foot notice that registered their protest. Overall, this doesn't come close to meeting the 20% requirement that would necessitate a three quarter vote, four votes of the County Commission. So a simple majority is required to approve this request.

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### SLIDE PRESENTATION

"I'll go through the slides quickly for you. This is the farm we're talking about. This is looking from Maize Road to the west. This is part of the tree farm operation that's on the site today, again. This is looking across at the Chadsworth development, the southern portion of it, which is behind the commercial area on the northeast corner. This is looking up Maize Road with the grass farm on the left hand side. This is the farm operation. This is the entrance to the Chadsworth Addition which is across from the northern portion of this commercial site.

"Then this is a little further south of the Chadsworth Addition, where the brick wall starts and there is another church on the site and then beyond that is the commercial development. This is the corner, the northwest corner, not owned by the applicant, a convenience store and a retail strip area.

"Again, that is 21st Street in that direction and Maize Road going north. This is the facility that is on the tract that is zoned office, which is adjacent to the church and you can see the church now just to the west of this tract. I am sure that will be redeveloped as part of this overall plan. Back to the aerial photograph with the mobile home and the church and the zoning map. I would be glad to try to answer any questions that you have on this."

**Chairman Winters** said, "Okay Marvin, just to clarify one thing quickly. I visited with you and I had received some calls from people about the notice but on asking you and your staff to double check all of the people that are in that notification area, you've done that and you are confident that all of the people that we're supposed to have been notified were."

**Mr. Krout** said, "We have a double check system with two secretaries to make sure all the addresses are there and they are all correct. They remember this was a large scale mailing with 116 envelopes. We received a few, as we commonly do, a few envelopes that were returned as not deliverable so we know that the mail did

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go out. We also know that there were people present at the Wednesday night and Thursday night meetings before and during the Planning Commission."

**Chairman Winters** said, "Okay, thank you for checking on that. Did you happen to calculate on the protest petitions were filed, what percentage of people in the 1,000 foot area, what percentage that was."

**Mr. Krout** said, "It was a little over 2%."

**Chairman Winters** said, "How much?"

**Mr. Krout** said, "About 2.23%."

**Chairman Winters** said, "Okay, thank you. Commissioner Miller, did you have a question?"

**Commissioner Miller** said, "I did and then I flipped my light off, but thank you for recognizing it because I'll go ahead and clarify it. The mobile home, it is zoned actually business is that what you're saying?"

**Mr. Krout** said, "Office."

**Commissioner Miller** said, "So it duals, as office and residential."

**Mr. Krout** said, "I'm not sure how that property is being used today honestly, whether it is..."

**Commissioner Miller** said, "It's just interesting to see how it's wedged in amongst all of that."

**Mr. Krout** said, "I think it was probably zoned when it was still in the County."

**Commissioner Miller** said, "Oh, okay. Then, so Maize School District will benefit from this?"

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**Mr. Krout** said, "That was one of the remarks that was made during the Planning Commission. I think there are some statistics that were offered by the applicant at the Planning Commission meeting about the amount of investment and the increase in employment and tax base that would result from this and certainly for the Maize School District which is primarily residential, commercial and industrial developments help support the school district and the City and the County."

**Commissioner Miller** said, "Very good. Thank you."

**Chairman Winters** said, "Thank you. Any other questions of Marvin? Alright, seeing none, if the applicant or agent is here and would like to address the Commission, this would be the time to do that."

**Mr. Gary Wiley**, Professional Engineering Consultants, P.A., said, "Chairman, Commissioners, I'm here on behalf of the contract purchasers. I think Mr. Krout has pretty well covered everything that I can cover in the way of the development plan itself. One thing I would like to bring up is that he did mention that this 50 acres was part of a 200 acre development which the contract purchasers will be developing the residential along with the commercial. They are the contract purchasers on that as well. The meeting that Mr. Krout mentioned that we had at the Northwest Christian Church, there were about a dozen neighbors who showed up.

"There were about eleven from Chadsworth and one from the Timber Ridge area. We did kind of go over the plan, what our plans were for the area, for the balance of the area and the residential portion as well.

"It seemed like there were a couple of concerns, traffic was one. We explained that the City of Wichita had plans for reconstructing Maize Road this year and that we were going to adjoin with that to do it up right the first time, so that we get all seven lanes of improvement and intersections done at once and not come back later and create problems later. Their concerns were how much is this going to cost us, for the road improvements. I did some double checking and they were going to be required to help pay for a deceleration lane to Sterling Road into their development. This was something, this was a petition that had been originally

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submitted with the Chadsworth second addition.

"That was going to amount to approximately \$1 a month to their taxes in the future. It is the only portion of the road improvements that they will be required to pay. Can't think of anything else to say on this right now, other than the improvement was \$2,000,000 rather than \$1,000,000 for these roads of which these developers would be paying about \$850,000. Mr. Gary Snyder is here and would like to speak to the economic impact of the development, but I would be happy to answer any other questions that you might have regarding the plan."

**Chairman Winters** said, "Okay, Gary I don't see any other questions. If anything else comes up we'll bring you back."

**Mr. Gary Snyder**, Contract/Purchaser/P.E.C., said, "Good morning, I'm the applicant in this case and it is nice to be from the City of Wichita and maybe bring some good news in this proposed development. In both the residential and commercial development here, we're looking at a development value of over \$87,000,000 to happen with both the residential and commercial.

"The jobs created on the commercial side should increase jobs upon full development of over 1,800 new jobs that are typically associated with this type of commercial development. During the construction phase, however, we'll have 1,400 new jobs. Both on the residential and commercial side which will be split about 50-50.

