

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

MARCH 27, 1996

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, March 27, 1996, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair 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. Bob Rogers, Assistant County Manager; Ms. Becky Allen Bouska, Director, Finance Department; Mr. Harry J. Hayes, Director, Bureau of Human Resources; Ms. Mary Ann Mamoth, Director, Personnel Department; Mr. Douglas King, Records Manager, County Clerk's Office; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Lyman Reese, Major, Sheriff's Department; Mr. J. Kenneth Hales, Director, Department of Corrections; Mr. Kenneth W. Arnold, Director, Capital Projects Department; Ms. Irene Hart, Director, Bureau of Community Development; Mr. Larry D. Jecha, MD, MPH, Director/Health Officer; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Cecilia Chavez Maggard, Deputy County Clerk.

GUESTS

Mr. Jim Barton, President, Local Central Kansas Chapter of Association of Records Managers and Administrators (ARMA).

Mr. Patrick Blanchard, Mental Health Advisory Board.

Mr. Joe Johnson, Senior Vice President, Schaefer, Johnson, Cox, Frey & Associates, P.A.

Mr. Ernest Evans, 3958 Gilda Circle, Wichita, Kansas.

Mr. Rob Rumsey, Attorney at Law.

Mr. Wade Caldwell, District Engineer, Kansas Department of Transportation.

Mr. Ralph Reida, President, Refrigeration Technology.

INVOCATION

The Invocation was given by Mr. Joe Stout of the Christian Businessmen's Committee.

Regular Meeting, March 27, 1996

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: **Regular Meeting, February 7, 1996**

The Clerk reported that Commissioner Miller, was absent at the Regular Meeting of February 7, 1996.

Chairman Winters said, "Commissioners, you have seen those minutes, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the Minutes of February 7, 1996, as presented.

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "Last week we had deferred the minutes of two meetings and I would like to take an off agenda to discuss the minutes of the meetings of January 24 and January 31, 1996."

Regular Meeting, March 27, 1996

MOTION

Chairman Winters moved to take an off agenda item to discuss the minutes of the Meetings of January 24 and January 31, 1996.

Commissioner Hancock seconded the Motion.

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

VOTE

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

CONSIDERATION OF MINUTES: Regular Meetings, January 24 and 31, 1996.

The Clerk reported that all Commissioners were present at the meetings of January 24 and January 31, 1996."

Chairman Winters said, "Commissioners, everyone had not had the opportunity to look at the minutes of January 24 and January 31, 1996. I believe we have done that, so I would entertain a motion to approve those two meeting dates."

MOTION

Commissioner Hancock moved to approve the Minutes of January 24 and January 31, 1996.

Commissioner Miller seconded the Motion.

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

Regular Meeting, March 27, 1996

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."

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 expenditures on today's regular and sewer district agendas. I am available for questions if there are any."

Chairman Winters said, "Thank you. Seeing no questions, thank you very much. Next item please."

PROCLAMATIONS.

- 1. PROCLAMATION DECLARING APRIL 1-7, 1996, AS "PUBLIC HEALTH WEEK".**

PROCLAMATION

WHEREAS, the average life span of Sedgwick County citizens has increased 30 years in the past century; and

WHEREAS, this increase is mainly due to public health measures; and

WHEREAS, these measure include basic sanitation, clean air, clean water, the use of vaccines, and communicable disease control; and

Regular Meeting, March 27, 1996

WHEREAS, even with this progress, half the deaths in Sedgwick County occur prematurely from preventable causes;

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim the week of April 1 - 7, 1996, as

"PUBLIC HEALTH WEEK"

in Sedgwick County.

MOTION

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

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you. Is Dr. Larry Jecha here? Dr. Jecha, if you would come forward please and perhaps just say a few words about this week."

Dr. Larry Jecha, Director/Health Officer, said, "I would like to thank the Commissioners for giving this Proclamation. It is very important to us in Public Health and your help in making the public aware to how important this is. We greatly appreciate it and to help receive this we have the Chairman of the Board of Health, Dr. Peltzer and Dr. Tosh, the previous director and he is presently on the Board of Health also. We thank you very much."

Regular Meeting, March 27, 1996

Chairman Winters said, "Thank you very much, thanks for being here. I have noticed that former Commissioner and former State Senator Billy McCray have joined us this morning. Welcome, Commissioner McCray, it is nice to have you here. Next item please."

2. PROCLAMATION DECLARING APRIL 2, 1996, AS "NATIONAL RECORDS AND INFORMATION MANAGEMENT DAY".

PROCLAMATION

WHEREAS, the purpose of the Association of Records Managers and Administrators (ARMA), is to promote professionalism and education in Records and Information Management; and

WHEREAS, the management and control of information are increasingly critical to every industry, business and government agency; and

WHEREAS, an effective records management program assures the availability of information as a basis for sound decision-making by providing security and control against loss by mismanagement, natural disaster, theft or inadvertent destruction; and

WHEREAS, constantly changing technologies provide an array of information storage media, from paper to electronic storage, that require a concerted effort to assure proper retention and control;

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim Tuesday, April 2, 1996, as

"NATIONAL RECORDS AND INFORMATION MANAGEMENT DAY"

in Sedgwick County, and encourage citizens to recognize the importance of this event."

Regular Meeting, March 27, 1996

MOTION

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

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much. Is Jim Barton here to accept? Bring those other folks with you. Welcome."

Mr. Jim Barton said, "Thank you, Chairman Winters. I take a great deal of pleasure as the President of the Local Central Kansas Chapter of ARMA, the Association of Records Administrators and Managers, in accepting this Proclamation. In recognition of our own Sedgwick County Record's Management Program, which is making grand improvements, I'd like to relinquish my further remarks to Mr. Doug King."

Mr. Doug King, County Clerk's Office, greeted the Commissioners and said, "I'd like to make, I think, the best commemoration of the occasion and that is to give some brief news of what we're doing right now. We are scheduled to begin the donated project from Office Automation to scan County Commission minutes onto CD Rom. Tentatively it is set for the first week in June. Also, we received, from the State, a \$4,500 grant to proceed and microfilm the historic assessment rolls from 1877 to as far as the money will take us. We hope it will be into the 1890's."

Regular Meeting, March 27, 1996

"Then I've received oral word from the State, when I was up for training, that because another County has chosen not to participate, we will get an additional \$1,000 and I will know that is really true when we get it in writing, it hasn't come yet. I think that's the best commemoration to show what we're really doing that's really tangible. Thank you."

Chairman Winters said, "Thank you. Just briefly, before I call the next item and retirements, I would like to take a moment to recognize one of our County management interns. This Friday, March 29, is Brad Eilts' final day with Sedgwick County. Brad has accepted a position with the City of Chanute as the Assistant to the City Manager and Director of Economic Development. I think Sedgwick County has a very good management intern program and I think we attribute a great deal of that to our Manager, Bill Buchanan, who, I think, has put together an excellent program. So, Brad, we hope you've learned some things from Sedgwick County. We thank you for your service and best of luck to you as you begin your new career. I'll move down to the front Madam Clerk, if you'll call the next item please."

RETIREMENT PRESENTATIONS

B. PRESENTATION OF RETIREMENT CLOCKS.

- 1. LAURENCE MCKIM, SUBSTANCE ABUSE COUNSELOR II, COMCARE, WILL RETIRE APRIL 1, 1996, AFTER 12 YEARS OF SERVICE.**

Ms. Mary Ann Mamoth, Director, Personnel Department, greeted the Commissioners and said, "It is my honor this morning to present retirement certificates to three employees retiring from Sedgwick County. The first one is Lawrence McKim. Lawrence, and his wife Carol, share 8 sisters, 7 children, 9 grandchildren, and 2 Schnauzers, keeping them quite busy. Lawrence's hobbies are photography, carpentry, framing pictures, reading and collecting big band and jazz music. He has worked for the Mental Health Department Addiction Treatment Services for the past 12 years and 5 months and describes his employment with Sedgwick County as the most worthwhile work he has done in his life. He is retiring effective April 1 and we want to wish him well in his retirement. Congratulations Laurence on your retirement."

Regular Meeting, March 27, 1996

Chairman Winters said, "Laurence, on behalf of the Sedgwick County Commissioners and all the citizens of Sedgwick County, we'd like to present you with this clock as a token of our appreciation for the service that you have provided to this community."

Mr. Laurence McKim said, "Thank you very much."

Ms. Mammoth said, "Thank you."

2. GEORGE HARRIS, SURVEYOR, BUREAU OF PUBLIC SERVICES, WILL RETIRE APRIL 1, 1996, AFTER 10 YEARS OF SERVICE.

Ms. Mammoth said, "Our second retiree is George Harris. George plans to spend time with his children and grandchildren. His hobbies include bowling, hunting and running an RV park. George has always worked in the Bureau of Public Services and describes his period of employment here as excellent. We want to wish him well on his retirement, effective April 1, after ten years of service with Sedgwick County. Congratulations George."

Chairman Winters said, "George, on behalf of the Sedgwick County Commissioners and the citizens of Sedgwick County, we'd appreciate the service that you have provided to this community. With that, we'd like to present you with this clock in recognition of your service."

Mr. George Harris said, "Thank you."

Chairman Winters said, "Thank you."

3. JUANITA MOHR, FISCAL ASSISTANT, AUTO LICENSE, WILL RETIRE APRIL 1, 1996, AFTER NINE AND ONE-HALF YEARS OF SERVICE.

Ms. Mammoth said, "Our third retiree is Juanita Mohr. Juanita plans to spend time with her six children, a house full of grandchildren, all of whom live nearby, except for one son and his family. She intends to spend more time with them and more time with relatives. Her hobbies are oil painting, sewing and gardening and hopes to take some classes in those. They belong to the Coca Club and enjoy playing cards and hope to do some traveling."

Regular Meeting, March 27, 1996

“Juanita has always worked in the Auto License Department. She describes her employment with Sedgwick County as a very rewarding and a very educational experience. Juanita is retiring after nine and one-half years, effective April 1, and we want to wish her well in her retirement. Juanita, congratulations.”

Chairman Winters said, "Juanita, on behalf of the Sedgwick County Commissioners and the citizens of Sedgwick County, we appreciate the service that you have given to Sedgwick County. As a token of that, we'd like to present you this clock. Thank you."

Ms. Mamoth said, "Thank you Commissioners."

Commissioner Miller said, "Thank you."

Chairman Winters said, "Madam Clerk, call the next item please."

APPOINTMENT

C. RESOLUTION REAPPOINTING PATRICK C. BLANCHARD (COMMISSIONER SCHROEDER'S APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.

Mr. Stephen B. Plummer, County Counselor, greeted the Commissioners and said, "You have in front of you a resolution reappointing Patrick Blanchard to the Sedgwick County Mental Health Advisory Board. I recommend you adopt that resolution and make that appointment."

MOTION

Commissioner Schroeder moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

Regular Meeting, March 27, 1996

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. Is Mr. Blanchard here?"

Ms. Cecilia Chavez Maggard, County Clerk's Office said, "Mr. Blanchard, please raise your right hand and reply, 'I do' after I finish reading the oath.

'I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the Office of the Sedgwick County Mental Health Advisory Board, so help me God.'"

Mr. Patrick Blanchard responded, "I do."

Chairman Winters said, "Mr. Blanchard, we want to thank you for making that commitment to serve on this Advisory Board. It is extremely important that local governments keep connected with the departments that give service to this community and we certainly appreciate it when citizens, such as yourself, step forward to do that. We thank you for your help."

Mr. Blanchard said, "Thank you."

Chairman Winters said, "Thank you."

Commissioner Schroeder said, "Mr. Chairman, if you please. The light system went out on us just as soon as I turned my light on. Patrick, I appreciate you volunteering to serve another term. I always ask my department heads about the participation of my appointments and the value of that appointment and you were very highly recommended for another term and that says a lot for yourself and I really appreciate your commitment. Thank you, Patrick."

Regular Meeting, March 27, 1996

Mr. Blanchard said, "Thank you."

Chairman Winters said, "Thank you. Commissioners, before we take up the next item, there are two items that we need to take up off agenda."

MOTION

Chairman Winters moved to take an off agenda item concerning the merger of the Southern Pacific and Union Pacific Railroad and an item concerning an emergency operation plan to be presented by John Coslett.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much. You know it is not often that a government has public opinion on its side when it faces a real tough issue, but I can tell you Commissioners, that I believe we're on the same track as the public in opposing the merger of the Union Pacific and Southern Pacific Railroads as it presently stands. Wichita and Sedgwick County have become partners in sharing our ideas and concerns over the impact of this increased train traffic through our communities. Yesterday, the City Council voted to oppose this merger before the State Transportation Board.

"I was in attendance in that meeting when they did that. Immediately after the meeting, Mayor Knight and I held a brief news conference and the goal of the news conference was pretty clear, that was that the City of Wichita and Sedgwick County want to send a collective 'no' to this merger as it now stands.

Regular Meeting, March 27, 1996

“I believe there is strength when the City and the County work together to attempt to find solutions as they affect the quality of life of all of our residents. I believe we can be successful in this issue. I believe that it is important that we consider filing a protest application to the Surface Transportation Board and that is why I have asked for this off agenda item. If anybody has any questions or any discussion, I'd be glad to visit about the merger situation as I currently understand it and I'd be glad to visit about that.

“If not, I have a Motion that I would like to propose that would allow us to adjoin in this protest petition. The reason also that we've taken this up in a rather hurriedly manner is that the deadline for filing that application is this coming Friday. So if we are going to formally protest, we need to do it pretty quickly. Does anyone have any questions.”

MOTION

Chairman Winters moved that Sedgwick County work in concert with the City Council of Wichita to oppose the merger of the Union Pacific and Southern Pacific Railroads and authorize the Sedgwick County Counselor to work with the City Attorney in filing a joint petition and notice with the Federal Surface Transportation Board providing comments, request for consideration, and other objections to the railroad merger because the merger will have a detrimental impact on the health, safety, and the environment of the City of Wichita and Sedgwick County.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Regular Meeting, March 27, 1996

Chairman Winters said, "Thank you very much Commissioners. We'll instruct our Counselor to proceed. The second item is an item that John Coslett has concerning a redrafting and a consolidation, formally, a rather cumbersome plan of emergency operations in Sedgwick County. So John, if you would please present this item."

Mr. John Coslett, Director, Emergency Management, greeted the Commissioners and said, "I am here this morning to seek your approval of the revised Sedgwick County Emergency Operations Plan. It has been prepared as an all hazard plan where in the past it was broken down into various hazards, but it will be considered an all hazard plan. Input has been received from all the emergency services throughout the City and the County and any other of the support agencies who have responsibilities during the time of disasters and the plan has also been submitted to the Kansas Division of Emergency Management and the State Adjutant General's Office in Topeka has signed off there."

"So, it is a complete revision and we're ready to print it and distribute it and are here this morning to seek your approval. We recommend that you allow the Chairman to sign the front cover page that goes in the front of the book. I'd be pleased to answer any questions that you might have."

Chairman Winters said, "Commissioner Gwin."

Commissioner Gwin said, "John, basically this plan just outlines what agencies are responsible for doing what, what their responses are in a time of disaster, is that correct?"

