

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

### **REGULAR MEETING**

**FEBRUARY 26, 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 26, 1997, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chairman Pro Tem Paul W. Hancock; 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. Kristi Zukovich Assistant to the County Manager; Mr. Tom Pollan, Director, Emergency Medical Service; Ms. Deborah Donaldson, Executive Director, Bureau of Health Services; Mr. David C. Spears, P.E., Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Karen Casto, Deputy County Clerk.

### **GUESTS**

**Carol Garrett**, Bookkeeper, Accounting Department;

**Linda Kizzire**, Bookkeeper, Bureau of Public Services;

**Thomas D. Borninger**, Attorney, One Main Place, Wichita, KS;

**Linda Hofford**, 817 Tristan Drive, Mulvane, KS;

**Milt Pollitt**, Chairman, Sedgwick County Solid Waste Planning Committee;

**Jim Spencer**, BFI, 2745 N. Ohio, Wichita, KS.

### **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 all Commissioners were present.

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**CONSIDERATION OF MINUTES: Regular Meeting, February 12, 1997**

The Clerk reported that Commissioner Hancock was absent at the Regular Meeting of February 12, 1997.

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

**MOTION**

Commissioner Gwin moved to approve the Minutes of February 12, 1997, as presented.

Chairman Winters seconded the Motion.

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

**VOTE**

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

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

**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

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

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

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**AWARD PRESENTATIONS**

**A. EMPLOYEE SUGGESTION AWARDS PROGRAM (ESAP).**

**1. RECOGNITION OF CAROL GARRETT, BOOKKEEPER, ACCOUNTING DEPARTMENT, FOR HER SUGGESTION REGARDING DAILY DEPOSITS.**

**Commissioner Miller** said, "Good morning. We have two awardees this morning and actually we've been forgetting to do some things. When I say we, I'm talking about the Employee Suggestion Award Committee, the Board of County Commissioners and as the representative governing body of Sedgwick County, we've been forgetting to recognize some very important people that are a part of the process that when it comes down to recognizing, looking at, and putting down on paper just what it is that you, as a department head, feels this particular suggestion has in value to your department, we've left that component of this equation out and we're not going to do that any more. So today, not only do we have two awardees, but I would also like to be able to gladly recognize the supervisors of the individuals along in the same process. The first awardee is one that has been very patient is about all that I can say. The second awardee certainly has been patient also.

"We'll begin with the first awardee, which is Carol Garrett. Her suggestion, and Carol I'm going to go ahead and bring you up and let you actually give the script on it, but I simply needed to say that you've been very patient in waiting for this. It has been a long time coming and I think you could do it much more justice in being able to describe just what this suggestion is and what it has done for Sedgwick County and interdepartments within Sedgwick County. Carol, go ahead."

**Ms. Carol Garrett**, Bookkeeper, Accounting Department, said, "Thank you Commissioner Miller. I redesigned and improved our deposit system. It consists of thirty-one departments. We trained seventy-one people. The design was made as a cost saving device to eliminate and free up the Treasurer's Office and departments. Most deposits that are made are standard. There are a few that are not standard. Those that are standard, when they pull up their code, everything is already there.

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“All they have to do is put in the amount and count the money. They do have to take a slip of paper to the Treasurer’s Office, which in turn, they do not have to do any more typing. All they have to do is verify the money and print the deposit slip. So it saves them a lot of time and also us, which the departments are responsible for the errors. Thank you.”

**Commissioner Miller** said, “Thank you. At the same time, I would like to be able to recognize Daryl Gardner of our Finance Department, who is Carol’s supervisor. He has been very supportive of this effort. Thank you Daryl.”

### **2. RECOGNITION OF LINDA KIZZIRE, BOOKKEEPER, BUREAU OF PUBLIC SERVICES, FOR HER SUGGESTION REGARDING AUTOMATIC BILL PAYMENT SYSTEM.**

**Commissioner Miller** said, “I would like to bring up Linda Kizzire. Linda has been with Sedgwick County since April of 1990. I neglected to say that Carol has been with Sedgwick County since 1987. Come on up Linda. Once again, you’ve got a cost saving suggestion that you’ve made. Have we actually got it up and running?”

**Ms. Linda Kizzire**, Bookkeeper, Bureau of Public Services, responded, “Yes.”

**Commissioner Miller** said, “Let’s hear about it.”

**Ms. Kizzire** said, “The suggestion that I made was to have an automatic bill payment plan for the sewer district customers which affects Commissioner Gwin, Commissioner Winters, and Commissioner Schroeder. After a lot of research on this project, Jim and I went through the channels and did all the proper procedures and went with Bank IV, which is now Boatmans Nations I guess, and got the program implemented. It has been very positive. We estimated about a hundred customers. Currently, we have around 175, which we bill out every quarter. I’ll probably be adding another 90 to 100 customers, which saves on the postage, time preparation, and it is a very rewarding suggestion and I’m glad that you approved it. Thank you.”

**Commissioner Miller** said, “I’d also like to mention Linda Kizzire’s supervisor and that is Larry Sanchez. Thank you very much Larry for participating. I’ll give each of you your mug and your pens and I believe you’ve probably already received that monetary compensation. Thank you.”

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**Chairman Winters** said, "Thank you. We certainly appreciate Commissioner Miller's work on that. Linda and Carol, we certainly appreciate your creativeness in going about your jobs. Next item please."

**DONATIONS**

**B. DONATIONS TO THE BUREAU OF COMPREHENSIVE COMMUNITY CARE'S (COMCARE) CRISIS SUICIDE PREVENTION PROGRAM.**

**1. ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$132.18 FROM WICHITA EMPLOYEE'S FRIENDSHIP FUND.**

**Ms. Deborah Donaldson**, Executive Director, COMCARE, greeted the Commissioners and said, "This first donation is one that we just periodically receive. The Wichita Employee's Friendship Fund collect donations and we get a check and we put that into our Crisis Program. If there are any questions, I'd be glad to answer them."

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

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**2. ACCEPTANCE OF DONATIONS IN THE AMOUNT OF \$1,369.00.**

**Ms. Donaldson** said, "Commissioners, these are donations that were a result of a memorial that was established for an individual who had committed suicide. These are donations that do go to our Crisis Intervention Program. I'd be glad to answer any questions."

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

**PUBLIC HEARING**

**C. PUBLIC HEARING REGARDING A PETITION TO ATTACH LANDS TO AN EXISTING RURAL WATER DISTRICT IN SEDGWICK COUNTY, KANSAS.**

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**Mr. Thomas D. Borninger**, Attorney for Petitioners, said, “Mr. Chairman, members of the Commission, my name is Tom Borninger and I’m appearing here on behalf of Rural Water District #4 of Sedgwick County and also on behalf of one of the applicants, the Burbanks. The area that is proposed to be annexed here is a forty acre tract that essentially is at the northeast corner of the intersection at 151st Street West and Maple.

#### **SLIDE PRESENTATION**

“The area that we are talking about is a forty acre tract that is right here, setting in the southwest quarter of the southwest quarter of section three. This is Maple and this is 151st Street. The existing boundaries of Rural Water District #4 at this point is that they have this area all along 151st and they also have the area going up here and including what is the Maple Hill development. So this is within the existing boundaries of the district right now. The district has an eight inch main water line that runs along the west side of 151st Street and along the south side of Maple, it has a two inch line coming off of that eight inch line that goes ahead and serves some units up along here.

“The applicant’s are people that own the property right here. My understanding is that at least one of those is building a house and seeks to have service provided to that house. Service can be provided simply by going ahead and putting a line across Maple, underneath Maple, over on to their property.

“One hundred per cent of the land owners have signed the petition seeking to have the land brought in, the district, all of the directors in the district itself, has agreed to go ahead and have the land brought in. There are existing water lines there so that being able to add them on will be very simple. This area is within the fringe area of the City of Wichita and I do want the Commission to know that we have in fact spoken with both Marvin Krout and with David Warren of the water department and reached an agreement because the City does know that it is going to move out into this area and the applicant also knows, has already signed a petition seeking to have her property annexed and to have Wichita water service brought to it when they grow out to that area. So the agreement that we have reached with the water department is that any development that we do within the 40 acre tract is something that we will go ahead and switch out when the City of Wichita system moves out to that area and they are able to go ahead and provide service.

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“So what we are asking today is that you approve this attachment subject to the City and us going ahead and putting together a written memorandum of this agreement, which will probably take about a week to do. Other than that, I believe they have no objection. I’d certainly be happy to answer any questions there might be.”

**Chairman Winters** said, “All right Mr. Borninger. Commissioner Miller has a question.”

**Commissioner Miller** said, “Thank you Mr. Chairman. Mr. Borninger, could you brief us on details of the memorandum between the water district and the City?”

**Mr. Borninger** said, “The agreement that has been reached, and this includes the home owner, is that on the 40 acres, they will go ahead and provide service there. The member goes ahead and acquires a water benefit unit. What will happen in the future is that when the City comes out to that area, there will be no tap in fee for the member. We will go ahead and abandon our line and give to the City the meter and meter box so that they can just go ahead and connect on their line to provide immediate service and the land owner will forfeit the water benefit unit. So the district gets the water benefit unit and loses the lines. The applicant goes ahead and gets service from the City of Wichita but doesn’t have to pay any kind of a tap in fee. The City of Wichita then does not have to buy any lines from the rural water district as they would otherwise be required to do by statute. So it is a three way trade that occurs there. Now this will not prevent the applicant, and she certainly understands, that this would not prevent her from being part of any kind of benefit district that might be established to go ahead and fund the extension of the City’s water lines into that area.”

**Commissioner Miller** said, “In lay terms, what is a water benefit unit?”

**Mr. Borninger** said, “The water benefit unit is the right to receive water from the district. The rural water districts, once they are established, no one has to belong to one and no one has to take water from it and they way they do it, it functions like a membership organization. Right now, there is a charge for anyone coming on to help pay part of the capital costs of the district itself. In this particular district it is \$1,750.”

**Commissioner Miller** said, “So they would get that back?”

**Mr. Borninger** said, “They will not get that back.”

**Commissioner Miller** said, “That will stay there.”

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**Mr. Borninger** said, "Right. By law, we're required to consider that a donation and we cannot give it back."

**Commissioner Miller** said, "Okay, but they won't have a tap in fee."

**Mr. Borninger** said, "They won't have a tap in fee, which is about an equivalent amount. Actually, the tap in fee the City has is something a little bit less than that right now."

**Commissioner Miller** said, "Who provides water to the south, that small development that is to the south?"

**Mr. Borninger** said, "Right now to Maple Hill?"

**Commissioner Miller** said, "Yes."

**Mr. Borninger** said, "We have three or four that are in there that are basically along Maple and most of them in there have not chosen to take the rural water district at this time."

**Commissioner Miller** said, "So they have well water?"

**Mr. Borninger** said, "They have well water."

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

**Mr. Borninger** said, "I think what they are doing, many of them are waiting because they know the City of Wichita is going to come out there at some point in time with water at least at the time, we talked to them several years ago, was sufficient for them. I would suspect that many of them would get on Wichita water in the next several years as that section develops."

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

**Chairman Winters** said, "Okay, thank you. Are there any other questions for Mr. Borninger? All right, I see none. We will have a public hearing to receive public comment from anyone who wants to address the Commission."

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“At this time, I will open the public hearing and receive comment from anyone who would like to address the Commissioners. Is there anyone in the room today who would like to address the Board of County Commissioners on our Item C? Is there anyone who would like to address the Commission? Seeing no one, we’ll close the public meeting and limit discussion to staff and Commissioners. Rich, is there anything that you want to add to this at this time or are we ready to take action?”

**Mr. Rich Euson**, Acting County Counselor, said, “No Mr. Chairman. All I can say is that I discussed this matter with Marvin Krout as to whether the Commission should take action subject to the Agreement between the City of Wichita and the water district. He does not believe that is necessary so I think you could just take the recommended action if you so desire.”

**Chairman Winters** said, “All right, Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you Mr. Chairman. Mr. Borninger, if I might please. When we first saw this, I was a little hesitant about it because with it being within the three miles of an incorporated city, we have a list of things that we are supposed to consider. Those had to do with the City’s growth of population, particularly in this area and we certainly know that is one of the highest growth areas in this County and that the City is in fact moving that way and so I had some trepidation until I heard your presentation saying that you and the City had been working on this and understand that with an agreement that those concerns that I have would be taken care of. So I can support this today. Originally, like I said, I had concerns, but I appreciate your working with them and trying to anticipate those concerns.”

