

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

### **REGULAR MEETING**

**AUGUST 21, 1996**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, August 21, 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 Paul W. Hancock; Commissioner Mark F. Schroeder; Mr. Jarold D. Harrison, Assistant County Manager; Mr. Richard Euson, Assistant County Counselor; Mr. Daryl Gardner, County Controller; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Tom Pollan, Director, Emergency Medical Service; Mr. John DuVall, Director of Operations, COMCARE; Mr. Kenneth Hales, Director, Department of Corrections; Mr. Brad Sherard, Real Estate Appraiser, Appraiser's Office; Ms. Stephanie Knebel, Project Manager, Capital Projects; Mr. Kenneth W. Arnold, Director, Capital Projects; Mr. John Nath, Director, Kansas Coliseum; Mr. Mark Borst, P.E., Deputy Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Susan E. Crockett-Spoon, County Clerk.

### **GUESTS**

**Mr. L. Wade Griffith**, President, Royal Cheetah Soccer Club  
**Ms. Jerri Tousley**, Proclamation, Wichita Commission on the Status of Women  
**Mr. Bob Herlihy**, 650 Westdale Road, #200, Wichita, Kansas  
**Ms. Fran Murray**, 7061 South Ida, Wichita, Kansas  
**Ms. Rita Sickley**, 7130 South Ida, Wichita, Kansas  
**Mr. Brad Murray**, 2540 Cedar Crest Drive, Wichita, Kansas

### **INVOCATION**

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

### **FLAG SALUTE**

### **ROLL CALL**

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

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**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

**Mr. Daryl Gardner**, County Controller, greeted the Commissioners and said, "I certify that there are funds available for those items we have identified on today's agenda requiring the expenditure of funds. A listing of those items were provided to you previously. If you have any questions, I'll try to answer them."

**Chairman Winters** said, "Thank you very much Daryl. I see no questions. Thank you. Next item."

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING AUGUST 21, 1996, AS "SEDGWICK COUNTY SOCCER ASSOCIATION DAY."**

**Chairman Winters** said, "Thank you very much. Commissioners, I have a Proclamation concerning some very special folks that are with us today, and I'd like to read that Proclamation into the record and put it before you for consideration."

**PROCLAMATION**

**WHEREAS**, through funding of the West Urban Sports Complex and the South Lakes Soccer Complex, Sedgwick County has taken a leadership role in support of youth athletics. The Sedgwick County Soccer Association (SCSA) through its membership clubs has shown commitment toward developing programs for which our community may truly be proud; and

**WHEREAS**, the Royal Cheetah Soccer Club, a member of the SCSA, competed with 804 teams and over 11,000 athletes world wide in the 12th Annual USA Soccer Tournament in Blaine, Minnesota, July 14 - 20, 1996, one of the premier youth sporting events in the world; and

**WHEREAS**, in their age division, the U-14 Royal Cheetah team shut out the first 8 teams. In the championship game, the Royal Cheetahs lost 2-1 in the final 30 seconds of the game to an English professional club team; and

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**WHEREAS**, the U-12 Royal Cheetah team captured 2nd place in their respective division in the finals, and made tournament history by participating in the first ever U-12 USA Cup Final. On their way to the finals, they beat such world powers as Brazil, Chili and England -- prior to that, every USA Cup final played in the last 12 years has been dominated by foreign teams;

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim August 21, 1996, as

**“SEDGWICK COUNTY SOCCER ASSOCIATION DAY ”**

in recognition of the accomplishments of the Royal Cheetah Soccer Club and the immense growth of soccer teams in our schools and communities in Wichita and Sedgwick County. Dated August 21, 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	Absent
Commissioner Paul Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, “Thank you very much. Today we have Wade Griffith and part of the team here, so if you would all come up to the front. I’d like for all these players to come up to the podium who are here. Sounds like you’ve had a great soccer season and we’d like to hear just a little more about it.”

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**Mr. L. Wade Griffith**, Club President, said, “Yes we did. Thank you very much. I would like to take the opportunity to express our gratitude and appreciation to several organizations and their members. First, we would like to thank the Sedgwick County Commissioners and their staff for having the foresight to support the recent completion of the Soccer Complex. It has really helped put Wichita on the map in the area of soccer facilities. The complex allows the youth of Wichita to play the game the way it supposed to be played on large beautiful manicured green grass. The complex is very nice. It also is going to prove to be a great revenue generated for the community. This year was the home of the Air Capital Tournament. It brought in many teams from around the Midwest and as the complex grows, it will continue to support the area.

“We also need to show a little bit of appreciation to the many folks who volunteered their time in the Sedgwick County Soccer League. These people spend hours and hours of time in the support of the youth. I would like to mention just a few names in appreciation, Phil Dishman, Dude Vansant, Pam Armstrong and Jeff Roper. These people have put in a tremendous amount of time in to support the youth of the community.

“I guess last I’d like to say congratulations to these fine two teams. They have played since first grade and have worked exceptionally hard the last couple of years. They went up there and competed with some of the best teams in the country and the world and they played great. They played seventeen games in six days and they were up to that challenge and only lost in the last two games in the championship. We are very, very proud of this group of young men. Thank you again.”

**Chairman Winters** said, “Thank you. I’d like to have each one of these men just step up to the microphone and tell us your name. We need to know who you are and have the TV camera get a look at you.”

**Mr. Griffith** said, “Most of our players are either in school or still on vacation.”

**Chairman Winters** said, “Let’s hear who we’ve got here.”

**The soccer players each stepped to the podium and announced their names: Erison Funkey, Brennon Adams, Shawn Drury, Aaron Hamilton, Bryan Pendleton, Jamal Drury, Brian Thomas, Kelly Phillips, Brooks Griffith.**

**Chairman Winters** said, “Thank you very much guys. You make us all proud to know that you’re all from Wichita Sedgwick County area. Thanks for all your work Mr. Griffith.”

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**2. PROCLAMATION DECLARING THE ELECTION PERIOD, 1996,  
AS "WOMEN, TAKE CHARGE OF YOUR POWER, VOTE."**

**Chairman Winters** said, "Commissioners, I have another Proclamation that I'd like to read into the record.

**PROCLAMATION**

**WHEREAS**, the Wichita Commission on the Status of Women works to improve the status and well-being of women in the Wichita community by seeking to encourage and empower women in the economic, social and political arenas, and strives to eliminate gender discrimination in regard to employment, education, health, divorce, child custody and reproductive freedom; and

**WHEREAS**, the Wichita Commission on the Status of Women takes an active role on behalf of women in the community by working in conjunction with the City Council, area organizations, and the private sector; and

**WHEREAS**, in order to maintain awareness of concerns outside of the immediate area, the Wichita Commission on the Status of Women also actively participates within regional and national Women's Commission groups; and

**WHEREAS**, the Wichita Commission on the Status of Women joins many other local, state and national groups, who are encouraging all women to register to vote, to become informed on voting issues, and to vote in the upcoming elections of 1996;

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim the election period, 1996, as

**"WOMEN, TAKE CHARGE OF YOUR POWER, VOTE"**

in recognition of the fact that our educational program is strengthening the awareness of community women to be well-informed voters. Dated August 21, 1996.

**Chairman Winters** said, "Commissioners, you've heard the Proclamation, what's the will of the Board?"

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**MOTION**

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

**Chairman Winters** said, "Thank you very much. Today we have Jerri Tousley with us. Jerri, if you'd like to come up and make a couple of comments please."

**Ms. Jerri Tousley**, Wichita Commission on the Status of Women, said, "I'd like to thank you for this Proclamation. I would like to invite all of you to attend our candidate's forum that we're holding Saturday, August 24, at 2:00 p.m. at City Hall. We're going to be celebrating women's suffrage. This is the 76th anniversary and also we're going to be having a candidate's forum. I have some brochures here for you. Again, thank you very much."

**Chairman Winters** said, "Thank you for being here. Next item."

**DONATIONS**

**B. DONATION BY WICHITA TARGET STORES OF TEDDY BEARS TO SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE (EMS).**

**Mr. Tom Pollan**, Director, Sedgwick County Emergency Medical Service, greeted the Commissioners and said, "Before you today, we have the results of the partnership that has been long standing in Target Stores in which they donate Teddy bears to our patrons that we provide service to, our small patrons. They do this on an annual basis and it is based upon their sales of Hershey candy bars, so if any of you would like to go to Target and buy Hershey candy, it helps us build up our bear pit, as we call it. We keep our bears back there."

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“We use these to comfort children as they are being transported or treated by our paramedics. It has been an excellent program and I have before you a letter in which to sign and send to Target Stores in appreciation and ask for your acceptance of this donation.”

**Chairman Winters** said, “Okay, thank you very much.”

**MOTION**

Commissioner Schroeder moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, “We have a Motion and a second. Any discussion?”

**Commissioner Hancock** said, “Just wanting to ask Tom if you lose them once in a while. I mean, it’s pretty hard to turn loose of one of those guys once you get hold of them.”

**Mr. Pollan** said, “Well, we have them sign out for them and they have to sign who they gave them to and so on so we do keep them for our children and not just for our paramedics. Yes, they are huggable, and they’re nice to keep around.”

**Commissioner Hancock** said, “If you pick me up and give me one, you’re not getting it back.”

**Chairman Winters** said, “Thank you. We have a Motion, is there any other discussion?”

**VOTE**

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

**Chairman Winters** said, “Thank you very much. Thanks Tom. Next item.”

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**C. MONETARY DONATION TO THE BUREAU OF COMPREHENSIVE COMMUNITY CARE'S (COMCARE) SUICIDE PREVENTION PROGRAM.**

**Mr. John DuVall**, Director of Operations, COMCARE, greeted the Commissioners and said, "COMCARE has received, from an individual in Sedgwick County, a donation which is to be used for extension and furtherance of our Suicide Prevention Service. I would recommend you accept the donation and authorize the Chairman to sign a letter of appreciation.

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

**MOTION**

Commissioner Schroeder moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**PLANNING DEPARTMENT**

**D. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).**

- 1. CASE NUMBER V-1975 - VACATION OF A 20-FOOT DRAINAGE EASEMENT LOCATED SOUTH OF HARRY AND EAST OF 143RD STREET EAST.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, said, "Three items

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on your agenda this morning and this first item, I think Susan got it right, we got it wrong in our agenda initially. This is V-1975 and they have on your agenda 1976. We did advertise this vacation request correctly and all the legal documents you have, do refer to 1975. 1975 was a case involving a church that the City heard yesterday. This involves a lot that is labeled Arbor Lakes Baptist Church Addition, so maybe that's how the confusion happened, I'm not sure. This is 1975. It is a large lot in the Arbor Lakes Addition, which is south and east of the intersection of 143rd and Harry in the Four Mile Creek area.

### **SLIDE PRESENTATION**

This was platted with a drainage easement along the side of this lot. Since then, the applicants, in developing their plan, indicated that they'd like to relocate the drainage easement and the drainage slightly and the new location, you can see on the map, would hug the side lot line a little bit more toward the street and then come down to a point here. So the green area is the original platted easement that the applicants are now asking to vacate. They did dedicate and Public Services accepted the new drainage easement by separate instrument and so now they are requesting to be able to use this property for possible building purposes to vacate the easement.

"We send notices to all the neighboring property owners of the Planning Commission meeting. No one appeared and no one objected so far to this request. This is an advertised public hearing and the Planning Commission voted at their meeting, their vote was eleven to one to recommend approval. The reason for the descending vote was because part of the Arbor Lakes Addition was once in a flood plain and some of it has been raised out of a flood plain and this Planning Commissioner votes against any case that involves some previous development of a flood plain. There is no flood plain on this tract, on this lot, at this time. So that was the Planning Commissions vote, eleven to one. They recommended that you approve the vacation and we recommend that you approve the vacation order and authorize the Chairman to sign. This is a newspaper advertised public hearing. I would be glad to answer any questions that you have."