"Wages that will be obtained from those 1,800 new jobs will be over \$31,000,000 a year to the community and to the residents in this community. Construction wages would be approximately \$39,000,000. Property taxes, when we look at the base here, should increase over \$2,000,000 a year and annual recurring property taxes. Retail sales tax for a project like this would be a little over \$7,500,000. So we're looking at approximately \$10,000,000 of tax base annual and recurring and we hope that would be pleasing to some of you as well. I've got other information I could share with you but those are usually the numbers that jump out at us as to

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why these developments and how they impact the community and wanted to share them with you."

**Chairman Winters** said, "Thank you very much Gary."

**Commissioner Miller** said, "I do have a question Mr. Snyder. When you say fully developed, is that only in terms of the actual retail space that you are going to be leasing out?"

**Mr. Snyder** said, "The numbers I gave you were both retail and commercial. So that is full development."

**Commissioner Miller** said, "Okay. Do you also have properties inside the City proper?"

**Mr. Snyder** said, "Currently?"

**Commissioner Miller** said, "Uh-huh, that would mimic or be similar to what it is that we're going to develop out here?"

**Mr. Snyder** said, "I personally don't. I've been involved in several projects like this. Shopping center development is something I've been doing for about ten years. I am President of Snyder, Sheets, Stewart & Goseland, which is a Commercial Real Estate Company. The people that I am associated with in this development have done a lot of commercial development along with residential development."

**Commissioner Miller** said, "I respect that, but I was just getting at the marketing strategies here of placing it where it is. I now it is in a growing, booming corner of the County so I was just simply, my mind was working in terms of marketing and how it is that those shopping centers that are probably more centrally located would be impacted. But to be real honest about it, I don't think they will. I just think that there is probably enough population mixture that it is going to probably be self sustaining and do just fine."

**Mr. Snyder** said, "I think you're right. I looked at this site, and we looked at this

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site from the standpoint of the future growth and development. This is depicted as probably the largest residential growth area in the City of Wichita for the next twenty years and obviously commercial development always follows residential. The residential development in that area already is clear out to 153rd Street for another couple of miles. It is extending both north and south of 21st Street and so the interest in developing another 140 acres approximately, or a little over 400 new homes in that area is certainly of interest to us. I think there is a real need and market in that area as well. Location, location, location."

**Commissioner Miller** said, "Thank you."

**Chairman Winters** said, "Gary, I want to follow up on Commission Miller's comments just a moment. Could you speak to us about what you envision of the quality of the development you want to accomplish on this corner. I know that as we look around we can see varying degrees of what we think are good and bad developments and I know that I have heard some comment about that perhaps this is a County case so it could be developed to some lesser degree of quality. Could you speak to that for a moment?"

**Mr. Snyder** said, "Sure, and we spent a great deal of time with the Planning Department and Marvin and his staff and really what is, in all essence, a CUP even though it comes in the City as restrictive overlay. We put in, and I tried to look at similar developments, I would say that I have similar restrictions as what you see at Towne East or Towne West. Similar restrictions as you would at a Village Fashion center or Bradley Fair in types of heights, types of uses, amount of parking requirements.

"Fortunately we are a grass and tree farm that we are purchasing so we feel we are going to have a well landscaped area that we're going to be able to do at a very economical price. We're looking and have talked to a number of retailers that are not in Wichita that we'd like to see come here that are not here today that would hopefully be a real addition to our community and a little up scale from some of the things that we do have."

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

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**Commissioner Schroeder** said, "Gary, Mr. Chairman if you please, just a quick question, kind of a periphery question. What will happen to the grass farming business? Is it going to remain in business there west of this location or do they plan to move somewhere? Are they going out of business?"

**Mr. Snyder** said, "No, I don't think they're going to go out of business. Mr. Cranmer owns other property north and west of this site that he can easily move and in fact has done some grass farming on those sites as well. So, it is just that this site will no longer house the farming of that."

**Commissioner Schroeder** said, "Interesting. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you. Thank you Gary. Is there anyone else who would like to speak to this issue? Is there anyone else here this morning who would like to speak to this zoning issue? Okay, seeing no one, we'll limit the discussion to staff and the bench."

"Commissioners, I'm going to be very supportive of this project for a couple of reasons. I think it is very compatible with what I envision as the Comprehensive Plan. I think as we look at intersections and we hear folks talking about what are corners that are going to be good for commercial development in looking at the west side I don't know of a corner that would be more ready than 21st and Maize Road."

"I think it looks like a place where a quality development on the west side will be a big asset. I'm pleased to know that the intersection is going to be taken care of with the City and that the City has intentions to complete 13th South of this location and I think that will be a big plus."

"So, I am going to be supportive of this and if anyone else has discussion or questions, this would be the time to discuss them. Hearing none, Commissioners, I'm prepared to make a Motion."

### **MOTION**

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Chairman Winters moved to adopt the findings of fact of the MAPC and approve the zone change subject to the condition of platting, and subject to recording the voluntary development plan agreement; adopt a Resolution establishing the zone change and instruct MAPC to withhold publication until the plat and development plan agreement have been recorded with the Register of Deeds.

Commissioner Schroeder second the Motion.

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

**VOTE**

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

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

**NEW BUSINESS**

- E. RESOLUTION AMENDING CHAPTER 5 OF THE *SEDGWICK COUNTY CODE*, "ANIMALS," REGARDING HARBORING OR OWNING, LICENSING, CONTAINMENT, CONTROL AND CARE OF "INHERENTLY DANGEROUS ANIMALS" AND DEFINING VIOLATIONS THEREOF AND PROVIDING PENALTIES THEREFOR.**

**Dr. William Skaer**, Chairman, Sedgwick County Animal Care Advisory Board, said, "Chairman and members of the Commission, I'm William Skaer, Chair of your Sedgwick County Animal Control Advisory Board, here today to present to you a resolution dealing with the problems of inherently dangerous animals in our County, which resolution was unanimously reaffirmed last night at our monthly Sedgwick County Animal Control Advisory Board. Clearly, the intent of this

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Resolution is to make owners of inherently dangerous animals responsible for their actions and therefore, the safety of the public.