**Mr. Borninger** said, “I appreciate that. I do think that publicly, it ought to be noted that both the district and the City of Wichita I think have a good relationship. They do try to work these things out. That doesn’t mean that they don’t sometimes get on opposite sides, but there has always been at least discussion about these things and they’ve always been open and frank and I’m certain you’ve had David Warren and Marvin Krout in front of you before and they’re not game players. That makes it very easy for us to at least try to work things out. We’re very appreciative of them being willing to work with us.”

**Commissioner Gwin** said, “Mr. Euson indicated that Mr. Krout didn’t think it necessary that we add the tack on subject to written agreement. Are you comfortable with that or would you rather that we . . .”

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**Mr. Borninger** said, "I'm comfortable with that. We will go ahead and put together the written agreement anyway and have it certainly before we do anything else."

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

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

**MOTION**

Chairman Winters moved to approve the Order attaching territory to Rural Water District No. 4.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you all very much for being here this morning. Next item."

**DEFERRED ITEM**

**D. ADDITION OF ONE DEPUTY CLERK POSITION, RANGE 21, TO THE COUNTY CLERK'S STAFFING TABLE.**

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**Mr. James Alford**, County Clerk, greeted the Commissioners and said, “This morning, I bring before you a request to add an additional staffing line to my staffing table. We in the office, once I took office back in January, had a look at all of our staff and all of their functions and the responsibilities that they had and we decided at that time that there was a need for us to reorganize. We looked over our organization, looked over jobs and exactly what everyone was doing and we moved some people around, gave them some more responsibility. In doing so, I noticed there was a line of responsibility that was lost in that part of the reorganization. Basically, all of the employees funnel through my Chief Deputy, consequently taking up a lot of his time, not allowing him to do the job that I had in mind for him and the things he should be doing. So it was quite a distraction to have all the employees funnel through one person. I basically separated the organization into two distinct flows and allowing for the folks that are involved with the budget and taxation process, land management, those types of things, to fall under one individual and the other part of my organization, which handles customers daily, sells dog, fish, and game licenses, Board of County Commission minutes, and administrative functions, fell under the position that I’m trying to establish today. By doing that, we separated basically our retail from our wholesale functions allowing that person, my Chief Deputy, who has responsibility for budgets, to be able to handle that more efficiently. Basically, it came off the fact that I know there were some problems before I took office. I knew there was some difficulty with that one person being responsible for that whole function, trying to do two jobs, all the jobs necessary for him, so I decided to split some of it off and give some of the responsibility to another individual. I do have the funds to budget this position with my existing budget and my request of you today is that you approve the position and allow me to add to my staffing table. I’d be happy to answer any questions.”

**Chairman Winters** said, “All right, Commissioner Gwin.

**Commissioner Gwin** said, “Not a question James, just a comment. As you and I talked about this prior to today, I told you at the time that this is going to be a difficult budget season and I think you certainly understand that or are beginning to, and that we don’t make these decisions lightly. However, it was imperative to me that you be able to find the resources for this reorganization within the budget that was given to you, if you will. I want to thank you for that. Again, the reorganization and the way your office functions is something that you’re going to have to answer to the voters for and I’m sure that you’re confident that this will help your office function better or otherwise you wouldn’t be doing it, but I did tell you that if you could find the money within your existing budget that I would support it and let you manage your office and I’m willing to do that.”

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**Mr. Alford** said, "Thank you Commissioner."

**Chairman Winters** said, "All right, are there other questions? If not, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve the addition to the County Clerk's Staffing Table.

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, "We have a Motion and a second, is there any other discussion?"

**Commissioner Schroeder** said, "Mr. Chairman. Jim, how many people do you have in your office?"

**Mr. Alford** said, "Approximately twenty with my part time people."

**Commissioner Schroeder** said, "Okay, and the part time people, how many of those do you have?"

**Mr. Alford** said, "I had four and I gave up one of those part time positions to help fund this."

**Commissioner Schroeder** said, "So you had twenty-one?"

**Mr. Alford** said, "Yes."

**Commissioner Schroeder** said, "Okay. I'm going to vote against this, because I read the reorganizational memo that was sent down by Mr. Rosell and the reason I am is because I don't think it is necessary that we need three people to run twenty some people. You are talking about seven people per individual if that's the case, or ten, and I think that is probably not in the best interest of the public. Understanding that you have a responsibility to run the Clerk's Office in a proper fashion, I have a responsibility to the taxpayers to make sure that whatever we do up here is responsible and I just don't think feel that this is efficient or responsible.

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“I did get your note yesterday and I will tell you that I’m not letting politics cloud my professional judgement as you suggested. My judgement is based upon what I think is best for the taxpayers and I had not had a chance to talk to you about this because you had not asked me to discuss it with you. Mitch **Faroh** and I talked about this, I’m going to guess about four weeks ago, and I assume he is the person you are putting into this position, is that right?”

**Mr. Alford** said, “Yes, he is.”

**Commissioner Schroeder** said, “Okay. He didn’t bring any backup or information with him. I just feel that it is inappropriate. It is probably not in our best interest because I think that now your budget impact is \$301?”

**Mr. Alford** said, “Yes. That \$301 is additional money that was in the budget. I wanted to show you exactly the cost savings that we had realized through our reorganization and then that was the remainder that I was going to have to fund through the year and I’ve got plenty of money for that.”

**Commissioner Schroeder** said, “Well, and I just wanted to let you know for the record, for the public, that my decision is based purely on the ramifications that it is going to have on your department and on us. I don’t think it is the most efficient way to do it. I would like to see you give it more time before you make those changes to be sure that is the right thing to do, so I will be voting no today. Thank you for coming before us.”

**Mr. Alford** said, “I appreciate your input.”

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

**Commissioner Miller** said, “Thank you Mr. Chairman. Mr. Alford, would the way that you are proposing to reorganize your department, it would be you as the County Clerk, you would have your Chief Deputy Clerk, which is Mr. Rosell, and then you are proposing now to add another Deputy?”

**Mr. Alford** said, “Yes.”

**Commissioner Miller** said, “Just simply a Deputy?”

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**Mr. Alford** said, "Yes. He basically reports to me as well, but my Chief Deputy runs most of the budget functions and is responsible for all the taxation assessment and those types of things that we get involved with."

**Commissioner Miller** said, "Okay, tell me again then. I need to be able to understand where the duties are delineated amongst your Chief and your Deputy?"

**Mr. Alford** said, "I happen to have brought transparencies of my old work chart and my new work chart."

**Commissioner Miller** said, "I'd like to see that."

### **SLIDE PRESENTATION**

**Mr. Alford** said, "This is the organizational chart which you find in the budget for 1997 with the County Clerk at the top, the Chief Deputy then responsible for all the daily operations in the office, all the basic activities that are going on right now. I feel like that was too congested for one person to be able to do and what I am trying to do is free up from the daily operation the responsibilities we have for budgets and submission of information to the state, PVD (Property Valuation Department), and so forth, so that the Chief Deputy could handle those responsibilities and not have to get involved with problems with homestead exemptions, dog and hunting and fishing licenses, and those types of things. This is the new work chart. It shows the delineation of those responsibilities under each of those person. The Chief Deputy is basically responsible for the things that I told you with tax and budget, special assessments, real estate and so forth. The Deputy then will be responsible for my front office, which includes I think about six people right now, the County Commission minutes that are being handled by Ms. Casto and then the homestead and licensing, purchasing, and all those things and my front office manager will report directly to that deputy. Basically, I felt like this was the easiest way to run the office. I'm big on delegation. I believe employees underneath me need to be given as much empowerment as possible to do the jobs that they need to do. Rather than have the Chief Deputy tied up with all these functions right here that require immediate attention, require someone to be on top of them daily, I've allowed him to be freed up so that basically we don't have the problem that we had last year when it comes time for taxes, that we don't certify the wrong values and send out bad tax bills."

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**Commissioner Miller** said, "I think I have a fair understanding of what your Chief Deputy's duties are and what your proposed Deputy's duties will be and your duties?"

**Mr. Alford** said, "My duties will be the oversight of the entire office and setting policy when necessary as I believe the people elected me to do."

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

**Mr. Alford** said, "I have daily contact with both of these persons and a lot of time I have contact with most of the office. I have an open door policy to allow them to come and visit with me anytime they have a concern and so far have been very effective in that way. I believe my staff is responding quite well to the changes we've made."

**Commissioner Miller** said, "Prior to this proposed change, what was Mitch Faroh's duties?"

**Mr. Alford** said, "He basically was in a position of this Front Office Manager position. He was holding that position, but I have so much work that gets done in that area. That person also helps with responsibilities for homestead, licenses and so forth. He was overseeing that. Basically, he's been acting in this function ever since he came to my office. We just haven't had the structure organized like I would like it. There is so much work for this person to do, not only do they get involved with the daily running of the front office, but in some ways they also support me and the Chief Deputy in some of the other activities. Purchasing is a big part of that area, records keeping, and I've assigned to them the function basically, as you know, that before I took office, I lost Mr. King, who was the Records Manager. Also, that person is eventually going to, and I didn't put it on this chart, I've given him the task of making sure that the records that I have in the office and telling me exactly how long I should maintain them and making sure that I am doing the right things with those that I can. I eventually want to operate and do some other things with my records and so that's another responsibility I've given him. Basically, he and Mr. King are working quite well together and we're basically mapping out the office to see exactly where all of our files are."

**Commissioner Miller** said, "In your write up, I was reading that cross training is very important to you. I would guess that it is and I'm very pleased to hear that because I know that does broaden the expertise base of the individuals you have working for you."

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“Also recognizing that recently I believe our EMS Department has gone through you might say a forced reorganization where for the most part downsized their supervisory personnel levels and it is really difficult for me going into a challenging budget season to look at the layering or the introduction of another layer of supervisory positions understanding that your philosophy also brings in the fact that you believe in cross training. So it is really difficult for me to be able to support the addition of this position at this time.”

**Mr. Alford** said, “I understand.”

**Commissioner Miller** said, “I think I recognize your need to be the autonomous and the individual that is managing your department. I have all the respect for that, but I still to challenge whether or not there needs to be an additional layering at this time.”

**Mr. Alford** said, “Maybe it wasn’t clear in the budget impact statement that I gave, but part of my reorganization and retraining I took people that were already in the office and some of which were a little disgruntled about the fact that they hadn’t gotten a raise or didn’t see a promotion coming and I took those folks and I put them into positions that were previously held by others. “I reduced the funding for each of those positions so that I could basically promote people without promoting them four or five grades and then allowing them more responsibility, allowing them to do different jobs so that they could get cross trained. Through that process, I was able to save the budget necessary to fund this position. So as a matter of decorum basically, I’m still working under the same budget but I’m also able now to provide to people more direct access to my office through my Chief Deputy and my Deputy. I now have a manager who can go out daily and meet the public. As a matter of fact, Mr. Faroh has been greeting the public as they come in for homestead exemptions, making himself available to them where at times I’m not available to meet and greet them. Mr. Rosell has been doing the same thing as with regard to the land management and that part of the office function. So it has really helped my customer service. I believe now we are being a little more proactive than we were reactive in the past. I really see that as a part of an improvement in my office, to let those people have contact with the public.”

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

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

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**Commissioner Hancock** said, "Thank you Mr. Chairman. I think Mr. Alford can tell that the Commissioners are a little bit gun shy about adding new personnel this year because of the difficulty of the upcoming budget that is so predictable. I appreciate all the concerns that Commissioner Schroeder and Commissioner Miller have expressed. I for the most part must agree with them. It has been my policy, as an elected official, and based upon what I have learned over the years that I have been fortunate enough to be here, and that in the area of elected officials, our responsibility is to set their budget and approve their staffing table. I have always felt that department heads have to look at their budget that we allow and determine what their staffing table or what they can accommodate as far as their staffing table is concerned. I have tried not to be so presumptuous as to decide what is best for them and for the most part it has worked, because certainly we've had competent department heads that are elected department heads, I should say, for the last few years. They need to make that decision and based upon those decisions, the public needs to make their own decision of how well those elected departments function. The scary part is that sometimes, based upon the performance of those functions, whether they're good or bad, that response by the public can be pinned to us, the Commissioners who we have no control. That is one of the dangers of being a County Commissioner. If we don't like the work then we need to make a change. Jim, I'm going to say to you today that I think you need to organize your department the best way you see fit that will make it work and that you feel in the public perception is acceptable to them also. I'm going to support this staffing table change. Of course, next year, this summer when we do the budget, of course we'll be in contact with each other and we'll look at the budget again and that is my role, that's what I need to do. I can do that. Good luck with the changes and I intend to support it. Thank you Mr. Chairman."

