

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

JANUARY 22, 1997

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, January 22, 1997, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Melody C. Miller; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Paul F. Rosell, Chief Deputy, County Clerk; Mr. Gerald Frantz, County Appraiser; Mr. Rich Euson, Acting County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Willie Martin, Director, Intergovernmental Relations; Ms. Louanna Honeycutt-Burress, Administrative Officer, Department of Housing & Economic Development; Ms. Lynne Melton, Assistant Director, Department on Aging; Ms. Irene Hart, Director, Bureau of Community Development; Mr. Tom Pollan, Director, Emergency Medical Service; Ms. Deborah Donaldson, Executive Director, Bureau of Health Services; Mr. David C. Spears, P.E., Director, Bureau of Public Services; Mr. Mark R. Borst, P.E., Deputy Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Luan Chebultz, Deputy County Clerk.

GUESTS

Ms. Alisa VinZant, 1246 Armstrong Court, Derby, Kansas

Ms. Jessica Irick, 1236 Dry Creek, Derby, Kansas

Ms. Molly O'Herron, 1013 Kristen Court, Derby, Kansas

Mr. Morris Dunlap, Metropolitan Area Planning Commission

Mr. Steven J. Butts, Treasurer, Salem Township

Mr. Bill O'Loughlin, P.O. Box, 462, Sedgwick, Kansas

Mr. Owen Gibbs, 1938 N. Woodlawn, Wichita, Kansas

Mr. Brad Murray, 1013 N. Main, Wichita, Kansas

Mr. Jerry Fournier, 10520 W. 31st North, Wichita, Kansas

Mr. Winton Hinkle, Bond Counsel, Raytheon Aircraft Company

INVOCATION

The Commission observed a moment of silence.

FLAG SALUTE

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ROLL CALL

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

CONSIDERATION OF MINUTES: **Regular Meeting, December 23, 1996.**

The Clerk reported that all Commissioners were present at the Regular Meeting of December 23, 1996.

Chairman Winters said, "Commissioners, you've had an opportunity to review the Minutes, what's the will of the Board?"

MOTION

Commissioner Hancock moved to approve the Minutes of December 23, 1996, as presented.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Ms. Becky Allen-Bouska, Finance Director, greeted the Commissioners and said, "You have previously received the certification of funds for today's regular agenda. I am available for questions if there are any."

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

PROCLAMATION

**A. PROCLAMATION DECLARING JANUARY 26 - FEBRUARY 7, 1997 AS A
"FREE ENTERPRISE OBSERVANCE IN SEDGWICK COUNTY."**

Chairman Winters said, "Commissioners, I have a Proclamation I'd like to read for your consideration."

PROCLAMATION

WHEREAS, Marketing and the Free Enterprise System is responsible for the quality of life in Sedgwick County, Kansas; and

WHEREAS, our economic system allows for individual freedom of choice in educational decisions, private ownership opportunities, and career decisions; and

WHEREAS, the thirty members of the Derby DECA Chapter are involved in assimilating information concerning Marketing and the Free Enterprise system throughout the Sedgwick County area; and

WHEREAS, Derby DECA is celebrating Free Enterprise in the Sedgwick County area;

NOW THEREFORE BE IT RESOLVED, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim January 26 - February 7, 1997 as

"A FREE ENTERPRISE OBSERVANCE IN SEDGWICK COUNTY"

Commissioners, that is the Proclamation."

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MOTION

Commissioner Schroeder 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, "If the students from Derby would come forward. We have Alisa VinZant, if you'd come up to the podium please. Fred will hand you the Proclamation and if you would please each introduce yourself."

Ms. Alisa VinZant, Ms. Jessica Irick and Ms. Molly O'Herron introduced themselves.

Chairman Winters said, "All right, if one of you would like to tell us a bit about what your club is going to do special during this time."

Ms. Alisa VinZant said, "The Free Enterprise manual which we are working on is we're going to have a ten day celebration and through those ten days, we'll be teaching people from sixth grade to seniors in high school, to adults in the community, everything about free enterprise and how you can use it and how it works for you."

Chairman Winters said, "All right, very good. Thank you for being here and good luck. It sounds like you've got a good project and a good club. We're pleased to have you here. Thank you. Next item."

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APPOINTMENTS

B. APPOINTMENTS.

1. RESIGNATION OF GEORGE SHERMAN FROM THE METROPOLITAN AREA PLANNING COMMISSION.

Mr. Richard A. Euson, Acting County Counselor, greeted the Commissioners and said, "You have received the resignation of George Sherman from the Metropolitan Area Planning Commission and recommend you accept that resignation."

MOTION

Commissioner Gwin moved to accept the resignation.

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, "Next item."

2. RESOLUTION APPOINTING MORRIS DUNLAP (COMMISSIONER GWIN'S APPOINTMENT) TO THE METROPOLITAN AREA PLANNING COMMISSION.

Mr. Euson said, "Commissioners, we have prepared a Resolution to appoint Morris Dunlap to fill the vacancy that was just created on the Metropolitan Area Planning Commission and we recommend that for your approval."

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MOTION

Commissioner Gwin moved to adopt the Resolution.

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	Absent at vote
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you. Mr. Dunlap is here I see. If you'd please come forward, Deputy Clerk Paul Rosell will swear you in to your position sir."

Mr. Paul Rossell, Chief Deputy County Clerk, said, "Raise your hand please.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of Metropolitan Area Planning Commission."

Mr. Morris Dunlap repeated the oath.

Chairman Winters said, "Thank you very much. We certainly are pleased when citizens step forward to serve in those capacities, so thank you for doing that. Next item."

3. RESOLUTION APPOINTING DICK HEITSCHMIDT TO THE FORENSIC SCIENCE CENTER ADVISORY BOARD.

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Mr. William Buchanan, County Manager, greeted the Commissioners and said, “You have created the Forensic Science Center Advisory Board and on that Board, there are several appointments. Two of those are on this agenda today. The first is Dick Heitschmidt who is the Police Chief of Hutchinson. He is on there because we are in the process of doing some business for the City of Hutchinson. The other appointment, item number four, Mike Hauschild, is the Chief of Derby. In the Resolution, you have placed on the Board a police chief from one of the smaller cities of Sedgwick County and he will fit that spot. It is our recommendation that you appoint these two members.”

Chairman Winters said, “All right, thank you. Why don’t we take these one at a time, do I hear a Motion concerning Dick Heitschmidt?”

MOTION

Commissioner Gwin moved to adopt the Resolution.

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

4. RESOLUTION APPOINTING MIKE HAUSCHILD TO THE FORENSIC SCIENCE CENTER ADVISORY BOARD.

Chairman Winters said, “Now is there a Motion concerning Item B-4?”

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MOTION

Commissioner Gwin moved to adopt the Resolution.

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, "It is my understanding that neither one of these gentlemen are in the room this morning, am I correct on that? All right, very good. At this point, concerning appointments, we need to take an off agenda item."

MOTION

Chairman Winters moved to take an off agenda item concerning Township Board appointments.

Commissioner Gwin 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

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Mr. Euson said, “Commissioners, this matter involves the vacancy in the office of Salem Township Treasurer. The current Treasurer, R. J. Frank, has submitted his resignation and asked that you accept that at this time.”

MOTION

Commissioner Hancock moved to accept the resignation of R. J. Frank as Salem Township Treasurer.

Commissioner Gwin 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

Mr. Euson said, “Then in order to fill that vacancy, we have prepared a Resolution which would appoint Steven J. Butts as Salem Township Treasurer to fill the unexpired term and we’ve prepared a Resolution and recommend it for your approval.”

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

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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. I think Mr. Butts is here. Steven Butts, if you’re here, would you please come forward to the podium. Deputy Clerk Paul Rosell will swear you into office.”

Mr. Rosell said, “Raise your right hand please.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the Office of Salem Township Treasurer, so help me God.”

Mr. Steven Butts repeated the oath.

Chairman Winters said, “Alright, thank you Mr. Butts. We appreciate it very much when citizens step forward to fill these important positions. That concludes all the off agenda items. Commissioners, I would ask for your advice and recommendations here in scheduling. Our next item is Planning Commission C. I think it is probably going to take a little bit of time. Our Item D concerns a Resolution on interest. Willie Martin is here to present that and she’s to be back at Topeka as soon as possible for a hearing this afternoon. Would it be acceptable to the Board if we take that item out of sequence, or do we need to stick to the agenda? Do I hear any opposition? Okay, thank you.

“Rich, do we need a Motion to take up something out of order or can I just ask the Clerk to call it that way.”

Mr. Euson said, “Well, I think it would be appropriate to do by Motion.”

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MOTION

Chairman Winters moved to take Item D out of sequence.

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. Madam Clerk, would you call Item D."

NEW BUSINESS

D. RESOLUTION AUTHORIZING PAYMENT OF INTEREST ON CERTAIN REAL PROPERTY AD VALOREM TAX REFUNDS AND ESTABLISHING THE CRITERIA AND PROCEDURE THEREFORE.

Ms. Willie Martin, Director, Intergovernmental Relations, greeted the Commissioners and said, "The Resolution before you provides for the County to make payment of interest on refunded taxes. Early this summer, the Commission requested that all those in the County who were involved in the process of property tax appeals, to review and to make comments and recommendations on the issue of interest payments on refunded taxes. The County Treasurer, who collects the County taxes, the County Clerk, who sets all mill levies, the Appraiser, who sets valuations, the Bureau of Finance and Intergovernmental Relations, were all involved in this process.

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“Our purpose was to try and identify procedural changes which would improve the property tax system for both taxpayer and the County. Our evaluation began with the earliest steps of the equalization appeals process. It is more efficient and productive for the taxpayer and for the County to identify misapplied values, if any, before tax statements are issued. Therefore, resolved protests provide for an accurate tax statement to be issued. Therefore, our recommendation was to provide encouragement or incentive for taxpayers to use the equalization appeals process. The rate for interest payments that has been established was devised to be simple, direct, and understandable for both the taxpayer and the counties.

“Resolution provides that for taxpayers who appeal the evaluation of their real property and who do not receive resolution at the local level, appeal the decision to the Board of Tax Appeals, which results in a voted order to refund taxes, the County will pay simple, non-compounding interest based on a six month T-bill rate plus 3%, beginning December 20 of the tax year being protested. For taxpayers who do not utilize the appeals process, but chose to make a Payment Under Protest and appeal the local decision to the Board of Tax Appeals, which then results in an order for refund of taxes, the County will pay simple, non-compounding interest based on a six month T-bill rate, as of December 20 of the tax year being protested.

“The Resolution provides that interest will be paid on refunded tax amount only and upon the following terms and conditions. In Paragraph A, the value that is found by the Board of Tax Appeals to be less than the value certified by Sedgwick County shall be considered the amount for refunded tax. I would point out that the Resolution presently states greater than. This is a drafting era. When we reconfigured this Resolution for you, we certainly don't want to leave it like that. There would never be any tax refunds or interest paid.

“The Appraiser must have all the information upon which the taxpayer relies to support his value to allow an evaluation of the case for a possible reduction. A change in value cannot occur unless such change is within the range of fair market value and there is documentation to support it. Therefore, paragraph B provides that at least ten days prior to any schedule County, or HOP (Hearing Officer Panel), or BOTTA (Board of Tax Appeals) hearing, the taxpayer will deliver to the County Appraiser all information on which the appeal is based. Again, I would like to recommend in this particular paragraph at the suggestion of the County Appraiser, that we change the ten days to three working days. We believe that it would be a more reasonable time frame for the taxpayer after notification from the Clerk to provide that information to the Appraiser.

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“In paragraph C, the County will pay interest from December 20 of the tax year being protested until the appeal is resolved at the local level, the Board of Tax Appeals issues an order, or December 20 of the following year, whichever comes first. This establishes a period of responsibility for the payment of interest by the County and it allows the Board of Tax Appeals 17 months to hear and make determinations on any appeal.

“Paragraph D defines specifically the time frame upon which the calculation of interest will be based. It states that payment of interest shall be calculated on a monthly basis beginning December 20 of the tax year being protested. Any payment of tax refund authorized by the Board of Tax Appeals and issued on or after the first day of any month and prior to December 20 of the following year, will include a payment of interest to include that entire month for interest payment.

“In Paragraph E, if a BOTA order is appealed by any party the payment of interest shall be calculated to the date that BOTA issues their order and we will not pay or be responsible for any payment of interest thereafter. Section E provided that limitation on it because the court in hearing any kind of appeal from BOTA has the authority and may require any additional interest if they find that it is warranted.

“In paragraph F, the County will not be responsible for payment of interest if classification is the only issue in the dispute. In paragraph G, if a request for a determination of no change in value or a similar request is made by the taxpayer or the taxpayers representative, and then the value is appealed to BOTA, the County will not be responsible for the payment of interest.

“In paragraph H, the County will not be responsible for payment of interest on any refunded tax if the taxpayer or its representative does not appear at a scheduled County or HOP hearing and it fails to reschedule that hearing within 48 hours. Any taxpayer, in paragraph I, who pays delinquent real property taxes under protest shall not be entitled to any interest payment on any refunded taxes.

In Section 3, it clarifies that the Resolution will become effective for the 1997 tax year and that it does not apply to any prior tax years. I might state for your information and the public's, that Sedgwick County sets values on over 175,000 parcels. The percentage of taxpayers filing appeals in the last five years has never been more than 4% of the property's value.

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“This small percentage of appeals we believe demonstrates that Sedgwick County is diligently striving to assign proper and accurate values to the parcels of our County. Consideration of this Resolution is part of the County’s continuing effort to make the valuation and local tax appeals process a fair and equitable system for both the taxpayer and their County government. Be glad to try to respond to any questions you might have.”

Chairman Winters said, “All right, thank you very much Willie. Commissioner Miller.”

Commissioner Miller said, “Thank you Mr. Chairman. I am going to be supportive of the authorizing of payment of interest on certain real property ad valorem tax refunds. I have a couple of questions. One would be under Section I, when it states that a taxpayer paying delinquent real property taxes under protest shall not be entitled to any interest payment on any refunded taxes. From a legal perspective, this probably will go to Rich Euson, our County Counselor, do you think we’ll encounter any problems in that area?”

