

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

FEBRUARY 12, 1997

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, February 12, 1997, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Commissioner Betsy Gwin; Commissioner Melody C. Miller; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. James Alford, County Clerk; 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. Deborah Donaldson, Executive Director, COMCARE; Mr. Kenneth Keen, Director, Information Services; Ms. Patti Davis, Administrative Specialist, Department on Aging; Mr. Doug Russell, Director, Department on Aging; Mr. David C. Spears, 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. Phyllis Buchanan, 3141 Key West Court, Wichita, Kansas
Mr. Roger K. Wilson, 300 West Douglas, Suite 330, Wichtia, Kansas
Ms. Carol A. Bloodworth, City Administrator, Cheney, Kansas
Mr. Bruce C. Bergmann, 8401 S. Meridian, Wichita, Kansas
Mr. Rob Hartman, 303 S. Topeka, Wichita, Kansas
Mr. Paul Buchanan, Judge, 18th Judicial District Court

INVOCATION

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

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES:

Regular Meeting, January 22, 1997

The Clerk reported that all Commissioners were present at the Regular Meeting of January 22, 1997.

Chairman Winters said, "Commissioners, you've had a chance to review the Minutes, do I have a Motion concerning the Minutes of January 22?"

MOTION

Commissioner Gwin moved to approve the Minutes of January 22, 1997, 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 W. Hancock	Absent
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Now, do I have a Motion considering the Minutes of January 29?"

MOTION

Commissioner Gwin moved to approve the Minutes of January 29, 1997, as presented.

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

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 and sewer district agenda. I am available for questions if there are any."

Chairman Winters said, "Thank you very much Becky. I see no questions at this time."

Ms. Allen-Bouska said, "If I could, I'd like to take a second to introduce a WSU student who is with me today and shadowing and watching the meeting. Her name is Kristi Lane and she's standing right behind me."

Chairman Winters said, "Very good. Welcome to Sedgwick County today. Thank you both. Next item."

PROCLAMATION

A. PROCLAMATION DECLARING FEBRUARY 1997, AS "AMERICAN HISTORY MONTH."

Chairman Winters said, "Commissioners, I have a Proclamation that I would like to read for your consideration this morning."

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PROCLAMATION

WHEREAS, the month of February is the birth month of two of our greatest Presidents -- President Washington and President Lincoln; and

WHEREAS, the Daughters of the American Revolution designate February as American History Month; and

WHEREAS, our history is important for each citizen of our Country; and

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

“AMERICAN HISTORY MONTH”

and call upon the residents of Sedgwick County to reflect upon the history of the United States of America.

Chairman Winters said, “Dated February 12, 1997.”

MOTION

Commissioner Gwin moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

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Chairman Winters said, "Here accepting the Proclamation is Ms. Martie Nelson and if there are others from the Daughters of the American Revolution here, would they please stand. Did anyone else come with you this morning? Yes, that's very good."

Ms. Phyllis Buchanan said, "We have several and I'm Phyllis Buchanan. Martie had a sick child so I'm filling in. May I respond?"

Chairman Winters said, "Yes, certainly. We'd be pleased to hear from you."

Ms. Buchanan said, "Chairman Winters and members of the Commission, thank you for proclaiming February as American History Month. The history of our country is very important to the Daughters. The Daughters of the American Revolution have seven chapters in the Wichita area. They are Eunice Sterling, Floris Del Sol, Little Arkansas, Little Osage Trail, Martha Loving-Ferrell, Randolph Loving and the Wichita Chapter. Each Chapter's name is of historical significance. Thank you, this is lovely."

Chairman Winters said, "Thank you very much. We hope you have a number of good activities during this month of February. Thank you very much. Next item."

APPOINTMENTS

B. APPOINTMENTS.

- 1. RESOLUTIONS (3) APPOINTING NANCY BACON (CHAIRMAN WINTERS' APPOINTMENT), JAMES HALSIG AND HAROLD PRESTER, JR. (COMMISSIONER HANCOCK'S APPOINTMENTS) TO THE SEDGWICK COUNTY ANIMAL CARE ADVISORY BOARD.**

Mr. Rich Euson, Acting County Counselor, greeted the Commissioners and said, "We have prepared three Resolutions for each of these appointees. They are all reappointments to the Sedgwick County Animal Care Advisory Board. They are four year terms which expire on February in the year 2001, and we recommend those for your approval."

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

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MOTION

Chairman Winters moved to adopt the Resolutions.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Winters said, “If any of those people are present, we would have them come forward and be sworn in at this time. If not, we’ll mail that information. Next item please.”

2. RESOLUTIONS (6) APPOINTING CARL GALLER, HARRIET GRIFFITH, GEORGIA PTACEK (COMMISSIONER HANCOCK'S APPOINTMENTS) AND LOUIS ANTONELLI, EDWARD L. KEELEY AND LUCILLE A. SHIFTON (CHAIRMAN WINTERS' APPOINTMENTS) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.

Mr. Euson said, “Commissioners, these are also appointments for four year terms. They also all expire on February 28, 2001, and we recommend these for your approval.”

MOTION

Commissioner Gwin moved to adopt the Resolutions.

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

Chairman Winters said, "Now I do believe some of those folks are here. Mr. Galler is here, Harriet Griffith, George Ptacek, Louis Antonelli, if you would come forward, or Ed Kelley and Lucille Shifton."

Mr. James Alford, County Clerk, said, "Would you raise your right hands please and repeat after me.

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 Sedgwick County Mental Health Advisory Board, so help me God."

Mr. Carl Galler repeated the oath.

Ms. Harriet Griffith repeated the oath.

Chairman Winters said, "The Board of County Commissioners appreciate very much citizens taking active parts in our Advisory Board. Thank you all for agreeing to serve. Next item please."

3. RESOLUTIONS (3) APPOINTING PHILLIP E. KOTTLER, JUDGE GREGORY L. WALLER AND TRUMAN WARE (COMMISSIONER HANCOCK'S APPOINTMENTS) TO THE SEDGWICK COUNTY DEVELOPMENTAL AND PHYSICAL DISABILITIES ADVISORY BOARD.

Mr. Euson said, "Commissioners, these are also reappointments, also being four year terms expiring February 28, 2001, and we recommend these for your approval."

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MOTION

Commissioner Miller moved to adopt the Resolutions.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, “If any of those folks are here, Phillip Kottler, Judge Waller, Truman Ware, would you please come forward? Truman is here.”

Mr. Alford said, “Good morning, raise your right hand and repeat after me.

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 Sedgwick County Developmental and Physical Disabilities Advisory Board, so help me God.”

Mr. Truman Ware repeated the oath.

Chairman Winters said, “Truman, the Board of County Commissioners appreciate it when citizens take time to serve on these advisory boards. Thank you for your work.”

Mr. Ware said, “Thank you very much.”

Chairman Winters said, “Next item please.”

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CITIZEN INQUIRIES

C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING MOBILE HOME REGULATIONS.

Chairman Winters said, "Ladies and gentlemen, this is a time when citizens who would like to address the Board of County Commissioners, we do have time available for that to happen near the beginning of meetings. What is needed is a request, at least a week before our meeting, be made to either the Manager's Office or to one of the Commissioner's Office, about the desire to speak. You are limited to five minutes and please state your name and address for the record."

Mr. Roger K. Wilson said, "My address is 300 W. Douglas, Suite 330, that's my office address, Wichita, Kansas. I'm here to address the present policy or allowing virtual unrestricted manufactured mobile home placement in unincorporated areas of the County. My client is facing the results of that policy and some of the problems it can create and I'd like to use him and his situation as an example of why this matter needs to be addressed. First, however, I want to remind the Commission that there is additional support for the matters about which I am to speak. There is a letter addressed to Chairman Winters from Carl Coster, who is the Mayor of Cheney, Kansas. There is a statement from approximately 54 land owners in and around Cheney. Carol Bloodworth, who is the City Administrator of Cheney is here to speak on its behalf after me.

"Presently, the policy to which I refer is that a manufactured mobile home may be placed on five acres without platting or a zoning hearing of any kind or notice to surrounding land owners of any kind. In many unincorporated areas of the County, particularly in western Sedgwick County and northern Sedgwick County, there appear to be no checks on the growth of developments that are reflected by the survey that is on the easel. My client has a home north of Cheney that he built in 1983 and while I'm not well versed in quite what happened at the time, but I think in 1985 the rules changed to allow this kind of development. He now faces the prospect of being surrounded on two sides by five, one side by five five-acre lots available for manufactured mobile home development, and on the south by five five-acre lots. This is his home up in this area and to the east of him is another residence. Highway 54 runs to the south. Cheney Road runs to the east along these properties.

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“There is an easement road and this road is granted by deed through an easement to which Mr. Zogleman uses to get to his property and he has personally been maintaining this road up to this time. These particular lots as I am using as an example, are limited to the north 350 feet of each lot for improvements with the balance of each lot required to be free of improvements and that is based on an agreement between the land owner and an oil and gas lessee and in fact, the southern portion of all these lots is open for oil and gas development.

