

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

### **REGULAR MEETING**

**APRIL 2, 1997**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, April 2, 1997, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Melody C. Miller; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. 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. Jennifer Reschke, Assistant County Counselor; Ms. Nola Foulston, District Attorney; Mr. John Duvall, Director of Operations, COMCARE; Mr. David C. Spears, Director, Bureau of Public Services; Ms. Mary Anne Nichols, Director, Personnel Department; Mr. Kenneth W. Arnold, Director, Capital Projects Department; Mr. Jack Brown, Acting Director, Community Health Department; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Karen Casto, County Clerk's Office.

### **GUESTS**

**Mr. William M. O'Loughlin**, Brad Murray Rentals

**Mr. Owen Gibbs**, Sprint PCS, 1938 N. Woodlawn, Suite 306, Wichita, Kansas

**Mr. Monte Marrs**, 10909 Cora, Wichita, Kansas

**Mr. Richard LaMunyon**, 10624 West 31st North, Wichita, Kansas

**Ms. Loretta Knott**, 10709 W. Cora, Wichita, Kansas

**Mr. Jerry Fournier**, 10520 West 31st North, Wichita, Kansas

**Mr. Russell Mills**, Derby Recycling & Transfer Station

### **INVOCATION**

The Invocation was given by Mr. David Clien of the Christian Businessmen's Committee.

### **FLAG SALUTE**

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**ROLL CALL**

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

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

The Clerk reported that all Commissioners were present at the Regular Meeting of March 12, 1997.

**Chairman Winters** said, "Commissioners, I don't believe that we have all had an opportunity to review these minutes."

**MOTION**

Chairman Winters moved to defer the item for one week.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

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

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

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**PROCLAMATION**

**A. PROCLAMATION DECLARING APRIL 7-13, 1997 AS "PUBLIC HEALTH WEEK."**

**Chairman Winters** said, "Thank you. Commissioners, I have a Proclamation concerning public health that I'd like to read for your consideration."

**PROCLAMATION**

**WHEREAS**, the life span of citizens in our community has increased from 45 years in 1870's to 75 today; and

**WHEREAS**, twenty-five of these extra years of longevity are due to **public health prevention** measures; and

**WHEREAS**, these methods include environmental protection, sanitation and personal health measures involving the implementation of immunization programs and control of contagious disease such as tuberculosis, AIDS and others; and

**WHEREAS**, even with this progress, approximately half the deaths in Sedgwick County occur **prematurely** from **preventable** causes, especially those related to lifestyle such as use of tobacco, insufficient exercise and improper diet;

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim the week of April 7 - 13, 1997 as

**"PUBLIC HEALTH WEEK"**

"Commissioners, that is the Proclamation, do I hear a Motion?"

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**MOTION**

Commissioner Hancock moved to adopt the Proclamation 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, "Is Jack Brown here? The Acting Director of the Health Department? I guess that he is not. Fred, would you be sure that he gets that Proclamation? Thank you. Next item."

**RETIREMENT**

**B. PRESENTATION OF RETIREMENT CLOCK TO CHARLES KISSINGER, SURVEYOR, BUREAU OF PUBLIC SERVICES.**

**Ms. Mary Anne Nichols**, Personnel Director, greeted the Commissioners and said, "It is my privilege this morning to present a retirement certificate to Charles Kissinger, better known as Little Bit by the people who work with him. Charles is retiring April 1, 1997, after 40 years of service with Sedgwick County. He started April 10, 1957, as an Engineering Aid, was reclassified as a Civil Engineer in August of '72, became a Senior Engineering Technician in January of '78, and became a Surveyor in April of 1980. Charles says that he has a wife, three children, seven grandchildren and one brother that he plans to spend time with. He has been a Surveyor in the Engineering Department since 1957, and has enjoyed his employment. We want to wish him well."

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**Chairman Winters** said, "David Spears and I are going to do a tag team here. Charles has worked for David a number of those years and David asked that Charles be up here. David, if you'll do the presentation."

**Mr. David Spears**, Director, Bureau of Public Services, said, "Thank you, Mr. Chairman. Chuck, on behalf of Sedgwick County and especially the Bureau of Public Services, we want to thank you for your 40 years of loyal service and wish you the best of luck in your retirement and present you with this clock."

**Mr. Charles Kissinger** said, "Thank you, I appreciate it."

**Mr. Spears** said, "People like Chuck are really hard to find and we've had his position open for about three months now and we have not had a single application, because he is a licensed surveyor. It is very difficult to find somebody of this quality. When you design a project, a road or a bridge, the basis of it is the survey and without Chuck's input to help our engineers some of our projects wouldn't be as good as they are."

**Mr. Kissinger** said, "Thanks a lot."

**Chairman Winters** said, "Madam Clerk, would you call the next item?"

### **PLANNING DEPARTMENT**

- C. CASE NUMBER CU-413 - REQUEST FOR CONDITIONAL USE PERMIT TO CONSTRUCT A 150-FOOT COMMERCIAL COMMUNICATION TOWER, LOCATED WEST OF MAIZE ROAD, SOUTH OF 31ST STREET NORTH (3131 NORTH MAIZE ROAD.)**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "One Planning item on the agenda. This is an item that you have heard before, but I'll try to take you through the history of it briefly. This concerns a property on the west side of Maize Road."

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**SLIDE PRESENTATION**

“This is Maize Road and the intersection of 29th Street North, which is between the City of Wichita and the City of Maize and about a quarter mile to the north is a property, a long tract. There are homes along the frontage of Maize Road that you’ll see. This home owner has a home on this property. There is a long lake you’ll see in an aerial photograph and then the proposed tower site is located at the west edge of this tract. All the land in this area is zoned SF-20, which is the suburban residential zoning district and a commercial communication tower can be permitted, or not by a conditional use under the County Zoning Resolution.

“The applicant in this case, Brad Murray Rentals, is requesting to construct 150 foot self supporting tower for commercial communication equipment on the west end of this tract. The tower would be galvanized silver appearance. There would be no lighting, because this is a tower under 200 feet. There is no lighting required and by the conditions, there would be no lighting permitted on the tower. The applicant has three letters from providers in the market, communication telephone companies who are in the market who have indicated that this tower would serve their needs in the future in this rapidly growing northwest Wichita area. The tower, as it is designed, is going to be able to support a total of four carriers. We do have at least two other companies that we know of who will be using the tower. One other in addition to the ones that were in your report who, we think, will be entering into the market and possibly additional ones in the future.

“The case was originally heard by the Planning Commission back on Halloween day of last year. There were residents who were at the meeting who were opposed to it. The Planning Commission voted six to six on a Motion to deny and that recommendation, which was a failure to recommend approval, came to the County Commission back in January. You returned it to the Planning Commission to reconsider. The Planning Commission held a second hearing back in late February and after their second hearing, they voted eight to five at their second hearing to recommend approval.

“Let me show you the aerial photograph and kind of remind you. All this area, as I said, is zoned Single Family-20, which is a half acre to two acre suburban lots. There are agricultural uses to the east and to the west, there are wetland areas. To the southeast and southwest, at the intersection, there are homes along the frontage of Maize Road. There is also a platted addition and suburban homes to the north and northwest of this area.

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“In terms of opposition and support, in your file, you have letters from the owners of land who abut this property with their own long lots just to the north and just to the south. They both signed letters indicating that they consent to this tower. The opposition has come mostly from the north and northwest and is reflected in the protest petitions that were filed. The red and blue area indicate the property owners who filed protests and a number of those are within the thousand-foot statutory area by which we calculate protest petitions. The total area of those protests though, in the red area, calculate to under 20% and so that combined with the Planning Commission’s recommendation for approval means a simple majority is what is required to approve this Conditional Use request.

“The nearest home is about 550 feet to the south of the proposed tower site, which would be right here. This owner is not objecting, but this owner is, which would be the next nearest house, that’s about 700 or 800 feet away. Then these are the areas where you saw the other opposition. The opposition ranged around the visual impact of the tower that would be visible from their homes and the potential impact upon property value of that visual impact. They were concerned that, even though this isn’t commercial zoning that it would lead to further commercialization in the general area. There were concerns expressed that maybe the towers would create interference with satellite TV reception. There were assertions made that it wasn’t necessary, that there is perfectly good service that is available to people who are out here now. There was concern expressed about maybe this would be a hazard for ultra light airplanes who fly in this area and, that there would be other sites available, I think was another assertion.

“The applicants have tried to respond to all of the concerns and both in the hearings and in a report that has been submitted to you, I think that they have at least provided some study that indicates that the proximity of a communication tower does not necessarily result in a reduction of property values. The difference in the frequency range between these kinds of communications and satellite televisions should not lead to interference. They have indicated, we’re working with basically a willing owner who is willing to lease land for these towers and they have indicated that they have tried, within their search ring, where they can provide the necessary service to contact. I think they contacted fourteen property owners in this area. Some owners, maybe properties that would be further away from residential homes, just were not willing to lease their property and other properties were not suitable, they would be subject to federal requirements, like the wetlands area to the south. So it is just very difficult in the county, in a fringe area like this, to find a site that is not going to be visible from someone’s location.

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“So there was a property further to the south, down on 21st Street, between 21st and 25th, that is zoned commercial, but that property is unavailable at this time because it has been in litigation and because the plans for that property have been drawn, so that property owner, even if this land was free and clear, wouldn’t know at this time where they would be willing to locate the site.

“The Planning Commission did grapple with this issue I think, and as you know, they recommended eight to five to approve it. Let me just try to state a few things in terms of how I think, at least so far, the Planning Commission and Planning Department is trying to deal with this issue of communication towers. First of all, I think you should take into consideration that this is like a utility, it is like water and sewer. This is something that is important to the economy. To have good service, effective service, good coverage and lack of disruption and also to have good competition in the local markets, so we can keep rates, in that area, at a reasonable rate. I think all of those things are important in the era of the information super highway in order to maintain our competitiveness with other communities.

“The Telecommunication Act, the Federal Act of ‘96, gives local communities the authority to zone and make decisions, yes or no, about the location of towers, but you have to do it in a reasonable way. You have to make reasonable accommodations for any provider who wants to enter the market and you cannot discriminate between providers and say we’ve already got two companies, why do we need a third one? In terms of what our current approach is, and by the way we have at least a two foot stack of information that we continue to collect on how other communities are trying to deal with this, what their ordinances look like and what their policies look like. I don’t know that any community has solved this problem. They are all currently trying to deal with it, but we are doing things, I think, that all the communities, on what you call the cutting edge, are doing. Number one, we’re trying to minimize the number of towers. We do that through the County Resolution and the City Ordinance which says that number one, you have to demonstrate that there is a need and that you can’t locate on any existing tower or structure. Secondly, we encourage co-location. We require co-location for any new towers. We require that the owner, the new tower provider, provide opportunities for other users in the future to locate on that tower in addition to the first user so that we can reduce the number of towers. We also try to make it as easy as possible through the code for providers to locate on existing towers and structures. They are on water towers, they are on tops of buildings in residential districts that have tall buildings that are suitable.



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“We’re talking about putting them on top of stadium lights, on high school sites, and any where we can avoid creating a new structure or a new tower, we’re trying to do that and I think that the providers are trying to look for those opportunities too, because they don’t want to be here dealing with controversy on Wednesday mornings either.