**Chairman Winters** said, "Okay, Marvin I see no questions at this time. At this time, I will open the public meeting. If there is anyone here today who would like to talk about our Planning Department Item B-1, which is case number V-1975, concerning vacation of a drainage easement south of Harry and east of 143rd Street East. Is there anyone here who would like to speak to this item today? Anyone who would like to speak to this item? Seeing no one, we'll close the public meeting and reserve discussion to staff and Commissioners. Commissioners, do you have other questions of Marvin?"

"Marvin, do you have anything else?"

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**Mr. Krout** said, "No other comments."

**MOTION**

Commissioner Schroeder moved to approve the Vacation Order 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	Absent
Commissioner Paul 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."

- 2. CASE NUMBER CU-400 - CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 488-FOOT GUYED COMMERCIAL COMMUNICATION TOWER WITH ACCESSORY PANEL ANTENNA AND AN ELECTRONIC COMPOUND ON A FIVE-ACRE SITE, GENERALLY LOCATED 1/4 MILE NORTH OF 71ST STREET SOUTH AND 1/3 MILE WEST OF HYDRAULIC.**

**Mr. Krout** said, "This is a request for a conditional use for a commercial communication tower. Under the new zoning code, conditional uses can be approved or denied by the Planning Commission and they will stop there unless they are appealed by either the applicant on a denial or a neighbor on approval. In this case, the Planning Commission recommended approval of the conditional use and there were two official protests and that is why it is before the County Commission this morning.

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“There are two communication towers on your agenda this morning. They are both requested by SBA Incorporated, who are consultants who represent M & P Rentals. This is a company that builds and rents space on towers locally. The other applicants are Spring Spectrum. Spring Spectrum is a consortium really, it is one of two companies that have been awarded a license by the Federal Communications Commission to construct a system for a new telecommunications technology called PCS, Personal Communication Systems. It is a digital technology in this area.

“The system that Sprint has designed calls for about 43 cells, I think it is, in the region, which is defined as everything from the Oklahoma border to including Hutchinson and El Dorado, centered around Wichita. There are 43 cells and in the centroid of each of these cells is the communication equipment that is on some kind of tower or existing building. In almost all the cases, all but three cases, where we have pending zoning requests, the consultants have managed to find locations on existing towers or on tops of existing buildings. That matches up with the objectives that we have to try to minimize the proliferation of communication towers in the community. We know that there is a communication explosion. These are going to require new towers in the community. Some people say maybe five times as many towers nationwide as we have existing today. Everything we can do to try to minimize the number of increased towers, I think we’re trying to do. In your new zoning code, you require that anyone wanting to build a new tower must demonstrate that there is no capacity on a suitable nearby existing tower and also is required to provide space for other users when they build a new tower. So there are three cases, two of which you’ll hear this morning, where Sprint was unable to find existing space on an existing tower or building and is therefore asking for a request to build new towers.

“As you consider these, and I think the consultants may answer questions or expound on this, but I think there are some location criteria that they have that lead them to the decisions that they make. One is that in order to be successful, the system has to have complete coverage. You can’t have open areas that aren’t covered by the communication system so that there is dead time and you can’t communicate within the metropolitan area. There has to be complete coverage. Second, the cells are somewhat like a jigsaw puzzle that fit together. When you move one, you change everything in that puzzle and so now that they’ve identified about 90% of these sites on existing towers and buildings, there is limited flexibility as to where and how the other remaining sites can move. They’re kind of locked in by the surrounding cells that have already been identified. The third is that Sprint has requirements for the structural integrity of these towers in order to put their equipment on them and there are some older towers in the community that don’t meet their requirements. So all those things and there are probably other considerations, certainly cost and other considerations, are things that the utility, in this case is needing to take into account

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### **SLIDE PRESENTATION**

“This location is near Haysville. The Haysville’s nearest boundaries are on the south side of 71st, this is the turnpike, this is 71st Street. The big ditch is here, and there is an abandoned railroad track and a berm and it is very densely wooded. You’ll see in the aerial photographs and the photographs we have of the area. The proposal is to locate the access road off 71st Street to Ida. There are homes on Ida you’ll see. CU-220 is an existing communication tower that was approved back in 1979, owned by the same company that is planning to build this tower to day. There are homes in this area. This area is densely wooded and bermed and this is a five-acre site where the guyed tower would be located. Then the big ditch is just on the other side. So a somewhat isolated site and somewhat screened as you’ll see from the photographs.

“It is planned to be 488-foot tall. It would be supported by guy wires, as is the existing tower that you’ll see that’s along the turnpike. The existing tower, that’s the first question that we asked, is about the existing tower and the possibility of accommodating this equipment on the existing tower. The tower is full. It is a very popular location for all kinds of communication companies because of its location on the turnpike. What you see is the metropolitan area gets complete coverage and then out along the interstates and the major routes outside of the cities you’ll see the cells continue as they try to maintain communication along the major highways. So this, to provide coverage for the Haysville area and the south part of Wichita, is a very popular location. In fact, the reason it is being built to this height is to be able to accommodate a number of other users that they think there is a demand for in this area in the future.

“The staff recommended approval. Let me show you the aerial photograph first. I think that would be helpful to get an idea of the character. This is Ida and the access would be off of Ida to the site. These are existing homes. This location is the site of the existing tower that is off of the turnpike. This is the area that is bermed and very densely wooded and you probably will see the top of the tower, but I don’t think you’ll see the first couple of hundred feet of the tower from most of the residences in this area. The staff recommended approval subject to a number of conditions that are in your staff report. This case and those conditions were ultimately endorsed by both the Haysville Planning Commission and their hearing and the Metropolitan Area Planning Commission and both of those Boards voted to recommend approval by unanimous votes.

“I believe the only impact that you’re looking at in cases like this is the visual impact. This is not a case where you have the typical traffic or noise or dust or other impacts that you may see with other kinds of commercial uses.

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“There are concerns that are expressed about property values. We have not seen any reports that indicate the reduction in property values as a result of the construction of these towers near residential areas and we’ve seen reports supplied by the consultants to us over time that have indicated that no significant change in values from being close to a tower or not from other localities. There is a concern that was expressed at the hearing on this case about electromagnetic waves and the possibility of these kinds of uses creating health hazards. Jack Brown was at the Planning Commission hearing, if you’ve seen the minutes of the Planning Commission hearing on that case, and he indicated that there is no conclusive evidence that would indicate that there is a health hazard and would be reasonable to base a recommendation for denial on. Also, the Federal Communications Act of 1996 specifically says that a community can’t deny tower location on the basis of this perceived health hazard, that it should not be a reason for looking at denial. So I think it gets down to the visual impact and I think you need to look at these one at a time. In this case, the fact that we’re not creating a new area but clustering it where there is an existing tower, the orientation of the houses, the berming and the dense woods and the relatively isolated location of this site, we thought made it acceptable.

“The Planning Commission and the Haysville Planning Commission, as I said, both agreed. There were two speakers at the Planning Commission in opposition. The first raised concerns that this might somehow increase taxes, concerns about the maintenance and problems experienced with maintenance of the existing tower. This is the owner of the property and I believe leases the property to the existing tower and therefore has some experience with that particular operation although it is closer than where this tower would be. Also expressed the concern about the potential for health hazards from the waves that would be created from the microwaves from this use. The second speaker expressed a concern about lightning strikes on the tower and would that create fires down at the ground level. The applicant’s response to that was that they do have lightning suppressors as part of these tower constructions. They are grounded. They have a lot of equipment on the ground that they’re trying to protect themselves so they are interested in trying to protect it and they also carry insurance in case of any accidents.

“The Planning Commission and the Haysville Planning Commission both voted that you should approve this and their votes were unanimous. I’ll go through the slides that we have. There were protest petitions, two protestors, on either side of Ida who protested. That’s the 1,000 foot ring around the five acre area and the total area of that protest constitutes well under the 20% that would force four votes of the County Commission so three votes this morning would approve this request.

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“This is the site plan. You can see not the existing tower, which would be about here, but the turnpike, 71st Street, Ida, the access road across the abandoned railroad tracks to the proposed guyed tower site. We’re looking now, this is Hydraulic and 71st Street would be here, so we’re looking out at the existing tower that’s along the turnpike. We’re looking now at part of the abandoned railroad tracks. You can see the berming, the tracks were apparently above grade at this point and it is pretty densely wooded, you’ll see that around some of the homes. This is another shot of the existing tower. There are several shots of homes along Ida Street. This is the home, I believe, on the turnpike side of Ida, the west side of Ida. This is a home at the end of Ida, at the end of the cul-de-sac, the northern most end. This is another slide that shows the tower site and the guy wires. The consultants may want to refer, they have some slides that they took themselves including this slide that shows where in the spectrum of the electromagnetic spectrum these waves are going to occur, so I’ll leave that on if they want to refer to it. Be glad to answer any questions that you have at this time.”

**Chairman Winters** said, “Okay. Commissioner Schroeder.”

**Commissioner Schroeder** said, “Marvin would you just quickly go back to that aerial and show me on that aerial where the existing tower is. I think you pointed it out. Where would the existing tower be there?”

**Mr. Krout** said, “Right there.”

**Commissioner Schroeder** said, “Have you had any problems with that, that you know of?”

**Mr. Krout** said, “Well, the protestor who spoke at the Planning Commission says the problems she has had is that when they have been repainting or replacing wiring on that antenna, that some of the cables and bolts and paint have fallen to the ground and have caused some problems for animals that she has and some maintenance problems with her grounds and her home.”

**Commissioner Schroeder** said, “A bolt has fallen and that’s causing a maintenance problem?”

**Mr. Krout** said, “Well, I think she’s here to speak to that this morning?”

**Commissioner Schroeder** said, “How many years has that been in place though?”

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**Mr. Krout** said, "It was approved in 1979, I'm sure it was constructed shortly after that."

**Commissioner Schroeder** said, "Okay, so it's been there quite some time."

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

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

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

**Commissioner Miller** said, "Thank you Mr. Chairman. Marvin, one question might be for the applicant, I'm not sure, but I will ask the question of Telecommunications Reform Act of 1996, does it speak to the issue of what number is optimum in a particular site? Does it broach that issue at all, because I know that was a concern of one of the MAPC Commissioners."

**Mr. Krout** said, "I'm not aware that it does. The consultants can probably speak to that issue, but I'm not aware that there is any number set. I know that they issue, in every region of the larger regions, they've issued licenses to two companies to compete in this new communication service. Sprint is one of the two in this area."

**Commissioner Miller** said, "Okay, then I'll hold my question."

**Chairman Winters** said, "Thank you Commissioner Miller. Marvin, one of the conditions is that in order to minimize the proliferation of towers, that it be constructed to accommodate at least one additional platform. Is that the maximum number that towers can have? Why was only one additional user chosen?"

**Mr. Krout** said, "In this case, I think the consultants can speak to it better than I can. This is being designed taller specifically to accommodate more than one additional user. We knew that there was going to be at least one new competitor in the communication business and wanted to provide at least that one additional user. I think that it is difficult to predict, we thought it would be appropriate to let the market predict whether or not there is a need for accommodating any more than one other user. At this time we didn't know that there would be, there can be, but we didn't know that there would be and if you over design then you have a structure that is taller, bulkier and more expensive than maybe it needs to be."

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**Chairman Winters** said, "So your department would assume that if this tower was in place and a direct competitor came and there was space on this tower, this tower would be required to take a competitor's apparatus."

**Mr. Krout** said, "They're required to offer, this owner would be required to offer, at a reasonable rate, the space for that competitor, yes."

**Chairman Winters** said, "And that is part of the conditions that you've laid out."

**Mr. Krout** said, "That's right."

**Chairman Winters** said, "All right, thank you. Commissioners, any other questions of Marvin? I don't see any right now Marvin. At this time we will receive comments from others and we would like to begin with the applicant if the applicant is here and would like to make statements in support of this application."