“It is my understanding that if manufactured mobile homes were placed on each of those lots they would be visible from Highway 54 and from the Cheney Lake Road. This is my client’s dilemma and we understand that the Commission needs to view this problem from a county-wide perspective. You can’t just concentrate on one area and with that in mind, we believe that developments such as this are contrary to the Wichita/Sedgwick County Comprehensive Plan in that they threaten the preservation of Sedgwick County farmland. They ignore consideration for effect on neighboring properties and community facilities. They promote leap frog development and we believe they denigrate the visual image of our physical environment. These are all ideas from the Comprehensive Plan.

“We are requesting of the Commission, first of all, a moratorium on such developments until the Commission can review this problem and put in place certain protective measures to guard against these type things. After that, we believe if there were an expansion of areas in the County, including specifically the area surrounding the area of Cheney, and this is within the three-mile limit of Cheney, to require formal platting of 20 acres or less and prohibiting non-residential design mobile homes on less than 20 acres at least without a hearing. We would advocate agricultural zoning for this area, which would require a minimum of twenty acre lots for residential use in unincorporated areas of the County, including what are known as residential design mobile homes. Finally, a restriction on manufactured mobile homes to designated parks or areas specifically platted for their use per Mayor Coster’s letter.

“I would simply conclude by reading from page 21 of the Comprehensive Plan that I think sort of summarizes what this is all about. It states there that if it were not quite so easy to carve up farm tracts, then much of that residential demand could be redirected to the smaller cities of Sedgwick County. Rural townships and school districts would be less burdened by service demands and more of the rural landscape would be preserved. We trust the Commission will give this matter the serious consideration it deserves and act accordingly. Thank you.”

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Chairman Winters said, "Thank you Mr. Wilson. We appreciate your coming and sharing your views of those of yourself and your client with the Commission. Next item."

D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING PROBLEMS OCCURRING UNDER THE CURRENT SYSTEM OF DEVELOPMENT APPROVAL.

Ms. Carol A. Bloodworth, City Administrator, City of Cheney, Kansas, 107 Washington, Cheney, Kansas, greeted the Commissioners and said, "I'd like to speak to this issue as it addresses the issue of the planning area around the smaller cities. Some of us need to be reminded sometimes that Sedgwick County is the fourth largest producer of agricultural products in the State and we are an agricultural county as well as an urban county. The planning area of Cheney is less than three miles because of its proximity to Kingman County and to Garden Plain. Within that area we have currently 153 mobile homes. We have had two of these developments within our planning area within the last five years. The City of Cheney and its Planning Commission work very hard on its planning for orderly development of the area around its perimeter as does Wichita and as does other small communities. These kinds of developments as the planning requirements are now are a no notification kind of development. These develop without any notification to the city that they are going to be platted.

"As he spoke before, we're losing a lot of prime agricultural ground to these kinds of developments in which the public has put in a lot of money in waterway improvements and terracing land shares and when they are developed these things are immediately removed for residential development purposes. It is a real waste of the taxpayer's money to have no way of recovering these funds that are invested by the public in those properties. The City of Cheney is currently working on our land use plan in that three-mile area and we have lost about one quarter of that area that we were planning our land use for to these type of developments within that area. It is very difficult to make a comprehensive plan that makes anything that helps the development of the community when there is no control over this type of development.

"I would request that any development of four or more units within a rural area, a rural communities' rural planning area, be required to plat regardless of size. That way, proper services could be planned for and provided. On this particular map, and I think if I may point out the access road, that will serve those interior lots, the City of Cheney provides emergency medical services and fire services to this area.

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"I would also like to see that any developments of this type within planning areas be developed with adequate roads to provide adequate services, no minimal, but up to township standards, to provide emergency services to interior lots of that type. We hope you will consider making reconsideration of some of the planning requirements for some of those areas in the planning areas of the smaller cities so that those smaller cities may have some protection in planning for services and providing things for folks who live in those areas."

Chairman Winters said, "All right, thank you very much Carol. We appreciate your coming to share your views with the Commission. Next item."

E. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING A DEVELOPMENT NEAR CHENEY, KANSAS.

Mr. Bruce C. Bergmann said, "I live at 8401 S. Meridian here in Wichita. I am the land owner. I made a bunch of notes here so I wouldn't forget anything. First of all, I would like to mention though that this is in Sedgwick County jurisdiction. It is outside of Cheney's jurisdiction as I understand it.

"Before buying the property, I checked with the Sedgwick County Planning Department. They explained to me, at that time, that this property was platting exempt on tracts of five acres or more and that single, double wide, and stick built homes were permitted. I went ahead and purchased the property on July 5, 1995 at an auction. I closed on the property August 3 of the same year. After the auction, Ken Zogleman, the neighbor who is pressing this who lives up here, approached me. I believe at the time he knew already what I had in mind because I had talked with the bank there in Cheney. Being a tight knit community, I think it was passed along. I told him at that time what I had in mind so he was well aware of that and this was over a year and a half ago.

"After I purchased the property, there was an oil lease on this property which would have affected me selling it and so I worked out an agreement that has been recorded with the Register of Deeds and that took roughly ten months from start to finish and as you can imagine, I ended up paying for the attorney fees for the oil company part of the agreement, my attorney fees, also there is an existing oil well further south down here that you can't see. I was forced to fence his as part of our compromise.

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“Originally, I was going to go ahead and develop the entire part, but because of the way it worked out with the oil company, they agreed that we would compromise and they would allow me to sell these 58 acres total. After that, I had the land surveyed into ten five-acre tracts. Like I say, this has been recorded with the Register of Deeds. I’ve also had individual tax key numbers assigned to each tract. Some of the regulations I’ve had to satisfy real quick. The Health Department required percolation and boring tests, which I did. Some tracts will have to have some terraces be leveled. Some of these over here, I just talked to Bob George who works with County, he’s real helpful in helping me understand all of this. There will be a need to have some leveling done but that shouldn’t be a problem. He did require me to put a cul-de-sac in, which I have done at the end of the private drive there, which they were talking about. Incidentally, that private drive is on my property also. The other neighbors have use of that and I have no problem with that. We did put a cul-de-sac in to facilitate fire engines being able to turn around. In fact, he suggested too that I record a document, which I did with the Register of Deeds, dealing with the upkeep of the private road. Basically, what that does is each person, once all five tracts have been sold, each person will share in the upkeep of the road.

“Also, I’ve been to the Garden Plain City Commission twice to see if they would allow residential hookups to their water line, which runs on the north side of this development and they agreed to. There is an eight-inch water line that runs along here that feeds Garden Plain.

“After all that was finally finished, I listed the property officially with Weigand on June 11 of last year. Right away, they put up a Realtor sign and it has been up there ever since. That was about eight months ago. I’ve also had a portable sign down in the corner which is visible to Kellogg. On that sign, I stated that mobile homes were permitted. So in other words, this was nothing new, everybody knew what was going on. On January 14 of this year, I sold tract three. In fact, there is a mobile home there now, a brand new single wide and I believe the people are living there. Also, on January 15 of this year, I signed an agreement with a major mobile home distributor here in town that is going to place a brand new double wide on tract ten. This should be happening within the next month or two. Also, they’ve agreed to pay me so much per tract six, seven, eight, and nine, exclusive rights to sell those. They are talking about simply putting probably double wides on tracts six, seven, eight, nine, and ten. These will all be brand new.

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“This property is located roughly three miles outside of Cheney. Like I say, it is not in their jurisdiction. This is strictly in Sedgwick County and as far as population around there, it is very sparse. With the exception of those two homes there, there is one house over here about 1/8 a mile away and other than that, there is hardly anybody out there. To be sure of a quality development I did draft some restrictive covenants which I’d be glad to show everybody if they’d like to see them, because I, as a developer, am also concerned with the cosmetic looks of this development as it has a direct impact upon the salability of these tracts.

“Now the County has been very rigid and exact in their interpretation and enforcement of regulations regarding my development. One case in point was when the Health Department required to do additional work on tract five . . .”

Chairman Winters said, “Mr. Bergmann, are you just about finished?”

Mr. Bergmann said, “Yes, I’ve got about two more sentences. On tract five, when it was determined that the water level there was only a few inches closer to the surface than was acceptable for a septic system, so they were very precise in what they wanted. I went ahead and had the company that I hired go back out and do additional work and we were able to make it work. So to sum up, I hope the County at this late date, will uphold their current zoning regulations with the same unswerving fairness that they have shown upholding their other regulations. I’ve invested a great amount of time and considerable money on this development and as I’m not a wealthy person, a moratorium and/or zoning changes at this late date would be devastating. Thank you.”

Chairman Winters said, “Thank you Mr. Bergmann. I appreciate your coming and sharing your views with the Commission. Commissioners, with your indulgence, Marvin Krout is here for other business. With your indulgence, I’d like to ask him a couple of questions on this matter. Marvin, if you’d please come to the podium. Marvin, I guess by having at least three citizens here talking about an issue, I think I need to understand it a little better perhaps than I do now. Would it be possible that you could develop some kind of short briefing paper for all of the Board of County Commissioners listing some options? I know that just a little over a year ago, we talked about ag zoning. The Commission heard from a lot of agribusiness folks that they were not interested in ag zoning, so we took that track. I’m not sure that’s where we need to head although I’ve told a number of people that if I hear the farm community, the ag-business people of this County wanting to rediscuss that, I think I’d be interested in listening to that.

