

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

### **REGULAR MEETING**

**May 14, 1997**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, May 14, 1997, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Melody C. Miller; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Ms. Mary Ann Mammoth, Director, Personnel; Mr. Michael D. Hill, Sheriff; Mr. Harry Hayes, Director, Human Resources; Mr. Jim Weber, P.E. Director, Sewer Operations & Maintenance; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Ken Arnold, Director, Capital Improvements Project; Mr. Marty Hughes, Grants Manager, Accounting; Ms. Deborah Donaldson, Director, COMCARE; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Linda M. Leggett, Deputy County Clerk.

### **GUESTS**

Mr. Terry Morris, 12100 Dove Hill, Derby, Kansas  
Ms. Linda Jolly, 6454 Brundige, Derby, Kansas  
Mr. Willis Rains, 12100 Moonglow, Derby, Kansas  
Mr. Carson Cross, 12120 Dove Hill Court, Derby, Kansas  
Mr. & Mrs. Charles Strecker, 401 Barnett, Wichita, Kansas  
Mr. Walt Krolikowski, 124 N. Ellson, Wichita, Kansas  
Daylen Finck, 134 N. Ellson, Wichita, Kansas  
Mr. Truman Ware, Bureau of Public Services  
Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.  
Mr. Thomas Glendening, Senior Maintenance Worker, Youth Services  
Ms. Rose Mary Saunders, Reiss & Goodness  
Mr. Jerry Grant, 6459 Eagle Drive, Wichita, Kansas

### **INVOCATION**

The Invocation was given by Mr. Pete Morris of the Christian Businessmen's Committee.

**Regular Meeting, May 14, 1997**

**FLAG SALUTE**

**ROLL CALL**

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

**CONSIDERATION OF MINUTES: Regular Meeting, April 23, 1997**

The Clerk reported that all Commissioners were present at the Regular Meeting of April 23, 1997.

**Chairman Winters** said, "Are these the Minutes that we've previously approved?"

**Ms. Linda Leggett**, County Clerk's Office, said, "No, that was for the sewer."

**Chairman Winters** said, "Oh, that was the sewer, all right. Commissioners, you've had an opportunity to review these Minutes, what's the will of the Board?"

**MOTION**

Commissioner Hancock moved to approve the Minutes of April 23, 1997, as presented.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**Regular Meeting, May 14, 1997**

**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

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

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

**AWARD PRESENTATION**

**A. PRESENTATION OF MEDALS FOR MERITORIOUS SERVICE TO RYAN K. FORGEY AND CHAD A. MOWDY.**

**Mr. Michael D. Hill**, Sheriff, greeted the Commissioners and said, "Ryan and Chad, would you come forward please? It is with pleasure and an honor today to come before you with a couple of our outstanding young adults in our community. We hear so many times only the negative things of our young adults and I assure you for every negative thing you hear regarding our young adults there are many examples that far out number, like this example here where our young adults are unsung heroes. They do what they are required to do and many many times they go beyond what is required of the citizens of our community. This is a fine example of that.

"The reason that Chad and Ryan are with me today was an incident that we got involved in on April 3, it was on a Thursday of this year. At approximately 7:20 in the evening, Deputy Ruffner, of the Sedgwick County Sheriff's Department, was driving north bound on West Street and as he approached 79th Street South, he observed a farm tractor going across West Street. This farm tractor didn't have a driver. Deputy Ruffner got out of his patrol car and was going to attempt to stop the tractor, get on the tractor, shut it off, when he noticed an individual by the name of Ivan D. Kingsley lying just off the roadway, critically injured. Suddenly, Ruffner knew he had his hands full. He had a tractor that if someone didn't get control of that, was probably going to come around and pass over the driver of the tractor again. Again, the driver of the tractor had serious life threatening injuries.

### **Regular Meeting, May 14, 1997**

“Ryan Forgey and Chad Mowdy, both sixteen years old, just happened to be driving by in their vehicle. As happened so many times, people turn their heads, they don’t want to get involved. Chad and Ryan saw that the Deputy had his hands full. They did get involved. They stopped, got out of their car, and they, along with the Deputy, pulled the man, the injured individual, out of the path of the still moving tractor. The young men also assisted then by holding a raincoat over the victims severe chest wound and they assisted in helping in first aid while awaiting emergency treatment or for the EMS to arrive. County Fire and EMS did arrive at the scene and everything then got under control. Firefighter Brenneis, of Station 34, was able to climb aboard the moving tractor and shut it down. First aid was given. Mr. Kingsley was transported to the hospital and he is recovering.

“In the room today is Steve Kingsley, who is the son of Mr. Kingsley, sitting back in the audience. He wanted me to relate to Chad and to Ryan the family’s thanks to these young men for their assistance. We have an award’s program in the Sheriff’s Department, and this went before the award’s committee and because of the actions of Ryan K. Forgey and Chad Mowdy, along with Firefighter Craig Brenneis and Deputy Don Ruffner, they are being awarded for this. Now the Firefighter and the Deputy will get their award at separate ceremony. Today, it is my pleasure to present to Ryan and Chad the Bronze Medal of Merit Plaque. This is the second highest award that we can present to a civilian. Ryan and Chad, it is with upmost honor that I present this to you. Ryan, your Bronze Medal for meritorious service and Chad, your Bronze Medal for meritorious service and there are a couple other things in the folder for you. I asked them if they wanted to say anything and they said no, I was to be their mouth.”

**Chairman Winters** said, “Thank you Sheriff for having such an award and thank you gentlemen for your service as citizens. I think it is very pleasing when we see young people that do outstanding things and we certainly are very proud of both of you. We’re proud of a lot of young people in this State and in this County. Thank you.”

**Sheriff Hill** said, “I stand corrected. Steve just came up and his father did pass away on April 28. The two young men did go to the funeral, so they have stayed in contact with the family.”

**Chairman Winters** said, “Thank you both gentlemen. Next item.”

**Regular Meeting, May 14, 1997**

**RETIREMENT**

**B. PRESENTATION OF RETIREMENT CLOCK TO THOMAS GLENDENING, SENIOR MAINTENANCE WORKER, YOUTH SERVICES.**

**Ms. Mary Anne Nichols**, Personnel Director, greeted the Commissioners and said, "It is my privilege this morning on behalf of the Board to present a retirement certificate to Thomas Glendening, Senior Maintenance Worker with Youth Services. He will retire June 1, 1997, after 10 ½ years of service. Tom was hired on July 7, 1986, as a Maintenance Worker. He was promoted to Maintenance Coordinator on August 5, 1987, and became Senior Maintenance Worker on February 5 of this year.

"Tom is not known to be a man of few words, but he didn't submit anything for me to say so I am going to let him tell you about his plans for retirement. We want to wish him well."

**Chairman Winters** said, "Tom, on behalf of the Board of County Commissioners and all the citizens of Sedgwick County, we'd like to present you with this clock in appreciation of the work that you've done for Sedgwick County and its citizens. We wish you the best in retirement. Would you like to say a couple of words?"

**Mr. Thomas Glendening** said, "I would like to say that the 10½ years that I've worked for the County I've been very happy to work for the County. I've met a lot of wonderful people that I've enjoyed working with. It has been a very wonderful and rewarding experience and I thank you all."

**Chairman Winters** said, "Commissioners, we have an Off-Agenda item we need to take up concerning the River Festival Sundown Parade float and trophy."