Mr. Coslett said, "Yes, Commissioners. It does not apply to day-to-day operations, it kicks in when we have a disaster situation. It is an umbrella plan, so to speak, in as much as it tasks the agencies, but it in no way tells the agencies how to operate. What they do will be based upon their standard operation procedures. It is a means of tying us all together in times of disaster."

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

Chairman Winters said, "Thank you. John, it is my understanding as I reviewed this with you yesterday, that even formerly, you were required to have a plan for disaster in the summertime, a disaster in the winter, different seasons of the year and all of that has now been consolidated into a much simpler plan."

Regular Meeting, March 27, 1996

Mr. Coslett said, "That's correct Commissioner."

Chairman Winters said, "Thank you very much John."

Mr. Coslett said, "Thank you."

MOTION

Chairman Winters moved to accept and approve the plan and authorize the Chairman to sign the front cover page.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much John. Back to regular business. Madam Clerk call the next item

PRESENTATION

D. PRESENTATION REGARDING EXPANSION OF THE SEDGWICK COUNTY ADULT LOCAL DETENTION FACILITY, CIP PROJECT #1995 PB258.

Mr. Joe Johnson, Senior Vice-President, Schaefer, Johnson, Cox, Frey and Associates, P.A., said, "Project architect for the Adult Local Detention Facility. Thank you for asking me to be here this morning. Our goal this morning is to receive direction from the Commission to proceed with the construction document phase of the jail project.

Regular Meeting, March 27, 1996

“As you know, we made a presentation, on November 15th, to you of the schematic design phase documents which was a very extensive presentation. I do not plan to duplicate that presentation today, but I do have some graphics that I'd like to show you as tools to illustrate major changes that have been made since the schematic design development approval.

VISUAL PRESENTATION

"We'd like to start first with the review of what the project consists of. As we all know, the present jail facility has 430 beds. The proposed addition is 651 beds for a new combined capacity of 1,081. We are losing some trustee beds in the original jail and we're adding back medical beds, so the project is basically 1,070 beds in the combined facility.

"The last presentation we made to you was on January 24, at which time we showed you the site development presentation that we had developed around the jail facility. I want to show you a few slides of that today. Following that presentation to you, we went to the Wichita Historic Preservation Board on February 12, and asked for their approval of constructing the jail around the Historic Calvary Baptist Church. We received approval from them. On February 22, Manager Buchanan, Don Brace, Stephanie Kneble, the project manager of the jail and I went to Topeka and met with the State Historic Preservation Office to present the same documents to them. On March 12, we received approval from that office to proceed with the jail around the historic building.

"This is a composite site plan and you have the documents of the design development submission in the conference room which you've all seen. Today, I just tried to make a composite of the floor plans and site plans to illustrate some things that have happened. On March 7, we requested, from the Metropolitan Area Planning Department Subdivision Committee, certain vacations of streets and easements at that time. We received approval from the Metropolitan Planning on March 14 to proceed with certain conditions. One of the major elements that we have to overcome is a sewer line which proceeds through Elm Street in this location. We have worked out a satisfactory solution to reroute that storm sewer around the site, just below Pine Street, underneath the track, and down the easement to Waco. That is a project that we're going to proceed on prior to the start of the construction of the jail. We'll start construction in approximately July of this year. There are certain approvals we have to receive from the railroad company to do that and those have been initiated."

Regular Meeting, March 27, 1996

Commissioner Miller said, "Joe, this was already included in what it is we need to do?"

Mr. Johnson said, "Yes. That has been anticipated, we had to go through the process of getting those approvals and those have all been accomplished at this time. So really, at this point, what we're asking for is approval of our design development drawings to allow us to proceed with construction documents for a bidding of the project in July and August of this year and starting construction in the end of September or first of October. I thought I would just take an opportunity and I don't want to take a lot of time, to tell you the major things that have happened in this process of design development.

"Basically, what we do in that phase of the work is refine the schematic documents. We've had extensive meetings with the expansion team and feel that the documents, as they now exist, are approved by them and we basically had a number of changes. One, being the kitchen area, which is located in this location. Prior to the design development, we had the dock in this location and had the kitchen totally reversed. We have now inverted the kitchen and that provides a lot of opportunities for arresting officers, which seemed to be a problem in parking. The site is very tight, as you know, and the west side of the building is basically very confined. We have a sallyport, which allows for the parking of seven vehicles. We have developed parking in this area for arresting officers in peak times and now, by changing the dock up here to this location, we also have a driveway that can be used at night time for additional arresting officer parking. We feel that is a major improvement to the overall plan of the project.

"Also, in the way of major changes. We had a new mechanical room located under the kitchen in the preliminary plans. Now we've moved that down to a location by the pods here. We've also provided an accessible utility tunnel connecting the present basement area of the jail to this new mechanical room, which we feel for service will be very beneficial to the project. Also, on this plan, we have modified other various areas. We have decided that both the men's and women's locker rooms will be located in this position here. The present locker rooms will be retained, but can be gutted at some future date for additional storage as required.

Regular Meeting, March 27, 1996

"On the second floor plan we have made changes to the clinical area. We've added an expanded x-ray facility in the medical clinic. We've also refined all the housing, the dormitories and the pods in these locations so that they all work. We've also had various meetings with the Fire Department and City Planning people to make sure that we've accommodated the exiting requirements to have a safe jail from that standpoint as well as from a security stand point. We feel that at this point in time we are coming to ask your approval of these design development documents so we can proceed and get the documents done that will allow the contractors to bid on this project. It's been a long process and we feel very comfortable with where we are today.

"There is one additional plan I'll show you, which is the third floor plan of the dormitories and pod design. I'd just like to review briefly. The facility incorporates 350 beds in the dormitory type housing. Three hundred beds in single cell in the pod design. In going to the dormitory housing, we were probably able to reduce the project potentially by about ten million dollars in that type of construction and housing those prisoners. If we had chosen to design the entire facility with the single pod design, it would increase the project by that much and we feel that it is very beneficial to the taxpayers of Sedgwick County. It is also a cutting edge solution to detention and the expansion team has worked through that and are very excited about that type of solution. I'll be available to answer any questions at this time."

Chairman Winters said, "Commissioner Miller."

Commissioner Miller said, "Joe, I do understand that this is basically an opportunity for you to present the progress that we've made up to this point and the design and the actual construction project that will get us to the point where we're opening our doors and housing inmates once again in a larger facility. I know you stated that currently it will house 1,070, but yet it is roughed out and built, if I recall, to house how many?"

Mr. Johnson said, "Fourteen hundred. The center core area is designed, the family visitation, attorney visitation, all those areas are designed to accommodate 1,400 with either a pod or dormitory type expansion in the future."

Commissioner Miller said, "Expansion to the north."

Mr. Johnson said, "To the north."

Regular Meeting, March 27, 1996

Commissioner Miller said, "Now, I also was watching when you were putting the landscaping plans for the Black Historical Museum or the Old Calvary Baptist Church and I need to ask a couple of questions and possibly these questions would be directed at the Manager. In terms of Capital Improvements, improvements that they are considering right now in their strategic planning stage and their actual business plan that they are going to present to us very soon. 1996 budget has been mentioned, 1997 budget has obviously been mentioned also, in terms of being able to meet the needs that they feel that they are going to have to have in order to make this a viable museum. Where are we with that? How would we actually be able to accommodate that in our 1996 budget? I know that we don't have a firm dollar amount, but I'm just kind of projecting."

Mr. William Buchanan, County Manager, said, "Commissioner Miller, I have not seen the list of items that the Museum Board has recommended be accomplished. I know that's being reviewed by the Capital Improvements Office to verify what has been done and what hasn't been done. There is money currently in the contingency which would allow us to begin work, if necessary, in 1996."

Commissioner Miller said, "When you say contingency, which contingency?"

Mr. Buchanan said, "There is a contingency for not only the Capital Improvement fund, but also for the General fund of the County. So there are two sources which could get the project started depending upon what the project was. So some work could be accomplished if we so desire this year."

Commissioner Miller said, "Okay and is there anything you'd like to add Stephanie Kneble, because I know that you processed some information regarding a time line of possibly when they would actually have their plan together and hard numbers of these projects that could possibly be funded in 1996."

Ms. Stephanie Kneble said, "As the Manager mentioned earlier, those documents are just now coming together, the prices are being verified and all that. I anticipate that information being in the hands of the Manager by the end of the week, if not by the end of the day today and we'll have to continue discussion from there."

Commissioner Miller said, "Thank you."

Regular Meeting, March 27, 1996

Mr. Johnson said, "Melody, I would like to say that the landscape plan that we've shown you before is in the jail project budget so that phase of the project is covered."

Commissioner Miller said, "Okay. Thank you Joe. Thank you Mr. Chairman."

Chairman Winters said, "Thank you. Are there other questions? Commissioner Schroeder."

Commissioner Schroeder said, "Mr. Chairman, if you please. Joe, I appreciate you bringing the plans up to the Commission Office today for us to look at and I was going through them as I had done earlier a few months ago when we started this process and I have just a few questions. I noticed in that we have a library and a law library and then an office for a librarian. I guess I need to ask, is that really necessary in a jail? I know it is not a prison setting. I know the average stay is what, a week or two? Is that something we have now? Do we have a law library now and a librarian?"

Mr. Johnson said, "Let me just mention, the library concept is that books are taken to prisoners on request. The law library is provided so that prisoners can go and utilize the law library. The office for a librarian is simply, it is not a staff position, but a volunteer position, if that is desired and we have the enthusiasm for that."

Commissioner Schroeder said, "I guess I need to ask somebody, are we required by law to have a library available to inmates?"

Mr. Johnson said, "Yes we are."

Commissioner Schroeder said, "Okay, does that mean we have to provide an office area for that, et cetera? Does that include typewriters and things like that?"

Mr. Johnson said, "I wouldn't think so."

Commissioner Schroeder said, "Also, in that, I noticed that there is a therapy room, as related to medical, and tell me about that. What would that be used for? Obviously for therapy, but do we have anybody that is in that bad a shape that we would keep them in our facility?"

Regular Meeting, March 27, 1996

Mr. Johnson said, "I think the goal is to keep as many people here as we possibly can to reduce our cost of hospital stay. That's the intent of having a full service clinic."

Commissioner Schroeder said, "So that means that we would have to hire a therapist to help rehabilitate these people for therapy, et cetera, is that what I'm understanding? What I'm after is trying to cut the cost of staffing and those kinds of things that are not necessary and I don't know all these questions. I just saw it this afternoon late and that's why I'm asking now."

Mr. Johnson said, "Basically that's a treatment room that can be used for a variety of things."

Commissioner Schroeder said, "Okay. I noticed looking through the plan there were areas called indoor exercise, outdoor exercise and exercise. Can you tell me the difference of all three of those?"

Mr. Johnson said, "Basically the indoor exercise are multi-purpose rooms, which are located adjacent to each of the pods or adjacent to each of the dormitories and they are restricted to the people that are within those areas, so it is a maximum number of any one area is 50 people in the indoor exercise. We have certain guideline requirements that we have for exercise of inmates, as well as outdoor exercise."

Commissioner Schroeder said, "Okay. So what would just the exercise room be? It shows three different things."

Mr. Johnson said, "Oh, I know what you're asking. Conditioning room, located in the basement, I think that's what you picked up on. That was for the staff, the detention deputies."

Commissioner Schroeder said, "Do we already have one of those?"

Mr. Johnson said, "Yes we do."

Commissioner Schroeder said, "And we're going to add a second one."

Regular Meeting, March 27, 1996

Mr. Johnson said, "No, we're taking the present one and using it for the squad room and we are relocating this one to be adjacent to the lockers, utilizing the same and hopefully increased equipment."

Commissioner Schroeder said, "Okay. And classrooms, how many of those do we have, do you recall?"

Mr. Johnson said, "There are about three different locations throughout the facility."

Commissioner Schroeder said, "And what are those for?"

Mr. Johnson said, "Those are for the inmates to take various educational classes."

Commissioner Schroeder said, "Okay. And we still have what, approximately 80 visitation booths for inmates and family, is that what we had before?"

Mr. Johnson said, "Sixty-four."

Commissioner Schroeder said, "And then we have somewhere around 30 for attorney client visitation."

Mr. Johnson said, "Right. Some of those being hearing rooms to be used also for consultation."

Commissioner Schroeder said, "Okay. I really don't know who to ask all these questions to, but back to the classroom, is that for GED courses, is that what that's for?"

Mr. Johnson said, "That's one of the uses. Care to expand on that Sheriff?"

Commissioner Schroeder said, "Is that a requirement of us to have that available to the inmates also, does anybody know?"

Mr. Johnson said, "Yes it is."

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

Regular Meeting, March 27, 1996

Chairman Winters said, "Thank you. Commissioners, any other questions? Again, I was reminded this morning as I received communication from Sheriff Hill that we have over 800 people in detention today and we have a 430 bed facility, so the need still exists and I think the most important thing we need to concentrate on is getting this facility up and going in the best manner possible. Commissioner Hancock."

Commissioner Hancock said, "Thank you Mr. Chairman. Joe, as you know, for a while I've been interested in moving Sheriff Administration out of this courthouse and making it part of this facility and making it a 24 hour accessible facility. I know that right now there isn't any support for that extra cost but will this building in the future lend itself to the possibility of doing that if that is decided."

Mr. Johnson said, "We have one area designed into the present facility that is future expansion and I know you've asked about that before and I did look at that to see if that could accommodate the Sheriff at some future date and it could. That would be on the second floor up above central records."

Commissioner Hancock said, "Near where the entrance is now?"

Mr. Johnson said, "Yes. As you remember also, we are relocating Central Records out of the courthouse for that same 24 hour accessibility into the jail facility."

Commissioner Hancock said, "I appreciate that. I was hoping that you kept that in mind as you went through the process of this particular design. Thank you very much. Thank you Mr. Chairman."

Chairman Winters said, "Thank you. Commissioners, our action today needs to be to direct staff and project architect to proceed with the construction document phase. Do any of you feel like we need more information before we proceed on with this stuff?"

Regular Meeting, March 27, 1996

MOTION

Commissioner Schroeder moved to direct staff and project architect to proceed to the construction document phase.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much Mr. Johnson, appreciate the presentation."

Mr. Johnson said, "Thank you."

Chairman Winters said, "Next item please."

DEFERRED ITEMS

E. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER CU-388 - CONDITIONAL USE PERMIT TO ALLOW A CAR WASH ON PROPERTY ZONED "LC" LIGHT COMMERCIAL AND GENERALLY LOCATED AT THE NORTHWEST CORNER OF HOOVER AND MACARTHUR ROAD.**

Regular Meeting, March 27, 1996

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, said, "There were two items from two weeks ago, conditional use and a special permit that were deferred and this was the request for the conditional use permit for a car wash at Hoover and MacArthur Road. Two weeks ago, the County Commission deferred this request and asked the staff and the applicant to both look at all possible ways to mitigate the noise, to deal with lighting issues, drainage issues, and to look at landscaping as all possible ways to make the car wash a better neighbor and fit into this location where it was constructed. We met early last week with the applicant, his contractor, and a representative of the car wash manufacturer and talked about these issues.