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“I’m not sure I know all the other options and if you could get something to us that the five Commissioners could look at in kind of a pretty short order of time frame, then perhaps we could tell whether we need to move forward or whether the Commission is willing to accept the regulations we’ve got out there now. Did any of that make sense? Can you see where I’m heading?”

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, said, “Sure, it is a fairly complicated area because it involves lot sizes, types of units, subdivisions’ regulations, but sure, we could put something together probably in about a week.”

Chairman Winters said, “Okay, if you could get something to us in a week or ten days that would allow the Commissioners to review that and see what the options are. If there is some will of the Commission to proceed on with some kind of other exploration of changing our current policies, then we need some background to let us know whether there is the support from the Commission bench to do that. If you could have something in a week or ten days, I think that would be good.”

Mr. Krout responded, “Sure, be glad to do that.”

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

Commissioner Gwin said, “Marvin, just real quickly. On these types of developments, do we treat developments that are going to have mobile homes on them any differently than developments that are going to have stick built houses on them?”

Mr. Krout said, “Not in this part of the County. County-wide, since 1992, and State wide since 1992, the State, by statute, has eliminated the cities and counties ability to differentiate in their regulations between what is called a residential designed manufactured home and a stick built home. A residential designed manufactured home is basically a home that is double wide with pitched roof and similar building materials to stick built homes and on a permanent foundation. The cities and counties in Kansas cannot treat those differently than they would a stick built home in their regulations. Private covenants are valid still, but city and county regulations cannot discriminate between those.

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“Regarding other mobile homes and manufactured homes, in some parts of your unincorporated area, you do have special zoning type requirements in order to establish any unit that doesn’t meet that definition of a residential design mobile home in some parts of the county that are generally close to the cities and in some other sensitive areas, there is a conditional use requirement to place a single wide mobile home basically on an individual lot or you have to obtain mobile home zoning to do a subdivision or a mobile home park.”

Commissioner Gwin said, “Okay. In the information that you bring to us then, I heard some suggestions having to do with changes within the planning areas of the small cities and some hope that maybe we would look at that. Obviously, I think Mr. Bergmann is correct. We know this isn’t within the annex jurisdiction of Cheney but we know from planning that we do have a ring around the small communities so that they do have some say in the developments what happens close to them. I heard Ms. Bloodworth say that she’s interested in us looking at changes within their areas of influence as far as it has to do with these type of developments. I would not only be interested in getting a background of where we’ve been and where we are, but it sure wouldn’t hurt for you all to put your two-cents worth of advice in there for us too and if you have any recommendations, I’d be willing to read those also.”

Mr. Krout said, “Okay, never been shy about it before.”

Commissioner Gwin said, “I didn’t think you would.”

Mr. Krout said, “There really are three separate issues. One is the treatment of mobile homes. One is the issue of lot size and zoning. The other is, as Carol mentioned, subdivision regulations and maybe getting a better handle on how these lots are laid out and serviced.”

Commissioner Gwin said, “I appreciate it. Thank you Mr. Chairman.”

Chairman Winters said, “Thank you. I guess that would be a subdivision regulation. I hadn’t thought about being four more lots, four more units being some kind of mechanism that would trip it into another category either. I’m sure as you develop some options, you’ll explore any that seem to be viable.”

Mr. Krout said, “We’ll have to work with Rich too, in terms of potential legal issues.”

Chairman Winters said, “Thank you very much Marvin. Next item.”

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PLANNING DEPARTMENT

F. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER SCZ-0731 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "SF-6" SINGLE-FAMILY RESIDENTIAL AND "SF-10" SINGLE-FAMILY RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTH AND WEST OF U.S. HIGHWAY 54 AND 159TH STREET EAST.**

Mr. Krout said, “On the regular planning agenda, we have three items this morning and this first case concerns 110 acres, it is located on the north side of Kellogg.

SLIDE PRESENTATION

“This is Kellogg. This is the County line, 159th Street. This is 143rd Street, so we’re dealing with the southeast quarter of that mile section. This is the Belle Terre Addition, which is in the process of developing in the northeast quadrant of that mile and the same property owner and developer is planning to develop this quarter. He has acquired that land and is planning on developing that quarter section. We’re talking today about the northern 110 acres of the quarter section. There is another zoning case and a commercial community plan on the remainder along the Kellogg frontage that has been heard once by the Planning Commission and is going to be heard again this Thursday, so that case should be coming to you in about a month. There were questions about access to Kellogg, improvements to Kellogg in the future, and so that one took a little bit more time to get through the process.

“Right now, we’re dealing with the 110 acres that is proposed for residential uses. You can see the western two thirds is shown as SF-10 and the eastern area is shown as SF-6. SF-6 is the traditional 6,000 square foot minimum lot size, single family category that has always been in the City’s and the County’s zoning code, that allows lots down to 6,000 square feet. The SF-10 is a new category that is a voluntary category for property owners and in this case, the developer chose to restrict those lots that would be developed in that area to a minimum of 10,000 square feet. In the past, sometimes especially if you’re adjoining property owner or subdivision that has large lots then they would have a concern maybe about those lots so that is why we introduced that category as a possibility. So this is the first applicant that has chosen to use that category.

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“As I said, this is a south expansion of Belle Terre. We have a plat that is going through the Planning Commission right now. The area to the east, which is in Butler County, over here is the Green Valley Planned Unit Development in the City of Andover, which is developing for residential and commercial uses. There is a large 80-acre estate immediately to the west plus other suburban subdivisions and Belle Terre immediately to the north.

“The staff recommended approval. This is absolutely consistent with the Comprehensive Plan for urban development in this area. Water and sewer services are both available and this fits into the low density residential category of the plan that is consistent with surrounding development. There was no opposition from surrounding property owners at the Planning Commission hearing. The vote of the Planning Commission after the hearing was ten to two to recommend approval subject to platting. The reason for the two negative votes is that this area, as you will see in the aerial photograph. This is Four Mile Creek and Brookhaven Creek, two major streams that bisect this property and the flood plain extends the existing natural 100-year flood plain extends to probably three quarters of this site. So there will be some filling and grading that occurs on this property that is consistent with FEMA regulations and consistent with County standards and City standards, but there are at least a couple of Planning Commissioners who have concerns about filling of flood plain areas and so that is the reason for their vote in opposition. You can see the surrounding character of the area. You can see some of the Green Valley development although this slide is already a little bit old.

“This is looking north up the County road to Green Valley over here and the site we’re looking at on the left side. This is looking back across 159th Street and this is the property in question. Again, looking at the site. This is 159th Street looking north. Again looking north with Green Valley on the right-hand side and Butler County. Looking again at the Green Valley area. The next several slides I think were of Green Valley. Looking at their entrance road to the east. This is looking again back south and west across the site. South from the Belle Terre Addition down toward Kellogg in the very distance. Looking across the site to the west and up at some of the Belle Terre homes that are under construction or developed. Again, this is Green Valley. This is the plat, the original concept plan based on which the plat has come in and so we’re talking about this residential area. Here you can see the larger lots in the SF-10 area. SF-6 are smaller lots. This is a little patio home area that would be developed off 159th Street. This is the commercial area that will be coming to you in the next month. We can go back to the last slide in case there are any questions. I’ll try to answer any questions you have at this time. The applicant is here if you have any questions of him.”

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

Commissioner Gwin said, "To address some of the concerns of the Planning Commission members who didn't vote for this, I see no homes platted on the far east edge of this except for the patio homes at the corner, is that correct?"

Mr. Krout said, "There will be some large lots over here."

Commissioner Gwin said, "That access 159th?"

Mr. Krout said, "You can see that there is a floodway line that will be established and so this area, there will be a large reserve in the plat that will be maintained as open space all the way down here. But that may require some filling of the fringe of the flood plain."

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

Chairman Winters said, "Thank you. Any other questions of Marvin? Seeing none at this time. At this time, we would take public comment on this issue. If there is anyone here who would like to speak in support of this application, now would be the time for them to come forward. Please state your name and address for the record."

Mr. Rob Hartman said, "I'm with Professional Engineering Consultants. I'm here on behalf of the applicant to answer any questions you might have. As Marvin mentioned, this is a continuation of the Belle Terre development that's out there now. He is planning on continuing to the south in a similar manner that is there now."

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

Commissioner Gwin said, "Rob, the development has gone pretty well on the northern part. What do you anticipate the development time, the build out time on these two areas?"

Mr. Hartman said, "We're thinking probably the next five years to build on out."

Commissioner Gwin said, "Okay. And are the northern or the first phases, are they complete or near completion?"

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Mr. Hartman said, "Pretty near completion. There is still some development on the very south end that is just underway. There is a little bit left to do on the north end, but probably within the next year or two that will be complete."

Commissioner Gwin said, "You would characterize it as a successful development?"

Mr. Hartman said, "Very successful development."

Commissioner Gwin said, "All right. Thank you Mr. Chairman."

Chairman Winters said, "Thank you Commissioner, Mr. Hartman. Is there anyone else here who would like to speak in support of this application? Is there anyone who would like to speak in opposition to this application? Is there anyone in our meeting room who would like to speak in opposition? Seeing no one coming forward, we'll limit discussion to Commission and staff. Marvin, I have a quick question. Apparently the far southern part of this development has not been determined exactly how that is going to look. Is there anything that we should consider about that as we think about this northern part of this development or is that all going to come together pretty well?"