Mr. Euson said, “Commissioner, I don’t really have a way to forecast that and I don’t know if the Appraiser might be present if he might possibly be able to give you an answer but I just don’t know.”

Commissioner Miller said, “Thank you Rich. Mr. Frantz, could you come to the podium please?”

Mr. Gerald (Jerry) Frantz, County Appraiser, greeted the Commissioners and said, “The question having to do with whether there is a legal problem associated with not giving refunds to people who do not pay their taxes on time, I don’t know. When we looked at this we didn’t see anything. Our feeling is and we’ve talked to a lot of the other County Appraisers in the State, in fact we were talking to legislature about this issue last week. The whole thing is that 95% of people pay their taxes on time and we don’t think that there should be any reward whatsoever for paying your taxes late. We have not, Commissioners, seen anything that would cause a legal problem but when it comes to legal things I’m certainly not an expert.”

Commissioner Miller said, “Okay.”

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Chairman Winters said, "The only thing that I would respond to Commissioner Miller kind of on that line, the majority of their people pay their taxes on time and if they go through the regular system and still at the BOTA level are found to be due a refund, then those are the people I think really we're trying to give this refund to. If somebody is not playing by the rules, by not paying their taxes on time, then if they think they need to get legal action to get that refund then I'd let them think about that but I don't necessarily think they deserve the same privileges of someone who just continually pays their taxes on time, but we've come to a notice. So you probably have hit on something there I mean some may have a legal challenge."

Commissioner Miller said, "Fair and equitable treatment is probably where it is going to come into play but that was just a question and I appreciate the input. Second follow up that I would be in understanding that approximately 4%, just 4% of the tax paying base does protest is what I've heard, that's a small amount, rest assured, but that is still an amount understanding that we've already set our budget. What fund will this come from? We've already set our budget, if there are refunds to be made and I know it won't happen until 1998, are we going to look at placing monies in the general fund for this or where will the funding come from?"

Ms. Martin said, "My understanding has been in discussion with the Legal Department and others, that the payment for interest on refunded taxes will come from the General Fund. We would probably run into complications if we tried to pull any back from any other taxing district, it would appear at this time and certainly we would need the Bureau of Finance and the Legal Department to take a look at that but it would come from the General Fund."

Commissioner Miller said, "Okay."

Mr. Euson said, "That is correct Commissioner. That was our opinion of how this Resolution should work."

Ms. Martin said, "If I may, Commissioner Miller, to further comment on your first question of concern. I believe this year, if I'm accurate, if I'm stating this right and Becky Bouska could correct me, we levied almost a mill or \$1,900,000 to pay for an anticipation of delinquent tax."

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“Therefore, what happens is that 96% of taxpayers pay on time and yet in turn have to pay an additional portion to make up for those who don’t and in turn, if we were to pay interest on delinquent protest taxes then all the other taxpayers would then in turn be adding an additional insult by paying interest on that. So it seems that there is real justification for saying that the majority of the taxpayers shouldn’t be responsible for that particular . . .”

Commissioner Miller said, “Only for those who are following the rules.”

Ms. Martin said, “Right.”

Commissioner Miller said, “Understood. Thank you Mr. Chairman.”

Chairman Winters said, “Thank you Commissioner. Those were two good questions because they are certainly questions that need to be addressed. I certainly want to thank you Willie for all the effort that you put in on this and the Appraiser and others who have worked on this project. I think this does have strong support at the State level, the State Legislature. They attempted, two years ago, to pass a similar State Legislation and have gotten it mixed up with finance and several other issues and I would anticipate that there is possibly a good chance that it could get passed this year requiring all counties to do this. I think we have taken a step out in front in trying to do what is the fair thing for taxpayers and so the State may pass a law later this year. If they do, it would mean that this would probably go by the wayside and whatever was passed at the State would then take effect. If they shouldn’t, I think it is important that Sedgwick County have this in place. The second thing, besides fairness to taxpayers is I see this as the Commission saying we have confidence in our Appraiser to do good appraisal work. On the same side, just as Commissioner Miller asked, where are the funds going to come from. I think this will be an indicator that if we see that we are paying a considerable amount of money on interest on refunds, I think the Appraiser will have to help justify why the appraisals aren’t as accurate as they should be and why we would be constantly overturned at the State Board of Tax Appeals. To me, I think it is a fairness issue and one that indicates secondly that we have confidence in our appraisal system here in Sedgwick County.”

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Ms. Martin said, "I might point out, Mr. Chairman, that the Legislature in looking over this issue over the last three years, and I respectfully make this comment, have not spent near the time nor had those people involved as we did locally. The participation of the Clerk, the Treasurer, and the Appraiser, to analyze all of the processes they do, their part of the involvement, I think is what enabled us to really come up with a Resolution which takes into consideration the entire process and its impact on each of those offices and their participation in the process."

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

Commissioner Hancock said, "Mr. Chairman, a good question Melody. Talking about the 4% appraisals. I am not sure what the protested appraisals have been, I think that is a bit high about 4%, but I do want to caution everyone we're not talking about 4% of the valuation here, we're talking about a lot less than that, certainly less than 1% or even less than .5% we are dealing within terms of interest on overpaid taxes. We all understand why, but we're just talking about a very small amount here, not 4% of our tax base is at risk here. I want to clear that up for the public who may be watching."

Chairman Winters said, "Ms. Bouska, you have a comment?"

Ms. Bouska said, "I wanted to just explain a little bit about property taxation and how it works within the County. There are two separate functions. For instance, you think of finance, you think of the Finance Department. As well as that, we have the property tax collection system, the County Treasurer collects taxes for every taxing district in this County and when we talk about distributing taxes and we talk about interest on taxes, traditionally that comes from the aggregate of the system, undistributed taxes. When we talk about general fund paying for something, which is the County's General Fund, one tax district of many, that would be a taxing district paying directly for that. What we are talking about is changing a system of the aggregate of the undistributed taxes. I heard people referring to General Fund and I wanted to caution anybody, we haven't been discussing General Fund paying for the unpaid property taxes. That is a County fund apart from the Treasurer's system."

Chairman Winters said, "Okay. Commissioner Miller."

Commissioner Miller said, "Okay then if we're not talking about County General Fund we're talking about the . . ."

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Ms. Bouska said, “The Treasurer has trust funds in which he collects taxes. We’re talking about an undistributed tax fund. For the City of Wichita it is every taxing district there and we’re not talking about a great deal of money. We’re talking about a very minute amount of money and it affects hundreds of taxing districts.”

Commissioner Miller said, “Okay, thank you Becky.”

Chairman Winters said, “Thank you. Well I guess you confused the issue.”

Ms. Bouska said, “Well, I heard the General Fund, I was concerned.”

Chairman Winters said, “Mr. Manager, did you have something to say?”

Mr. Buchanan said, “Becky Bouska has explained the taxing system and let me take a stab at it. The Treasurer collects the money for all the school districts and all the municipalities in Sedgwick County and puts that in a cookie jar, he doesn’t put it in a cookie jar, but let’s assume that he puts that in a cookie jar. Out of that cookie jar then he takes a dollar and sends it to Cheney and he takes fifty cents and sends it to Colwich and he takes two dollars and sends it to USD 259 and he sends some to the City of Wichita and he sends some to the County. That’s the cookie jar from which this tax refund should come. Because the tax protests on my property, I come in to protest my taxes, and for Sedgwick County to pay the interest because I protest would be paying for 259’s portion, it would be paying for the City of Wichita’s portion. If we are going to refund it then all those taxing districts need to participate in this process. It is our money collectively. We, Sedgwick County, should not be responsible for paying each of those.”

Chairman Winters said, “Okay. I don’t think our Resolution today addresses where the funds are coming from. I’m going to suggest that by the time the first person is due a refund we’ll have figured out where it is coming from, whether it is coming from interest money of all the funds we’re holding for other districts and we’re collecting their interest and not forwarding to that then we can use part of that money. There are a number of places we can get the money so I think I don’t want to confuse the issue of where the funds are going to come from. Now Commissioners if I’m off base there then somebody can tell me that. I hope we can figure that out.”

Ms. Bouska said, “Have I made it as clear as mud now sir?”

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Chairman Winters said, “Yes, you have. I’m ready to draft the Motion. We have two changes that we want to put in there. Rich, how would you like to see the Motion which would allow us to move forward with approving this but with letting you redraft on the two changes?”

Mr. Euson said, “I would merely recommend that you adopt the Resolution subject to the recommendations of staff expressed this morning in the meeting.”

Chairman Winters said, “All right.”

MOTION

Chairman Winters moved to adopt the Resolution subject to the recommendations of staff expressed in this morning’s meeting.

Commissioner Miller 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. Willie, thank you for your work and all those others on the Committee. Madam Clerk, if we could go back to the regular agenda.”

PLANNING COMMISSION

- C. CASE NUMBER CU-413 - CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A 170-FOOT COMMERCIAL COMMUNICATION TOWER, LOCATED WEST OF MAIZE ROAD, SOUTH OF 31ST STREET NORTH (3131 NORTH MAIZE ROAD.)**

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Mr. Marvin Krout, Director, Metropolitan Planning, greeted the Commissioners and said, "One item on your agenda. I am sorry that Morris wasn't able to stay for this item because while it isn't a sign, it is certainly a sign of the times and you'll be seeing more of these in the future. If I could have the first slide.

SLIDE PRESENTATION

"This is a request for an Additional Use Permit to construct a lattice type self-supporting tower for communication antennas and also related ground equipment. It is on a site that is north and west of the intersection of 29th and Maize Road. Here is 29th and Maize Road and this property is a deep tract. It was not platted by the tract goes 6 ½ acres. It is 1,200 feet long and about 800 feet north of the intersection and the property, you'll see in the pictures, the site plan for the proposed tower and related equipment is in the very rear, about a quarter mile west of Maize Road in this location.

"This was advertised as a 170-foot tall tower. However, the site plan that was submitted, the representations of the applicant at the MAPC hearing and the staff recommendation, all referred to 150 feet in height. So I believe that it is what the Planning Commission felt they were dealing with and that's what we felt we were dealing with and so I think a 150-foot tower is what is in front of you this morning and not anything larger than that. I think that you would need to readvertise and provide additional notice to neighbors and additional opportunity for a hearing if it was anything larger than 150 feet based on the representations that were made at the planning meeting.

"The applicant is the perspective, is intending to lease the rear of this property, that's Brad Murray Rentals, who has built other towers for local communication providers in other parts of the community. The property owner would retain the title to the property and the owner does have a very nice house on the main road frontage and then there is a very long narrow lake that you'll see shortly that separates his home from the tower site. In addition to the homes along Maize Road, maybe an aerial photograph would be best to show you. There are other homes. This is the home on Maize Road. There are other homes up and down Maize Road and then there is a subdivision area to the north and that's where most of the opposition has come from. There is also a farm house and so the nearest home, this is the location, there is a metal shed that you'll see in back of that lake and that is the location of the proposed tower. This farm house and this home then would be the nearest homes to this tower and they're both about 600 feet plus or minus away. The other homes are somewhat more distant.

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“The staff did recommend approval subject to ten conditions that are in your staff report. In general, up to now, we have viewed that these towers for communication equipment are utilities, they are private utilities like your existing telephone service, like electron and water service and other utilities and the Comprehensive Plan does talk to the importance of the local economy of having good levels of service and competition and those sort of things. In order to maintain the local economy, telecommunications is very important. We do have some obligations under the Federal Telecommunications Act to provide reasonable accommodations for providers and not discriminate between providers in this particular area of wireless telephones. That does not mean that you don’t have zoning authority. I think that you can still with good reason approve or deny any individual requests for towers under your local zoning regulations.

“We know that in looking at this area, I’m sure the applicant will talk about it some more, that there aren’t any existing tall structures or buildings or existing towers in the vicinity. This is in the vicinity of the fastest growing area in the County, the northwest Wichita area, which has probably building permits of two or three hundred units per year just in the immediate vicinity along the 21st Street 29th Street corridor here. So there is a demand and there will be a demand. The nearest tower in any location are probably three to four miles away and so there is and there will be in the future as the population grows, gaps in service that need to be filled.

“We also know that the applicant has been searching for a number of months for location in this general area. They came to us with some suggestions and we could tell that they were going to have problems with those sites. We gave them some other suggestions. They weren’t able to find willing sellers or willing leasors or those sites and so they finally came back with this proposal and filed it. I think the applicants have had experience before and I think their intent honestly is to find a site to involve as little controversy as possible but given the willing seller situation they felt this was the best they could do in terms of being distant from residential areas which is a tougher and tougher thing to do in Sedgwick County.

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“This also fits in with our local rule of thumb that is in the zoning code as far as compatibility standards. The new zoning code has compatibility standards that are generally applied to uses in structures and buildings and commercial districts that are near low density residential areas that say that buildings need to be set back at least three feet for every foot in height. So a 150-foot tower would be about 450 foot setback minimum. These homes are outside, they are at least 600 feet away but obviously these home owners, at least some of them, feel that they are effected by this request.

“The conditions on the staff report had a maximum of 150 feet required, that the tower be painted be painted with a neutral color unless otherwise required to avoid putting a strobe light on the structure. Because this tower is under 200 feet, it is not under FAA requirements to have any lighting at all and so based on the conditions that were in that report, there would be no lighting at all that is placed on this structure. We also have a condition that the tower must accommodate more than one user, at least two providers. We need a co-location. The more that we can get different providers to cluster on one tower, we can avoid having requests for additional towers in the area and also if it is not in use for 24 months of continuous time then the tower must be removed.

“The Planning Commission had their hearing actually two months ago. There were a number of neighbors who were in opposition and four of them spoke. You have the minutes of the Planning Commission meeting. Concerns that were expressed were number one that it would open the door for other commercial uses potentially in this area. Second, that visually this would be an eyesore and property owners indicated that they felt it would lower their property values. There have been studies and the applicants I think have provided you with studies previously on cases like this indicating otherwise on the issue of property values and the impact of towers in proximity to residential areas. The homeowners felt that the current service in this area was fine and there weren't any gaps that needed to be filled in particular and that there must be some better place to put this tower than the requested location.