"Then we met last Wednesday night at a meeting with the group of homeowners and with the applicant and the manufacturer's representative again. At that meeting, the applicant provided a list of eight proposed actions he would take to try to mitigate the impact of the car wash. Those are things that he was willing to undertake. There was further discussion about a number of issues and a number of other possible proposals to mitigate the impact of the car wash. In the end, I would say the bottom line is the homeowners were not satisfied that those items or even the other items that were discussed at the meeting were enough to make the car wash an acceptable neighbor at this location which you recall was five feet from the year yard of about three of the homes in the abutting subdivision. I could go into more detail about the issues that were discussed if you like. You have a staff report with a lot of details about those issues and I'd be glad to go over them in more detail if you'd like."

Chairman Winters said, "Okay, so just one more time. I guess to recap it, the meeting you had with homeowners and applicant didn't tend to come to a successful conclusion from the homeowner's viewpoint or yours?"

Mr. Krout said, "I would say that's accurate, it did not come to a successful conclusion."

Chairman Winters said, "Commissioner Hancock."

Commissioner Hancock said, "Marvin, could you give us some idea of what the 8 proposed things were?"

Regular Meeting, March 27, 1996

Mr. Krout said, "Okay, first we talked about landscaping and the applicant did agree that he would do landscaping on the site that would have some visual affect and some limited noise mitigation effect. He said he would defer to the Planning Department in terms of being the experts on landscaping and decide what was needed and we suggested that probably a double stagger row of evergreens, where it is possible, to plant along the property lines would be about the best that you could do. The applicant and his manufacturer's representative both agreed and the homeowners that you couldn't plant in the very narrow area between the fence and the car wash or very near the car wash doors because of the overspray which would tend to kill the vegetation. Beyond that, you could do some planting. We talked about possibly planting in the neighbors' yards and that would be a way of screening, but the neighbors felt that number one; their yards are already very small and number two; there is a rear yard utility easement along there which means that some of those plantings would be subject to being torn up in the future if any utility work needed to be done. The applicant was willing to do tree planting.

"There was discussion about trash and the applicant agreed that he would police the areas on a regular basis and at the homeowners meeting I think they agreed that the applicant was doing a good job today as well as he could of policing the area, there is just going to be an amount of trash when you have a convenience store, but I think the homeowners felt they were doing a pretty good job with the situation as it exists today, but the introduction of the car wash would increase the problem. While we talked about the possibility of adding trash receptacles at the drying stalls, people would pull out and then do the finish on their car afterwards. Their concern was that most of the trash would occur from drivers who were waiting to get into the car wash dumping out their windows and that would be very difficult to control. So I think the homeowners appreciate the offer, but didn't feel it would be totally effective.

"I think the applicant said that he would construct some kind of metal shielding to prevent the views of the pretty intense lights on the north and south face of the car wash building for the property owners to the west. At the meeting, there were homeowners to the north who felt that they also needed shielding from that light and I think in the end the owner was a little bit reluctant because that cast a greater light over the rear portion of his property, but I think would be willing to construct some additional shielding or do other alternative kinds of lighting that would minimize any glare for lighting. So I think lighting is an issue that can be taken care of.

Regular Meeting, March 27, 1996

"On drainage, Jim Weber had asked for a spot elevation to look at the drainage elevation out there. The Hoover-MacArthur area is pretty flat and the applicant did contract with a consulting engineering firm who did provide spot elevations. They were just completed though, this week. Jim Weber hasn't had a chance to look at the elevations. I did talk to him this morning and he said that he had gone out there and visually inspected it and he felt that he just wanted to have the elevations to verify that either as it exists or with minor grading changes, that drainage problems could be taken care of and I read some of the grades off to him and he felt that this was a problem that could be solved with some minor grading changes. Drainage was not a problem. I asked the homeowners at the meeting if they had experienced any standing water from the one heavy rain that we had about a week and a half ago and they said no they hadn't, but they wanted me to realize that that probably wasn't a very good test because most of that water probably did a pretty good job sinking in because of all the months of dry weather we've had. They didn't experience any problems with that one rain that we did have.

"The key issue is noise and the applicant indicated that he was willing to do two things. One; to install a muffling device on the dryer inlets and I've provided you with some manufacturer's specifications about that. The representative of the car wash manufacturer said that would reduce the noise by 50%. That means, depending upon where you are, about 3 to 5 decibels reduction in noise. So it might mean from 85 to 80 decibels very close to the car wash and then a similar reduction as you get away from the car wash. That would still be significantly higher noise levels though, than the ambient noise in that area. It is a pretty quiet area except when there are trucks on the roads. There is going to be increasing traffic on Hoover and MacArthur, but there is a lot of time when there isn't heavy traffic on those streets and if you average it, the ambient noise is a lot lower than the noise of the car wash even with the muffler.

"The applicant also offered to reduce the height of the entrance door from ten feet down to seven feet. That would reduce some of the noise and it would also reduce some of the spraying that would come out of that side of the car wash. He also agreed that there is a loud speaker as you enter the car wash that that would be controlled so that the sound level wouldn't be any more than an audible voice in a typical speaking range of noise level.

Regular Meeting, March 27, 1996

"We talked about some other noise issues. The applicants and the homeowners both agreed that it didn't make sense to extend the eight foot fence that's been constructed. That wouldn't have an affect on the sound and it would create some security problems. We talked about other possible improvements to the car wash itself to decrease the noise. One would be to install a whole new drier system that would be installed at the factory with the internal venting system insulated and that would have some further effect on noise control. That was one idea. Another idea was to program the entrance door so that it would come down during the cycle so the noise to the north and the northwest would be reduced considerably because there wouldn't be any noise coming out of the back side, the entrance door side of the car wash.

"That's possible, but what it does is burn out motors of that entrance door on a fairly rapid basis. You may have been in a car wash during winter time which is only when it is used really in some car washes is during freezing times. We also talked about the possibility of both doors coming down during an entire cycle. That would also require the replacement of the dryer system. That's a very large expense and the applicant didn't indicate that he was willing at the time of the meeting to do any of those other improvements, other than reducing the height of the door, and adding the muffler system onto the existing dryer inlets.

"We also talked about whether or not the car wash could operate without the dryer cycle, without having the blowers at all. The applicant felt that in order for the car wash to be marketable and used, particularly in this area where there is a lot of dust, that cars needed to be dried and if people pulled out their cars and their cars were wet, that the dust would immediately be attracted to those wet cars, and there wouldn't be many people using that car wash at all, so he felt that wasn't a solution.

"On operating hours, the applicant said that he would be willing to limit the hours of operation of the car wash between 8 a.m. and 10 p.m. and the response of the homeowners said it might help with sleeping time after 10 p.m., late night time, but that part of their use and enjoyment of their residential property is using their back yards and weekends and early evenings when the car wash is at its peak is also when they're most likely to want the enjoyment of their back yards so they felt that wasn't an effective solution in terms of their needs.

Regular Meeting, March 27, 1996

"The homeowners also talked about their concern that even if the noise reduction happened there would still be a general activity level back there with these cars in line and waiting for the car wash very close to the back yards, one or more of the homeowners have dogs and they were concerned there would be a lot of barking. The dogs would be set off by the constant activity that would disturb the neighborhood in general. There was concern expressed about what exactly was the chemical nature of the detergents in the spray and if this car wash was close would some of that spray be coming onto their properties and what affect that might have. The manufacturer's representative felt that once you got away from the car wash, the affect would dissipate and that wouldn't be a problem. I'm not sure the homeowners were totally relieved by that thought.

"The bottom line was that they felt that no matter what you did, this car wash is still there and that anyone looking at the house for resale would say that it would be a substantial devaluation to be trying to sell a house that was next to a car wash that was that close to the property. That devaluation would have a ripple effect in other sales besides just the abutting property owners. It would more likely result in those properties becoming rental properties and that would also happen and have an affect on the neighborhood which is primarily home owner occupied.

"So the homeowners appreciate the efforts that the applicant made. I think it was a very cordial meeting and everyone understood each others problems but I can't say there was a meeting of the minds."

Commissioner Hancock said, "Marvin, I know this is not a public hearing, but is there one individual that can speak for the homeowners and give us a sense of what's..."

Mr. Krout said, "Sure, there is a couple here and I'm sure that someone can."

Commissioner Hancock said, "I'd like to hear from one or two of those folks if we could and I wouldn't mind hearing from the applicant one more time."

Mr. Krout said, "I think you are free to reopen this."

Commissioner Hancock said, "I just want to hear what their general reaction is."

Regular Meeting, March 27, 1996

Chairman Winters said, "Would it be acceptable then if we had just one homeowner speak and then if the applicant or his agent wants to say something would that be sufficient?"

Commissioner Hancock said, "It would be great."

Chairman Winters said, "Is there one person from the neighborhood who would like to volunteer to come forward and share any thoughts about the previous activities over the last two weeks? Give your name and address please."

Mr. Ernest Evans said, "I live at 3958 Gilda Circle, we're directly behind the car wash. First off, I want to thank you for this opportunity to address the Commission for what is hopefully the last time. I won't take up a great deal of your time restating facts that we're all aware of. The car wash should not be where it is. There was an error made and there is nothing to be done about that now. We met with Mr. Krout and Mr. Steindler and the car wash manufacturer's representative last week. We do not feel that they brought anything to the table which was definitive or would make the operation of this car wash palatable.

"While we as neighbors are sympathetic to Mr. Steindler's problem, we do not feel we should be made to pay the price for someone else's mistake. Mr. Steindler has invested a great deal of money in the building of this car wash, but we as homeowners also have a great deal of money invested in our property. The zoning ordinances are in place to protect owners of abutting properties from this type of nuisance. All we ask today is that you uphold an ordinance which is already in effect. By doing so, maintain what is presently a very good neighborhood. We once again urge you to deny this request for conditional use permit and put this matter to rest so we can all go on with our lives. Thank you for your time and if there are any questions I'll be happy to try to answer."

Chairman Winters said, "Thank you Mr. Evans, I see none, and I think you very adequately shared with us the thoughts of the neighbors. Would the applicant or the applicant's agent like to say anything?"

Mr. Rob Rumsey said, "I speak for Jim Steindler. Let me tell you. I think it can best be summed up, my client is discouraged that we didn't reach some meeting of the minds with the homeowners, but we are still hopeful that the Commission will do what's right. We don't see this as a gray issue or a gray area. We see that this is a clear right decision.

Regular Meeting, March 27, 1996

“We've offered to install muffler systems, we've offered to restrict hours of operation, to raise the fence, to lower the doors, shield the lightings, put receptacles out there, defer to the Planning Commission on the landscaping. We've offered to just about do anything necessary to get this thing accomplished, but it doesn't matter what we offer, because under other concerns that were submitted to the Commission is that the homeowners abutting the car wash expressed their opinion that even the noise of the car wash was reduced and all the other issues resolved, they aren't going to go for it. Their general activity level close to the fence would reduce their enjoyment. In dealing with that, that is somewhat of a facetious argument. We own that property and we've always been allowed to do whatever we want to on that property. To say that because we've got this area now, they built their property next to a light commercial area. Light commercial area is occupied by a Total station.

“To have a car wash there doesn't make a hill of beans. We've addressed the lighting, the trash, the noise, the landscaping, the overspray, the drainage, the hours of operation, we've addressed everything. We've tried to do what we can. My client will spend, if these options are in place, probably somewhere \$2,500 to another \$7,000 maybe even a little more than that just trying to get these items up and running. We've bent over backwards but it really doesn't matter what we do. It's kind of to that point that it doesn't matter what we promise, what we agree to do, it doesn't make any difference. We were hopeful when Commissioner Hancock said get together and see if you can work this out. These are the problems, see if you can work these things out, that we'd be able to do that. They talked about the loss of value to their property. I've been up here twice.

“I know that my client has sat down with the homeowners. I haven't seen one iota of evidence, seen one appraisal, seen one expert report. I haven't seen one document that shows that they're going to lose one dollar of value because this car wash is built. I have seen and what I can show and what I know that I can show you is that my client I believe got the County architect to do the plan, that it was submitted, that the permit was issued, that it was stated at the last meeting that the permit was issued by mistake, that my client relied upon it and my client spent \$160,000 plus, and he's the one that is out the money. Other than that, there is no fact before this court that they're going to lose any money or that anybody else is going to lose any money other than my client. We're asking the Commission to do that right thing and what we see to be the right thing.

Regular Meeting, March 27, 1996

"In closing, I would ask the Commission to follow up on the promise or that was implicit in the granting of the permit. Sure you can have this permit but now you can't run the thing. We were granted a permit. Implicit in that permit was the idea that we would be allowed to run our car wash and we ask this Commission to follow through on that promise and allow us to use the car wash."

Chairman Winters said, "Thank you, sir. Commissioner Schroeder, do you have a question?"

Commissioner Schroeder said, "No."

Chairman Winters said, "Thank you very much Mr. Rumsey."

Mr. Rumsey said, "Thank you."

Chairman Winters said, "Commissioner Schroeder."

Commissioner Schroeder said, "Is that all the speakers you think you need? Okay. Mr. Chairman, just a couple of comments. One is related to the last presentation for the Attorney for the Applicant and I appreciate you being here. I think when you talk about values of homes, we probably won't see any change of value, if there is going to be a change in value, until we have sales verifications of the neighborhood, until we go through another appraisal process in that area. Then, if there will be a change, it is probably when we will see it. You probably won't see it immediately. It is my understanding, I heard this yesterday, and I don't know Marvin if you can verify this or tell me what you know about this. Do you know when we first discovered that an error was made on this application, this approval?"

Mr. Krout said, "I don't have the date."

Commissioner Hancock said, "I do Marvin. The letter was sent on December 8 and I know we talked about that and the footing was signed off on November 14, and the underground was signed off on December 4, and the electrical was signed off on February 6. So I imagine about the time they discovered it, they probably either had poured flat work or were about to."

Regular Meeting, March 27, 1996

Commissioner Schroeder said, "Okay, that's the question that I have because I was told that we knew about this before the project was finished, that we had finished maybe the stem walls, the electrical and the other item that you mentioned in there, but that we had not finished construction and that someone from our staff said proceed with construction. I don't know if that is right or wrong and that's what I've been told and if that's the case I'm a little bit bothered by this process. Obviously, it wasn't brought to the correct people's attention when they found an error had been made and I'm a little disappointed that Scott isn't here today to help us out. I just wanted to make that point known to everybody. I'm not sure what to do with it, but that's what I heard. Thank you Bill. Thank you Mr. Chairman."

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

Commissioner Miller said, "I'm not sure who to direct this at, but obviously it is going to go in the direction of both the applicant and the neighborhood and the individuals that are here. Basically, it was discussed at the last meeting that we were at and I do recall Commissioner Hancock going through the chain of events and then I did ask the question of you, Mr. Rumsey, when did the applicant know that they were in violation of the code. Even though you were given a conditional use permit, in my mind, recapping the chain of events that occurred, there was an early enough concept that you were indeed in violation of the code, that you were building that car wash too close to that defining line, five feet as opposed to sixty, and that you would have had some time to be able to step back, look at what had been done, and reevaluate the decision that you had made."

"So basing my basic observation on what I see as a clear violation, able to have been stopped or halted before going through the whole procedure of building this car wash and concurring with an unanimous MAPC, I would have to be one Commissioner who would have to vote to deny this."