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

**Commissioner Schroeder** said, "Jim, is Mitch an employee of the County at this time?"

**Mr. Alford** said, "Yes, he is."

**Commissioner Schroeder** said, "He's being paid?"

**Mr. Alford** said, "Yes, he is."

**Commissioner Schroeder** said, "Okay. And what will his total salary be yearly?"

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**Mr. Alford** said, "I believe \$28,700."

**Commissioner Schroeder** said, "That's his yearly salary?"

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

**Commissioner Schroeder** said, "Okay. What experience does Mitch bring to your office?"

**Mr. Alford** said, "Basically, he's been in County government before. He was here before as, I can't think of his title."

**Commissioner Schroeder** said, "Civil Defense Director?"

**Mr. Alford** said, "Civil Defense Director. He was responsible I guess for a food program of passing out food to indigent folks and folks that were somewhat underprivileged. So he has been involved with the County before plus he's owned several businesses so he has an understanding of how customers need to be treated and I think he has had the right background. He is a retired Air Force officer and I think he probably learned a lot about organizational structure when he was in the service."

**Commissioner Schroeder** said, "Okay, alright. Thank you."

**Chairman Winters** said, "Thank you. Commissioners, is there any other discussion? We have a Motion to approve the addition to the County Clerk staffing table. Any other discussion? Seeing none, call the vote."

**VOTE**

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

**Chairman Winters** said, "Thank you very much James. Thanks for being here. Next item please."

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**PLANNING DEPARTMENT**

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

**1. CASE NUMBER V-2015 - REQUEST TO VACATE PAWNEE AND WOODLAWN, LOCATED IN AN AREA SOUTHEAST OF I-35.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "First slide please."

**SLIDE PRESENTATION**

"This is a request to vacate portions of Woodlawn and Pawnee. As the County knows very well, we're in the process of completing construction of the Pawnee relocation. The project will assist in traffic flow for a couple of reasons. First of all, it will eliminate the pedestrian conflict, similar to over at Raytheon, where we have pedestrians crossing over between parking lot and building. Secondly, we have more traffic on Pawnee than on Woodlawn, so this will be giving priority to the route that has more through traffic. This was in the Capital Improvement Program and approved under construction. Cessna has now asked to vacate this right-of-way. We have a Vacation Order that would vacate the right-of-way subject to a net in that Vacation upon completion and opening of the new right-of-way and second on retaining the right-of-way as a utility easement. There are utilities in that area and that needs to be retained as a utility easement which is typical. We recommend that you approve the Vacation Order and I'd be glad to answer any questions. Dave Spears may be able to answer questions for you too."

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

**Commissioner Schroeder** said, "Marvin, this is probably more for Dave. Dave, that construction has basically set still for the last three months. I've been by there on a regular basis. They've completed, I think, the lifts on the past that is going up against the turnpike, but when it comes to connecting the arterioles it has just been sitting there. Can you tell me what the status is and why the State isn't moving quicker on this?"

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**Mr. David Spears**, P.E. Director, Bureau of Public Services, said, "In the winter time, it presents a lot of problems with the temperature and of course you can't put down any hot mix when the temperature surface mix from fifty degrees and above. You have to have fifty degrees and above to lay the hot mix or else you won't get compaction and the job won't turn out right. So I think the State is administering the project and they prefer to wait until the weather warms up and we should have this open by early summer I would say."

**Commissioner Schroeder** said, "Okay. It is just has been sitting there and I've had a couple of phone calls about completion. The other thing is when it comes to street signs on vacated streets, do we take those down? I noticed on Central, where those two or three streets come into the Raytheon plant, they still have street signs up that say Central Street on them. That is no longer Central. This would no longer be Pawnee. Would we take those signs down? I don't want anybody to think that is a County through street."

**Mr. Spears** said, "That's correct. Those signs will have to be removed and as it was our road, we will take the signs down. Central has not been vacated yet."

**Commissioner Schroeder** said, "Okay, but that's in the process though?"

**Mr. Spears** said, "It is in process also."

**Commissioner Schroeder** said, "All right, okay."

**Chairman Winters** said, "Any other questions of Marvin? At this time, we will open the public hearing. Is there anyone here in the audience who wants to address the Commission on our Planning Department Item E? Is there anyone here who would like to address the Commission on this Item E? Seeing no one, we'll close the public hearing and limit discussion to Commissioners and staff. Commissioners, other questions? If not, what's the will of the Board?"

**Commissioner Hancock** said, "Mr. Chairman, can I ask one more question? Let me get this straight. This is a vacation by the County?"

**Commissioner Gwin** said, "By Cessna."

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**Mr. Krout** said, "It is a request by Cessna for the County to vacate the right-of-way."

**Commissioner Hancock** said, "The vacation by the County."

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

**Commissioner Hancock** said, "So we have no use for this property then?"

**Mr. Krout** said, "Other than for utility easement."

**Commissioner Hancock** said, "And then it will remain that way, a utility easement but not as a roadway easement."

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

**Commissioner Hancock** said, "That's why we are vacating it as a roadway easement?"

**Mr. Krout** said, "Yes. As mentioned, Cessna has filed to vacate the unneeded portion of Central which bisects their property. That case has been filed and you'll probably see that in about a month or so."

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

**MOTION**

Commissioner Schroeder moved to approve the Vacation Order 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	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

- 2. CASE NUMBER SCZ-0726 - REQUEST FOR A ZONE CHANGE FROM "RR" RURAL RESIDENTIAL TO "GC" GENERAL COMMERCIAL ON PROPERTY LOCATED APPROXIMATELY 1,200 FEET NORTH OF 103RD STREET SOUTH, WEST OF ROCK ROAD (10201 SOUTH ROCK ROAD).**

**Mr. Krout** said, "This case should look familiar to you because it has been here before and you sent it back to the Planning Commission. This is the intersection of 103rd and Rock Road. The southeast corner is recently developed with a Mulvane High School. Most of the area for a mile or further to the south is still undeveloped. All the area around this tract is RR and agricultural use. There are scattered homes to the north and south. Back in 1992, this tract of slightly under an acre was rezoned for Light Commercial, which permitted an indoor kennel use with a conditional permit and you approved the LC and the conditional permit and that veterinarian clinic has been constructed and is in occupation today. Now the owner of that property, who also owns property to the north and the owner, who was the original owner, who still owns the back portion of the property, are asking to rezone the remainder of the area to a GC, General Commercial District. So there would be a total of five acres that would be zoned Commercial or Light Commercial in this area. The owner, who proposes to build a mini-warehouse development on the two and a half back acres here also owns the property to the east and to the south. There are different owners in the other direction.

"The staff, when this was first submitted, and it was submitted as just a request for General Commercial zoning and it has gone through a lot of changes since then. The staff did recommend denial for a number of reasons. This was inconsistent not only with the county-wide plan, but with the official Mulvane adopted plan which didn't indicate commercial development out in this area.

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“While the veterinarian clinic provided a useful purpose both for rural residents as well as for urban residents in the general area, the mini-warehouse was more of an urban use and the staff felt that it was premature and would lead to possible disjointed and unwise development that could be very intense, even more so than mini-warehouses along this Rock Road corridor. We compared it to the gateway to Derby, which I know Derby has been critical in the past about zoning and development that has gone on to what they consider to be the gateway to their City. They wish in retrospect that they had more control in development along that corridor. We thought this is going to kind of set the tone for what happens on Rock Road and the entry way to Mulvane and it ought to be carefully considered.

“We went to the Mulvane Planning Commission and the Planning Commission recommended approval by a six to two vote. One of the things they indicated at that meeting was they were working on a new comprehensive plan and their plan indicated commercial development up along Rock Road. That this was their direction of growth and their only real opportunity for new commercial development to add to the tax base. So the majority of them were in favor of the General Commercial zoning. There were several people who spoke in opposition at that hearing and then later at the second Planning Commission meeting.

“The other thing that the Mulvane Planning Commission recommended was that we use the protective overlay to start putting some restrictions on General Commercial zoning which is a very wide open category. That the back property would be used for mini-warehouse only. That there would be no open storage, both were agreeable to the applicant. Also, that the County Engineer would have to approve a drainage plan since we are now talking about adding some more herbious area and doing some grading that probably wasn’t anticipated when the initial plat of Sunnyview Addition happened back several years ago. It next went to the MAPC (Metropolitan Area Planning Commission) and at the MAPC there were no speakers in opposition at the first hearing. The applicant came to the meeting and explained his case and the MAPC voted ten to one to recommend approval of this request. Then you heard this about a month ago. The agent and co-applicant on this case had a mix up with the date and time and so he wasn’t present at your meeting. There was one speaker who was in opposition and you felt the best thing to do was to send it back to the Planning Commission. It seemed as though there was some misgiving about what kind of tone we would be setting hear on Rock Road and that it ought to be looked at more carefully by the Planning Commission. There was a feeling that if two Planning Commissions had both recommended approval then that was something you needed to take seriously into consideration.

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“The third point was that staff was directed to try to meet with the applicant and develop some additional restrictions, additional conditions, that would make this use a more acceptable neighbor to fit in with the overall development of this area. We did meet with the applicant and in your staff report, you see in the MAPC minutes there is reference to a number of restrictions that would be part of a protective overlay that would further restrict this site. To highlight some of those, there would be a drainage plan for approval. The self storage would be limited to the back part of the property. That means that it would already be screened by the veterinarian clinic to some extent and also by evergreen trees that were planted in the back of that vet clinic. I’ll show you a slide of that in a minute. There would be no outside storage. The frontage of Rock Road, if anything developed to the north, if the lagoon was replaced by public sewer someday, would be limited to office uses or veterinarian clinic uses. So that frontage to the north would also not be wide open zoning. The applicants agreed with all these conditions, by the way. There would be a fifteen foot landscape buffer around the mini-warehouse area and there would be evergreen trees planted no further than fifteen feet apart in that area, which would grow to form a solid screen which is part of the zoning code requirement that there be solid screening between Commercial use and Residential zoning. The protective overlay also has controls on lighting, signage, and access to Rock Road. There would be no service or repair activities allowed. It would also be, the size of the storage area would be limited, so it wouldn’t be one big warehouse, but it would be limited to kind of residential storage and small commercial storage type uses. The applicant would also be required to maintain the property in terms of removal of any trash and debris that is required. Those are all conditions of this protective overlay. There was still opposition at the second MAPC hearing. There were about five speakers in opposition. Some of them were opposed to any further commercial use in this area. A couple of others said that if this was going to be developed maybe like the mini-warehouse that is in the southeast part of the city at George Washington near Hillside, with a total masonry screening wall and attractively done in terms of how it faced the rest of the neighborhood, they might not have as much of a problem. The applicant indicated that this is a very small site. He can really just put one building down and so these overhead doors are going to have to face out and because of economics felt that this would need to be a metal building. That doesn’t mean that it would necessarily be unattractive and I think eventually it would be screened with landscaping. But it didn’t meet the desire of at least some of the speakers who were there in opposition.

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“The Planning Commission closed the hearing and then the second time, despite the protective overlay, they voted on a Motion to approve they voted six to seven, which means there was a failure to recommend approval. So this time around, you have the Planning Commission not recommending approval. You still have the original Mulvane Planning Commission recommending approval. There were protests filed and I’ll show you that map again.

### **SLIDE PRESENTATION**

“Here is the site plan. You can see the existing lagoon and the existing veterinarian clinic and this is the area, the back of the property that will be developed with a mini-warehouse project. This is an aerial photograph. You can see this area is mostly undeveloped. There are homes here and homes to the north are the closest homes. The high school development is here. This is the protest petition after the initial Planning Commission hearing, protests were filed that add up to over 50% of the area within 1,000 feet of this request site. So four votes are required of the County Commission to approve the rezoning to General Commercial.