“The MAPC vote after that public hearing was six to six on a motion to deny. That motion didn't pass but also because there was no other motion, the MAPCs action is considered a failure to recommend approval and that triggers a requirement at least on your first consideration this morning of four affirmative votes if you are to override and vote to approve this request. The reasons that were given in the Planning Commission's motion to deny were that this tall structure would be inconsistent with the residential character of the area. I think the Planning Commission felt that these homes were just too close to the tower site.

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“That it was in as opposed to away from a residential area and a structure of this height would be inconsistent. They felt that the visual impact of the tower would be detrimental to nearby residents. It was pointed out, and we pointed out even in our findings that this is for the property owner this is not a hardship in terms of not obtaining the conditional use because he still has the enjoyment of his property for conditional use. Then finally the Planning Commission pointed out that there was neighborhood opposition and it was fairly substantial as you’ll see from the slide that is coming up.

“Take you through some more slides. This is the site plan and this is the compound which would be fenced and the tower would be in that. You see a tin shed to the north and you’ll see that in photos that are coming up. This is the western end of the site and this is the pond at the western end. This is a close up of that aerial photograph and this is the property that is in question and this is where the tower would locate.

“After the Planning Commission vote, protest petitions were filed. Notice that none of the properties along Maize Road or the farm house or these other properties have protested, but most of the properties in the subdivision to the north off of 31st Street and the streets in this area did protest. We received a total of 16 protest petitions and about half of those in the red area were valid because they were within the 1,000 foot radius of the tract of land owned by the property owner. Those do not amount to 20% of the 1,000 foot radius but because of the Planning Commission vote not to recommend approval there is still a four vote requirement this morning for you to approve this.”

Chairman Winters said, “Marvin, can I interrupt? Tell me what percentage of protest was within the 1,000 feet?”

Mr. Krout said, “13.87%, the red areas represent 13.87% and so if the Planning Commission had voted to approve, you would just have a simple majority. The protests are not triggering the four votes, it is the Planning Commission’s failure to recommend approval that triggers the four votes this morning. If there are some things that you want the Planning Commission to reconsider, then on your second consideration a simple majority would be required to approve this.

“We’re looking from Maize Road. The driveway of this property owner kind of curves around. That’s his house and you can see his long private lake and in back of that lake, and I think that’s the shed building right there so right about here is where the tower would be located at the end of the lake. This is the property owner’s house.

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“I guess he didn’t feel that his property value was going to be effected but certainly some of his neighbors did. We’re again looking from Maize Road and this is his neighbor to the south. This is the neighbor to the north. Again, this is the property here, the neighbor to the north and the neighbor to the south. This is Maize Road and we’re looking toward the subdivision area that was platted and from which most of the protest petitions have come. Now there is the shed that we’re talking about so we’re looking back from the farm field and 29th Street I think this is. There’s the shed and that’s where the tower will be located and that’s the back of the property owner’s home. Again, this is the shed building and so we’re looking north and east and this is where the tower would be located. This is a little shortened by the camera but this is the closest home to the north of where the tower would be located, it is about 600 feet, about the equivalent of a city block. We’re back to the aerial photograph. That was the house that I was just showing you and we were looking from this angle back toward the tower and this is the property owner’s house. That’s the zoning map. I’ll take it back to the aerial photograph. I’ll try to answer any questions you have. The applicant and agent are here and I think there is someone here who is opposed to this request.”

Chairman Winters said, “All right, thank you. Commissioner Gwin has a question Marvin.”

Commissioner Gwin said, “Marvin, talk to me about in what zoning districts these towers are permitted or are excluded. You said they looked for different sites, so is that part of the problem?”

Mr. Krout said, “Well, one of the sites we kind of pointed them down to was the site where there was 64 acres of General Commercial and Light Commercial that was approved by the County Commission down at 21st and Maize Road. We figured somewhere on that site there must be an available location although maybe plans hadn’t been developed yet. But that site is in litigation. The rules are that commercial towers are permitted by right if they are in industrial districts or general commercial districts and if they respect that setback from a single family area of three feet setback for every foot in height. So if you’re kind of 450 feet deep into a commercial or industrial area then you’re home free. We have probably eight or ten towers approved since the new zoning code in the last nine months or so in industrial areas where there is industrial zoning. One of the most recent was about 25th and Hoover near this area. So that’s where they are allowed by rights and I think if we have a plan, the plan is to try to move them into industrial and larger industrial and Commercial Districts and away from Residential Districts.

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“They are also allowed as a conditional use in the County in the Residential Districts. We realized that you have two Residential Districts there are going to be areas where these are going to be perfectly acceptable and you have approved some without any controversy at all but we thought they ought to be subject to a case by case review if they’re in a suburban or Rural Residential District. So that is what this is. It is a conditional use process subject to public hearings, subject to protest petitions and you review it on a case by case basis. Those are basically the rules.”

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

Chairman Winters said, “All right, thank you. Marvin, I see no other questions at this time. We would at this point in our meeting take public comment and I would ask if there is anyone here in the meeting room who would like to speak in support of this application if they would come forward. Give your name and address for the record please and we’ll try to limit our remarks to five minutes.”

Mr. Bill O’Loughlin said, “I’m an agent for Brad Murray Rentals who is the applicant on this site. The zoning of this property is currently SF-20, formerly known as Rural Residential. You did see in the aerials that there is a pond behind the home owned by Donald and Sheryl King and the site is west of the pond on vacant ground. The structure will be designed to support two or more communication carriers and the supporting material I presented you this morning, we have letters of support from two of the local PCS carriers, Spring PCS and Omnipoint. There are other towers in the vicinity. Come around here and show you where they are. There are several TV towers near Colwich up here. TV towers are not conducive to cellular or PCS locations. There is shadowing involved if you have those. The other towers are west, way out here, north of Goddard about four, four and a half, five miles from the site which is this red arrow. The other towers are in Zoo Park.

“Cellular One just recently completed one at 25th and Hoover and this is KICT Radio at Central and Maize. Sprint is located on the KICT tower and it is about three miles from where we propose to put this tower. Under full coverage once Sprint gets a few sales in their pocket, this tower will only range about two miles so Sprint needs this site in order to reach their other site up here and on to Mt. Hope and on to Hutchinson from there. Omnipoint does not yet have this site in a search ring but they’ve only recently begun and have filled out the core area. Omnipoint anticipates building north of KICT out here is probably going to be required as part of their plan.

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“This tower, as you can see on the map, will fill a hole in the communications infrastructure in the County. I expect there are other holes that you’ll see later on. The land owners joining the Kings, part of the supporting material, have both affirmed their support of the project or approval. Visually, the structure will be galvanized steel. It will not have lights. This poses no obstacle to aircraft either general or commercial and we have letters from Mid-Continent Airport, Cessna, and so on in the supporting material. It also opposed no obstacle to ultralight aircraft because they don’t fly after sundown. Part of the material I handed you this morning is an independent research done on property values. There have been other studies in Oregon and Kansas City. This one is from North Carolina and they don’t show that there is any reduction in property values for properties near communication towers.

“There is zoning, as Marvin mentioned, south of this down 21st Street. Limited Commercial doesn’t allow towers. I dream sometimes that it will change but until it does we can’t deal with it. General Commercial does but the property is first, undeveloped and we don’t know what kind of building the owner is going to put there so obviously we can’t pick a site on that property. It is also under litigation. As far as restrictive covenants, we understand that the platted property north of this, there are restrictive covenants on that property. The Register of Deeds has no record of any restrictions on the King property where our lease would be. In summation, filling this hole in the communications infrastructure in the County with a multiple carrier tower will reduce, in a sense, the proliferation of towers. A structure supporting PCS service and cellular service and paging service at this location will extend PSC services into northwest Wichita and the most rapidly growing part of Sedgwick County. Thank you very much. I’ll entertain any questions.”

Chairman Winters said, “I have a couple of quick questions. Will there be someone else speaking in support of this application here?”

Mr. O’Loughlin said, “I believe so.”

Chairman Winters said, “You mentioned the tower at 25th and Hoover. Can you tell me how tall that tower is?”

Mr. O’Loughlin said, “120 feet tall.”

Chairman Winters said, “Will this tower be a similar tower to that?”

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Mr. O'Loughlin said, "No, that is a mono pole. This is a lattice type of self supporting tower."

Chairman Winters said, "All right. I'll save the rest of my questions. Does anybody else have any questions of this speaker? All right, thank you very much sir. Is there anyone else who would like to speak in support of this tower?"

Mr. Owen Gibbs said, "I am the property manager for Sprint PCS here in Wichita. We ask that the County Commissioners approve this tower and we support Mr. Murray in his attempts to obtain this approval. We looked for a site in this area to build ourselves and our development of our network in Sedgwick County we put in nineteen sites. Of those nineteen sites, we built four new structures, four that were not replacing another structures. Two radio stations we replaced structures. We added four new telecommunication sites in our total build out. Our goal was to try to provide a service to this County and to minimize the visual impact to the County by what we are doing. We realized in the future we're going to need a site to cover northwest Wichita because it is one of the fastest growing areas in the County. Our goal in time is to have our phones used in lieu of wire lines so we need to have our signal where people live. The sites that we have, that are now covering this area, are the KICT radio station to the south and we're up on 135th Street in the north. The coverage that we have going into this area in the middle as we grow we know is going to be a weak area and not providing quality signal to our customers. We know in the future, probably around 1998, we're going to need something in this area. We looked at approximately 15 sites trying to find something that was compatible with zoning regulations where we could lease. We were unsuccessful. When Mr. Murray found this location we stopped our search and said okay, if we can do this with one tower for what you're doing and we can get there, this will serve our needs. We feel like it is a win situation for everybody to have one site that as many people that can go on as possible, it serves Mr. Murray's purpose for that. He's building a commercial tower to make money off of it. We're trying to provide a service. We don't want to add any more sites, any more visual impact on the community that we absolutely have to. For that reason, knowing that we have to provide service, knowing that we're required to, not only in the marketplace but by our licensure, that we're required to provide quality service, we're asking that you approve this site so that another one doesn't need to be built and that we can bring good service here. That concludes my statement. If you have any questions, I'll be glad to answer them."

Chairman Winters said, "Okay, there are a couple of questions. Commissioner Miller has a question."

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Commissioner Miller said, "Thank you Mr. Chairman. Mr. Gibbs, who is going to build this tower and equip it such as that it will accommodate other hosts?"

Mr. Gibbs said, "That will be Mr. Murray."

Commissioner Miller said, "Okay, then I will save my questions for Mr. Murray, thank you. Thank you Mr. Chairman."

Chairman Winters said, "Thank you. I have a question and maybe Mr. O'Loughlin will need to answer this but if I heard him right, he said that this tower site was going to serve a two-mile radius area. Is that correct?"

Mr. Gibbs said, "It depends largely on the carrier and what the carrier is doing. We, as PCS broadcast at a much lower power range than does cellular and our residential area coverage is about one and a half to two miles. As we go into less populated but urban areas, the more we use the site the less area it covers."

Chairman Winters said, "I guess as a question that has me confused and I see Mr. O'Loughlin standing back there, maybe he can add some to it, but if I would use that logic then are we going to need to have one of these towers every four miles down the road?"

Mr. Gibbs said, "That's not what we're anticipating, no sir. What we're looking at here basically for our network, I certainly would not want to try to speak for any other carrier. What we're looking for is a limited area to be covered by this site. Basically, we're looking to fill a hole."

Mr. O'Loughlin said, "What I was referring to, Mr. Commissioner, was the KICT tower. I believe Sprint is located at 88 feet on that tower. That affects the range and additionally it does cover more urban area. Its coverage is going to be about two miles. The tower that Mr. Murray will build will range considerably more than two miles because it is taller and it is also in a fairly open area."

Chairman Winters said, "Okay, thank you."

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Mr. Gibbs said, "To give you an example, we have a site up at, we call it 254 Woodlawn site and it is just east of Kechi, the radio station tower. Our antenna at the 250-foot level on that site and I can still get a very weak signal, not a usable signal, but still a signal from that site at 96th and Ridge Road. So when you are high like that you can cover a long distance. If you're at 88 feet, you are not that high above the tree canopy and you not only have the trees intinuating your signal but you also have the line of sight."

Chairman Winters said, "Thank you very much. Are there others who would like to speak in favor of this application? Commissioner Miller indicated, did you have a question of Mr. Murray. Mr. Murray if you could come forward, Commissioner Miller has a question."

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

Mr. Brad Murray said, "I'm with Murray rentals."

Commissioner Miller said, "Mr. Murray, in building this particular tower site how do you go about equipping it with the ability to host other carriers?"

Mr. Murray said, "Well, you see a lot of these monopoles in town. Most of these monopoles won't carry more than two users, that's the reason we went to self supporting towers. They are what you call three legged towers. They are a little more extrusive to looks and things like that but they hold a lot more carriers and a lot more usable space upon those and I'm planning on putting four users at least on this, four different carriers. That's the reason we need the height of 150 foot and you can get four carriers at these sites and that cuts down on these tower sites in tighter areas and tighter positions that we've got to put them."

Commissioner Miller said, "The follow up question then would be that if indeed the more users and the more you use this particular tower site the less effective the signal is, is that what I heard? That is what I heard."

Mr. Gibbs said, "The number of users he has on his site has no effect on our signal as long as they are out of our frequency range and that's all governed by FCC. That is not really a concern to us. The more users we have on our system, the more of our signal it takes up and will contract the coverage area from our antennas and our antennas only."

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Commissioner Miller said, "On your signal, which is not going to be the frequency of the other carriers, is that what you're saying?"

Mr. Gibbs said, "Right. Each carrier has an assigned frequency range in which they're allowed to operate. If we cause interference with somebody else's signal or somebody is interfering with our signal, then there is a problem in the transmission and that has to be resolved under FCC regulations."

Commissioner Miller said, "Okay, thank you for that clarification."

Mr. Murray said, "On these sites, there can be as far as 15 to 20 foot separations from each carrier. That is the reason we're needing the height."

Commissioner Miller said, "Okay. Then I was listening to Marvin in the presentation and one of the last things you were saying Marvin, from a protestors perspective, was that there must be some other place you can site this tower. In looking at the aerial and I'm looking at the shots that were actually projected right there on the ground, there is a lot of open space it looked like to the south and west and I'm not sure, I'm probably disoriented because I don't have it in front of me. In fact, it looked like a totally open field."