Mr. Krout said, "We think it is going to come together. We've had continuing discussion with the applicant. The main concern was how Kellogg should be treated and what, if any, access should be provided to Kellogg. You can see that there is, in the original plan, a proposed connection between this commercial development and out to 159th. As you'll hear later, one of our goals is to try to plan for some kind of parallel road, and it doesn't have to be a service road that is immediately adjacent to the freeway. In fact, that may not even be preferable. But plan for a road that will carry traffic between 143rd and 159th Street independent of Kellogg so that if and when Kellogg ends up being closed to all access in the future, then they'll be another way to access this development. So exactly how this happens and when and by who are probably the issues that we've talked about but as we've looked at it and looked at this collector road that basically feeds the development, with some modifications to it, we are resolving those issues."

Chairman Winters said, "All right, but as far as Planning staff is concerned, this is an acceptable commercial development area and fits the Comprehensive Plan and is in the right place at the right time?"

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Mr. Krout said, "Yes, definitely. We're talking about the residential development. That's also true of commercial development that is consistent with the plan subject to maintaining access. You can see that they've used the open space to try to divide the proposed commercial from the residential and actually the intensity of use in some of these commercial parcels is limited as you will see in the future so I think it is good planning."

Chairman Winters said, "All right. Well it looks like a good plan to me and I'm certainly one that is pleased that they are doing it on this side of 159th Street instead of the other side of 159th Street. I think it looks like an excellent plan. Commissioners, are there other questions?"

MOTION

Commissioner Gwin moved to adopt the findings of fact of the Metropolitan Area Planning Commission (MAPC) and approve the zone change subject to the condition of platting; adopt the Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication until the plat has been recorded with the Register of Deeds.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

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

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2. **CASE NUMBER SCZ-0733 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL ON PROPERTY GENERALLY LOCATED SOUTH AND WEST OF 23RD STREET NORTH, LOCATED EAST OF THE KANSAS SOUTHWESTERN RAILROAD (5825 WEST 23RD STREET NORTH).**

Mr. Krout said, "We're talking about this strip of land that is less than 300 feet in width. It is along the railroad tracks, as you see, that follow Zoo Boulevard. It is part of an ownership that includes several hundred feet to the east. So there is a total of probably six or eight acres in this area. Back in 1959, the County Commission approved zoning for the purple area immediately abutting to the east. The applicant contends that it was his original intent to include this strip that is adjacent to the railroad, but it was never included in the legal that was advertised or the legal that was established with the County Resolution to approve the zoning. So what we have is this strip of single family zoning that is immediately adjacent to the railroad with industrial zoned area and as you'll see, commercial and industrial type uses to the east.

"The character of this area is very interesting. I mean there is probably about one of everything out here. Hoover Road has a mix of residential and commercial uses. There are mobile homes in this area north of 21st Street. As you see, this area is zoned at Hoover and 21st Street for light commercial uses. It is mostly undeveloped at this time, but will permit light commercial uses. There is a cul-de-sac, although it hasn't been completed dedicated back to Hoover, but there is an existing road that has been used for many years. This portion is called 23rd Street. It is a gravel road. There are businesses off of that road. This property immediately joining is being used apparently to assemble and sell pallets. There is also some other open storage. There is a repair service for recreation vehicles back in this area. Across the railroad tracks, right over here, is a new Rainbows United development. This is all zoned general commercial and contractors have been looking at this area. This is Cox Machine Shop which recently was zoned for expanded use. This area is part of a larger community plan and it is projected for probably office uses. This area is zoned industrial and some industrial use out there. There are gravel pits in this area and also to the east. So there is quite a variety of uses out there. If I could have the slides, I'll give you an idea about it.

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Here is the lake and the office development that will happen. This is where Rainbows has located. This is Cox Machine. Here is some of the older industrial and commercial uses. We are at the end of that cul-de-sac on 23rd Street and looking at the property that was zoned back in 1959 for industrial use and you can see the pallets that are stacked, some warehouse buildings. Behind those buildings and along that back row of trees, where the railroad tracks are located, is this strip of land that wasn't zoned back in 1959. This is looking again from the cul-de-sac to the south and west. That is the tree row with the railroad tracks and so that strip of land is along here and you can see the end of one of those warehouse buildings there. There is some storage of recreational vehicles and guess what, industrial zoning permits a communication tower to that is about a 120-foot monopole that is located and is far enough back from any residential districts that it meets the height requirements and is permitted by right.

"This is the repair area for the recreational vehicles that I talked about to the east of the land that is in the same ownership as the land being requested. We're now looking down toward Hoover Road to the east along 23rd Street but Hoover Road is back in the background. Then to the north which is vacant and unapproved today. Again, the land to the north and the west, mostly unapproved. The lake out there you can see. I think we're looking from 21st Street now across what is mostly vacant land. The railroad tracks would be to the left and there is the communication tower back where the recreational vehicles were located. This is the legal that shows again the ownership that was zoned in '59 and the ownership that is being requested today.

"The staff is recommending approval. This is hardly suitable for single family uses given the character of the surrounding area although the character is somewhat changing and we're seeing some introduction of new development along 21st Street and Zoo Boulevard. The uses in here certainly don't lend themselves and the railroad tracks to residential use and so we recommended approval. The Planning Commission also recommended approval by an eleven to one vote and the reason for that one negative vote was some uncertainty about a pipeline easement. It is actually a water easement that brings water supply from the City of Wichita's Water Department, a major transmission line, down from the aquifer beds along the railroad tracks and some question about where that easement was and how this property would be used. That is fairly common though to have an easement. That is no reason that open storage uses, which are permitted in limited industrial, can't be located in that area. I'll try to answer any other question you have about this."

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Chairman Winters said, "Thank you. Is there anyone here in the meeting room who would like to speak to this case, either in support or opposition? Is there anyone here who would like to speak to this particular case? Seeing no one, we'll limit discussion to staff and bench. Marvin, I'm going to be supportive of this. The one call that I did receive was concerned about the debris on this property or the amount of old pallets and material that could probably burn significantly if a train caught on fire. It was a resident that lives in that area to the east. I don't think they were necessarily concerned about this zoning change but just the general appearance of that property. Is there anything we can do about that or is that a matter for someone else's jurisdiction?"

Mr. Krout said, "Well, I think you could ask the Health Department to look at that situation and they would go out there. The County does have health codes that even in an industrial area require that areas be maintained, that any open storage uses be racked and stacked and that there be areas that are clear for the proper access by emergency fire vehicles. So I can't tell you from looking at the site whether or not there would be some need for some clean-up. There is definitely some debris and some portions of that property that could probably stand to be cleaned up. The use itself, stacking pallets outside is within allowed use in limited industrial, but I think some clean-up might be appropriate and the Health Department could investigate that."

Chairman Winters said, "Thank you very much. Commissioners, are there any other questions?"

MOTION

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

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

Chairman Winters said, "Next item."

3. CASE NUMBER DR 96-20 - AMENDMENTS TO THE UNIFIED ZONING CODE REGARDING CORRECTIONAL PLACEMENT RESIDENCE, GROUP RESIDENCE AND HALFWAY HOUSE DEFINITIONS; AND THE ZONING DISTRICTS IN WHICH THESE USES ARE PERMITTED.

Mr. Krout said, "Commissioners, several months ago there was a special task force, as you know, that was Chaired by Commissioner Miller and also by Council Member Cole, that looked at the issue of locating and regulating Correctional Placement Residences, correctional housing, housing for people who have been assigned to that housing as part of the correctional system, how to deal with those in the City and the County. As a result, there has already been local licensing programs that have been established, both by the City and the County and I understand that a review board has been appointed and has already begun its work. The task force recommended the establishment of the licensing provisions to try to assure some quality control in the operation of these uses and also recommended some changes in the City/County Zoning Regulations. The changes were of two kinds. One had to do with terms and definitions and the other had to do with where should these facilities be located in the City and the County."

"With regard to the terms, what the task force found was that there was a lot of confusion as a result of the current terms in the zoning codes. We have a term called a halfway house which a lot of people who think of normally as correctional housing. In fact, according to the definitions, it was not court ordered correctional housing, it was housing for either people who are youth offenders, which is a different classification altogether for people who were court ordered alcohol and drug programs and needed a residential facility for that."

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“That confusion led to some lack of enforcement, I think, over the years and so we have had situations in some neighborhoods in the city probably have uses that are not really legal according to the zoning code because according to the zoning code today, if you have back ended residence, back ended means people who are ordered to locate in these houses at the end of their prison sentence as they are coming out of prison. As the task force found, most of these facilities included populations of these people. Those are according to the zoning code today, restricted to the central business district and industrial districts and they are not permitted in any residential, office, or commercial districts. So there has been some problems with enforcement partly due to the confusion in terms.

“The task force recommended eliminating the term halfway house, rolling some of the uses in the halfway house category into a category that exists called group residential or group residences and eliminating this distinction between front ended and back ended facilities because they found that most of these populations were mixed and so that distinction would not really be working on the ground and instead creating two size classes, up to fifteen and more than fifteen people. With regard to where the facilities should be located, I think there were a whole variety of opinions from no where in the County to allowing a great deal of flexibility to permit people to integrate in residential settings from these houses.

