

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

### **REGULAR MEETING**

**NOVEMBER 12, 1997**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, November 12, 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; Mr. Jarold D. Harrison, Assistant County Manager; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Ms. Jan Kennedy, County Treasurer; Ms. Lynne Melton, Assistant Director, Department on Aging; Mr. David C. Spears, Director, Bureau of Public Services; Ms. Deborah Donaldson, Director, COMCARE; Mr. Dale Miller, Current Plans Supervisor, Metropolitan Planning Department; Ms. Donna Hajjar, Adult Facilities Administrator, Department of Corrections; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Linda M. Leggett, Deputy County Clerk.

### **GUESTS**

Mr. George Fulp, 14220 East Natural Circle, Wichita, Kansas

### **INVOCATION**

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

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES: Regular Meeting, October 22, 1997**

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

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

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**MOTION**

Commissioner Hancock moved to approve the Minutes of November 12, 1997, as presented.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

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

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

**CITIZEN INQUIRY**

**A. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING SOLID WASTE.**

**Chairman Winters** said, "This is the time on our agenda where citizens who would like to address the Board of County Commissioners can do so by making a request to the Manager's Office a week before our meeting so you can get on the agenda. We do appreciate it when people do take the time to address the Commissioners. Please state your name and address for the record and we try to limit these comments to five minutes."

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**Mr. George Fulp**, 14220 E. Nautical Circle, Wichita, Kansas, greeted the Commissioners and said, "During the last year, I have followed with great interest, the process involved in developing a solid waste disposal system. I, like many others, have concerns which need to be aired and addressed. To date, it seems the main focus has been only on one aspect of a total waste disposal system, landfill versus transfer station. An important part of the system no doubt, but by no means the most important part. The major and overall goal should be the finalization of a system that will deliver to the tax payers and businesses of this County a solid waste disposal management system that is effective and truly cost efficient. A final solution that requires no new taxes, no increase in current user rates, and no major capitol outlay by this County, while providing at the same time residents with weekly curb side pickup of trash, recyclables, green waste, periodic pickup of household items and household hazardous waste. A system that will offer businesses, apartments, and others economic incentives to support and use a system that will minimize the tonnage that will ultimately have to find its way to a solid waste disposal site or disposal process.

"This Commission has approved a solid waste outline which is now being reviewed by KDHE (Kansas Department Health & Environment). A plan in Congress with a recommendation of a solid waste committee, a committee that has worked hard and that has preformed fairly well. But we should not forget the five or six members of this committee are in fact trash haulers and one of, if not the most key important recommendation of this committee, adopted by this Commission, was the recommendation to continue and support business as usual for trash haulers now operating in this County.

"Some like to refer to this as the free market system at work. I call this price supporting. As members of this Commission and staff, and staff consultants, I've already pointed out on numerous occasions 85 to 90% of the cost of any solid waste system lies in the collection and the transportation portions. To adopt a plan that ignores the most important and costly elements involved is irresponsible and is simply bad business. If a trash hauler or freight hauler ignored these elements they would be out of business in a very short period of time. Yes, we all know, trash haulers have been and are today very politically active. They are major financial players in most political campaigns. But to allow a few companies, a point employing collectively 200 to 300 people, to dictate the cost of a public service to over 400,000 residents is wrong. As staff, its consultants, and members of this Commission have clearly stated, there is no way to implement the solid waste as outlined as adopted without a serious and major increase in taxes on the residents and businesses of this community.

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“People expect their local government to provide basic services such as waste pickup and disposal at the least possible cost. So why choose a method of handling solid waste that will cost much more and deliver less when known and proven alternatives exist. I would like to take this opportunity to commend Commissioner Gwin for being astute and recommending that this Commission pursue the cost saving alternative of franchising via the competitive bidding process. In varying forms, this is the proven methodology predominantly used today throughout our country to establish a solid waste system that provides the same type and level of service to all users at the least possible cost. Presently in Sedgwick County, solid waste collection disposal is a \$25,000,000 a year business. That is a tremendous amount of leverage entrusted into the hands of this elected body. The current adopted solid waste plan, which ignores 90% of the total plans cost will allow all of this leverage and the opportunity for this Commission to truly serve the residents and businesses to simply slip through your hands. Respectfully, I urge this Commission to direct staff today to bring back on their consultants at the earliest possible date proposals for the formation of a RFQ and RFP that will enable this Board to ultimately franchise the adopted solid waste plan into one contractor via the competitive bidding process. Thank you.”