“This is the veterinarian clinic. I’ll run through these quickly because I think you’ve seen them once before. This is the clinic and the lagoon that is outlined. We’re looking up north Rock Road and there is not much to see, it is mostly agricultural use. Again, north on Rock Road and this is looking north and east across Rock Road. This is looking south and to the east towards Mulvane. Again, you can see a nice monument sign. I think this clinic was done very nicely. Looking south on Rock Road. Looking west across Rock Road to the west of this sight. Looking again to the south, Mulvane water tower in the background. This is looking out to the east. Back to the aerial photograph and the reference map.

“I talked about the protective overlay . Let me just say also that if there is a motion to approve, the Planning Commission didn’t really make findings because the motion to approve failed and I would say that if there is a motion to approve, you might use some of these findings as a basis for your decision. First of all, this is not exactly a spot of zoning because we have established Light Commercial on some of this adjacent land already.

“Second, it is at least consistent with the unofficial policy that the Mulvane Planning Commission indicated that they had towards commercial development in this area, even though it may not have been adopted formerly yet by the Mulvane City Council.

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“Third, this is not just General Commercial zoning anymore, this is really pretty restricted usage of the land with the protective overlay. Fourth, in terms of detrimental effects on adjacent owners, the buffering of the existing trees, the vet clinic, that the owner owns land in two directions, the screening and other conditions, should minimize the effects set forth in terms of effect on community facilities. As we indicated to the Planning Commission, mini-warehouses are low traffic generators, lower even than residential uses in urban densities so it should not have an adverse effect on Rock Road. Because mini-warehouses don’t need sewer and water, it doesn’t have any effect on those kinds of public facilities. I think that you probably have reasons either to approve it or deny it. I think that there are speakers on this item again this morning and I’d be glad to answer any questions.”

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

**Commissioner Hancock** said, “Thank you Mr. Chairman. Marvin, the front of the proposed storage units, they will be no closer than the front of the existing veterinarian clinic?”

**Mr. Krout** said, “That’s right. They’ll be in back of the veterinarian clinic, so they’ll be 300 feet west of Rock Road.”

**Commissioner Hancock** said, “Okay, I’m glad you knew what I was thinking.”

**Chairman Winters** said, “All right, thank you. Any other questions of Marvin? I don’t see any right now. Is there anyone here today that would like to address the Commissioners on this item? If there is anyone here who would like to address the Commission, now is the time to please come forward. Is there anyone here to address the Commission? Please come forward. Please give your name and address for the record please. We try to limit our comments to five minutes or less.”

**Ms. Linda Hoffod** said, “I live at 817 Tristan Drive, Mulvane. My mother Ellen lives at 7701 E. 103rd South, which is very close to the application area. As you are aware, ten Mulvane area residents protested this request. Reasons for the protest include hydrology and traffic safety issues and the desire to maintain a nice looking corridor into Mulvane from the north. That is to name only a few.

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“Another reason, which I would like to elaborate on, has to do with Mr. Gosch’s, the current applicant’s 1991 conditional use permit that was requested in order to set up the animal clinic and the fact that Mr. Gosch has not lived up to all of the conditions set forth in the permit. You should all have received a copy of the resolution number 163-1991, which documents the eight conditions associated with the permit, am I correct?”

**Commissioner Hancock** said, “Yes.”

**Ms. Hoffod** said, “Okay. Condition B states all animals boarded on the property shall be harbored indoors. Nothing in the approval of this case shall be construed to permit the outdoor harboring of animals. Also, the original MAPC staff report, prepared in 1991, includes a narrative and several exhibits submitted by the applicant that describes his proposed animal hospital. I have a few slides to show you on the overhead.

#### **SLIDE PRESENTATION**

“In paragraph three, it states that the proposed animal hospital would be a totally enclosed facility. There will not be any outside runs. Okay. This is the proposed animal clinic as prepared by the applicant originally. It is a totally enclosed facility, as you can see. Yet, what actually exists is the facility with an additional covered outdoor holding pen attached on the west and an uncovered outdoor holding pen attached on the north, neither of which are visible from Rock Road. This is a view looking north at the clinic. It is taken from 103rd Street South. Behind, in this area here, there is a chain link fence, which provides the enclosure of the outdoor holding area. This is taken from the north side of the clinic. You can see it better now. There is a chain link fence that provides an enclosure on the north, outdoor holding area. Another on the west. There is a wooden fence right here that blocks this area from view from Rock Road.”

**Ms. Hoffod** said, “So as you can see, the capability for harboring animals outdoors is definitely there. We’ve heard reports of residents in the area being kept awake at night due to dogs barking in the vicinity of the clinic. Another condition of the conditional use permit is Item G, which has to do with the applicant prior to the issuance of any building permit for the animal hospital, he should submit to the Planning Director a landscaping plan for review and approval. Yet, no landscaping plan is anywhere to be found in the Planning Department files and may very well have not been submitted in the first place. The original write up by the applicant stated, ‘that he would provide a sight barrier with landscaping between the lagoon and the clinic and parking facilities, as well as from Rock Road.’

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“This has not occurred. I just have to wonder, if the applicant has not complied with the conditions of his existing conditional use permit, whether he will comply with the protective overlay of the current request if it is approved. Thank you.”

**Chairman Winters** said, “Thank you Ms. Hofford. You went through some good procedures to make your point and we appreciate your being here today. Thank you. Commissioner Schroeder has a question of Marvin.”

**Commissioner Schroeder** said, “Marvin, if you don’t mind, I’ve got a question. After seeing those photographs and looking at the Hinkle, Eberhart, & El Kouri, whatever the name of the company is, looking at that agreement, is this person in violation of the current resolution?”

**Mr. Krout** said, “Yes.”

**Commissioner Schroeder** said, “And is the Planning Commission recommending that they go ahead and give him what he wants?”

**Mr. Krout** said, “Well, the Planning Commission vote was six to seven on the issue of granting zoning. Six to seven, so they failed to recommend approval. I can’t say that they voted no on the basis of the violations on this tract. We’re looking at another tract of land for other uses. I know that the Planning Commission has expressed concerns from time to time about enforcement of violations. We brought this to the attention of County Code Enforcement. They are aware, but I don’t know yet if any notice of violation has been issued. Our position has been that enforcement of the rules on the book should be considered a separate issue from what is the proper use of land that you’re looking at today. I know that it has been a problem.”

**Commissioner Schroeder** said, “What I’m getting at, if this person is granted the next step, what would permit him or her from going ahead and violating it again. We have a history and I think we do need to look at some of those because the next step may be to do something that is in violation of the next resolution. Basically, I don’t think it is treating your neighbors properly. Now I don’t know what this Board will do, but my personal opinion is that if this person has shown that they cannot abide by this resolution dated in 1991, which is signed by me, that if I approve another one dated 1997, is he going to violate it? It makes it tough for me to sit here and approve something that I know that this person has chosen to violate previous. But he is in violation?”

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

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

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

**Commissioner Miller** said, "Thank you Mr. Chairman. I have a couple of questions actually of Linda Hofford."

**Chairman Winters** said, "Ms. Hofford, if you'd come back to the microphone please."

**Commissioner Miller** said, "Good morning. I have a couple of clarifying questions. One would be that there is a chain link fence, we could see that. There have been comments from neighbors, residents nearby, that have said they heard barking. Have you seen dogs being harbored or kept outside?"

**Ms. Hofford** said, "I have not. You cannot see that close to the clinic from either 103rd and from Rock Road, you can't see the back holding areas at all. So you would have to actually go up by the clinic to tell that."

**Commissioner Miller** said, "No dog runs are outside though, just the chain link fence?"

**Ms. Hofford** said, "Well, it is an enclosure that could very well be used for dogs."

**Commissioner Miller** said, "Sure, dogs running outside. Okay, just a clarifying question. Then, you've had, you went through what you considered violations of the current C.U. for the animal clinic. One was a landscaping plan and that one does not exist, or that the landscaping plan exists and the landscaping has not been done?"

**Ms. Hofford** said, "Well, one condition of the C.U. permit was that the applicant should submit a landscaping plan for approval by the Planning Director. That plan cannot be found."

**Commissioner Miller** said, "Okay, so that has not been submitted."

**Ms. Hofford** said, "As far as we know, it hasn't."

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**Commissioner Miller** said, "I do have some concerns and mine would echo what Commissioner Schroeder has already stated. We've had some problems in terms of having another C.U. or a land use plan come in front of us where we have also at the same time, for us to view, that their current C.U. permit is in violation. One would be the dog kennels up north and then there are probably several sand pit operators that continue to be in violation. I agree with you Mark, that it is real difficult to distinguish between the two. I recognize that they are asking for it in and of itself, but still when you look at a record that is right in front of you that says that they haven't even lived up to the conditions of the current permit, it is real difficult to say that they have genuine intentions of living up to another one. I just needed to be able to echo that and I think it does come into play with making a long term decision. Thank you Ms. Hofford for answering my questions."

**Chairman Winters** said, "Thank you Commissioner. Is there anyone else here this morning who would like to address the Commission on this issue? Anyone else here today either in opposition or in support of this application? Seeing no one, we'll limit discussion to Commissioners and staff. Commissioner Hancock."

**Commissioner Hancock** said, "Thank you Mr. Chairman. I do agree with Marvin that these cases are separate cases and if anyone has failed, it has been our Code Enforcement Department to take action when and if it was reported, before these particular hearings. I'm not sure if anything has been reported before now. We have a responsibility to enforce those conditional use permits and so I suppose we shouldn't issue a conditional use permit to the Code Enforcement Department because they haven't lived up to their responsibility either. I'm not sure I understand what the word harboring means. Marvin, you were quick to answer that they were in violation, but it seems to me that when you have an operation of a veterinarian clinic, that it would be necessary from time to time to take a dog outside and not be able to lose that dog when it runs away or something like that. I'm not sure I know what harboring means. It seems to me that is an overnight stay outside, as far as I'm concerned, but I don't know."

**Mr. Krout** said, "I think it has been interpreted as maybe you could incidentally take a dog out for a walk, but it is not intended for a dog to be left out there for any length of time, whether it is overnight or during the day. The reason I said they are in violation is because to our knowledge, there was not a landscape plan that was submitted and so that does need to happen and Code Enforcement should require that before issuing permit for construction back in 1992."

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**Commissioner Hancock** said, "That's exactly right. Now they're in as much violation as the applicant is in this issue. This needs to be straightened out. It sure does, and I appreciate that. But I'm not going to connect the two. If I was the applicant I'd really be distraught that these two were connected and I just don't think legally we can make that connection and make it stick as far as I am concerned. I am concerned when we have findings based upon one C.U. and another. I presume that these are by the same applicant, both these applications. What if they weren't, would we connect them? I don't know, but we have problems in our Code Enforcement. We have new personnel coming on and maybe we can work those out. Thank you Mr. Chairman."

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

**Commissioner Schroeder** said, "I agree with Bill about Code Enforcement not doing their job. However, I still have reservations. It is kind of like somebody who is speeding, they'll eventually get caught. Because you are doing it doesn't make it right. I think these people know it's not right and we know it's not right. It is just a matter of catching them and our Code Enforcement Department didn't do the job. Now they've been caught and I'm thinking it is like the state takes away your driver's license. After a while, they get a little bit upset with you. They don't allow you to drive any longer. I'm not suggesting that we close this person's business down, but I am suggesting that we do have a problem out there and this person has chosen not to follow his own agreed to covenants concerning his property and I would just add that to the record and respectfully disagree with you on that one point Commissioner Hancock. I agree with you about Code Enforcement. Thank you."

**Chairman Winters** said, "All right, thank you. Well, I'm going to be supportive of approval of this and I guess two quick reasons. I believe that they are separate issues. I believe that if there is some kind of violation, we need to set about taking care of that. So I can separate these two issues in my mind. Secondly, the Mulvane Planning Commission has dealt with this issue a couple of times. They apparently believe this is the way they see their unofficial comprehensive plan developing, so based on those two items, I'm going to be supportive of moving forward here. I'm not sure that I hear the necessary votes to make that happen though. Marvin, I'm correct in that this takes a four fifths vote?"