**Mr. Bob Herlihy**, 650 Westdale Road #200, Wichita, Kansas, 67209, said, "I'm with SBA Office here in Wichita. We're the site consultants for Sprint Spectrum. Because of the tremendous growth of the wireless industry and in conjunction with the Telecommunications Act of 1996, plus the anticipated increased use in wireless technology, and I mean that they estimate an excess of 160,000,000 subscribers by the year 2003 in the United States. The federal government saw fit to auction off a spectrum of frequencies for the purpose of providing the nation with a new, advanced, digitized cellular system. It is the next generation, so to speak, of the cellular industry and should move this entire country far into the 21st century. Our job has been for the last ten months in light of our client's philosophy of the non-proliferation of towers, to come in and attempt to form a system that would totally cover what we call the Wichita major trading area. It is a 2,600 square mile area that extends from Hutchinson, across Hesston, to north of Cassoday, down through Augusta, and on to the Oklahoma border, then across and up. I have a propagation study.

"To begin with, my staff drove every square mile of that 2,600 miles to identify any type of structure that would be suitable for the placement of our antenna and equipment. That is very time consuming and very expensive. That's how we start, to identify possible locations. As a result of that, we identified 116 locations. We then plugged those 116 into a planet software computer in Kansas City and devised an optimal target area for each of the sites. Obviously, budget constraints, we want to have the area covered with the fewest locations. We estimate our investment is at least a million dollars in each site. Our commitment here is for 25 years. The cost of leasing the spaces, all of that is taken into effect.

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“We have been successful, far greater than almost any other major trading area in the country in keeping and finding co-location sites. We agree that the non-proliferation of towers is a major concern with companies. Therefore, every time we lease, we build a tower to accommodate at least one other carrier. In this case, we attempted to get on the tower that exists. It does not structurally have the room for our equipment and our six antennas. Because of the FAA requirement, then one of our major problems, which is somewhat unique to the Wichita area, is that we have to place our towers around the flight plans, flight slopes, in 14 different airports. Our major problem has been meeting the FAA requirement. Therefore, if we are not able to locate on an existing tower, we try to get as close to that tower as possible because of the potential problems with the FAA. We also feel that people who have become accustomed to a tower being located in that area, and as opposed as trying to go into a new area, where there may be more opposition, we try to place the tower in a location as close to the existing location.

“One of the reasons is that as Marvin pointed out, in the beginning when none of these sites are actually leased, we know that we want 43 sites. They have a search ring with the optimal site being one of the co-location sites being directly in the middle of that circle. If for some reason, because the tower fails structurally, if it does not meet FAA requirements, if the land owner does not wish to lease the site, then we have to stay within basically that search ring. Now this is a somewhat fluid system to begin with because none of the puzzle pieces are in effect, but as we lock in each of the sites, then we get down to a point where we are very, very restricted on how far we can go to get the coverage. If we move 500 feet one way, then we have to have new filings with the FAA, new determinations, that takes time. We are mandated by our client to have this system up and operational November 1 of this year. We hope and we’re excited about it, that it would make Wichita the first Sprint major trading area in the entire country to be operational. Our commitment here is 25 years and we’ve invested many millions of dollars and we want to have the opportunity to put that in place. I will answer any of your questions as you see fit.”

**Chairman Winters** said, “Okay, thank you. Commissioner Miller has a question.”

**Commissioner Miller** said, “Thank you Mr. Chairman. Mr. Herlihy, I have about three questions for you, one I posed with Marvin Krout. That is, with the Telecommunications Reform Act of 1996, is there anything that’s in the language that speaks to the issue of how many of these towers?”

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**Mr. Herlihy** said, "No, there is nothing in the Act itself. Obviously, the budget constraints, the cost of leasing the property, over the mandated commitment. The commitment of the Telecommunications Act is to form a system nationwide that has the integrity or ultimately will have the integrity of the present land-based telephone system. Therefore, one of our problems in locating towers, is that commitment for us is 25 years. You go out and try to lease a piece of property or building top or something from someone and require them to commit to that lease for 25 years, it does cause problems. The industry estimates that the system to go and cover every square inch of the continent of the United States will take approximately 100,000 towers, additional locations."

**Commissioner Miller** said, "Nation wide?"

**Mr. Herlihy** said, "Nation wide." We anticipated in our design, we felt that the optimal coverage in our situation would be satisfied with 43 towers or 43 locations. I think we have some time where I can at least show you what we're talking about. This is the plan and propagation study, the green spots being one of our tower sites. These are the proposed tower sites that the computer said would be the optimal sites that we could use. As I say, it comes up from the Oklahoma border around up to Hutchinson, through Heston, up north of Cassoday, approximately 2,600 square miles. Our main objective in the first phase is to cover all the major arteries of transportation in all the major cities, which as you can see, we've been able to do. Two tower sites that we're discussing today are the Blood tower, which happens to be right here, which is a link with three or four other towers to the north and provides a link down to the Oklahoma border, and the one at Goddard, which will supply into the second phase, a connection out toward the Colorado border."

**Commissioner Miller** said, "Mr. Herlihy, how many of those sites are currently up? How many of those 43 sites are currently up?"

**Mr. Herlihy** said, "Well, we are in the construction phase. Two are 100% completed. Another five are 90% completed. Approximately 70% are in some form of construction."

**Commissioner Miller** said, "Ultimately, 43 is the number?"

**Mr. Herlihy** said, "Yes. We can't anticipate. As the City of Wichita grows, there may be a requirement out here in four or five years to build a tower that would cover this area."

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“Over here, we know that there will be a need in the next year and a half in Butler County to place a tower which we’ve already leased the space at the Jaycee Cerebral Palsy Ranch, that will connect Augusta and El Dorado as it grows in that direction. But those right now are only anticipated additions to the system.”

**Commissioner Miller** said, “Okay. Now who is your primary customer, who is your primary user of the tower?”

**Mr. Herlihy** said, “The primary user of this tower is, for our concern, us. We are helping Mr. Murray as a part of our lease structure to zone the 500-foot tower. We are going to take responsibility, I know one of the protests was about some of the maintenance problems that occurred in the past on the existing tower. Sprint has opened an office on Woodlawn, they’ve been here since the first of this year, they have approximately 14 members of the staff. As we, as the consultants, move on to the next phase, they will continue to upgrade their staff I believe an additional 12 people. They will take over responsibility of the monitoring and the maintenance and to see that the tower, although not owned by them in this particular case, is up to Sprint standards. Again, the standards of Sprint, knowing that they have to have the mandate of the federal government, this tower that they’re building has to be almost a bomb proof structure for the next 25 years, have placed very high restrictions on it.”

**Commissioner Miller** said, “Okay, but it says that personal communication service system and cellular phones would be the primary user.”

**Mr. Herlihy** said, “The primary user, I cannot predict what Mr. Murray will place on the other area of the tower. Our towers that we build and the one that you will hear next, is built in anticipation of our competitor, AT&T coming into the market in February. We don’t mind that and we are attempting, I think our corporate offices are attempting, to work out a master lease for them to co-locate on our towers. Taking somewhat the idea of McDonalds, someone builds a McDonalds and there appears a Burger King in the same area. Well, we’ve come in and done all the research and built the system and AT&T is going to get the advantage of that. But to us being first and in the field the fastest is important to us and that’s why we’re here, why they’ve made that commitment.”

**Commissioner Miller** said, “I can understand that and that takes me to and maybe it wasn’t, but it sounded as though a follow-up that Chairman Winters was getting to and that is the proliferation of and the competition that is involved in the towers. I’m wondering who ultimately is going to have to pay for . . .”

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**Mr. Herlihy** said, "Well, let me say this, Sprint Spectrum, which is a limited partnership of Sprint Corporation, Cox Cable, TCI Corporation and Comcast Corporation, for the licenses in the 29 major trading areas that they successfully bid for, they expended an excess of two billion dollars. They have committed in excess of another four billion to the implementation of only the first phase of this network. They have a tremendous investment and so part of that investment there, they know that they have a competitor and that is what is the nice thing about the PCS system is that the competition, and having two people, will drive down the cost. So it is going to be a benefit for the community and for Wichita to be actually one of the first in the nation, I think it speaks highly of the Planning Commission that have worked very closely with us for the last ten months and that's why we are where we are and we'll hopefully, with these zoning cases, meet our November 1 deadline."

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

**Chairman Winters** said, "Thank you. Any other questions of Mr. Herlihy? I see none right now. Thank you very much. Is there anyone else who would like to speak in support of this applicant? Anyone else in support of the applicant? I see no one, is there anyone who would like to address the Commissioners in opposition or share with the Commission anything else? Please come forward, state your name and address and we'll attempt to limit the comments to five minutes, but we certainly want to hear what you have to say."

**Ms. Fran Murray**, 7061 South Ida, Wichita, Kansas 67233, said, "I would also like to comment that Gary Clinton and Tom Reed also sent in a protest, they were not able to make the meeting due to prior commitments, also Sandy Cox. There are several issues of concern to the property owners of the area. The increase in property taxes. The value of our property. According to other issues than what was stated, have shown that there is a difficulty in selling the property in the proximity of the towers in the area. The safety factors involved with the tower lights due to large air traffic area in our area. We're especially concerned with the lights. They're not always maintained and on position and out for several days and it's happened on several occasions. There will be a large increase in traffic on what is now a dead end street.

"The trash, that was mentioned, that is generated at the tower sites, such as the broken bulbs and lenses. There are large cable ties that are about the size of your finger, pieces of heavy wire, metal brackets, nuts and bolts and other items, which damage mowers and have been found tangled up on the animals' feet. When the antenna is taken down, workers clip the wire and cables and just let them fall, catching in the wind and scattering them out over the neighborhood. There are other trash items left by the workers that come out to the tower sites to do work.

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“When the towers are repainted, the paint drips and is carried in the wind and it gets on out buildings and vehicles. Even though they say they use mitts rather than spray painting or brush painting and use a heavier consistency paint, it still carries in the wind.

“The main concern with the EMS health hazards that are caused. There is no exposure levels that have been established by the U.S. government. In 1992, a five-year \$65,000,000 study was authorized by the Secretary of State of Energy to study the effects of EMS. The U.S. now spends over \$25,000,000 annually researching the dangers. Medical researchers and cell biologists are uncovering evidence of biological effects of the EMS. If there wasn't a question about the safety, there wouldn't be all of these studies being conducted. There wouldn't be a multitude of lawsuits that are being pended and so many issues and incidents of community concerns. The fields in these electrical currents within the body, which have biological effect on our cells, making them react adversely in the way that reproduce, communicate and grow. In July, CNN has a special news report about the dangerous effects of the cell phone usage. They have found that the energy emitted from the cell phones emit cell mutations. Just last week, Channel 12 had a special report on the dangers emitted from the towers. Independent laboratory studies have revealed that EMS can cause brain cancer, breast cancer, birth defects, childhood leukemia. There was a case where several children in a school came down with leukemia. They studied it and traced it back to the tower that was in the area. Lymphatic cancer, miscarriages, learning disabilities, depression, increased stress, cancer of the nervous system, Alzheimer disease and tumors in animals. In our neighborhood, there are several cases of cancer already. Mr. Gearing, Mr. Claude Ferris, Mr. Gerald Harper, who has cancer and is also suffering from two strokes, Sandy Cox, which has been diagnosed of having a 95% chance of getting cancer due to her liver damage. Ms. Creater, across the turnpike, has got notice of cancer three months ago. Gary Clinton is under the doctors' care for depression. Mr. Jess has suffered a severe stroke, leaving him in a wheelchair. These effects not only are from people in the immediate area of the towers, but also for animals.

“We need to be protected with some means from these health hazards, such as electromagnetic shielding coils which can be erected on the towers and there is also a silicone device that is available for homeowners that you can put inside your breaker boxes which help eliminate some of these dangers. There is already a large concentration of towers in our area, each one making the dangers of EMS that much greater. New towers and antennas will only increase this danger. The proposed tower will certainly house more antennas than what is proposed by Sprint. Who will regulate these additions of antenna or even care about increased dangers caused by each new one added. Add up all the towers and antennas in our area and you'll see we're already on slow bake from EMS being emitted.