Chairman Winters said, "Could I take a shot at answering your question?"

Commissioner Miller said, "Sure."

Regular Meeting, March 27, 1996

Chairman Winters said, "I think it is obviously someplace somewhere along the line, there were some mistakes made, but I think what we need to deal with now is the situation we have before us. What I would be willing to do today and what I'd like to do and I guess I'll toss it out here for discussion and you all can think whether this is appropriate or not, I am prepared to vote to adopt the finding of fact of the Metropolitan Area Planning Commission and deny the conditional use permit, but then I want to direct Bill Buchanan to call a meeting together as soon as possible of himself, Mr. Plummer, our Counselor, the applicant, Mr. Steindler, and his attorney, Commissioner Hancock and perhaps myself and sit down and determine what kind of options we've got.

"I need a clearer understanding of where mistakes were made, but to me it is pretty clear as I see it now that the homeowners didn't make a mistake. They are there and they've been there for a while and I'm not believing that they need to be jeopardized by the addition of this car wash. I'm prepared to vote to deny the conditional use permit but I commend Commissioner Hancock from not just letting this thing fly away, but wanting to look at every possible option and I want to continue that search for options. We've got a business person here who has made a significant investment and I'm not comfortable in just turning our backs and walking away from this situation. Commissioner Gwin."

Commissioner Gwin said, "Thank you Mr. Chairman. I'm prepared today too, to deny the conditional use permit simply because it violates the 60 foot set back. It would be a different argument if this car wash were sited properly and if it were sited properly I think we may still have some concerns from the neighbors, but at least we would know that it doesn't violate one of the beginning steps. I concur also with the Chairman's suggestion that we do in fact need to sit down, discuss the mistakes that were made, so that those kinds of mistakes are not made in the future and that we don't have a case like this in front of us.

"Zoning or conditional use permits are difficult enough when they are property based, when all of the criteria have been met. Sometimes they are difficult enough to determine if everything is right. Quite frankly, this one is not hard for me because on the face of it, there are mistakes that have been made and there are problems and use like this is not permitted within 60 feet of residences in certain zoned properties. This facility is 5 feet away and it is not appropriate and so I am prepared to deny the conditional use permit and I would certainly, if it is a separate Motion or whatever, would certainly encourage a discussion amongst and between parties."

Regular Meeting, March 27, 1996

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

Commissioner Schroeder said, "Chairman Winters, if you please. I need some clarification on what you just asked us to do because I'm concerned that if we take a vote today, I want these people walking away from here, both the applicant and the neighbors knowing whether they won or lost. I don't want them walking away saying well now that we're going to have a meeting after the vote is taken, is this going to show up in another 30 or 60 days and we're going to say 'yeah go ahead with a car wash because we worked this out'. Are you asking that we just discuss why this happened or are you asking that we go in and see what we can do to fix it?"

Chairman Winters said, "No, I'm asking that we look at all the options that we have. I'm not prepared to vote for approval of a car wash at this location. I think this is the wrong spot for a car wash. Now, some mistakes were made. I need to know more about that. I see a business person that has made a significant investment and I don't understand exactly why or how he got here, but I truly believe that the residents, the neighbors have a significant concern and I haven't seen anything that would lead me to believe that a car wash is going to work on this spot."

Commissioner Schroeder said, "I just wanted to make sure that if we took a vote today that we're taking a vote to either approve or deny and that either the applicant or the neighbors are winners or losers in this thing. I think they need to know that when they leave this room today unless we delay it again for another couple of weeks but I hope we don't do that."

Chairman Winters said, "It wouldn't be my intention to delay it."

Commissioner Schroeder said, "Nor would it be mine. When you talk about significant investment, I know a lot of these homeowners also have a significant investment in their homes and Commissioner Hancock said that so well the last time that we dealt with this is that they also have an investment which I think we need to remind ourselves of. Though the business has an investment, so do they. The attorney for the applicant said that they knew they were moving in next to a light commercial area. That is absolutely right, but the conditional use permit is another issue and a mistake was made and I'm one of those who believe that two wrongs don't make a right. That we allowed it to go ahead and then we allow it to remain if it's not the right place for it. If it doesn't fit the requirements of our zoning policy."

Regular Meeting, March 27, 1996

“So you can see where I'm headed with this. I think the neighbors have an excellent argument. I think the applicant has an argument, because we made a mistake, but as I said earlier, I don't think we can continue to allow the mistake to go on. I just wish we had stopped this process when we found out. That's what really disturbs me and that's why I will support you in finding out why we went ahead with this. This has caused Commissioner Hancock a lot of grief. It has caused these neighbors and this applicant a lot of grief. The applicant may have been out a few thousand dollars as compared to what he is out today if we would have stopped him when we found out.

“So I probably will vote to adopt the findings and the conditional use permit on what I've heard from both sides today and I just want to make sure that when we leave this meeting today or when these folks leave the meeting today that they know where they stand with the issue. Thank you Mr. Chairman.”

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

Commissioner Hancock said, "Thank you Mr. Chairman. When I first heard about this the applicant called me and had me come out and look at the situation. Even after looking at it and I didn't hear anything and I didn't see it operate or so forth, but I was certain that we could work out this application, I hoped at that time to have some kind of conclusion where it would stay and at the same time the neighbors would be satisfied that they could use their property in peace and in the way they want to. I was wrong in that assessment, but that's not the first time I was wrong and it certainly won't be the last if I live until tomorrow. Anyway, I appreciate everybody coming back this week and talking to us about it.

“The County here has some responsibility and we certainly want to accept the responsibility. I suspected after reading the editorial in the paper this morning that if I heard what I heard today that there wasn't going to be some way to work this out amicably between the neighborhood and the business. I was glad to see The Wichita Eagle thinking like I was. I would as part of that meeting propose that we come prepared to work with the applicant in this particular case and deal with a mistake. Governments aren't supposed to make mistakes, but we do it everyday and it is just part of the business, it's part of any business and the only thing we can do in this particular case is recognize where the weakness was and try to fix it. I think we ought to, instead of finding fault with this particular thing, we ought to find a solution for the problem and I think that's what we are going to do here.

Regular Meeting, March 27, 1996

“We've encouraged a broader issue and I want you to understand my thinking on this. It is not okay to make mistakes, but we encourage our employees to make decisions and we encourage our employees to not always rely on the book. We encourage our employees to take the self initiative and to act what they feel is in the best interest of the citizen who is making the request and the community itself. This particular Commission, I was curious as to how they felt about this issue today. Commissioners, I appreciate you going first and telling me how you felt before I stuck my neck out, but this Commission has also been wise enough to authorize employees to make those decisions and not always condemn them when the mistakes are made. We don't encourage mistakes but do encourage self initiative. In this particular case, an act was overlooked and I think it is going to be forgivable but we're going to figure out how we can not make this mistake again. All I want to say is I appreciate the comments and I appreciate you coming back and to the applicant, let's visit and see what we can do here.”

Commissioner Miller said, "I just needed to say that even though I spoke first and said that I concur with the findings of the MAPC that I would vote to deny this simply because it is very clear cut. I do agree that there needs to be a solution here. We do need to be able to find out what truly occurred and from that point on I'm not sure what else it is that we're going to do here and I think the neighbors need to be very clear, Commissioner Schroeder, that indeed the current car wash is not going to be operating there. Is that something that we can assure them or not?"

Commissioner Hancock said, "If we deny this today, the only way the car wash can come back is if they make another application with another public notice and another series of hearings and so forth."

Chairman Winters said, "It would be my suggestion that someone go ahead and make the Motion to deny this conditional use and then we take up an off agenda item and appoint a committee to look at all our options and settle this the best way we possibly can, but that settlement is not going to include how to make this car wash work where it sits today."

Commissioner Schroeder said, "Can I get some clarification on that, what you mean by where it sits today? I'm still getting..."

Regular Meeting, March 27, 1996

Chairman Winters said, "Just as Mr. Hancock has said, after we deny this, if anything else happens, somebody is going to have to come back with a complete new proposal, public hearings, and the whole nine yards. At the present time, I don't think that corner is a good place to have a car wash. But I haven't looked at it or studied it, if it is moved 60 feet away. I don't think that's an option. That's not what I'm going to be working towards, but I haven't heard the results of public hearings discussing that. But that still is going to be a significant investment even if the applicant decided that's what he wanted to do. That is still a considerable investment to move that building and that car wash. And if we're in that spot, we might as well find another place, even if we need to help this applicant find another place where his car wash is suitable, not on this corner. Again, I don't know where the proper place for the applicant and his car wash is."

Commissioner Schroeder said, "I would just strongly caution that we not offer to do anything once this is done, helping someone find a location or helping pay for the cost of something. I think we've got to be very careful. I probably won't be on that committee, but I want to be careful we don't."

Chairman Winters said, "Well, I feel a great deal of responsibility to this applicant. I think somebody made a mistake and I'm not certain we made the only mistake, but I am not willing to just cut this applicant and say 'you're on your own, take us to court, take your manufacturer to court, sue the neighbors', I'm not willing to let that happen at this time. I want to try to do the right thing."

Commissioner Schroeder said, "That's what I've been trying to find out for the last five minutes, what your intentions are and I'm trying to make sure it's clear so that these folks know when they leave here that suddenly this doesn't appear in a notice in the paper in thirty days that we're doing it again. I think they need to know that the possibility still exists as Commissioner Hancock says, they could reapply and possibly if the owner wants to move that car wash 60 feet away, but I don't think there is room, but if it's possible to do that..."

Chairman Winters said, "If it is possible to put that car wash 60 feet away and the applicant wants to do that he certainly has every free will and choice as a business person to come back with that application and Metropolitan Planning would have to deny it or permit it and we'd start all over. I don't anticipate that that's going to be the result."

Regular Meeting, March 27, 1996

Commissioner Schroeder said, "I don't either, I don't see it happening, but I just thought these people need to be clear."

Commissioner Hancock said, "If they move it one inch, they can still reapply. It doesn't matter, however they want to do it. We're going to deny it now and if they want to bring it back they'll have to reapply."

Chairman Winters said, "Do I hear a Motion?"

MOTION

Commissioner Miller moved to adopt the findings of fact of the Metropolitan Area Planning Commission (MAPC) and deny the Conditional Use Permit.

Commissioner Gwin seconded the Motion.

Chairman Winters said, "We have a motion and a second. Is there any further discussion on this Motion?"

Commissioner Gwin said, "Yes, sir, Mr. Chairman. I will obviously vote to support the Motion. What I am supporting that the denial of a conditional use permit of a car wash as it is situated today and that's what I am voting on. I'm not voting on anything else, but I'm voting to deny the conditional use of the car wash as it sits as the applicant has made application and as it sits today. Whether it comes back to me at a later point, whether it is moved 2 inches or 50 feet, it is another issue altogether. All I am doing is voting on what is in front of me today and I cannot determine what the applicant or the neighborhood may come back to us with in the future, but I am voting to deny what is in front of us today, case number CU-388."

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

Commissioner Miller said, "I just need to follow up on your comments saying that you feel somewhat obligated to the applicant here because of the mistake that Sedgwick County has made."

Chairman Winters said, "No, excuse me, I don't think I said that at all."

Regular Meeting, March 27, 1996

Commissioner Miller said, "Let's hear a clarification on that because I know that..."

Chairman Winters said, "I believe several mistakes were made and I don't understand the clear ramifications of the issues of who made them and when. But I see a business person who has made a decision to make a significant investment and I don't understand why and need a clearer response. The result is a car wash in the wrong spot and I'm not going to support that car wash where it is. I want to try to figure out what the best options are for us as a responsible County government and what we can do to try to better understand the situation. If we made a mistake, I think we need to stand up and say that."

Commissioner Miller said, "And I have no problem with that Mr. Chairman. I think I also heard you say that if it means that we would assist or help them in moving the car wash then that's a possibility. I just need to throw out this caveat if it is to the wind then it's to the wind, but I believe we have made more than this one mistake and when I say we I'm talking about Sedgwick County, so if that is the case then we need to be able to grasp it at the time that we are doing this and not set a precedent or single out one business owner to be able to step forward and say we're going to do this. I just know there are probably other incidents that have occurred particularly in the zoning department that we need to be able to deal with and I think I heard Commissioner Schroeder speak to the issue that he was somewhat dismayed or discouraged that Scott Pike was not here in order to discuss things."

Chairman Winters said, "I'm not ready at this public meeting to go down and find out which person with our County made a mistake in issuing a permit..."

Commissioner Miller said, "And I'm not suggesting that."

Chairman Winters said, "Or when the applicant discovered it or didn't discover it. I want these homeowners to go away from here thinking that they've been involved with a responsible local unit of government and I want this applicant to go away thinking that he's dealt with a responsible local unit of government. And if that means that we need to assist him, I will try to assist him. If I need to do that any way I can, then I'm going to try to do that."

Commissioner Miller said, "Needed to hear that, thank you."

Commissioner Schroeder said, "Mr. Chairman, I'd like to see us vote."

Regular Meeting, March 27, 1996

Chairman Winters said, "We have a Motion before us, is there any other discussion on this Motion to deny this conditional use permit. If not, 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

Chairman Winters said, "Thank you very much. Mr. Plummer, do we need to take an off agenda item to take another Motion concerning the committee or can I just draft a Motion to do that."

Mr. Stephen Plummer, County Counselor, said, "I think you can just make a Motion to do that. In fact, I was going to suggest that some of the discussion we were just having pertains to that issue and not the denial of the permit."

Chairman Winters said, "That's correct."

Mr. Plummer said, "I'd just go ahead and make the second Motion."

Chairman Winters said, "Do you have any suggestions about that?"

Mr. Plummer said, "I think your intent is to ask Mr. Buchanan to set up a meeting including myself, the applicant, for the purpose of discussing our options here in connection with the location of that car wash at that location."

Chairman Winters said, "I don't know that I need to be a part of that or Commissioner Hancock does. The only reason I said that is that I just want to make sure that something happens."

Mr. Plummer said, "I think you should be part of it."

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

Regular Meeting, March 27, 1996

Commissioner Gwin said, "Thank you Mr. Chairman. Mr. Plummer and Commissioners, because there are potential legal issues involved here, I want to be very careful with what I say and how it is said, but my intent of this get together would be to review the County procedures and to understand how this mistake was made and try to assure that this kind of mistake is not made again and also for the attorneys to discuss the legal issues here. I'm not an attorney and the less I say I think the better off I am, but there are certainly legal issues that need to be discussed and I'm more comfortable with the attorneys discussing that than I am discussing it from the bench.

"I think the purpose would be those two things as far as I see it. If we can reach a settlement, or if there is the threat of legal action for the attorneys to be able to start talking right away from mitigation and those kinds of things so that we don't find ourselves in court some day. So I have no problem if the purpose of the group is to review County procedures and to assure that these kinds of things or hopefully if there's a problem, correct those procedures, and for the attorneys to be able to discuss legal issues and legal matters. Thank you."

Chairman Winters said, "Thank you. My Motion may be slightly different than that because I want to include the applicant and his agent in a discussion."

Commissioner Gwin said, "That's fine, the applicant and his attorney are fine with me."