**Chairman Winters** said, “Thank you, sir. Commissioner Hancock, do you have a comment?”

**Commissioner Hancock** said, “I’m sure we will, before it is all over, look at other alternatives and to the haulers. At the beginning of the statement, Mr. Fulp told us that we really hadn’t looked at other options as far as landfills versus transfer stations. I can assure Mr. Fulp that we did look at other options. Some of them were unproven and others were extremely expensive. He mentioned tax hikes, as far as the disposition of solid waste is concerned. Some of those options would include tremendous tax hikes and tremendous risk that I felt we really didn’t want to take at that time and probably don’t want to take in the near future. Maybe as technology increases and things change throughout the country, especially the markets here, we will look at some of those things and I can assure you also Mr. Fulp that there are some haulers on our solid waste planning committee but in the last campaign, and I went over very carefully all of my receipts for my contributions and there was not a single trash hauler or as far as I know anyone even remotely connected to a trash hauler contributed to my campaign. This has strictly been an apolitical decision for me throughout and I don’t want anyone to get the idea that trash haulers control the decision making and thought processes in my decision making throughout this whole process.

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“I can assure you that we will look at other options and we’re taking very seriously some of the proposals made by Commissioner Gwin and I think Commissioner Miller has suggested some things that we want to look at and we will. We want to keep this cost of the overall solid waste procedures in Sedgwick County as inexpensive as possible. Sometimes that may include us a small amount of increase but at the same time I think that increase is warranted. We’re making some changes that have never been done before, including recycling, and I think a deeper commitment to the environment here in Sedgwick County. Thank you, Mr. Chairman.”

**Chairman Winters** said, “Thank you. Thank you for being here, Mr. Fulp, we appreciate it. Next item.”

### **PLANNING DEPARTMENT**

- B. CASE NUMBER SCZ-0752 - ZONE CHANGE FROM "LI" LIMITED INDUSTRIAL TO "SF-6" SINGLE-FAMILY RESIDENTIAL (123.0 ACRES) AND "TF-3" TWO-FAMILY RESIDENTIAL (16.52 ACRES), LOCATED NORTH OF 29TH STREET NORTH, EAST OF RIDGE ROAD.**

**Chairman Winters** said, “I know that Marvin is out of town today, but I was under the impression that Dale Miller was going to be here to present this item. Maybe we need to defer this and Fred, if you would call over to see if Dale is on his way. Do we need a Motion to defer an item until later in this meeting? Madam Clerk, let’s just go on to the next item and we’ll come back to this if Dale comes in.”

### **NEW BUSINESS**

- C. BUREAU OF COMPREHENSIVE COMMUNITY CARE (COMCARE).**
- 1. CONTRACT WITH WICHITA GUIDANCE CENTER TO PROVIDE ATTENDANT CARE TO YOUTH WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.**

**Ms. Deborah Donaldson**, Director, COMCARE, greeted the Commissioners and said, “This first contract is a renewal although we are doing business in a little different way this time. Previously we’ve just given a set amount in a grant and this contract has been revised so that we actually pay for the service provided so it is paid after provision of the service and at a rate that is reasonably comparable with what we were doing before. These are Mental Health Reform funds and so they come from the State. I’d be glad to answer any questions.”

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

**Commissioner Gwin** said, "Let's go through that again. You said this is a different way of paying. Did we pay just in a lump sum previously?"

**Ms. Donaldson** said, "That is correct."

**Commissioner Gwin** said, "And this way we're paying as each individual visits this facility."

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

**Commissioner Gwin** said, "Makes sense to me. Thank you, Mr. Chairman."

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

**MOTION**

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

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

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

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**2. CONTRACT WITH FAMILY CONSULTATION SERVICE TO PROVIDE IN-HOME FAMILY THERAPY TO FAMILIES WITH A SEVERELY EMOTIONALLY DISTURBED CHILD.**

**Ms. Donaldson** said, "Commissioners, again, this is a renewal but with the same changes that we are paying a certain amount per hour for that service. These are also Mental Health Reform funds. The in-home family therapy has been very helpful in terms of the families that we serve and takes it into the home instead of everyone always having to come in to the office. I'd be glad to answer any questions."

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**3. AGREEMENT WITH FAMILY CONSULTATION SERVICES, INC. FOR PROFESSIONAL PSYCHIATRIC SERVICES PROVIDED BY DR. MADDEN OF COMCARE'S FAMILY AND CHILDREN'S COMMUNITY SERVICE PROGRAM.**

**Ms. Donaldson** said, "Commissioners, this particular Contract is a new Contract and we will be working with Family Consultation Services in providing psychiatric services. Now this is a change, they are paying us for the services and they are somewhat limited but I think a help to them and something where we do generate some revenue for that. I'd be glad to answer any questions."