Mr. Murray said, "Okay, south of that area is all flood plain so that pretty well eliminates that property and even 29th South is all flood plain so we can't build anything there. North of there, like I said, residential starts from the other side of Mr. King's property north of there is residential. The owner north of this property and Mr. King has given his consent with no problem. His letter is in the deal there. He signed it and the same way south. Both land owners, it is not bothering either one of them to have it built back there."

Commissioner Miller said, "Can I get a verification Marvin in terms of just what is flood plain and what it is not and I need to see the pictures please. Okay, that was the shot."

Mr. Krout said, "This is 29th and Maize Road and this area is basically what is called Cadillac wetlands and it would be very difficult to site, although there is an edge or something that appears as flood plain on the rear of this parcel, we talked to Jim Weber and he says that is not going to be an issue in siting this. Equipment cabinets may need to be raised slightly to a fill elevation but he didn't see that the flood plain mapping by FEMA at this location was going to be a problem in terms of siting this tower."

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Commissioner Miller said, "Okay, so just directly . . . and am I looking . . . let's see Maize goes north and south so actually that is going to the . . ."

Mr. Krout said, "This is north and this is Maize Road. This is 29th Street and I can tell you, we talked about the farm property to the west and the indication from the applicant was the farmer was not a willing seller. We talked to them about just below the wetlands area is an open area on the map and they came to us with a two-acre parcel and ownership but we knew from current planning activity that there were two developers who were actively in the process of platting single family lots right up to that two-acre lot and so they would have 100% opposition from those property owners and we said that is going to be very difficult. We also talked about down one mile, actually I guess it is two miles to the east which I think they thought they might be able to squeeze into their requirements. There was a site with a new office building and some industrial area if you know the area around Ridge and 29th Street but there again, and that could have been by right, but that property owner was not willing to locate a tower at that location."

Commissioner Miller said, "Just for clarification, to the west of where it is to be sited, Jim Weber is saying that the flood plain and FEMA mapping is just not necessarily going to come into play here in a decision to go ahead an attempt to site that there. Is that what I heard you say?"

Mr. Krout said, "He indicated to us that he didn't feel that this, which is the fringe of a flood plain, as opposed to a designated wetlands, would be a problem in terms of siting."

Commissioner Miller said, "He didn't think that would be a problem. Okay, so going back to the west, is that all one farmer that owns that, it looks like . . . I don't know what the acreage right there is, it looks like a quarter of a . . ."

Mr. Krout said, "There is a quarter of a quarter and I think he owns more than that, but that's forty acres."

Commissioner Miller said, "He is not willing to sell."

Mr. Krout said, "That is what the applicant has indicated to us and they may have some more information about some of their contacts. Then further to the south, as I indicated at 21st and Maize area, there is commercial zoning, a large commercial tract, but that property is in litigation and it is not available at this time."

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Commissioner Miller said, "Thank you Marvin."

Chairman Winters said, "Well Commissioner, following on your line, going to the north. If we go up there a mile we've got a transmission line up a high voltage power line. Are these towers compatible with power lines? I guess I see a real high voltage transmission line which has a certain visual aspects to it and if one of these towers was right beside that it would certainly be different than being close to a neighborhood. I am probably asking the wrong person, but do you have any thoughts about that?"

Mr. Krout said, "I can't picture where that line is? Is it more remote from residential areas? A couple of you attended the workshop and may have seen some slides from the consultant on the January 13th workshop on this very issue. He did show some slides showing all kinds of different possibilities for locations and one was to locate a monopole inside of a lattice tower that was a high tower line. Now those high tower structures that we have in our community and the overall system he was showing was based upon having a higher population density and so they were able to have all of their antenna at a lower height than Sprint and the other industry representatives indicate that they need in these fringe areas at this time."

Chairman Winters said, "Well the power line to the north is a two pole. Wood poles within the lattice and the cross at the top carrying three wires, but it is a high powered line, it is not a single pole line. Driving up there, I just thought that would be something that would be more acceptable to have a tower beside that than it would be to have one out in the open."

Mr. Krout said, "I think you maybe should direct that question to the applicants."

Chairman Winters said, "Well here's the guy from Sprint. I'd ask you that question because we did attend, Commissioner Miller and I were at a workshop last week when they were talking about towers and we did see some with compatibility."

Mr. Gibbs said, "That is something that we have been exploring with KG&E not only in the Wichita area but also out of the Kansas City office. To date, we have not been able to reach an agreement with KG&E to use their facilities or locate on their right-of-ways for liability reasons that KG&E is recognizing and which extends not only to their power lines but if we're on or near one of their poles, who would be liability if one of our people would bump into something that would be live?"

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“What would their liability be if they’re doing maintenance if something goes into our structure? All these are being discussed, but we certainly have no agreement with KG&E that will allow us to do that.”

Chairman Winters said, “Is there anything that would transfer that would interfere with your signal and their power lines and anything coming out of the power lines?”

Mr. Gibbs said, “I’m not a radio engineer, let me premise it with that, but from everything I have seen from tests that we have with Spring PCS and then prior employer that we have not seen any marked demonition of our signal from that. As far as moving the location north for our network, we are up considerably higher at the site on 135th Street than we are down on KICT. Where we are now is about as far north as we can be for the site to even be useful to us. Where we really need to pick up the hole is when we go farther south down toward KICT where our antenna is lower and our coverage therefore is over a smaller area.”

Chairman Winters said, “All right, thank you. I believe unless somebody else has questions and anybody else would like to speak in support, I believe we’re going to move on to anyone who might be in opposition. I see no further questions here. Is there anyone here who would like to visit with us who is opposed to this Conditional Use Permit? If there is anyone here who is opposed, would they please come forward at this time? Please give your name and address and try to limit our remarks to five minutes.”

Mr. Jerry Fournier said, “I live at 10520 West 31st Street North. I did not sign a petition because I was advised I didn’t have to because of the voting here or my little house would turn up red on there. Basically, it wouldn’t have gotten this far, but I was at the Planning Commission and the vote was six to six and one of the people on the Planning Commission comment was that I have never voted with this gentleman in the past so I’m not going to in the future. So he voted for it. If he had voted the way he felt, he might have voted against it and it would never have been an issue in front of you right now.

“I think it is a money making project and it should be in a money making area not in a residential area. It is not zoned that way and I think we ought to keep it that way. I have both paging and cellular service in that area and it works great. I don’t seem to be in any dead zone. One of the things that came up was that it probably won’t be an eyesore, but they recommended you put up a ten foot fence and barb wire on top of it. That is to keep any little kids out of the area so that is a little bit there.

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“It is 150 feet free standing and in a Kansas wind, it may not fall straight down. I don’t know which way it may fall, but it may not fall straight down. The reason that you see the house on the hill is because when he went to build his house he was in the flood plain or in the low lands so what he did is he went in and dug a lake and moved all that dirt up onto the hill and built his house on the hill. So basically it does flood in there. There is a little problem in that if you disguise the antenna so that you will not be able to see it, neither will the ultra lights that fly in the area. They fly, there is an airport that is just due west of us and they fly over there in nice weather. They don’t fly at night but they do fly in the evening and if there is no lighting on the tower, you may not see it. So that could present a little bit of a problem.

“I just feel that an antenna of that size could best be served in an area that is zoned for it right now, not in the middle of our area. I’ve lived there for about fifteen years. The reason I live there is because I like the area and I really don’t want it commercially developed. Once you start putting one antenna up then somebody else comes along and says I’d like an antenna and then somebody else says what about me and I’m not benefitting financially from it. If maybe he wanted to share the money with me, maybe I might be more willing to change my vote, but as long as he is making money and I’m not and I’m the one who is looking at it the same as he is, I would just as soon not have it there.”

Chairman Winters said, “All right, thank you very much sir. Thanks for coming down. Is there anyone else who would like to speak in opposition to this Conditional Use Permit request? Anyone else here who would like to address the Commission either way on this subject? All right, we’ll limit discussion to Commissioners and staff. Commissioner Hancock.”

Commissioner Hancock said, “One thing that was brought up was lighting and at a 150-foot height there is absolutely no lighting at all, not even just a red beacon on top?”

Mr. Krout said, “No lighting.”

Commissioner Hancock said, “None at all. Okay.”

Mr. Murray said, “I just wanted to say that the FCC doesn’t require any under 200 foot and as far as painting or anything, that’s the same way. It is all regulated by them and we’re building a very heavy structure. It is 90 mile an hour wind concurrent and half inch icing and that is more than even the regulations are. So we’re buying more than we have to.

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“We’re already gearing up for the next regulation that is coming up in the next two years. Right now it is just 80 mile an hour with ½ inch icing so we’re already ten miles an hour more than we’re supposed to be.”

Commissioner Hancock said, “Brad, while I have you up there, when you get a tower over 200 feet, do you have a choice of what kind of beacon or what kind of lighting you can put on it.”

Mr. Murray said, “Well, like these residential areas and I know we have a problem out there and Tom’s concerned about the one out there at Hon’s site in Goddard and he hasn’t brought it up yet but I’ll just go ahead and bring it up. That is a Sprint site out there. Their construction department did mess up when they ordered the lighting system. They went ahead and put a strobe on it and the first day it was up we got phone calls. We assured the people that things were going to be handled on it. At this point, their crews are out thirty days yet and we have ordered new lights for them and will be a monitor red light and white light. The white light in the daytime and the red light at night. So we’ll keep them happy and we’re back with Mr. Walker to zone card the inspection board and he’s writing letters today to get them all out and get that clarified. Yeah, in residential areas we don’t want to put strobes on if we don’t have to. It is not so much the cost or money it is the voice and opinion of opposition and nobody wants that. I’m not here to make people upset. I’m here to try to help them the best I can and get along with them. The white lights are as obtrusive to different people and they do not like them but there are a lot of times you’ve got to use them because of flight path and stuff like that. Now Mid-Continent has given us a letter and the lighting is not required even from them so we’ve done about everything we can do on that deal and as far as these ultralights, I talked to the Maize airport man and he didn’t give me a letter but he did verbally tell me that it is not a problem with him. He has no problem because they don’t fly after sundown. So I can leave that with you. Anything else?”

Chairman Winters said, “Brad, I would say Mr. Murray that I appreciate your continuing to monitor that tower out by Goddard because I’d like to get that resolved as soon as possible. I told those folks that it was going to be taken care of well before now.”

Mr. Murray said, “I’m on top of it Tom, we’ll get her.”

Chairman Winters said, “Thank you. Commissioner Miller.”

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Commissioner Miller said, “Thank you Mr. Chairman. I just need to first of all kind of recant a conversation that I had with Marvin that puts towers and the proliferation of them and the siting of them, as far as I’m concerned personally in somewhat of a perspective and that is if we would attempt to put ourselves in shoes of individuals who lived at the turn of the century or when the electricity lines were going up and how it is that it changed the landscape. How it is that those that lived on the farms or in the cities looked at how it is that everything was starting to get cluttered up once again. Then you know that we’re on the cutting edge of technology. Things are changing. We’re going from wire to wireless, that towers will be dotting our landscape. That there will be alternatives to towers hopefully. We aren’t quite there yet but we’re getting there. That tends to put all of this in somewhat of a perspective for me but we’re in transition, we’re not there yet. We have still got the public that hasn’t necessarily been educated understanding that we’re moving so quickly from wired to wireless and there are going to be lots of concerns and questions and opposition. That’s where we are at this point. That’s what I mean when I say we’re not there yet.

“On this particular case, recognizing that the Commissioners for the Metropolitan Area Planning Board have suggested to us to deny this conditional use permit by simply splitting their vote six to six, I’m inclined to think that there has to be somewhere else that this particular tower can be sited. I alluded to going further to the west and it was stated that the applicant has said that the individual or individuals that own this farm land simply were not interested. I’m inclined to ask the Commission to consider sending this back to the Commissioners for the Metropolitan Planning Board and look at this situation once again and bring it back to us with a definite plan that will look at how we can site this tower not as closely as it located currently on the proposed location to the subdivision that is protesting it. That would be my suggestion at this point.”

Chairman Winters said, “Thank you Commissioner. I think I could certainly support that. I tell you this one has been a struggle for me. I have been supportive of some towers in the past and one of the reasons I supported the tower west of Goddard was there was another really tall tower right on the same property. But then we come to what this gentleman says, now you’ve got one here are you going to have two? I am uncomfortable about a number of aspects of going forward with this one but I’m also uncomfortable because I think you’re exactly right, we’re seeing a transition here just as we saw from the days they started putting telephone poles and electric line poles and we know that in a lot of places they didn’t do that very well. I mean we’ve got just a hodge podge of wires going everywhere and I don’t think we need a hodge podge of towers every place in a random way.

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“It worries me to hear about AT&T having a new system in town, are they going to believe that they can put towers wherever they want them to fill their system? I understand all the difficulties of the telecommunication act and we can’t get too restrictive or we’re being discriminatory against someone trying to put together a system. I just don’t see a clear picture here and perhaps sending it back to the Metropolitan Planning Commission for their review, that’s the best option I know of at this time. Anyone else have comments or Marvin, do you have anything? I now that you’ve worked on this. You conducted a workshop last week. I don’t know that you’ve really had time to come up with a system of making a plan that we can keep on with, but are we going to continue to allow conditional uses in residential areas. Perhaps I wanted to construct a billboard and needed a commercial zoning but could I get a Conditional Use Permit to put it up in a residential neighborhood? I’m just having a lot of difficulty with this issue.”

Mr. Krout said, “Well, you’re right, we did have a workshop. I think most people walked away from that workshop saying that they had more questions than answers at the end of that workshop. Even the consultant that was there, and we have a tape for those who weren’t there and would like to view all of it or part of it. In fact, at the very end of the meeting and not everyone was able to stay for that, the providers did enter the discussion and I think that is probably the most interesting part of the workshop that we had. To understand that Wichita, Kansas is different from California in a lot of ways and so these examples in terms of density population or topography or tree cover, a number of users that we have out there. There are all different kind of factors and so everything we saw might not be applicable. I think that we came away and the consultant said we don’t know how many more providers there will be. We don’t know how many more users there will be and how many users will go to which companies. We don’t know how technology exactly is going to change in the future. The only wireless master plan that he had done himself was for a community of four square miles in California and he admitted they weren’t following his plan exactly.