**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.

**Regular Meeting, May 14, 1997**

**VOTE**

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

**Chairman Winters** said, "At this time, I'll refer to Harry Hayes."

**OFF-AGENDA ITEM:**

**Mr. Harry Hayes**, Director of Human Resources, greeted the Commissioners and said, "I'm pleased to present to you this morning the work group which designed and built from scratch the Sedgwick County float for this year's River Festival Sundown Parade. The team members that did this wonderful work are: Truman Ware from the Bureau of Public Services; Jon Medlam for Public Services; Ron McGregor from Public Services; Roscoe Taylor and Ava Morrison, also from Public Services; Mimi Brown and her spouse from the Public Services Department also; Cindy Roeder in Accounting, who helped with financing I'm sure; Jane and Brian Moralez from the Personnel Department; Joe Cotton also from Personnel; Mary Pitrowski, Tina Prejean and her daughter from COMCARE; Bessye Dreams from the Appraiser; Kay Larkin and Betty Clarke from Appraiser; Stacy Kozicki from Aging; Cindy Kirkland from Information Services and Sam Konkel from the Fire Department who brought in his sound equipment. The theme for this year's County float was 'Onward and Upward, Soaring to New Heights.' Obviously, the theme was appropriate because the Sedgwick County float did move onward and upward to the first place pedestal in the noncommercial division. Truman, if you want to step forward. Truman is our designer and art work chairperson. He did the work and he'll make the presentation."

**Mr. Truman Ware**, Bureau of Public Services, said, "I'd like to present this to the Commission on behalf of all of the workers and we represent quite a few departments in the organizations. There was the Central Maintenance, Don Brace and his crew of carpenters at the main yard and the Mental Health people and old courthouse yard and spouses and you do have a lot of dedicated people out there who work silently and support you and this is our sixth year in being involved in the Sundown Parade. They dedicate after work hours."

### **Regular Meeting, May 14, 1997**

“We find a place and we go out there and we stay until we’re convinced that we’ve got everything under control. It is always a pleasure to do this because you get comradery out there with the other departments and get to share the victory. It is not all winning, it is competing and the comradery out there and working together. We’d like to present this to you on our behalf. It was a pleasure. Thank you.”

**Mr. Hayes** said, “We’ll ensure that we display this very prominently so that all the County employees and citizens can see it. Thank you very much.”

**Chairman Winters** said, “Commissioner Gwin has a comment.”

**Commissioner Gwin** said, “Truman and Harry and group, it is always fun being on the reviewing stand and anticipating the Sedgwick County float to come by because you all do such a great job year after year. It is a great source of pride for all of us who are County employees to see that come by. I always cause a stink up on the reviewing chair. I’m up on the chair and jumping up and down when anything from the County comes by and it always look great and you all look terrific. I told Truman before the meeting that he looked absolutely beautiful. Thank you all for your hard work and it sure was fun. Congratulations again.”

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

### **PUBLIC HEARINGS**

#### **C. PUBLIC HEARING AND RESOLUTION REGARDING PROPOSED SPECIAL ASSESSMENTS FOR CERTAIN INTERNAL IMPROVEMENT PROJECTS IN THE COUNTY.**

**Mr. Joe L. Norton**, Bond Counsel, Gilmore & Bell, P.C, greeted the Commissioners and said, “Also here today to assist in the public hearing is Mr. Jim Weber from the Bureau of Public Services. This item is as a result of ten Capital Improvement Projects that have been previously authorized by the Board of County Commissioners and the Capital Improvement Program. Construction on these projects have been complete and now is the time and day, according to State law, to hold a public hearing to give interested citizens the opportunity to present their views to the Board of County Commissioners.

### **Regular Meeting, May 14, 1997**

“It might be helpful, there are ten projects in this agenda item. The following item will have thirteen Capital Improvement Projects. It might be helpful to go through the procedure and the law requirements initially, and these will apply to all of the 23 public hearing projects.

“As indicated, the projects have been complete in accordance with State Statute. You received, on April 23 of this year, the Bureau of Public Services estimate of final costs on these projects and the amount to be assessed to each individual property owner. After that meeting, pursuant to your direction, the public hearing was set for today at this time and place. Notices of the public hearing and the amount of the proposed assessment was mailed to each affected property owner throughout the project who were affected by these 23 capital projects. Notice was also published in the official County newspaper.

“The procedure now is to receive public comment and consider an assessment resolution which would levy special assessments against affected property for these individual Capital Improvement Projects. Assuming action is taken today, a notice of assessment will be mailed to each affected property owner on May 23. That will provide the actual amount of the principal portion of the assessment, and note, that they will have 30 days to pay all or a portion of that assessment in cash to the County. Any amount that is not paid in cash will then be the subject of the County’s general obligation bond issue which will be scheduled to be sold on July 30 of this year. The interest rate received on that County bond issue will be applied to any unpaid special assessment and that amount plus interest at this County’s bond rate will be levied over a 15-year period in substantially equal annual assessments. The first of those assessments will appear on the November tax statements that go out, the first half due December 20, 1997 and the second half due in June of next year and each succeeding 15-year period thereafter. That is basically the procedure, so unless there are any questions about preliminary items, it might be helpful to go into the individual projects. I would suggest, with the Chairman’s indulgence, that we take each project individually and allow the opportunity for those affected property owners to receive comment and then we’ll go onto the following project so we don’t get confused as to which project they’re commenting on.”

**Chairman Winters** said, “All right, I think that sounds fine Joe. Will we then just talk about streets only?”



### **Regular Meeting, May 14, 1997**

**Mr. Norton** said, "Right. This item is for streets. On some of the newer additions, there are street improvements as well as sewer improvements and in the next public hearing we'll have the opportunity for citizens to talk about the sewer improvements. This is just street improvements. I'll try to be specific as we go through each project as to what they are."

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

### **SLIDE PRESENTATION**

**Mr. Norton** said, "The first project is street improvements in Pray Woodman Addition. This is located approximately near the intersection of 45th Street North and 119th Street West near Maize. On the screen before you is a map depicting the general area of the improvement. This consists of one large parcel depicted on the screen before you and we're going to try to establish the same routine through each project. The general area map, the location map, and the parcels to be assessed, and then break down of the costs that will be assessed. We'll take our time on this first one and go through it very particularly and follow the same procedure as we go through on subsequent projects."

"The second column on the screen before you lists project one of the Pray-Woodman Streets. There is a break down of the construction costs, the costs association with temporary financing less interests earned on the idle funds of that temporary financing, costs associated with engineering, inspection, bond issuance and so forth. The green column, in this case \$150,000, the amount to be bonded is the total project cost. The line below that is the original assessment in this original estimate. In this particular case, it came in exactly at the estimate. The number of units for which this project were to be assessed, in this case one large parcel. The net cost per unit in this case \$150,000. The project was initially requested by a petition signed by 100% of the owners of the property to be liable for assessment. If there are no questions of Jim or I, it might be appropriate at this time to receive comment from anyone affected by the Pray-Woodman street project."

**Chairman Winters** said, "All right. At this time we will open the public meeting. Is there anyone here who would like to speak to the Commission concerning the Pray-Woodman project near Maize? Anyone wish to speak about this project? All right, seeing no one. Do I need to open and close the public meeting each time we do this?"

**Mr. Norton** said, "I think we can open one public hearing for all ten of these projects."

## **Regular Meeting, May 14, 1997**

**Chairman Winters** said, "All right, the public meeting remains open."

**Mr. Norton** said, "Project number two is described as a street improvement in Willard Parker's Addition. This is located near 103rd South and 119th Street West in the general vicinity of Clearwater. There are four tracts located within this benefit district and the proposal is to assess each tract equally regardless of the size of the tract. Again, project two on the sheet shows that the total amount to be bonded or total cost of the project is \$77,350.54. The original estimate was approximately \$83,000. There are four parcels in the benefit district. When dividing that number into the total cost, we have a per unit cost of \$19,337.63. Again, a 100% petition initiated this project. It would now be appropriate to receive public comment on the street improvements in Willard Parker's Addition."