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

**MOTION**

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

Commissioner Schroeder seconded the Motion.

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

**VOTE**

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

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

**D. DEPARTMENT ON AGING.**

**1. TITLE III OLDER AMERICANS ACT GRANTS (10) AND CONTRACT (1) FOR FISCAL YEAR 1998.**

**GRANTS**

- **SENIOR SERVICES, INC. INFORMATION AND REFERRAL: \$22,000**
- **SENIOR SERVICES, INC. RESPITE CARE: \$48,380**
- **SENIOR SERVICES, INC. MEALS ON WHEELS: \$288,228**
- **VIA CHRISTI-ST. JOSEPH CAMPUS HEALTH EDUCATION: \$10,500**

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- **LEGAL SERVICES OF WICHITA SENIOR LAW PROJECT: \$29,819**
- **LEGAL SERVICES OF WICHITA KANSAS SUPPORT SERVICES: \$19,500**
- **MENNONITE HOUSING AND REHABILITATION SERVICES MINOR HOME REPAIR-IIID: \$22,734**
- **MENNONITE HOUSING AND REHABILITATION SERVICES MINOR HOME REPAIR-IIIB: \$75,000**
- **AMERICAN RED CROSS-GOOD NEIGHBOR NUTRITION PROGRAM CONGREGATE MEALS: \$657,168**
- **AMERICAN RED CROSS-GOOD NEIGHBOR NUTRITION PROGRAM HOME DELIVERED MEALS: \$231,727**

**CONTRACT**

- **FRIENDS UNIVERSITY RETIREMENT CORPORATION-ACTIVE AGING: \$32,200**

**Ms. Lynne Melton**, Assistant Director, Department on Aging, greeted the Commissioners and said, "The first item is approval of our contracts and notification of our grant awards for fiscal year 1998, which began October 1. We have contracts for information and referral with Senior Services for \$22,000; respite care, \$48,380; Meals on Wheels, \$288,228; for health promotion with Via Christi St. Joseph for \$10,500; legal services for the Senior Law project for \$29,819; Kansas support services for the elderly with Legal Services for \$19,500; Mennonite minor home repair. There are two programs, a IIIB program and a IIID program. The difference is the type of people that they target. The IIID which targets frail elderly is \$22,734 and the IIIB program is for \$75,000. Then two notification of grant awards, we have the Good Neighbor Nutrition Program congregate meals for \$657,168 and home delivered meals for \$231,727. The one contract is with Friends University for the Active Aging newspaper for \$32,200. I'll be glad to answer any questions."

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

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**Commissioner Schroeder** said, "One question. Lynne, the Friends University Retirement Corporation, Active Aging, what does that money go for?"

**Ms. Melton** said, "It goes to publish the Active Aging newspaper."

**Commissioner Schroeder** said, "So we help them publish that newspaper. How long have we been doing that?"

**Ms. Melton** said, "It was with Wichita State 20 years ago when I started working for the County and we switched it over to Friends probably 7 years ago."

**Commissioner Schroeder** said, "Do you know what their total budget is? Do you have any idea?"

**Ms. Melton** said, "It is over \$100,000 but I can get you the exact amount. A lot of it is supported through advertising in the newspaper."

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

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

**MOTION**

Commissioner Gwin moved to approve the Grant Awards and 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 W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

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**2. AGREEMENTS (12) WITH RURAL COMMUNITY GROUPS AND KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR DELIVERY OF USDA COMMODITIES.**

- **CITY OF GARDEN PLAIN**
- **ST. JOSEPH CATHOLIC CHURCH**
- **COLWICH COMMUNITY SENIOR CITIZENS**
- **VALLEY CENTER ASSEMBLY OF GOD CHURCH**
- **CITY OF CLEARWATER**
- **BENTLEY UNITED METHODIST CHURCH**
- **MULVANE AREA VOLUNTEER SERVICE**
- **UNITED METHODIST CHURCH OF GODDARD**
- **MOUNT HOPE SENIOR CITIZENS**
- **CITY OF PARK CITY**
- **CHENEY FOOD BANK**
- **CITY OF KECHI**

**Ms. Melton** said, “As you know Commissioners, each year we have an Agreement with Social and Rehabilitation Services for them to give us commodities so that we can deliver them to the volunteers in the communities outside of the City of Wichita. There is an Agreement with SRS that needs to be okay and then out Agreements with the 12 communities, which is: Garden Plain, Andale, Colwich, Valley Center, Clearwater, Bentley, Mulvane, Goddard, Mount Hope, Park City, Cheney, and Kechi. We are still looking for a volunteer in Maize. Our volunteer that has done it for years has decided that she needs to retire and we are still looking for someone that is willing to take on the responsibility of giving out the commodities. Be glad to answer any questions.”