“What we are talking about are large carnivores, the venomous or poisonous reptiles, and some of the large constrictor snakes. At the Commission's suggestion, there is a typo on page three, at the Commission's suggestion we added one species of Python back into the list of large constrictors that would be covered and that is Python Molurus. Instead of reading just Molurus, it should read Python Molurus.

“We've been over this a number of times I know. Instead of belaboring the point I thought I would just try to answer any questions that you might have. Mark Reed and Karen Graham from your zoo are here to help answer any questions. So with that, I'll just stand for questions.”

**Chairman Winters** said, "Okay, thank you Dr. Skaer. Commissioner Gwin."

**Commissioner Gwin** said, "Dr Skaer, I think since you and I, and you and the Commission have been over this, for the public, can you give us just kind of a thumb nail sketch of the kinds of restrictions or requirements that people who may own, say for instance, large carnivores, what will be different? What kinds of things are you looking at here?"

**Dr. Skaer** said, "Currently, there are no regulations of course about the ownership of many of these animals in the County. What we are asking that if someone wants to own one of these kinds of animals, we're not prohibiting ownership, we're asking that if they want to own one of these kinds of animals, they must meet certain standards for caging and care to protect the public safety. And they also then have to obtain a Sedgwick County License to own an inherently dangerous exotic animal.

“In the case of the mammals or carnivores, the license fee is \$100 for USDA license facilities and \$100 per mammal up to a maximum of \$300 for other individuals. In the case of the reptiles, we are also asking that if someone wants

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to own a poisonous or venomous reptile or a very large constrictor that they must also meet certain standards for caging and care of those animals to protect the public safety. The license fee in those cases we've asked to be \$50 for pet shop owners up to a maximum of \$150 for other individuals that own three or more of those reptiles."

**Commissioner Gwin** said, "From the business standpoint have you been able to come to compromise or agreement with the people who are in the business of, for instance, pet shops or exotic pets those kinds of things who sell snakes primarily, I guess."

**Dr. Skaer** said, "Well yes, we've had several meetings with some representatives of pet shop owners in the County. I think we have reached a lot of compromise on this proposed Resolution. For example, the license fees, we set it to a point that we didn't feel it would be a burden to the pet shop owners if they are already inspected by the State of Kansas that they don't have such a burden with additional license fees is \$50.

"Most of the animals that we are talking about are not big business for them anyway. We're not talking about green iguanas or even common boa constrictors which don't usually get over ten feet in length. So, I don't think we are affecting the trade to any great extent."

**Commissioner Gwin** said, "What about violations and penalties and enforcement. How does this resolution propose, who is going to enforce it and how are we going to make sure that people comply?"

**Dr. Skaer** said, "Well of course what we're trying to say is that they have proper facilities for these animals. County Animal Control would inspect those facilities before they are licensed when they make application for licensing to try to make sure that everything is in order. Thereafter, there will be an annual inspection to renew their license. So, I think by virtue of having good standards for caging and care and the annual license and inspection could insure this would be enforced."

**Commissioner Gwin** said, "And just a follow up question Mr. Plummer. On

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violations of this ordinance, would those come through the County Court then for enforcement and penalties?"

**Mr. Steve Plummer**, County Counselor, said, "Yes, they would."

**Commissioner Gwin** said, "Thank you. Thank you Mr. Chairman."

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

**Commissioner Schroeder** said, "Mr. Chairman, if you would please. Doctor, this is a question that has to deal basically with the Board you serve on, on our behalf, the Sedgwick County Animal Care Advisory Board. You have a unique situation in that you're more or less a user of this Board too, in your profession as a veterinarian. The effectiveness of this Board to deal with these kinds of issues, can you give me your response to that and how you think the Board works in this community and how it deals with people and their concerns and with us as policy makers?"

**Dr. Skaer** said, "Well, the Board is a diverse Board. There is another veterinarian on the Board besides myself, several people who have worked with Animal Control in the past, representatives of the Wichita Kennel Club. We meet on a monthly basis to work over some of the issues that are apparent in Animal Control and that is a public forum, a public meeting. Some of the pet shop owners have been to two or three of our meetings as we were discussing this proposed Resolution and in fact we're heavily involved in changing parts of the Resolution from the original one that we presented you."

**Commissioner Schroeder** said, "Okay, good. Well, when this undertaking began I was kind of curious if we would get to an end point because it was such a large issue and affected some people who sometimes have quite a voice to be heard.

"But I have to tell you, I've only had a few calls on this and a couple were business related and I think two others were concerned about people telling them how to take care of their pets, et cetera, and I tried to reiterate to those people a couple of times that it wasn't us trying to tell them what to do, but we were trying to protect people in and around their neighborhoods if they had a lion or a tiger.

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"That was our main concern. It is not to make government bigger, it is to protect people and most of them understood that after I talked to them. However, they were concerned about the cost, and I said well I guess its like if you buy a hundred thousand dollar car you probably won't leave it out in a hail storm. So, if you have an exotic animal I'm sure you'll want to take good care of it just as anybody else would take care of a pet, but I think what we are doing today is good and this is quite a change from where we started.

"Do you recall we started at eliminating these animals completely if we possibly could and we've kind of come around to well, if people have them, let's license the animals, let's make sure they are taken care of properly and that the neighborhoods are protected. I think that's reasonable."

**Dr. Skaer** said, "I think that's the way it should be. Make them responsible for them."

**Commissioner Schroeder** said, "I appreciate the Board taking the time that you have. I know this hasn't been easy and I'm looking over here at Elwin, it's been quite a strain but the months have proven to be successful and I think all Commissioners have had concerns and questions about this process and the end result. I'm happy with it and I appreciate the end product, I think it is a good one. Thank you."