**Chairman Winters** said, "Is there anyone in the room who would like to speak to the Board of Commissioners considering the Willard Parker's Street Addition? Anyone wish to address the Commission on the Willard Parker's Street Addition? I see no one. Please continue."

**Mr. Norton** said, "Project number three is a street improvement in Pinehurst Addition. That is located generally on the northwest corner of 143rd Street East and Central. There are 32 parcels within the benefit district in this subdivision. The proposed method of assessment is equally per parcel. The project was initiated on the basis of a 100% petition signed by the owners of the property. Project number three, the middle column on the screen before you shows a total cost or amount to be bonded of \$25,593.70. With 32 parcels, the principal component of \$799.80 per lot. If there are no questions, it would be appropriate to receive public comment on the street improvements in Pinehurst Addition."

**Chairman Winters** said, "Is there anyone here who would like to address to the Commission concerning the street improvements in Pinehurst Addition? The street improvements in Pinehurst Addition? I see no one."

**Mr. Norton** said, "The project number four is a street improvement project in Fairway Meadows Addition. It is located near the intersection of 63rd Street South and Greenwich Road. The map before you depicts the benefit district. This is an existing neighborhood. The project was initiated on a petition signed by 57 ½ % of the owners of property within the proposed improvement district. There are 148 tracts or parcels within this subdivision. Project number four again, Fairway Meadows Streets, second column from the right, total amount to be bonded of \$674,150.20, which is about \$90,000 less than the original estimate."

### **Regular Meeting, May 14, 1997**

“There are 148 parcels, when divided equally, that results in a principal component of approximately \$4,555.07 per parcel. Again, to be bonded over fifteen years at the County’s interest rate and level payments. It would now be appropriate to receive comment on the Street Improvements in Fairway Meadows Addition.”

**Chairman Winters** said, “All right. Is there anyone here who would like to speak to this? Please come forward. Please give your name and address for the record and we’ll try to limit our comments to five minutes please.”

**Mr. Terry Morris** said, “Okay. I’ve got some, I’m sorry they are not color gloss photos. They should be in order from top to bottom. I live at 12100 Dove Hill in Fairway Meadows. The reason I’m here, I’d like to appeal the assessment of my lot, for two. I’m being assessed for two portions of the street improvements. This is a copy from my title inspection of the property. As you can see, my house is built across the common property line. The house was built about ten years ago. At that time the lots were combined. I’m the second owner of the house. The owner combined the lots. I understand that he had to do that, as well as the homeowners association required that he submit a letter to them that the lots were combined and that the property would never be split up and as you can see, practically speaking, that is not likely to happen. I also understand that once the lots are combined, it is very difficult to undo them. It takes basically a replat. Could I have the next slide please? That other slide was a little out of proportion, it is kind of squished from top to bottom. This is an accurate depiction of the shape of those lots. You can see they are fairly narrow lots. One is 110 across the front and the other as they were originally plotted was 116 feet. It would be virtually impossible, practically speaking, to split those. Legally it would be difficult. I don’t think the homeowners association would ever allow that to happen as well because that would be contrary to the building scheme and the rest of the development. Could I have the next slide please?”

“This is a copy of my tax, you can see it has been combined. It has one key number and it has been this way since the house was built. The assessments are. . . I get one tax bill. This is one piece of property. When I looked at this house, the owner, the original builder, told me that he had been the route and checked this all out and if there were ever road assessments that this would be considered one lot and he was a very strong proponent of the roads and it was something that was very dear to him. Also, the way that the discussions in the area, I know this isn’t legally binding probably, but all the discussions and the intent of this was to be one homeowner, one assessment.

### **Regular Meeting, May 14, 1997**

“That is the way it was explained to people as it went down the line. So based on all that, I had no reason to question that it was one lot. I had no reason to doubt that the lot count was based on the latest configuration of the properties, that they would not go back twenty years and go off of a twenty year old original plat map that the lot count would be as it currently is at the latest date of the official date of the petition. Could I have the next slide please?”

“This is a page out of an area approval summary that was requested, I think by the Commission. It was compiled and you can see where the area is that I am listed with one key number, one square footage. So between the tax assessment form and this, it looks like I’m looked at as one piece of property here. Could I have the last slide?”

“This is a little background data and it might be applicable to anyone else that wants to talk. My lot is 69,000 square feet. There are three single lots that are larger than mine. There are seven of them that are within 10,000 square feet of my lot. Frontage wise, I know that’s not the way this petition was written, but if the argument goes that I have an inordinate amount of area in my lot, frontage wise, I have 226 feet. There are three single lots with more frontage than that. There are 30 corner lots, many of them have twice as much frontage on the roads. The lot across the street, if you want to go back to that second slide, the overall map, the lot across the street from me, a single lot, has 220 feet. It would be this lot right here. That’s a single lot, so it has within six feet of my frontage area. Can we go back to the one we just pulled off? A couple more items and I’ll be finished.”

“Most of the lots out there are 140 to 190 feet of frontage. The only ones that are smaller are cul-de-sac lots and they are pie shaped and they have a much larger area. My lots are fairly narrow and square as they go back. So my two lots at 110 and 116 feet as they were originally plotted are a couple of the narrowest lots in the area and that is why the original homeowner combined them because he felt like it was a better configuration. Based on that, I feel like the assessment should be based on the latest configuration of the lots. I feel like in the eyes of the County I have one lot, practically speaking I have one lot, legally speaking it would be very difficult for me to split them and I don’t think the homeowners association would ever allow that. I’d like to pay my fair share, pay my one lot rate and they did a great job on the roads. Thank you.”

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

### **Regular Meeting, May 14, 1997**

**Commissioner Hancock** said, "I was just curious, is this going to be based on the square footage?"

**Chairman Winters** said, "I have a few questions about this too. Let's save our questions. Let's listen to these citizens and then we'll have Joe or Jim address any questions that we've got. Please come forward ma'am, give your name and address please."

**Ms. Linda Jolly** said, "I'm in a very similar situation to Mr. Morris. We also bought a home. We are the second homeowner of a home that was built on two lots and also straddles the two lots. In our situation, there was a utility easement that the house did go over and that had to be vacated and it is my understanding that the original homeowner granted a blanket easement to the utility companies on the portion of the lot that was left or remaining. Again, my configuration of lots would be smaller, the two lots combined, is smaller than some of the single lots that are in the addition and I have paper, not slides of all of my things and I have my survey and so forth. The only thing that is different, we were getting one tax assessment and now that we've received two letters for two lots, I realized that both tax, I don't know if it is called a key number, let me look again, it is a GY number, GY 508 and 509 are both on the same tax assessment statements that we receive from the County, so I do have all the same paper information that Mr. Morris had.

"The only other thing that I brought in addition to that is when we purchased the home and an appraisal was done by a local appraiser. We were not given extra value to the property because it was on two lots. The assessed value of the property on this appraisal is comparable to what one lot sells for in the addition. Again, we would like to pay our fair share. It was represented to us by the representatives from the local homeowner's association from our block that visited with us that it would be one assessment per homeowner. We were surprised to receive the two notices. In fact, the notices have the same legal description on them, they both say lot 2 and 3, block 5, even though they are two key numbers. So we didn't even realize that we were being assessed twice until we heard from Mr. Morris and realized that this 508 and 509 number were at the top, but they do not have a separate legal description."

**Chairman Winters** said, "Thank you ma'am. Can you show us where your lots are on that map, pick them out?"

### **Regular Meeting, May 14, 1997**

**Ms. Jolly** said, "I'm right here and we straddle these two lots. The thing is that the frontage or the lot that is left primarily, this is built out from this side, clear over to about the foot of the other lot. There would only be approximately, from the edge of our house to the edge of the lot line, 80 feet of frontage. You would have to take a utility easement out of that and that doesn't count for any side setbacks, so there isn't much remaining to be built on if someone wanted to."