“Lots of communities around the country are struggling with this. We try to keep up with it. The San Diego metropolitan area has done some work. This consultant is helping the Mid America Regional Council in the Kansas City area look at the issues but everyone is facing these same problems and no one has the answers. I think we walked away thinking there will be more requests for towers, there will be more providers as the number of towers increases because the cells have to be subdivided to provide more coverage because there are more users for these providers, the tower heights and the antenna heights will come down.

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“But in the initial stages it is also very difficult to tell a provider who doesn’t know what their potential market is going to be that they have to provide a denser grid of four or five times as many towers in order to get them down to 60 feet or whatever height would provide the coverage that is more acceptable to residential areas. As they come down though there are going to be problems with them being near residential areas and I think there are places around the country where you see lots of public facilities, libraries and fire stations and post offices that are in and near residential neighborhoods that are being used for tower sites. As you know, the School District 259 is getting approval through the City’s Board of Zoning Appeals to put in microwave towers with heights of 100 to 150 feet in height. Those are potential collocation sites for some future commercial providers in the future if we need to be subdividing these cells but I think we walked away thinking nobody has all the answers.

“I guess what I sense is that I think that our plan is working well and we haven’t received complaints. If it is a plan in terms of identifying these areas that are in larger commercial and industrial areas and allowing them to locate and cluster there. I think what I’m sensing is that three to one slope we talked about as the rule of thumb in the zoning standard for all structures and buildings is not sufficient perhaps in fringe residential areas or in suburban areas and that towers, if they’re going to be 150 feet tall need to be more than 450 or 600 feet away. I don’t think we’re going to get rid of them I think that they are determined by the market to a large extent as to where the population goes and where the highways are. So I think we need to make some accommodation for them but I will say to you that there is no immediate users as you’ve heard. Even Sprint and everyone would like to identify all the pieces of their system so they know how to plan around them but the Sprint system is not going to collapse if this isn’t approved. They indicated to you that they weren’t going to site until 1998 or 1999. They didn’t think that the need for this would go on. I think someday you’re going to have to face this. Are there other alternatives and how much harder can we expect a property owner to work, I’m not sure. I raised an issue at the workshop about maybe the community if it wants to, if it is a situation of unwilling sellers or lessors that the community city or county needs to get in in some cases and actually condemn land because maybe there is a public purpose to providing good sites more remote from residential areas for some of the towers. Maybe the County wants to get a little bit more into the business. In the meantime, I think what I’m hearing is you are uncomfortable using the three to one slope and that we need to be telling the providers to go farther than that and I think there may be opportunities in this vicinity to go back to some people. There may be land that comes out of litigation within the next year and is maybe available. I think in terms of hardship, there is no one ready who has a system ready to go on line.

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“The only other thing I’ll say is that if you send it back to the Planning Commission, I don’t think the Planning Commission can locate and approve another site. We would need to get a separate application for another site with the property owner signing his consent. If you expect the Planning Commission to look at other sites, I think they can do that but not through this application.”

Chairman Winters said, “Well, I think if I voted to support sending it back, which I think I would at this time, I think that would be saying a couple of things. It would be saying to the applicant I really don’t want to kill this issue. I don’t want to vote to deny it but I’m still just very uncomfortable with it and without the Metropolitan Planning Commission support there is something that is just troubling to me and maybe if it went through that hearing again and I could hear their comments again maybe it would become more clear to me. Now I don’t know if that’s a valid reason to send it back or not but I guess my other choice is that we just delay it here ourselves. Do we have an option to delay a case and not take action today? I’m not sure who is going to come back with any answers for us and if the Metropolitan Planning Commission would really rehash this again maybe the vote would be six to six or maybe it would be something else.”

Mr. Krout said, “I think it would be fine to send it back to the Planning Commission. You might direct them that if there is a motion to deny again they may want to craft their findings a little bit more carefully than they did the first time around.”

Chairman Winters said, “So their motion which has come out to denial is not really grounded too well on some good facts.”

Mr. Krout said, “The County Counselor and I would agree that if you were thinking of denying this case today, we would ask you to defer so that we could assist in preparing some supportive findings.”

Chairman Winters said, “All right. Commissioner Hancock and then Commissioner Miller has questions.”

Commissioner Hancock said, “Marvin, in the interim, what concerns me about denying these cases is that while we are looking at the prospects for wireless communication and needs for various towers, whether it be tower parks if that works or even the concept of condemnation of where we locate towers, what concerns me is that in the interim what we’re going to be doing.

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“I guess what I hear you saying is that or at least what I hear my colleagues saying, maybe that is more appropriate, and the Planning Commission, is that we’re going to take the path that where there is, where right now while it is not part of a plan, it is at least a path where there is less likelihood of neighborhood opposition or neighborhood problems. Is that where you are going or do you see your way clearly that maybe in the next few months, certainly less than a year, that we have some kind of a policy that we can give to applicants like Mr. Murray to say, listen if you can operate within the frame work of this policy, we’re pretty sure you’re going to get your tower put up? That’s important to me.”

Mr. Krout said, “I think in terms of zoning what I sense is both the Planning Commission and the County Commission identifying a policy that says that there should be a more severe distance requirement from nearby homes unless there is consent of those property owners. That is something that I think the Planning Commission could consider as they are looking at this case as you send it back. You can adopt a guideline or a policy very quickly. The other issues like putting them where you really want them are going to take some more time.”

Commissioner Hancock said, “If we do send it back today, would it be possible to ask the Planning Commission to bring back to us at least an interim opinion or interim wish? General Commercial is not always available where you want it to be and not always to get in the meantime so I think we have to deal with this on the short term and then long term. Certainly, there are folks out there like Mr. Murray who just can’t wait for us to determine a long term plan and maybe they have to have some answers now.”

Mr. Krout said, “Yes, I’ll definitely talk to them about that.”

Chairman Winters said, “Thank you. Commissioner Miller.”

Commissioner Miller said, “Thank you Mr. Chairman. Understanding that it is not, that we cannot direct the Planning Commission to go out and search again and site this particular tower, I would like to strongly suggest then to the applicant that they go back and again review those sites and you said already that possibly those that could be appropriate and may come out of litigation within some interim time. I just simply wanted to strongly suggest that you look at that again before you come back to the hearing stages in front of the MAPC.”

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

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Commissioner Gwin said, "Thank you Mr. Chairman. I realize these are not easy to decide and I certainly understand the task of the Metropolitan Area Planning Commission. They heard it and the Board of County Commissioners. It is very difficult to look at an issue like this without a recommendation from the Planning Commission one way or the other. When you bring a tie vote it makes it all the more difficult. However, I don't know where in this County and maybe there are places, where you will have adjoining property owners to this conditional use, people whose property abut the property who don't protest it."

Mr. Krout said, "That's true."

Commissioner Gwin said, "Now that is pretty amazing to me and I appreciate Mr. Fournier and others who live north who are in the protest area and maybe more of them would have signed had that been necessary. But when I have copies of letters from neighbors to the north and the south who say that they support the application, that is pretty astounding to me. Unlike my colleagues, I think I could approve this today because of the fact that cellular towers need to be located in certain areas. You can't just go plunk them over in a certain spot because it makes no sense to the coverage that they're trying to fill. I mean my picture is that you have concentric rings that go out a certain distance and it is probably not perfectly circular, but if you have a gap or something you have to fill that gap. It makes no sense to go over here and supply over here. So I understand the ups and the downs of this and I appreciate the concerns of the property owners, but quite frankly I think I could approve this one today, but if the Board wants to send it back I certainly wouldn't oppose that either."

Chairman Winters said, "I see Mr. Murray standing. I think we're going to go ahead and limit discussion to staff and bench at this time so that we can bring this to a conclusion. I can certainly assure you Mr. Murray that I'd be glad to visit with you if you want to call me on the phone or talk to me or send any of us letters as we try to resolve issues concerning towers. I'll be more than pleased to visit with you. Commissioners, in the effort of moving this on, Commissioner Miller I heard you talk about a Motion, are you prepared to make a Motion?"

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MOTION

Commissioner Miller moved to send CU-413 back to the Planning Commission for review, and to have them notify the property owners and applicant and have the Planning Commission take additional testimony.

Chairman Winters seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you Marvin. Was that the only one you had today?"

Mr. Krout said, "Yes."

Chairman Winters said, "Thank you. Thank you to those who came. We're going to take a ten minute recess at this time."

The Board of Sedgwick County Commissioners recessed at 10:50 a.m. and returned at 11:00 a.m.

Chairman Winters said, "We're back in session from a short recess. Madam Clerk, call the next item."

E. RESOLUTION APPROVING EXECUTION AND DELIVERY OF A TENTH SUPPLEMENTAL AND AMENDED TRUST AGREEMENT AND A NINTH SUPPLEMENTAL AND AMENDED LEASE AGREEMENT RELATING TO THE COUNTY'S INDUSTRIAL REVENUE BONDS (RAYTHEON AIRCRAFT COMPANY).

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Mr. Winton Hinkle, Bond Counsel for Raytheon Aircraft Company, greeted the Commissioners and said, "I'm with the law firm of Hinkle, Eberhart, and Elkouri. This is not a new bond issue this morning. Rather these are technical amendments that arise in the following way and I'll try not to make this overly long, just make a brief statement. You've been issuing bonds for the benefit of Beech Aircraft Corporation, now Raytheon Aircraft, for about fourteen years. On six of this occasions, part of the proceeds of your bonds were used to finance the construction of improvements at a building which is known as the Hedrick Center. For those of you who are old timers, you may still think of it as the old Pizza Hut headquarters building which is located south of Beech across south of Beech field on the south side of Kellogg. The company has now determined that it is advantageous to it for various reasons to take that property out of the bond issue and it will still be used by Beech but under a new ownership and financing arrangement. In order to do that, we have to clear the real estate records in the County, which currently holds a leasehold interest in the real estate and actually owns the buildings and the improvements financed with the bonds, needs to convey that property back to Raytheon.

"In addition, because we've got bonds outstanding, we've had to calculate the amount of the outstanding bonds from each of those six years that are allocable to this property and arrange to pay off that much of the bonds. It is fairly easy because in each instance, the bonds are owned by Raytheon Aviation's parent company, the Raytheon Corporation of Lexington, Massachusetts and they've been in agreement with all of this. So that is what the Resolution is before you today and the related documents will permit the County and the Company to accomplish. Will pay off those bonds, the company's title will be restored to it so the County will no longer hold an interest in this particular building and it will no longer have any further involvement in the bond finance activity that the County and the Company continue to be involved with.

"The property tax abatement that relates to the improvement which were financed with these bonds will terminate when this is over and because these occurred over a multiple period of years, there are varying periods of time left with respect to those portions. I think the first issue that was associated with Hedrick Center improvement actually is probably near the end of the ten-year tax abatement but others occurred as recently as 1993 and perhaps 1994 although I don't have those details with me this morning. But the tax abatement will end as to those improvements that were financed with those series of bonds. In short, without getting more complicated than that about it, that's what we're up to today. Be happy to try and answer any questions you may have."

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Chairman Winters said, "All right, thank you very much Mr. Hinkle. Mr. Manager, I see Mr. Norton in the audience today, has he reviewed this transaction on our behalf? Not really, okay? Then you and your office have then and everything that you understand and legal understands about this seems to be proper and in order?"

Mr. Buchanan said, "Yes."

Chairman Winters said, "Okay, very good. Mr. Hinkle I see no questions so there doesn't seem to be a problem here. Commissioners, you've had an opportunity to review this, everything seems to be in order, what's the will of the Board?"

MOTION

Commissioner Schroeder moved to adopt the Resolution.

Commissioner Gwin 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 Mr. Hinkle for being here today. Next item."

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F. DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT.

1. RESOLUTION AUTHORIZING AND PROVIDING FOR ESTABLISHMENT AND SUPPLEMENTING A QUALIFIED MORTGAGE CREDIT CERTIFICATE PROGRAM AND AUTHORIZATION OF OTHER ACTIONS REQUIRED TO IMPLEMENT THE PROGRAM.

Ms. Louanna Honeycutt Burress, Administrative Officer, Department of Housing and Economic Development, greeted the Commissioners and said, “Annually, the federal government gives each state the authority to issue a variety of bonds from private activity volume cap. The State of Kansas receives each year, \$150,000,000 in this authority and like I said it is used for a variety of purposes. Perhaps the top priority for usage of this authority is for smaller issue Industrial Revenue Bonds because these are used to expand businesses and it generally results in jobs which is good for all Kansans.

“The housing issues that Sedgwick County has been involved in over the past decade and a half now also comes from this private activity volume cap, the Mortgage Revenue Bond programs and the Mortgage Credit Certificate programs. As you know, for the past several years Sedgwick County in partnership with the State has administered the Kansas Mortgage Savers Program, which is the Mortgage Credit Certificate program. Generally, the Department of Commerce and Housing waits until late in the year before it makes its allocations for the housing programs. There are several reasons primarily that they wanted to make sure that they do have enough allocations to assist small businesses that want to issue the Industrial Revenue Bonds. We were told that we would receive an allocation for a Mortgage Credit Certificate program from the 1996 allocation. Actually, before we were officially notified of this, the year was winding down and there were a number of projects that never were consummated that were going to have a portion of the allocation from the volume cap. When it was all said and done on the last day of the year, the State had about \$55,000,000 in allocation left so this was allocated to Sedgwick County for the Kansas Mortgage Savers Program, Mortgage Credit Certificate program.

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“What I am here to do this morning is to ask that you approve a Resolution so that we can implement this program. We have to publish notice throughout the state and then we have to wait 90 days following the publication of that notice before any of these loans can be closed. If you have any questions, we’ll address them, but I recommend that you approve the Resolution and authorize the Chairman to sign appropriate documents for us to take whatever action is necessary for this program.”

Chairman Winters said, “All right, thank you. Commissioner Miller.”

Commissioner Miller said, “Mr. Chairman. Louanna, for the public sake, could you give a profile of who is going to benefit from Sedgwick County being in this program?”