“We do have a data base and we’re trying to maintain it and keep it updated and refined, that indicates where all the existing structures and towers are, who owns them, who is using them, is their capacity on them for possible use by other co-locations so that when people come in the door we can tell them to explore those opportunities. We also have contracted with a third party, a third objective party, a technical expert who can look at the technical information that is being suggested by an applicant of why they have to locate, why they have to build a new tower, why they can’t locate on an existing structure, and tell us whether or not that is founded in fact and does meet the requirements of the code; you need to make those kinds of demonstrations. So we’ve got some third party expert opinion to try to help us with that.

“The code tries to encourage locations away from residential areas because it allows them by right, if they meet set back requirements in industrial zoning and in heavy commercial zoning. You have to go through a public hearing process which I think people will want to avoid if they can. If you have to do something like this, a conditional use permit in a residential district, we apply in these individual cases the same code requirement as if you were in a commercial area adjacent to residential zoning and it is similar to some standards that we’ve seen in other communities, which is basically that you ought to be at least, in one community 500 feet away from an existing residence and in another community, at least three times the height of the tower, which in this case would be 450 feet from a residential district. So this case meets those requirements. I think the Planning Commission will have continued discussions and maybe they’ll tell you in the future that they think it ought to be more stringent but right now I think it meets those requirements.

“What we are trying to control is color, lighting, advertising and those sorts of things that might otherwise be on towers. What we are not doing is, we’re not maybe finding the ideal location for these towers because the companies don’t have the authority to go out and condemn land. They are dealing with the limitation of willing owners who are leasing land. If we had the power, if they had the power of finding the optimum sites, then maybe there would be fewer controversies. That is something that can be looked at in the future. We are just beginning to explore the possibilities of using public land, public structures.

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“As you know, the School Board USD 259 is going to build 30 microwave towers close to residential neighborhoods, that are already approved. It probably makes sense to add an antenna for a provider onto that, rather than have that provider have to build another antenna somewhere close to a residential district. I think that is an area that can be explored. Unfortunately, Wichita, unlike some of these communities that we read about, doesn't have tall trees that can hide these antennas. We don't have topography. We don't have some of those natural advantages, so that is going to make it a little bit more difficult than Colorado or California. Now the other thing that we haven't been doing is that we haven't been saying that in order to minimize the visual impact, that we should be looking at monopolies versus support towers. This is a self support request. It is a lattice tower. It is a four legged tower. Some people will say that a monopole tower, which you've seen those I'm sure, is a more slender tower. Although, if it is 150 feet tall, it would be a very thick tower and it would be very difficult to be able to co-locate, to build it structurally in order to locate four sets of antenna equipment. There are some communities who try to have a strong program of encouraging monopolies rather than lattice towers. That is something that can be looked at in the future.

“The Planning Commission recommended approval eight to five. The only change in the conditions was that they required a ten foot fence around the compound. That is consistent with the way the Board of Zoning Appeals was dealing recently with the school microwave towers that are usually on school sites. The protests, as I said, amount to less than 20% so it requires just a majority vote.

“Let me go through the slides quickly to remind you of the area we're talking about. This is the home along Maize Road and the lake you saw in the aerial photograph. Behind that lake is where the tower would be. This is the home again looking from Maize Road. There are homes along Maize Road. This is the couple of homes to the south of the property owner. This is one of the property owners who signed his consent. This is the home to the north and that is the other owner who signed his consent. Then looking from Maize Road up in that direction. These are the homes in the subdivision that are further to the north. Right about in that area, where that equipment building is, is where the tower would be located. Right about in this location and this is the home that is about 700 feet to the north. This is the site plan that shows the west end of that tract, the lake, the compound for the tower. This farmer apparently wouldn't provide a site, but he did not submit an objection to the request. He is the third abutting property owner to the site.

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“This is a map that shows, this is actually a little bit out of date, but it shows some of the existing towers in the area. The site that we’re talking about is right in here and you can see that there is really kind of a gap between towers located to the northwest, to the west there is one tower located in an industrial area over by Hoover and 21st Street. The nearest tower to Sprint, which is one of the potential users, is about three miles down the road at Central and Maize. So there is a gap in service. This whole northwest area is an area where we expect continued development over the next twenty years. Back to the aerial photograph and the zoning map. I’ll try to answer any questions that you have at this time.”

**Chairman Winters** said, “Thank you very much Marvin. Commissioners, does anyone have a question of Marvin? I don’t see any questions at this time Marvin. At this time, we will take comment from the public. Is there anyone here from the public who would like to speak in favor of this application? Anyone to speak in support of this application? Please state your name and address for the record and we’re going to try to limit our remarks to five minutes or less.”

**Mr. William O’Loughlin** said, “Good morning, my name is Bill O’Loughlin and I represent Brad Murray Rentals, Inc. The property is at 3131 N. Maize Road. It is owned by Donald and Sheryl King. We propose a 150 feet multi-carrier tower. We have letters of support which you’ve been provided from Sprint and **Omni-Point**. Sprint is here this morning, Omni-Point is not. Southwestern Bell has been added to our list of carriers who would like to be on this. This is different from when we spoke to you in January.

“Your questions in January and what we told the MAPC seemed to deal with site selection so I’m going to take you through that process. Site selection starts with a carrier receiving a license in a specific area. Following that, they do market research and determine where is the market, where can we sell some phones in the Wichita trading area? That report is then turned over to their network engineering to determine where are we are going to locate our towers, our sites. Our engineering is a very well defined discipline. They determine search rings and into these search rings they say this is where we need a site and there are approximately 60 of them for Omni-Point in the Wichita area. Sprint had just under 30 in the county a year ago. Search rings have to fit into the overall network. They have to cover targeted residential areas and highway traffic. They attempt to use existing towers and tall structures. They allow for terrain and if there is no existing structure, you use raw land and you build one. They are very exact calculated locations because they work as a network and any given location affects all the other locations surrounding it.

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“Following the search ring issuance, zoning comes into play and we do research of both the county and city zoning maps looking for suitable districts within the search ring, preferably commercial or industrial. As you know, as Marvin told you, the commercial zoning near this is not suitable due to the litigation.

“Leasing then takes over and attempts to find a lease with a land owner on an existing tower or structure. Any given tower must be of the desired height, must have good structural integrity and if all else fails, you’ve got to find a land owner willing to lease land to you. Following RF zoning and leasing, a technical review is held at the site in which a team of civil engineers, RF engineers, the architect, zoning, the leasing people, as well as the carrier management, determine if the site meets the coverage requirements of the area. There also has to be electric and telephone service nearby because they could make the site unfeasible if you’ve got to run the power and telephone any great distance. A year ago, Sprint established a search ring between Maize and Ridge, 21st and 37th. There is no available industrial zoning in this area. I was working on the Sprint project a year ago. We contacted over eleven potential locations. We were able to negotiate one lease. This site was well down on Maize Road. It was located in the wetlands, surrounded on three sides by planned residential developments. MAPD could not recommend it. We walked away from that site and then Brad Murray Rentals took over looking for a site. He has contacted at least three. Brad’s business is to provide antenna structures for as many carriers as he can find. This helps maximize the areas served by minimizing tower proliferation. He contacted three specific sites within this vicinity. Two said no and the Kings said yes. The alternative to Brad’s tower proposal is for each of the carriers . . .”

**Chairman Winters** said, “Excuse me Mr. O’Loughlin. Do you have much more?”

**Mr. O’Loughlin** said, “I have very little.”

**Chairman Winters** said, “Okay, go ahead and conclude.”

**Mr. O’Loughlin** said, “The alternative is for each carrier to find his own site, that’s three towers. I think we have been diligent in the site selection. We are proposing to build a facility that will support the fastest growing part of Sedgwick County. It will provide a Sprint network link as Marvin showed you on the map and I believe there is a map in your packet. It will support multiple carriers. We have three interested with others entering the market and in summary, it will fill a hole in the communications infrastructure in Sedgwick County. Thank you.”

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**Chairman Winters** said, "Thank you very much Mr. O'Loughlin. Is there anyone else here who would like to speak in support of this application? Please come forward. State your name and address for the record please."

**Mr. Owen Gibbs** said, "I am a site development manager for Sprint PCS here in Wichita. Kind of reinforcing what Mr. O'Loughlin had to say. This tower is a compromise site for all of the carriers to try to come together in one place to minimize the proliferation of towers in the Wichita area. I have not seen many structures that you can find three radio engineers or three different companies agree that this is a spot that will work. Because it is a compromise, our original site we would have liked to have had it farther south and east of this location. I don't know Omni-Point's ideas. In talking to Southwestern Bell, they wanted to be a bit farther to the north and the west. By all of us making compromises into a location that we can all work on and have one structure instead of multiple structures that accomplish our radio engineering needs is something that works for what the county is trying to do in limiting the number of structures, trying to encourage co-location. This is something that has been important for all of us and I can again say that in the last several months, the cooperation that I have seen among the carriers and the MAPC in trying to accommodate co-locations has really been good for all of us."

"Kind of remarking on the property values, I have been involved in studies both here and in other areas where there has been no demonstrated reduction of property values due to the existence of towers. I think one local case in point, if you go on 21st Street just across from the Zoo, you have that monopole there and a subdivision of very large expensive houses going in just east of Ridge Road on 21st Street. It does not seem to be affecting those property values or the people looking at that area. I can agree with somebody saying yes, I don't want to see it, it's an unfortunate thing. Unfortunately, in this part of the county, which is rapidly growing, we are going to have at least one structure somewhere to provide the quality of service that people of Sedgwick County deserve. You're bound to be in somebody's back yard. It is unfortunate that this happens to be these people's back yard. We have tried very hard to find locations that we would not be doing that. Unfortunately, between land owner problems and other things, this is what will work for both of us and we feel this is the optimal location for a site that does reduce the proliferation of structures. That's about all I have. Any questions that I can answer?"

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**Chairman Winters** said, "All right. I see no questions, Mr. Gibbs. Thank you very much for coming and sharing that information. Is there anyone else who would like to speak in support of this application this morning? We'll listen to and receive comment from those who are in opposition to this application. Could I see a show of hands of how many people would like to speak this morning? We've got about three or four? Okay, please come forward with the first speaker. Please give your name and address for the record and we're going to try to limit our comments to five minutes."

**Mr. Monte Marrs** said, "I reside at 10909 Cora. I want to thank the Commission for my time. I'll try to make this very short. First of all, I'm actually thrilled that the companies are working together trying to make a minimum of towers as possible. As far as optimum location, this is a wetlands area. It is low. If you are truly wanting to minimize towers, it seems to me that you would try to find a high location. As far as leasing, I was in the oil business for twenty years and if you find an area that you think you want to drill on or you want to lease, it is to your advantage to make it work. I think they went out there and tried to lease and said this is the only amount of money that we're going to spend on a lease and try to find somebody that will bite on it. It is like trying to get a lease for a dollar an acre. If somebody is stupid enough to take it, fine. If it is truly going to be an economic adventure for them, they can find a location and offer enough money to get these other people to lease this land.

"One other thing, we live in a neighborhood that has great neighbors. Wonderful neighbors that all get along. As far as giving consent on this to build a tower, most of the neighbors try to get along with everybody else and don't want to go against it. Mr. King is presently selling his house. As far as property owner values, he hasn't even waited for this tower to be built, he has his home up for sale, an acre and a half of it up for sale and his home, so he doesn't want to live there next to the tower. Yet he is cramming this down everybody else throat. That is what bothers me more than anything.

"As far as the mono-towers, I think they should spend the money, if they're going to build towers, to make mono-towers instead of the A-frames, which are very obtrusive to the area. I guess one of the main things is property values. I feel that Mr. King, by putting his property up for sale, is signaling that he believes this will hurt his property value because he is trying to sell the property before the tower is built. That is all I have and thank you for your time."