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“A person’s health can’t be bought, nor once deteriorated, be revived. If you still feel like there’s no real concern about the health dangers, then vote to put it in your back yard.”

**Chairman Winters** said, “Thank you Ms. Murray. Is there anyone else who would like to address the Commission? Please come forward, state your name and address for the record please.”

**Ms. Rita Sickler**, 7130 South Ida, Wichita, Kansas, 67233, said, “This is about half way between the proposed tower site and 71st Street, basically across the street to the east from the existing tower. I don’t want another tower in my backyard, my front yard, and my side yard or any yard. I think putting a tower in this location just because there is already an existing tower is lame excuse thinking. That kind of thinking down the road goes then well we’ve got two towers, let’s put in another tower, and let’s put in another tower, and I’m not convinced that a multitude of towers is not going to decrease property values. I bought knowing an existing tower was there, but I wouldn’t buy some place where there are two, three, or four of these towers in a really close location. I don’t think these tall of towers should be erected in or so very close to residential areas for the safety of the people living in those areas. Are they unsightly? No, not if you don’t live around them. The only nice thing about them is they make an excellent landmark when you’re telling people how to find your home. You know, look for the tower and I’m across the street from it.

“But my main problem with these towers being located so close to home is the overhead safety factors from airplanes, ultra lights, whatever, flying in the area, and we do have a lot of them. I know the FAA, because I did some research to try and find out what they require on these towers and they require specific types of lighting and painting and that the lights are supposed to be on after dark so that the towers are visible. I realize that there are also requirements for how high or how low airplanes can fly, but in emergency situations, those rules go out the window when a pilot is concerned with trying to get down safely. I’ve seen ultra lights flying down there, airplanes, small airplanes, it looks like they’re flying the route of the big ditch and this new tower is proposed just south of the big ditch. Hot air balloons, even emergency medical helicopters have flown over in that area.

“I have real problems since M & P Rental will be the owner of the tower. I very seriously question their stance on safety. The existing tower has had light problems. As for light problems previous to this year, I can’t say for sure, because I’ve always worked first shift, so I didn’t notice that much, but I’ve been on second shift this year and on June 13 of this year, the lights, when I come home from work at night, the lights were out. They were out for two full weeks until June 28, and they finally were put back on.

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“Now two or three weeks previous to that, there had been some thunderstorms and the lights had been malfunctioning. I attributed it to the electrical storms, but the night of June 13, and I verified it with the National Weather Service, there were no electrical storms, no thunderstorms. I was told, from people who went to the Haysville Commission meeting, that while they said lightning hit the tower and knocked the lights out, the parts were on back order and they had to wait to get them. Well, a safety item shouldn't have to wait for back order. I've talked to pilots. I work in the aircraft industry and I've talked to co-workers who are pilots and they said that two weeks is way too long. If it takes that long then somebody should be climbing that tower every night with a flare. You have people fly in here who are not familiar with the area, don't know what's in the area. If the lightning had struck the tower, why didn't the lightning suppressor keep the lights from going out? If my headlights go out on my car, I can't drive it down the street at night because other people might not be able to see me. That's a safety item, but what about these towers when the lights go out? I think it is very important and the pilots I've talked to said those are very important to them on the towers. I don't think there is any excuse. In the FAA stuff I've read, it said lights should be replaced as soon as possible. Well, two weeks isn't as soon as possible.”

**Chairman Winters** said, “Mrs. Sickler, how much more do you have?”

**Mrs. Sickler** said, “That's basically it. I have great safety concerns with M & P Rental and the way they've maintained the existing tower and I don't want another tower in my back yard that I have to worry about whether it is being maintained properly or not because I don't feel the existing tower has been. Thank you.”

**Chairman Winters** said, “Thank you. Commissioner Hancock.”

**Commissioner Hancock** said, “I'm sure you said it and I didn't quite understand it the first time. Who is going to maintain the tower?”

**Mr. Herlihy** said, “When we put equipment on a tower, our office automatically has monitoring on it because we make separate FAA filings not only for the tower but also for our location on the tower. Our location on this tower is 250 feet. That's the space that we've rented. We're above 200 feet. We have, therefore, an independent responsibility to maintain that lighting on that tower. That will be automatically monitored. That's what my statement was. We will have a 24-hour presence in this community for the next 25 years. The office is partially staffed at this time. They've been here for a year helping us coordinate our efforts. As we move on to the second phase, the staff will be increased.”

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“Their implementation engineers and RF engineers, to ensure, first of all automatically through our telephone equipment, that the lighting is properly functioning. We have generators on the site as part of our equipment that will kick in if the lights go out and electricity is impaired. So our responsibility is to maintain the lighting and we also, are aware of their complaints, and I’ve tried to assure them in previous meetings that we are here to oversee. When we’ve made a commitment of this size, we want to be good neighbors.”

**Commissioner Hancock** said, “Give me the short version. Brad Murray has a tower there now.”

**Mr. Herlihy** said, “Right.”

**Commissioner Hancock** said, “You’re going to build another tower.”

**Mr. Herlihy** said, “He is going to build another tower.”

**Commissioner Hancock** said, “Okay. Sprint Spectrum is going to rent it from him.”

**Mr. Herlihy** said, “Rent space on that tower.”

**Commissioner Hancock** said, “Okay. Is Sprint Spectrum going to maintain both towers or just this one?”

**Mr. Herlihy** said, “No, just the new tower? I cannot speak to what has happened in the past, but I know what our commitment is into the future.”

**Commissioner Hancock** said, “Hold it. I don’t need everything else. You’re giving me the answers up front. So when you say you’re going to maintain the tower, you mean you’re going to maintain the physical structure of this tower or just the equipment on it?”

**Mr. Herlihy** said, “The equipment on it and the lighting of it. Now it will be his responsibility to see that the painting, as part of our lease, is up to FAA standards at all times.”

**Commissioner Hancock** said, “Spectrum is responsible for the painting?”

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**Mr. Herlihy** said, "No, as part of the lease provision, he has to comply with all FAA requirements, that includes keeping the tower painted. We independently monitor the lighting."

**Commissioner Hancock** said, "Okay, so you're responsible for the equipment and the lighting, he's responsible for the guy wires and the painting? So he is responsible for the structure?"

**Mr. Herlihy** said, "Right."

**Commissioner Hancock** said, "And you're responsible for the equipment and lighting?"

**Mr. Herlihy** said, "Right."

**Commissioner Hancock** said, "That's the short version."

**Chairman Winters** said, "And you are speaking for Sprint."

**Mr. Herlihy** said, "Yes, speaking for Sprint."

**Commissioner Schroeder** said, "So let me ask this question, if somebody has a problem or a complaint, who do they call, you or him?"

**Mr. Herlihy** said, "Code Enforcement I would think."

**Commissioner Hancock** said, "No, they don't call Code Enforcement."

**Mr. Herlihy** said, "Well first of all, they would call M & P Rental, but they would also be able to call us. We want to be a good neighbor and our lease commitments to Brad Murray are to see that he is a good neighbor too."

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

**Chairman Winters** said, "Thank you. Thank you sir. Is there anyone else who would like to address the Commission on this case? Is there anyone else in the audience who would like to speak to the Commission regarding this case? All right, at this time, we will restrict comment to staff and Commissioners. Marvin, do you have anything else that you would like to address the Commission about on this?"

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**Commissioner Hancock** said, "Was there a 20% protest on this?"

**Mr. Krout** said, "No, it was not."

**Chairman Winters** said, "Commissioners, you've heard the presentation. Commissioner Miller."

**Commissioner Miller** said, "Is Mr. Murray available? Okay, Mr. Murray would you come to the podium please? How are you this morning?"

**Mr. Brad Murray** said, "Good, how are you doing?"

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

**Chairman Winters** said, "Could you please give us your name and address for the record please."

**Mr. Brad Murray** said, "Brad Murray, 2540 Cedar Crest Drive."

**Commissioner Miller** said, "A couple of questions that have been referred to and actually to the consultant who is representing Sprint. From your perspective, who would be the owner of the property that is leasing this to the tower builders which would be Sprint or the tower is actually yours, right?"

**Mr. Murray** said, "I own the structure."

**Commissioner Miller** said, "You will actually own the tower. You own the property. You own the tower."

**Mr. Murray** said, "Yes."

**Commissioner Miller** said, "They simply place the equipment on it."

**Mr. Murray** said, "Yes."

**Commissioner Miller** said, "I have heard from Mr. Herlihy how he is going to respond to the residents that have had some complaints, I would like to be able to hear from you Mr. Murray."

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**Mr. Murray** said, "Well, this is my ex-wife that I lease the property from, that is at protest. She gets quite a payment a month for the property that I do lease from her now. I do own the structure on that old property and the new property that I'm trying to get a permit for, we own the structure and we lease the property from Gerald Blood, which he will be the property owner. The property that we're trying to lease from Gerald is in the back quadrant of that section of ground. It is actually no good for anything and that is the reason we picked that location because there are no houses or anything back there. As far as maintenance on the tower, we have had some light problems down there. We have fixed the lights and called them in like the FAA requires, done all the stuff that we actually should do. It is timely to get some of these parts because of all the towers in the country and some of the parts that we do need are electronically, pads and stuff like this, that are in short demand right now. I'll be really truthful there. They are back ordered, some of them two to three weeks. We put our orders in just as soon as we get the call. We call the FAA and turn the tower lights in if they are out and they stay out until we get the part and call them back in. So we do monitor the tower quite frequently. I have Cellular One on the old tower and several other people that are pretty good users and several paging companies like AT&T, Mobilecom, everybody. I mean this is not a little business and it is maintained quite properly."

**Commissioner Miller** said, "Then I need to be able to understand the lease scenario that is going on here. You are wanting to lease a tower from Mr. Blood?"

**Mr. Murray** said, "I have leased property already from Mr. Blood. It is the property in question right now."

**Commissioner Miller** said, "That is the property."

**Mr. Murray** said, "I have a lease made with Mr. Blood to build this tower depending upon the Zoning Commission hearing. Then we will own it. Like I say, Sprint will maintain the lights. I will maintain the structures, such as painting it, maintaining it, operating it, and putting other people on it. They're not the only users on this tower. We have two or three others right now that are wanting on it too, just not only them. So we're building a tower with a capability of about seventy people, so that we won't have to build another one in this area again probably for the next century we hope."

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**Commissioner Miller** said, "Now number nine on the conditional use permit recommendations, it says in order to minimize the proliferation of towers, this tower shall be designed and constructed to accommodate at least one additional platform for at least one other cellular carrier to be able to lease. Now when you talk about seven or eight other vendors, can you explain to me so in this particular condition you say you are doing eight times that?"

**Mr. Murray** said, "Yes. We're trying to minimize building any more sites down in that area forever. The tower that was built there back in '79 was cable handling 22 people, right now there is 18 on it. Like he is saying, he has six antennas alone that he is putting on at the 250-foot level. Well to put them on that structure would overload it and not be capacity to even be in comprehension. That's the reason we went to the new tower to put him on that one and other users the capability in keeping it fuller, to get them off the old tower. Actually, we're not looking at any more new users on the old tower. That's the reason we're building a new one."

**Commissioner Miller** said, "Do you foresee having to, I know you said in that particular area, you don't foresee having to site one, you said within the next century. I know I've listened to Mr. Herlihy and Sprint's projections and they have the 43 projected sites out and around. Are you tied into that?"

**Mr. Murray** said, "Yes, I own nine other sites in Wichita, from Emporia, Kansas, clear to Goddard, Kansas. We've got extensive sites all over. Both these sites, this one and the Hahn site, I've got another site out there, which they are proposing next."