**Chairman Winters** said, "Thank you very much ma'am. Next speaker please."

**Mr. Willis Rains** said, "I have very little to say that hasn't already been said. My two lots are at 12100 Moonglow. I have the same situation. I have two lots there. I am assessed for two on this. I combined the lots, but it doesn't seem to have worked in this situation. My lots are 5 and 6, right here, and it is the same situation. We've been assessed as one until we got these two notices and it is described as lots 5 and 6 so, I wondered if they gave me two notices and intended to only give me one, is that a possibility? No. In other words we are stuck, is that what you're saying?"

**Chairman Winters** said, "We're going to ask some questions too."

**Mr. Rains** said, "I understand that Mr. Schroeder, when they started this, said that we would only be assessed for one lot per one person."

**Chairman Winters** said, "Is that what they told you?"

**Mr. Rains** said, "Yes. This was a real surprise."

**Commissioner Schroeder** said, "It was to me too."

**Mr. Rains** said, "Oh, was it? Okay. Well, please do something if you can."

**Chairman Winters** said, "Okay, thank you Mr. Rains. Next speaker."

**Mr. Jerry Grant** said, "I reside at 6459 Eagle Drive, lots 13 and 14, right here. I have the same situation as they do. I have two tax statements with a legal description on both of them being the same and my concern is why. The same information was given to me and all that, so I'm not going to go on."

### **Regular Meeting, May 14, 1997**

**Chairman Winters** said, "Okay, thank you Mr. Grant. Next speaker."

**Mr. Carson Cross** said, "I was the president of the Fairway Meadows Homeowners Association at the time and it was presented to these homeowners that it would be assessed one per residence. The only thing I want to make sure of, some of these lots have been combined legally. They will never ever be replatted. That lot will never be sold and that was our intent, that it would be one assessment per resident. If the lot was ever to be split and sold later, they would need to be assessed for two road assessments at this time. Thank you."

**Chairman Winters** said, "Okay, thank you Mr. Cross. I would like to just take a moment that we do have a visitor who has entered into the room, the fifth graders and the staff from Andale are here visiting. We're certainly pleased to have you in the audience. It is nice to have you here. Commissioner Schroeder."

**Commissioner Schroeder** said, "Are all the speakers finished?"

**Chairman Winters** said, "Are there any other speakers on the Fairway Meadow Street Addition? All right, I see no one. Commissioner Schroeder."

**Commissioner Schroeder** said, "Joe, I found out about this issue yesterday and I guess the question I have and it was mentioned here, lots that have been legally. . . and Rich, I don't know who to ask this, combined as one. What have we done in the past in other areas with street assessments? I'm not sure what the situation has been in other areas, whether it depends upon the area or the project or what, but I think they make a good point, especially the individuals who have two lots and have built their house in the middle. There is no way they can split if off later to sell the lot. What is your idea on this? What do you think we ought to do, either one of you?"

**Mr. Norton** said, "I'll try to get started and Rich can jump in if I say something erroneously. With respect to what we have done in the past, I think it is a variety of situations. What we've tried to do in the past is follow the request of the petitioners as to how the project should be assessed and if that is reasonable then that is what the Commission has adopted. A little bit of background might help all of you. As the property owners indicated, the petition was signed about 57% of the owners of the land in the benefit district."

### **Regular Meeting, May 14, 1997**

“I thought anyway, at the time, that when we started this hearing there were four parcels that had been combined, one of the gentlemen that was here today indicated that at least there would be a fifth one. The petition did indicate that there were 148 lots and the method of assessment was equally per lot and that was adopted when the Commission . . . the petitions were signed and received in August of 1995 and the Commission took action in October of ‘95 to in essence ratify that request and the petition to assess equally per lot.”

**Commissioner Schroeder** said, “The petition showed 148 lots?”

**Mr. Norton** said, “That’s correct.”

**Commissioner Schroeder** said, “Could that have just been an error on somebody’s part? Obviously, they sent it out saying you’d be assessed one assessment per household if you will, or lot and some of these are combined now so I’ve got a feeling that somewhere along the way, this information got crossed and what I would suggest if somebody does have a double lot that has been turned into a single lot that they be just assessed for one, unless there are two homes on it or will be two homes on it.”

**Mr. Norton** said, “I think Jim is maybe going to want to respond or give some information about what happened in the past. I’m not sure what happened when the petition was circulated, I know what it says. I think the law basically requires that you establish a fair and equitable method of assessing costs for similarly benefited properties. In some situations it is equally per lot and in some situations it is per hook up, like for a sewer situation regardless of the size of lot. In some cases it is front footage. In some cases it is square footage or any other method that is fair and equitable in the eyes of the Commission. So I think if you were to find today that equally per lot, now with all the facts known, is not a fair and equitable method of assessment. You have the ability to make that change. Obviously what happens is then that we take 143 parcels versus 148 then the amount goes up slightly for everyone because you take the total and divide it by whatever number.”

**Commissioner Schroeder** said, “The reason why I ask is that those people will get no more use out of that street than the neighbor next door because their lot is bigger. They don’t get any more use. There is still one family living there and the person next door, whose lot is 100 or 200 feet narrower, there is one family living there. Now if there were two lots with two homes, that’s a different story, but they don’t get any more use out of it than their neighbor does.”



### **Regular Meeting, May 14, 1997**

**Mr. Norton** said, "I understand. Jim, do you have any facts?"

**Mr. Jim Weber**, Director, Sewer Operations & Maintenance, said, "This has been a long running project. I remember Dave and I went out on a hot summer night in August and met with the neighborhood. If Joe is talking 95, we were out in 93 or 94, but at the time, in the western part of the subdivision, there had not been any development over there. In fact, we were looking at two different petitions, one with 148 lots as we see it today and one with 123 lots which would have excluded the lots at that time which were totally undeveloped. I think in response to the question, I think the petition was written for 148 platted lots. Now that may have been done without precise knowledge that there were combinations where there were maybe some things we didn't know. In the last, since we sent out the notices, the number of people who have come forward and what we have gone back and found is that there are in fact five places in Fairway Meadows where there are combinations of lots. Some of them have houses straddling the line, some do not. Some have a house on the lot and an outbuilding on the other lot. Since there were so many undeveloped lots in either petition, I don't recall that we ever said in any of our presentations that it would be per homeowner. If that is what the homeowners were requesting, we may have had a communication problem and didn't get that translated properly. The other thing that seems to be a little bit confusing for people and it confuses me some, is in fact when we go through the key numbers, we are getting owner information on both key numbers although they are showing that they have been combined and normally when we do these if there is a combination, we wouldn't be able to generate a second notice so there is some anomaly going on in the records there to respond to their question why am I getting two notices. I can't explain it but for some reason in Fairway Meadows at least two or three of them are generating two key numbers with identical . . ."

**Commissioner Schroeder** said, "Even though they've been combined."

**Mr. Weber** said, "Even though they've been combined. Normally we would see an explanation show up on a second tax key number to refer you to another tax key number. On these, as I was pulling them up again, it would say explanation and then give an owner's address. We actually, in the program that we're using to send them out, it can actually generate a notice and ship it out."

### **Regular Meeting, May 14, 1997**

**Commissioner Schroeder** said, "Well that is all fine and well, but I think there are some technical errors that have been made and I don't think that it is right that these people should be double assessed because we can't get our act together. What I am suggesting is that if there is just one home on one of these large lots, unless we go by front footage, then they ought to be assessed just like their neighbor. I don't see any other fair way to do it."