**Dr. Skaer** said, "Thank you."

**Chairman Winters** said, "Thank you. Commissioner Hancock?"

**Commissioner Hancock** said, "Thank you Mr. Chairman. Doctor thanks for coming today. I had to apologize, I know we met one time at a staff meeting and I likened this Resolution to swatting a fly with a can. I apologize for that. Upon investigation I find that there are more of these out there than what I ever expected. It is an amazing phenomena. The only thing I have here today on this is the renewal application fees.

"As I understand that for the renewal application after an initial license has been submitted, it is \$100 per commercial or shop owner and \$100 per animal on the

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private side to a maximum of \$300. And on the reptiles, \$50 per shop owner and \$50 per reptile up to a maximum of \$150. One question that I had was there any consideration of changing the renewal versus what the new license fee would ordinarily be?"

**Dr. Skaer** said, "Well, in meeting with the pet shop representative and also with the one USDA facility, the owner of that facility we have in the County, they seemed acceptable to what we came up with. We were hoping to make this Resolution as self supporting from fees as possible and I think it will be. But certainly if it the Commission's desire to reduce those renewal fees I don't think anyone on our Board would be opposed to that. We still think it will do what it is designed to do."

**Commissioner Hancock** said, "My point of view on this is that the resolution that I presume that we are about to pass is to recognize that we have inherently dangerous reptiles and mammals in our midst and to make sure that they are kept properly and safely and that the community that surrounds the areas are safe. In looking at this resolution, I had the opportunity to talk to the gentleman who shot the lion and listen to his story and it was an amazing story. I couldn't believe it happened to anyone and so I would hope the resolution addresses the problem and the maintenance of the animals in a humanely and safe manner also."

"If we could do that and my suggestion here and I would be glad to listen to the other Commissioners, because I'm not sure, as usual, know what I'm talking about on this thing, but about making the renewal about 50% of what the original application fee is and that would be my thought on that, in that these folks, once they understand the process and what goes on that they'll be sure to come back again and let us know that the animals are still there. Is there any thoughts on that or are you all satisfied with what we have proposed?"

**Commissioner Gwin** said, "I'm comfortable with it."

**Chairman Winters** said, "I'm open to change it or leave it, I don't have a strong feeling."

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**Commissioner Hancock** said, "With all that support, I'll leave it alone."

**Chairman Winters** said, "We may come back to you. Commissioner Miller? I'm sorry, were you done Bill?"

**Commissioner Hancock** said, "Yes."

**Commissioner Miller** said, "Dr. Skaer, first of all I want to say to you and to staff at the zoo and to other Board members that yes it has been a long time coming and I am very pleased with the final product we have here. Mr. Manager?"

**Chairman Winters** said, "I'm sorry, Mr. Manager stepped out."

**Commissioner Miller** said, "Did he have to go? Then I will direct my question to you Mr. Harrison. It has to do with enforcement. Whenever policies are made I always want to be able to look at how it is going to impact those that are going to have to carry it out. Possibly Irene Hart would be another source here."

"I want to make sure that we indeed, we as a County and as the Department of Animal Control will be staffed up, prepared and ready to go out and do those inspections when the purchases are made and then the annual inspections if that is what I heard clearly which would be the follow up, to ensure that everything is going according to what it is that our Resolution has said here. So, I'm not sure who needs to..."

**Ms. Irene Hart**, Director, Community Development, said, "Animal Control is within our Bureau. Our Animal Control Director is out of town this week so I am here speaking on their behalf. The resolution, if implemented, goes into effect approximately May 1, it gives pet owners an opportunity to come into compliance. They don't have to immediately next week be in absolute compliance and get permits and all that. That gives us time to develop the permit form, to develop the policies and the education so that we can appropriately carry out and enforce the resolution."

**Commissioner Miller** said, "Okay."

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**Ms. Hart** said, "It is going to be more work, but we think we can handle it."

**Commissioner Miller** said, "Okay, then I'll let it go at that. Thank you."

**Commissioner Gwin** said, "Follow up Irene, before you leave. You say that you think you can handle it, does that mean you are anticipating any additional employees to have to take care of this resolution."

**Ms. Hart** said, "We don't believe that will be necessary."

**Commissioner Gwin** said, "Okay, and the fees from licensure, where do they go?"

**Ms. Hart** said, "Now they go into the General Fund."

**Commissioner Gwin** said, "And where will they go?"

**Ms. Hart** said, "Continue to go into the General Fund, however, we may want to do the budget a little differently next year."

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

**Ms. Hart** said, "If we are going to have some increased revenues it probably should go back in to expand training and acquire some better equipment, that sort of thing."

**Chairman Winters** said, "Thank you. Commissioner Miller did you have anything else?"

**Commissioner Miller** said, "No I don't, thank you."

**Chairman Winters** said, "Commissioner Gwin?"

**Commissioner Gwin** said, "Yes, Mark Reed, can you come to the podium because you've taken your time to be here. I am assuming this Resolution doesn't affect the zoo in any regard, but tell me a little bit about your involvement and whether or not you support or oppose this."

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**Mr. Mark Reed**, Director, Sedgwick County Zoo, said, "We support very strongly the resolution before you. It has become quite a fad here in the last decade for people that have a desire to have an exotic animal. In the state of Kansas we've had several close calls. We had the two within one week with the lion that was previously mentioned, a mountain lion. Butler County had kids mauled by a lion.

"We think this is a very responsible act for the County to pass legislation on. The zoo itself is also pressing for this at a State level along with all the other credited zoos in the state and we have testified there also. I see a strong possibility that large sections of this may be a prototype for the State of Kansas to follow, so I think this is very significant and important."