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**Chairman Winters** said, "Thank you Mr. Marrs. We appreciate your coming this morning. Next speaker."

**Ms. Loretta Knott** said, "If you don't mind, I brought my own pictures. I live at 10709 W. Cora. For every argument, I almost thought that Marvin was working for Sprint there for a minute. For everything that he is saying that we can and cannot do, I can probably go out if I really work hard enough and find a real estate owner who says that it is going to effect property values. I can probably find an FAA official that said that it is really too close to the little landing strip that is in the area. I can probably go around and find a property owner that is two doors down from them that is up for sale. Their real estate owner had told me that yes, they do need to know these things. It does affect how the house is going to sell. Again, for every argument that they have, we can come up . . . the satellite people, we can come up with an argument to say someone has this in their back yard and it has already affected their satellite dish. I think a big issue is the view. I think this is what we're going to see. We're going to see a fence with barb wire and it is going to be in the neighborhood. There are no trees to hide this and it is just plain ugly. It is going to affect our quality of life. I don't think this should be forced upon someone who has been there first. I think in the letters that were sent to you, it is different if the tower is there and someone buys a home and they know that it's going in. We don't have a choice. We can't up and move because some ugly monstrosity is going to be in our backyard. I have a two story house and when we look out our bedroom window, we're going to see a tower. Also, I think this tower is smaller, both around in circumference and height than the tower that is being proposed right now.

"I think that it is appalling that the way this information is coming out bit by bit. It wasn't all put out front to begin with, back in October. At each meeting that we go to, we're finding out things like well there was another site that was a possibility. We didn't know that until the last MAPC meeting. I think this whole process basically stinks. I think the 20%, I've got a neighbor across the street that I sent their petition in with ours. Mine is on record, theirs is not. I'm not sure where the 20%, I think there was 20% at the very first meeting that we had. Somehow it is not 20% anymore. I still would like written proof, in writing, that this isn't going to affect our property values. Our investment is already there. We've got our life savings in our homes. Right now, the phone companies don't have an investment other than their attorney's time in that location. They don't have any money right now. So if they walked away to another site, it is not going to hurt them a bit, but it is going to affect our quality of life.

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“Also, I think that I want to know why the County Commission cannot change your rules, your zoning rules, for the corner at 21st and Maize. It is my understanding that right now it is commercial property but it is not conducive to a tower, however, at the last meeting it came out that the County Commission does have the authority to change the use of that commercial property. My opinion is, put a tower where it is already commercial. Put it where it is going to be commercial. Don’t stick it in the middle of a back yard. These zoning laws were made by the county and the city to protect residential from commercial. Don’t change that. This is what it was made to do and I don’t think that putting something here and putting something there, which is a band-aid fix, is the way to go about it.

“I was also appalled to learn that there was a plan for this kind of thing several years ago but it is not being followed. Marvin had mentioned that at the last meeting. Why isn’t it being followed? Not one person asked about what are the guidelines, what was the plan? Not one person at that last MAPC meeting said where was this other site that was okay? They heard that three developers wanted to build on the other side of it. There was not one question about that other site. I’m just appalled at this whole process and the way this has gone about. Mr. King has not even been to one of these meetings. I have been through the neighborhood. I have missed four times from work because of this process and just the whole thing seems like it is just not right. It’s not fair, it’s not right, and it is just being forced on someone who already has an investment in the area and they don’t have anything to lose. They act like there is no phone service, that we’re back in the twenties in a cow town or something. We’ve got phone service, it just doesn’t hurt to have someone drive another mile or two down the road if their cell phone bleeps out because it is not going to hurt them. It is our investment and our quality of life that is at stake. Do you have any questions? I think my five minutes are up.”

**Chairman Winters** said, “Your five minutes are up ma’am. I see no questions. Thank you very much for being here this morning. Next speaker.”

**Mr. Jerry Fournier** said, “I live at 10520 West 31st North. The way the property is situated, the tower is closer to my residence than it is to Mr. King’s residence. Basically, I’ve talked to a few people and I’ve even asked some people who work with Sprint on what the tower was going to look like when they put in my back yard or my front yard really is where it will be. They were unable to tell me what the tower was going to look like.



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“I really don’t know to this day, what a 150 foot tower is going to look like. They say I won’t notice it because it is going to be decorated so I won’t see it, but I have a strange feeling that every time I look out the window I am going to see it. There is a monopole over there by a housing district but I don’t think it is 150 foot up in the air that they refer to.

“I’d kind of like to have, it is a business, it should stay in a business area. Personally, that’s what I think. There is plenty of business area around there. I think if they offered enough money, they could get somebody to take it. I think that might be the whole thing here is where can you get the cheapest location. Residence is cheaper than business. It stands to reason, let’s go there. The person who is going to lease it is moving out, I kind of wonder. I haven’t talked to him and he hasn’t talked to me, but it seems kind of strange that right after he signs a lease with these people he wants to move. I don’t have that privilege. I’m going to be there. I’ve been there for fifteen years, I was there before he moved there. It is in a low area.

“Overall, I’d kind of like to know what the plans are for the tower. They said that tower isn’t sufficient when I visited with them. What more towers are they going to need in the area? Basically, there should be some kind of an overall plan that you people ought to be looking at and making a decision on, not just one little site area and making a deviation in that. It just seems like somebody is making money at our expense. The people on both sides, they’re not that close to the tower. The people here that did sign petitions or didn’t sign petitions, because I was advised I didn’t have to as long as I show up because of the way the whole thing was set up. I don’t think anybody in the area wants the tower. I know you wouldn’t want it in your front yard. I don’t think you would want it in your back yard. I don’t think you would want it in a visible area. I’m sure Reflection Ridge sure doesn’t want it. They have a golf course out there they could easily put it in and it wouldn’t obstruct anything. It is just to me I don’t know why, I’ve been there for fifteen years, I’ve watched the County and everything grow up around me and I just hate to see a tower grow up with it. That’s kind of my comments there. Any questions?”

**Chairman Winters** said, “I see no questions. Thank you very much for being here today, we appreciate it. Next speaker.”

**Mr. Richard LaMunyon** greeted the Commissioners and said, “I live at 10624 West 31st Street North. I am a twenty year resident of that area. As soon as I became Police Chief in 1976, it became apparent that I needed to get out of the city, so I moved to the county.

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“Fred, in answer to your question, in 1957 where was I? I was a Sophomore at North High. I worked at Safeway and made \$1.25 an hour, had a girlfriend at West High and East High and North High. I was having a good time.

“I’m here to object to the tower. I appeared twice before the Planning Commission. As you know, the Planning Commission the first time was dead locked. They sent it to you and you sent it back. I appeared again and, of course, they passed on it that time. I would just simply like to make a couple of observations and that is that I currently have cell service and have had for several years. It is perfectly clear in my neighborhood. I have had no problem with it whatsoever. I think if people have problems with it they ought to switch to my service, it is very good. I’m not here to give a commercial. I obviously do not want the tower in my neighborhood. I’ve lived there twenty years. I’ve watched the controlled growth of the city and the county and it has been very good. What I’d like to be here discussing with you is a four-lane Maize Road proposition, but that is another issue.

“I think there are other areas that can be located in the area. I understand the Cramer’s area, where the shopping center is going to go is under legal dispute now, perhaps that is a possibility. I, too, agree and think that the tower should be placed somewhere either in the middle of agricultural area and let the residence build to it or else locate it in a commercial area. I am satisfied that there are areas. You know the way the terrain runs out in that particular area of the county, it goes up hill all the way clear down into Wichita all the way up north into Maize, it continues to go up hill out toward Colwich and everywhere. I guess one of the biggest objections I have is the fact that it doesn’t seem to be any kind of plan. The school system seems to have its plan, the city has its plan and perhaps the county has its plan. I think Marvin just alluded to it several times that there needs to be a plan. I think one of the Planning Commissioners stated it quite well. He said it is the plop system, you plop one here and you plop one there and you plop one over there and he said there doesn’t seem to be any rhyme or reason. So my objection is simply that.

“The other thing is, is it reasonable and does it need to be there? It’s your call and I recognize that according to it we represent less than 20%, but Don doesn’t even figure into that, he’s moving, so he is not in the 20%. That’s okay because Don and I played cards together for a long time and every time he gets ahead, he leaves anyway. It doesn’t make any difference. Don and I are good friends, don’t misunderstand me.

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“I would like to recommend to you that number one, this is not an emergency. We’re not dealing with public safety here. No one is going to die if that tower doesn’t get put up tomorrow. I would like to recommend to you that number one, you disapprove it. Tell these people to go back and find another site and you’ll come back and you’ll consider it. That’s my first recommendation. The second recommendation is that you at least defer it, send it back to the Planning Department and have them look at the overall picture. Where are all the towers? What are the plans for the future of the tower and where do they need to be in this county? So that is my recommendation to you. If you approve it here today, we’re still going to be friends. I know you all and I’m going to be friends. Your tires may go flat or something like that, but we’re still going to be friends. Thank you for your time.”

**Chairman Winters** said, “Thank you, Mr. LaMunyon, we appreciate you being here. Next speaker. Are there any other speakers? Does anyone else wish to address the Commission on this issue? Seeing no one, we’re going to limit discussion to Commission and staff. Commissioners, are there questions, ideas, suggestions, a motion? Commissioner Gwin.”

**Commissioner Gwin** said, “Mr. Chairman, just real quickly. Marvin, several of the speakers in opposition talked about the need for a plan for these kinds of things. Talk to me a little bit about that, would you?”

**Mr. Krout** said, “We haven’t found a plan. We haven’t found any community that has a kind of plan that everyone would probably like to see. When we brought in a consultant back in January to have a workshop and some of you attended that workshop, he indicated that the only plan that he knew about and had done for one community of four square miles. He admitted that they hadn’t followed his plan. I think the communities are doing all kinds of things including some things that we’re trying to do and maybe going a little bit further in terms of coordination or maybe what the public role would be in trying to identify or even provide sites for facilities. What you have here are companies who are in competition with each other, who want to maintain the confidentiality of their plans, who don’t know exactly what their plans are going to be. They’re all trying to respond to a market and they don’t know what market share they are going to have so they don’t necessarily know how many towers they will build and what the total demand is going to be in the community and what their share is going to be. Those companies all have slightly different or sometimes very different systems from a technological standpoint. Each one of those systems has different requirements and different specifications for what is a cell that can be covered, what is the coverage area, what is the frequency, how tall on the tower can that be located. It is like mixing oil and water.

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“It is very difficult to try to coordinate when you have these different users with all the unknowns and the different technologies all happening together. I would say that we are way ahead of where we were six months or a year ago in getting that informal coordination between the companies. The companies are learning that the governing bodies are going to be demanding that they cooperate. They are sharing information with us on their future plans as well as they can foresee them, which is not what they were doing six months or a year ago. We are starting to break some ground in terms of trying to bring USD 259 into the picture and that sort of thing.

“I think what we learned from the workshop in January was that you may be able to develop a plan for a four square mile community, but when you are talking about a situation of a thousand square miles, with at least six to eight carriers in competition with each other with different technologies and all the unknowns about future market demand, we can't predict like we can fairly well traffic on the streets and where development is going to go in the future. This is much less predictable. I think we are working toward better coordination but what we would like to see may be beyond our reach in terms of what the realities of this market situation it.”