Chairman Winters said, "Thank you very much. Okay, then I move to direct County Manager William Buchanan to schedule a meeting, as soon as possible, with the applicant and his attorney, the County Counselor, and whoever else he deems necessary to attempt to come to an amiable settlement with this applicant and minimize a very difficult situation. This does not include the operation of the car wash at this location."

MOTION

Chairman Winters moved to direct County Manager William Buchanan to schedule a meeting with the applicant, his attorney, the County Counselor, and whoever else necessary to attempt to come to an amiable settlement with this applicant.

Commissioner Gwin seconded the Motion.

Regular Meeting, March 27, 1996

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

Commissioner Miller said, "When I hear the phrase amiable settlement, what are we referring to?"

Chairman Winters said, "I would be referring to our County Counselor, Steve Plummer, the Manager, laying all our options on the line, the applicant laying all his options on the line and we try to come to some agreement and if we can't then that's a discussion for another day."

Commissioner Miller said, "Okay."

Chairman Winters said, "Mr. Plummer, Mr. Buchanan, do you have anything to say? You understand the jest of the Motion?"

Mr. Buchanan said, "Perfectly clear."

Mr. Plummer said, "Clear to me."

Chairman Winters said, "Any other discussion on this Motion? 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. At this time I would like to recognize Eric Davison who is in the audience today. Eric, would you stand up? Eric is a Boy Scout and is working on his Eagle Scout requirements and Eric we're glad to have you in the audience today."

"At this time we're going to take a ten minute recess and we'll reconvene at 10:45."

Regular Meeting, March 27, 1996

The Board of Sedgwick County Commissioners returned from recess at 10:50 a.m.

Chairman Winters said, "Let the record show we are back from a short recess. Madam Clerk, next item."

2. CASE NUMBER DR 95-24 - SPECIAL USE PERMIT FOR A KANSAS DEPARTMENT OF TRANSPORTATION MAINTENANCE FACILITY, LOCATED IN AN AREA NORTHWEST OF THE U.S. HIGHWAY 54/K-96 EXPRESSWAY INTERCHANGE.

Mr. Krout said, "This item was also deferred for additional consideration. If you have any questions, I'll be glad to answer them."

Chairman Winters said, "Commissioner Gwin."

Commissioner Gwin said, "I don't have any questions of Marvin, just some comments so we can start getting towards a vote on this. I appreciate the deferral for a couple of weeks because I think several things have happened. First of all, on a request like this, we know that a maintenance facility is difficult to site. We know that they are not necessarily the most popular things in the world. However, they are necessary to maintain the highway system and quite frankly, the highway enhancements that Sedgwick County has been the beneficiary of are those that we've fought for a number of years through the systems enhancement program. These facilities are not suitable in new residential subdivisions. We know from our own experience that when the subdivisions get close, we have to pack up and move. How many times have we moved our east yard David?"

Mr. David Spears said, "We have moved three of our yards."

Commissioner Gwin said, "Three of our yards because of residential developments. Kellogg will most likely not be developed for residential, but rather for commercial, light commercial and even some industrial uses and so this use may be very compatible with what's currently out there and could be out there in the future. The thing that makes me the unhappiest is that KDOT did look for other sites and I appreciate that, though those sites too were in my opinion subject to residential encroachment, which would only have made us deal with this again."

Regular Meeting, March 27, 1996

“Further, KDOT has agreed to numerous stipulations to ensure the look of this facility as they've requested it at this site and though I expect development to occur along Kellogg and along K-96, I think the owners of those new developments may very well be pleased that their roadways are repaired and cleared in a timely manner because this facility could be located adjacent to it. I am going to be supportive today of approving this special use permit, based on recommendations made by the Metropolitan Area Planning Commission department staff.”

“So, if there are no further questions, I move to approve the Special Use Permit application of the Kansas Department of Transportation based on the following recommendations. On the zoning uses and character of the neighborhood, the area is mostly undeveloped and as I've said further, being in an area where there are three major highways, I expect other commercial, light commercial, and industrial development to follow along that area and it probably would be more appropriate there than it would near or close to residential areas. The extent to which removal of the restrictions which will detrimentally affect nearby property, again, as I said with the restrictions to outdoor storage and requirements of landscaping and planting several hundreds of trees.

“I believe this facility will be less visible and even more attractive than some of the existing facilities on the south side of Kellogg. Number three, the conformance of the requested change to adopt or recognize plans of policy, the Kansas land use guide of comprehensive plan identifies 127th Street East, I-35, Kellogg interchange as appropriate for large scale retail uses, which serves as regional or sub-regional markets. Site development restrictions will ensure this facility is in conformance with the plans recommendation for special consideration in regards to architectural design and the landscaping. Fourth, the impact of the proposed development on community facilities, municipal water and sewer services are located nearby and can be extended to the site. The proposed facility should have minimal impact from the traffic in the area. KDOT officials indicate that the site will provide a central location and convenient access to several areas that the facility will be responsible for maintaining.

“Further, I would add that though it doesn't say so on the conditions, I would like to add that KDOT agree to maintain 127th Street between Douglas and Kellogg and the bridge across the turnpike in a safe and reasonable manner.”

Regular Meeting, March 27, 1996

MOTION

Commissioner moved to approve the Special Use Permit application of the Kansas Department of Transportation.

Commissioner Hancock seconded the Motion.

Chairman Winters said, "We have a motion and a second, is there discussion on this Motion? Commissioner Miller."

Commissioner Miller said, "Thank you Mr. Chairman. I will continue to remain in the vein that I was at the last Commission meeting in which we deferred the vote on this item. At that time I was speaking to the issue of being able to recognize and listen to the protestors involved in this piece of property that has been condemned and since then basically it will be if I recall, it's going to revert back to the possession or it will remain in the possession of KDOT. Sedgwick County condemned it and from that point it basically will be, is it only an easement possession that KDOT is going to be taking on this property or an actual..."

Mr. Plummer said, "My understanding is that it's only an easement."

Mr. Spears said, "That's correct, that piece of property we did not purchase and retitle. We have an easement there, a right-of-way for public purposes. We are in the process now of the entire right-of-way for K-96 that's in the County to give that to KDOT, transfer that to KDOT, all that right-of-way that we purchased because that is a State road and it is maintained by the State. That is all that except for the hike and bike trail and we will maintain that."

Commissioner Miller said, "The County."

Mr. Spears said, "The County will retain that."

Commissioner Miller said, "But the other easement will go..."

Mr. Spears said, "The other will be transferred to KDOT."

Regular Meeting, March 27, 1996

Commissioner Miller said, "Okay. So I will vote in opposition of this zoning request and I do understand clearly that KDOT also feels that basically this zoning requirement was not necessarily a given that they had to have it, but felt that it was the thing to do public relations wise. They typically are good neighbors and that it was the way to go. I happen to feel that I will concur with the protestors involved with this action and will vote to deny. Thank you Mr. Chairman."

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

Commissioner Gwin said, "Thank you Mr. Chairman. Just a thought after I talked about maintenance of 127th and the bridge. Mr. Caldwell can you or one of your representatives respond to me as to whether or not KDOT would agree to do those things?"

Mr. Wade Caldwell said, "There's no question about the bridge. The bridge used to belong to the turnpike and we ask that it be transferred to us so we would be the owner of the bridge. We said that we would do the routine maintenance on the street. We can't really become the owner or put money on it on future improvements, but we can do our share of pot hole work, clean up work, plowing snow and that kind of thing."

Commissioner Gwin said, "I did see photographs where some people had been dumping. Can you all ensure me that in the interim until other development comes along that way that you all might be able to assist in that regard?"

Mr. Caldwell said, "We'd be glad to do that."

Commissioner Gwin said, "Okay, thank you."

Chairman Winters said, "Thank you very much. Is there other discussion on this Motion? Any other discussion which is to approve of this special use permit. Seeing none, call the vote please."

Regular Meeting, March 27, 1996

VOTE

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

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

PLANNING AGENDA

F. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER SCZ-0707 - ZONE CHANGE FROM "R" RURAL RESIDENTIAL TO "LC" LIGHT COMMERCIAL ON PROPERTY GENERALLY LOCATED 1/8 MILE EAST OF 167TH STREET WEST ON THE SOUTH SIDE OF 53RD STREET NORTH.**

Mr. Krout said, "You will see in a minute a five acre tract that is undeveloped and unplatted. It is adjacent to the City of Colwich, across the street from 53rd Street. It is the south side of 53rd Street across from Colwich and east of the intersection with Colwich Road. It is in the zoning area of influence of the City of Colwich. The Planning Commission of Colwich did look at this request. The applicant is a contract purchaser and he is requesting a claim from the R-Rural Residential district to the Light Commercial district which will be known as the limited commercial district when it is finally zoned. The intent is to construct a new grocery store, relocating from downtown Colwich to a highway location that's just a few blocks away at this location. This is consistent with Colwich's plan which is for commercial development on both sides of 53rd Street in this area east of town. The Planning staff recommended approval subject to platting.

Regular Meeting, March 27, 1996

“The applicants agent indicated that even though it is adjacent to Colwich they won't be extending municipal sewer at this time because of the cost, but they will be obtaining a permit for a lagoon and that will require State approval, but the Planning Commission of Colwich accepted that and recommended approval and their vote was unanimous, as was the vote of the Metropolitan Area Planning Commission. There were no neighbors who appeared in protest at either of the two Planning Commission hearings and there were no written protests that were filed.”

Commissioner Hancock said, "What's the problem?"

SLIDE PRESENTATION

Mr. Krout said, "No problem except that I have some slides to go through to get to the next case. Here is the aerial photograph. You can see there are residences along Colwich Road to the west and the home on the north side of the road. This is the site itself and we're looking now east on 53rd Street at the site to the right. This is the house that is facing onto Colwich Road to the west of the tract and another view. This is looking north. There is commercial development on the north side of 53rd Street at this time. It is in the City of Colwich. A vacant lot across the street from the request area. A house also on the north side of 53rd Street to the east of the tract and north and back to the aerial and zoning map."

Commissioner Schroeder said, "Marvin, do you have a picture of the property in discussion here?"

Mr. Krout said, "It was the very first slide."

Commissioner Schroeder said, "Can you can go back to that?"

Mr. Krout said, "Yes. Well we are looking at it now and now we're looking south at the tract, the very right hand side is the west line, which is also intended for commercial development according to the Colwich plan."

Commissioner Schroeder said, "Alright, very good."

Mr. Krout said, "That's all I have."

Regular Meeting, March 27, 1996

Chairman Winters said, "Okay, thank you very much. Commissioners, are there any questions of Marvin? Seeing none, I will ask if there is anyone in the audience today who would like to speak to this zoning issue near Colwich. Is there anyone here would who like to speak on this issue? Seeing no one, we'll limit discussion to staff and bench. Commissioners, you've heard the report."

MOTION

Chairman Winters moved to adopt the findings of fact of the MAPC and approve the zone change subject to the condition of platting; adopt a Resolution and authorize the Chairman to sign; and instruct MAPC to withhold publication until the plat has been recorded with the Register of Deeds.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

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

- 2. CASE NUMBER SCZ-0708 - ZONE CHANGE FROM "R" RURAL RESIDENTIAL TO "E" LIGHT INDUSTRIAL DISTRICT ON FIVE ACRES OF PROPERTY LOCATED 1/4 MILE WEST OF 375TH STREET WEST ON THE SOUTH SIDE OF 55TH STREET SOUTH (38200 WEST 55TH STREET SOUTH).**

Mr. Krout said, "This is another tract of 5 acres and you can see the location being described. It is in Cheney's Planning Commission area of influence. It is in the far west, southwest part of the County."

Regular Meeting, March 27, 1996

“The requested change is from R-Rural Residential to E-Light Industrial. This is the site of an existing non-conforming use that was established in 1972 which was a year before Cheney has X territorial zoning that was established and so it has legal non-conforming rights. It is a location of a business. The business is a refrigeration repair and refurbishing business. They basically take commercial refrigeration equipment, buy it when old groceries close, refurbish that equipment and recycle it and resell it. It's been in operation now for over 20 years. This site has expanded since 1972 under the County Zoning Resolution that allows for a limited expansion of non-conforming uses. They reached the end of the limits that they can get permits for under that non-conforming provision and so that's why the request to rezone today to E Light Industrial which would allow further expansion without any limitations. The staff recommended approval.

“This is definitely a spot of industrial zoning that is surrounded by residential but it has been a part of the character of this neighborhood for over 20 years. The property owners themselves are the ones who are most affected. There aren't any nearby residential properties as you'll see and we felt that there wouldn't be any detrimental impacts. There wasn't any neighborhood opposition and we do have, the Planning Commission has an informal policy of trying to encourage existing businesses to expand in place where that's reasonable and so we recommended approval subject to platting. The Cheney Planning Commission reviewed this and recommended approval by a 10 to 0 vote. I think a member of the Township Board was appearing at the Planning Commission in support of this request, 53rd Street is a township road. The applicant has expanded from 3 to 14 employees and now has a \$2,000,000 a year in sales and a lot of that is export sales. The Planning Commission vote was 12 to 1 to approve. The one descending vote was based on the fact that a portion of this acreage may be in the flood plain although that is an issue that we'll deal with as part of the platting requirements.

SLIDE PRESENTATION

"Let me go through the slides quickly for you. There were no opposing property owners and no protests that were filed. This is the area in question. The property owner lives on this property and so he is definitely affected by it. These are some old buildings on the portion of the site. We're looking south from 55th Street. This is looking east down 55th. Landscaping. This is a portion of the property that is in use. This is not part of the industrial use per se, I'll get to that in a second. This is looking north across the road. Agricultural in all directions.

Regular Meeting, March 27, 1996

"Now you're looking at basically the business which does include some building under roof and some outside storage and Light Industrial is required for the outside storage part. This is the parking area for the employees and back to the aerial photograph. I'll try to answer any questions you have. The applicant is also here this morning."

Chairman Winters said, "Okay, thank you. Marvin, I'm correct that Cheney's Planning voted unanimously in support of this application?"

Mr. Krout said, "Yes, they did."

Chairman Winters said, "Thank you. Does anyone have questions of Marvin? Is there anyone here who would like to speak to this issue? Please come forward and give your name and address for the record please."

Mr. Ralph Reida said, "I live at this property which is located at 38201 West 55th Street South. I am also the major stockholder and the President of Refrigeration Technology which is the business that is operated there. A couple of points that I might make that might answer questions or concerns you have. When the name refrigeration comes up, red lights come up. Number one, we're probably one of the most regulated industries in the nation now because it is a political hot button. I have a brother who is in the pesticide business and I have a lot more regulations and people looking over my shoulder than he does. We are a very earth friendly industry now. We didn't use to be but our industry as a whole is now. Refrigeration Technologies does not deal with refrigerant per se. The equipment that we get is already void of refrigerant and it is shipped out void of refrigerant, so there is not usage or storage on this property, hasn't been, and isn't our intent to be.