**Commissioner Gwin** said, "Thank you. Thank you Mr. Chairman."

**Chairman Winters** said, "Okay, thank you. I don't know that it was our real intention to open this up to public hearing, but I would certainly say that if there is anyone else here who would like to speak to this issue we would certainly listen to their comments. Is there anyone from the public who would like to speak on this issue? Okay, thank you. Seeing none. Doctor Skaer do you have anything else, any other comments?"

**Dr. Skaer** said, "Thank you for your time."

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

**Commissioner Hancock** said, "I'd like to make a Motion and it is important and has been a good process but a couple of things. First of all, I'd sure like to have the Animal Control Director, after a year, come and tell us how this thing is going and if there are any problems associated with this resolution that we can change. I think the intent here, at least on my behalf, is to control the situation and let it be as easy and simple as possible for folks to comply and have their exotic animals at the same time.

"Second of all, I'd like to especially thank Dr. Skaer for taking the time. It's been a lot of work and I know you've put a lot of time into this thing, a lot of meetings, for

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taking the time and having the public concern and dedication enough to do this. I really appreciate your work. Once again, I apologize for my earlier comment in staff meeting."

**Chairman Winters** said, "Alright, thank you. Any other discussion? What's the will of the Board?"

**MOTION**

Commissioner Hancock moved to adopt the Resolution.

Commissioner Miller second the Motion.

**Chairman Winters** said, "Any other discussion? The only thing I would say is I am going to be supportive of this and as I had it described to me, this is not a banning of certain animals, but it is speaking to responsible ownership and I think responsible ownership is very important. Alright, any other discussion? Madam Clerk call the vote please."

**VOTE**

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

**Chairman Winters** said, "Thank you very much. Doctor Skaer, thank you and your committee for all the work. Next item please."

**F. PRESENTATION OF TWO CONCEPTUAL SITE PLAN FOR THE AREA ADJACENT TO THE EXPANDED ADULT LOCAL DETENTION FACILITY AND CALVARY BAPTIST CHURCH. CIP #1995 PB 258.**

**Mr. Joe Johnson**, Project Architect, Shaeffer Johnson Cox Frey and Associates,

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said, "As you remember, I made a presentation to you on November 15 for the design of the Adult Local Detention Facility. At that time, we presented a comprehensive overall site plan of the detention facility and the area around that. This was the site plan that was presented at that time. A question that was asked, what was happening with the area around the existing Calvary Baptist Church here and as it related to the adult local detention facility and the entry to the facility.

"On November 28 we presented two site plans to the officers of the First National Black Historical Society and then following that on December 12, we presented those same two site plans to the Board. Today we are bringing them to you for information prior to a presentation we'll make on February 12 to the Historic Preservation Board here in Wichita.

"Let me back up just a second. The present entry to our detention facility is at this location right here in the red area. The red denotes the existing facility. As I explained at that time, we've expanded the core area out here, therefore pushing out the entry on toward the street, in some ways more away from the path that would exist across the street, across the museum location and into the detention facility. This was the first site plan we presented. It consisted of a scheme that basically provided heavy landscaping around the entry to the detention facility, a berm area in this location which would then die back into a wall which would provide a visual barrier from the entry to the museum itself.

"The entry here is shown for the detention facility and comes across the street from the parking garage to this location. A very direct path of entry. Around the church itself or museum, I'd rather call it, we have planned landscaping in this location. We have left the existing sidewalk to provide entry to the two auxiliary doors on the south side of the church, the main entry to the museum being here. We provided additional service area to come around here to get to the rear of the church for possible delivery of exhibits and handicap accessibility to the rear which we have a ramp presently located in this area. We have also, in this scheme, developed an exterior ceiling gathering area in this location with additional berms located around here providing a buffer to the detention facility.

"The second scheme provided basically the same type of landscaping. It introduced the idea of a potential small parking lot in this location off of Water

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Street. It only accommodated approximately 4 cars in that location. We had a number of comments about that parking lot at the two minutes. In this scheme we also presented an exterior gathering area between the detention facility and the church.

"One of the things that is important to note is that there are no windows along this wall of the detention facility so this is a private area that will be developed here between the detention facility and the museum. We feel that the area, we want to provide a good access for parking directly into the detention facility and we also want to provide access from the parking area directly into the museum and I think we have accomplished it with this scheme.

"The Board favored proceeding with these two schemes without necessarily at this time needing a decision on which way the ultimate design would go. Then we will present both of these to the Historic Board as I said on the 12th of February and start the process of site and approval at that time. Let me just move on and show you another close up of the seating area and the museum and the entry to the detention facility area here with a bermed area and additional tree plantings in this area. These basically being pine trees and then I think we have shown a Red Bud tree here. We have two Bradford Pears presently in front of the museum and different ornamental trees located around.

"This is a rendering that we did that would illustrate what it would look like approximately five years after it was planted. I think Commissioner McCray, the first one we presented at the meeting showed a mature planting scheme and I wanted to be sure that no one thought we were trying to camouflage anything so we went back and did another rendering depicting five years growth. Then this is the planting scheme as it would exist when the trees are mature."

**Commissioner Miller** said, "And the berm is right there next to, is right there."

**Mr. Johnson** said, "Right, you can still get across to the museum, but I think the important part here is that the two entries are totally separated with the expansion it really brings the entry to the detention facility further to the east a more direct path into there. During the meeting there was also a kind of interesting side benefit of the expansion of the detention facility. We noticed that right now, all the

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booking area in the detention facility occurs on Wichita Street. It is very visible down Elm Street from the museum.

"In front of the museum you can look down there and see a lot of congestion at different times of police cars and different things, but this scheme with the expansion all that is shielded completely from the museum. So booking takes place on the west side of the detention facility. The private courtyard is developed between the detention facility and the museum can be done very well we feel. The direct entry for visitors of prisoners as well as for staff would be at this location of the detention facility."