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

**Chairman Winters** said, "All right, thank you. Commissioners, is there further discussion or is somebody ready to draft a motion? Commissioner Schroeder."

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**Commissioner Schroeder** said, "Mr. Euson, I've made those comments in the record. I agree with denying the request and I've merely stated that I see some problems out there and is that illegal for me to do that?"

**Mr. Richard Euson**, Acting County Counselor, said, "Marvin Krout has advised you that there are good reasons to approve this case and possibly good reasons to deny it. One of the problems that you're going to have in basing a denial upon the action or inaction of an applicant is that as Marvin I believe has pointed out to you, the real question for you is whether the land use is an appropriate use given the restrictions that have been offered in the protective overlay and the other conditions which are part of a zoning district. The fact that a land owner, in this instance, has in the past either not complied or even is in violation with some of the conditions of the past case, is not really relevant to the considerations that are before you in this case. For all we know, this applicant has a buyer waiting in the wings who is ready to come on to this property and develop and is going to make a profit by doing that. The new developer then of course would be subject to these conditions. So it is really not a very relevant consideration, in my opinion. I can't tell you that it is illegal, but it would be very difficult to defend in court in my opinion."

**Commissioner Schroeder** said, "So if I were to say that I would just agree with the findings in fact of the Metropolitan Area Planning Commission and deny the request, I would be on legal grounds? They're making the recommendation to deny it, because I don't want to abstain, I want to vote one way or the other on it. I will read into the record then that the comments I made are not connected, however, I do have a problem with someone violating their own covenants and that I will support the Metropolitan Area Planning Commission. If this ends up in court, I'm just going to say I went along with what the Planning Commission asked for, and that was to deny the request."

**Mr. Euson** said, "Well, Commissioner Schroeder as I understand what the Metropolitan Area Planning Commission did, was they made a motion to approve based upon certain findings and that motion failed by a vote of six to seven, six to approve and seven to deny."

**Commissioner Schroeder** said, "So what are we voting on today?"

**Mr. Euson** said, "I don't think you want to base it upon those findings."

**Commissioner Schroeder** said, "Marvin, are you asking us to approve?"

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**Mr. Krout** said, "I think we may have added to the confusion in the motion of the Planning Commission. The Planning Commission recommended denial by its failure to approve, but a motion to follow the Planning Commissions recommendation of denial should be citing the findings that were provided by staff originally to them. Indirectly, it is part of the Planning Commissions report, but really technically, if there is a motion to follow the Planning Commissions recommendation to deny, it should be citing the findings of the staff report."

**Commissioner Schroeder** said, "So if I vote in the negative, than I need to cite the findings of the Planning Department."

**Mr. Krout** said, "The Planning Department."

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

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

**Commissioner Miller** said, "Thank you Mr. Chairman. I'd like to take this one step further and I am in this point not in support of the land use request. As a governing body having facts in front of us that state clearly that a requester and also an individual who is already in possession of a permit is in violation, surely yes we can state that our zoning department is in error and we need to do something about it. We've been saying that for some time and yes, they are in transition right now and about to come up under some new leadership and I'm hopeful hat it will be helpful. Surely, as a governing body, we could look at a current request, knowing that the requester is in violation, and either put some contingency on it that says you need to be able to clear up what you are already in violation of before we will consider granting you this particular request. I think that only makes good common governmental sense, as opposed to continuing to allow for these errors and violations to stand on the books and simply say that Code Enforcement is in error, but these two are separate. Well, the fact is they're taking ownership under the same individual and I think it does have some indication of whether or not they would continue to play by the rules that we're laying down. That is simply a suggestion from one Commission on the bench, that certainly we don't turn a blind eye to justice and I think we are when we simply say these are two separate and we cannot tie the two together when we have a clear violator in front of us."

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

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**Commissioner Hancock** said, "Thank you Mr. Chairman. I've been in the building business, I was in the building business for a long time and I built a lot of houses. Having built those buildings, some houses, I ended up being to some extent sometimes through my fault and sometimes through no fault of my own, in clear violations of the code of Sedgwick County or the city that I was doing business in. I didn't mean to, but I was. I was able to go before usually the permitting entity, sometimes in a small city it might even be the Code Enforcement officer or even here in Sedgwick County I met with the director on occasion. We sat down and had a discussion. In the end, either I determined yes, I was at fault or no, I wasn't, and they didn't have an opportunity to review what I was doing and didn't understand what I was doing in some cases. We always worked it out, but in no case, in any situation, and I don't want to make it sound like I was always violating code, but every builder does or does have a disagreement with Code Enforcement from time to time and sometimes we're right and sometimes we're wrong. But in every case though, I wasn't denied the next permit until I got something worked out with that permitting department. I don't think we can do that. I don't think they could have done that. They could have said well, Bill, we're having some trouble with your truss design here and we can't approve that design and they've been installed so we're not going to give you another permit until we've worked this first problem out. That's not the way it works and I don't think that's the way we can work it here. I think, Commissioners, that we have to be very careful basing our vote on what we think the current requester, who happens to be the owner of the veterinarian clinic has did or not did. I think they may be able to go to a little better discussion to determine that these runs are used for exercises when following the wake-up of an animal. Who knows what they are used for. We haven't heard from the owner what they are used for. Certainly I would think that if I was a veterinarian clinic operator and I needed to take an animal outside for reasons, whatever they take them outside for, I'd certainly build a fence around my establishment, not wanting to lose an animal. I think that issue of harboring needs to be discussed, not in regard to this particular conditional use or this particular zoning request. It has nothing to do with this particular zoning request whatsoever. I go back to Code Enforcement couldn't deny me another permit based upon discussions of an ongoing problem. So anyway, Commissioners, I don't mind you finding good reasons to deny it, but I don't think the reason that one conditional use permit appears to be, without a hearing, appears to be in violation, then that is substantial enough to disregard what we should be deciding and that is the proper use of this property. Thank you Mr. Chairman."

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

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**Commissioner Gwin** said, “Just real quickly. Mr. Euson, when Planning Commission and the Board of County Commissioners or a governing body has to consider land use and zoning requests like this, we are to consider factors contained in something called policy statement number ten, is that correct? And what I’m trying to get to is where are those factors that must be considered? By whom are those established? What I’m trying to help clarify is in those factors that are supposed to be considered is an issue of violation of conditional use on a previously approved something, is that in one of the factors that we are supposed to consider by law on a zoning request? That’s a long question, but where are the factors? Who establishes those? Do they contain consideration of what the discussion is on the bench?”

**Mr. Euson** said, “The factors are actually established by the Board of County Commissioners in the Unified Zoning Code. Just based on memory, I believe that the Code says that you are to consider those factors including, but not limited to, the enumeration of them, which is seven, eight, or nine factors. So to answer your question, I think you consider something like this. I’m just concerned about its relevance in this particular case and particularly without really knowing more facts about the situation. In other words, the landscape plan, what if it was delivered to the County Code Enforcement instead of MAPD. Maybe it is down in their files. There is just a lot we don’t know about and this is not the forum in which to determine whether there is a violation.”

**Commissioner Gwin** said, “But again, to keep ourselves out of legal problems, it would be possible for a member of this Board to form a motion based upon the recommendations of the Metropolitan Area Planning Department staff, who have found that this should be denied and that really is apart from this other permit. We could draft a motion based upon the Planning Department’s staff recommendation.”

**Mr. Euson** said, “That is correct and it would be an appropriate Motion.”

**Commissioner Gwin** said, “Again, as I said before, when this came to us, though it certainly doesn’t look like we have the numbers, at the time it came to us the first time I was prepared to approve it based upon the approval of Mulvane. It appears to me that the Mulvane Planning Commission has approved it yet again, but has added a protective overlay district as some additional provisions. So I doubt if I’m in the majority, but I could approve it again today based upon the community who is the nearest to this proposal and who will be most impacted by it to the positive or the negative. Their Planning Commission voted for approval.

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“It is awful hard for me to turn my back upon that communities recommendation when it is certainly within their area of influence and area of growth. Again, I am probably on the minority side of that, but I think I’ll still listen to their Planning Commission. Thank you Mr. Chairman.”

**Chairman Winters** said, “Thank you. Commissioner Miller did you have additional comment or did I just forget to turn your light off?”

**Commissioner Miller** said, “I do have additional comment. Actually, I’d like to go ahead and did Commissioner Schroeder already draft a motion?”

**Chairman Winters** said, “No, no motion has been formed at this time.”

**MOTION**

Commissioner Miller moved to adopt the findings of fact of the Metropolitan Area Planning Department and deny the request.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Okay. Rich, can you and Marvin interpret that vote for us then?”

**Mr. Euson** said, “That is just a failure of denial.”

**Chairman Winters** said, “All right. Does someone want to draft an additional Motion then, listing the facts of finding from the other side?”

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**MOTION**

Commissioner Hancock moved to approve the zoning request based upon one, the existence of commercial zoning and a commercial operation that already exists, two, the approval by the Mulvane Planning Commission based upon their area of influence. Their area of influence is within a quarter of a mile of their current city limits. Three, the presence of a restricted overlay as numerated in the request. Four, buffering by the current owner of this request. The front of the operation will not become closer to Rock Road than what currently exists. Five, there are no utilities there, but there are expected to be utilities extended there soon. This operation as proposed does not require sewer or water utilities. Six, as reported by the Metropolitan Area Planning Department staff, this operation creates no traffic hazard as a storage facility is historically a low traffic causer. Based upon those findings, I would move to adopt the zone request.

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, “We have a Motion and a second, is there any other discussion? Due to the number of protest petitions, this vote will require a three fourths majority of the vote. Is that correct Marvin?”

**Mr. Krout** said, “Yes.”

**Chairman Winters** said, “Is there any other discussion? Seeing none, call the vote.”

**VOTE**

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

**Chairman Winters** said, “All right, this application fails at this time and this zoning change request has been denied. Is that the proper terminology?”

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**Mr. Euson** said, "The effect is denial. You have failed to approve it, so the effect is a denial."

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

**3. RESOLUTION APPOINTING JOHN FRYE TO THE CENTRAL PLAINS TRI-COUNTY PLANNING COMMITTEE.**

**Mr. Krout** said, "George Sherman served very well for us for many years on the Planning Commission and one of his responsibilities for most of those years was to be an **exaficio** representative of the Planning Commission on your Tri-County Planning Committee. He resigned about a month ago so we need to nominate a replacement to attend the Tri-County meetings in the future. The Planning Commission met last month and nominated John Frye, who is the current Chairman of the Planning Commission to serve as exaficio member on the Tri-County Committee per your by-laws and so they are asking that you approve that nomination."

**MOTION**

Commissioner Schroeder moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

**Commissioner Gwin** said, "Just a question. Is he a County appointment or a City appointment?"

**Mr. Krout** said, "He's a County appointee."

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

**Chairman Winters** said, "Thank you. We have a Motion to approve, is there any other discussion? Seeing none, call the vote."

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**VOTE**

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

**Chairman Winters** said, "Thank you Marvin. Nice to have you today."

**MOTION**

Chairman Winters moved to take on an off agenda item concerning the new Director of Code Enforcement.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Mr. Buchanan."

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "You have before you an off agenda item requesting that you hire Mr. Wiltse, an individual that we've offered the position to at a step 12. To do that, we need your approval to do so. Mr. Wiltse has indicated that he'll be here and begin work on Monday morning and we'd like to clear up this package. I'd recommend you do so."

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

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**Commissioner Schroeder** said, “Mr. Manager, is this the range that you and I talked about previously a couple of weeks ago? Range 25, step 12?”

**Mr. Buchanan** said, “Yes.”

**Commissioner Schroeder** said, “Okay, thank you.”

**Chairman Winters** said, “Thank you. Commissioners, do we have a Motion?”

**MOTION**

Commissioner Gwin moved to approve the appointment.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you. What I would like to do is call one more item and then after Item F, take a short break. So Madam Clerk, if you’d call the next item.”

**NEW BUSINESS**

**F. RECOMMENDATION REGARDING CONTINUATION OF THE DROP-OFF RECYCLE BOX PROGRAM.**

**Mr. Milt Pollitt**, Chairman, Sedgwick County Solid Waste Planning Committee, greeted the Commissioners and said, “The Drop-Off Recycle Box Program commenced in 1989 of some recycling advocates and Joe Paiger, with the City Department of Resources, since that time has coordinated the program.