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

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

**Commissioner Miller** said, “Thank you, Mr. Chairman. Marvin, I have first of all some clarifying questions and then some comments. The first one would be that what is the distance between the proposed site of the tower and really, probably, I need that map up again if you could Fred. The aerial shot. Did you say that the distance is about 600 or 700 feet to the nearest protestor or to the nearest residence?”

**Mr. Krout** said, “Seven hundred feet to the nearest protestor. About 550 feet to the nearest protestor. This is the nearest residence, about 550 feet to that tower. The landowner is not protesting. This is the nearest protesting owner and that is about 700 feet. Here is the protest map and here is the site. There is that nearest protestor and here is the nearest residence. These homes, as was indicated, even though they are on abutting lots and they might want to be developing the rear of their properties in the future, where they're existing homes are located now to that tower are probably more like a thousand feet.”

**Commissioner Miller** said, “Say that again.”

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**Mr. Krout** said, "The homes that are along Maize Road, Mr. King's home and the homes to the north and south of these abutting owners are about 1,000 feet from the location of this tower."

**Commissioner Miller** said, "Going . . . which direction is that? Maize road would be east?"

**Mr. Krout** said, "The tower is west of those homes."

**Commissioner Miller** said, "Okay, so that is going back east. The abutting property, are there actual homes on the abutting property?"

**Mr. Krout** said, "There are no homes immediately abutting the west area where the tower is located. Their homes are located along the frontage of Maize Road today. What you see in suburban areas sometimes though, is that these properties, someday it may be possible, for instance, to build a road up the back of the property if these owners cooperate and they will then be able to subdivide the properties. So these owners, I hope, will have thought about the future of their properties and potential for future subdivision."

**Commissioner Miller** said, "So the nearest protestor and the nearest residence is approximately 550 and 700 feet, which is less than half a block?"

**Mr. Krout** said, "Well, a city block is 660 feet."

**Commissioner Miller** said, "So it is right about a block away."

**Mr. Krout** said, "Yes, an eighth of a mile."

**Commissioner Miller** said, "An eighth of a mile. Okay. I needed to be able to understand that. The area that it is proposed to be sited and it is currently zoned rural residential?"

**Mr. Krout** said, "Suburban Residential."

**Commissioner Miller** said, "Suburban Residential."

**Mr. Krout** said, "Suburban Residential is a category that allows you to, depending upon whether or not you can do a septic tank and you have public water, you can get down to half acre lots. If you have to do a lagoon, then you're on a five acre lot."

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**Commissioner Miller** said, "Suburban Residential, not any where near commercial?"

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

**Commissioner Miller** said, "Okay. Can you answer, I think it was Loretta Knott's question of a plan? She mentioned a plan that you referred to."

**Mr. Krout** said, "Well, I think . . ."

**Commissioner Miller** said, "I know we've talked about plans, but I want to know just what it was that you had referred to?"

**Mr. Krout** said, "I think Ms. Knott was talking about a particular site. She went on to talk about a site that was discussed with staff and the staff said that we would not be able to support it. There was, of course we tell everybody whether we are or aren't likely to support it, then we're just the first step in the process and what we do is make recommendations. This was a tract of land, I think it was maybe a mile to the south and the east in an area where it was a two acre out parcel that was surrounded by three different developers who had all submitted recent plats and those plats had lots that were backing up to this two acre out parcel. So it would have been, within the next year, probably either surrounded by homes or an area of lots where, for whatever reason, those lots might not have sold. I'm sure there would have been a lot of controversy and there would probably have been a 100% protest petition from the three property owners. So, as opposed to a suburban area or rural area where the homes are farther apart, we thought that was going to be more of a problem. We didn't know where they would go next, but we told them that we thought that would be a very difficult site for us to support or to get ultimate support from the County Commission."

**Commissioner Miller** said, "Okay, thank you. At the Regular Meeting of January 22, which was the most recent time that the Board of County Commissioners heard this particular CU, I made a statement toward the end of the meeting that I'm inclined to ask the Commission to consider sending back to the Commissioners of the or for the Metropolitan Planning Board and look at this situation once again and bring it back to us with a definite plan that will look at how we can site this tower not as close as it is located currently on the proposed location to the subdivision that is protesting it. That was my suggestion. There is a support following with Chairman Winters. I am inclined to believe and agree with Commissioner Lopez."

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“I believe, who stated that, really nothing is changed in terms of information that was rendered or tasks that were completed by the Commission. I know that there are . . . it sounds like three other conditions on and I heard the fence, that it is a ten foot fence. No there weren't three other conditions, there was just one other condition that was placed on. The letters of reference were included which are by potential users and what else was done?”

**Mr. Krout** said, “One thing that I thought you were asking for from the applicant was to go through a more detailed rationale of why they ended up at this site and why the other sites weren't available or weren't more suitable and you do have a hearing on this particular tract of land and so you can't use this process to . . . you could use it to identify other potential sites, but you can't use it to approve some other sites. So I suppose the applicant could have decided that maybe they ought to drop out and look for other sites or look harder for other sites. What they have tried to do is put together their rationale better for what their search was and why they ended up at this location.”

**Commissioner Miller** said, “So, in essence, and this is not aimed at anyone, but I am simply processing it. So, in essence, what happened was they simply rationalized or confirmed why they came up with this piece of property.”

**Mr. Krout** said, “That is what happened, yes.”

**Commissioner Miller** said, “Okay. That was not my intention. I certainly was looking for the applicants to be able to look for another appropriate site. I would be very hard pressed to site or to agree to and approve the siting of a tower, which is commercial property, within a clearly zoned suburban residential area. I know that they are asking for a conditional permit in order to do this, but it is really difficult for me to understand how we could do that at this point in time, knowing that there are other sites available. Not understanding how it is or the depth that the individuals could go through to get another site, to me a more appropriate siting. So, at this point in time, Mr. Chairman, and the rest of the Board, I am inclined to still not approve this CU Permit.”

**Chairman Winters** said, “Okay, thank you Commissioner. Anything else at this time? Okay, thank you. Commissioner Schroeder.”

**Commissioner Schroeder** said, “This isn't directed at anybody in particular Marvin. I don't have any questions for you. I've supported most of these, if not all of these that we've had in the past, but in this case I think maybe the neighborhood has a good point.

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“Maybe we need to develop some kind of . . . and I hate using the term plan, but some kind of process, a better process for siting these towers, realizing that there is going to be a proliferation of these in the future if not already happening now. I think Marvin, at one time you told us how many were spread across the country and I can’t remember the number, but it was in the thousands.”

**Mr. Krout** said, “A hundred thousand new towers expected in the country.”

**Commissioner Schroeder** said, “Right. So it is going to be a part of life, just as telephone poles, telephone wires are, these towers will be. As you can see from looking at the telephone poles and wires that are in neighborhoods today, there wasn’t a lot of good planning given to that either. We’ve got easements everywhere. We have unsightly lines everywhere. Now in the new developments we’re burying a lot of those electric lines and telephone lines because of the unsightliness. I am not basing that on what they look like or anything like that, it is just the process I think needs to be improved. It is not these people who install these, these companies who provide their service, it’s not their problem. They didn’t cause this to happen, it is because we do not have a good process for siting these. I know your office doesn’t enjoy working on these Marvin because they are difficult and the term the Planning Commissioner used, we plop one here and we plop one there, I don’t know if that is accurate. I think there has been a lot more thought given to the process than that. I’m going to probably have to either ask that this be sent back for further review or I cannot support it today. I don’t know what legally our options are in this Marvin. Can you tell me what our options are?”

**Mr. Krout** said, “Well, Rich may be able to help you, but I think we’ve been through the Planning Commission now with two hearings and the County Commission with two hearings and I think that it wouldn’t serve much purpose to send this back to the Planning Commission. If the Commission doesn’t feel that this is an appropriate site, and wanting the tower providers to look harder or offer more money for leases or to wait until sites that are not available now become available, then I think the way to establish that policy and send that message is to vote this down today.”

**Commissioner Schroeder** said, “Let me say this. I know there is no perfect plan for this, there never will be. It’s just that I think we can do better and I’m not sure how we can do that but obviously the neighbors in this area are quite upset about this process and the siting of this tower. I have not seen, if I recall, any turnout quite like we’ve had with this one as opposed to others that have been here.



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“So that says something to me and I guess I’d simply base it on the fact that we need to improve the process and allow both residential and commercial to work together better in siting these towers because that has been what is cited today here by numerous neighbors. They don’t believe that those towers belong in residential areas. I don’t know, I think they’re going to have to eventually be in residential areas. I don’t think we can afford not to have them because as the community grows you’re going to need to site them in all areas of the County, whether it is commercial or residential. I think the process needs some improvement. That’s where I’m at right now.”

**Chairman Winters** said, “Okay, thank you Commissioner. Commissioner Hancock.”

**Commissioner Hancock** said, “Thank you Mr. Chairman. Marvin, on the lot that this is on, I never could find the actual dimensions of the lot. Are they on some map somewhere? I see a detailed drawing of what the actual tower site looks like.”

**Mr. Krout** said, “The lot itself is probably about a quarter mile long by 330 feet wide I would say. Three hundred thirty feet of frontage along Maize Road.”

**Commissioner Hancock** said, “Okay. I think our direction was to have the applicant look for alternative sites to this one if possible and bring us back the reasons why those alternative sites were not available if that was the case. I think that was the reason we sent it back for adjustment. Just to the west of this site, is that farm ground?”

**Mr. Krout** said, “Yes.”

**Commissioner Hancock** said, “How big is the farm ground there? Is it like an eighty or a sixty?”

**Mr. Krout** said, “Two forty.”

**Commissioner Hancock** said, “I was just curious about that. They’ve answered my questions. I understand, in reading here, some of our questions we had last time about network engineering and availability of utilities and the zoning requirements and the restrictions that go with those zoning requirements and the ability of a carrier to lease a site. I can understand why it is a difficult process to site some of these things. It would be pretty tough. I can understand where you are coming from also about a plan to control these.

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“It would be nice to site them like we did township schools a hundred years ago and put them on a certain square mile at each township, but I don’t think that’s the way these things work exactly. I don’t think that is even very feasible. As far as the process we have now, there may be some improvements that need to go along with us. Maybe there is something we can improve. I’m not sure, I’m listening to what you’re saying about what the Planning Department and what the Planning Commission is recognizing is multiple uses on towers and some of the requirements that you’re having the applicant go through, but that is the process that we have now and wishing that we had one that is different than what we have now doesn’t get the job done today. It is not fair to the applicant and I wish that we could pull a rabbit out of a hat here and make everybody happy also. If the Planning Commission is satisfied that the applicant did the search that we requested and, based on what I’ve heard today, I can’t tell you whether that is the case or not. Certainly, they have a more in depth hearing than we do, that’s their job. I’m prepared to support the applicant’s request but if you had better ideas about the process that we need to go through to site these things and plan for them I’m open, but I say today, this is our process and we have certain rules that we play by and we’ve gone through as it exists today and I don’t think we should punish the applicant or anyone else about the process that either exists or doesn’t exist today. Either we feel this is an appropriate use for that particular property or we don’t. That’s where I’m at with that.”

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

**Commissioner Gwin** said, “Marvin, maybe you have this and maybe you don’t. Do we know how many towers are in the county now?”

**Mr. Krout** said, “At latest count, seventy to eighty right now.”

**Commissioner Gwin** said, “Are they all in a specific zoning area or are they are in different zoning districts?”

**Mr. Krout** said, “They are in many different zoning districts, everything from Rural Residential zones, the old radio towers, to the new towers that you’ve approved by Conditional Use Permit to probably a majority of them in industrial areas.”