Ms. Burress said, “This is primarily a first time home buyer program. The whole purpose is to help Kansans get into their first house. A first time home buyer is also considered a person who has not had their name on a home mortgage during the past three years. So someone who at some point owned a home but no longer does, after three years they are considered a first time home buyer. Also, the purpose is to help the people who need it the most. In earlier programs, the credit certificate was at 25% and what this amount was that a qualifying first time home buyer who had a mortgage through the program received a dollar for dollar tax credit against their federal income tax liability for 25% of the amount of home mortgage interest they pay up to a maximum of \$1,000 a year. What we did with the last program that we did was that not all first time home buyers got a 25% certificate. HUD establishes income limits for these programs. What we did with the last program, we lowered the maximum limit. We are allowed to do that. We can’t of course raise it above what HUD sets it as but we can tighten it up and we did that. There was actually kind of a tiered limit there. There was a lower income limit for first time home buyers whose income fell below a certain level, did receive a 25% tax credit. Then those who qualify but with a higher income got a 15% tax credit. What this did was allowed us to help more people and make the allocation go further.

“What we are proposing in the new program is that we reduce the maximum percentage for the tax credit from 25% to 20% and then we would still keep a 15%. We have adjusted the income limits down somewhat from what HUD allows as a maximum and again, the reason we are doing this is to make the allocation go further to be able to help more Kansans get into their first home. Now of course, I have to ask Joe, is it 20% of the allocation is set aside for the target area?”

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“That’s what I thought. So for the period of a year, 20% of the amount of money in the program will be set aside for the target area and anyone who wants to purchase a home in one of the target areas does not have to be a first time home buyer and again, the limits are higher. As you know, Commissioner Miller, it seems like while we do have set aside for the target area, HUD keeps restricting that area and it makes it harder to find a home in that area that can use the program. I don’t know what we can do about that other than speak to HUD about it and look at ways we might be able to look at that in large.”

Commissioner Miller said, “Louanna, let me just clarify, this is the Credit Certificate program.”

Ms. Burress said, “That is correct.”

Commissioner Miller said, “Not Mortgage Revenue.”

Ms. Burress said, “That is correct.”

Commissioner Miller said, “Needed to make that delineation. They are two different programs. The goal is the same, it’s targeting first time home buyers. There is a set aside for those individuals who want to purchase in the targeted area but yet with the Mortgage Credit program it is geared to give you some benefit in terms of tax relief is what it sounds like as opposed to a Mortgage Revenue Bond program what would the benefit be?”

Ms. Burress said, “With the Mortgage Revenue Bond program we have a fixed interest rate and the program is operated through a number of lenders who choose to participate and who agree to put up a commitment fee and we receive an allocation from the state and then we in turn reallocate that to participating lenders in our program area. Individuals can go to one of the participating lenders and apply for a home mortgage at a set interest rate. With the Mortgage Credit Certificate program individuals go to any lender that is participating and you negotiate the best rate you can get and then you get your benefit at the end of the year when you file your federal income tax.”

Commissioner Miller said, “Mr. Manager, in terms of the Mortgage Revenue Bond program being issued or started, do we have a time line on when we are going to consider that?”

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Mr. Buchanan said, "I don't know the time line. We have authorized two meetings ago for George K. Baum to research some past issues so that monies can be captured and we can recycle those dollars. When this program is adopted today, we may want to go to the State and take some of the dollars from the MCC (Mortgage Credit Certificate) and put it in the MRB (Mortgage Revenue Bond) program or approach the state in a different sort of a way making an accommodation program. We are in the process of allowing George K. Baum to do the work to see how much they can recapture that way before we go ask the state to make any changes or for additional dollars."

Commissioner Miller said, "Okay, good."

Mr. Buchanan said, "My guess is you won't hear from us on that program for 60 to 90 days."

Commissioner Miller said, "Very good, time line in mind. Thank you. Thank you Mr. Chairman."

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

MOTION

Commissioner Gwin 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	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. Next item."

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2. RESOLUTION APPROVING ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS BY THE CITY OF WICHITA, KANSAS ON BEHALF OF THE CESSNA AIRCRAFT COMPANY.

Ms. Burress said, "As you know, cities are allowed to issue Industrial Revenue Bonds within the County as long as it is within three miles of their corporate limits. For a number of years, the City of Wichita has issued revenue bonds for Boeing and for Cessna and Lear Jet. The City has issued a Letter of Intent to issue some Industrial Revenue Bonds for Cessna Aircraft Company. When a city, such as Wichita, does this the County has to also approve the issuance of those bonds because the City cannot recommend exemption of taxes for the County. That is in essence what they'll be doing so what needs to happen this morning is that you need to approve a Resolution in essence authorizing the City of Wichita to issue these Industrial Revenue Bonds for Cessna Aircraft Company. I believe the Letter of Intent is for issues not to exceed \$200,000,000."

Chairman Winters said, "All right, thank you Louanna. Commissioners, you've heard the report, what's the will of the Board?"

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin 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 Louanna. Next item."

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G. AGREEMENT WITH OZ BICYCLE CLUB FOR USE OF LAKE AFTON PARK ON MAY 18, 1997 TO HOST THE WICKED WIND 100 BICYCLE TOUR FOR THE WICHITA RIVER FESTIVAL.

Mr. Jarold D. Harrison, Assistant County Manager, greeted the Commissioners and said, "This is our standard form agreement for the use of Lake Afton Park for the purpose of holding the Wicked Wind 100 Bicycle Tour. This is an official River Festival event. The event would be held Sunday, May 18, 1997. There were approximately 650 participants in this event last year. I believe last year or the year before, maybe both the prior two years, they've used the extension office parking lot and that area has continued to develop and the traffic situation is such that they needed to move further out in the County and they've identified Lake Afton as a site they'd like to use. Approval of this agreement would be subject to receipt of a certificate of insurance to indemnify the County and will require their use of Sedgwick County Sheriff Reserve Officers for traffic control. Be glad to answer any questions."

Chairman Winters said, "Thank you. Commissioners, you've had an opportunity to review this request, what's the will of the Board?"

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	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 Jerry. Next item."

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H. RESTRUCTURING OF EMS - RECLASSIFICATIONS AND STAFFING TABLE CHANGES.

Mr. Tom Pollan, Director, EMS, greeted the Commissioners and said, "I have before you this morning several reclassifications and additional position requests. This is coming post the recognition that in 1995 and 1996 we had a shortfall in revenue from our user fees. In looking at 1997, we are again projecting that the insurance providers that are reimbursing us are not going to improve that area that much and we are changing billing services to try and improve our revenue stream. We still are in a project of \$226,000 shortfall. We feel that it is fiscally responsible to move now so that we have twelve months or eleven months to work with this impact or this reduction to lessen the impact to the community and the services we provide.

"Through that, I have several positions and I will read to you the position name and what we'll be doing with those in the request. To start with, there is one Assistant Director position which is currently a Range 27. We're recommending it be reclassified to a Division Officer position of Range 25, to be effective on February 1. A Division Officer position, there would be three individuals that would be reclassified to a Captain position, range 23, and a deletion of two Division Officer positions that would be open from these reclassifications, those to be effective on February 1 as well. For our Captain positions, we would recommend the reclass of four individuals to Lieutenant, which is a range 25 and deletion of two Captain positions that are currently on the staffing table. The impact on the budget on this is a \$36,000 reduction. It would be effective January 26, 1997. I am also requesting that we reclass four open positions that are MICT, Range 20, to EMS Lieutenant Range 21. This would delete the four MICT positions from the staffing table but in fact would save us \$1,500 because we then would not be paying acting officer pay to Lieutenants who go on vacation as these people would fill them they would already be at that range so we would not be paying them acting officer pay. Administrative Officer, Range 21, which was providing our public education function, we would delete this position and the impact is \$33,036, effective January 1, 1997. That is an open position at this time. Administrative Officer position who is responsible for billing, a Range 21, we are recommending deletion. This would be a net impact to our budget a reduction of \$14,941 to be effective February 1. With that process there, we are recommending that an additional position be added to the Bureau of Finance of a Senior Accountants position to essentially move this responsibility of monitoring the billing function and the billing agency and the processes for accounting into the Bureau of Finance.

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“That too would be effective February 1, 1997. Office Specialist position, we currently have at Range 15 and we’re requesting that it be reclassified to position of Administrative Specialist Range 19, as we will be moving more responsibilities to that particular position. Currently that is basically an individual who receives telephone calls, does some filing, some typing, very limited in those areas and we will be increasing the responsibilities of that position. That does have a cost increase of \$1,063 and we would recommend that on February 2, 1997.

“The reason for these varying dates is we are dealing with people who are going from a classified exempt position, or salaried position, to an hourly, and we’re trying to lessen that impact. The total completion of this move would be done by February 2. The money that you see as far as the reduction of \$191,000. If you moved through there and just added them it becomes somewhat confusing because you would not see that total. What it amounts to is that as we move or cascade down these positions of people from these staff positions into field positions, we’re actually moving open and no faces from our paramedic level but we are moving these down so we’re actually removing four positions from the MICT level and we’re eliminating three staff positions and so that’s where the total of \$191,000 savings is coming from. With that, I would recommend your approval of these reclassifications and allow this to occur.”

Chairman Winters said, “Commissioner Schroeder.

Commissioner Schroeder said, “Tom, Dr. McClellan’s letter stating his concerns about the reorganization of EMS, has he been satisfied because that letter was pretty open and showed a lot of concern about the quality of service on the street.”

Mr. Pollan said, “The points that he had in his letter was his concern with the quality assurance and also the field supervision. We have met that in the quality assurance area by leaving three individuals or three positions to do and provide that particular service. As far as the field supervision, it came to the point at where we must look at how we can do this with the same amount. What we have done is left six instead of eight and we’ll look to replace those two if we can get our revenues back up and moving and on line. What we are doing is shifting these individuals, two of them of these supervisors will work 24 hours or one of them will work 24 hours a day on 12 hour shifts, one for 7:00 a.m. to 7:00 p.m. and one will work 7:00 p.m. to 7:00 a.m. Then what we will do is swing shift an individual. The third one on for the day to try to eliminate some of that high time activity levels to assure that citizens are receiving the same level or better service if possible.”

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Commissioner Schroeder said, "Okay, the issue of when our revenue stream comes back to where it ought to be and I guess that in part we'll have to see if our bill collecting agency does better, the new one, and whether we can get our programs worked out with the insurance companies on the return of those fees, but if that happens, are you pretty sure that if our revenue stream returns that we will put these people back to where they used to be, these Lieutenants and Captains that were downgraded to Lieutenants. Will they be moved back or will they be left there?"

Mr. Pollan said, "That would be my recommendation at the time, to move back the individuals who are taking this reclass at this point, to offer it in reverse. Those individuals who are now stepping back into a lower position would be in reverse order asked if they would like to step back into their current positions. If that will be the final how EMS will look in the future, I believe that will be discussed between the Manager and you and myself at that time. I don't know exactly how or what it will look like but I believe that as we receive it, if we certainly can receive the amount of revenue that we have projected or better then obviously we'll start putting back in place some of these things. We are reducing some of the line item budgets as well."

Commissioner Schroeder said, "Okay. Last two issues. One is on the bill collecting. I'm glad to see that we're moving somebody up into the Bureau of Finance to try to focus on our collections. I think that will be helpful. The other is, will you be able to keep us updated on a regular basis to see how this new company is doing like on a monthly or quarterly basis, whatever would be proper. I'm a little bit concerned. There is not many of those people around to do this work and our options are getting pretty limited now. If you could keep us updated, I'd really appreciate that."

Mr. Buchanan said, "Commissioners, during the last several months when we were in some significant difficulties, I was receiving a report on a weekly basis. Now we've cut most of that reporting system, reduced that significantly, and we're in the process of developing some other report that will be sent to me and I'd be happy to pass that on to you."

Commissioner Schroeder said, "I'd appreciate that. I think that will tell us a lot about what's going to happen in the next few months then. I'm not excited about doing things like this and I don't think you are either. This is one of the last things you want to have to do is restructure your organization because of those revenue problems. I am confident that we're on top of this and I'm hoping that within 12 months we'll be able to turn this around and get back to where we used to be when it comes to staffing and revenues."

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“I don’t want to see this department go any further downhill like it has. I think we’re on an uphill swing now and if you and Jerry and the Manager and your staff and Becky’s staff continue to work together to try to solve these problems with billing and with these insurance companies, I think we can come back to where we used to be. I had a lot of reservations about this process. I’m going to support it today but I just want to let everybody out there in EMS know that we’re awfully concerned about this process too and I know you are too and we’re going to keep our eyes on it and make sure we can do what we can and make the improvements as we go along. I appreciate the efforts that everybody has put in to try to bring some solution to this. It is going to make a difference to everybody. Thanks a lot.”

Chairman Winters said, “Thank you Commissioner Schroeder. Any other comments or questions of Tom on this issue? If not, what’s the will of the Board?”

MOTION

Commissioner Hancock moved to approve the reclassifications and changes to the EMS Staffing Table.

Commissioner Miller 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 Tom. Next item.”

- I. **BUREAU OF COMPREHENSIVE COMMUNITY CARE.**
 1. **CONTRACT WITH YOUTH DEVELOPMENT SERVICES, INC. PROVIDING FUNDING FOR SUMMER ACADEMY FOR YOUTH (S.A.Y.) 1997.**

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Ms. Deborah Donaldson, Director, COMCARE, greeted the Commissioners and said, “This first contract is with the Youth Development Services and this program provides recreational and enrichment programs for youth. This involves not only learning skills in terms of tennis and golf, but also academic enrichment and we have set goals and objectives for this contract that should be met through the provision of these services. I’d be glad to answer any questions.”

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

Commissioner Gwin said, “Just real quickly. Is this State money or County mill levy money?”

Ms. Donaldson said, “This is County mill levy money. Thank you.”

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

Chairman Winters said, “Thank you. Any other questions?”

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, “Next item.”

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2. CONTRACT WITH PROJECT FREEDOM FAMILY AND YOUTH COALITION PROVIDING FUNDING FOR DROPOUT PREVENTION PROGRAMS.

Ms. Donaldson said, "Commissioners, what this contract covers is more expansive in terms of just dropout programs. It also deals with collaboration and coordination of a number of different groups in the community, focusing on the needs of youth and families and also substance abuse problems. The amount of this contract is \$72,000 and it is County mill levy. I'd be glad to answer any questions."