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“It initially and has continued, the Dillons Supermarkets have participated in providing the space and the cleanup around the boxes at no cost. BFI has provided the roll off boxes themselves and the transportation of them to the Weyerhaeuser Recycling Facility and Weyerhaeuser has accepted the materials and processed them and that has been the part that they have played. Originally, there were four boxes and the program has now grown to eighteen boxes. Fifteen of them are in Sedgwick County and that includes one each box at Derby, Park City, Haysville, Goddard, and Cheney. The one at Cheney is at the Sedgwick County Fair Grounds. Eleven of the boxes, also there is a box at Rose Hill and Andover in Butler County and at Newton in Harvey County. Eleven of them are at Dillons stores. Six of them are at other supermarkets and the one at the Fair Grounds at Cheney. From 1989 through 1994, Dillons provided funding to cover BFI’s cost on a break even basis plus all supermarkets that have been involved have provided the space at no cost and have kept the areas around the boxes clean. Many volunteers of course are involved. The Recycling Coalition provides some manning of the facilities and helping with the residents that come to the boxes with handouts and other advice and information on recycling.

This program continued through 1994 with Dillons providing monetary support of the program in addition to their other support. In 1995, there was an increase in recyclable commodity prices and so the resulting revenue from Weyerhaeuser allowed BFI to do a break even project and it was not necessary for Dillons to support them. But at the end of 1995, the commodity prices did collapse and have remained at virtually zero since that time and the forecast is for possibly more of the same. During 1996, BFI continued the program at a cost that they have reported at approximately \$100,000. They did announce in December that they would have to cease the program on April 1 of this year. In 1996, approximately 5,000 tons of recyclable materials, which includes newspaper, tin cans, aluminum cans, and three colors of glass have all been diverted from the landfill. Because this is a visible effort on the part of the community to provide ways for things to be recycled, why the committee has recommended that a source of funding be found to continue the program through April 1, 1998, after which time the provisions of the waste management plan that you will subsequently approve will be in effect. The committee will make recommendations as to the continuation of the program. An oversight on my part and I was aware of these efforts, but the Cities of Kechi, Valley Center, Park City, Bellaire, and Derby, have other efforts that those cities have initiated with volunteers to collect and dispose of recyclables. Weyerhaeuser for those cities had provided the transportation of the materials to their facility and at no cost to these cities. About two months ago, they advised all those cities that they could no longer do that because again of the fact that the recyclable materials had very little value. So that essentially is our report on that and our recommendation.”

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**Chairman Winters** said, "Thank you very much Milt. I appreciate your bringing this item to the attention of the Commission. We have all certainly been aware that BFI has acknowledged that their reluctance to continue this on in a situation where it is actually costing them money. I see that Jim Spencer with BFI is here today and I guess I would like to publicly acknowledge the appreciation that I certainly express to BFI for having really kind of initiated this program in the very beginning. I think it was one of Jim's ideas and they have, like probably most businesses, gone through a time where they were able to at least cover their expenses but I certainly have the feeling that they've probably gone through a lot of times when they weren't covering their expenses on providing the hauling charges and acquisition of these drop-off boxes. I certainly from my standpoint want to say that I appreciate the work that Mr. Spencer and BFI have done on this project. I agree with your committee. I think it is a very visual kind of commitment to recycling and I think it is one that we really can't afford to let die away. I don't know that I have a good suggestion. I have a couple of lights up here, maybe there are some other comments. Just as kind of a trial suggestion, I'd like to ask the County Manager to pull together a committee or task force of folks to try to develop some options because I think there are several options. I have had conversation with the publisher at the Wichita Eagle. Their product makes up about 80 to 85% of what is in those drop-off boxes, so I think they have a concern. I know there are other businesses in this community or other industries that have concerns so I would think that we may be able to pull together a partnership with perhaps some public and some private folks who have interest and get this thing to continue at least for a period of time. Commissioners, that's going to be one of my suggestions that we ask the Manager to get a task force together to look specifically at this issue. Commissioner Gwin."

**Commissioner Gwin** said, "Just real quickly. Milt, you indicated that Dillons had besides the space and the clean-up had provided funding for BFI's cost from 1989 through 1994 or so before things kind of went downward. Do you know how much money that was?"

**Mr. Pollitt** said, "I'd have to ask Mr. Spencer to report on that. I'm not that fully acquainted with what the dollars were."

**Commissioner Gwin** said, "Okay, I'd be interested in knowing what it was previously. I know that Mr. Spencer indicated what the cost to them now is, but in the better years, I wonder how much that was. Jim, could you help me with that? I just kind of want to get a picture of the kind of moneys that we are talking about and we've been talking about in the past."

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**Mr. Jim Spencer**, BFI, said, "The program started in 1989 and through 1994, we had four drop off sites, just four. Dillons contributed \$3,600 a month towards that program."

**Commissioner Gwin** said, "Okay, for four sites."

**Mr. Spencer** said, "Correct."

**Commissioner Gwin** said, "Okay. Then with the turnabout then and the crash, if you will, in the commodities prices, the amount you all were looking at for the most recent years was \$100,000, is that right?"

**Mr. Spencer** said, "You have to understand the program in 1995 has expanded from four sites to the eighteen we have today and yes, the money that would have been required to cover our expenses for 1996 was \$100,000."

**Commissioner Gwin** said, "Okay, I just needed clarification on the growth of the program."

**Chairman Winters** said, "Mr. Manager."

**Mr. Buchanan** said, "What would that be a ton, have you got any idea?"

**Mr. Spencer** said, "I've got the figures, I could calculate that. It's expensive and if you take roughly 5,000 tons divided by \$100,000, you are at \$20 a ton."

**Chairman Winters** said, "One of the things that we need to think about too is the drop-off boxes again play that visual aspect. One of the things that the solid waste problem is that you look at the recycling aspect, there is not one issue that is going to be the big time change. It is going to take a lot of smaller instances, a lot of smaller activities, and I think the drop-off boxes are important for that visual aspect that the community believes that recycling is important and I think it is something that we'd really have to deal with if we thought about letting the thing die. Commissioners, are there any other comments or suggestions? I think we could probably do this with a Motion or without, or if anybody has a problem with asking the Manager just to get some information and some options."

**Commissioner Schroeder** said, "I think that is fine, but I would like for us to receive and file the report."

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**MOTION**

Chairman Winters moved to receive and file the report.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**Mr. Pollitt** said, "I have one other quick report if I could, having to do with the activity of the committee. Through the heroic efforts of Susan Erlenwein and others on the County staff, why as of our meeting this past Monday, we received rough drafts of all ten sections of the plan and the committee reviewed and made recommendations and changes to about the middle of section five. We have a meeting scheduled tomorrow at Susan's office, the committee to continue the review. Then we have another meeting scheduled for next Monday to hopefully, I'm sure we will, have a final draft to present to you at your meeting next Wednesday, so that's where we are at."

**Chairman Winters** said, "Thanks for that update and we'll look forward to seeing you next Wednesday. All right, Commissioners, I believe we are going to take just a short break here. We're going to be in recess for ten minutes."

**The Board of Sedgwick County Commissioners recessed at 10:50 and returned at 11:00**

**Chairman Winters** said, "I'll call the meeting back to order, the Regular Meeting of February 26. Madam Clerk, would you call the next item please."

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**G. PRESENTATION REGARDING THE SOLID WASTE COMMUNITY DISCUSSION PROJECT.**

**Ms. Kristi Zukovich**, Assistant to the County Manager, greeted the Commissioners and said, “Last fall, you asked us to come up with some ways to talk to the community about solid waste and so we came about with a project that is called Community Discussion. We have a little presentation this morning. We’d like to give you a little bit of background on what we did and what some of the results were, not only for your information but for the people in the community that were participants or who had heard a little bit about it as well. There have been other types of meetings in the past where we did try to get some community input. That was through the assembly held out at WSU as well as the town and country meetings last spring. This is a little bit different process that we’d like to quickly go over what we did.

“This process was specifically designed to talking about solid waste and getting folks in the community to come together and talk about the issue. When we talk about community discussion, it is different than the things we’ve used in the past in that it was more of a small group centered type of direction that we wanted to use. We did go out in the community and we talked to people in groups of ten to twenty. We usually spend about an hour to an hour and a half with them and we wanted to make sure that this was an open process to anyone who was in Sedgwick County. We provided facilitators for each meeting and it was mainly just a time for folks to come together and sit down to discuss their ideas and their expectations about solid waste.

“Last fall, you asked us to talk to people. The main reasons were to get more people involved throughout the County and to gather their ideas and their perspectives and their suggestions and really to find out what the community expectations were about solid waste. It was different than the things that we had used in the past. From the town and country meetings specifically, in that we did use very small groups and that we allowed folks to come together and talk to each other rather than having a town meeting as most folks are used to seeing where one person stands behind another at the microphone waiting to be heard. This was more of a place where people came together and sat around the table and really talked to each other rather than talking to a panel of folks. There was greater interaction. More people got to have their voices heard. There was greater discussion and the groups really owned the processes that we used. We asked them to be the recorders of their information and they had the report for their group at the end of the discussion.

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“We went out to many places and we went out many different times to talk to people, so we were real accessible in getting out and being flexible to meet with people all throughout the County. When we really started out with how we were going to do this because it was a whole different process than what has been done in the past and especially by government, we went out and asked for some support from three community organizations who had some background in this. The first being the Community Mediation Task Force, the second the League of Women Voters, and the National Conference of Christians and Jews. They have background in doing small group discussions or meetings with people in the community. They were helpful in helping us design the actual meetings we used. We then went out and used design groups to test out what we thought we were going to do to make sure that the meetings would run as we hoped they would and then we actually went into having the community meeting.

“We kind of did this in a real short amount of time and unfortunately hit a busy time of the year because it was during December and a lot of the holiday hustle and bustle kind of made things a little difficult. We did try to get the message across that we were conducting this process so we did go to the small cities, took information to them telling them we were having this process. We used the media by going on talk shows, putting ads or articles in small town newspapers as well as the Wichita Eagle. We used the existing community networks, the Neighborhood Initiative, we used Sunday school classes, we used civic organizations, business groups, things like that. The established groups were the same kind of things, civic groups or Sunday school classes, places where people were used to meeting together.

“When we ended this process, we had 82 community meetings and it was all done from a period from January 6 through about the first week of February, so in about a four week time frame we did 82 meetings using 27 facilitators. Part of those were internal County staff who were mostly from departments who were not associated with the County Manager’s Office or the Commission Office. They were from Central Motor Pool and Personnel and just wherever we could find qualified facilitators. We did sign up during this same period as well, we had 1,865 people in the community who called up and said they wanted to be part of the meetings. Out of that, we had a little bit of fallout. Some of it was due to extremes in weather, we had some real cold spells and snow and also we had to endure the Wichita State basketball season and the meeting dates there, but ended up with 1,175 participants in the whole process. We had folks come from all over the County, which was one of our goals to get more people from the County from Mulvane to Mount Hope, from Cheney to Furley, from Haysville to Valley Center, Clearwater to Bellaire and Wichita and Derby.

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I'd like to share a couple of statistics, some demographic information that we've learned recently. The first is that we ended up with about 67% of the participants actually came from the City of Wichita. That's a little bit less than what is representative of the number of citizens who live within the City, of the County residents who live within the City, but it did allow for a better mix of participation there. We had about an even split on males and females who participated. We had a good spread of age. We did have a little bit higher in the forty and above age groups that participated. We had kind of a less amount in the eighteen to twenty-four, but we had a pretty even split as far as the different age categories. The ethnic background as we did, we asked people to fill out bio sheets to get this information and again, this was pretty representative of our community. With the exception of a little bit of a low percentage in our Hispanic population and that was offset by a higher percentage of participation of Caucasians or even the American Indians, we had a higher percentage there than normal.

“Some of the main points that we found in all of the community discussions is obviously the first one, as the presentation that was prior to this, was recycling. It is very important to the people in our community and part in going with that is composting as well. People want to compost. They think it is something that we shouldn't have our yard waste go into our final disposal site, but it is getting that information out, which leads into the public education. There was a lot on all of the topics, people felt like they needed to be better informed about either how to do something or where do they go or what do the disposal solutions look like. Then finally, the last thing that most folks talked about was, “let's come up with a solution that is for a long term period”. We want to come up with something so that we don't have to be revisiting this same issue over and over.