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

**Commissioner Gwin** said, "Thank you Mr. Chairman. Jim, as I am thinking about this, are we aware of the lot combinations. Let me start over. I'm thinking of the term buildable lots, because you can combine lots and if your house straddles them then obviously you don't have enough room on the sides for set backs and other things to build a house on either side of it. But you can also combine lots and your house can go over here and your garden or your storage shed or other things can be over here, which can be removed and then this lot can be a buildable lot in the future by somebody. Are we discussing or does that complicate matters? I'd be interested in knowing if these lots we're discussing, if any of the combinations would be considered buildable. If the house is lopping over or straddling the line then I could understand how that could be one lot and we could make a per lot assessment if they are so situated that the other side of the other lot could be buildable, then I could assess that one for two."

**Commissioner Schroeder** said, "I think the last gentlemen said that if that was the case and they built on it then they would be assessed for it."

**Commissioner Gwin** said, "But you don't have any impact fees to affect that later."

**Mr. Weber** said, "Maybe to contrast with some of the things that we have been doing on the sewer projects out east where we have known that we had people with more than one lot, for example Gilders, which we'll talk about later, where we have accepted those as a group of lots, but we've put into place a provision where if they split them or replat them into smaller lots, that an impact fee is charged that is equal to the assessment that goes into a bond and interest fund. We have not done that on a road project, but that's how we've tried to deal with an equity issue in the sewer project in areas that we thought it was likely that additional development might occur."

### **Regular Meeting, May 14, 1997**

**Commissioner Schroeder** said, "I think that is a fair way to approach it Betsy. I don't think any of them out here are suggesting that they should split it off again one day and replat it, which I think is very difficult, and then sell a house and have a benefit of a street one year later and build a home and not have to pay an impact fee."

**Commissioner Gwin** said, "I think we ought to be able to recognize it by looking at the existing property and find out whether or not that home straddles the mid line of those two lots."

**Commissioner Schroeder** said, "The covenants will not allow it if it is too narrow. We've got some folks out here that have built right over the line as we saw and there is no way to build another house on those lots, I hate to say that, but on that lot."

**Chairman Winters** said, "Anything else Commissioner Gwin? Commissioner Hancock?"

**Commissioner Hancock** said, "On this deal, I presume that when all this started there was one owner who owned a number of lots, like a developer for example, is that true?"

**Mr. Norton** said, "I think this was mostly a developed area when the streets went in. There were some parcels on the western side of the development that were owned by a developer, but this is not a classic situation of where a developer comes in and owns 100% of the lots at the time the project began."

**Commissioner Hancock** said, "These are all original owners?"

**Mr. Norton** said, "Most of it, yes."

**Commissioner Hancock** said, "Okay. I'd like to see how this would happen. Sometimes you just don't recognize that there were combined lots into a single improvement. I have a question, at this point can you make any amendments to the petition?"

**Mr. Norton** said, "I don't think we would amend the petition. I think in essence what we would do, if you decide you want to make some adjustments. As a result of the public hearing, you would make the finding that the method of assessment that was described in the Resolution on further reflection wasn't fair and equitable; that the fair and equitable method of assessment is something different."

### **Regular Meeting, May 14, 1997**

“I think you could make that Motion and in essence amend the Resolution that you had previously adopted. It is interesting, I went back and noted that some of the people who spoke today here themselves, or their predecessors had in fact signed the petition, so there may have been some confusion at the time because they actually supported the project. I think, should you be interested in making a change, my suggestion on one way to do that would be to change the method of assessment to equally per parcel. Then we would have, in essence, 143 parcels and each lot would be a parcel. Except there are five particular parcels that have two platted lots in that parcel. Then further indicate, if this is your desire, that in the event of one of those parcels that contains two lots, that an additional residential unit should be constructed in the future; that as part of the building permit process, those residential unit shall have an impact fee equal to whatever the assessment was at the time we levied them. Now they should be applied in the same method in which we’ve done in a sewer project that would, in essence, go into the bond and interest fund and eventually pay off bonds so everybody’s final assessment might be lower and they would have the benefit of that. That seems to be in accordance with what the present homeowner’s association thought that the idea was at the time.”

**Commissioner Schroeder** said, “Joe, where would that show up at if somebody from County was to go back, where would that be indicated at?”

**Mr. Norton** said, “Well, first we would do an amending resolution that would be published and recorded and then the assessment resolution would contain, we have to modify the one that is before you now for this particular project to include that language in there and then that assessment resolution would also be published and recorded. So hopefully in the future a title company that was researching the title would have that assessment resolution as part of the public record and would be able to pick that up.”

**Commissioner Schroeder** said, “It is found in the search then.”

**Mr. Norton** said, “Right. It would be a matter of public record at that point in time. Did I accurately describe what you thought the understanding was going to be? All right.”

**Commissioner Hancock** said, “Okay, that leaves 143. Other questions Jim. . .”

### **Regular Meeting, May 14, 1997**

**Mr. Norton** said, "Jim has calculated at this point in time what the impact of that would be. Interesting enough, the notice that was mailed out before the costs were totally finalized, had an estimated assessment of \$4,715 and some change. The numbers shown you earlier today had 148 parcels it would be \$4,558 and some change. If we divided it by 143 instead of 148, the assessment would be \$4,714 and some change."

**Commissioner Schroeder** said, "It would be a dollar lower."

**Mr. Norton** said, "Right. There were some cost savings between the time the initial hearing notice was put together and now on finalizing the project so in essence, those savings, if we divide it by 143, would turn out to be about a dollar less than they thought it was going to be to start with."

**Commissioner Schroeder** said, "That doesn't give me any heartache."

**Chairman Winters** said, "What does the percentage of petitioners, the 57.5% of petitioners, how does that number change?"

**Mr. Norton** said, "It doesn't because that was based on area. There are three ways a petition can be found sufficient. One is signed by the owners of a majority of area within the benefit district and that was what was utilized here so the ownership signature does not change. We didn't do it by lot, we did it by total area. So fortunately it worked out well in this case."

**Chairman Winters** said, "Commissioner Hancock, anything else?"

**Commissioner Hancock** said, "This is a platted subdivision isn't it?"

**Mr. Norton** said, "Yes."

**Commissioner Hancock** said, "It can be done by area, but it wasn't."

### **Regular Meeting, May 14, 1997**

**Mr. Norton** said, "There are two things here, the way in which a petition can be deemed to be legally sufficient. One of the ways if it is signed by the owners of a majority of the land within a benefit district regardless of the size of lots and that is one of the ways to look at whether a petition is sufficient. We found the petition sufficient on that basis. The proposed method of assessment was equal per lot regardless of size."

**Commissioner Hancock** said, "Okay. Is this going to hold up the bond issue?"

**Mr. Norton** said, "No, if it is the will of the majority of the Commission, I would suggest that action be taken now, at this point in time, to in essence do an amendment to the resolution that authorized the improvement to change the method of assessment. Then, when at the end of the hearing, you adopt the assessment resolution, you would adopt the assessment resolution presented to you with the changes necessary to conform to what you did on this amendment. I think we can draw that up after the meeting and make it work."

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

**Commissioner Miller** said, "Joe has answered all my questions."

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

**Mr. Norton** said, "The Resolution initially was number 225-1995, so I guess the Motion would be to amend that as we had described if that is the will of the Commission."

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

**Regular Meeting, May 14, 1997**

**MOTION**

Commissioner Schroeder moved to modify Resolution 225-1995 specifically section 1-D to change the method of assessment from equally per lot to equally per parcels and each lot would be a parcel except that there are five particular parcels, which are lots two and three, block five, lots five and six, block five, lots thirteen and fourteen, block five, lots nineteen and twenty, block seven, and lots sixteen and seventeen, block ten, that have two platted lots in that parcel and that further if one of those double lot parcels ever have an additional residential unit be constructed upon them, that residential unit would be subject to an impact fee, at the time the building permit was issued, equal to the amount of the assessment for the other 143 parcels.