Chairman Winters said, "Commissioners, any questions? If not, what's the will of the Board?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

3. CONTRACT WITH WICHITA METROPOLITAN FAMILY PRESERVATION AGENCY, INC. TO FUND POSITIONS IN THE DROPOUT PREVENTION PROGRAM.

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Ms. Donaldson said, "Commissioners, this particular contract involves also family preservation activities including family counseling, intensive in home family services. The amount is for \$65,000 and it is County mill levy. I'd be glad to answer any questions."

Chairman Winters said, "Is there any questions?"

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

Chairman Winters said, "Next item."

4. CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS FOR CASE MANAGEMENT FOR CHILDREN WITH SED.

Ms. Donaldson said, "Commissioners, this particular Contract allows the Mental Health Association to bill for Case Management services for children who have a serious emotional disturbance. This doesn't allow any expenditure of dollars on our part, it simply allows them access to the federal portion of Medicaid when they bill. I'd be glad to answer any questions."

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

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MOTION

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

Chairman Winters said, "Next item."

5. CONTRACT WITH COMMUNITIES IN SCHOOLS OF WICHITA/SEDGWICK COUNTY, INC. PROVIDING FUNDING FOR DROPOUT PREVENTION PROGRAMS.

Ms. Donaldson said, "Commissioners, this program is a dropout prevention program and truly an enriched program in terms of younger children and helping them succeed in the school setting. This will be in place for this particular funding in Cooper and Oaklawn Elementary Schools and the amount is \$88,000 and this is County mill levy. I'd be glad to answer any questions."

Chairman Winters said, "Thank you."

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MOTION

Commissioner Gwin moved to approve the Contract 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, "Next item."

- 6. CONTRACT WITH BIG BROTHERS & BIG SISTERS OF SEDGWICK COUNTY, INC. PROVIDING FUNDING FOR CASE MANAGEMENT POSITIONS FOR SERVICES WITHIN SEDGWICK COUNTY, BUT OUTSIDE THE WICHITA CITY LIMITS.**

Ms. Donaldson said, "Commissioners, this particular Contract will allow Big Brothers & Big Sisters to serve 110 at risk youth that live within Sedgwick County but outside the Wichita City limits. The amount is \$30,500 and this is County mill levy. I'd be glad to answer any questions."

Chairman Winters said, "Thank you. Commissioners, are there questions?"

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MOTION

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

Commissioner Gwin seconded the Motion.

Chairman Winters said, "Commissioner Miller."

Commissioner Miller said, "I'm just kind of intrigued. Big Brothers & Big Sisters is going to be able to ID those that are, are they on their waiting list or currently matched? Do you happen to know?"

Ms. Donaldson said, "I believe they are on the waiting list."

Commissioner Miller said, "Good, very good. Thank you Mr. Chairman."

Chairman Winters said, "Thank you Commissioner. We have a Motion and a second, is there further discussion? Seeing none, call the vote."

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, "Next item."

- 7. CONTRACT WITH THE CITY OF WICHITA, KANSAS FUNDING SPECIAL ALCOHOL PREVENTION, EDUCATION, DETOXIFICATION AND INTERVENTION PROGRAMS FROM LIQUOR TAX RECEIPTS.**

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Ms. Donaldson said, "Commissioners, this actually covers two contracts. One of them involve the WATS program, Women's Alcohol and Treatment Services, and this is where the City of Wichita through the liquor tax dollars we receive, \$16,760, and that helps pay partially for the position of the project manager over on that program and also for the addiction treatment services program, that amount is \$42,770 and that funds two physicians and partially funds our African-American Specialist Counselor. I'd be glad to answer any questions."

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

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	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 Debbie. Before we move on to the next item, let's talk about procedure here for a minute. We're about fifteen until noon. I know that Rich needs Executive Session, just checking on whether we have lunch appointments or appointments we need to get to. Do we want to try to order in some lunch and have a working Executive Session or do we need to go or do you want to just keep plowing through it? We'll just keep on working, you don't want to order lunch in?"

Commissioner Miller said, "Your choice."

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Commissioner Gwin said, "I need to eat sometime because I've got a meeting right afterwards."

Chairman Winters said, "Manager, would you see if somebody could order us some lunch and we'll eat during Executive Session. If we're in a time crunch and that doesn't work out, that won't be a problem. Madam Clerk, next item."

J. DEPARTMENT ON AGING.

**1. LEASE AGREEMENT WITH T LE QUANG AND TUY LE TRAN
FOR CASE MANAGEMENT OFFICE SPACE AT 2959 SOUTH
HILLSIDE, SUITE 200.**

Ms. Lynne Melton, Assistant Director, Department on Aging, greeted the Commissioners and said, "Currently, we have one staff person at Colvin Elementary School. With our additional targeted case management system that we received from SRS, that space is no longer suitable for more than one case manager and there is no room to expand in that. So we've been searching that area because we want to stay in the Plainview area and we've been able to locate this new building, a mini shopping center down on South Hillside and we'd ask for approval of a year lease. The rent is \$400 a month."

Chairman Winters said, "All right, Commissioners are there questions of Lynne? Seeing none, what's the will of the Board?"

MOTION

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

Commissioner Miller seconded the Motion.

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

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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, "Next item."

2. FISCAL YEAR 1997 AREA PLAN FOR CENTRAL PLAINS AREA AGENCY ON AGING.

Ms. Melton said, "Commissioners, this is actually a revision to our 1997 Area Plan. When the federal appropriations came out, the planning figures gave us a little less money than actual figures that came out. They increased our home delivered meals by over \$20,000. The El Dorado Meals On Wheels program wanted to buy some permanent trays that they can reuse, bring back, wash, take back out again. Not only will this save them money, but they also have the trash concerns. This would mean that the Styrofoam would not have to be discarded into the landfill. The Butler County Commissioners pledged \$5,000 out of their mill levy and asked if we would match that with \$5,000, which we have agreed to do."

Chairman Winters said, "Okay, back on the backup, I see that on the financial considerations it says there will be no real budget impact to Sedgwick County. How are we going to do that?"

Ms. Melton said, "This is all out of the federal home delivered meals program from the federal money. There will be no County money."

Chairman Winters said, "Okay, so this is not mill levy money, we're talking about federal dollars here."

Ms. Melton said, "Correct."

Chairman Winters said, "Thank you. Commissioners, you've heard Lynne's report, what's the will of the Board?"

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MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

3. FISCAL YEAR 1997 SENIOR CARE ACT REVISION FOR CENTRAL PLAINS AREA AGENCY ON AGING.

Ms. Melton said, "Commissioners, at the year end of 1996, the State had some money given back to them from areas of the state that wasn't used in Senior Care Act. They've reallocated \$23,687 to Sedgwick County to increase the use of the Senior Care Act. We have put this in attendant care and homemaker service. I hope that you and the public read the article in the paper about a month ago that talked about how much Senior Care Act has saved the state in being able to keep people out of nursing homes and being able to not have to pay the nursing home and the fee out of Medicaid and instead have been able to pay the homemaker and attendant care and other services provided at a much lower rate. We ask your approval to submit this for the additional funding."

Chairman Winters said, "All right, thank you. Commissioners, you've heard Lynne's report on this item, what's the will of the Board?"

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MOTION

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

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

4. AFFIDAVIT OF SIGNATURE AUTHORITY FOR APPLICATIONS, REPORTS, PLANS AND OTHER DOCUMENTS SUBMITTED TO KANSAS DEPARTMENT ON AGING.

Ms. Melton said, "The Kansas Department on Aging issued a policy this year that asked for an affidavit or some sort of reliable evidence on who could sign official documents that go to the state along with report and financial reports. I have given the policy to Rich to see if in the future we can do this with some other way, with a Resolution or whatever that we wouldn't have to do this yearly. I submitted both the legal creation to the Department on Aging plus the Minutes that elected the Chairman and the Chairman Pro Tem, but they decided they needed each name listed separately on who could sign what. This affidavit lets the County Commission or the Chairman and the Chairman Pro Tem sign any of the documents that we have but it also gives the Director and two Assistant Directors the authority to sign the monthly financial reports, the cash requests, quarterly reports that are the daily operation of the agency, but does leave the area plan and the notification of grant awards to the Commissioners."

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Chairman Winters said, "Thank you. Commissioners, you heard Lynne's report, are there questions or comments? If not, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the Affidavit 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, "Next item."

K. BUREAU OF COMMUNITY DEVELOPMENT.

1. CONTRACT WITH MEDIATION CENTER OF WICHITA PROVIDING LITIGATION ALTERNATIVE SERVICES.

Ms. Irene Hart, Director, Bureau of Community Development, greeted the Commissioners and said, "For your consideration today, I have two contracts which implement funding you allocated to these programs during 1997 budget process. The first Contract is with the Mediation Center of Wichita. It provides mediation services to the District, County, and Municipal courts in Sedgwick County with the purpose of arriving at an agreement between parties without action of the court system. So parties can be referred to the mediation process and hopefully not go back through the court system. Approximately 1,400 persons took advantage of this process in 1996. The allocation is for \$9,000, it is an ongoing program. I'd try to answer any questions you might have."

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Chairman Winters said, "All right, thank you. Commissioners are there questions or comments? If not, what's the will of the Board?"

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

Chairman Winters said, "Next item."

2. CONTRACT WITH MID-AMERICA WORLD TRADE CENTER TO PROMOTE AND FACILITATE INTERNATIONAL TRADE.

Ms. Hart said, "This contract is in the amount of \$50,000 and is a partnership with the State and the Chamber of Commerce. It promotes and facilitates international trade through education, research, and communication. They educate Kansas companies and public entities on new opportunities and alternatives in international business. The returns to the community as a direct result of this organization endeavors, far outweighs the \$50,000 we contribute annually. I would be happy to try and answer any questions."

Chairman Winters said, "All right, thank you. Commissioner Schroeder."

Commissioner Schroeder said, "Irene, is this \$50,000 budgeted?"

Ms. Hart said, "Yes sir."

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Commissioner Schroeder said, "In the World Trade Center for this year?"

Ms. Hart said, "Yes sir."

Commissioner Schroeder said, "What's their total budget that we approved, do you recall?"

Ms. Hart said, "No sir, I don't. If I recall, it is over \$100,000."

Commissioner Schroeder said, "Okay."

Ms. Hart said, "Not from our source, but from other sources from grants, their fees, and other income."

Commissioner Schroeder said, "Okay, thank you."

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

MOTION

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

Commissioner Gwin seconded the Motion.

Commissioner Hancock said, "Mr. Chairman, just one thing. These last two items are contracts that we are approving that we never approved before. These are items that we approved in our 1997 budget but we decided we were going to do Contracts with these entities this year, so this isn't anything that just come up it's been around for a while."

Chairman Winters said, "Okay, very good. Any other questions or comments? Seeing none, call the vote."

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VOTE

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

Ms. Hart said, "I do apologize for guessing on that number, I'll get you the definite figures."

Chairman Winters said, "All right, thank you Irene. Next item."

L. BUREAU OF PUBLIC SERVICES.

1. RESOLUTION ESTABLISHING TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS ALONG SECTION LINE ROADS WITHIN OR ABUTTING EAGLE TOWNSHIP, AND PROVIDING FOR THE ENFORCEMENT THEREOF. DISTRICT #3.

Mr. Mark R. Borst, P.D., Deputy Director, Bureau of Public Services, greeted the Commissioners and said, "When a township requests our office to look at intersections on section line roads within their jurisdiction or within their boundaries, we go out and perform a field study, make recommendations to them and ask for their concurrence or comments. the Resolution before you was a result of a request from Eagle Township and it reflects their comments and concurrence for what was most appropriate in their township and I would recommend you adopt the Resolution."

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

Chairman Winters said, "Mark, I think you said this, but you have then visited with Eagle Township and they then concur with the recommendations that you are making here?"

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Mr. Borst said, "Yes, what our process is, we go out and perform the field study, give them written recommendations and it is in the same form as the appendix to the Resolution. We ask for their concurrence or comments. We did have some comments and we reevaluated some locations and went with their preferences in this case which is not necessarily unusual for us and put that into Resolution format for your consideration."

Mr. David Spears, Director, Bureau of Public Services, said, "Page 166 of the backup shows their concurrence."

Mr. Borst said, "Yes, we ask for their written concurrence."

Chairman Winters said, "All right, I see that. So it is something that you are working with them on. I mean you don't just . . ."

Mr. Borst said, "This one came via telephone. I usually ask for a written request for backup purposes. I don't have that in this case, but yes, we worked over quite a long time on this one to get this where they were comfortable with what would be going in."

Chairman Winters said, "Okay, very good. Any other questions or comments? We have a Motion before us to adopt the Resolution. Any other comments? Seeing none, call the vote please."

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. Next item."

- 2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER THREE WITH CORNEJO & SONS, INC. ON SEDGWICK COUNTY PROJECT NO. 618-33; CENTRAL RELOCATION BETWEEN WEBB ROAD AND GREENWICH ROAD. CIP #R-76. DISTRICT #1.**

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Mr. Spears said, "Item L-2 is a Modification of Plans and Construction for the road improvement project on the Central relocation between Webb Road and Greenwich Road designated as R-76 on the Capital Improvement Program. This project has been constructed and is ready to be finalized. There will be a net decrease of \$4,828.41 due to variations in planning quantities from actual field measurements. Recommend that you approve the modification and authorize the chairman to sign."

MOTION

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

Commissioner Hancock seconded the Motion.

Chairman Winters said, "Commissioner Schroeder."

Commissioner Schroeder said, "Dave, one question. The old Central Street location, has that now been turned back over to the property owner, Raytheon?"

Mr. Spears said, "No, it has not and we've made contact with them several times and they are in the process of working on that to vacate . . . you're talking about vacation of the original Central Street, also with that Cessna is in the same process now on Pawnee. Both companies are . . ."

Commissioner Schroeder said, "We haven't finished Pawnee yet."

Mr. Spears said, "They have to request that themselves and send that to Metropolitan Area Planning Department."

Commissioner Schroeder said, "They haven't requested it yet?"

Mr. Spears said, "No."

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Commissioner Schroeder said, "Let me ask Rich Euson. Rich, what kind of liability do we have for this street if it has not been vacated? Are we still responsible for law enforcement, maintenance, and if an accident occurs there can the County be found responsible if stop signs, yield signs, are not up where they should be?"