"Our sales are in a 17 state area. I've been in this business since 1960. I'm known quite well. The reason for the expansion comes when a son and a step-son get into their thirties and start having children and responsibility and maybe dad wasn't so stupid after all. That's what's driven the expansion. It isn't anything else. Three families to live from it rather than one. We are successful. We do recycle 23 out of every 24 pieces of equipment that we purchase. Pretty good track record for a recycler. I do have one thing that I'm not quite clear about and I want to state from my stand point. The Metropolitan Area Planning Commission has been very good to work with. They told me where I had to go and what I had to do and that staff has been excellent.

Regular Meeting, March 27, 1996

“Something that I read on the agenda here about withholding publication until the plat. I started this process two or three months ago to add onto an existing structure that we permitted and built in 1994 and when that structure was built I had hired on a contractor and he did all of the paperwork and I didn't realize that when that building was built that we had gotten to the limit of our expansion under my legal non-conforming status so I go in a couple of months ago to add on to this so that we would be up and running by the first of May. We're in the refrigeration industry which is a seasonal industry and visiting with Marvin this morning and it looks like I'm still looking at another 90 days through a plat and that sort of thing. I have a question, is there any way I can get around this because another 90 days throws me out of the ballpark this year, that's all. I don't have a problem with platting, I know that's a requirement.”

Chairman Winters said, "Mr. Hancock, do you want to answer that or is there some way we can assist Mr. Reida today?"

Commissioner Hancock said, "Recent activities of our Code Enforcement may not work real good with this, but we have before and it would certainly take a risk on your part and we have issued building permits subject to platting processing cases like this and if the building permit is contingent upon that and you have to go through the process and if the zone doesn't get through, you may loose the use of your building."

Mr. Reida said, "I understand. Like I say, I've not had a problem working this process because his staff has told me what I had to do and I understand this. So hiring an engineer and going forward with the plat if not a concern of mine."

Commissioner Hancock said, "You certainly need to talk to Marvin and make sure that he sees no complication with the plat. Reading the minutes, I understand that part of it is in a flood plain and Mr. Ross has a problem with that as usual, but beyond that I didn't see anything else."

Mr. Reida said, "Okay, I'll clarify that because I live there. We are a north south five acres that we are wanting to plan, an acre wide and five deep. The south two acres of it fall under the flood plain. The north three does not and my residence is 45 foot from where this building is that I'm wanting to add on to. It's a 2,500 foot building that is 2 years old and we want to add another 2,400. That's my only concern and if you have any questions I'd be glad to answer them, otherwise I'm done."

Regular Meeting, March 27, 1996

Chairman Winters said, "Okay, I see no other questions Mr. Reida. Thank you very much. Commissioners, you've heard the presentation what's the will of the Commission."

MOTION

Commissioner Miller moved to adopt the findings of fact of the MAPC and approve the zone change subject to the condition of platting; adopt a Resolution and authorize the Chairman to sign; and instruct MAPC to withhold publication until the plat has been recorded with the Register of Deeds.

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much. Marvin, is there a way that you could review that platting process with him and if there is some way we can assist him in getting ready for this season's business that we could possibly do that."

Mr. Krout said, "Sure, we've talked earlier about the conditional building permit and we'll try to hold his hand and get him through that process."

Chairman Winters said, "Okay, thank you very much, I'd appreciate it. Mr. Reida thank you and Sedgwick County is appreciative that you are expanding your business here and not elsewhere, so thank you very much. Next item please."

Regular Meeting, March 27, 1996

3. CASE NUMBER CU-390 - CONDITIONAL USE PERMIT FOR A CELLULAR COMMUNICATIONS TOWER, LOCATED ON THE EAST SIDE OF 343RD STREET WEST IN AN AREA BETWEEN U.S. 54 AND 15TH STREET SOUTH.

Mr. Krout said, "This is a small tract also in Cheney's zoning area of influence. It is south of U.S. 54 between 54 and 15th Street South and south and east of the interchange with 343rd Street. The area is generally agricultural. It is all zoned R - Rural Residential. There are some houses you'll see in the aerial photograph that are lining on 15th Street. Those are probably about 1,000 feet away from the proposed location of this communication tower. This is a proposed 150 feet monopole tower. I think you have a picture in your staff report of what it will look like. The request is by Southwestern Bell Mobile Systems. There will be a small building associated with the equipment associated with the tower.

"The staff has recommended approval subject to a number of conditions which are in your staff report. There would be controls on lighting and also the color of this facility, which are now standard conditions in the new zoning code for any communication tower. Another standard condition is providing a willingness to share the tower once it is constructed with other companies that may need to locate antenna type equipment on that tower based on what the code defines as providing a reasonable cost sharing of that operation. The Cheney Planning Commission voted 9 to 1 to recommend approval. There was an owner property to the north and west at the Cheney Planning Commission meeting who expressed some concerns about the effect of the tower. This is undeveloped property but he has plans to sell that property and he had some concerns about the effect. The Cheney Planning Commission was 9 to 1 though to recommend approval. The Planning Commission vote was unanimous and that property owner did not appear at the Planning Commission meeting and has not filed a protest to this request.

SLIDE PRESENTATION

"I'll go through the slides quickly for you. This is the aerial photograph. You can see the red mark of the proposed tower location. There used to be some farm buildings immediately to the west but those have been removed and so the nearest residential properties are in this area to the south. This is the location of the site. The property owner who is providing the lease for this ground owns several of the properties in this area.

Regular Meeting, March 27, 1996

“This was the property owner who had concerns. We are looking now, this is 343rd Street and this is Kellogg to our backs and we're looking south and east across the tract. Right about where the red pointer is where the tower would be located.

“These are farm buildings and homes that are along 15th Street. Another view, same direction. The tower would be about here. This is looking again south across the tract. It is a mile down the road now to where the silo is. Back to the aerial photograph and the zoning map. I'll try to answer any questions that you may have on this case.”

Chairman Winters said, "Commissioner Miller."

Commissioner Miller said, "Okay, thank you Mr. Chairman. Just a couple of questions. One would be, do you know approximately how many towers we have in the Sedgwick County area similar to this type?"

Mr. Krout said, "No, I don't and we are entering into a period with the deregulation where we can be expecting and have gotten inquiries about additional towers and how to interrupt the zoning code both in the City and in the County. I think there will be more communication companies in the future with more tower requests. We are preparing a survey form now and we are going to be sending that out to the companies that we know exist, asking them where their existing locations are and what their plans are. We've begun as people come in to ask them what are your plans and what are your needs? Some of that information, some companies may tell us is proprietary but we'll try to find out as much as we can and may even have a discussion with some of the companies together to talk about it.

“I think what we're finding is that most of the companies do want to share towers. The zoning code provides conditional uses for towers and not antennas so if we can find an existing tower or an existing antenna to locate an antenna then that's what the companies want to do is avoid going through a process like this and the cost of building a new tower so it is in their interest to do it. We've built into the new zoning code that not only do any new towers, whether through this process or built by right, have to agree to reasonably share space on their towers but also as they come in for building permits, they need to demonstrate that if they want to build a new tower that they have made some kind of an attempt to evaluate the possibilities for locating their antenna on some existing tower or building.”

Regular Meeting, March 27, 1996

Commissioner Miller said, "So, that leads me to my next question Marvin, and that is are they regulated so within our newly adopted uniform codes we do speak to towers and cooperative effort amongst those."

Mr. Krout said, "I think we have a better handle on it and are going to require some cooperation through the new zoning code. At one point, just a few months ago, it looked as though the Congress was going to deregulate completely any local zoning control on towers but in the legislation in the past, they did continue local control, it has to be reasonable control, because we're talking about Federal Communications Commission (FCC) involvement, but I do think we have a reasonable code and we need more information. We need to not just rely on the applicant, we need to try to collect some more information ourselves, but I think you will see more towers and more equipment out there."

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

Chairman Winters said, "Thank you Commissioner Miller. Any other question of Marvin? Seeing none, is there anyone in the audience who would like to speak to this issue? If so, please come forward."

Mr. Ralph Reida said, "I live out in the Cheney area and I have only one comment. I run a business out there. We have cellular phones and we have to be on roam because west Sedgwick County is not covered by cellular telephone and this is a cell tower. Please vote to approve it."

Chairman Winters said, "Thank you very much. Anyone else here who would like to speak on this item? Seeing none, we'll limit discussion to staff and bench. Commissioners, you've heard the presentation, what's the will of the Board?"

MOTION

Commissioner Gwin moved to adopt the findings of fact of the MAPC and approve the conditional use permit subject to the recommended conditions; adopt a Resolution and authorize the Chairman to sign."

Commissioner Schroeder seconded the Motion.

Regular Meeting, March 27, 1996

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."

- 4, CASE NUMBER DR-96-1 - SPECIAL USE PERMIT FOR A CONCRETE BATCH PLANT AND SAND PLANT ASSOCIATED WITH A STATE HIGHWAY PAVING PROJECT FOR HIGHWAY K-96, LOCATED IN AN AREA SOUTH OF THE BIG ARKANSAS RIVER ON THE EAST SIDE OF 247TH STREET WEST.**

Mr. Krout said, "Do you have any questions? That's a 23 acre tract. This is between the south levy and the Arkansas River. This is an area where they intend to install a temporary concrete plant and sand operation for the continuing construction of K-96. This was reviewed by the Mt. Hope Planning Commission which recommended approval by a 6 to 0 vote. There was a property owner to the south who expressed some concern at the Mt. Hope meeting but when he learned that this was going to be hidden by the levy to the south he had no reservations about it and did not appear at the Planning Commission meeting.

"The Planning Commission voted 12 to 1 to approve, the descending vote was concerned because this is obviously in the flood plain but this is a temporary use. We checked with both the County engineer and with the Arkansas River Drainage District which has jurisdiction in this area. They have received a wetlands sign off from the Corps of Engineers and so the staff doesn't have any problems with it. We recommend approval subject to the conditions recommended by the Planning Commission."

Chairman Winters said, "Okay, thank you very much. Commissioner Miller."

Regular Meeting, March 27, 1996

Commissioner Miller said, "I don't have any real questions Marvin, I do have one and then some comments. What is the life of the contract?"

Mr. Krout said, "I think the conditions require that the permit expire on December 30, 1997, and so I assume that is also the length of the contract."

Commissioner Miller said, "So, a year a half, something like that. And I understand that it is associated with the State Highway paving project of K-96 and the applicant is a Jim Bardshar or Wittwer Paving?"

Mr. Krout said, "Bardshar is the property owner who is leasing the land to Wittwer Paving who has the construction contract."

Commissioner Miller said, "So Wittwer Paving would be the actual applicant?"

Mr. Krout said, "Right."

Commissioner Miller said, "When the Zoning Commission or the Planning Commission, excuse me, reviewed this, did they also basically look at the background of these individuals, how it is that they cleaned up their last operation. I am getting at the sand portion of this because I happen to know that we've got some problem areas here in the County particularly in the northern area and northwest in the river basin and there have been those that simply left their sand operations wanting, I mean really in a mess and I just wonder if that's ever part of the review process when the Planning Commission looks at these individuals and they say have you done this before and if so how did you wrap up the operation. I know that that is typically part of the CU permitting process."

Mr. Krout said, "Sometimes those questions are asked at a Planning Commission hearing, but we've been advised over the years, both by the City Attorneys and the County Counselor's Office that a person's track record at some other location really doesn't have bearing on the issue that is at hand before the Planning Commission at that moment. That's not one of the basis that the Kansas Supreme Court says is a reason to approve or deny someone and it sounds kind of strange, but you really have to separate enforcement track from the application track and try to be effective with enforcement without having someone's track record affect how you look at the case."

Regular Meeting, March 27, 1996

Commissioner Miller said, "But a year and a half term on this process or on this concrete business and then the sand business is a pretty short lifetime isn't it?"

Mr. Krout said, "This is a pretty safe case compared to some of the extensive sand pits for a hundred acres that have permits that run 10 or 15 years."

Commissioner Miller said, "Alright, just needed to bring that forward because that's an issue I think we'll definitely have to explore as a Commission. Thank you. Thank you Mr. Chairman."

Chairman Winters said, "Thank you. Any other questions? Anyone in the audience who would like to speak to this issue? Seeing none, we'll limit discussion to bench and staff. Commissioners, you've heard the report."

MOTION

Commissioner Gwin moved to adopt the findings of fact of the MAPC and approve the special use permit subject to the recommended conditions; adopt a Resolution and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much Marvin, oh we have one more. Next item."

Regular Meeting, March 27, 1996

5. UNIFIED WORK PROGRAM (UWP) FOR FISCAL YEAR 1997.

Mr. Krout said, "As you know, any percent of the cost of transportation section of the Planning Department are paid by the U.S. Department of Transportation by the three Federal agencies in transportation actually. Every year at this time, as part of our application for those Federal funds that begin July 1 of the year, we prepare an annual work plan for transportation related projects. We do that and we do the over all continuing transportation planning in order to not only meet local needs but also in order to maintain the eligibility of City and County government and the Wichita Aviation Authority and the Metropolitan Transit Authority for the Federal funds which they get which amounts to millions of dollars a year on an annual basis.

"This plan has been reviewed by the Planning Commission, by the Transportation Coordinating Committee, which is Chaired by the Chairman of the County Commission and it was reviewed yesterday by the City Council who authorized and approved of the work plan. I could go into detail about some of the projects we expect to be dealing with over the next year. You can bet that we'll be talking about railroads over the next six months to a year. We're also currently talking and we'll continue to talk about the future of the City's mass transit system. You've probably read about the service delivery issues and the reduction of the reduction of Federal funds and what is the impact and how might that affect the way we operate the local bus system.

"We're having to update the helicopter ordinance of the City. That was based on some requests from Wesley Hospital which operates emergency medical hospitals and needed some waiver of some of those regulations. We're also looking at the standards for arterial streets in working with the City and County Engineering Departments on that. So those are a few of the projects aside from the regular on-going projects that were mandated to provide to the Federal agencies. If you have any questions, I'll try to respond."

Chairman Winters said, "Thank you. Seeing no questions, Commissioners, what's the will of the Board?"

Regular Meeting, March 27, 1996

MOTION

Commissioner Miller moved to approve the Fiscal Year 1997 (July 1, 1996 to June 30, 1997) UWP and adopt a Resolution authorizing the Director of MAPD to submit applications, negotiate agreements and execute contracts in support of the UWP.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

Mr. Krout said, "Thank you for your time."

Chairman Winters said, "Now, thank you Marvin. Appreciate your work today. Next item please."

NEW BUSINESS

G. PROFESSIONAL SERVICES AGREEMENT WITH SHERMAN COUNTY TO PROVIDE INMATE HOUSING.

Mr. Lyman Reese, Major, Sheriff's Department, greeted the Commissioners and said, "Standard contract for housing of inmates in another County, in Sherman County. We have held there before. We've looked at the facility and it does meet all the standards and the agreements are all signed at this point. We would like to house there if you give us permission to do so. Be happy to answer any questions, if you have any."

Chairman Winters said, "Thank you. Commissioners, questions of Lyman? Okay, what's the will of the Commission?"

Regular Meeting, March 27, 1996

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much."

Commissioner Schroeder said, "Lyman, I have one question, what size facility is that?"

Major Reese said, "About 30 to 35 and depending on their local population, we can probably use between 5 and 10."

Commissioner Gwin said, "At \$30.00 a day, that's a pretty good price."