**Commissioner Miller** said, "Question about the parking spaces. Now what was the primary purpose, were they for handicap? I remember in the November 28 meeting we talked about that and possibly Reverend Simpson could help us out with that, but I'm thinking that they were designated for handicap."

**Mr. Johnson** said, "We designated one basically."

**Commissioner Miller** said, "No. One, and just for up close parking."

**Mr. Johnson** said, "And some of the comments at the Board of Directors meeting was that it might be nice not to have a paved area in that location. It might be better to let landscaping come on down and really provide a green setting around the three sides of the museum. It might be preferable and then allocate parking along the street for handicap accessibility into the museum."

**Commissioner Miller** said, "And the decision simply has not been made. The jury is out and we've got those two options."

**Mr. Johnson** said, "It is basically an information session today for you so you can see what's being done in the more specific areas of the design."

**Chairman Winters** said, "Commissioner Miller, do you have anything else at this time?"

**Commissioner Miller** said, "I'll probably do a wrap up."

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

**Commissioner Gwin** said, "Just to get back to that parking lot and I know it is important that the members of the Black Historical Society have their say, but I guess my first preference would be, show me the other one Joe where there isn't a parking lot. Yeah, I had a couple of concerns. A), I think I like more trees, more grass, and a better introspective area, not quite so close to the entrance of the new adult detention facility and maybe a little bit more open space and B), it would be hard to patrol or control that lot."

"I have a feeling, my sense would be, that there would be a lot of people who say I'm going to just run into the courthouse for a minute I'll just whip in here and park and I think the Director of the museum might spend more of her time running out to shoo people off the parking spaces. I am certainly interested in hearing what the recommendation that the Society members have back to us so I'll hold my final decision on that, but I appreciate the presentation today. Thank you."

**Mr. Johnson** said, "One possibility we're negotiating with the City right now is fire access to this building because of the type it is. We need to be able to reach any point 150 feet from a fire truck location and I think we're sufficient without having any access to the site."

**Commissioner Gwin** said, "Oh, okay, well that it something else altogether then."

**Mr. Johnson** said, "Basically, the church is about 100 feet long by 50 feet wide approximately. So we feel with the type of construction that is around that, that certainly is acceptable gaging from Water Street."

**Commissioner Gwin** said, "Thanks Joe. Thanks Mr. Chairman."

**Chairman Winters** said, "Okay. Thank you. Any other questions."

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**Commissioner Miller** said, "If there aren't any other questions, I simply want to say that I have had the opportunity to work with both Joe and Stephanie and Reverend Simpson is here and I'd like to give him an opportunity, Reverend Simpson, if you have anything that you'd like to add to this presentation. Its been a long time coming and it has been a hard road to tow but I believe that we are at the point now that we can feel pretty good about where we are headed and I am very comfortable with both the renditions so I will turn it over to Reverend Simpson."

**Reverend Andrew Simpson**, President, Board of Directors of Black Historical Society, said, "We are very pleased at this point to say that we accept the presented sketches of the design that is to come. There are some particulars however, that have not been worked out and we have deferred out recommendations of choice to a later date, because we wanted to be primarily certain that the essence of what we were doing and what was being presented was on the right track and if the drawings could be flashed back on the screen it might be helpful. In essence, what we look at as being one of our primary concerns is that there be a kind of definite distinction of environment. Which drawing was that, the last one, this one will make the point.

"Our concern is for space and distance between the detention facility and the museum as much as possible and that is primarily what we were looking for. That definitely shows it as you look at the line that goes in this direction and you can see that's cut out very well. That was one of the things that pleased us on first sight. Secondly, was what you do with that site, what you do with the area to create the kind of definite unique environment that is the Historical Society Museum, so that from no matter what angle you approach the museum from the front, you would know that is a different environment from the detention facility. That was very, very important for us and we see that in all those drawings that has been carefully maintained. We have no problems whatsoever with that.

"I might just pick up on what Chairman Winters raises a question with regards to whether or not to put a parking area to the north of the building that has something

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like four or six stalls. You know, I can give you a flavor for what the Board is feeling, that is not worth the compromise in what the environment really could be for the sake of four or six cars. We could definitely get that kind of a compromise with places to park in another way and we would just as soon, I'm sure when we get down to the brass tacks, at what is the maximum kind of environment kind of presentation that would really enhance and embellish the fact of the museum where it sets. So, that's where we are.

"We feel like there has been a very careful and conscientious attempt, a successful attempt, to make that a unique environment and we are very, very satisfied with that. I would just say one thing in closing. There are many things that we could say up here to bring you up to speed with where we are, but we're really delighted with the strategic planning process and getting involved in planning and charting a future for the next five, ten years. That has really been a challenge, but it has been a real rewarding kind of situation for us.

"I was reading in the paper some ideas that came out in the last article about this presentation that was going to be made to you and I think I need to clarify something. It is not so much major, but I think it is a little bit of a misunderstanding. We're not trying to suggest that persons are attached with the detention facility should have no business whatsoever at the Historical Society, in fact, that goes against the purpose of what the Historical Society is about. We do believe that history is for all. What we would like for people to know is that when they come into that area, they are entering a particular environment that is historical and if they choose, we would love to have them come and visit. Come and just be inquisitive and check us out. We just don't want people to come figuring that it is a connection or interrelated environment, that the detention facility and the Historical Society are one environment. We want them to have to purposely make a choice to come and visit us and to know where we are.

"So that is the distinction that I would like to make and that is a very fine one, but I think it is very important that we don't close doors on anybody that would like to really help make our Society better. So, what all of the process goes through I'm sure we'll come back and have some very definite little articles that we would like to see included in the final plan that you would make a decision on. But as of right

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now, it is wide open, because in concept we agree with what you are doing and we say thank you for honoring that."

**Commissioner Miller** said, "Thank you."

**Chairman Winters** said, "Thank you very much for being here Reverend Simpson. Any other questions concerning this item?"