**Commissioner Gwin** said, “Do we have others in Residential or Suburban Residential zoning that you are aware of?”

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**Mr. Krout** said, “Yes, and not only the commercial towers but also, for instance, USD 259 is going to be building thirty microwave towers that are going to be 100 to 150 feet tall surrounded by residential areas because most schools are zoned residential and are in residential areas. That is one of the points that the Planning Commissioners who voted in favor, that they co-locate, the fact that this is a reality and we’re getting these in residential areas and in terms of improvements I think that is one of the areas that we are looking at, is trying to get better coordination between all the providers and that means even the noncommercial people like the county, who had towers, and the School Board.”

**Commissioner Gwin** said, “Okay. All right, thank you. Mr. Chairman, when we heard this the first time I was prepared to support it and I continue to be in that position.”

**Chairman Winters** said, “Okay, thank you, Commissioner Gwin. I, too, think that I’m prepared to support this tower for two reasons, well actually three. One is that it has come to us with staff recommendation and I think I do have confidence in the ability of our staff to make sure that we have followed our processes. I know that we struggled with this when it was before us before and I certainly know that I was one that was struggling with it and particularly one of the reasons was that it came to us from the Metropolitan Planning Commission without a recommendation for approval. It did have a split vote there. Now it has gone back, they have reheard this issue and it has come back with a recommendation for support. Lastly, because it has no lights on it. I’ve talked to a number of folks and if a tower has a strobe light on it, I’m going to be very reluctant to say that it is a good thing. If it has a red light on it I’m going to be a little reluctant to think that it is a good thing. So I guess with that, that’s all I have to say about this issue. Commissioners, are there other comments?”

#### **MOTION**

Commissioner Gwin moved to adopt the findings of fact of the Metropolitan Area Planning Commission and approve the Conditional Use Permit subject to the recommended conditions; adopt the Resolution and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, “Is there discussion?”

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**Commissioner Hancock** said, “Just one comment. I want the folks . . . we lived, my home is on 79th and Hydraulic and when I was a teenager, my dad got the wild idea that we needed a tower for our radio communications for our operation and he welded together a 120 footer and set it approximately 16 inches from the back of our house. I remember that. One of the questions I asked about the size of this lot, I was trying to remember in my mind relative to this tower that I remember setting virtually two feet from our kitchen window and what this would be like approximately a quarter of a mile away from the road and 600 feet from a house and so forth. It is going to be intrusive but nothing like the 400 footer that is down on 71st Street quite frankly. It certainly stuck up behind our house, but a quarter mile was Hydraulic at that time and it wasn’t that big of a deal. I empathize with you, I don’t like them very well. It is just that no one has come up with a better idea yet. I’m going to be supportive. Marvin, that is why I asked the question. I wanted you to realize my thought processes and one of these was setting right there for twenty years before we decided to take it down.”

**Chairman Winters** said, “Okay, thank you Commissioner. Are there other questions or discussion on this Motion? 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. Thank you Marvin. Commissioners, at this time the Manager has requested that we take an off agenda item concerning the Solid Waste Plan that we received notice from the Kansas Department of Health and Environment earlier this week.”

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**MOTION**

Chairman Winters moved to take up an Off Agenda item concerning the Solid Waste Plan.

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. Mr. Manager."

**Mr. William Buchanan**, County Manager, said, "Thank you Commissioners. As you are aware, we submitted the Solid Waste Plan to the Kansas Department of Health and Environment and we have received notification that it is approved. What that allows to occur is for local business people that have previously been prohibited or prevented from applying for grants from the state, to help receive money to expand their business in some aspect of the solid waste systems. We have with us today Mr. Russell Mills from the Derby Recycling and Transfer Company who is in the process of applying for a grant and because of our work, he is now going to be eligible. We expect that his company will receive money from the state to do this important business. We thought it was important for you to hear from him. Mr. Mills."

**Mr. Russell Mills** said, "Thank you. I am the attorney for the Derby Recycling and Transfer Station. I was asked by the owners to appear before the County Commission here this morning and publicly thank the members of the Sedgwick County Solid Waste Committee, Susan, and the members of the County Commission for their efforts in developing the Sedgwick County Solid Waste Plan and their efforts for getting that plan approved in a timely manner. As you have just been told, we are not able to submit an application for a competitive grant.

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“Prior to the Sedgwick County Solid Waste Plan being approved, we were not able to submit a request for grant money through the Competitive Grant Program through the State of Kansas. So this is an extremely important step for the County Commission to have taken. A very important achievement, we believe, for the handling of solid waste in Sedgwick County and once again, for your efforts, we thank you.”

**Chairman Winters** said, “Thank you, Mr. Mills. Susan, did you have a comment to make?”

**Ms. Susan Erlenwein** said, “Yes, the grants are now available for businesses to apply or city groups or any organization, cities, or even the county can apply for a grant. The next round of grant’s application date is June 27. I’ve talked with the Kansas Department of Health and Environment and they are sending us application guides and applications and have given us some information to help businesses and other groups apply for these grants. We will be developing a workshop to help these individuals who would like it. They can call my office at 721-9418 and we’ll put them on a list and send them more information when we can help them with a workshop to apply for these grants.”

**Chairman Winters** said, “Could you name the kinds of things that could possibly be eligible for grant assistance?”

**Ms. Erlenwein** said, “Yes, the purpose of the grants is to reduce the amount of waste going to a disposal facility and that would include anything associated with composting or recycling, waste minimization, you can put a grant in to purchase equipment, to buy recycling equipment, grinders for brush, equipment for recycling. Maybe it is to develop a waste minimization program for a business or a waste exchange program between businesses. You can also apply for grants to start a new business to use recycling material. In fact, the Kansas Department of Health and Environment just granted money to a company in Kansas City to use crushed glass. So we would like to see businesses start up and use material to help our recycling efforts.”

**Chairman Winters** said, “Okay, very good. Commissioner Miller has a question.”

**Commissioner Miller** said, “Thank you Mr. Chairman. Susan, how much is out there?”

**Ms. Erlenwein** said, “Well the grant round in June they estimate between \$900,000 and a million dollars. Also, I’ve been told that the next two rounds they expect the same amount of money.”

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**Commissioner Miller** said, "So the next two rounds, are these renewing grants?"

**Ms. Erlenwein** said, "They have had three rounds of grants thus far for about a million dollars each and they are anticipating at least three more rounds. They occur at about six month intervals."

**Commissioner Miller** said, "Very good information Susan, thank you."

**Ms. Erlenwein** said, "We're pleased that now the people in our community can receive this money."

**Chairman Winters** said, "Thank you and I'm glad we're publicizing it. I am anxious to hear more about the workshop to help people too. Mr. Buchanan."

**Mr. Buchanan** said, "We also plan to try to become real partners with the Chamber of Commerce and the Wichita Independent Business Association so that they can get this information out to their members."

**Chairman Winters** said, "All right, very good. Any other questions or comments?"

**MOTION**

Chairman Winters moved to receive and file the report.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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**Chairman Winters** said, "Thank you very much. Commissioners, it has been suggested that we take a short ten minute break at this time. So we are going to be back here in ten minutes."

**The Board of Sedgwick County Commissioners recessed at 10:30 a.m. and returned at 10:42 a.m.**

**Chairman Winters** said, "We're back in session from a short recess. Madam Clerk, would you please call the first item under new business."

**NEW BUSINESS**

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

- 1. AGREEMENT WITH WICHITA RADIO CONTROL CLUB FOR USE OF LAKE AFTON PARK APRIL 26-27, MAY 31-JUNE 1, AUGUST 1-3, AUGUST 15-17 AND SEPTEMBER 6-7, 1997 TO HOLD RACING EVENTS.**

**Mr. Jarold D. Harrison**, Assistant County Manager, greeted the Commissioners and said, "This first Agreement is for specific race dates for use in 1997 for specific kinds of events. The April 26-27 event will be a float plane fly which will actually occur on the water in the lake. May 31 - June 1, will be a sail plane contest. August 1, 2, and 3, will be the helicopter fly in. August 15, 16, and 17, will be the 17th annual jumbo giant scale fly in. September 6 and 7 will be the aircraft pylon races. So these are very specific kinds of events that the club will be conducting at Lake Afton. We have coordinated these dates with the Park Superintendent and would recommend your approval."

**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.



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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

**2. AGREEMENT WITH WICHITA RADIO CONTROL CLUB FOR USE OF LAKE AFTON PARK DURING THE 1997 SEASON FOR HOBBY AND PRACTICE RUNS.**

**Mr. Harrison** said, "The second agreement is also with the Wichita Radio Control Club and it covers their use of the park during the 1997 season for the purposes of practice flying and hobby time flying for club members. We have also coordinated this with the Park Superintendent and would recommend your approval."

**MOTION**

Commissioner Hancock 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

**3. AGREEMENT WITH WICHITA AREA COUNCIL OF CAR CLUBS FOR USE OF LAKE AFTON PARK JUNE 8, 1997 TO HOLD ITS 25TH ANNUAL ALL WHEELS CAR SHOW.**

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**Mr. Harrison** said, "The third agreement is with the Wichita Area Council of Car Clubs also for use of Lake Afton. This agreement would cover their 25th Annual All Wheels Car Show on June 8, 1997. Being their 25th anniversary, they are expecting this to be a very large show and will use all the available land we have on the west side of the park to conduct this show. We would recommend your approval."

**MOTION**

Commissioner Hancock 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."

**4. AGREEMENT WITH METROPOLITAN BAPTIST CHURCH FOR USE OF SEDGWICK COUNTY PARK APRIL 12, 1997 TO HOLD A "RIVER OF LIFE RUN."**

**Mr. Harrison** said, "The next agreement will be with the Metropolitan Baptist Church for purposes of a 5k, 10k and 1 mile river of life run at Sedgwick County Park on Saturday, April 12. This will be the second year for this event and we would recommend your approval of this agreement."

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**MOTION**

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

Chairman Winters 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

**5. AGREEMENT WITH FAMILY LIFE SERVICES, INC., PREGNANCY CRISIS CENTER FOR USE OF SEDGWICK COUNTY PARK JULY 19, 1997 TO HOLD A "WALK FOR LIFE" FUNDRAISING WALK.**

**Mr. Harrison** said, "The next agreement is with Family Life Services Pregnancy Crisis Center fundraising walk at Sedgwick County Park on Saturday, July 19, 1997. This is the first request from this organization which would require a certificate of insurance and we would recommend your approval."

**MOTION**

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

Chairman Winters 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

**6. AGREEMENT WITH YOUNG MEN'S CHRISTIAN ASSOCIATION FOR USE OF SEDGWICK COUNTY PARK JUNE 14, 1997 TO HOLD A FUN RUN.**

**Mr. Harrison** said, "The next agreement is with the west branch YMCA for a 10k and 2 mile fun run in Sedgwick County Park, Saturday, June 14, 1997. This is the third year for this event in the park and we would recommend your approval."

**MOTION**

Commissioner Hancock 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

**7. AGREEMENT WITH AMERICAN DIABETES ASSOCIATION, KANSAS AFFILIATE, INC. FOR USE OF SEDGWICK COUNTY PARK APRIL 20, 1997 TO HOLD A BICYCLE TOUR-DE-CURE.**

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**Mr. Harrison** said, "The final agreement is with the Diabetes Association, Kansas Affiliate, Incorporated for use of Sedgwick County Park for the Tour-De-Cure on April 20, 1997. We would recommend your approval for that agreement also."