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

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**Commissioner Miller** said, "Thank you, Mr. Chairman. Lynne, you've already gone where I was going to ask, that is to tell the public how it is that they can become a part of this program."

**Ms. Melton** said, "They can contact our office and we can give them the name of our volunteer coordinator and they can contact any of the City offices that they live in and they can tell them who to contact and when commodities come in. We do not get them every month. We used to but we got them maybe five times last year. We never know what we're going to get until a couple of days what is going to be available for distribution."

**Commissioner Miller** said, "The central location is . . ."

**Ms. Melton** said, "They come to the United Refrigeration Warehouse on 29th and Meade and out volunteers come in and pick them up and take them out to their towns for distribution."

**Commissioner Miller** said, "Very good. Thank you, Lynne. Thank you, Mr. Chairman."

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

**MOTION**

Commissioner Schroeder moved to approve the Agreements 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 W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

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**3. CONTRACTS (18) FOR INCOME ELIGIBLE HOME CARE PROGRAM.**

- **ALPHA OMEGA: \$84,924**
- **CARING HOME HEALTH AGENCY: \$6,825**
- **CENTRAL HOMECARE & HOSPICE: \$28,098**
- **DEPENDABLE HOME HEALTH CARE: \$40,950**
- **HOME HEALTHCARE SERVICES: \$24,077**
- **INDEPENDENT LIVING CENTER: \$5,460**
- **MAPLEWOOD HOME CARE: \$7,392**
- **MT. HOPE HOME HEALTH: AMOUNT UNDETERMINED**
- **OLSTEN-KIMBERLY HEALTH SERVICES: AMOUNT UNDETERMINED**
- **PROACTIVE HOME HEALTH SERVICES: \$66,549**
- **PROGRESSIVE HOME CARE SERVICES, INC.: \$78,645**
- **RESOURCE CENTER INDEPENDENT LIVING, INC.: \$25,410**
- **SCCS HOME HEALTH & HOSPICE, P.A.: \$22,470**
- **SAINT RAPHAEL SERVICES: \$89,775**
- **SUNFLOWER: \$40,709**
- **TOPEKA INDEPENDENT LIVING RESOURCE CENTER: \$4,914**
- **VIA CHRISTI-PRIVATE DUTY: \$27,132**
- **WICHITA LIFELINE: \$1,200**

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**Ms. Melton** said, "The income eligible program was transferred to us from SRS on July 1. We are in the process or have been in the process of evaluating, recertifying, the income eligible people that were transferred to see what services they need, whether they need more services or whether they don't need as man, to see if they are eligible for the home and community based services. These are all contracts that really don't have an amount but their vendor contracts. The amounts that are printed for you in the agenda item are what the amounts would be as of the services when they were transferred. So this is what their amounts are right now. It could be more, it could be less before we are done. But we are looking for opportunities to increase services to some, transfer them to maybe a better program for them, and bringing more people on board for the income eligible home program. Be glad to answer any questions."

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

**Commissioner Miller** said, "Thank you, Mr. Chairman. Lynne, the larger amounts that we see here, in terms of funding, does that indicate, is that just a clear indication that this is a good program or what is it an indicator of?"

**Ms. Melton** said, "The indication is that these are the providers who are now providing service for the income eligible people. We figured how much service that would mean for a year on their services on what they receive as of July 1. Their services may increase. We're finding that these people have been maybe on the income eligible program for ten years and that they've become frailer, they need more services than what is there and what is available. We've got a little under 200 people transferred to us on July 1. We found that some were eligible for Medicaid and could go to that program. Some needed more services and some needed less services. So we're in the process of adding more people that are on the waiting list for Senior Care Act onto the income eligible program."

**Commissioner Miller** said, "What's the total amount that is budgeted?"

**Ms. Melton** said, "The total amount the State gave us was \$624,000."

**Commissioner Miller** said, "That's annual."

**Ms. Melton** said, "That's annual at least for this year. July 1 they may look at the programs state wide and decide that the funds need to be distributed across the State a little bit differently."

**Commissioner Miller** said, "Was this reflective of the additional 200 individuals?"

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**Ms. Melton** said, "This was the money that was being spent in our area on these persons when they were transferred."

**Commissioner Miller** said, "Very good. Thank you."

**Chairman Winters** said, "Just one follow up clarification. These are State funds. These are funds that come to us from SRS and the State of Kansas."