Mr. Euson said, "Commissioner, the road has been effectively closed and as a closed road we really don't have any duty to maintain it or erect stop signs or the light. However, the County still owns it and the County still owns a permanent easement in it and it would be appropriate that it be vacated at some time."

Commissioner Schroeder said, "Well I know it has been closed but people are still using it. I mean they are still driving on it. Traffic is still going back and forth across it."

Mr. Spears said, "I would say within their campus area. They've constructed the runway across that now."

Commissioner Schroeder said, "They're still using it. I think we're still liable because it hasn't been vacated. It is still a County right-of-way. Now that is just like you could close out a bridge at one end of the other and nobody can use it but because we closed off the street doesn't mean the people that travel back and forth across the street from one parking lot to another or one administration building to a plant and they get into an accident, who's liable? That's what I'm saying. If it has not been vacated it is still our property and not Raytheons, right? I guess my concern is we need to move along on vacating that property and it just frankly surprises me that the road is now complete and they haven't asked for that to be vacated yet."

Mr. Spears said, "Commissioners, we have supplied them with all the information that they need. In other words, a total description of the entire road, the actual legal description of the road that needs to be vacated, we have supplied that to them and the ball is in their court and has been."

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Commissioner Schroeder said, "It may be in their court, but if it is a foul we are going to get called for it. It's just like Pawnee. I'll tell you what, I will not allow the new Pawnee relocate to be open until that street is vacated. I don't want to have two streets open there because I think we're still liable one way or another if somebody has an accident on our property, even though it may be closed at one end or the other, there is still going to be traffic going up and down that street and it needs to be vacated about the same time the other one is opened. I think for us to just kind of wait until they want to do it is probably not in our best interest in my opinion. I would just suggest we push these people to the max and try to get these two properties vacated but I sure don't want to open up Pawnee. Central is a wonderful street and we've done, I think and I'm sure Betsy agrees, a wonderful job of providing what they needed. Now it is time for them to reciprocate, come back, and vacate that street."

Mr. Spears said, "I can assure you Commissioner, our staff has been calling them on a regular basis trying to push it the best we can."

Commissioner Schroeder said, "I appreciate that, thank you David."

Chairman Winters said, "I guess a follow up question to Rich. Do we have to, if the County owns a right-of-way for a road, do they have to initiate the vacation process, the property owners or can we initiate the process of saying we currently have an easement right-of-way and we're giving it back? Can we initiate this action?"

Mr. Euson said, "No, I wish it were like zoning where we could, but it isn't. The statutes say that must be initiated by the abutting property owner and provides only for them to initiate it. The way to resolve it certainly is to, in anticipation of these relocations, is to enter into agreements with the property owners to require them as a condition of opening up the new road to vacate the old."

Chairman Winters said, "Well, I guess I understand that but I think that is kind of backwards. It seems like if we own the right-of-way and we want to give it back to the property owners we ought to be able to just give it back to the original property owner from whom it came in the beginning. I'm sure this can be resolved."

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Commissioner Schroeder said, “Cessna wants this closed off, I’m sure this is part of what they would like to see in the way of a developing campus like Beech or Raytheon has done, so why isn’t it in their best interest to get moving on? One reason is that they’re not liable for anything on that property as far as they can see until it is vacated. If somebody gets hurt or killed in a traffic accident on that stretch of Pawnee that will be vacated. Say we open up our stretch and we close that, I’m sure they are going to say hey, we had not vacated that property, we hadn’t even asked for it to be vacated, we don’t feel that we’re responsible for it. I can just see a lawsuit waiting out there that is going to be a mess. I would just suggest and I’ve told David before and Rich and I’ve had this conversation, we don’t open it until that’s vacated on or about the same time. I just think we’re not doing ourselves justice by letting that lay there until they feel that they’re ready to vacate it. That’s just my personal opinion. I think that if we leave ourselves open and I wouldn’t have any trouble with an agreement that said until the vacation process is in order we don’t open those roadways.”

Mr. Spears said, “You don’t need an agreement Commissioner. We can go through a process and close any road that the Commission so desires to close.”

Commissioner Schroeder said, “Okay, but I want them to take it back. That is the reason. We’re not doing this because we want it. We are vacating Central and Pawnee because it is in the best interest of those companies to move those streets away from runways or from the Campus and it is in the best interest of Cessna to move Pawnee up next to the turnpike because then it opens up their campus and they don’t have that traffic coming through their campus which is a hindrance to their pedestrian traffic.”

Mr. Spears said, “Right.”

Commissioner Schroeder said, “So it is to their advantage to do this and I think Rich needs to develop some kind of agreement, if you will, to get them started on this process.”

Mr. Spears said, “We had the same situation when we built the turnpike drive and then they vacated the frontage road along K-15 and made that part of their campus. We also had the same thing going over at the Tyler relocate. Of course that piece is inside the City limits of Wichita. When we build Tyler we’ll have the same scenario. We actually have three projects right now where that needs to be done.”

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Commissioner Schroeder said, "Well, that's fine. You know both of these projects were critical type projects that needed to be done right away and we get out there and we do our best to get them done in a timely manner and then those streets are left like they are and so you just wonder if we're doing what we ought to be doing in the way of communication and getting these people to move."

Mr. Spears said, "We're doing our best. We've given them the legal descriptions and we call on a regular basis."

Commissioner Schroeder said, "Okay, thanks David."

Commissioner Gwin said, "Excuse me Mr. Chairman. Do we have any opportunity or legal authority to contact these companies and tell them that this is what we expect them to do? I mean, I know David has probably been asking and his people. I mean, as a Board of County Commissioners, is there some way we could word a letter that would tell them to get with it?"

Mr. Euson said, "We could certainly ask them to do that, of course I can't see that they have any incentive to do it. I have an idea that I'd rather not discuss here but I'd like to discuss with Dave and then perhaps discuss with you all and as a way of possibly resolving this and if you would allow me to do that I'll report back to you."

Commissioner Gwin said, "Okay, you and David could discuss what he's done to this point and what you might suggest with him. That would be fine. Thank you Mr. Chairman."

Chairman Winters said, "All right, I think that would be a good idea. If you'd talk about that and give the Commissioners back something in a week or so on how you plan to proceed, I think that would be a good idea."

Mr. Euson said, "Okay."

Chairman Winters said, "All right, I've lost track. Did we have a Motion to approve this?"

Commissioner Gwin said, "A Motion and a second."

Commissioner Schroeder said, "I apologize."

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Chairman Winters said, "We have a Motion and a second. Is there any further discussion? Seeing none, call the vote."

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. Next item."

- 3. CONSIDERATION OF MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL WITH UTILITY CONTRACTORS, INC. ON SEDGWICK COUNTY PROJECT NO. 622-3-3960, BRIDGE ON 15TH STREET SOUTH OVER THE NINNESCAH RIVER (B-231); 646-2-4780, BRIDGE ON 111TH STREET SOUTH BETWEEN 375TH AND 391ST STREETS WEST (B-242); 624-2-2365, BRIDGE ON 23RD STREET SOUTH BETWEEN 375TH AND 391ST STREETS WEST (B-244). DISTRICT #3.**

Mr. Spears said, "Item L-3 is a Modification of Plans and Construction for three bridges included in one contract. This includes the bridge contract on 15th Street South over the Ninnescah River designated as B-231, the bridge on 111th Street South between 375th and 391st Streets West designated as B-242, and the bridge on 23rd Street South between 375th and 391st Street West designated as B-244. All of these bridges are in accordance with the County Improvement Program. These projects have been constructed and need to be finalized out. There will be a net decrease of \$8,144.05 due to variations in planning quantities from actual field measurement. Recommend you approve the modification and authorize the Chairman to sign."

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MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' JANUARY 16, 1997 REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have before you minutes from the January 16 meeting of the Board of Bids and Contracts. There are five items for consideration.

**(1) ½ TON EXTENDED CAB PICKUP - MOTOR POOL
FUNDING: MOTOR POOL**

"Item one is a ½ ton extended cab pickup for the Central Motor Pool and the Bureau of Central Services. It was recommended to accept the low bid of Rusty Eck Ford in the amount of \$16,750.

**(2) HARDWARE & SOFTWARE MAINTENANCE
FUNDING: EMERGENCY TELEPHONE SERVICES**

Regular Meeting, January 22, 1997

“Item two, hardware and software maintenance for Emergency Communications. It was recommended to accept the sole source bid of PRC Public Management in the amount of \$66,357.71. That’s for hardware and software maintenance for 1997.

(3) **HARDWARE & SOFTWARE MAINTENANCE - INFORMATION SERVICES**
FUNDING: INFORMATION SERVICES

“Item three, miscellaneous hardware and software maintenance agreements for Information Services from the vendors you see listed, IBM Corporation, Xerox Corporation, Information Builders, and Storage Technology. It was recommended to accept those sole source bids for a grant total of \$456,682.87.

(4) **EMERGENCY GENERATOR - EMERGENCY COMMUNICATIONS**
FUNDING: EMERGENCY COMMUNICATIONS

“Item four is an emergency generator for Emergency Communications and Central Services. It was recommended to accept the low bid of A & H Electric for \$105,750.

(5) **DIGITAL TELEPHONE SYSTEM - MOTOR POOL**
FUNDING: MOTOR POOL

“Item five is a digital telephone system for the Central Motor Pool. It was recommended to accept the low proposal of Tele-Systems for the base price and the additional line cards and some additional components for a grant total of \$13,001.

ITEMS NOT REQUIRING BOCC ACTION

(6) **EXTERIOR FINISH 207/209 N. EMPORIA - CAPITAL PROJECT**
FUNDING: CAPITAL PROJECT

(7) **40 FOOT TRAILERS - MOTOR POOL**
FUNDING: MOTOR POOL

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“There are two items that do not require action at this time. That is the exterior finish of 207/209 N. Emporia for Capital Projects and the Department of Corrections. It was moved to table that item and 40 foot trailers for Central Motor Pool and the Bureau of Public Services. Those bids are being reviewed. I’d be happy to take questions and 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 Gwin 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 Darren. Next item.”

CONSENT AGENDA

N. CONSENT AGENDA.

Regular Meeting, January 22, 1997

1. Right-of-Way Easement.

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, as condition of receiving a platting exemption on an unplatted tract.

Road Number 594-34, Owner: Don Moser, dba Ultimate Homes, Inc., located in the Southwest Quarter of Section 15, Township 25 South, Range 2 East, more specifically located on the north side of 101st Street North and east of 111th Street East (Greenwich Road). Lincoln Township. District #1.

2. Right-of-Way Instrument.

Three Easements for Right of Way for Sedgwick County Project 614-E½ 34, 35, 36; 21st Street North between the K-96 Bypass and the Butler County Line. CIP #R-197. District #1.

3. 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>
C96020	\$176.00	\$170.00
V93118	\$126.00	\$121.00
V94081	\$212.00	\$222.00
V94034	\$214.00	\$210.00
V96099	\$223.00	\$249.00
C96081	\$191.00	\$204.00
V95096	\$474.00	\$433.00

Regular Meeting, January 22, 1997

4. Plat.

Approved by the bureau of Public Services. The County Treasurer has certified that taxes for the year 1996 and prior years are paid for the following plat:

St. Peter the Apostle Catholic Church Addition

5. Orders dated January 15, 1997 to correct tax roll for change of assessment.

6. Consideration of the Check Register of January 17, 1997.

7. Budget Adjustment Requests.

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970053	Prosecutors Training Fund	Supplemental Appropriation
970054	Prosecuting Attorneys Special Trust Fund	Supplemental Appropriation
970055	Corrections	Supplemental Appropriation
970056	Corrections	Supplemental Appropriation
970057	Corrections	Supplemental Appropriation
970058	Corrections	Supplemental Appropriation
970059	Home Based Supervision	Supplemental Appropriation
970060	COMCARE-Gateway	Supplemental Appropriation
970061	COMCARE-ATS/ WATS	Supplemental Appropriation
970062	COMCARE-Heartland	Supplemental Appropriation
970063	COMCARE-Hunter Health Supplemental	Supplemental Appropriation
970064	Aging	Supplemental Appropriation
970065	Capital Projects	Supplemental Appropriation
970066	Aging	Supplemental Appropriation
970067	1997 Road & Bridge	

Regular Meeting, January 22, 1997

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970068	Sales Tax Huckleberry Addition - Streets	Supplemental Appropriation Supplemental Appropriation
970069	1996 Bridge Projects	Transfer

Mr. Buchanan said, "Commissioners, you have the Consent Agenda before you and I would recommend you approve it."

MOTION

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Miller 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, "Now we do have a Sewer District meeting today. As this time I will recess the Regular Meeting of the Board of County Commissioners."

The Board of Sedgwick County Commissioners recessed to the Sewer District meeting at 12:11 p.m. and returned at 12:13 p.m.

Chairman Winters said, "I'll call back to order the regular meeting of the Board of County Commissioners of January 22, 1997. Commissioners, is there other business to come before this Board? We do need to have an Executive Session."

O. OTHER

Regular Meeting, January 22, 1997

MOTION

Commissioner Miller moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with legal counsel on matters privileged in the Attorney/Client relationship relating to pending claims and litigation, legal advice, and personnel matters of nonelected personnel and the Board of County Commissioners return from Executive session no sooner than 12:45 p.m.

Commissioner Gwin 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, "We are recessed into Executive Session for thirty minutes."

The Board of Sedgwick County Commissioners recessed into Executive Session at 12:14 p.m. and returned at 1:43 p.m.

Chairman Winters said, "Let the records show that we are back in session. Let the record show that there was no binding action taken in Executive Session today. Rich, do you have anything else to come before this Board?"

Mr. Euson said, "No sir, I don't."

Chairman Winters said, "Anyone else have anything else to come before this Board? Seeing nothing, this meeting is adjourned. Thank you."

P. ADJOURNMENT

Regular Meeting, January 22, 1997

There being no other business to come before the Board, the Meeting was adjourned at 1:43 p.m.

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

THOMAS G. WINTERS, Chairman
Third District

PAUL W. HANCOCK, Chair Pro Tem
Second District

BETSY GWIN, Commissioner
First District

MELODY C. MILLER, Commissioner
Fourth District

MARK F. SCHROEDER, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1997