Commissioner Miller seconded the Motion.

**Mr. Rains** said, "May I say something?"

**Chairman Winters** said, "Yes, come back to the podium please."

**Mr. Rains** said, "He said building on it, now does that mean no other building?"

**Mr. Norton** said, "No, residence. If you had a garage or something, that would not be a dwelling unit unless you converted it for somebody to live in it."

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

**Commissioner Gwin** said, "Are we sure that these are the only lots? Do we have them all in this Resolution? That would be my only other concern is if we've missed one or whatever."

**Mr. Norton** said, "I think one of the things is the assessment Resolution itself has language in it to say this is what is going to be assessed, subject to such technical changes as may be approved by the County Counselor. I think this may be one of those situations where we discover there is a sixth double lot."

**Commissioner Gwin** said, "So we will have amended it and we can correct that."

**Regular Meeting, May 14, 1997**

**Mr. Norton** said, "Right."

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

**Mr. Norton** said, "I think we understand the intent of the Commission here."

**Chairman Winters** said, "All right, thank you. We have a Motion, is there any further discussion? Is there any further discussion? Seeing none, call the vote."

**VOTE**

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

**Chairman Winters** said, "All right, Joe, we've got that problem solved, do we need any other action on Fairway Meadows?"

**Mr. Norton** said, "I don't believe so. I believe we are ready for project number five."

**Chairman Winters** said, "Thank you all. We appreciate you being here and getting this clarified."

**Mr. Norton** said, "Project number five is a street improvement project general and Phase I of the Balthrop Addition. This is located northeast of the intersection of Central and Greenwich Road. This is a newly created subdivision depicted upon the map. There are various methods of assessment. Primarily, it is equal per parcel in the upper most part of the project, the residential area and there are some commercial lots in the lower left-hand portion of the screen that bear a significantly higher share of the cost that the residential lots do on the northern part of the map. Again, the right-hand column on the page shows a total amount to be bonded of \$1,577,706, which is about \$200,000 less than the original estimate. The project was requested by a petition signed by 100% of the owners of the property within the proposed benefit district.



### **Regular Meeting, May 14, 1997**

“I would like to give you, in general, for the majority of the residential lots in the project, the assessment is approximately \$10,000 per parcel for street improvements.”

**Chairman Winters** said, “All right, the public hearing is still open. Is there anyone here who would like to address the Commission on the Balthrop Street Addition? Anyone wish to address the Commission on this issue? I see no one.”

**Mr. Norton** said, “Project number six, a street improvement project in the Wheatland Addition Phase 3. This is located near MacArthur Road and Hoover Road. There are 34 parcels in Phase 3 of this project. It is depicted by the red number three. This has been done in phases. The petition was signed by 100% of the owners of the property within the benefit district and to be assessed equally per parcel within phase 3. Project six, Wheatland Addition Phase 3 Streets, the total cost \$132,947.88, about \$28,000 less than the estimate. When divided equally among the 34 parcels, the principal component of approximately \$3,900 per lot. It would be appropriate to receive comment on this project.”

**Chairman Winters** said, “Is there anyone here who would like to address the Commission concerning Wheatland Street Phase 3? The Wheatland Street Addition Phase 3? I see no one.”

**Mr. Norton** said, “Project seven, street improvement project Phase 1 in Belle Terre Second Addition, located near 159th Street East and Central. There are 38 parcels in Phase 1 as depicted upon the map to be assessed equally per parcel. The total cost of the improvement is \$436,142.74. When divided equally among the 38 parcels, it has a principal component of approximately \$11,477 per lot.”

**Chairman Winters** said, “Is there anyone here who would like to address the Commission concerning Belle Terre Second Addition streets? I see no one.”

**Mr. Norton** said, “Project eight is a street improvement project in Woodland Place, again located near 159th Street East and Central. There are 14 parcels in the benefit district to be divided equally among the cost of the project. Cost of the project, again, the line in green, project eight of \$147,255 approximately. An assessment of \$10,518 per lot for each of the fourteen lots.”

### **Regular Meeting, May 14, 1997**

**Chairman Winters** said, "Is there anyone here who would like to address the Commission concerning Woodlawn Place streets? Woodlawn Place streets? See no one."

**Mr. Norton** said, "Project nine is a street improvement in Overbrook Second Addition Phase 2, located near 143rd Street East and Central. There are 22 lots within Phase 2 as depicted upon the map on the screen before you, which are proposed to be assessed equally per lot. The project was initiated by a petition signed by approximately 84% of the owners of property within the benefit district. Total costs are \$130,000 approximately. When divided among the 22 parcels results in a principal component of approximately \$5,910 per lot."

**Chairman Winters** said, "Is there anyone here who would like to address the Commission concerning the Overbrook Second Addition streets? Overbrook Second Addition streets?"

**Mr. Norton** said, "Project ten is in the same addition, Phase 3. There are only two parcels in this addition. Again, the costs are \$12,327.19. When divided equally, results in a principal component of approximately \$6,164."

**Chairman Winters** said, "Is there anyone here who would like to speak to Overbrook Second Addition street Phase 3?"

**Commissioner Gwin** said, "I just have a question. Jim, is there any indication when or if the developer plans on opening Ninth Street? How close are they?"

**Mr. Weber** said, "We've had discussions with several people over the years and the difficulty is that the developer doesn't own the majority of the lots on Ninth Street. There is no one owner who has a majority and it is hard to get a group of them to gel. I can't tell."

**Commissioner Gwin** said, "Well, with the growth of this Second Phase and the north part of Overbrook, that is funneling an awful lot of traffic out on Sharon Lane, it sure would be nice if someone would get to it and get that second opening."

**Mr. Weber** said, "I agree with you and if we get an opportunity, we'll try to help make that happen."

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

**Regular Meeting, May 14, 1997**

**Mr. David Spears**, Director, Bureau of Public Services, said, "I think one is, that if we could have the Fire Department look at that as another access in, they really should take a look at that."

**Commissioner Gwin** said, "Okay, let's you and I talk about that and see what we can do. Thanks."

**Chairman Winters** said, "Is there anyone else who would like to address us concerning Overbrook Second Addition street Phase 3? No one."

**Mr. Norton** said, "If not, I believe it would be appropriate to close the public hearing."

**Chairman Winters** said, "All right, at this time we'll close the public hearing and reserve discussion to staff and Commission."

**Mr. Norton** said, "For your consideration is a Resolution which would levy assessments for each of these ten projects in the manner in which we've described in the public hearing. Based on the action previously taken on the Fairway Meadows Addition, there would be a corresponding change in that description to provide for the amending resolution you passed today and to insert a section with respect to the impact fee that would result in that particular area as described in Commissioner Schroeder's motion. With those changes then I think that Resolution would be right for consideration by the Commission."

**MOTION**

Commissioner Hancock moved to adopt the Resolution.

Commissioner Schroeder seconded the Motion.

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

**Regular Meeting, May 14, 1997**

**VOTE**

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

**Chairman Winters** said, “Now Joe as we discussed earlier, would this be an appropriate time to recess this meeting and take care of special assessments in the Sewer District?”

**Mr. Norton** said, “I believe so. If there is anyone interested, we could go ahead and proceed with that public hearing at this time.”

**Chairman Winters** said, “At this time I will recess the Regular Meeting of the Board of County Commissioners.”

**The Board of Sedgwick County Commissioners recessed to the Sewer District meeting at 10:11 a.m. and returned at 11:15 a.m.**

**Chairman Winters** said, “At this time, I will call back to order the Regular Meeting of the Board of County Commissioners May 14, 1997. Madam Clerk, would you call the next item.”