“As I said, the current ordinance, as a matter of practicality, because most of these facilities have back ended people, really today the current ordinance restricts you to industrial zoning and the CBD. The proposal of the task force was actually to open up the ordinance and allow the possibility for these facilities to be located in office and commercial districts as well. Although there has been some confusion about whether or not this was tightening the regulations or making them more flexible, in our opinion, with effective enforcement, the current regulations are more restrictive than the proposed regulations. This will allow for properties at the edge of neighborhoods potentially in office and commercial districts to obtain a conditional use, if they’re very close to the residential neighborhoods to be located or to rezone property which may be at the edge of an neighborhood to an office or commercial category. It would be very difficult to rezone a property to industrial or CBD unless it was at the edge of an industrial district or very near the downtown area. So probably makes for some more flexibility.

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“There will still be, if you’re within 750 feet of a residential district a conditional use requirement, which there is such a requirement today. If you are within 750 feet of a residential district, you have to apply for a conditional use and the conditional use needs to be approved by the Planning Commission and that’s the public hearing with notice to surrounding property owners. In addition, both the City and the County have adopted a spacing rule in your licensing provisions that will prevent an over concentration of these kinds of facilities in anyone area or one neighborhood.

“I think the task force feeling was that given the efforts of getting quality control through the licensing, recognizing that if you don’t find someplace for these facilities, then offenders will still be released and on their own with no supervision at all. The attempt was to find sort of a compromise in terms of where zoning wise these facilities should be located. So that was the recommendation of the task force. The Planning Commission held a public hearing in December and then in January voted unanimously to recommend approval of the zoning amendments and then yesterday the City Council also adopted the proposed zoning amendments. I’ll try to answer any questions that you might have at this time.”

Chairman Winters said, “All right, thank you very much. Commissioner Miller has some questions and comments and as most folks know, Commissioner Miller has been very active in this issue and knows a lot about what is going on and the Commission certainly appreciates the work that you and Council woman Cole have put in this. I’ll certainly take your advice on what you think we need to do with this. Commissioner Miller.”

Commissioner Miller said, “Thank you Mr. Chairman. Marvin, you said some key words that probably describe what it is we have in front of us today. A Resolution that is basically deleting some definitions, fusing some others, and then adding in what you would call flexibility, a bit more flexibility in siting these types of houses. It is my understanding that the overall intent of the task force was to first of all regulate the industry, which was what we called a cottage industry, it was simply just cropping up and quite frankly, unsupervised. I think we were able to do that. We’re in the process of commencing an authority board that will review. When it comes to the actual zoning changes that we’re looking at today, it was a compromise, but I am very comfortable with what I have in front of me, understanding that even though it does allow for the siting of some of these facilities or the potential siting of these facilities in more places than the current resolution. It also elicits the participation of people, adjoining people within the neighborhood or the residential areas. So I am very comfortable that they will be able to keep their pulse on what is occurring in and around them that will impact them most and I will be supportive of the zone change.”

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

Commissioner Schroeder said, "Marvin, tell me again what the appeals process is in this if somebody wants to put in one of these homes and the residents decide they want to appeal it. What are their avenues?"

Mr. Krout said, "This applies to both the County as well as to the City. In the existing code and you would retain the ability for someone to come in and request a Conditional Use Permit in the County in a residential district for these uses. The Planning Commission has a public hearing. We provide notice to surrounding property owners. In the County it would be 1,000 feet and in the City, it would be probably a smaller area because it is a smaller size. The Planning Commission could choose to approve, deny, or approve with conditions, if the applicant is unsatisfied with either a denial or with the conditions, he can appeal on to the governing body. If the Planning Commission approves it and the applicant is satisfied but a neighbor in the protest area files a protest, then the case is forwarded to the governing body for final approval. It doesn't stop at the Planning Commission unless there is no protest from either the applicant or a neighbor.

"The conditional uses are also subject to the 20% rule, where if the protest amount to 20% of the area in the official notice area, whether it is a City or County area, then it will require a super majority of the governing body to override that protest and approve the Conditional Use."

Commissioner Schroeder said, "Pretty much like we do with other zone cases."

Mr. Krout said, "Just that if there is no opposition from the neighborhood and the Planning Commission recommends approval and the applicant is satisfied then it stops there."

Commissioner Schroeder said, "Very good. Thank you Marvin."

Chairman Winters said, "Are there other questions? I see none."

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MOTION

Commissioner Miller moved to approve the Resolution.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thanks Marvin. Next item."

NEW BUSINESS

G. RESOLUTION ENDORSING THE SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION AND FURTHER ENCOURAGE EXPANSION OF HIGHWAY 54.

Chairman Winters said, "Thank you. Commissioners, I had asked that this be placed on our agenda today. About two months ago, I attended a meeting at the Chamber with a group of regional folks talking about highway initiatives in the state. I thought it was a good meeting, a good presentation, and I would like for you to consider a Resolution supporting some projects on Highway U.S. 54. At this meeting, there was a group from Liberal there talking about what is happening in southwest Kansas. I won't go into all of the details about the proposal that they gave, but to kind of a feel of the size of the meat packing and livestock industry in southwest Sedgwick County, they were telling us that there are sizable packing plants in Dodge City, Garden City, Liberal and Gyman, Oklahoma.

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“In any one day, there are at least 2,600 truck loads of either outbound meat products, inbound supplies, live cattle, cattle feed, moving in the southwest corner of the State of Kansas, with no four lane roads in that part of the state. So they were gathering support for their initiatives to try to gain both federal and state support in a new highway along 54. I would propose, based on that, that we would consider adopting the following Resolution and it is rather short so I'll just read it into the record.

RESOLUTION

WHEREAS, S.P.I.R.I.T. (and that is the acronym of the folks from southwest Kansas) has been created by an organizing committee to act as a catalyst in the promotion, development, and the construction of the widening of U.S. Highway 54 from Wichita, Kansas to Tucumari, New Mexico; and

WHEREAS, S.P.I.R.I.T. will strive to enhance transportation and facilities trade along the route; and

WHEREAS, U.S. Highway 54 has the potential to provide efficient and economical transportation to both industry and tourism, not just through Kansas but through many states.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that it does hereby endorse the Southwest Passage Initiative for Regional and Interstate Transportation, and further that it encourages the widening of U.S. Highway 54 with its potential for providing improved transportation.

“Commissioners, I would make one note that this does not commit us to any kind of financial commitment to this group. It only gives support where appropriate.”

MOTION

Chairman Winters moved to adopt the Resolution.

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

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

H. LAKE AFTON AND SEDGWICK COUNTY PARKS.

**1. AGREEMENT WITH MIDWEST KARTING ASSOCIATION FOR
USE OF LAKE AFTON PARK MAY 3-4, 1997 AND SEPTEMBER 13-
14, 1997 TO HOLD ENDURO KART RACES.**

Mr. Jarold D. Harrison, Assistant County Manager, greeted the Commissioners and said, "This is our annual agreement we've had for several years with Midwest Karting Association which would allow for the Go Kart Races at Lake Afton Park in the spring and fall of 1997. It is a standard form agreement that we have been using with them. It would be subject to the receipt of a certificate of insurance. We've coordinated a date with the park superintendent and would recommend your approval."

MOTION

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

Commissioner Gwin seconded the Motion.

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

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VOTE

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

Chairman Winters said, "Next item."

2. AGREEMENT WITH MID-CONTINENT R/C COMPETITION SPECIALISTS FOR USE OF SEDGWICK COUNTY PARK THROUGHOUT THE 1997 SEASON TO HOLD HOBBY AND PRACTICE RUNS, AND SEPTEMBER 13-14, 1997 TO HOLD RACING EVENTS.

Mr. Harrison said, "This is also the standard agreement we've had with Mid-Continent Radio Control Competition group for several years at the Sedgwick County Park for use of the Tom Scott Lake. They have one regional race this year on September 13 and 14. We do allow, in this agreement, and have four years allowed in this agreement, the use of the park and allows for up to six people for security to stay overnight on the race dates for the equipment that is left in the park. So we'll have camping overnight with this agreement which has been allowed in the past. Again, this could be subject to receipt of a certificate of insurance for this group and we would recommend your approval."

MOTION

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

Commissioner Miller seconded the Motion.

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

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VOTE

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

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

I. ADDENDUM TO CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO EXTEND THE CONTRACT FOUR MONTHS (THROUGH MAY 31, 1997) TO PROVIDE FAMILY ADVOCACY SERVICES.

Ms. Deborah Donaldson, Executive Director, Bureau of Comprehensive Community Care, greeted the Commissioners and said, "This particular contract, actually an addendum to the contract, allows an extension in terms of the work with family advocacy services. As you know, we're approaching this very cautiously because we did have some previously bad experiences with this. We feel like they're moving forward in terms of developing this service and they are working on developing an advisory governing board for that group that is more comprehensive and inclusive, doing the kind of work that we were hoping that they would develop. Be glad to answer any questions."

Chairman Winters said, "All right. Commissioner Miller."

Commissioner Miller said, "Thank you Mr. Chairman. Debbie, are we, for the most part, not contracting but looking to Mental Health Association for their expertise in locating this type of a provider?"