**MOTION**

Commissioner Hancock 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."

**E. AGREEMENT WITH KANSAS JUNIOR LIVESTOCK SHOW PROVIDING FUNDING BY SEDGWICK COUNTY.**

**Mr. Harrison** said, "Commissioners, this is a standard form funding agreement that we are now requiring delegant agencies to enter into which spells out what they will be doing with the funds that they receive from the county. This is the first of four agreements that I will be presenting to you this year and we would recommend your approval."

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**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Mr. Harrison** said, "Thank you."

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

**F. BUREAU OF COMPREHENSIVE COMMUNITY CARE (COMCARE).**

**1. AGREEMENT WITH INTERIM HEALTH CARE PROVIDING IT COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION (CDDO) SERVICE PROVIDER STATUS.**

**Mr. John DuVall**, COMCARE, greeted the Commissioners and said, "This morning we are requesting your approval of a contract with Interim Health Care to provide them with CDDO service provider status. What this particular status does, it allows the agency to one, initiate services in Sedgwick County, secondly, it allows access to state funds related to the State MRDD Hospital closure. It also allows access to Sedgwick County funds if they are available and especially if a consumer, which has the capacity to transfer funds between agencies chooses Interim Health Care, it has the capacity for them to bill for those particular services. It also allows the agency to bill Medicaid for services provided. There is no direct funding from Sedgwick County on this contract. Would recommend your approval."

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**Chairman Winters** said, "Thank you. You've heard John's report Commissioners."

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**2. AGREEMENT WITH CATHOLIC DIOCESE OF WICHITA  
MINISTRY WITH PERSONS WITH DISABILITIES PROVIDING IT  
CDDO STATUS.**

**Mr. DuVall** said, "The next item is an approval of a contract with the Catholic Diocese of Wichita Ministry with persons with disabilities. Basically, we're asking for the same consideration, to give them CDDO provider status. There is no reason to reiterate what I just said. It is the same kind of status for them."

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

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**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 John. Next item."

**G. AGREEMENT WITH OTTAWA COUNTY TO HOUSE DETAINEES IN THE OTTAWA COUNTY DETENTION FACILITY.**

**Mr. Richard A. Euson**, County Counselor, greeted the Commissioners and said, "This is a standard form agreement that we propose to enter into with Ottawa County for detention of inmates that otherwise would be in the County jail, and I would recommend it for your approval."

**MOTION**

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

Commissioner Gwin seconded the Motion.

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



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**VOTE**

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

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

**H. AGREEMENT WITH UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, BLACK & VEATCH SPECIAL PROJECTS CORP., TO ALLOW ACCESS TO FIRE STATION #32 TO CONDUCT SOIL AND GROUNDWATER INVESTIGATIONS.**

**Ms. Jennifer Reschke**, Assistant County Counselor, greeted the Commissioners and said, "You have before you an agreement requesting access to the fire station at 53rd and Broadway. The EPA is contracting with Black & Veatch from Kansas City. They have assured me that this investigation will be conducted over one to two days and will consist of drawing groundwater samples and installing a monitoring well. I'd be glad to answer any questions you might have."

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

**Commissioner Schroeder** said, "Jennifer, this is news to me, what has been going on up there? I wasn't aware that we were doing any kind of investigation of groundwater."

**Ms. Reschke** said, "I believe this is a continuation of the investigation that has gone on since 1987. This is just Phase II and they're monitoring the levels."

**Commissioner Schroeder** said, "Of pollution?"

**Ms. Reschke** said, "Uh-huh."

**Commissioner Schroeder** said, "And this was the station that was built over the old landfill."

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**Ms. Reschke** said, "Correct."

**Commissioner Schroeder** said, "Well, some of us knew that would be a problem and we still did it anyway and we're paying for it. Thank you."

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

**Commissioner Hancock** said, "I just wanted to know what is in it for us? When Black & Veatch gets the results, what will they do with them?"

**Ms. Reschke** said, "That is up to them, I don't know what they will do but I think they are just maintaining data at this time. I don't have any idea on what their future plans are. They don't mention them either. There will be no cost to the County for this investigation."

**Commissioner Hancock** said, "I understand that part, but there is no threat then in the future that there may be a cost since we own the property with a building on it that they are setting us up for a big cleanup?"

**Ms. Reschke** said, "I couldn't answer that. I'll contact EPA if you'd like."

**Commissioner Hancock** said, "I wouldn't mind approving the agreement and authorizing the Chairman to sign with one provision, they never ask us to spend a dime on the thing."

**Commissioner Schroeder** said, "I'll support you."

**Commissioner Hancock** said, "I don't trust these guys quite frankly and I'm just wondering why they are so interested in monitoring this site. We're all aware of it and we've been aware of it even before we built on this site and I'm just curious. I just don't know why EPA and Black & Veatch are interested in this thing?"

**Mr. Euson** said, "Let me interject something. There is a lot of history involved here and maybe it would be appropriate to gather that together and bring this back and present it to you in light of the questions that you are asking. Perhaps if we defer this a week or two Jennifer will help me with whatever time is needed and bring this back and go through the history and get these questions answered."

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**MOTION**

Commissioner Schroeder moved to defer the item for two weeks.

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, "Jennifer, do you have any ideas if there is any kind of speed needed in giving them the permission to get on this site and do that."

**Ms. Reschke** said, "No."

**Chairman Winters** said, "To your knowledge, will this delay or bother this?"

**Ms. Reschke** said, "I don't believe so. They are in a hurry to get out there, but I think a week will be acceptable to them."

**Commissioner Gwin** said, "We said two weeks in the Motion, Mr. Chairman."

**Chairman Winters** said, "The Motion is for two weeks?"

**Commissioner Schroeder** said, "If you can do all this in a week, that's fine, I don't care. It doesn't matter to me, whatever you want to do?"

**Chairman Winters** said, "I'm ready to approve it today. I got all the information that I need, so I think that somebody that needs it deferred needs to tell me what the Motion was for?"

**Commissioner Schroeder** said, "I've got a feeling that there may be three votes if you want to approve it. If you want to take that chance let's go ahead and do it, but I'd at least give it at least a week and discuss it."

**Chairman Winters** said, "The question is, we have a Motion to defer and I don't know if it is for one week or if it is for two."

**Commissioner Schroeder** said, "It was for two, but I'd amend that to one if you can do it in one."

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**Commissioner Gwin** said, "Jennifer, can you see us in a week?"

**Ms. Reschke** said, "One should be enough."

**Commissioner Gwin** said, "Okay."

**AMENDED MOTION**

Commissioner Schroeder moved to defer the item for one week.

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, "We have a Motion to defer this item for one week. Any other discussion?"

**Commissioner Miller** said, "Just briefly. I know we are deferring it, for what?"

**Chairman Winters** said, "To find out what the background on what EPA is seeking to determine here I guess. This has been an ongoing event since 1987. This is the second phase and Commissioners think we need to have some more background besides just making this approval today."

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

**Chairman Winters** said, "Was that good enough? Jennifer, is there anything else?"

**Commissioner Miller** said, "So this is Commission driven? We feel that we do not have enough?"

**Chairman Winters** said, "Right."

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

**Chairman Winters** said, "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 Jennifer. And you will see then that you or Jack Brown or somebody gets us some detailed information about what is happening?"

**Ms. Reschke** said, "I'd be glad to do so."

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

**I. GRANT APPLICATION TO KANSAS JUSTICE COORDINATING COUNCIL FOR EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.**

**Ms. Nola Foulston**, District Attorney, greeted the Commissioners and said, "I have the opportunity to tell you that the federal government wants to give us some money and that always sounds rewarding and then we look for the strings. You remember last year, the Edward Byrne Memorial funds were made available to the State of Kansas for law enforcement assistance. We were very successful in obtaining a grant for approximately \$100,000 for equipment and our position has been in accordance with that mandated by the Commission that it is more appropriate perhaps to get equipment than it is to get individual bodies that somewhere down the road we're going to have to feed and with the equipment it is a little bit easier for fiscal responsibilities and for those reasons. But we were successful in getting a grant in collaboration with the Sedgwick County Regional Drug Prevention Center to put in a prosecutor dialogue system that allows us to manage our cases and it is a wonderful opportunity. Well that was a 25% grant match and we had reserved funds available for that last year. This year, the funds are again available in a three-year grant. The second year you can get only 70% funded. I had initially applied and then visited with the manager about the possibility of other funds being available to assist our office. We have prepared a grant in collaboration with the Wichita Children's Home for the design of a Local Area Network linked with the one we have downtown to provide computers and equipment and printers.

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“It would, in essence require the county’s assumption of 30% of the cost if we are successful in getting the grant, with 70% being paid federally. It is not a program that we would be discontinuing, the computers would still be there and be used. So we ran the numbers and we were able to come up with a total amount that was necessary to the tune of \$28,595, that would be required from the county and \$10,000 that we would be able to get out of our County General Fund and we are asking that you approve, that there are funds available for that purpose. Our ability to go forward with this grant would provide a significant amount, over \$120,000, almost \$130,000 worth of computers. Otherwise, we wouldn’t be able to get these in our budget. It is a very good program, a very good system, and will allow us to hook up with the state, as soon as they are involved with their new system. So I’ll answer any questions you might have regarding this particular application. We don’t know that we’ll get the grant, we just want to be able to apply and to be able to certify that the funds are available today before we send the grant in. We were successful last year and there is I think five million dollars in Kansas.”

**Chairman Winters** said, “All right, thank you very much. Commissioners, are there questions of the District Attorney?”

#### **MOTION**

Commissioner Hancock moved to approve the Grant Application and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

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

**Commissioner Miller** said, “How are you this morning?”

**Ms. Foulston** said, “I’m fine, thank you.”

**Commissioner Miller** said, “I can recall in an intake assessment meeting that we were talking about a linkage system similar to this. Would it be broadened? I understand that it sounds as though this linkage would be between the Children’s Home and you said downtown.”

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**Ms. Foulston** said, "What happens at the Children's Home is this, in the early morning hours when law enforcement officers may bring a small child into the Wichita Children's Home, the Children's Home is unable to access, as law enforcement are unable to access our records or court records to be able to determine the custody of the child, to determine who should be allowed to have access to this child in particular circumstances. So the fostering of collaborative efforts with community-based organizations is one of the things that the Byrne Grant really favors. That's why when we did the one last year with the Regional Prevention Center it was very important there. That is a community-based collaboration. Then the government-based one. Now aside from that, statewide there is a computer system that they are working on to join law enforcement. Realistically speaking, they have a very small amount of money and they are probably going to put in remote counties hither, thither and yon. I don't think that we're going to get any significant amount of money to make Sedgwick County a computer system for our whole community from the federal grants. So this is a real good opportunity to do it piece by piece. Last year, this year and then next year, the third year part of it to pick up the remaining areas. This is not a total configuration of Local Area Network in my office. This leaves still, I think I needed \$165,000 to totally configure the office this year. This is just a portion and then we'll move to the next one next year."

**Commissioner Miller** said, "Okay, just needed to understand that. Thank you."

**Chairman Winters** said, "Thank you Commissioner. Is there other discussion or comment on the Motion? Seeing none, call the vote."

**VOTE**

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

**Chairman Winters** said, "Thank you very much Nola. At this time, Manager Buchanan has asked that we take up a similar off agenda item concerning the Byrne Grants in the court system."

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**MOTION**

Chairman Winters moved to take an off agenda item.

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. Manager, can you explain why we need to have an off agenda item here at this point?”