**D. PUBLIC HEARING TO EVALUATE THE PERFORMANCE OF THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT #96-IT-021, SUNVIEW IMPROVEMENT DISTRICT SEWER REPAIR PROJECT.**

**Mr. Marty Hughes**, Grants Manager, Accounting Department, greeted the Commissioners and said, “On June 5, 1996, excessive rain eroded the soil and toppled trees along the Englewood Mobile home Park bank creek, causing a break in the aerial supported sewer line that crosses the creek. This caused raw sewage to be dumped into the creek, which this creek eventually runs into the Arkansas River. This sewer line is owned and maintained by the Sunview Sewer District. The district called for immediate emergency repairs under the supervision of Reiss & Goodness Engineers. The temporary repairs were made by Meiss Construction Company on June 5 and 6.

### **Regular Meeting, May 14, 1997**

“With the help of Reiss and Goodness and through the Sedgwick County Board of County Commissioners, the Sunview Improvement District was able to apply for and obtain an urgent need Community Development Block Grant (CDBG) in the amount of \$75,000 to pay for the temporary repairs and to make permanent repairs to the sewer line. The County received notice from the Kansas Department of Commerce and Housing of a CDBG Grant award to Sedgwick County on behalf of the Sunview Improvement District on August 12, 1996, and the grant agreement was signed by the State on September 30. However, before final repairs could begin, we had to issue the proper environmental notices, pass through the grant via a contract with the Sunview Improvement District, develop bid specifications and engineering plans, advertise for bids and conduct a preconstruction conference. Finally, on January 19, 1997, J.J. Westhoff Construction Company began work on the final repairs to the sewer line.

“Work was completed on February 6 of this year and with a final inspection following shortly thereafter. Construction included replacing 78 feet of ten inch sewer line pipe and 70 feet of eighteen inch casing with supports and debris removal. The total cost of the project came in under budget at a total cost of \$72,041. This public hearing is a requirement of the grant to complete the grant close out and at this time we should take any comment from the public if there is any.”

**Chairman Winters** said, “Thank you Marty. At this time I would open up a public meeting to receive comments concerning the performance of the Small Cities Community Block Grant 96-IT-021, Sunview Improvement District sewer repair project. Is there anyone here who would like to address the Commission on this issue? I see no one here to address this. I will close the public hearing.”

**Mr. Hughes** said, “At this time, I would like to recognize Rose Mary Saunders, who is here in the audience, Reiss & Goodness, for her dedicated service in helping with this project through the main stages. Since this project was not for the repair of a County facility, there is no County staff available to be a project director of this project and since the Sunview Improvement District has no professional staff there was a void that needed to be filled. This void was filled, very well I might add, by Rose Mary Saunders, who is the Office Manger with Reiss & Goodness. She helped coordinate the project in several ways including serving as a labor standards’ officer, responding to environmental inquiries from state and federal agencies, attending monitoring site visits, on site employee interviews, and coordinating the project with Sunview, Sedgwick County and Reiss & Goodness.

### **Regular Meeting, May 14, 1997**

“While Reiss & Goodness was the engineer for the project, these duties performed by Rose Mary were beyond the scope of the engineering contract and therefore, on behalf of the Board of County Commissioners, I’d like to present a certificate of appreciation signed by the Board of County Commissioners to Rose Mary for her dedication to this project and seeing it all the way through.”

**Ms. Rose Mary Saunders**, Reiss & Goodness, said, “I just want to say that it was my privilege to be there to help the district out in this time of need. I think the district is appreciative of receiving the grant funds and the help we received from Mr. Schroeder’s office in helping coordinate this.”

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

**Commissioner Schroeder** said, “Rose Mary, thank you very much. It was a job well done and I know the residents in that area appreciate all that everybody has done to get this thing fixed and running properly and it was an emergency and you folks stepped in and helped us through a difficult time and I think those people down there realize that as we do. Thank you again.”

**Chairman Winters** said, “All right, Marty the only recommended action was to hold a public hearing and we’ve done that.”

**Mr. Hughes** said, “Right, and I have some more paperwork for you to sign in the next day or two.”

**Chairman Winters** said, “Okay, very good. Thank you. Next item. Commissioners, some of you may have an agenda that has the Planning Department on it but that Planning Department item was handled last week so Madam Clerk, would you call the next item.”

### **NEW BUSINESS**

**E. CONTRACT WITH THE SECRETARY OF KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR OPERATION AND FINANCE OF THE EXPLOITED AND MISSING CHILD'S UNIT.**

**Regular Meeting, May 14, 1997**

**Mr. Marty Hughes**, Grants Manager, Accounting Department, greeted the Commissioners and said, “Before you, we have a Contract with the Kansas Department of Social and Rehabilitation Services whereby they provide one third of the funding of the cost of the Exploited and Missing Children’s Unit (EMCU). The total maximum amount of this Contract for the calendar year 1997 is \$31,000 based on the budget for the EMCU of approximately \$93,000 for this year. This Contract runs for one calendar year, 1997, and it is renewable, so we’ll probably be coming before you annually to renew this as long as we continue that arrangement. Of course, as in the past, the City of Wichita pays one third of the cost and the County funds one third of the cost of the EMCU. I recommend that you approve the Contract and authorize the Chairman to sign.”

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Thank you Marty. Next item.”

**F. BUREAU OF COMPREHENSIVE COMMUNITY CARE.**

- 1. CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE SIX SPECIALIZED GROUP HOME BEDS FOR CONSUMERS BEING DIVERTED OR DISCHARGED FROM STATE MENTAL HEALTH HOSPITALS.**

**Regular Meeting, May 14, 1997**

**Ms. Deborah Donaldson**, Director, COMCARE, greeted the Commissioners and said, “This first Contract is a new Contract and extends out housing options by six beds. This is funded with all State funds and the focus is hospital closure. It allows beds that provide a more intensive and supervised level of support than we have had previously. We feel it is important with the hospital closure activities. I’d be glad to answer any questions.”

**Chairman Winters** said, “Commissioners, you’ve heard the report, what’s the will of the Board?”

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

**2. LEASE RIDER WITH COM REALITY, INC. FOR SPACE LOCATED AT 1929 WEST 21ST STREET TO HOUSE THE COMMUNITY SUPPORT SERVICES PROGRAM.**

**Ms. Donaldson** said, “Commissioners, this addition to our current lease at Twin Lakes is to allow for the expansion that has occurred because of hospital closure. These are all State funds. I’d be glad to answer any questions.”



**Regular Meeting, May 14, 1997**

**Chairman Winters** said, "Commissioners, what's the will of the Board?"

**MOTION**

Commissioner Hancock moved to approve the Lease Rider 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 Deborah. Next item."

**G. GRANT APPLICATION TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR FUNDS TO ASSIST IN THE COST OF A STUDY TO DETERMINE THE AMOUNT OF EACH TYPE OF SOLID WASTE GENERATED IN SEDGWICK COUNTY.**

**Ms. Susan Erlenwein**, Director, Environmental Resources, greeted the Commissioners and said, "The Sedgwick County Solid Waste Plan recommends a waste analysis of the trash going into Brooks Landfill. The purpose of this analysis is to determine how much of each material is being disposed of at our landfill. This will give us an idea of what percentage of paper or plastic or yard waste or other material to help with ideas of recycling amounts, markets for that material, if we delete material from going to the landfill how that will affect the amount disposed of. The grant application goes to the State to help pay for part of this study. It is a 60/40% grant, with 60% coming from the State and 40% from the County. The total amount of the grant is \$85,798.52. The 40% matching of that would be from my department's salary to help through this pick analysis and also some mileage money.

### **Regular Meeting, May 14, 1997**

“The State’s part comes from buying supplies and also hiring some outside people who would help pick through the trash. It is a year long process and we’ll be doing the analysis every other month. The plan had originally stated a seasonal pick and what we are going to do instead of doing a pick every month through the whole year, we’ll do it every other month to be more efficient and after studying what some other states have done, it looks like that will give us the best data. I’d be happy to answer any questions on this grant.”