Ms. Donaldson said, "Actually, what we're doing is we're looking at them as the provider but it is more in terms that it would be under their umbrella so to speak in terms of the other things that they do but there would be a separate board that would work with this group."

Commissioner Miller said, "A separate board under whose auspice?"

Ms. Donaldson said, "It would be under the umbrella of the Mental Health Association."

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Commissioner Miller said, "Under the umbrella of the Mental Health Association. And all of it is under our auspice so in terms of quality control, once again so that we can check what we were involved in before, we have ultimate control over that?"

Ms. Donaldson said, "Yes, in terms of quality, of setting goals, outcomes, expectations, we have control over that."

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

Chairman Winters said, "Thank you. Any other questions?"

MOTION

Commissioner Gwin moved to approve the Addendum to 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	Absent
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

- J. **ADDITION OF TWO PART-TIME POSITIONS TO THE INFORMATION SERVICES STAFFING TABLE TO PROVIDE INTERNET WEB PAGE DESIGN AND DEVELOPMENT OF GRAPHICAL USER INTERFACES FOR OLDER APPLICATIONS.**

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Mr. Kenneth A. Keen, Director, Information Services, greeted the Commissioners and said, "For your consideration, we have the addition of two part-time positions as just mentioned to our Information Services staffing table. Each of these part-time positions would be less than twenty hours per week as most and we're going to use an intern concept to see if we can't provide a student in the local area with an opportunity that would benefit us both. It would be our intention first to fill one position, the one dealing with the information for the world wide web first, to augment what has been done essentially by County staff, in some cases on a somewhat informal basis and then in some of the cases some of the departments have gone out and actually contracted with staff to try to provide a little more support in that area. The second one we would fill as we get comfortable with the way this might work that would work to provide more of a window like interface to some of the older applications that we have, particularly for applications that are going outside the Courthouse. The funding involved here is provided by our subscriber access network funds so they aren't technically tax dollars that are involved, \$18,343 would cover both positions for the rest of the year and then of course you have to pay social security, but there are not other benefits such as sick leave, et cetera, for a total cost of \$20,082. I recommend your approval and would be happy to answer any questions."

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

Commissioner Gwin said, "Ken, you're confident that these positions will generate additional user fees to be paid so they can pay the salaries that way?"

Mr. Keen said, "Yes, we're working on some ideas to where we can combine some things back in with some of the work that other departments are doing and try to put some of that information out and still be able to cover costs."

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

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

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Commissioner Miller said, "Just a point of clarification Mr. Chairman. Ken, this is something that we discussed in my office and when you make a statement that they really aren't tax dollars, that there are not tax dollars involved, there are tax dollars involved ultimately, by way of the user access fees monies would go into our general fund normally, correct? Which is something that we would be able to utilize in terms of a budgeting prospective, but instead we're going to divert it and it would remain within this account and therefore be used."

Mr. Keen said, "The contribution to reduce tax dollars coming in would be somewhat less if you adopt this proposal."

Commissioner Miller said, "I just needed that point clarified. I am supportive of it but it does ultimately come from our general fund the way it is currently funded."

Mr. Keen said, "That's correct."

Commissioner Miller said, "The way that it is currently funded."

Mr. Keen said, "That's correct."

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

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

MOTION

Commissioner Gwin moved to approve the addition to the Information Services Staffing Table.

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

Chairman Winters said, “Thank you Ken.”

Mr. Keen said, “Thank you Commissioners.”

Chairman Winters said, “Next item.”

K. ADDITION OF ONE OFFICE ASSISTANT, RANGE 12, TO THE COURTS STAFFING TABLE.

Mr. Paul Buchanan, Judge, 18th Judicial District, greeted the Commissioners and said, “We’re requesting a staffing change to the ADSAP (Alcohol and Drug Safety Action Program) staffing, which provides for a full time Office Assistant in range 12. This position will be paid for 100% by so called user fees, which comes from a \$48.50 court costs which are attached against defendants in DUI cases. The new position will assist in handling paperwork committed by DUI cases and arrange for evaluation and other matters concerning that. That position is in effect self funded by the users on it. It is not tax money.”

Chairman Winters said, “All right, thank you very much Judge. Are there questions? If not, what’s the will of the Board?”

MOTION

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

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

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

Judge Buchanan said, "Thank you members of the Commission. I guess this is the first time in over fourteen years, since I left County staff that I've appeared before the Commission and everything has changed except Mr. Euson."

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

L. PRESENTATION OF AN OVERVIEW OF COORDINATED TRANSIT DISTRICT #12 IN SEDGWICK, HARVEY AND BUTLER COUNTIES ADMINISTERED BY CENTRAL PLAINS AREA AGENCY ON AGING.

Mr. William Buchanan, County Manager, said, "Patti Davis will do the presentation, I just thought I'd introduce it for a second. We saw this presentation a week or so go. There was some questions raised about what we were doing in rural transportation and what those issues might have to do with Sedgwick County. It is important to note that this is another service that we provide, certainly on a County-wide basis but also for our neighbors that we are contracted with. We do that with our neighbors in the adjoining counties. You may have read in this mornings paper, the article regarding the Metropolitan Transit Authority, and what they do. Well, there is a whole other side of that story, the rest of the story is what we do for those who don't have access to those transportation who might live out, who have special needs. The Department on Aging has taken this project on and is leading in many ways in this state and certainly this region about how to do this issue and how to provide this important public service. Assisting Patti today is the Vanna White of the Aging Department, Doug Russell."

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Ms. Patti Davis, Administrative Specialist, Department on Aging, greeted the Commissioners and said, "I am pleased to have the opportunity to tell you about our Central Plains Coordinated Transit District #12, which I will refer to hereafter as CT #12. My presentation today will just give you a general overview of this organization and what it means to us.

SLIDE PRESENTATION

"Why is there a Coordinated Transit District? This was established through a statute in 1992, K.S.A. 75-5051, which authorizes the formation of the Coordinated Transit District in the State of Kansas. There are fifteen, and I will give you a map showing where we are in relation to the rest of the state with the next slide. The purpose of the Coordinated Transit District is to enhance coordination and management of federal transit administration programs and with this structure, it allows leverage at the local level to give us some control over our resource allocation and operations.

"This is the map of the Division of Coordinated Transit Districts within Kansas. There are fifteen. We are number twelve there, consisting of Harvey, Butler, and Sedgwick Counties. Who is Coordinated Transit District #12? The structure is organized so that it is set up with a board. The board consists of four members, one County Commission representative from each of the three counties, and a representative of the providers, which is elected through the Paratransic Council Incorporated. Commissioner Winters is Chairing our Board for calendar year 1997. This is his second term as Chair and we're very pleased to be able to have his leadership again. As I mentioned earlier, the region includes Harvey, Butler, and Sedgwick Counties. The CDT-12 FTA funded programs are operated by the County governments and social service agencies within those three counties. The final thing to remember about our structure is Central Plains Area on Aging, which is housed with the Sedgwick County Department on Aging, is the CDT-12 administrator.

"What are the CDT-12 administrative responsibilities? The main responsibility that the administrator has is to first of all be appointed by the board, which we have been fortunate to have been appointed. This is our third year I believe. CPAAA handles all the CDT-12 business, which includes contracts, funding applications, vehicle acquisition coordination, and monthly expenditure reports. Finally, CPAAA is the leader among provider agencies in achieving an enhanced coordination through the CDT-12 coordination steering committee.

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“The steering committee was responsible for coming up with a draft of the mission statement which was adopted by the CDT-12 board. Basically, it emphasizes coordination and making the most of our limited resources as we progress under this new structure.

“This graphic just gives you somewhat of a perspective of the operating budget under one of the two FTA programs that is under the CDT structure. Each of the three counties have the contract to provide this program, this is general rural public transportation. It is the only public transportation in the rural areas that exists. This just breaks it down according to federal, state and local contributions.

“The rural general public transit providers are shown here broken down by County. The counties are actually the formal contractor with the state and each of the three counties’ subcontracts out the provision of actually providing those operations in their counties. Sedgwick County has two subcontractors, Butler County three, and Harvey County, as you can see has the most there at five.

“The second FTA program that is under this structure is elderly and disabled transportation which is targeted toward agencies clients. In Sedgwick County you can see we have quite a few agencies that are funded under this program. Harvey County has four and Butler County only has one of these programs operating in their county.

“In addition to the providers who are mandated to be a part of this Coordinated Transit District, we also realize that we have outside stake holders and they are our partners in achieving enhanced coordination in this area, in this region. Metropolitan Transit Authority, under the City of Wichita, has been a willing participant and a very enthusiastic participant in attending all of our meetings and also providing some technical assistance along the way as they are the only formal transit oriented provider under our structure. Medicaid commercial providers also have a stake in that they may rely on some of these agencies to do some provisional service for them. With the changes in the Medicaid structure, that has implications for our providers. Kansas Public Transit Association is an organization that represents our providers at state levels, brings legislative concerns to the state level and organizes dissemination of information to us here locally. The University of Kansas Transportation Center provides technical assistance to the CDTs and also providers at any time, whenever we have questions. Other social service agencies who do provide transportation but are not mandated to be part of the structure, are also stake holders. Just because they provide transportation in our communities. The Sedgwick, Butler, and Harvey County rural municipalities also are stake holders.