**Commissioner Miller** said, "Okay, thank you very much Mr. Murray."

**Chairman Winters** said, "Okay, thank you. Commissioners, any other questions of Marvin or anyone else at this time?"

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**MOTION**

Commissioner Schroeder moved to adopt the findings of fact of the Metropolitan Area Planning Commission (MAPC) and approve the Conditional Use Permit subject to the recommended conditions, and adopt the Resolution.

Chairman Winters seconded the Motion.

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

**VOTE**

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

- 3. CASE NUMBER CU-402 - CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 258-FOOT SELF-SUPPORT COMMERCIAL COMMUNICATION TOWER WITH ACCESSORY PANEL ANTENNA AND AN ELECTRONIC COMPOUND ON A TWO-ACRE SITE, GENERALLY LOCATED EAST OF 231ST STREET WEST IN AN AREA SOUTH OF 23RD STREET SOUTH.**

**Chairman Winters** said, "Thank you. Marvin, before you start, Commissioner Schroeder has a question."

**Commissioner Schroeder** said, "Rich, this may be semantics, but I think these agendas used to say adopt the Resolution and it says adopt a Resolution. Does that mean that the Resolution has not been put together yet? I know we've got a back-up here."

**Mr. Richard Euson**, Assistant County Counselor, said, "Maybe Marvin could explain that. I assume that was worded that way in case you wanted to add or delete to the conditions. In your case, the appropriate action would be to adopt the Resolution and authorize the Chairman to sign."

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**Commissioner Schroeder** said, “Okay, because I don’t want the public to think we’ll sit down now and write up a Resolution. We really have one in place, we’re just voting on it. If we make changes to it, we’ll say so in the Motion I’m sure. Okay, all right, I just want to be sure we’re all in the same playing field. Thank you. Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you. Marvin.”

**Mr. Krout** said, “It should read adopt the Resolution. We do have on this case, a case where you do have a draft Resolution and we are recommending that you delete one of the conditions. I’ll explain that in a minute. So this is a case where we will have to redraft the Resolution if you decide to approve that case.

### **SLIDE PRESENTATION**

“This second tower, a conditional use for a tower at the southeast corner of Pawnee or 23rd Street South and 231st Street West. You can’t see on this map, but in your staff report, this site is about a mile south and west of the closest boundaries of the City of Goddard. So this is in the Goddard Planning Commission’s zoning area of influence. They did review this case also. This is a two-acre site. There is an existing 500 foot guyed tower on this site today and the applicants are requesting to place, just about 150 feet away from the tower, a 258-foot self-supporting tower. This is another case where the amount of equipment on the existing tower and structural limitations on this tower do not allow for Sprint to utilize the existing tower and so they’re attempting to cluster onto a similar site. One thing that did occur to me, if lights go out on one tower, one of the advantages of clustering towers is you probably have the lights on at the other tower nearby and so if there is someone up in the air, they’re probably a bit more likely to avoid that area.

“This is a 258-foot self-supported tower. The tower will sit on the same access road. I think we have an aerial photograph that probably shows the area better. It would sit on the same access road to the existing tower. There’s the existing tower and the access road off of 231st Street. This is Pawnee. Goddard is in this area. You can see this surrounding area is agricultural and residential. The nearest homes are about 600 feet to 650 feet to the north. This is the only protestor remaining now on this case. To the northeast and the east, this owner is the owner of this entire quarter section and is leasing the ground for the existing tower and the proposed tower site.

“In our consideration of this, in addition to the fact that we were clustering an existing location, we noted that there was pretty heavy tree cover on the north side. There is a hedge row on the north side of Pawnee here and also on the west side of the north south road.

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“The closest property and probably the most affected behind that hedge row here, as you can maybe make out, the orientation of that house is southeast and southwest, so while it is true that there is probably going to be somewhat of a view in the straight south direction, it is not going to be a direct view out the windows as if the tower was located in this location or in this location. It is going to be somewhat indirect because of that. So the orientation and the screening that is there I think partially mitigates the impact on that property owner who is protesting.

“We recommended approval subject to a number of conditions. Those are in the staff report. The Goddard Planning Commission heard this case and was unanimous in recommending approval. At the Planning Commission, the property owner to the north appeared in opposition. There was also some confusion about the exact dimensions and distance of the tower site, on this site and from that house. The concern of this property owner was that this tower would be an eyesore. It is not going to be a guyed tower, it is going to be a self-support tower and because of that, it does have a different appearance. It is bulkier in design than the guyed tower is although it is going to be half the height. His concern was that it would be an eyesore. He knew the first tower was there, but he didn't expect a second tower and he felt it would reduce his property values. The Planning Commissions vote was eight to four on this case to recommend approval.

“In the conditions, condition number two, we're recommending you delete if there is a Motion to recommend approval. I think this was inadvertently drafted at the same time as the other communication tower and it uses language from the previous tower, the Blood tower, that is inappropriate. Condition two says the tower needs to be designed to collapse within a five-acre site. This is not a five-acre site, this is a two-acre site and this is not a guyed tower that occupies larger area that will collapse inside itself, it is a tower that potentially, in this two-acre site, could fall slightly outside of that two acres onto the farmer's field and in your staff report, there is a letter from the owner of the property, leasing this property, saying that he recognizes this and he accepts that. So based on that, it is inappropriate to include condition number two in any Motion to approve and we would redraft the Resolution to exclude that condition.

“Let me take you through our slides. This is an aerial photograph, a little larger scale, that gives you the correct dimensions. It is 225 feet from 231st Street to the proposed tower and it is another 150 feet to the existing 500 foot guyed tower. You can see the locations of the foundation points from the guy wires. Now the distance to the center line of Pawnee is 320 feet and another 340 feet. This is the footprint of the house that is immediately to the north.

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“Originally, and I’ll show you the protest petition map and you’ll see, that originally we received protests from this property owner, this property owner, and then a third property owner came in later on this parcel. This property owner has since given us a written withdrawal of his opposition. This property owner has also given us a withdrawal of his opposition. There is a house on this site, one of those houses I showed you, this property owner did not protest. This is the ownership who is leasing the land at that corner. So there is one protestor, immediately to the north of this site now and even before, that was under 20%, so now the protest area is probably down to 6 or 7%, within that thousand-foot ring. So a majority vote is all that is required to approve the conditional use in this case.

“We’re looking from 231st Street to the east along that access road and the 500 foot guyed tower that exists today. This is another view of the tower and the farmer’s field beyond that. This is looking across the road to the west. This is the site itself. We’re looking to the north, this is the hedge row that is along Pawnee and then you can see the roof of the house that is about 300 feet further back from the road and that hedge row. That’s the protestor. This is the corner. We’re looking at the tower from the access road. That was Pawnee at the intersection and this is the house of the property owner who is leasing the land. He lives to the east on the south side of Pawnee. This is the protesting property owner, this is his neighbor who did not protest, who is north and east of the tower site. The site plan showing the proposed tower, the existing tower, they’re about 150 feet apart. Then the applicant, if he chooses to, has some additional slides of this area. I’ll try to answer any questions you have at this time.”

**Chairman Winters** said, “Marvin, can you tell me, did the Planning Commission hear both of these on the same day?”

**Mr. Krout** said, “Yes.”

**Chairman Winters** said, “Can you talk to me about the vote outcome on this one as compared to the one we’ve just heard?”

**Mr. Krout** said, “I think some of it did have to do with the confusion over the site plan didn’t have all the dimensions and there was some confusion as to whether or not this house was 600 feet or 700 feet from the tower and the Planning Commission gets a little bit wary if they don’t feel they have all the details and facts, although one Planning Commissioner said 50 feet one way or the other doesn’t really matter to me on my vote. That’s really all I can tell you.”

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**Chairman Winters** said, "That's fine. Very good. Any questions of Marvin? I see none right now. Marvin, if the applicant would like to speak to this case, and again, I'll let you decide how much you want to tell us, but I think we did hear a lot about towers on the last one."

**Mr. Herlihy** said, "Well, I think I've given you good background about our presence and our commitment to this area and what we intend to do. I think mainly in regards to this property, my comments will deal basically with why we're at this particular location. It does deal with the puzzle aspect and our budgeting. Our considerations first are the integrity of this system. The non-proliferation of towers, again, and the other site you heard earlier, we attempted to locate on the existing tower and we'd been very happy to do so. However, one of the things we do, because of our mandate to supply a system for 25 years and the extremely high requirements of Sprint, we had this tower structurally analyzed. It will not hold our equipment and it does not meet the requirements of Sprint that require a tower to withstand 85 mile an hour winds with two inches of ice on it. That's a pretty high requirement and though that we know those two things never occur in Kansas, meteorologically, that is still a requirement. The tower failed.

"Early on in the design, and knowing this was a prime location, it fit into the original diagram of the 43 and was placed there from the very beginning. We felt that even as the system was shifting, that we needed a western boundary point of phase one that would link it with the other towers in Wichita proper, to provide coverage for Goddard, and the important part was to provide coverage for West Kellogg off to the west. We felt that at the time, a structure being there, admittedly, a large portion of that property, we attempted to lease the space. We were able to lease the space near the tower. Our considerations at that time were in regard to the land owner. He did not want a guyed tower. He is a professional farmer. He had taken up enough of his wheat field with the first tower, he didn't want a second guyed tower. Putting two guyed towers very close together is somewhat dangerous, within say 100 feet. We therefore agreed, as a condition of the lease, to build a self-support tower. We would have been very happy for a guyed tower, it is much more expensive to put in a self-support tower. Budget wise, our other considerations were that there is presently a road there. There is presently power there. There is presently telecommunications there.

"If we look at the search areas, as I discussed earlier, around this site, to the west of it is a very bad flood plain issue, so that we could not go into the north. There are obviously the homes that we've discussed earlier. To the south, what portion of the wheat field that would be left in our search area is farm land that the owner of the property does not want towers all over his property.

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“I think there was some concern and apprehension on the other two who had originally protested that they felt there was going to be seven or eight towers out there and they didn’t want a tower farm in the back yard. But I can assure you, in talking with the land owner, Mr. Hahn, he does not want towers. He’s a farmer and he wants to farm. The reason we have placed a self-support tower there, as opposed to a guyed tower, is because that was a very specific requirement of the lease.

“We understand that the remaining protestor has built a home, a very beautiful home. It is over 600 feet to the north as Marvin discussed. It is off a line so that if you’re looking out your back window, the tower that exists sits about here and our tower will sit even farther out of the direct view out of his back yard. I have supplied the Planning Commission with four studies that are somewhat lengthy. I have summarized their conclusions for you and you have a copy of those. As Marvin indicated, there is nothing in these four studies that indicates the presence of a telecommunication tower decreases the property value. I think as we move into the 21st century, the services that they will provide will greatly offset any of this aesthetic problem.

“Again, I understand why they wish to protest, but again, I ‘ve done everything I possibly can to provide this system and get it underway in my budget constraints. I would love to move the tower but I can’t do that because it will affect the coverage and I won’t be able to build it on time. Thank you.”

**Chairman Winters** said, “Thank you very much sir. Is there anyone else who would like to speak in support of this application? Any other applicants or anyone else who would like to speak in support? Is there anyone here who would like to speak in opposition to this Planning Item D-3? Is there anyone? Please come forward, state your name and address for the record please and we’ll try to limit our comments to five minutes.”

**Mr. Darrell Oakley**, 2300 South 231st Street, Goddard, Kansas, 67052, said, “I’m the property owner right across the street from the tower. I thought I would just take a minute and it seems like everything here is just so businesslike and everything that we’re losing track that we’re talking about real people and real events. So I just thought I’d tell you real quickly my background here in Sedgwick County. I grew up here and went to school in Wichita. Farmed out in Norwich, Kansas. My dad was a policeman here in Wichita. As I farmed, my lifetime goal was to get out of town. I wanted to move out, get my own little acreage, have a pond, do those kinds of things, and that’s been a life long dream. So rather than trying to buy early, my wife and I have saved our money for years and years. All we’ve done is in anticipation of building this home, having a pond on it, stocking it, landscaping it, and going through all the things to manicure it and make it very pleasant for us in the future.