“Other issues that were brought up, land use. Land use, they talked specifically about the appropriate use of the land and how that would be affected as far as for farming, for ground water, and even particularly to some individuals, how is that going to be affecting their land value. So that was important that it was brought up. Cost was a factor that was brought forward, not only as far as folks individual costs, but also what were the costs going to be to businesses and what was going to be the overall cost depending on the different options that we used. Incineration was an idea that was brought up in many meetings and the one thing that we did find was that there was a lot of discussion within the meetings that some folks seem to not have all the information about incineration and that's another area where we need to better educate the public. What are the consequences and all of the things associated with each of the disposal methods?

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“The “pay as you throw” was something that was common and that was more for an equity type of desire there. People felt like if they were recycling or if they were a small household and had less trash to dispose of, they shouldn’t have to pay as much as the person who crams the bin full. Illegal dumping, for County residents, they see this and there was a concern that as the prices and costs increase that we will continue to see greater illegal dumping in the County and who was going to help ensure that it is picked up or cleaned up, was that going to be the landowner or whose responsibility?”

“Kingsbury was brought up frequently. People asked about why is this site not being used. So there was that question that was brought forward that we didn’t really have an answer to provide them so again, more education on what are our options out there today. The local responsibility? Folks felt like this is a problem, it is our problem and we need to come up with some ideas on how we take care of this, we need to handle it locally. Transfer stations, that was kind of a mixed bag there. For the most part, people who lived in the County were not in favor of transfer stations, just because of that feeling that it was a local responsibility issue. The folks that tended to like the idea of transfer stations, those that are living in the area that we refer to as Furley because their ideas were that it was giving a different option than using their land there for a landfill. As was indicated in the earlier presentation about the recycling, there was a need for us to develop as a community, markets for our recycling goods so that it would be an option for us to use. Landfills were discussed and again there was a split on landfills as far as people liked them because of the low cost involved as a disposal option, however, they were not a favorable method of disposal when you considered land use or ground water contamination. People did not like them because of the environmental issues.

“There was a good amount of discussion. People brought forth their experiences from living in other communities or other cities and wanted to share those and also felt that we needed to, as a County, look into more types of programs and research what they’re doing, not only for disposal but for other programs as well. Then there was a great amount of discussion just based on the timing. Again, these meetings were in January and the tipping fees had just increased. So people were upset about the increase, but they were also concerned about just where does that money and the tipping fees go? They didn’t feel like they had that information. Some of our conclusions that we came up with as we reviewed all the information was that people in our community are genuinely concerned and upset and just by their sheer participation indicated that people do want to be involved in this issue and find out what happens to our community. There was a lack of information that we need a change.

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“We need to provide more information about the alternatives, the costs, the consequences, all of the things associated with different disposal methods as well. There was a distrust of the City and the County that was expressed. Mostly for the City, it was based upon the recent land purchase in the Furley area. For the County, there was a skepticism about what was going to be done and here we have another governmental entity, is this going to prolong the process? The last couple there is they do want a solution. They feel like it is time to make a solution now that we’ve been talking about this for a long time, but they do want to make sure it is thoughtful. Each one of them felt there was something they could do to make a difference. If they recycled, or if they composted, that they could make a difference in the final amount of the waste there. We would like to show that one of the things people talked about. We talked about all these specific things that were brought up and these were kind of the themes we found, but there was also some really unique ideas and we think that is one of the benefits of having us go out to the community is because we not only get the things that everybody had heard or knows about, but we get some of the real unique ideas, the things that people hadn’t thought of. Just in one of the meetings the other day we went to the township group. Some of you may have heard the gentleman who said maybe fire stations are a good place to put recycling bins. Not that they are always the answer, but it shows that people are thinking about it and it was a forum for people to get involved in and share. We wanted to share this information with you. If you have any questions, myself and Michael Pisciotte will be happy to answer those.”

**Chairman Winters** said, “Thank you very much Kristi. I certainly want to take a public opportunity to thank you and Michael both for the hard work that you’ve put forth on this community discussion effort. I had an opportunity to follow them around for a couple of days and I can tell you that they were here at 7:00 in the morning and 7:00 in the evening and later working some of these dates to make sure that all of these meetings were carried off. I certainly appreciate the work that both of you put in on this project. I think it is pretty significant that you had 82 meetings and it is significant that you had participation by 1,175 folks. I think that is a good job. We continue to hear from folks who remind us that 75% of our constituents live in the City of Wichita. I think we understand that. I think you made a good effort to make sure we’re hearing from all of our constituents no matter where they live. I’m confident that this Commission has the ability to come to some decisions and answers that are going to be based on what is good for the entire County and not looking at one group of folks. We seem to be challenged by the fact that some think that we’re only going to make a decision based upon particular groups and I’ve heard these Commissioners say several times that we’re not going to do that.

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“We’re going to work on a County wide solution that includes everyone. That includes all our constituents who live in the City of Wichita. Good report and good job on this community deliberation process. It’s been important to us. Commissioner Schroeder.”

**Commissioner Schroeder** Thank you for the report. The only thing that stood out in the report, well, there was quite a few things, but one the public on has been composting. What I am hearing, as a matter of fact, I’ve had phone in my office and hear from my people when I’m out and about saying you know, if one right, they become a problem. They create odors and rodents are attracted to them. They’re fearful of them. So I guess w process, because just see how inundated the City Health Department would be if we were how to include composting as part of the solution and then people were improperl doing it. Do you have any comments on that or ideas or suggestions?”

**M . Zukovich** said, “I think some of that information may be coming forth from the Solid Committee as far as what their concerns are. That is one of the things that we had noted as well from the different m on how to do composting and so we felt that it was something that if it is going to be a part the solution that we need to make sure that people know how. It is just like recycling.

**Commissioner Schroeder** said, “And when you think about it, wh you have four lots that come together in the back yard at a point, that is a lot of composting. you go up and down the block and it is not properly done, that is a lot of problems. So t the committee is working on that very issue, because that is, believe it or not, one of the biggest concerns I’m hearing. smoothly with the committee and I appreciate your working on it.”

**Co Schroeder** said, “Thank you. I might respond to that for a moment too McPherson , they’ve kind of gotten national recognition. They’re I can’ y regist form earlier this week and I’m going to be up there looking at recycling first and I’d certainly invite any of the other Commissioners who have an interest i recycling y subject. Commissioner Gwin.”

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**Commissioner Gwin** said, "Thank you Mr. Chairman. Kristi, you made this presentation to us, where does this information go now? Now what happens to what you've learned?"

**Ms. Zukovich** said, "The same information that we've presented to you we also presented to the Solid Waste Planning Committee and they have included it within one of the sections that Milt spoke about earlier today in the plan. So it is part of the plan. People can also see the same information and read that. It is our recommendation from what we've heard, the conclusions that we've heard from the community discussions, so it is part of the Solid Waste Plan."

**Commissioner Gwin** said, "Are you and Michael through with community discussion?"

**Ms. Zukovich** said, "Well, at least this phase is what we've been informed, and nobody has talked about the next phase."

**Commissioner Gwin** said, "But there may be other opportunities for community comment, is where I'm going, whether or not you and Michael have to facilitate that is yet to be determined."

**Ms. Zukovich** said, "Right, there will be other opportunities for the public to get involved and specifically since we found that there was that lack of information about the options that we think there needs to be an education process prior to asking folks to come together and talk about it again maybe."

**Commissioner Gwin** said, "Thank you. Thank you both."

**Chairman Winters** said, "Thank you both. Commissioners, what's the will of the Board?"

### **MOTION**

Commissioner Hancock moved to receive and file.

Commissioner Gwin seconded the Motion.

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

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**VOTE**

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

**Chairman Winters** said, "Thank you again Krisi and Michael both. Next item."

**H. LAKE AFTON AND SEDGWICK COUNTY PARKS.**

- 1. AGREEMENT WITH SOCIETY FOR CREATIVE ANACHRONISM, INC., BARONY OF VATAVIA, FOR USE OF LAKE AFTON PARK MARCH 8, 1997 FOR ARCHERY ACTIVITIES.**

**Mr. Jarold D. Harrison**, Assistant County Manager, greeted the Commissioners and said, "Any questions?"

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

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- 2. AGREEMENT WITH KANSAS ORGANIZATION FOR SPACE MODELING FOR USE OF LAKE AFTON PARK JUNE 21-22, 1997 TO HOLD A KANSAS ROCKET AEROMODELERS' OPEN MEET AND MARCH 2, APRIL 6, MAY 11, JULY 6, AUGUST 10, OCTOBER 5 AND NOVEMBER 2, 1997 TO HOLD FUN FLY LAUNCHES.**

**Mr. Harrison** said, "This Agreement is the Agreement we've had occurring on an annual basis with the Kansas Organization for Space Modeling. This would allow for their open meet in June and seven other additional use dates for fun fly launches. We have received their certificate of insurance. Recommend you approve."

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

- 3. AGREEMENT WITH RIVER COMMUNITY CHURCH FOR USE OF SEDGWICK COUNTY PARK APRIL 5, 1997 TO HOLD AN EASTER SUN RUN.**

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**Mr. Harrison** said, “This event would include a two mile and ten kilometer race at the Sedgwick County Park on April 5. It would require closing a portion of the main road for approximately fifteen minutes as the race course crosses the main road in the park. We have received the certificate of insurance for this and recommend your approval.”

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you Jerry. Please call the next item.”

**I. AGREEMENT WITH BARTON COUNTY COMMUNITY COLLEGE WHEREBY SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE (EMS) WILL PROVIDE FIELD INTERNSHIPS TO STUDENTS OF THE COLLEGE TRAINING PROGRAM.**

**Mr. Tom Pollan**, Director, EMS, greeted the Commissioners and said, “The item is for eighteen students from Barton County Community College to take part in a field internship. Again, this benefits the organization and the community as we provide services to these students and they learn from the experience they can gain here. This is the standard form and we do have a certificate of insurance. I would recommend the Chairman be allowed to sign.”

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**MOTION**

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

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

**J. BUREAU OF COMPREHENSIVE COMMUNITY CARE.**

- 1. MEMORANDUM OF AGREEMENT TO AMEND CONTRACT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES COMMISSION OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES TO PROVIDE ADDITIONAL FUNDS.**

**Ms. Deborah Donaldson**, Director, COMCARE, greeted the Commissioners and said, "This first item involves services for individuals who have developmental disabilities. As you are aware, in our refinancing, that we send money to the state and they match that with federal dollars and send that back. And what this is, is these are additional dollars they are sending back to provide services to individuals under the Waiver program. I'd be glad to answer any questions."

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**MOTION**

Commissioner Schroeder moved to approve the Memorandum of Agreement to Amend Contract and authorize the Chairman to sign.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**2. CONTRACT WITH BREAKTHROUGH CLUB TO PROVIDE TRANSITIONAL AGE PROGRAM SERVICES TO PERSONS BEING DISCHARGED OR DIVERTED FROM A STATE MENTAL HEALTH HOSPITAL PLACEMENT.**

**Ms. Donaldson** said, "Commissioners, this particular program focuses on individuals who are ages 16 to 24, which we found often have special needs and really independent living issues and maturity kind of issues that they're working on, on top of a very severe disability with a serious mental illness. This program helps support those folks and meet those special needs. I'd be glad to answer any questions."

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**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**3. CONTRACT WITH FAMILY CONSULTATION SERVICE TO PROVIDE IN-HOME FAMILY THERAPY SERVICES FOR SEVERELY EMOTIONALLY DISTURBED CHILDREN, YOUTH AND FAMILIES.**

**Ms. Donaldson** said, "This particular contract is a renewal of a contract that we've had with Family Consultation where they actually go into the home and provide family therapy. We have found this is very helpful and a good alternative for the more traditional therapy that is provided in the office. I'd be glad to answer any questions."