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“When we are looking at enhanced coordination and what we want to try to achieve, we needed to decide what success would look like. We did some strategic planning with our providers and understand that the brokerage model is at the top of the coordination continuum, which I have a graphic of after this slide. That would be the optimal level of coordination in our area. The brokerage model provides the most efficient and effective use of funding that exists right now. It provides a more reliable service because it develops a standards amongst all the providers. It allows transit to maintain a social service management perspective while increasing the transit efficiency.

“This is the graphic that shows you the levels. We have already achieved the first level and we are meeting monthly and have a network and are communicating more openly with each other. I said before, that they shouldn’t be probably evenly spaced out because that next step is really a giant leap, but we are working toward the next level and anticipate some progress on that in the next year.

“Some of the barriers that would prohibit us and have prohibited us in the past from achieving in house coordination are turfism amongst the agencies that have currently total control over their services. We also realize that we’re in an environment of limited use of available resources with cuts threatening on the horizon. Previously, there was a lack of communication and there can always be improvement in that area. Some agencies have insurance restrictions that may provide some initial barriers to try to consolidate or coordinate some of our operations and finally, just because the fact that the agencies have been providing this transportation in a fragmented and isolated way, there may be some policies that initially prohibit us from merging some of our services as well.

“Finally, just so you know we are making progress, we have been working very hard over the last year as a group with this group of providers. We have increased communication just by the fact that we do meet. The CDT Board mandated providers would have to attend these meetings, a certain high percentage of those meetings, and we’ve had about 80% participation in those. So we really haven’t had to put a whole lot of pressure on them to be a part of this. They’re very willing and see the value. We’ve tried to use the team approach. As CPAAA is the leader, we have stressed that this is a team problem and we need to solve it together and that is evidenced in the mission statement that we’ve adopted and the logo that was adopted as well. The providers came up with the draft and the board adopted that, went along with it.

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“Another area that we have made a lot of progress in is standardizing some performance measures that go above and beyond what KDOT, Kansas Department of Transportation, requires. There is not a lot of quality assurance in the requirements from KDOT. So we worked very hard to come up with some quality assurance measures. That’s what was adopted with these performance measures. They were self inflicted on the providers. They came up with these and they are voluntarily putting them into place in their own services. Finally, I feel the most important thing that we are doing right now is collecting information identifying what services are being provided right now by these agencies and putting it together into a summary report which will also analyze some areas that we can continue to increase coordination on. This information is not available anywhere else and we feel that before we can make any further strides, we really need to have all the facts and figures. I would entertain any questions that the Commissioners may have at this time.”

Chairman Winters said, “All right, thank you very much. Good presentation Patti. Commissioner Schroeder.”

Commissioner Schroeder said, “Patti, we’ve had some problems with coordinating transportation out of Haysville. Haysville has one of these Aging vans, is that correct?”

Ms. Davis said, “Yes.”

Commissioner Schroeder said, “For the last I don’t know how many years, Derby cannot seem to get that van into their area to help move people around the community and it is basically said that is Haysville’s van and they’re going to use it for Haysville. Are we getting these turf battles taken care of where we can justify spending that kind of money in just one area or are we going to spread it out throughout the County?”

Ms. Davis said, “We have two subcontractors for our rural transportation. One is Park City in the northern part of Sedgwick County and Haysville in the southern part. We really have two distinct systems that are running right now. Haysville is basically providing a demand response with a high priority for medical trips and Park City has only been a subcontractor for a year. So over the last year, we have expanded the area that they cover and initially it was pretty much the northern part of Sedgwick County. We’ve fairly well expanded that to all of Sedgwick County including the Derby area. We have been working to improve that. There needs to be some education and information provided. We have a new brochure that we just had printed up that explains the two different types of service design. Hopefully we can fill everybody’s needs in all of Sedgwick County.”

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Commissioner Schroeder said, “That would be great. I know that would cut down a lot of phone calls that I get. The other is that brochure explained how you get the van, how you access the van. Is that done through a phone call to a number or does it make regular trips into a certain area? How is that normally done?”

Ms. Davis said, “Well again, we have two different systems but yes the brochure definitely highlights the way to access the system with phone numbers. The northern Sedgwick County route is somewhat of a fixed route, scheduled stops. There is a little flexibility in there to provide some demand response trips if the need arises. As I said, the Haysville design is pretty much first come first serve, with medical trips as a priority. For some reason, which we haven’t been able to figure out yet, I’m hoping when I get my data in I’ll be able to find some reason, but for some reason there is a very large demand in the southern part of Sedgwick County for medical trips, especially dialysis trips. Last year, 900 trips were provided for dialysis alone by Haysville.”

Commissioner Schroeder said, “That’s a lot. Maybe that explains the lack of spreading it around.”

Ms. Davis said, “Right. We’re trying to alleviate that by having Park City come down and service the Derby area. We’re also working with Dee Williams at the Senior Center there to help provide some in town trips with the van that they have. It is wheel chair accessible as well.”

Commissioner Schroeder said, “I would appreciate it if you would kind of keep me posted on how that moves along if you will. I think that would be helpful. Then I can answer questions as people call in to talk to me about it. Thank you, I appreciate it.”

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

Commissioner Gwin said, “A couple of questions. Patti, have you made this presentation or do you plan on making this presentation to other governments in and around this district?”

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Ms. Davis said, "That is a priority. We feel that since this is a new organization, it really does need to be presented to the local municipalities as well as the County Commissions. We had an open house last fall. Commissioner Miller was gracious enough to attend. We started there. We invited state legislatures and candidates as well as all the local government leaders. Yes, it is on our agenda and yes, we would like to have invitations or we'll invite ourselves to do it when it is appropriate."

Commissioner Gwin said, "Do I remember reading in one of our monthly reports that you made a presentation about this to a national audience? Can you tell me, do I remember correctly?"

Ms. Davis said, "Well, we have a little bit of carry over. Central Plains Area on Aging did receive an Administration on Aging federal grant that worked at trying to identify what kind of transportation was available in our area and look at some models we could set up to improve the provision of that transportation. It really worked out well in that when the grant ended, the CDT structure really started falling into place CPAAA was appointed the administrator. So we've been able to carry over our expertise that we gained with the grant to helping lead the providers and just kind of continuing on with what we learned under that grant. I did do several national presentations about the grant. We did speak to this but it wasn't specifically on this."

Commissioner Gwin said, "Right. What kind of reaction did you get to your presentation at these presentations about the grant? Are we doing something different than other communities? Are we on the leading edge of this?"

Ms. Davis said, "I will tell you this. I attended a conference in Washington last month and they are very interested in what we are doing and we seem to be a national leader right now as far as being able to have willing participants in exploring new ways to coordinate to provide transportation especially for seniors. There needs to be a lot of choices out there besides just the regular fixed route and that's what our providers are doing. If we can find ways to kind of fill the niches where the gaps are then we'll be doing a valuable service. A lot of areas would like to see better examples of successes."

Commissioner Gwin said, "I appreciate that and I want to commend you and the department and quite frankly the County's strategic management model as it impacts the people and the taxpayers and frankly as it sets examples for other communities throughout this country. Congratulations to you and keep up the good work. Thank you."

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Chairman Winters said, "Thank you. Just a couple of quick things. Patti, I would sure encourage you to give this presentation to the other County Commissioners, Butler County and Harvey County. I think they would find it interesting and as you present it, two of the key things that I think you need to remember to focus on is one, if providers, whether County or private, or if you're going to receive state or federal money, you're going to need to be coordinating your programs. So I think it is a part that we, as local government, can make sure that as all of us know that resources are going to become very tight, that we make sure that we maximize federal and state dollars that come into our community. Then the second thing is the coordination and you stressed that very well. As I told the group, it reminds me a little bit of being in the trucking industry. We always try desperately passing empties, which is an empty coming from one direction and an empty coming from another direction passing. It doesn't matter what agency you're with, you need to work on how you can coordinate that so we're maximizing these federal dollars. Commissioners, that is a side comment. I have appreciated the opportunity to represent Sedgwick County on the Board. I've enjoyed working with the Commissioners from the other counties as we try to do this coordination, but as I said in a memo to you a couple of weeks ago, if anybody else would like to have the opportunity to serve on this Board, I'd certainly be willing to visit with you about that. I think it is a worthwhile group. All right."

Mr. Buchanan said, "Before Patti Davis and Doug Russell escape, I notice Commissioner Gwin asked Patti several questions and she was reluctant to answer and she's just too honest."

Commissioner Gwin said, "I thought maybe she was leaving something out."

Mr. Buchanan said, "This is a program that is different and special and the way in which we take a look at how we are going to deliver services to those people who don't have access to transportation is receiving attention in a way that people are saying what is going on in Sedgwick County because it is different and it is better. It is because of her good efforts and Doug Russell's good efforts, that's the reason. So in their humble modesty, they couldn't say that themselves, so let me say that."

Ms. Davis said, "Thank you. Can I mention one more thing?"

Chairman Winters said, "Yes, you can."

Commissioner Gwin said, "Now she's lost her humble modesty."