**Mr. Buchanan** said, “If we are going to have full utilization of the state funds and it came to our attention that the court system also could apply for this grant and that came to our attention pretty late yesterday. So we didn’t get a chance to draw out all the paperwork and get it on this agenda. The grant needs to be applied for by the end of this week. That’s why we ask that we do an off agenda item. They will explain the grant and then I would like some comments because we worked on it last night and early this morning and I have not had a chance to talk with them so I think we’re singing out of the same hymn book but maybe not.”

**Chairman Winters** said, “Okay, fine.”

**Ms. Ellen Dreher**, District Court, greeted the Commissioners and said, “What we are requesting this morning is a little different than the full amount that we talked to Bill Buchanan about yesterday afternoon. He suggested that maybe we go back and reconsider our needs and we’ve been able to pare down our request. Originally we were going to ask for 56 computers, this morning I’m asking for matching funds for 38 new computers and the reconfiguration and conversion of five current computers.



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“This will allow the District Court to utilize the upcoming statewide criminal justice information system, much as Nola just explained. There are several different departments which we are looking to implement the system in. The first one was the Presentence Investigation Department. In Presentence Investigation, the access to this new system will provide quicker criminal history access and will reduce the long distance phone usage. Currently, when presentence investigations are prepared, the investigators have to make several long distance phone calls across the state to various criminal agencies to find out criminal histories. They will now have that on their computer and be able to access it themselves.

“The second is the Adult Probation Intake Unit. This will provide criminal history information to build probation files. The information is currently not available to this department. In fact, PSI’s are only prepared for felony and DUI cases at this time. There are no PSI’s prepared for the misdemeanor cases. So right now the Intake Unit basically has to rely on the defendant providing correct criminal history information. This will allow the Intake Unit to verify that.

“The third area is Adult Probation, which will provide updated criminal history information for the use in monitoring individuals on probation.

“The fourth area is Criminal Assignment. This will give the Criminal Assignment judge up to date criminal history information when the defendant is in the court room. It will also allow electronic exchange of information between the District Attorney, the Sheriff, the Criminal Clerk’s Office and the Criminal Assignment Office.

“The fifth area is Child Custody. This will provide criminal history information that will be used in determining child custody arrangements. The fourth area is the Criminal and Traffic Clerk’s Offices. It will allow for electronic exchange of information between Assignment Courts and the District Attorney and record itself. For example, the District Attorney prepares journal entries on their computer’s. Rather than having to print that out, hand carry files, et cetera, to the Criminal Clerk’s Office, they could now just send that electronically to the Criminal Clerk’s Office and it would cut down on a lot of paperwork and footwork.

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“The total request that we are asking for is \$157,000 of which matching funds of 25%, since this is our first year, equals \$39,250. The District Court has identified \$10,000 which we can contribute, so today we’re asking that the Commission approve matching funds of \$29,250.”

**Chairman Winters** said, “All right, thank you. Mr. Buchanan.”

**Mr. Buchanan** said, “Maybe we could defer this item and come back to it.”

**Chairman Winters** said, “Later in the meeting?”

**Mr. Buchanan** said, “Yes, that was not my understanding.”

**Chairman Winters** said, “Okay, when does this grant need to be filed?”

**Mr. Buchanan** said, “Friday.”

**Chairman Winters** said, “This Friday? All right.”

**Commissioner Miller** said, “I have a question, Mr. Chairman. What was not your understanding, the matching funds?”

**Mr. Buchanan** said, “There are lots of things I need to address. I’m not so sure I understand what is occurring at this point. We need to make sure we’re all on the same track.”

**Commissioner Miller** said, “We’re going to be able to do that within this meeting session?”

**Mr. Buchanan** said, “I can walk out of here and find out that information within three minutes.”

**Commissioner Schroeder** said, “Why don’t we let them go do that.”

**Chairman Winters** said, “Do we need a Motion to defer to the end of the meeting?”

**Commissioner Schroeder** said, “What we’ve got is a Motion to approve, so do you want to . . . “

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**Chairman Winters** said, "No, we don't on this one yet. We had the one the District Attorney Nola Foulston had."

**Mr. Euson** said, "Just make a Motion to defer to the end of the meeting."

**MOTION**

Commissioner Schroeder moved to defer this item to the end of the meeting.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "All right, if you would try to figure out your budgetary, financial mechanisms here that would be fine. Madam Clerk, if you would call the next item, Item J."

**J. CAPITAL PROJECTS DEPARTMENT.**

**1. MODIFICATION TO CONTRACT WITH DESCON, INC. FOR LABORATORIES FOR THE REGIONAL FORENSIC SCIENCE CENTER. CIP #PB-350.**

**Mr. Kenneth Arnold**, Director, Capital Projects Department, greeted the Commissioners and said, "I had occasion to visit with each of you on this particular modification. It adds back in mechanical work for the drug ID lab that was inadvertently left off when the contract was written and also assigns to this contractor some additional finish work in the drug and the DNA labs. The amount is \$15,426. I would recommend your approval. I'd be happy to answer any questions."

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

**MOTION**

Commissioner Schroeder moved to approve the Modification to 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."

**2. CAPITAL PROJECTS DEPARTMENT MONTHLY REPORT.**

**Mr. Arnold** said, "Your monthly report starts on pages 238 through 247 in your backup. I just wanted to highlight two of the key projects we have going on right now on page 241. That is the addition to the detention facility. That construction is at approximately 2% completion at this point in time. We are still scheduled for March 22, 1999, for completion. The parking garage expansion is 56% complete with scheduled completion on August 3 of this year. I'd be happy to discuss or provide answers or comments if you would like, on any of the projects. If not, I'd recommend that you receive and file."

**Chairman Winters** said, "We have a question. Commissioner Schroeder."

**Commissioner Schroeder** said, "Ken, you probably don't know a lot about this process, but do you know anything about the State Office Building and where we are at in that process of trying to unload that?"

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**Mr. Arnold** said, "No sir, I'm not. I can find that information out for you through the folks that have that."

**Commissioner Schroeder** said, "Well, we're paying utilities on that and I don't know how many years we've been doing that now, four years? I mean this is getting expensive and a little bit old. I understand that we're not in control of the situation, but you know what, I think it is time that we either get out of this deal or we sell it. If the city is dragging their feet and they can't sell it, give it to us to do it. This is getting expensive and with the budget problems that we are having coming up, we can't afford to just keep nursing this thing along until they feel like selling it."

**Mr. Arnold** said, "I'd be happy to get you some information on it. I understand the city is handling the sale."

**Commissioner Schroeder** said, "But they've had since the State Office Building opened to get rid of it and either they've got the wrong realtors working on it or we need to do something. If it is priced too high, you and I are paying for it to keep the utilities up and we've lost money on this deal. Yes, if you'd let me know, I think Bob Rodgers is the one who worked on it the last time."

**Mr. Arnold** said, "Yes sir, he is. I'll get with him right after the meeting and we'll get you the information."

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

**Chairman Winters** said, "Thank you. Any other questions of Ken on his report?"

**MOTION**

Commissioner Gwin moved to receive and file.

Commissioner Miller seconded the Motion.

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

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**VOTE**

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

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

**K. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.**

**Mr. Jack Brown**, RS, MPA, Acting Director, Health Department, greeted the Commissioners and said, "First, I'd like to give you an apology for missing this morning's Proclamation on Public Health Week. Pilot error. A little planning problem, but you'll see me here next week, all ready to accept that Proclamation.

"First of all, I want to report a few things in the environmental area in our report that we provided you. The EPA has recently audited our air quality program and are very impressed with it and we came out with a very good audit. We always have over the years, and that program monitors and provides enforcement for air quality standards throughout the city and county and our air toxics work that we have done has been sort of a model for this region. We're very proud that our air quality program continues to meeting EPA's expectations and will continue to do so.

"The water quality staff has conducted some water sampling in the North Meridian Gardens area this past month and that is in response to the need to monitor the groundwater quality south of the Brooks Landfill. So on a routine basis, even though all the residents in that area are connected to municipal water supply, we still monitor private water wells to make sure that if they are used for any purpose that there are no contaminants in that water. My understanding is that those domestic wells south of the landfill are still clean in terms of any contaminants from the landfill.

"I might mention the landfill, our pilot study continues on the up gradient at the source cleanup where we have had an air sparging program in place where we are actually injecting oxygen down to eliminate the contamination at the source and that continues as we get the results from that pilot study.

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“Then we’ll have a full scale program implemented some time this year as well as a program implemented at the south end of the plume to attack the less contaminated but none the less, the leading edge of that plume that has moved south of the landfill. All the data that I have to date still indicate the contamination is still on public property and not on private property. We’re continuing to monitor it to make sure that we’re not impacting any private property. Also, I always like to point out that none of the contamination is going into the Arkansas River or in any water supplies. It is a contaminant plume that is in the bottom part of the aquifer. It actually goes underneath the Big Arkansas River.

“One issue that was brought up, but I’ll just touch on real quickly, there is some need to define grading and filling projects in the city and county as well and how they are contrasted to small landfills like construction demolition landfills. So we conducted a meeting with the County Code Enforcement, City Code Enforcement, Health Department, Planning Department, and clarified that. Now if we are asked, we’ll all have the same answers, so just thought I’d point that out. Commissioner Hancock remembers that particular issue.

“Last month was the tooth fair that we conduct every year. It was called this year ‘Cavity Crisis in Cowtown.’ It is a children’s dental education program and there were 4,466 second grade children from all city and county schools, and 500 teachers, parents and volunteers. That has always been a successful dental education program and has community support from the financing end, \$5,000 for this particular event was contributed by the Dental Society and another \$5,000 from various community agencies. You probably don’t know too much about our Health Department Laboratory, but all the testing that we do at the Health Department for our personal health and some of our water quality work is done by a lab on site. They are routinely audited.

“Another audit thing that I might want to mention. The highest score you can receive in their audit is 100% and our lab continues to do a good job with a 98.9% rating. That is good news in terms of our lab because the results from that lab are very critical to those clients that we see in the field and also in our clinics.

“Lastly, I might mention, I had mentioned last month that we had increased cases of tuberculosis. Although we’re not, based on our population, exceeding any standard nationally in terms of other population areas, still we had a little higher rate than we would like to see and it attacks our staff a little bit in terms of dealing with those cases. KDHE has provided us with funding, a temporary grant, to provide temporary help.

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“In addition, they will provide us with a staff person to actually come down to our office and provide interim counseling and directly observed therapy that is used in these cases. We have good control of it. We don’t have anything to be concerned about, but I thought that I’d bring up that it was a little bit more than routine so we consequently had to redirect some resources towards that particular issue. If you have any questions, I’d be happy to answer them.”

**Chairman Winters** said, “Thank you very much, Jack. I don’t see any questions, you did a thorough job.”

**MOTION**

Commissioner Schroeder moved to receive and file the report.

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, “Thanks Jack, appreciate it very much. Next item.”

**L. APPLICATION BY OAKLAWN NEIGHBORHOOD ASSOCIATION FOR THE SEDGWICK COUNTY ADOPT A HIGHWAY PROGRAM ON 47TH STREET SOUTH FROM K-15 TO THE ARKANSAS RIVER. DISTRICT #5.**

**Mr. David C. Spears**, P.E., Director/County Engineer, Bureau of Public Services, said, “Item L is an Agreement with the Oaklawn Neighborhood Association regarding our Adopt-A-Highway litter pickup program. They will be responsible for 47th Street South between K-15 and the Arkansas River. Recommend that you approve the Agreement and authorize the Chairman to sign.”