**Commissioner Miller** said, "You might want to ask Sheriff Hill if there is any comments."

**Chairman Winters** said, "Sheriff Hill, does everything look alright to you? Very good. Any other discussion?"

**MOTION**

Commissioner Miller moved to receive and file.

Commissioner Gwin second the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you. Next item please."

**G. CONTRACT WITH TOPP CONSULTING CORPORATION TO PROVIDE PROGRAM EVALUATION SERVICES.**

**Ms. Deborah Donaldson**, Director, Bureau of Comprehensive Community Care,

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said, "Good morning Commissioners. This is a contract that is a renewal. We've had this for several years with Topp Consulting and they provide evaluation and consultation and work with us on outcome measures for both our children's program that involves mental health reform and our federal grant. I'd be happy to answer any questions."

**Chairman Winters** said, "Alright, thank you very much. Is there any questions?"

**MOTION**

Commissioner Schroeder moved to approve the Contract and authorize the Chairman to sign.

Commissioner Hancock second the Motion.

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

**VOTE**

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

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

**H. KANSAS COLISEUM.**

- 1. EMPLOYMENT OF A COLISEUM DIRECTOR ABOVE STEP 3 IN THE SEDGWICK COUNTY COMPENSATION PLAN.**

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**Mr. Jarold Harrison**, Assistant County Manager, said, "Our current compensation plan defines steps 1 through 3 of the pay ranges as the entry level arena for employees. On occasion, it is necessary for us to recommend that we hire someone above the entry level. John Nath, who is the candidate for the Coliseum Director position, comes to us with twenty years of experience in the field of operating and managing a building such as the Kansas Coliseum. Ten of those years he was either the Assistant Director or the Director of Facilities.

"His other unique background that causes us to ask to hire above step three is that he is experienced both in governmental facilities and privately owned facilities and we think that is going to be an asset to developing the future of the Coliseum. We are recommending that we hire John at a step five which is also defined in our compensation plan as market. Be glad to answer any questions."

**Chairman Winters** said, "Are there any questions. You've heard the presentation, what is the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve the employment of a Coliseum Director above Step 3.

Commissioner Miller second the Motion.

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

**VOTE**

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

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**Chairman Winters** said, "Thank you. Next item."

**2. ADDITION OF ONE SEDAN TO THE CENTRAL MOTOR POOL FLEET, TO BE USED BY THE KANSAS COLISEUM.**

**Mr. Harrison** said, "Sam Fulco was the Director of the Kansas Coliseum and was provided a vehicle by the Kansas Coliseum Corporation, which is a non-profit organization that was formed when we were first building the Kansas Coliseum. We currently have an expired agreement with the Coliseum Corporation. They are in the process of continuing to discuss and negotiate new arrangements there. That vehicle is not going to be available for the Director of the Coliseum to use. We would therefore recommend that we add one sedan to the Central Motor Pool fleet to be used by the Coliseum Director for use of official duties there at the Coliseum."

**MOTION**

Commissioner Schroeder moved to approve the addition to the Central Motor Pool Fleet.

Commissioner Gwin second the Motion.

**Chairman Winters** said, "Is there any discussion?"

**Commissioner Miller** said, "Brief discussion Mr. Chairman. Mr. Harrison, now this amount will be coming out of the Coliseum budget proper or from the Motor..."

**Mr. Harrison** said, "The initial purchase amount will come out of the Motor Pool funds. The operating and replacement funds that we charge on a per mileage basis for vehicles will come out of the Coliseum budget."

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

**Chairman Winters** said, "And it would probably be correct that the Coliseum Director is one of those people who are on call about 24 hours a day, seven days

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a week?"

**Mr. Harrison** said, "It kind of tends to run that way, yes sir."

**Chairman Winters** said, "Okay, very good. We have a Motion and a second. Is there any other discussion?"

**Commissioner Miller** said, "If none, Mr. Chairman, I move to approve the addition.."

**Chairman Winters** said, "I think we've already got a Motion from Commissioner Schroeder and Gwin."

**Commissioner Miller** said, "Okay."

**Chairman Winters** said, "Any other discussion? Call the vote please."

**VOTE**

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

**Chairman Winters** said, "Thank you. Next item."

**Mr. Harrison** said, "Thank you."

**I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' JANUARY 18, 1996 REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have before you the minutes from January 18, meeting of the Board of Bids and Contracts. There are two items for your consideration today."

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**(1) SIX PASSENGER SEDANS**  
**FUNDING: CENTRAL MOTOR POOL**

"Item one, six passenger sedans for the Central Motor Pool. It is recommended to accept the low bid of Mel Hambelton Ford in the total amount of \$68,586. That does include trade-in of four vehicles.

**(2) CABINET RECONSTRUCTION - AUTO LICENSE**  
**FUNDING: AUTO LICENSE**

"Item two is cabinet reconstruction for the Auto License Center for the Sedgwick County Treasurer. It is recommended to accept the only bid of SBK Supply & Millwork Company to match existing equipment, in the amount of \$22,826.

"I would recommend you approve the minutes as presented by the Board of Bids and Contracts."

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

**Commissioner Schroeder** said, "Mr. Chairman, if you please, Darren, who are those cars for? Sometimes it lists it in here and sometimes it doesn't. What departments are those for?"

**Mr. Muci** said, "I do. One would be for the Kansas Coliseum, the second would be for the Court Trustee, the third is for Lake Afton, and three of those are for Code Enforcement and I'll note that the three for Code Enforcement and the one for Lake Afton, those are the ones that we're trading in."

**Commissioner Schroeder** said, "Are these six all the same type of vehicle?"

**Mr. Muci** said, "Yes, they are. They are to be 1996 Ford Taurus."

**Commissioner Schroeder** said, "Okay thank you. Thank you Mr. Chairman."

**Chairman Winters** said, "Any other discussion?"

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**MOTION**

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

Commissioner Miller second the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you. Next item."