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Ms. Davis said, "I didn't put this in my presentation, but it is something that we need to be proud of. We were awarded a new state vehicle to replace Park City's older van, which in fact we were going to have the new vehicle on display today and we were going to use the old vehicle as backup but it died. It wouldn't start. So it was none too soon that we got a replacement. This is a wheelchair equipped vehicle which the old one did not have wheelchair accessibility. We plan to have that on display next week on Sedgwick County Day. We invite you to come out and kick the tires."

Chairman Winters said, "Thank you very much."

MOTION

Chairman Winters moved to receive and file.

Commissioner Schroeder seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

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M. BUREAU OF PUBLIC SERVICES.

- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH DONDLINGER & SONS CONSTRUCTION CO., INC. ON SEDGWICK COUNTY PROJECT NOS. 787-L-4175, BRIDGE ON 263RD STREET WEST BETWEEN 29TH AND 37TH STREETS NORTH (B-250); 624-9-510, BRIDGE ON 23RD STREET SOUTH BETWEEN 263RD AND 279TH STREETS WEST (B-251); 809-U-1060, BRIDGE ON TYLER ROAD BETWEEN 39TH AND 47TH STREETS SOUTH (B-254). DISTRICTS #2 AND #3.**

Mr. David C. Spears, P.E., Director/County Engineer, Bureau of Public Services greeted the Commissioners and said, "Item M-1 is a Modification of Plans and Construction for three bridges included in one contract. This includes the bridge project on 263rd Street West between 29th and 37th Street North, designated as B-250, the bridge on 23rd Street South between 263rd Street West and 279th Street West, designated as B-251, and finally the bridge on Tyler Road between 39th Street South and 47th street South, designated as B-254. All these projects are in accordance with the Capital Improvement Program. These projects have been constructed and are ready to be finalized. There will be a net decrease of \$9,733.42 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 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	Absent
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next item."

2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH ASPHALT CONSTRUCTION CO. ON SEDGWICK COUNTY PROJECT NO. 642-27, 28; 95TH STREET SOUTH BETWEEN BROADWAY AND HILLSIDE. CIP #R-142. DISTRICT #2.

Mr. Spears said, "Item M-2 is a Modification of Plans and Construction for the road improvement project on 95th Street South between Broadway and Hillside, designated as R-142 in the Capital Improvement Program. This project has been constructed and is ready to be finalized. There will be a net increase of \$698 due to variations in planning quantities from actual field measurements. Recommend that you approve the modification and authorize the Chairman to sign."

MOTION

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

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

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

N. REPORT OF THE BOARD OF BIDS AND CONTRACTS' FEBRUARY 6, 1997 REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have before you minutes from the February 6 meeting of the Board of Bids and Contracts. There are just three items for consideration today.

(1) 1997 LATEX MODIFIED SLURRY SEAL - BUREAU/PUBLIC SERVICES FUNDING: SALES TAX

"Item one, 1997 latex modified slurry seal for the Bureau of Public Services. It was recommended to accept the low bid of Beachner Construction in the amount of \$728,979.80.

(2) POLICE SEDANS - MOTOR POOL FUNDING: MOTOR POOL

"Item two are police sedans for Central Motor Pool and the Sheriff's Department. It was recommended to accept the low bid meeting specifications of Rusty Eck Ford, in the amount of \$163,548. That does include trade-ins. Commissioners, if you will note on that particular item, we solicited bids on behalf of the City of Derby for their law enforcement vehicles. They will be facilitating those purchases directly via their own funds. We are not acting as a go-between other than to pass along the specifications to the available vendors. This process worked out very well and Mr. Lamkey was instrumental in making this happen."

Commissioner Schroeder said, "Darren, these cars that we are purchasing, are these Crown Vics that we're purchasing?"

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Mr. Muci said, "Yes they are."

Commissioner Schroeder said, "We're not going to a smaller car?"

Mr. Muci said, "Not on these particular vehicles here."

Commissioner Schroeder said, "I heard at one time that we were going to like an Intrepid."

Mr. Muci said, "We are testing three Intrepid vehicles."

Commissioner Schroeder said, "So we didn't get this changed around in time to try to eliminate budget impacts going to smaller automobiles."

Mr. Muci said, "Not at this particular time. I'm sure Mr. Lamkey and the Sheriff can address those issues, but I know we're testing three of those vehicles."

Commissioner Schroeder said, "This was probably already in the works anyway."

Mr. Muci said, "Yes."

Commissioner Schroeder said, "Okay, thank you."

**(3) CUSTODIAL SERVICES - BUREAU/CENTRAL SERVICES
 FUNDING: BUREAU/CENTRAL SERVICES**

Mr. Muci said, "Three, custodial services for the Bureau of Central Services for the Youth Residence Hall and Gables Building facilities. It was recommended to accept the low proposal of Kleenco in the amount of \$1,740 per month. This will be a six-month contract with an option to extend for additional terms."

ITEMS NOT REQUIRING BOCC ACTION

**(4) EXTERIOR REFINISH 207/209 N. EMPORIA - CAPITAL PROJECT
 FUNDING: CAPITAL PROJECT**

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“There is one item that does not require action at this particular time, that’s the exterior refinish of 207/209 N. Emporia for Capital Projects and the Department of Corrections. It was recommended to reject the bids and re-solicit at a later date. These bids exceeded the budgeted amount. I’ll be happy to address questions and recommend you approve the recommendations presented by the Board of Bids and Contracts.”

MOTION

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

Commissioner Miller seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul Hancock	Absent
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

O. CONSENT AGENDA.

1. Right-of-Way Easement.

The following tracts of land have been granted by Easement for Right-of-Way at no cost to the County. These Easements were requested by the Director, Bureau of Public Services, as a condition of receiving a Platting Exemption on an unplatted tract.

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- a. Road Number 638-24, Owner: Calvin Green, located in the Northeast Quarter of Section 6, Township 26 South, Range 3 West, more specifically located on the east side of 295th Street West and south of 77th Street North. Sherman Township. District #3.
- b. Road Number 628-15, Owners: Stanley S. Smeltzer and Melinda A. Smeltzer, located in the Northwest Quarter of Section 16, Township 28 South, Range 2 West, more specifically located on the south side of 39th Street South (MacArthur Road) and east of 183rd Street West. Illinois Township. District #3.
- c. Road Number 598-20, Owners: Ronald D. Greenhoff and Hollee K. Greenhoff, located in the Northwest Quarter of Section 32, Township 25 South, Range 1 West, more specifically located on the south side of 85th Street North and east of 103rd Street West. Valley Center Township. District #4.

2. Floodway Reserve Easement.

The following tract of land was granted by Floodway Reserve Easement at no cost to the County. This Easement was requested by the Director, Bureau of Public Services, as a condition of receiving a Platting Exemption on an unplatted tract.

Owners: Stanley S. Smeltzer and Melinda A. Smeltzer, located in the Northwest Quarter of Section 16, Township 28 South, Range 2 West, more specifically located south of 39th Street South (MacArthur Road) and east of 183rd Street West. Illinois Township. District #3.

3. Right-of-Way Instruments.

Two Easements for Right-of-Way for Sedgwick County Project No. 614-E½ 34, 35, 36; 21st Street North between the K-96 Bypass and the Butler County Line. CIP #R-197. District #1.

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- 4. 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>
C861001	\$215.00	\$191.00
V95044	\$198.00	\$194.00
C97008	\$188.00	\$345.00
V95109	\$199.00	\$335.00
C94083	\$78.00	\$ 21.00
C96025	\$235.00	\$315.00
V73015	\$420.00	\$413.00
C96026	\$495.00	\$243.00

- 5. Contracts (providing affiliation status) with Comprehensive Services, Inc., Steve Mallernee, Inc., Mennonite Housing Rehabilitation Services, Inc., Olsten Health Services, Pirotte Nursing Services and Topeka Independent Living Resource Center.**
- 6. Agreement with Advanco Mortgage Company to provide on-line access to Sedgwick County's electronic data.**
- 7. Order dated February 5, 1996 to correct tax roll for change of assessment.**
- 8. Consideration of the Check Register of February 7, 1997.**
- 9. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970096	Economic Development	Supplemental Approp.
970097	COMCARE-ACCESS Grant	Transfer
970098	COMCARE-Children's Federal Grant	Supplemental Approp.

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

MOTION

Commissioner Miller moved to approve the Consent Agenda 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 Hancock	Absent
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Is there any other business to come before this Board? At 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 10:55 a.m. and returned at 10:57 a.m.

Chairman Winters said, "I will call back to order the Regular Meeting of February 12. We do need to have an Executive Session."

P. OTHER

Regular Meeting, February 12, 1997

MOTION

Commissioner Gwin moved that the Board of County Commissioners recess into Executive Session for thirty minutes to consider personnel matters of non-elected personnel and that the Board of County Commissioners return from Executive Session no sooner than 11:30 a.m.

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

Chairman Winters said, "We're recessed into Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session and returned at 11:30 a.m.

Chairman Winters said, "I'll call back to order the Regular Meeting of February 12, 1997. Let the record show that there was no binding action taken in Executive Session today. Is there other business to come before this Board? Seeing none, this meeting is adjourned."

Q. ADJOURNMENT

Regular Meeting, February 12, 1997

There being no other business to come before the Board, the Meeting was adjourned at 11:30 a.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