Commissioner Schroeder said, "How old is that facility? I've been trying to follow how other Counties and other communities are building jails, it is not a new facility, is it?"

Major Reese said, "It's not a new facility. I don't know how old it is."

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

Regular Meeting, March 27, 1996

H. SEDGWICK COUNTY PARK.

- 1. AGREEMENT WITH WESTLINK CHRISTIAN CHURCH FOR USE OF SEDGWICK COUNTY PARK MAY 25, 1996, TO HOLD A 15K, 2K AND 2-MILE MEMORIAL DAY CLASSIC.**

Mr. Bob Rogers, Assistant County Manager, greeted the Commissioners and said, "Standing in for Jerry Harrison. The first item, as you heard from the Clerk, this is the third year for this event and we recommend your approval of the agreement and authorize the Chairman to sign."

MOTION

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

Commissioner Hancock seconded the Motion.

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

VOTE

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

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

- 2. AGREEMENT WITH MID-CONTINENT R/C COMPETITION SPECIALISTS FOR USE OF SEDGWICK COUNTY PARK DURING THE 1996 SEASON TO HOLD PRACTICE AND HOBBY RUNS OF RADIO-CONTROLLED MODEL BOATS AND MAY 11-12, 1996, TO HOLD THE 6TH ANNUAL RIVERFEST REGATTA.**

Regular Meeting, March 27, 1996

Mr. Rogers continued, "This is an agreement that supports an event that's been held for many years, I don't have the number of years. Jerry asked me to bring to you one of the provisions in this agreement that there will be up to six persons authorized to stay in the park overnight for the sole purpose of overseeing members' personal property left on the park premises on such dates only herein scheduled. Request your approval of the agreement and authorize the Chairman to sign."

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

3. AGREEMENT WITH CYSTIC FIBROSIS FOUNDATION FOR USE OF SEDGWICK COUNTY PARK MAY 4, 1996, TO HOLD THE WICHITA CYSTIC FIBROSIS GREAT STRIDES FUND-RASING WALK.

Mr. Rogers said, "This is the second year for this event. Request your approval of the agreement and authorize the Chairman to sign."

Regular Meeting, March 27, 1996

MOTION

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

Commissioner Miller seconded the Motion.

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

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. Thanks, Bob. Next item."

I. DEPARTMENT OF CORRECTIONS

1. AGREEMENT WITH CLARENCE M. KELLEY DETENTION SERVICES, INC. TO PROVIDE HOUSING FOR RESIDENTS OF THE SEDGWICK COUNTY JUVENILE DETENTION FACILITY.

Mr. Kenneth Hales, Director, Department of Corrections, greeted the Commissioners and said, "As the Commission is well aware, the Juvenile Detention Facility has experienced over population for the past few years. We were twice cited by the Department of Health and Environment, which regulates and licenses Juvenile Detention Centers for the State, in 1995, for being over our population limit. A plan has been developed to manage the facilities population and the key component of that plan involves contracting with other detention facilities for housing detainees.

Regular Meeting, March 27, 1996

"The Clarence M. Kelley Corporation operates the Forbes Detention Center, a licensed Juvenile Detention Facility, also under contract with the Department of Social Rehabilitative Services (SRS). The County has had contracts since October with Kelley for housing detainees in our physical custody but under the authority of the Secretary of SRS. The current contract before the Commission is a modification of the prior contract and allows the transfer of detainees who are not in SRS custody. More specifically, the detainees still involved in the Court process.

"The key components of the plan involve a daily charge of \$115 a day for every month in which the average population might be over 15, then that rate would be discounted to \$95 a day. It also involves free transportation for one trip per week if we choose to purchase additional transportation by Clarence M. Kelley, it is at a charge of \$225 round trip. The other critical term to identify is that the County agrees to pay for medical bills for emergency medical, psychiatric, or dental care, but only after attempts have been made and have failed to collect from parent's insurance or SRS if applicable.

"Apart from the Forbes Detention Facility, we have examined the rates of other detention facilities across the State and this is the most advantageous rate. Most of the others go for \$150.00 a day. This contract is essential to our ability to implement successfully the population management plan we have underway and it is also essential to the consent agreement that we currently have under negotiation with the Department of Health and Environment. I recommend the Commission approve the Contract and authorize the Chairman to sign."

Chairman Winters said, "Thank you, Ken. Ken, you have toured that facility. I've been there with you at least once. In your professional opinion, this facility would meet our needs as far as suitability of the facility et cetera?"

Mr. Hales said, "Yes. I would reserve that we wouldn't send the highest risk detainees, but for the majority of the population, this would be a very suitable option for us."

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

Regular Meeting, March 27, 1996

Commissioner Hancock said, "Ken, a few days ago, it was reported in the newspaper and today, then you came and talked about it, but neither time it has never been reported about who ultimately pays for the expenses. It's been assumed that the County taxpayers have to pay for this."

Mr. Hales said, "The detainees that we would hold there, if they're under the custody of SRS, SRS would pay that expense. That's a pastor amount and that we've been doing since October. This provision allows us specifically to purchase out of the County General Fund bed space that we would utilize."

Commissioner Hancock said, "Under the considerations, there is no cost impact to the County in housing at Forbes?"

Mr. Hales said, "There is no cost impact for those detainees in SRS custody. There is a fiscal impact for those other detainees and that's what I'm hoping to...perhaps that is unclear in the briefing provided to you, I don't have that particular briefing in front of me."

Commissioner Hancock said, "It doesn't say, under considerations, in the briefing, that we will be paying any of it. It says that SRS would be paying it."

Mr. Hales said, "Well, I don't have that briefing in front of me and I apologize for that. The intent is to indicate that for those detainees that are in SRS custody it is a pastor, there is no fiscal impact for those and for the other ones we would have to."

Commissioner Hancock said, "I understand that, I just assumed that all of them would be in SRS custody."

Mr. Hales said, "No, sir. The ones that would still be in the Court process, awaiting disposition, or going to hearing who have yet been tried and found guilty or innocent of their charges. This allows us to house them up there as necessary to meet our population targets. Those individuals, who have yet to be placed in SRS custody, we would be responsible for that expense."

Commissioner Hancock said, "Thank you, Ken."

Mr. Hales said, "You're welcome, sir."

Regular Meeting, March 27, 1996

Chairman Winters said, "I'm not sure who typed up that background consideration, but that is not correct as it is printed in your backup. Commissioner Miller."

Commissioner Miller said, "Thank you Mr. Chairman. Ken, I have a couple of questions. The first would be, it's just for my inquiring mind, what is the daily price of housing a juvenile detainee in comparison to an adult detainee. I mean we just did a contract that was \$31.00 a day and here it is \$115.00."

Mr. Hales said, "It is dramatically different. \$115 is very close to the national average for juvenile detention. The State average I would guess is closer to \$140 a day. What makes it so much more are many of the requirements that we must provide. For example, in a detention center you have to provide school. You don't provide school in jail. You have to provide a different level of supervision. One staff for every seven kids and during third shift, one staff for every two kids. All those things, when you add them up, have a dramatic impact on the labor intensiveness of the juvenile detention work."

Commissioner Miller said, "Okay. The second would be, who is liable, Forbes, Kelley or Sedgwick County if a detainee walks away or breaks out."

Mr. Hales said, "Well we would share that responsibility. One thing that we have specifically thought about though, when we decide who to send up, is those detainees under the greatest risk or the greatest threat to public safety we will not send up there. It is a very suitable facility with good perimeter security, but on a correctional scale it would be considered medium security. So we would have to take that into account on who to send up."

Commissioner Miller said, "But ultimately you said we would share the liability, is that what I heard you say?"

Mr. Hales said, "There is no, and Counsel could correct me, there's no exposure for liability unless there is some misconduct that we could be held responsible for. Implicate in their contract is that they are held responsible for any misconduct on their part. For example, we are held responsible if a kid suffers an illness and has to go to an emergency room, however, if that kid's injury was due to misconduct on the part of the staff it is specifically stated that they're responsible for that."

Regular Meeting, March 27, 1996

Commissioner Miller said, "But I still am probing to find out if someone breaks out and gets out and does something that is unruly or unlawful, are we..."

Mr. Hales said, "I do not believe that we have any exposure under those circumstances. In any regard, it wouldn't be any different than the adult jail detainees. Our exposure wouldn't be any more."

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

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

Commissioner Schroeder said, "Mr. Chairman, if you please. Ken, I don't know if you touched on this and I haven't had the chance to read all the information you've sent us, but when it comes to oversight of the juveniles themselves, are they required to have the same number of inmates under the same number of supervisors as we do?"

Mr. Hales said, "They comply with all the Kansas Department of Health and Environment regulations, the same as we do. Now their facility is a little different and so there are some economies and differences in the operation, but as far as standards of performance or standards of operation, those are the same for that facility as us. The conditions of contract with SRS are the same, it's the same contract, the same standards."

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

Chairman Winters said, "Okay thank you. Any other questions Commissioners?"

MOTION

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

Commissioner Miller seconded the Motion.

Regular Meeting, March 27, 1996

Chairman Winters said, "We have a Motion and a second. Is there any other discussion? Commissioners, I do believe we have a person from Topeka here and I don't see any questions but I appreciate you being here today at our meeting. Any other discussion on this Motion? 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. Ken, do you have any idea how soon we'll start using this facility?"

Mr. Hales said, "I'd hoped to be able to move kids up under the terms of the contract in less than seven days."

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

2. FISCAL YEAR 1997 COMMUNITY CORRECTIONS PLAN.

Mr. Hales said, "Before you is the Fiscal Year 1997 Community Corrections plan which we present annually to the Board for its review and approval. It is different than in prior years because this plan does not contain projected budget or grant requests. I am advised the Kansas Department of Corrections will be requesting us to do that at a later time, once a determination is made on our funding level for the next fiscal year. This current plan describes the operations we will conduct and the activities we will do to pursue our mission in a manner consistent with the expectations of this Commission and this community.

"The plan proposes no new major service components but the continuation of adult and juvenile intensive supervision at the adult day report center and the adult residential facility at 209 N. Emporia. The daily population is planned to increase in all those programs except the adult day report center.

Regular Meeting, March 27, 1996

“Adult ISP we expect an increase in the daily population from 680 to approximately 750 clients daily. At the adult residential center we anticipate the population to increase from 70 to 74. Additionally, in the juvenile intensive supervision component, we anticipate the average daily population to increase from 100 to 150.

"In the plan we specify the need for extended services for juveniles for the purchase of a job readiness program that we used partially this year. We also specified the need for two more juvenile intensive supervision officers, two more intensive supervision officers and two surveillance officers. We also specify the need for one information services specialist, one clerical position and one vocational specialist position. The funding for that will be determined once we receive our allocation in May and at that point we'll have an understanding as to how many of these new positions we feel we need and we'll be able to fund.

“I do think it is important that I share with the Advisory Board that according to our preliminary projects and the State budget as it is in appropriations right now, we anticipate a budget shortfall of almost \$250,000 from this year's allocation. So in spite of growing in these areas that we show the need to grow for, we'll be taking a different posture and looking at how we can maintain the level of services that we are providing now and this will be the difficult questions that I'll be bringing back to the Commission later this spring.

"This has been approved by the County Corrections Advisory Board on March 14. Submit it for your approval and recommend the Commission approve this plan and authorize the Chairman to sign."

Chairman Winters said, "Thank you."

MOTION

Commissioner Miller moved to approve the Plan.

Commissioner Gwin seconded the Motion.

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

Regular Meeting, March 27, 1996

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."

J. CAPITAL PROJECTS DEPARTMENT.

1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE, WITH WILSON DARNELL MANN FOR REMODELING THE HISTORIC COUNTY COURTHOUSE; PB-307.

Mr. Kenneth Arnold, Capital Projects Director, greeted the Commissioners and said, "I have briefed you on both of these items regarding the Historic Courthouse. The first one is for \$480 with Great Plains Construction Company for allowing us to install a handicap restroom on the sixth floor. I would recommend you approve the modification and authorize the Chairman to sign."

MOTION

Commissioner Gwin moved to approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

Regular Meeting, March 27, 1996

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."

- 2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE, WITH GREAT PLAINS CONSTRUCTION, INC. FOR REMODELING THE HISTORIC COUNTY COURTHOUSE, PB-307.**

Mr. Arnold said, "There is an error in the write up on that agenda item and I apologize for that. That one should be the one with Wilson Darnell Mann, that is for assigning to them the work of remodeling the Election Commissioner's Office that you approved as a CIP project back in January and installation of a new entry ramp for Information Services in the amount of \$1,000. I'd be happy to answer any questions."

Chairman Winters said, "Thank you."

MOTION

Commissioner Schroeder moved to approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

Regular Meeting, March 27, 1996

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. Thank you, Ken. Next item please."

K. POSITION RECLASSIFICATIONS.

- 1. FISCAL ASSOCIATE, RANGE 16, NON-EXEMPT, COMCARE, TO ADMINISTRATIVE ASSISTANT, RANGE 18, NON-EXEMPT.**
- 2. CLINICAL PSYCHOLOGIST, RANGE 22, EXEMPT, COMCARE, TO PROJECT MANAGER, RANGE 24, EXEMPT.**
- 3. SENIOR SOCIAL WORKER, RANGE 22, EXEMPT, COMCARE, TO ADVANCED REGISTERED NURSE PRACTITIONER, RANGE 27, EXEMPT.**
- 4. ADMINISTRATIVE SPECIALIST, RANGE 19, NON-EXEMPT, OLD COWTOWN MUSEUM, TO CURATOR OF EDUCATION/INTERPERTATION, RANGE 20, EXEMPT.**
- 5. SENIOR EXHIBIT PREPARATOR, RANGE 15, NON-EXEMPT, OLD COWTOWN MUSEUM, TO MAINTENANCE COORDINATOR/HISTORICAL MUSEUM, RANGE 20, EXEMPT.**

Mr. Harry Hayes, Director, Human Resources, said, "March 7, the Reclassification Committee met to review departmental requests and to make recommendations for job reclassifications. The five jobs as they appear on the agenda are afforded for your approval. The County's turnover rate, which is 18% annually, will have no impact on this years Personnel budget. If there are any questions?"

Regular Meeting, March 27, 1996

Commissioner Miller said, "Where did you get your tie Harry?"

Commissioner Schroeder said, "Next time say are there any questions on this item?"

Mr. Hayes said, "On this item. I got lucky, I ran into it. David Spears told me where to go."

Chairman Winters said, "Commissioners, you've heard Mr. Hayes report."

MOTION

Commissioner Hancock moved to approve the reclassifications.

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

L. U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT REVISED INCOME LIMITS.

Mr. Irene Hart, Director, Bureau of Community Development, "I'll apologize now, in case I sneeze. This is one area in which HUD has not reinvented itself. Annually, they readjust their income guidelines and tell us to adopt them, so we've adjusted them and we're asking you to adopt them."

Regular Meeting, March 27, 1996

MOTION

Commissioner Hancock moved to approve the revised income limits.

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

M. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.

Dr. Larry Jecha, Director/Health Officer, Wichita-Sedgwick County Health Department, greeted the Commissioners and said, "Before you is the monthly report of February and I'll be brief since time it getting away from us. February 5th through the 9th, we had the annual Molardrama at the Wichita Children's Theater. This is a partnership type thing with the District Dental Society and other community groups which donate to this cause. It was well received and 4,200 Sedgwick County second graders attended as well as 400 parents and teachers. It is a good way to get prevention and the importance of dental prevention throughout the community.