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**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**M. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MARCH 27, 1997  
REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have the minutes from the March 27 meeting of the Board of Bids and Contracts. There are eight items for consideration.

**(1) ROAD IMPROVEMENTS - BUREAU/PUBLIC SERVICES  
FUNDING: BUREAU/PUBLIC SERVICES**

"Item one, road improvements for the Bureau of Public Services at 21st Street North. It was recommended to accept the low bid of Central Paving, Incorporated, for \$1,082,553.60

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**(2) SANITARY SEWER IMPROVEMENTS - BUREAU/PUBLIC SERVICES  
FUNDING: BUREAU/PUBLIC SERVICES**

“Item two, sanitary sewer improvements also for the Bureau of Public Services for Belle Terre, 2nd Addition, Phase II. It was recommended to accept the low bid of Nowak Construction in the amount of \$83,469.

**(3) VARIOUS SOFTWARE - DISTRICT COURT  
FUNDING: DISTRICT COURT**

“Item three, software items for the District Court. There is an omission and I apologize for that. It was recommended to accept the low bid per item and those are bolded, \$2,056.45 for Computerland, from ASAP Software, the total is \$5,912.72, and omitted is Software Plus and their total is \$14,382.

**(4) DISPOSITION OF SCRAPER - MOTOR POOL  
FUNDING: MOTOR POOL**

“Item four is disposition of a scraper for Central Motor Pool. No bids were received for this item, however, it was recommended to declare this item surplus and find the best home for it.

**(5) MOWERS - MOTOR POOL  
FUNDING: MOTOR POOL**

“Item five, mowers for the Central Motor Pool and Bureau of Public Services. It was recommended to accept the low bid of Suburban Equipment in the amount of \$6,478. That includes a trade-in.

**(6) 4 DOOR SEDANS - MOTOR POOL  
FUNDING: MOTOR POOL**

“Item six, one four door sedan for the Central Motor Pool and the Sheriff’s Department. It was recommended to accept the low bid of Scholfield Brothers in the amount of \$14,563 and that includes trade-in.

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**(7) ½ TON 4 WHEEL DRIVE PICKUP - MOTOR POOL  
FUNDING: MOTOR POOL**

“Item seven is a ½ ton four wheel drive pickup for the Central Motor Pool and the Bureau of Public Services. It was recommended to accept the low bid of Scholfield Brothers in the amount of \$12,100 which also includes an optional manual.

**(8) WOVEN WIRE PARTITIONS - CAPITAL PROJECTS  
FUNDING: CAPITAL PROJECTS**

“Item eight, woven wire partitions for Capital Projects and the Sheriff’s Department. Again, noting that there were no bids received for this item about two weeks ago, it was recommended to facilitate and negotiate a purchase and we have a bid from Nelson Material Handling of \$17,671. It was recommended to accept that subject to the receipt of Statutory Payment Bonds.

**ITEMS NOT REQUIRING BOCC ACTION**

**(1) SANITARY SEWER LATERALS - BUREAU/PUBLIC SERVICES  
FUNDING: BUREAU/PUBLIC SERVICES**

**(2) CONSULTANT PLANNING SERVICES - CORRECTIONS  
FUNDING: CORRECTIONS**

“There were two items that do not require action at this particular time, sanitary sewer laterals for the Bureau of Public Services for the Rocky Creed Addition. Those bids were tabled for review. Consultant planning services for the Department of Corrections. Proposals were received for that and those are being reviewed as we speak. Unless there are questions, which I would be happy to take, I’d recommend you approve the recommendations as presented by the Board of Bids and Contracts.”

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**MOTION**

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

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 Darren. Next item."

**CONSENT AGENDA**

**N. CONSENT AGENDA.**

**1. Right-of-Way Easements.**

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

- a. Road Number 805-C, Owners: Michael L. Maddy, Steven A. Maddy, Clairissa M. Maddy, Walter G. Breedlove and Geraldine Breedlove, located in the Northeast Quarter of Section 13, Township 25 South, Range 2 West, more specifically located on the west side of 119th Street West and south of 109th Street North. Eagle Township. District #3.

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- b. Road Number 785-O, Owners: Andrew J. Stuhlsatz and Wanissa L. Stuhlsatz, located in the Southeast Quarter of Section 17, Township 27 South, Range 3 West, more specifically located on the west side of 279th Street West and north of 4th Street North (Central). Garden Plain Township. District #3.

The following tracts of land were granted by Easement for Right-of-Way at no cost to the county. These Easements were requested by the Director, Bureau of Public Services, to construct a new public road in an unplatted subdivision. Street name "109th Street West."

- c. Road Number 806¼-C, Owner: George L. Clark, dba Clark Land Co., Inc., located in the Southwest Quarter of Section 18, Township 25 South, Range 2 West, more specifically located on the west side of 103rd Street West and north of 101st Street North. Valley Center Township. District #4.
- d. Road Number 594-19, Owner: George L. Clark, dba Clark Land Co., Inc., located in the Southwest Quarter of Section 18, Township 25 South, Range 2 West, more specifically located on the north side of 101st Street North and west of 103rd Street West. Valley Center Township. District #4.

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

The following tracts of land have been granted by Floodway Reserve Easement at no cost to the County. These Easements are for the construction of a new public road in an unplatted subdivision.

- a. Owners: George L. Clark, dba Clark Land Company, Inc., located in the Southwest Quarter of Section 18, Township 25 South, Range 1 West, more specifically located on the west side of 103rd Street West and north of 101st Street North. Valley Center Township. District #4.

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- b. Owners: George L. Clark, dba Clark Land Company, Inc., located in the Southwest Quarter of Section 18, Township 25 South, Range 1 West, more specifically located on the west side of 103rd Street West and north of 101st Street North. Valley Center Township. District #4.

**3. Easement for Drainage and Utilities.**

The following tract of land has been granted by Easement for Drainage and Utilities at no cost to the county. This Easement is for the drainage and utilities along a township road.

Owners: Harry M. White and Linda L. White, located in the Southwest Quarter of Section 33, Township 25 South, Range 2 East, more specifically located east of 63rd Street East (Woodlawn) and north of 77th Street North. Lincoln Township. District #1.

**4. Right-of-Way Agreements.**

- a. One Easement for Right-of-Way for Sedgwick County Project No. 610-36-375; Bridge on 37th Street North between 143rd and 159th Streets East. CIP #B-271. District #1.
- b. One Easement for Right-of-Way for Sedgwick County Project No. 839-T-4851; Bridge on 143rd Street East between 31st and 39th Streets South. CIP #B-275. District #5.
- c. Two Temporary Construction Easements and one Easement for Right-of-Way for Sedgwick County Project No. 614-E½ 33, W½ 34; 21st Street North between the east city limits of Wichita and K-96. CIP #R-223. District #1.

**5. The following Section 8 Housing Contracts are being amended to reflect a revised monthly amount due to a change in the income level of the participating client.**

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<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V96028	\$58.00	\$75.00
V96041	\$335.00	\$260.00
C95075	\$25.00	\$37.00
C93044	\$350.00	\$228.00
C96109	\$169.00	\$275.00
V96024	\$171.00	\$290.00
V96005	\$307.00	\$400.00
V95031	\$257.00	\$226.00
V93028	\$275.00	\$178.00

6. **Order dated March 26, 1997 to correct tax roll for change of assessment.**
7. **Consideration of the Check Register of March 28, 1997.**
8. **Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970175	District Court Judges	Transfer
970185	Central Services	Transfer
970186	Aging	Supplemental Appropriation
970187	Capital Projects	Supplemental Appropriation
970188	Capital Projects	Supplemental Appropriation
970189	Capital Projects	Transfer
970190	1997 Bridge Projects	Supplemental Appropriation

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

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**MOTION**

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "That concludes our regular agenda. We'll call back the off agenda item that we had taken up concerning the Byrne Memorial Grants."

**Mr. Buchanan** said, "Commissioners, again we apologize for the confusion. Because we are trying to make sure that the utilization of the state funds is done in such a way that we get our money when they are handing it out thither and yon, that we get our share, that we didn't have time to do the proper paperwork that as we usually have. We are requesting that you approve this grant from the county's Finance General Contingency Fund, that we transfer \$20,000 for this grant and the courts will bring another \$10,000, which will be a total of \$30,000. That is our recommendation."

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

**Commissioner Miller** said, "Finance General Contingency Fund?"

**Mr. Buchanan** said, "Several years ago, if you recall, and maybe it was more then that, we used to have a fund that would entitle a grant match and we collapsed that into several others and that's what the purpose of that contingency is for, is for these kinds of grants. That is where the funds would come from."

**Commissioner Miller** said, "What is the amount of that fund currently?"



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**Mr. Buchanan** said, "A couple hundred thousand dollars, I think. We anticipate there are, we know of grants that are coming that people have anticipated in the budget and that is why we put aside. We think we can do this grant with this amount of money without jeopardizing those others."

**Commissioner Miller** said, "I know that these are separate."

**Mr. Buchanan** said, "The same place. The District Attorney's is from the same place."

**Commissioner Miller** said, "But aren't they submitting them separately, though?"

**Mr. Buchanan** said, "Yes, the grants are separate and will compete with each other for the same state funds."

**Commissioner Miller** said, "Where did Nola say that she was getting her matching funds?"

**Mr. Buchanan** said, "She has brought some money to the table from salary savings and others things. I know, forfeiture money she had and combined that with the Finance General Funds."

**Commissioner Miller** said, "And total awardments, if they were both to be successful, what is the award on this grant please?"

**Ms. Dreher** said, "Our award would be \$120,000."

**Commissioner Miller** said, "Okay, and what was Nola's? I'm looking, but not quickly enough. The total for hers?"

**Commissioner Gwin** said, "The total requested is \$43,400 if I'm reading that correctly."

**Mr. Buchanan** said, "If the District Attorney would be successful in obtaining the grant, it would be in excess of \$120,000."

**Commissioner Gwin** said, "All together?"

**Mr. Buchanan** said, "Yes. So what we have applied for now is in excess of a quarter of a million dollars from the state for computers."

**Regular Meeting, April 2, 1997**

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

**Chairman Winters** said, "Thank you Commissioner. Commissioner Schroeder, you were ready to make a motion? Are you still so inclined?"

**MOTION**

Commissioner Schroeder moved to approve the application 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, "Let's see, we have no sewer or fire district meeting. Is there other business to come before this Board?"

**OTHER.**

**Commissioner Miller** said, "We need an Executive Session."

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**MOTION**

Commissioner Miller moved that the Board of County Commissioners meet for approximately twenty minutes to consider consultation with Legal Counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return from Executive Session no sooner than 11:45 a.m.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "We are adjourned into Executive Session for twenty minutes."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:25 a.m. and returned at 11:49 a.m.**

**Chairman Winters** said, "I call back to order the Regular Meeting of the Board of County Commissioners, April 2, 1997. Let the record show there was no binding action taken in Executive Session. Is there anything else to come before this Board? The meeting is adjourned."

**P. ADJOURNMENT**

**Regular Meeting, April 2, 1997**

There being no other business to come before the Board, the Meeting was adjourned at 11:49 a.m.

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

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

\_\_\_\_\_  
**PAUL W. HANCOCK**, Chair Pro Tem  
Second District

\_\_\_\_\_  
**BETSY GWIN**, Commissioner  
First District

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

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

ATTEST:

\_\_\_\_\_  
**James Alford**, County Clerk

APPROVED:

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