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**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**4. ADDITION OF ONE ADVANCED REGISTERED NURSE PRACTITIONER POSITION, RANGE 27, TO THE COMCARE STAFFING TABLE.**

**Ms. Donaldson** said, "This particular position is the result of a cancellation of a contract for those services. The need for those services changed dramatically because of some changes at the state level. So we did cancel that contract but one of the focuses of that cancellation involved using those dollars to provide additional mental health services to the jail. We've been providing the same level of services for literally years now as we watch the population increase and it is almost impossible to provide the services that are needed within that frame work. Now, with the expansion of the jail, this becomes more important. So this is what this does, it allows us the flexibility of our staffing schedule to go ahead and have someone over at the jail full time to work with mental health problems, suicides, suicide watches, and medication issues. I'd be glad to answer any questions."

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

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**Commissioner Gwin** said, "Does the money for this currently exist in your budget?"

**Ms. Donaldson** said, "Yes."

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

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

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**5. DELETION OF ONE VACANT ASSISTANT CASE MANAGER POSITION, RANGE 13, AND ADDITION OF ONE LICENSED MENTAL HEALTH TECHNICIAN, RANGE 15, TO THE COMCARE STAFFING TABLE.**

**Ms. Donaldson** said, "Commissioners, this item allows us the deletion of one position and the reason we are wanting to add an additional position is because at this point, we are bringing more and more individuals home from the state hospital who have greater needs and one of these needs is often staying on medication. These will actually go and work with

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individuals and do medication drops and that is one important part of that team is the Licensed Mental Health Technician and so this way if we delete a position that we will not be using and add one that is critical to the work we are doing. I'd be glad to answer any questions."

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

**MOTION**

Commissioner Gwin moved to approve the deletion from and addition to the COMCARE Staffing Table.

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

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

**K. BUREAU OF PUBLIC SERVICES.**

- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE, WITH CORNEJO & SONS, INC. ON SEDGWICK COUNTY PROJECT NO. 616-833; INTERSECTION IMPROVEMENTS AT 13TH STREET NORTH AND WEBB ROAD. CIP #I-72. DISTRICT #1.**

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**Mr. David C. Spears**, P.E., Director/County Engineer, Bureau of Public Services, greeted the Commissioners and said, "Item K-1 is a Modification of Plans and Construction for the intersection project at 13th Street North and Webb Road, designated as I-72 in the Capital Improvement Program. This Modification is an increase of \$9,560.94. This is due primarily to a storm sewer conflict with a twenty inch water line. Rather than disrupt water service to the citizens in the area, we decided to redesign the storm sewer. Recommend you approve the Modification of Plans and Construction."

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

- 2. RESOLUTION DESIGNATING BRIDGE WEIGHT REQUIREMENTS FOR ALL BRIDGES WITHIN SEDGWICK COUNTY. ALL DISTRICTS.**

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**Mr. Spears** said, "This Resolution updates the bridge weight posting requirements for all County maintained bridges. The basic changes are a direct result of construction of new bridges in 1996. We have a total of 636 bridges of which 153 are posted, four are closed and 483 are open. Open load bridges are defined as those bridges which can handle any legal load. As far as posted bridges are concerned, in 1985, we had 318 and as of this date we have 153, which is a significant reduction over a time period of twelve years. As a matter of information, this year we are constructing 20 new bridges by contract and another six with our bridge crew. This Resolution designates bridge weight posting requirements for all our bridges in accordance with procedures outlined by the Kansas Department of Transportation. Recommend that you adopt the Resolution."

**MOTION**

Commissioner Gwin moved to adopt 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	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' FEBRUARY 20, 1997 REGULAR AND FEBRUARY 21, 1997 SPECIAL MEETINGS.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have minutes from the February 20 meeting of the Board of Bids and Contracts, there are twelve items for your consideration."

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**(1) STREET IMPROVEMENTS - BUREAU/PUBLIC SERVICES  
FUNDING: GENERAL OBLIGATION BONDS**

“Item one, street improvements for the Bureau of Public Services, 47th Street South between Oliver and Rock Road, it was recommended to accept the low bid of Asphalt Construction for \$1,924,171.47.

**(2) STREET IMPROVEMENTS - BUREAU/PUBLIC SERVICES  
FUNDING: SPECIAL ASSESSMENTS**

“Item two, street improvements for the Bureau of Public Services, for the Quail Creek Estates. It was recommended to accept the low bid of Cornejo & Sons for \$85,489.08.

**(3) COPY MACHINE - COMCARE**

**FUNDING: COMCARE**

“Item three is a copy machine for COMCARE. After review, it was moved to accept the low bid of Ikon Office Solutions based upon the total five-year cost of \$22,200. That includes the cost of outright purchase and the five year cost per copy.

**(4) COPY MACHINE - JUVENILE INTAKE & ASSESSMENT  
FUNDING: JUVENILE INTAKE & ASSESSMENT**

“Item four is a copy machine for Juvenile Intake and Assessment. It was recommended to accept the low total bid of Business Systems Inc. again for a five-year total life cycle cost of \$19,668.

**(5) PERSONAL COMPUTER HARDWARE & SOFTWARE - DEPT. ON  
AGING  
FUNDING: AGING**

“Item five, personal computer hardware and software for the Department on Aging. It was recommended to accept the low total bid of Computerland for \$6,088.96. You will note that we asked for individual prices on other items for comparison.

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**(6) NETWORK SERVER - DISTRICT COURT  
FUNDING: DISTRICT COURT**

“Item six is a network server for District Court. It was recommended to accept the low bid for items as listed from Computerland for \$28,311.31 and Business Computer for \$1,595.

**(7) PERSONAL COMPUTER HARDWARE & SOFTWARE - COURT TRUSTEE  
FUNDING: COURT TRUSTEE**

“Item seven, personal computer hardware and software for the Court Trustee. It was recommended to accept the low bid of Gateway 2000 for \$96,550.

**(8) PERSONAL COMPUTER HARDWARE & SOFTWARE - COMCARE  
FUNDING: COMCARE**

“Item eight, personal computer hardware and software for COMCARE. It was recommended to accept the low total bid meeting specifications of Entex for \$13,488.

**(9) TIMBERS - BUREAU/PUBLIC SERVICES  
FUNDING: BUREAU/PUBLIC SERVICES**

“Item nine, timbers for the Bureau of Public Services. It was recommended to accept the low bid of Kennedy Saw Mills for \$95,179.26.

**(10) UNIFORMS - FIRE DEPARTMENT  
FUNDING: FIRE DEPARTMENT**

“Item ten, uniforms for the Fire Department. It was recommended to accept the low bid meeting specifications per item for the individual prices listed of Industrial Uniform. These uniform components are being purchased during the 1997 fiscal year.

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**(11) AUTO GLASS - CENTRAL MOTOR POOL  
FUNDING: CENTRAL MOTOR POOL**

“Item eleven, auto glass for the Central Motor Pool. It was recommended to accept the low bid of Safelite Auto Glass per Charter Resolution and this is the City of Wichita Contract. The price listed are percentage-off discount from the list price. That does include parts and labor for installation. It is estimated that \$25,000 will be expended in 1997 for auto glass.

**(12) IBM HARDWARE MAINTENANCE - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**

“Item twelve, IBM hardware maintenance for Information Services. It was recommended to accept the renewal of the sole source bid of IBM Corporation per Charter for \$217,605.59.

**ITEMS NOT REQUIRING BOCC ACTION**

**(13) REPLACEMENT OF COOLING TOWER - CAPITAL PROJECT  
FUNDING: CAPITAL PROJECT**

**(14) 15 PASSENGER VAN - MOTOR POOL  
FUNDING: MOTOR POOL**

**(15) SECURITY CARD ENTRY SYSTEM - CAPITAL PROJECT  
FUNDING: CAPITAL PROJECT**

“There are three items that do not require action at this particular time. One of those is replacement of the cooling tower, we’ll discuss that in a moment. A fifteen passenger van for Central Motor Pool and the Sheriff’s Department, and a security card entry system for Capital Projects and the District Attorney. Those items are tabled for review. Be happy to take questions on these items and would recommend approval as presented.”

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**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Mr. Muci** said, "February 21, a special meeting of the Board of Bids and Contracts was held.

**(1) REPLACEMENT OF COOLING TOWER - CAPITAL PROJECTS  
FUNDING: CAPITAL PROJECT /BUREAU OF CENTRAL SERVICES**

"There is one item and that is the replacement of the cooling tower for Capital Projects and the Bureau of Central Services. I have a recommendation presented, however, there was a memo presented to me by the Acting County Counselor, Mr. Euson. The recommendation would be to accept the low bid of Commercial Mechanical Incorporated for \$219,400, subject to negotiation of a contract or calendar date completion of less than the 110 days listed."

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**MOTION**

Commissioner Hancock moved to approve the recommendations of the Board of Bids and Contracts subject to negotiation of a contract or calendar date completion of less than the 110 days listed.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**CONSENT AGENDA**

**M. CONSENT AGENDA.**

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

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V97004	\$162.00	5	Cottage Grove
V97012	\$253.00	3	Brentwood Apartments
V97011	\$208.00		Topeka Rentals

**Regular Meeting, February 26, 1997**

- 2. 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>
C01023	\$233.00	\$241.00
V861001	\$214.00	\$218.00
V95049	\$275.00	\$ 0.00
C862010	\$96.00	\$ 81.00
V62007	\$335.00	\$245.00
V96022	\$364.00	\$324.00
V96024	\$444.00	\$282.00
C94024	\$366.00	\$378.00
V94012	\$348.00	\$384.00
C862012	\$425.00	\$355.00
C96040	\$181.00	\$177.00
V96078	\$316.00	\$349.00
V93110	\$307.00	\$ 69.00
V94063	\$275.00	\$194.00
V94012	\$384.00	\$384.00
V96005	\$400.00	\$307.00
V96093	\$14.00	\$ 94.00
C71013	\$253.00	\$228.00

- 3. Order dated February 19, 1997 to correct tax roll for change of assessment.**
- 4. Consideration of the Check Register of February 21, 1997.**

**Regular Meeting, February 26, 1997**

**5. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970108	Road and Bridge Sales Tax	Transfer
970109	Public Services Highways	Transfer
970110	District Court Judges	Transfer
970111	Sheriff	Supplemental Appropriation
970112	COMCARE-Mental Health Reform-General	Transfer
970113	COMCARE CDDO Grant	Supplemental Appropriation
970114	COMCARE-Crisis Intervention	Supplemental Appropriation
970115	COMCARE-CSS Case Management	Transfer
970116	COMCARE-CDDO	Transfer
970117	Alcohol and Drug Safety Action	Transfer
970118	Quail Creek-Street	Supplemental Appropriation

**Mr. Buchanan** said, "Commissioners, you have the Consent Agenda before you and I would recommend your approval."

**MOTION**

Commissioner Schroeder moved to approve the Consent Agenda as presented.

Commissioner Gwin seconded the Motion.

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

**Regular Meeting, February 26, 1997**

**VOTE**

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

**Chairman Winters** said, "At this time, I will recess the Regular Meeting of February 26, 1997.

**The Board of Sedgwick County Commissioners recessed to the Fire District meeting at 11:43 and returned at 11:45 a.m.**

**Chairman Winters** said, "I will call back to order the Regular Meeting of the Board of County Commissioners February 26, 1997. Is there other business to come before this Board?"

**N. OTHER**

**Commissioner Miller** said, "Yes there is Mr. Chairman."

**MOTION**

Commissioner Miller moved that the Board of County Commissioners recess into Executive Session for approximately fifteen minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship pertaining to pending claims and litigation and legal advice and personnel matters of non-elected personnel and that the Board of County Commissioners return from Executive Session no sooner than 12:00 p.m.

Commissioner Gwin seconded the Motion.

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

**Regular Meeting, February 26, 1997**

**VOTE**

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

**Chairman Winters** said, "We're in recess for Executive Session.

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:45 a.m. and returned at 12:08 p.m.**

Chairman Winters said, "I'll call back to order the Regular Meeting of February 26, 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.

**O. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 12:10 p.m.

**Regular Meeting, February 26, 1997**

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

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

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**PAUL W. HANCOCK**, Chairman Pro Tem  
Second District

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**BETSY GWIN**, Commissioner  
First District

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**MELODY C. MILLER**, Commissioner  
Fourth District

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

ATTEST:

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**James Alford**, County Clerk

APPROVED:

\_\_\_\_\_, 1997