**CONSENT AGENDA**

**J. CONSENT AGENDA.**

**1. Utility and Highway Permit Agreements.**

- a. KG&E, A Western Resources Co. is submitting application requesting permission to install two 40-foot poles and overhead wire on 167th St West between 61st and 69th Sts North. Union Township. Utility Permit No. 132-95. Road No. 799-H. District #3.
- b. Southern Kansas Telephone Co. Is submitting application requesting permission to upgrade cable along 95th Street

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South from 87th Street West to 51st Street West. Ohio Township. Utility Permit No. 134-95. Road No. 642- 21, 22, W¼ 23. District #2.

- c. Southwestern Bell Telephone Co. is submitting application requesting permission to place buried cable on the south side of Central starting 2,000 feet west of 151st Street West and bore under Central at Reece Road to place cable in the Woodland Hills Addition. Attica Township. Utility Permit No. 135-95. Road No. 618-16. District #3.
- d. Southern Kansas Telephone Co. is submitting application requesting permission to cross 103rd Street West approximately 900 feet north of 71st Street South and bury cable north on the west side to 6809 Street 103rd Street West. Waco Township. Utility Permit No. 136-95. Road No. 807-X. District #2.

## **2. Right-of-Way Agreements.**

The following tracts of land have been granted by Easement for Right-of-Way at no cost to the County. These Easements were requested by the Director, Bureau of Public Services, prior to the approval of Platting Exemptions.

- a. Road Number 636-10, Owners: Troy J. Hilger and Tonya L. Hilger, located in the Northeast Quarter of Section 3, Township 29 South, Range 3 West, more specifically located on the south side of 71st Street South and west of 247th Street West. Viola Township. District #3.
- b. Road Number 781-Q, Owners: Amos E. Cape and Deborah A. Cape, located in the Southeast Quarter of Section 25,

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Township 27 South, Range 4 West, more specifically located on the west side of 311th Street West and north of 15th Street South. Grand River Township. District #3.

**3. Right-of-Way Instruments.**

Five Easements for Right-of-Way for Sedgwick County Project No. 817-G through N½ J; Meridian from the north city limits of Wichita to the south city limits of Valley Center. CIP #R-169. Districts #1 and #4.

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

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V96005	\$425.00	4	Martin R. Freeman
V96004	\$357.00	5	Helms Rental Properties
V96003	\$17.00	1	Sarah Lane Apartments
V96002	\$297.00		John Mikel

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
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V95025	\$450.00	\$450.00
C863005	\$365.00	\$332.00
V94034	\$218.00	\$214.00
V95066	\$349.00	\$000.00
C94111	\$400.00	\$366.00

**6. Consideration of the Check Register of January 19, 1996.**

**7. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960041	Central Services Security	Transfer
960042	Finance General	Transfer
960043	Mental Health Develop. Disabilities	Transfer
960044	Physical Disabilities	Transfer
960045	Finance General General Purpose	Transfer
960046	Risk Mgmt. Reserve	Supp. Appropriation
960047	Aging Grants	Supp. Appropriation

**Mr. Jarold Harrison**, Assistant County Manager, greeted the Commissioners and said, "You have the consent agenda before you and I would recommend your approval as presented."

**MOTION**

Commissioner Gwin moved to approve the consent agenda as presented.

Commissioner Hancock second the Motion.

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**Chairman Winters** said, "I have a motion and a second is there any discussion?"

**Commissioner Miller** said, "There is sir. Item 960044, there is a transfer of monies, it is into the, it is from finance general into general."

**Mr. Harrison** said, "It's all within the same fund. It is realigning some of the line items in that fund from minor apparatus, information services purchases, and administrative charges and moving it to incidental client expense."

**Commissioner Miller** said, "Okay, so you're just realigning."

**Mr. Harrison** said, "It's within the same fund."

**Commissioner Miller** said, "Okay."

**Chairman Winters** said, "Okay, is that clear. Anything else?"

**Commissioner Miller** said, "That's clear but hold on there was another item. It's clear at this point, I think I'll probably talk to Harold later."

**Mr. Harrison** said, "I'll be glad to follow up on anything you need."

**Commissioner Miller** said, "Thanks."

**Chairman Winters** said, "Alright, any other discussion on the consent agenda? Madam Clerk, please call the vote."

**VOTE**

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

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**EXECUTIVE SESSION**

**K. OTHER**

**Chairman Winters** said, "Okay, thank you, that meeting is adjourned. Is there other business to come before this Board? Commissioner Miller, are you going to make reference to any Executive Session?"

**Commissioner Miller** said, "I certainly am."

**Chairman Winters** said, "I'd like to add personnel matters of non-elected personnel and it will only take a very few minutes so I don't believe we'll need any more additional time than the twenty minutes."

**Commissioner Miller** said, "Okay."

**MOTION**

Commissioner Miller moved that the Board of County Commissioners recess into executive session for twenty minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and or litigation, potential litigation, and legal advise and also move to consider personnel matters of non-elected personnel and we

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should return from executive session no sooner than 11:40.

Commissioner Gwin second the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much. Call this meeting back to order. Let the record show that there was no action taken in executive session. Mr. Plummer do you have anything else? Commissioners anything else? We are adjourned. Thank you."

**L. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 11:50 a.m.

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

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

\_\_\_\_\_  
**MELODY C. MILLER**, Chairman Pro Tem  
Fourth District

\_\_\_\_\_  
**BETSY GWIN**, Commissioner  
First District

\_\_\_\_\_  
**PAUL W. HANCOCK**, Commissioner  
Second District

\_\_\_\_\_  
**MARK F. SCHROEDER**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**Susan E. Crockett-Spoon**, County Clerk

APPROVED:

\_\_\_\_\_, 1996