**Chairman Winters** said, “Okay, so Susan it will really be sometime next year before we have any real usable data?”

**Ms. Erlenwein** said, “We’ll be starting the pick in August of this year and at the end of the whole year, I will be making an analysis as we go along, but after the whole year we will have a good idea of what is thrown away. The last analysis was done in 1991 and it was only done once in July. So obviously you are going to have higher yard clipping amounts and it is going to throw the information off than, if you do a seasonal pick.”

**Chairman Winters** said, “So this year you will get a strong summer month with August.”

**Ms. Erlenwein** said, “We’ll start with August and end next June.”

**Chairman Winters** said, “Okay. Commissioners, are there any other questions?”

#### **MOTION**

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

Commissioner Hancock seconded the Motion.

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

**Regular Meeting, May 14, 1997**

**VOTE**

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

**Chairman Winters** said, "Thank you Susan, next item."

**H. REVISIONS TO THE SEDGWICK COUNTY AND FIRE DISTRICT PERSONNEL POLICIES AND PROCEDURES MANUAL.**

**Mr. William Buchanan**, County Manager, said, "Commissioners, we'd like to defer this for one week."

**MOTION**

Commissioner Schroeder moved to defer this 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 Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**Regular Meeting, May 14, 1997**

**I. CAPITAL PROJECTS DEPARTMENT.**

**1. MODIFICATION TO CONTRACT NUMBER ONE WITH FWD CONSTRUCTION, INC. FOR REMODELING THE DISTRICT ATTORNEY'S OFFICES. CIP #OR-118.**

**Mr. Kenneth W. Arnold**, Director, Capital Projects Department, greeted the Commissioners and said, "This item was an item that I briefed you on previously for the remodeling of the District Attorney's Offices in the amount of \$17,218.05. It is within the project budget and I recommend you approve it. I'd be happy to answer any questions."

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**2. MODIFICATION TO CONTRACT NUMBER ONE WITH MANNY'S HEATING AND AIR CONDITIONING FOR INSTALLATION OF MECHANICAL WORK AT COWTOWN. CIP #OR 13 THROUGH 17.**

**Regular Meeting, May 14, 1997**

**Mr. Arnold** said, "This is a modification in the amount of \$900 for air conditioning mechanical work at Cowtown. I'd recommend you approve. Be happy to answer any questions."

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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

**3. CAPITAL PROJECTS DEPARTMENT MONTHLY REPORT.**

**Mr. Arnold** said, "This is on pages 67 through 76 of your backup. I was not going to highlight any projects unless you have specific questions. I will tell you that the jail is moving along and the garage is moving along well under Stephanie's expert advice and council as your Projects Manager. We have a handle on all the other projects that we are managing and the departments that are doing their own projects are proceeding along. I think we've got everything pretty well moving for the rest of the year. I'd be happy to answer any questions."

**Chairman Winters** said, "Ken, can you tell me what percentage we are on the parking garage, percentage of completion, where we are at? I don't need the exact number, give me a ball park."

**Regular Meeting, May 14, 1997**

**Mr. Arnold** responded, "Seventy six percent sir."

**Chairman Winters** said, "Thank you. Other questions?"

**MOTION**

Commissioner Schroeder moved to receive and file.

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 Ken. Next item."

**J. APPROVAL OF AN ESTIMATE FROM SEDGWICK COUNTY RURAL ELECTRIC COOPERATIVE FOR THE RELOCATION OF A LINE IN CONNECTION WITH SEDGWICK COUNTY PROJECT NO. 620-5-1528; BRIDGE ON 6TH STREET SOUTH BETWEEN 327TH AND 343RD STREETS WEST. CIP #B-281. DISTRICT #3.**

**Mr. Spears** said, "Well, that's it. Item J is approval of a proposal by Sedgwick County Rural Electric Cooperative to relocate their electric line at a cost of \$2,515 in connection with the bridge project on 6th Street South between 327th Street West and 343rd Street West. This project is designated as B-281 in the Capital Improvement Program. The line is not located in the public right-of-way, it is in an easement. Recommend you approve the relocation and cost estimate."

**Regular Meeting, May 14, 1997**

**MOTION**

Commissioner Hancock moved to approve the estimate.

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 David. Next item."

**K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MAY 8, 1997  
REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have minutes from the May 8 meeting of the Board of Bids and Contracts. There are two items for consideration this morning.

**(1) DISPOSITION OF TENNANT SWEEPER - CENTRAL MOTOR POOL  
FUNDING: CENTRAL MOTOR POOL**

"Item one is the disposition of a tennant sweeper for the Central Motor Pool. It was recommended to declare this item surplus and accept the high responsible bid of PLM Kleen Sweep for \$501.

**(2) SCANNER - APPRAISER  
FUNDING: APPRAISER**

**Regular Meeting, May 14, 1997**

“Item two, scanners and equipment for the appraiser. It was recommended to accept the low total bid of Stonebridge Technologies for \$21,140.03.

**ITEMS NOT REQUIRING BOCC ACTION**

- (3) FUEL STATION - CENTRAL MOTOR POOL  
FUNDING: 1997 CAPITAL PROJECTS**
- (4) DIGITAL TELEPHONE SYSTEM - COURT TRUSTEE  
FUNDING: COURT TRUSTEE**

“There are two items that do not require action at this particular time. First is a fuel station for the Central Motor Pool, those proposals are being reviewed and a digital telephone system for the Court Trustee. You will note that these proposals were rejected. We will negotiate with Southwestern Bell to have straight Plexar access. A considerable amount of research was done before making this recommendation and I am confident that we can move forward and provide the Court Trustee with the system that they need. Be happy to take questions and would recommend that you approve the recommendations are presented by the Board of Bids and Contracts.”

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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



**Regular Meeting, May 14, 1997**

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

**CONSENT AGENDA**

**L. CONSENT AGENDA.**

**1. Right-of-Way Instruments.**

Two Temporary Construction Easements and two Easements for Right-of-Way for Sedgwick County Project No. 803-D-3960; Bridge on 135th Street West between 93rd and 101st Streets North. CIP #B-285. District #3.

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
C862018	\$168.00	\$167.00
C862025	\$72.00	\$000.00
V95050	\$216.00	\$204.00
V96087	\$335.00	\$109.00
V95088	\$507.00	\$331.00
V96018	\$185.00	\$341.00

**3. Plat.**

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

Czarniecki Addition

**4. Order dated May 7, 1997 to correct tax roll for change of assessment.**

**Regular Meeting, May 14, 1997**

- 5. **Consideration of the Check Register of May 9, 1997.**
- 6. **Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970260	Appraiser	Transfer
970261	Appraiser	Transfer
970262	COMCARE CDDO/Administration	Transfer
970263	Aging	Supplemental Appropriation
970264	Urban Lake Development Grant	Supplemental Appropriation
970265	Special Highway Improvement	Supplemental Appropriation
970266	1997 Bridge Projects	Supplemental Appropriation
970267	Wheatland Addition Phase 4-Street	Supplemental Appropriation

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

**MOTION**

Commissioner Schroeder moved to approve the Consent Agenda as presented.

Commissioner Miller seconded the Motion.

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

**Regular Meeting, May 14, 1997**

**VOTE**

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

**Chairman Winters** said, "Is there other business to come before this Board? We do not need an Executive Session and we've already conducted the Sewer District business, so we are adjourned."

**M. OTHER**

**N. ADJOURNMENT**

**Regular Meeting, May 14, 1997**

There being no other business to come before the Board, the Meeting was adjourned at 11:33 a.m.

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

---

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

---

**PAUL W. HANCOCK**, Chairman 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