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"I feel like if there would have been another tower there, especially one that is big and large as this kind of a tower will be, it won't be like the normal tower that you can almost lose in the landscape. If you see one of the other towers, like even right downtown here, you see those big standing towers on their own, they're different. They're a very distasteful object to me. We do a lot out on the property. We work there, we do things where the tower is in view, but the one that is there is not going to be like the one they're talking about building. It is going to be a massive, wide, big structure, that will hold itself. It will have these panel antennas and things in it. It is going to be so mechanical as opposed to what I was looking for when I moved there. Since this area is starting to increase in population through many, many houses coming into that area, my suggestion is, I know that it might mean that it crunches the deadline for them to make this happen when they planned to have it happen. It might mean that the computer, when it picked all these sites, didn't take into account the people that is was affecting directly. I feel like I don't want to in any way indicate, especially for Mr. Hahn, he's been a great neighbor, a super neighbor. I don't want to in any way affect his income of the tower going on his property. That isn't what I'm here at all. He's a super person. I've never had a complaint or say anything negative about Mr. Hahn in the whole time I've been out in that area in the last four and a half years. So I wanted to make that clear as well.

My concern is our property and when I go out there, I guess two nights ago, I was sitting, we've got some benches out around the pond. We're starting to landscape down there. We've got a fountain in it. I was sitting there and I looked up and I was thinking my goodness, that tower is going to be right there. The aerial didn't show it, but right down in the corner of our property is where our pond is and where we're spending a lot of energy landscaping and doing things. So I look at it and go goodness sake, it is just going to be a terrible thing to me and I just say to myself, why couldn't they just move that thing over just a little bit. Put it on the other side of the tower. Put it on over a little bit. Move it a thousand foot. Something like that. I guess I feel like the tower is being placed there mainly for future coverage. If it is for existing, suppose rather than putting a tower there, they had to extend and add a tower to not be an eyesore to the community or to the things the people in that area have set up over time and years of planning. I understand that there is a concern to be expedient and maybe try to be the first one out or do some of these things, but I don't think that merits what will happen to me in that area and my property. I assure you that I would not have purchased that property or go buy that house today if it had kind of an eyesore structure right at its boundary, less than 150 feet away is what it will be to the property. I wonder myself as you vote, would you do that, would you vote to put it that close to you.

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“I’m saying there is a lot of area out there where it is not populated. It just happens to be right in this locale that it is becoming more populated. So I would like to suggest that maybe we go back to the drawing board and look at some of the options. I might say one other thing that really bothered me and I know I’m out of time, but let me take about another minute and I’ll try to be brief.”

**Chairman Winters** said, “Go right ahead.”

**Mr. Oakley** said, “I think at the meeting that I went to I was appalled at the false representation of the facts to the Planning Commission. That really bothered me. I think at one time I spoke out and said that’s just lies. I think we have to take the things that are said, I can list several of them here, four things that were just blatant. He has been saying up to this point on how far away the people are, the people that are effected. Some other things that are not true. By that, it makes me doubt what’s true in the future. That really bothers me as well as my property being decreased in value. I know if I was going to do a report and say my value of my property is going to be maintained, I doubt that. I don’t think anybody would probably go buy my house after this tower is in there. So I appreciate your time.”

**Chairman Winters** said, “All right, thank you very much for being here Mr. Oakley. Is there anyone else who would like to address the Commission on this item, Planning Commission Item D-3? Anyone else who would like to address the Commission? All right, at this time we’ll reserve discussion to Commission and staff. Marvin, regarding the conditions, in your mind now and in reading those minutes, there seems to be some confusion about location. In your mind now there is a site plan that has been developed with a location and we’re perfectly clear where this tower is going to be located on this piece of property?”

**Mr. Krout** said, “Yes, we’ve got an accurate site plan now. The only issue again is condition number two is not appropriate.”

**Chairman Winters** said, “Did you attend the Goddard Planning Commission meeting?”

**Mr. Krout** said, “No, I didn’t. Our zoning planner did. I’m sorry, I didn’t.”

**Chairman Winters** said, “And the Goddard Planning Commission supported this application?”

**Mr. Krout** said, “Yes.”

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

**Commissioner Miller** said, "Thank you Mr. Chairman. Marvin, is there an agreement amongst the applicant and the protesting resident that indeed the tower will be sited 150 feet from the boundary line?"

**Mr. Krout** said, "One hundred fifty feet from the existing tower. It is about 250 feet east of 231st Street and it's about 300 feet south of Pawnee."

**Commissioner Miller** said, "Okay. I was listening to Mr. Oakley. He is shaking his head. What I'm trying to find out is just how far is the tower . . ."

**Chairman Winters** said, "Let's put the screen back on . . ."

**Mr. Krout** said, "The aerial photograph?"

**Chairman Winters** said, "Let's put the aerial photograph back on showing the site plan."

**Commissioner Miller** said, "And how far is the tower from the actual property line? That's what I'd like to know."

**Mr. Krout** said, "Okay, this is the proposed new tower. This is the existing tower. This dimension is 320 feet to the center line of 23rd Street or Pawnee, and then there is another 340 feet to the nearest point of the protester's house. So if you add up 340 and 320 you have 660 feet."

**Commissioner Miller** said, "So Mr. Oakley, looking at the diagram here, would you agree with that? You don't."

**Mr. Oakley** said, "Their own background information suggests their current tower is 250 feet from 23rd."

**Chairman Winters** said, "But part of whether he agrees or disagrees is when they go out to build the tower, if they build it closer than what's the distance to the center line of Pawnee?"

**Mr. Krout** said, "Three hundred twenty feet."

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**Chairman Winters** said, "If they build it closer than 300 feet they will be out of compliance with these conditions."

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

**Mr. Krout** said, "They'll have to build it according to the site plan. The site plan will have these dimensions on it and that's where they'll have to build."

**Commissioner Miller** said, "Does that put them at the site that we're looking at right now or not?"

**Mr. Krout** said, "I believe it does."

**Commissioner Miller** said, "Okay. I don't have any further questions."

**Chairman Winters** said, "Okay, thank you. That's all Fred. Marvin, you have any discussion or I don't know that I need to know why the other folks dropped their protest, but I expected there to be a couple of other protesters here. Do you know why they dropped their protest?"

**Mr. Krout** said, "I haven't heard from them directly, neither has my staff. We're relying on the applicants who told us that it was because that there was representation that this was just the beginning of a series of more towers in the future."

**Chairman Winters** said, "Okay. Thank you. Commissioners, any other questions?"

**MOTION**

Commissioner Hancock moved to adopt the findings of fact of the MAPC and approve the Conditional Use Permit subject to the recommended conditions, and adopt a Resolution minus condition number two.

Chairman Winters seconded the Motion.

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

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**Commissioner Miller** said, "Brief discussion Mr. Chairman regarding your clarification on the footage of the site of the tower. Are you saying in essence that if they don't site it, 320 feet south of Pawnee, then they're out of compliance?"

**Chairman Winters** said, "Marvin, what would we do if someone would do something on a conditional use permit that was not a requirement of the Resolution?"

**Mr. Krout** said, "Well, they'll need to come in with a building permit and the permit will need to dimension the site. Now if someone goes out and constructs a building that is in violation of the conditional use then your Code Enforcement Department will issue a stop work order and if necessary, whatever construction that has occurred will eventually need to be removed."

**Commissioner Schroeder** said, "Fair enough."

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

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

**Commissioner Hancock** said, "I just want to say both these cases, because the towers were located in a general area together, I think that helped me make a decision to vote for both these cases. I know that probably this is going to happen. There will be an additional group of towers throughout the community to facilitate the new technology and I think any site that there are parameters that they have to work in because of the capability of the towers to function properly within the network or the grid that they're trying to set up. I understand that so I think it is important if they can that they do site these towers as close as possible. If not, of course they'll be looking for other sites for the towers themselves and we'll go through the same process. While this is not a good answer, it is probably the best answer, for me at least, that we locate them together and eliminate as much hardship on the community as possible. So that's why I supported both of these, because one already exists there. I'm not sure that I would vote for one all by itself. We'll have to take it case by case. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you Commissioner Hancock. Are there any other questions or comments concerning the Motion? Seeing none, call the vote."

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**VOTE**

Commissioner Betsy Gwin	Absent
Commissioner Paul 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 Marvin. At this time, we're going to take a ten minute break. We're in recess for ten minutes.

**The Board of Sedgwick County Commissioners recessed for a ten minute break and reconvened at 11:10 a.m.**

**Chairman Winters** said, "Call back to order the Regular Meeting of the County Commission on August 21, 1996. We've got an off agenda item before we get into new business. Sorry Tom. Rich has got a correction that we need to make on property description on a piece of property we're taking for right-of-way use.

**MOTION**

Chairman Winters moved to take an off agenda item.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you. Rich, could you talk to us about this?"

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**Mr. Euson** said, “Yes, thank you Commissioners. Back on July 10, toward the close of a very lengthy meeting, we presented a couple of items relating to the construction of an access road at 95th and Broadway. You approved a Condemnation Resolution at that time. Since then, we’ve determined that there are some corrections that need to be made in the legal description. We have prepared a new Resolution with those corrections and would ask that you adopt that this morning.”

**Chairman Winters** said, “This is clarification of the legal description with a slight change?”

**Mr. Euson** said, “That’s correct.”

**Chairman Winters** said, “Okay, thank you. Commissioners, you’ve heard Rich’s report.”

**MOTION**

Commissioner Schroeder moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you very much. Now we’ll call the next item.”

**NEW BUSINESS**

- E. AGREEMENTS (2) WITH GRANT COUNTY EMS AND BUTLER COUNTY COMMUNITY COLLEGE TO ALLOW SEDGWICK COUNTY EMS TO PROVIDE FIELD INTERNSHIPS TO STUDENTS OF THEIR TRAINING PROGRAMS.**

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**Mr. Tom Pollan**, Director, Sedgwick County EMS, greeted the Commissioners and said, "I would over emphasize again, it is EMS and it is designed to help your health not hurt your health. These are two separate agreements. One is with Grant County and that's up to 30 students to provide internships for them here in Sedgwick County. Again, we've had an excellent place here to work with these individuals and to be able to extend our professional knowledge and skills and I would recommend your approval and allow the Chair to sign."

**MOTION**

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

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, "We have a Motion and a second. Any discussion?"

**Commissioner Schroeder** said, "Mr. Chairman, just very briefly. Tom, I wanted to just thank you quickly for a job well done. My family had a chance to use their EMS the other night and the two paramedics that arrived did an excellent job, very professional and dignified people. They used a lot of courtesy and kindness in their job and it was very much appreciated by the entire family. Just wanted to thank you and your staff and those two in particular. They did a wonderful job."

**Mr. Pollan** said, "Thank you. I accept that on the behalf of those who provided the quality service."

**Chairman Winters** said, "Thank you very much. Any discussion on the Motion? Seeing none, call the vote."

**VOTE**

Commissioner Betsy Gwin	Absent
Commissioner Paul 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."

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**Mr. Pollan** said, "You might just check, did we cover both of those? I only did Grant County agreement."

**Ms. Susan Crockett-Spoon**, County Clerk, said, "I beg your pardon. Are you going to handle them separately?"

**Commissioner Schroeder** said, "They've got them on here as one, but that's okay."

**Mr. Pollan** said, "If that's acceptable to you, it's acceptable to me."

**Ms. Crockett-Spoon** said, "It says agreements, so I think it's both of them."

**Chairman Winters** said, "Well I thought we'd done both of them, but it doesn't matter. Was that the intention of your Motion?"

**Commissioner Schroeder** said, "Oh sure."

**Chairman Winters** said, "Very good. We've taken care of both of those items, thank you. Now we'll move onto the next item."