"During the month of February we have also had preliminary discussions with the Kansas Department of Health and Environment to look at developing a pilot project to see if we can get our children immunized for Hepatitis B in the 11 and 12 year old range. We're starting the Hepatitis B vaccine when they're born, but that is a long time until they get up into the sexually active years and starting at 10 and 11 year olds, we feel we might have a better chance. It is difficult so we're trying it maybe in a couple of schools first to see what kind of participation we can get and there will be a grant from the State to do this.

Regular Meeting, March 27, 1996

"We're in the talking phases right now. We'll see how it is. Some places in the United States have had fairly good success with this and some haven't, so we'll see what we can do here.

"We're changing some of the sexually transmitted disease protocols because we've had an increase in syphilis during the last quarter and so we're changing to a different antibiotic for the treatment of gonorrhea since it knocks out incubating syphilis. So we'll see how that has an affect.

"Another couple of highlights. The wrestling teams last year had a lot of skin lesions and we had eight cases of herpes. This year we've really worked with the coaches and schools and parents and we've had a lot better year. We've only had two cases this year and a lot of those skin lesions that we were seeing last year just weren't there. Hopefully this effort from our epidemiology nurse has paid off.

"Our staff is busy this month also in the CHAP, Community Health Assessment Process and also helping decide about a multi-cultural health resource center that's proposed by Via Christi in the old Safeway Store at 11th and Broadway. We've been doing a lot of surveys for this group in our Evergreen clinic and staff has been helping with that.

"We have a Super Terrific Performance Award every quarter now at the Health Department and Animal Control Officers, Gretch Tighe and Ronald Walton, Secretary Maureen Stickel, and Sanitarian Dan Rutledge were the winners of this award and a nice way to show that we do care about our outstanding employees. It's been well attended.

"Our food handlers' classes attendance is way up. There has been some changes in who requires the food handlers class and it is a good way to get education out there because this is the best way to stop any spread of diseases through our restaurant chains. We've done 1,444 compared with 581 last year. So we're getting a good effect from that program.

"We are working on ventless heaters. The City Council referred the ventless heater health problem to the Health Board as well as the Plumbing and Mechanical Board. We're working and looking into that to see how safe they are and then there will be a joint meeting between the Mechanical, Plumbing, and the Board of Health probably in 60 to 90 days to look at the data that we receive. The industry is also gathering data for us. It has been well addressed in the past and hopefully we'll come up with the best recommendations that we can.

Regular Meeting, March 27, 1996

"The Tire Grant has been approved from this last year and with that I'll just open it up for questions if you have any."

Chairman Winters said, "Thank you, Dr. Jecha. Commissioner Schroeder has a question."

Commissioner Schroeder said, "Mr. Chairman, if you please. Doctor, this doesn't have anything to do with your report today, but it is a Health Department issue and that is, I received a letter the other day from a gentleman who says that the Wichita-Sedgwick County Health Department is now requiring all people who have a weekly trash service, which he didn't know was State law, I assume that it is, weekly trash service, to have a lidded plastic roll out container. I'm not quite sure why that is a health issue because as far as I can see, an aluminum can with a lid on it is just as good as one that's on wheels and the point I'm getting at, in essence, what that does is run the small business trash haulers out of business because they simply can't afford to provide all their customers with plastic lidded rolling trash containers. Is that in fact a policy now of the Health Department?"

Dr. Jecha said, "I'll have to check. I will check and report back to you."

Commissioner Schroeder said, "Okay, I've sent a letter off to Jack Brown today, but I thought I'd ask you."

Dr. Jecha said, "I haven't heard of that, but I can check on that."

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

Chairman Winters said, "Okay, thank you. Are there any other questions of Dr. Jecha? Seeing none, what's the will of the Board?"

MOTION

Commissioner Gwin moved to receive and file.

Commissioner Hancock seconded the Motion.

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

Regular Meeting, March 27, 1996

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."

**N. AGREEMENT CITY OF WICHITA FOR CONSTRUCTION OF
SEDGWICK COUNTY PROJECT NO. 811-N; RIDGE ROAD BETWEEN
13TH AND 21ST STREETS NORTH. CIP #R-203. DISTRICT #3.**

Mr. David Spears, Director, Bureau of Public Services, said, "Item N is an interlocal agreement between Sedgwick County and the City of Wichita regarding the construction of Ridge Road between 13th Street North and 21st Street North, designated as R-203 in the Capital Improvement Program. The City of Wichita and Sedgwick County will split the costs of the improvement 50-50. The project was let last Tuesday, March 19, and is one of the Bid Board items today. The low bidder was Ritchie at \$1,155,622.80. Wichita will be billed for 50% of the actual cost. I recommend that you approve the agreement and authorize the Chairman to sign."

Chairman Winters said, "Thank you."

MOTION

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

Commissioner Hancock seconded the Motion.

Chairman Winters said, "Commissioner Gwin, did you have a question?"

Regular Meeting, March 27, 1996

Commissioner Gwin said, "I did. David, when you and I were looking at the River Festival events the other day we noticed that there was a new one, some baseball or softball tournament or something up there. Obviously, we planned this project before we were aware of that. How do you anticipate we are going to accommodate those people who are coming there for an event that we didn't know was going to occur."

Mr. Spears said, "Number one, I'm not sure the event is on Ridge Road, but I told our project engineer about that and he is checking it out. He hasn't got back to me yet. We are going to build an access road down to the soccer fields and softball fields so that all those organizations will have access to practice or play games at all times through construction. They will not be shut out of there. The access will be from 13th Street. They won't be able to get in from 21st, just from 13th."

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

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

Commissioner Schroeder said, "Mr. Chairman, if you please. David, what's that on your right lapel?"

Mr. Spears said, "That is a Jayhawk."

Commissioner Schroeder said, "Just curious why you were wearing it. Thank you, Mr. Chairman."

Commissioner Gwin said, "He just wanted Don Brace to pay attention."

Mr. Spears said, "Thank you for asking."

Chairman Winters said, "There are still a lot of good reasons to wear a Jayhawk. Is there any other discussion on this Motion that we have to approve the Agreement and authorize the Chairman to sign. Any other discussion?"

Commissioner Schroeder said, "Yes Mr. Brace may want to comment on what's on his lapel being a Syracuse fan."

Regular Meeting, March 27, 1996

Chairman Winters said, "No, we have some Syracuse alumni here and some Jayhawk alumni here."

Mr. Spears said, "Commissioner, even a blind squirrel picks up an acorn every now and then."

Commissioner Schroeder said, "Are you referring to Wichita State? Are you talking about my alma mater?"

Chairman Winters said, "Before we lose total control. I am going to call for a vote to approve this project."

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."

Commissioner Gwin said, "Get them Dave. Never give up, never give up."

Chairman Winters said, "Next item please."

O. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MARCH 21, 1996 REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have before you the minutes of the March 21 meeting of the Board of Bids and Contracts. There are four items for consideration this morning."

Regular Meeting, March 27, 1996

- (1) **GRADING & SUBGRADE MODIFICATION - BUREAU/PUBLIC SERVICES**
FUNDING: SALES TAX

"Item one, grading and subgrade modification for the Bureau of Public Services Project 811-N for Ridge Road. It is recommended to accept the low bid of Ritchie Paving for \$1,155,622.80.

- (2) **SANITARY SEWER IMPROVEMENTS - BELLE TERRE 2ND ADDITION - BUREAU/PUBLIC SERVICES**
FUNDING: SPECIAL ASSESSMENT

"Item two is sanitary sewer improvements for the Belle Terre 2nd Addition, also for the Bureau of Public Services. Mr. Chairman, if you please. We would like to request that action be deferred on this item until such time as the developer provides the letter of credit for further development in the Belle Terre area.

- (3) **APPRAISER'S OFFICE REMODEL - CAPITAL PROJECTS**
FUNDING: 1995 CAPITAL PROJECT

"Item three, Appraiser's Office remodel for Capital Projects and the Appraiser's Office. It is recommended to accept the low bid of VanAsdale Construction in the amount of \$90,000.

- (4) **CHEMISTRY ANALYZER - FORENSIC SCIENCE CENTER**
FUNDING: EQUIPMENT RESERVE FUND

"Item four, a chemistry analyzer for the Forensic Science Center. It is recommended to accept the only bid received from Robert B. Skach, Jr., in the amount of \$18,000.

ITEMS NOT REQUIRING BOCC ACTION

- (5) **FRONT MOUNTED 4 WHEEL DRIVE MOWERS - MOTOR POOL**
FUNDING: MOTOR POOL

"There is one item that does not require action at this time and that is a front mounted 4 wheel drive mower, quantity 2, for the Central Motor Pool.

Regular Meeting, March 27, 1996

"It is recommended to table this item indefinitely for further review of the responses. Unless there are questions, I would recommend you approve the recommendations as presented by the Board of Bids and Contracts."

MOTION

Commissioner Schroeder moved to approve the recommendations of the Board of Bids and Contracts except item 2 as stated by Mr. Muci.

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

CONSENT AGENDA

P. CONSENT AGENDA.

1. Utility and Highway Permit Agreements.

- a. The City of Wichita is submitting this application requesting permission to construct an entrance on 13th Street North between Hoover Road and Ridge Road to serve Spinnaker Coves-Hoskinson Addition. Delano Township. Highway Permit No. 003-96. Road No. 616-22. District #3.

Regular Meeting, March 27, 1996

- b. Chase Pipeline Company is submitting this application requesting permission to install probe borings on Webb Road between 61st and 69th Streets North and on 69th Street North between Webb Road and Greenwich Road for collection of soil samples at the direction of KDHE. Payne Township. Highway Permit No. 004-96. Road Nos. 833-H and 602-33. District #1.
- c. The City of Wichita is submitting this application requesting permission to grade, pave and install cross road pipe on 29th Street North between Tyler Road and Ridge Road. Park Township. Highway Permit No. 005-96. Road No. 612-21. Districts #3 and #4.
- d. Sedgwick County Rural Water District #1 is submitting this application requesting permission to replace water line due to KDOT highway project along K-254 between Woodlawn and 143rd Street East. Payne Township. Highway Permit No. 006-96. Road Nos. 604-31 through 36. District #1.
- e. The City of Wichita is submitting this application requesting permission to open cut 29th Street North approximately 2,700 feet west of Ridge Road and install a sanitary sewer line and also install a water line parallel to 29th Street North within the north right-of-way. Park Township. Utility Permit No. 021-96. Road No. 612-21. Districts #3 and #4.
- f. KG&E, A Western Resources Co. is submitting this application requesting permission to install 380 feet of underground primary on the north side of 77th Street North between Broadway and Hydraulic. Grant Township. Utility Permit No. 022-96. Road No. 600-27. District #4.
- g. KG&E, A Western Resources Co. is submitting this application requesting permission to install poles and lines along 119th Street West between 21st and 29th Streets North. Attica Township. Utility Permit No. 023-96. Road No. 805-M. District #3.

Regular Meeting, March 27, 1996

2. Right-of-Way Easements.

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, as a condition of receiving a Platting Exemption on unplatted tracts.

- a. Road Number 781-Q, Owners: Kirk Leis and Shannon Leis, located in the Southeast Quarter of Section 25, Township 27 South, Range 4 West, more specifically located on the west side of 311th Street West and north of 15th Street South (Harry). Grand River Township. District #3.
- b. Road Number 622-6, Owners: Kirk Leis and Shannon Leis, located in the Southeast Quarter of Section 25, Township 27 South, Range 4 West, more specifically located on the north side of 15th Street South and west of 311th Street West. Grand River Township. District #3.

3. Right-of-Way Instruments.

- a. Six Easements for Right-of-Way for Sedgwick County Project No. 624-14 and 797-R; 23rd Street South from 199th Street West to 183rd Street West and 183rd Street West from 23rd Street South to U.S. 54. CIP #R-228. District #3.
- b. Two Temporary Construction Easements and two Easements for Right-of-Way for Sedgwick County Project No. 646-2-4780; Bridge on 111th Street South between 375th and 391st Streets West. CIP #B-242. District #3.
- c. One Temporary Construction Easement for Sedgwick County Project No. 833-N; Webb Road between 13th and 21st Streets North. CIP #R-218. District #1.

Regular Meeting, March 27, 1996

4. Section 8 Housing Assistance Payment Contracts.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
C96014	\$195.00		Mildred E. Lucas
C96020	\$176.00		Sun Valley Apartments
V96021	\$366.00	5	Helms Rental Properties

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>
V873015	\$445.00	\$445.00
C862012	\$450.00	\$255.00
V94120	\$473.00	\$411.00
V95015	\$263.00	\$153.00
C94073	\$375.00	\$292.00
V93118	\$294.00	\$ 95.00
V862006	\$205.00	\$215.00
V93024	\$ 36.00	\$127.00
C862010	\$145.00	\$195.00
V94012	\$468.00	\$348.00
V93009	\$258.00	\$355.00
V95109	\$335.00	\$179.00

6. Agreement with C.H. Hermon to provide on-line access to Sedgwick County's electronic data.

7. Proposal to Provide Design Services by Andra Design Associates, Inc. for remodeling the Appraiser's Office, PB-311.

Regular Meeting, March 27, 1996

8. **Order dated March 20, 1996 to correct tax roll for change of assessment.**
9. **Consideration of the Check Register of March 22, 1996.**
10. **Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960167	Comcare-CDDO Budget	Transfer
960168	Risk Management	Transfer
960169	Appraiser	Transfer
960170	Corrections/Youth Svcs.	Transfer
960171	Code Enforcement	Transfer
960172	Finance General	
	Bureau of Finance	Transfer
960173	Juvenile Intake Grant	Supplemental Appropriation
960174	Road and Bridge	
	Sales Tax	Transfer
960175	Special Highway Equip.	Supplemental Appropriation
960176	1996 Bridge Projects	Supplemental Appropriation
960177	1996 Road and Bridge	
	Sales Tax	Transfer

Mr. William Buchanan, County Manager, said, "Commissioners, you have the consent agenda before you and I would recommend you approve it."

MOTION

Commissioner Hancock moved to approve the consent agenda as presented.

Commissioner Gwin seconded the Motion.

Chairman Winters said, "We have a Motion and a second, any discussion?"

Regular Meeting, March 27, 1996

Commissioner Schroeder said, "Mr. Chairman, there is an item on here, proposal to provide design services by Andra Design Associates, Inc. Is that an on going perpetual thing? It is something we need to be aware of?"

Chairman Winters said, "I see Ken Arnold coming to the front, I think the project is on going down there."

Mr. Arnold said, "That is just the Appraiser's Office that they have been working on and we just let bids for sir."

Commissioner Schroeder said, "Okay."

Chairman Winters said, "Any other questions? Seeing none, 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. Is there other business to come before this Board? Seeing none, this Board is adjourned."

Q. OTHER

R. ADJOURNMENT

Regular Meeting, March 27, 1996

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

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

THOMAS G. WINTERS, Chairman
Third District

MELODY C. MILLER, Chair 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