**F. PROFESSIONAL SERVICES AGREEMENT WITH UNIVERSITY OF KANSAS SCHOOL OF MEDICINE-WICHITA TO PROVIDE MEDICAL SERVICES TO JUVENILES AT THE DIVISION OF YOUTH SERVICES.**

**Mr. Kenneth Hales**, Director, Department of Corrections, greeted the Commissioners and said, "Before you is an agreement to continue medical services for the Juvenile Detention Center, Judge Riddel Boys Ranch, and the Juvenile Residential Facility. Services include completing routine health assessments, daily sick calls, 24-hour on-call services for evaluating medical problems. The contract also includes a full-time physician extender to provide services on site at each of the facilities. New provisions include emergency psychological assessment services for juveniles displaying serious mental illness or behavioral problems and there is also a new provision concerning third party generated revenues and the information which would help us negotiate future contracts. The contract price is increased \$500 to \$80,500. We are extremely pleased with the contract we've had with this provider and recommend the Commission approve the Contract and authorize the Chairman to sign."

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

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**MOTION**

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

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

**G. BUREAU OF COMPREHENSIVE COMMUNITY CARE.**

**1. CONTRACT WITH VIA CHRISTI MEDICAL CENTER, INC. TO PROVIDE CASE MANAGEMENT.**

**Mr. John DuVall**, COMCARE, said, "This morning we are requesting approval of a continuation of a contract with Via Christi to maintain a program of case management to our severe and persistently mentally ill population within Sedgwick County. This case management approach facilitates the reintegration back into the community, some from the State Hospital and others from various in patient units. Recommend your approval of this contract."

**Chairman Winters** said, "Thank you John. Commissioners?"

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**MOTION**

Commissioner Hancock moved to approve the Contract 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	Absent
Commissioner Paul 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. ADDITION OF ONE FULL-TIME LICENSED SPECIALIST CLINICAL SOCIAL WORKER, RANGE 22, TO THE COMCARE STAFFING TABLE, TO BE FULLY GRANT- FUNDED.**

**Mr. DuVall** said, "Hunter Health Clinic has received a federal grant to provide services and has desires of entering into a contract with us to provide full-time Licensed Specialist Clinical Social Worker for out patient services. They are willing to fund this position for one year. We are requesting the position be added to our staffing table. I would recommend your approval."

**MOTION**

Commissioner Miller moved to approve the addition to the COMCARE Staffing Table.

Commissioner Hancock seconded the Motion.

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

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**VOTE**

Commissioner Betsy Gwin	Absent
Commissioner Paul 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."

**H. RECOMMENDATION TO THE STATE BOARD OF TAX APPEALS THAT A FURTHER TAX REFUND BE GRANTED IN THE MATTER OF THE APPLICATION OF FARM CREDIT SERVICES OF CENTRAL KANSAS FOR RELIEF OF A TAX GRIEVANCE IN SEDGWICK COUNTY, KANSAS.**

**Mr. Brad Sherard**, Real Estate Appraiser, Appraiser's Office, greeted the Commissioners and said, "We would request that you make a recommendation to the State Board of Tax Appeals for a tax refund. The reasoning for this is this office building that is on West Kellogg, we had an incorrect listing in the size of the basement. This covers the tax years 1989 through 1992 and the total effect of this judgement would be \$12,903.40."

**MOTION**

Commissioner Hancock moved to make a recommendation for a further tax refund.

Commissioner Schroeder seconded the Motion.

**Chairman Winters** said, "We have a Motion and a second. Just for clarification, again, the reason that we need to do this is the State Board can't make those recommendations for final refund if they're past three years without approval of the Board of County Commissioners, is that correct Brad?"

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

**Chairman Winters** said, "Okay, thank you. We have a Motion and a second, any further discussion? Seeing none, call the vote please."

**Regular Meeting, August 21, 1996**

**VOTE**

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

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

**I. CAPITAL PROJECTS DEPARTMENT.**

**1. MODIFICATION NUMBER ONE TO THE CONTRACT WITH SCHAEFER JOHNSON COX FREY AND ASSOCIATES PA FOR ARCHITECTURAL SERVICES FOR EXPANSION OF THE PARKING GARAGE. CIP PROJECT #1996 PB-313.**

**Ms. Stephanie Knebel**, Project Manager, Capital Projects Department, greeted the Commissioners and said, "This first agenda item is approval of modification number one for architectural services for the parking garage expansion. During architectural interviews the County staff had, we heard and learned that maintenance and upgrades should be considered for the existing garage. Staff and Architectural and Schaeffer Johnson researched what was needed and these items have been included as add alternates to the bid package. During bid evaluation, we will determine what add alternates can be used and still be within the project budget of \$3,900,000. This contract modification is for \$17,600 and approval of this modification will not increase the project budget. I recommend you approve the modification and authorize the Chairman to sign."

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**Regular Meeting, August 21, 1996**

**VOTE**

Commissioner Betsy Gwin	Absent
Commissioner Paul 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 MOEHRING AND ASSOCIATES FOR ENGINEERING SERVICES ASSOCIATED WITH CONSTRUCTION OF A STORM WATER SEWER LINE NEAR THE SEDGWICK COUNTY ADULT LOCAL DETENTION FACILITY. CIP PROJECT #1995 PB-258.**

**Ms. Knebel** said, "This agenda item is approval of the contract for engineering services related to the construction of the storm water drainage line near the jail. This contract is in the amount of \$19,532, and includes services for design, engineering, staking and technical observation. The contract is \$19,532. The approval of this contract will not increase the original jail budget set at \$35,100,000. I recommend approval.

**MOTION**

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

**Regular Meeting, August 21, 1996**

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

**3. AMENDMENT TO THE 1996 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR REMODELING OF THE REGISTER OF DEEDS OFFICE.**

**Mr. Kenneth W. Arnold**, Director, Capital Projects, greeted the Commissioners and said, "I had an occasion to visit with you or provide you with a computer note and backup on the Register of Deeds remodel. We're asking CIP amendment approval as recommended by the CIP Committee in the amount of \$28,400. The funding source to be from Finance General Contingency Funds. We have amended our forms to include total project costs for you at your request. Be happy to answer any questions. Pat Kettler is also here in case you have any questions for her. Recommend approval."

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

**MOTION**

Commissioner Miller moved to approve the amendment to the CIP.

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, "We have a Motion and a second. Ken you were involved in the planning and design of what this remodel is like?"

**Mr. Arnold** said, "Yes sir."

**Chairman Winters** said, "Then it is in conformity with what we do in other offices in the courthouse?"

**Mr. Arnold** said, "Yes sir, it is in conformance with the County standards that you've established for us."

**Chairman Winters** said, "Okay, thank you. Is there any other discussion Commissioners? We have a Motion to approve the amendment. Any other discussion? Seeing none, call the vote please."

**Regular Meeting, August 21, 1996**

**VOTE**

Commissioner Betsy Gwin	Absent
Commissioner Paul 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."

**4. AMENDMENT TO THE 1996 CIP FOR THE BUREAU OF CENTRAL SERVICES' COURTHOUSE SECURITY PROJECT #PB-290.**

**Mr. Arnold** said, "This CIP project amendment is recommended to you by the committee. It is in the amount of \$95,000 to construct a security building on the west side of the two story annex on the north side of the courthouse, plus provide a canopy. This will be the primary entrance used by employees once the security system is implemented. The costs are actually salary savings from this project because the security officers have not yet been hired until the building is constructed. So there is no additional cost from that standpoint. You have a copy of the plan and I'd be happy to answer any questions. Don Brace is here too, if you have any questions of him."

**Chairman Winters** said, "Okay, thank you. Commissioners, any questions? If not, what's the will of the Board?"

**MOTION**

Commissioner Miller moved to approve the amendment to the CIP.

Commissioner Schroeder seconded the Motion.

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

**Regular Meeting, August 21, 1996**

**VOTE**

Commissioner Betsy Gwin	Absent
Commissioner Paul 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."

**5. CAPITAL PROJECTS DEPARTMENT MONTHLY REPORT.**

**Mr. Arnold** said, "I have two projects on page 140 of your backup I thought I'd highlight but I'd be happy to answer any questions on any of the other ones. The first one is on the Appraiser's remodel. That project is almost complete. It should be completed in the next week and a half to two weeks at the most. Also, on that same page, the Wichita Historical Courthouse remodel, we are again in the punch less phase of that project as well. The final training room furniture is due this week. We should have that closed out very shortly as well. I'd be happy to answer questions on any of the projects."

**Chairman Winters** said, "Thank you Ken. Commissioners, any questions?"

**MOTION**

Commissioner Hancock moved to receive and file.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Mr. Arnold** said, "Thank you Commissioners."

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### J. KANSAS COLISEUM MONTHLY REPORT.

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, "I'd like to present the monthly report on the activities at the Coliseum. July was a pretty good month for us. We had some real solid events, among them the Kansas Hunter/Jumper Horse Show, which was a first time event. The organizer promoter of the event was so happy with the results that he's booked again for next year already. This could be another annual show that we do. The Amway Convention, also another very successful event. We're looking at possibly doing that on an every two or every three-year cycle.

"The two concerts that we held, the James Taylor concert and the Styx concert, were both very good considering that they were only 50% capacity shows. Both of them performed very well for us. The Circus, which is scheduled to play at the end of this month is approximately 20% ahead of last year. Our group sales efforts are 150% ahead, so that organized effort that we have undertaken to approach local corporations providing groups and block of tickets to employees has really paid off. We've done almost \$10,000 in group sales so far. Coming up, we have two of the hottest musical acts in the country right now, KISS, back from the seventies in full makeup. Selling out arenas everywhere. We're doing very well with that. We project a sellout for that concert on September 10. The Smashing Pumpkins show is also doing very well.

"It looks like it is going to be a pretty good fourth quarter concert wise for us. We're going to have quite a few additional concert announcements coming up in October and November, and even December. It looks like things are going to work out. Our event schedule, we're actually back loading the fiscal year, so we're going to end up pretty good. Hopefully both the soccer and hockey teams will come out strong and will make up for some of those revenue deficits we suffered in the beginning of the year. Be happy to answer any questions if you have any."

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

**Commissioner Schroeder** said, "Well John, I just have one question. We're doing some remodeling, I think, to one of the buildings, the arena buildings I guess."

**Mr. Nath** said, "Right, pavilion two."

**Commissioner Schroeder** said, "Is that going to be done in time for the antique car show that comes up in January?"

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**Mr. Nath** said, "I don't believe the antique car show is projected to go in there. The first show that is projected to utilize that facility would be the dog show."

**Commissioner Schroeder** said, "Oh, okay. When is that, do you know?"

**Mr. Nath** said, "March, I believe."

**Commissioner Schroeder** said, "Okay. Because I was talking to somebody who has been involved in that since day one and it's one of the biggest in the region, if not in the whole country."

**Mr. Nath** said, "Conceivably, we could have it done. If we fast track everything, we could have it done."

**Commissioner Schroeder** said, "He said if it was done, the spots would go immediately because there is such a demand for that program or that show and they draw a lot of people into that Coliseum over a two day period. Just curious, because he asked me and I told him I wasn't sure."

**Mr. Nath** said, "We do have a group of users. Some of the folks that we talked about would commit if the facility was ready. There is some hesitancy, why commit and find it wouldn't be ready. That would definitely hurt their show."

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

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

**Commissioner Miller** said, "Thank you Mr. Chairman. John, with the circus this year, I notice that the matinee show is not there, I think it is a Friday and a Saturday evening. Just wondering if we're going to get the matinee show the next time? Sunday matinee is what I'm talking about."

**Mr. Nath** said, "The circus is only playing two days this year. It's the same schedule I think they played last year. The year before they did five or six performances. They're hoping to beat two years ago on a gross as for the run, which would reduce their expenses, because they do pay the expenses every performance and give them a better gross. So maybe only four or five performances run for the circus. This year it is only four."

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

**Chairman Winters** said, "Thank you. Commissioners, any other questions? If not, what's the will of the Board?"

**MOTION**

Commissioner Schroeder moved to receive and file.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thanks for being here John. Next item."

**K. RESOLUTION ESTABLISHING TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS INVOLVING SECTION LINE ROADS WITHIN OR ABUTTING SALEM TOWNSHIP, AND PROVIDING FOR ENFORCEMENT THEREOF. DISTRICTS #2 AND #5.**

**Mr. Mark R. Borst**, P.E., Deputy Director, Bureau of Public Services, greeted the Commissioners and said, "The Resolution before you does establish traffic control at intersections along section line roads in Salem Township. The Township Board did request that the intersections be reviewed for proper signing and Appendix A in the Resolution is the result of our review. The township has concurred with our recommendations and I recommend you adopt the Resolution."

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**MOTION**

Commissioner Schroeder moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

**Chairman Winters** said, "We have a Motion and a second. Commissioners, any other questions? Commissioner Hancock."

**Commissioner Hancock** said, "Mark, on the issue of speed limits for township roads, do we also set those?"

**Mr. Borst** said, "Yes."

**Commissioner Hancock** said, "Can we limit certain traffic on certain township roads?"

**Mr. Borst** said, "As in truck traffic or whatever?"

**Commissioner Hancock** said, "Truck traffic."

**Mr. Borst** said, "Traffic can be limited. I think that's within the authority that we have by statute, but you have to look at what the roads are and what types they are and what kind of traffic we're really talking about. It is a case by case situation."

**Commissioner Hancock** said, "Well I always presumed that if their axles were within weight limits and bridging was open, and all other things being equal and no safety hazards."

**Mr. Borst** said, "Right. One of the big things we look at is are we on a paved road or an unpaved road. A paved road we'd be more apt to look at, do we need to have restrictions on an unpaved road? You can rut a road like that if it's wet enough and all or washboard it over time, but the easy solution to correct that is to do your regular grader patrol and your blading so you don't really do a permanent tear-up of the road or destruction of the road as you would a paved road where you'd have to go in and do major maintenance to it or reconstruction."

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

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**Chairman Winters** said, "Thank you. We have a Motion to adopt the Resolution. Are there other questions? Seeing none, call the vote."

**VOTE**

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

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

**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' AUGUST 15, 1996 REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have before you the minutes from the August 15 meeting of the Board of Bids and Contracts. There are just three items today and they require no action."

**ITEMS NOT REQUIRING BOCC ACTION**

- (1) PAPER & LABELS - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**
- (2) CONSULTANT SERVICES FOR AUDIT OF COMMUNICATIONS NETWORK - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**
- (3) REMODEL OF ANIMAL CONTROL OFFICES - ANIMAL CONTROL  
FUNDING: ANIMAL CONTROL**

"Paper and labels for the Department of Information Services. It was moved to table this item indefinitely for review. Item two, consultant services for an audit of communications network, also for Information Services. It was moved to table proposals received indefinitely for review. Lastly, remodel of the Animal Control Offices for Capital Projects and Animal Control. It was moved to table the responses indefinitely for review."

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“Unless there are questions, I would recommend you approve the recommendations presented by the Board of Bids and Contracts.”

**MOTION**

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

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, “All we’re doing today is really approving your minutes, there’s nothing . . .”

**Mr. Muci** said, “No action required today sir.”

**Chairman Winters** said, “Okay, any other questions? Call the vote.”

**VOTE**

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

**Mr. Muci** said, “Good to see you, thank you sir.”

**Chairman Winters** said, “Next item.”

**Regular Meeting, August 21, 1996**

**CONSENT AGENDA**

**M. CONSENT AGENDA.**

**1. 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 an unplatted tract.

- a. Road Number 813-G, Owners: Roger Adams and Debbi Adams, located in the Southeast Quarter of Section 3, Township 26 South, Range 1 West, more specifically located on the west side of 55th Street West (Hoover Road) and north of 69th Street North. Park Township. District #4.
- b. Road Number 592-26, Owners: Jeremy T. Ensey and Tammy D. Ensey, located in the Southeast Quarter of Section 8, Township 25 South, Range 1 East, more specifically located on the north side of 109th Street North and west of 2nd Street East (Broadway). Grant Township. District #4.
- c. Road Number 837-X, Owners: Cecil C. Rogers and Donna M. Rogers, located in the Southwest Quarter of Section 35, Township 28 South, Range 2 East, more specifically located on the east side of 127th Street East and north of 71st Street South. Gypsum Township. District #5.
- d. Road Number 841-H, Owners: Curtis A. Kuntz, Carolyn L. Kuntz, Chris F. Terronez and Julia E. Terronez, located in the Southeast Quarter of Section 12, Township 26 South, Range 2 East, more specifically located on the west side of 159th Street East and north of 61st Street North (Highway 254). Payne Township. District #1.
- e. Road Number 831-B, Owner: Mary F. Oakes, located in the Northwest Quarter of Section 8, Township 25 South, Range 2 East, more specifically located on the east side of 79th Street East (Rock Road) and south of 117th Street North. Lincoln Township. Dist. #1.

### **Regular Meeting, August 21, 1996**

- f. Road Number 590-32, Owner: Mary F. Oakes, located in the Northwest Quarter of Section 8, Township 25 South, Range 2 East, more specifically located on the south side of 117th Street North and east of 79th Street East (Rock Road). Lincoln Township. District #1.
- g. Road Number 612-36, Owners: Gregory W. Gehrer and Jenifer J. Gehrer, located in the Southwest Quarter of Section 36, Township 26 South, Range 2 East, more specifically located on the north side of 29th Street North and east of 143rd Street East. Payne Township. District #1.
- h. Road Number 612-36, Owners: Gregory W. Gehrer and Jenifer J. Gehrer, located in the Southwest Quarter of Section 36, Township 26 South, Range 2 East, more specifically located on the north side of 29th Street North and east of 143rd Street East. Payne Township. District #1.
- I. Road Number 616-16, Owners: Paul J. Albert, Clarence E. Albert and Charlene F. Albert, located in the Southwest Quarter of Section 10, Township 27 South, Range 2 West, more specifically located on the north side of 13th Street North and west of 151st Street West. Attica Township. District #4.

The following tract of land has been granted by Easement for Right-of-Way at no cost to the County. This Easement was requested by the Director, Bureau of Public Services, to construct a new public road in an unplatted subdivision. Street name: "77th Street North Circle."

- j. Road Number 840-G, Owners: Frieda E. Lee and Joe H. Lee, located in the Northeast Quarter of Section 1, Township 26 South, Range 2 East, more specifically located south of 77th Street North and west of 159th Street East. Payne Township. District #1.

## **2. Floodway Reserve Easements.**

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The following tracts of land were granted by Floodway Reserve Easement 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 an unplatted tract of land.

- a. Owners: Paul J. Albert, Clarence E. Albert and Charlene F. Albert, located in the Southeast Quarter of Section 10, Township 27 South, Range 2 West, more specifically located north of 13th Street North and west of 151st Street West. Attica Township. District #3.
- b. Owners: Charles A. Kuntz, Carolyn L. Kuntz, Chris F. Terronez and Julia E. Terronez, located in the Southeast Quarter of Section 12, Township 26 South, Range 2 East, more specifically located west of 159th Street East and north of 61st Street North (Highway 254). Payne Township. District #1.

**3. Right-of-Way Instrument.**

One Easement for Right-of-Way for Sedgwick County Project No. 809-T; Tyler Road Relocation. CIP #R-227. District #2.

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

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V96070	\$214.00	4	Valley View Apartments
V96071	\$150.00	2	Sarah Lane Apartments

**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>
V92005	\$406.00	\$402.00
V94081	\$244.00	\$212.00
V95118	\$143.00	\$208.00

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<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V94075	\$349.00	\$345.00
C94022	\$242.00	\$186.00
V96061	\$259.00	\$205.00
C96016	\$375.00	\$190.00

- 6. Change fund in the amount of \$200 for the Environmental Resources gift shop.**
- 7. Order dated August 14, 1996 to correct tax roll for change of assessment.**
- 8. Authorization per K.S.A. 79-2012 to withhold delinquent personal property taxes under the County Treasurer's certification dated August 15, 1996.**
- 9. Consideration of the Check Register of August 16, 1996.**
- 10. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960495	Finance General	Transfer
960496	Budget	Transfer
960497	Coroner	Transfer
960498	Public Services	Transfer
960499	Information Svcs.	Transfer
960500	Information Svcs.	Transfer
960501	ComCare-Hunter	
	Health OPS Grant	Supplemental Appropriation
960502	Aging	Transfer
960503	Juvenile Intake and Assessment	Supplemental Appropriation
960504	Road and Bridge Sales Tax	Transfer
960505	Detention Facility Expansion	Supplemental Appropriation

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**Budget Adjustment Requests (cont.)**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
960506	Capital Projects	Supplemental Appropriation
960507	Central Services	Transfer
960508	Temporary Notes Series 1996-1	Supplemental Appropriation
960509	Temporary Notes Series 1996-2	Supplemental Appropriation
960510	Bond Issue 1996 Series A	Supplemental Appropriation

**Mr. Jarold D. Harrison**, Assistant County Manager, said, “We do have a number of items that do require your action on the Consent Agenda and we would recommend your approval of the Consent Agenda as presented.”

**MOTION**

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Schroeder seconded the Motion.

**Chairman Winters** said, “We have a Motion and a second. Commissioner Schroeder.”

**Commissioner Schroeder** said, “Mr. Chairman, if you please. Mr. Manager, looking through there, there is an item under Information Services, 960500, page 167. It says to purchase 16 copies of Windows 95 upgrade for manager’s project. I don’t know if we have a major project going on. Do you have any idea what that is? I just happened to notice that.”

**Mr. Harrison** said, “No sir, I do not know what that is.”

**Commissioner Schroeder** said, “Okay, let me know when you find out. Maybe we should delay that for one week.”

**Mr. Harrison** said, “Not a problem.”

**Regular Meeting, August 21, 1996**

**Commissioner Schroeder** said, "Okay."

**SUBSTITUTE MOTION**

Commissioner Schroeder moved to delay 960500 for one week and approve the rest of the Consent Agenda as presented.

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, "Commissioner Miller has a question."

**Commissioner Miller** said, "Question on budget item 960502. It is located on page 170. Aging request. Is that tied to the original Senior Care Act budget was derived from estimates of the distribution of state, match and client funds among the different programs? Subsequent analysis results in the SCA Plan and the need to change the budget. Is this a year-end?"

**Mr. Harrison** said, "This is a cleanup of grant funds."

**Commissioner Miller** said, "Okay. That's all I needed to know. Thank you."

**Chairman Winters** said, "Okay, thank you. We have a Substitute Motion to accept the Consent Agenda with the exception of the one item that Commissioner Schroeder outlined. Are we clear on the Motion? Seeing no other questions, call the vote."

**VOTE**

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

**Chairman Winters** said, "Thank you very much. Today, there is no sewer agenda and no fire agenda, is that right?"

**Mr. Harrison** said, "That's correct sir."

**Regular Meeting, August 21, 1996**

**Chairman Winters** said, “We do need to have a short Executive Session. Do we think 15 minutes will be enough?”

**MOTION**

Commissioner Miller moved that the Board of County Commissioners recess into Executive Session for 15 minutes to consider items on preliminary discussions relating to the acquisition of real property for public purposes and that the Board of County Commissioners return from Executive Session no sooner than 11:55.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “We are recessed into Executive Session for approximately 15 minutes.

**The Board of County Commissioners recessed into Executive Session at 11:38 a.m. and returned at 12:02 p.m.**

**Chairman Winters** said, “I will call back to order the Regular Meeting of the County Commissioners of August 21, 1996. Let the minutes show there was no binding action taken in Executive Session. Is there any other business to come before this Board? This meeting is adjourned.”

**N. OTHER**

**O. ADJOURNMENT**

**Regular Meeting, August 21, 1996**

There being no other business to come before the Board, the Meeting was adjourned at 12:03 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