**Ms. Melton** said, "Yes, these are State funds."

**Chairman Winters** said, "Thank you. Any other questions or comments? If not, what's the will of the Board?"

**MOTION**

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

**Ms. Melton** said, "Thank you."

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

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**E. ACCEPTANCE OF THE FISCAL YEAR 1998 COMMUNITY CORRECTIONS CONDITION VIOLATOR GRANT AWARD FROM THE KANSAS DEPARTMENT OF CORRECTIONS, INCLUDING CREATION OF TWO FULL-TIME POSITIONS.**

**Ms. Donna Hajjar**, Adult Facilities, Department of Corrections, greeted the Commissioners and said, "This is a request to accept the Conditional Violator Grant. The amount that we received, \$73,841, is considerably less than what we asked for. However, we have scaled down the services that we will provide and we will hire two counselors to provide services for the individuals who are moving out of a residential center."

**Chairman Winters** said, "Questions or comments Commissioners?"

**MOTION**

Commissioner Schroeder moved to approve acceptance of the Grant Award.

Commissioner Miller seconded the Motion.

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

**Commissioner Miller** said, "Thank you, Mr. Chairman. Basically Donna you are saying that, well it says the original request was for \$298,000, what was awarded was \$73,841. We're going to utilize that to place two personnel or individuals in what positions?"

**Ms. Hajjar** said, "They will be treatment counselors, individuals who would be able to also do some extended services in life skills development, job services, psychological evaluations, the kinds of services that we lost when we had to shut down the day reporting program."

**Commissioner Miller** said, "Okay, so they'll feed into being able to provide day report services again? The same type of services, not to the same degree. What did we lose?"

**Ms. Hajjar** said, "We were going to hire five staff and we were going to have quite a few different kinds of alcohol and substance abuse programming and educational programming and so forth that we will not be able to have."

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

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**Ms. Hajjar** said, "And we are only going to be able to service those individuals who are moving out of the residential center for approximately 60 days. What we are going to be able to do was service individuals who are living in the community rather than bring them into the center."

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

**Chairman Winters** said, "Thank you. We have a Motion and a second to approve the acceptance of the grant award. Any other questions or comments? Seeing none, call the vote."

**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, "Thank you very much for being here. At this point, let's go back and pick up our Planning Department Item B. Madam Clerk, would you read all that into the record so the record will know where we are at."

**PLANNING DEPARTMENT**

**B. CASE NUMBER SCZ-0752 - ZONE CHANGE FROM "LI" LIMITED INDUSTRIAL TO "SF-6" SINGLE-FAMILY RESIDENTIAL (123.0 ACRES) AND "TF-3" TWO-FAMILY RESIDENTIAL (16.52 ACRES), LOCATED NORTH OF 29TH STREET NORTH, EAST OF RIDGE ROAD.**

**Mr. Dale Miller**, Metropolitan Area Planning Department, greeted the Commissioners and said, "Marvin is out today and I got busy with a client and let time slip away so I apologize."

**Chairman Winters** said, "That's quite alright."

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**Mr. Miller** said, "The case that is on your agenda today is a request for single family zoning and duplex zoning, TF-3 from a property that is currently zoned LI, limited industrial. It is located at the northeast corner of Ridge Road and 29th Street. The proposed development is for residential uses. The surrounding property is zoned SF-20, single family with a 20,000 square foot minimum lot size and is used for agricultural purposes. South and east of the application area is zoned LI, limited industrial and has a mix of agricultural, industrial, and residential uses. Across Ridge Road to the west is property zoned LI and single family. LI is limited industrial as well. It is a mix of agricultural, recreational, and residential uses. This site does have considerable flood plain property on it but we have been advised through the platting procedure that they are working on map revisions and can address that issue through the platting process. Staff is recommending approval. The MAPC recommended approval unanimously. There were five rationale for our recommendation for approval and they are included in the staff report that went to the Planning Commission and I could go over those if you need them. But otherwise, I'll stand for questions. We have some slides if you need those as well."

**Chairman Winters** said, "Let's look at the slides of that area."

### **SLIDE PRESENTATION**

**Mr. Miller** said, "The purple, although it is two different shades is the same indication for limited industrial zoning. The application area is right here. There was an old conditional use for top soil removal on that site a number of years ago. An aerial of the same site. Looking to the northwest from the bridge, that is located east of Ridge Road on 29th Street. Another view looking north towards the site. Northeast across the drainage channel that runs across the center of the property. Then looking east again. This is actually the site. The day we were out there they were moving some dirt. This would be looking east from Ridge Road. This is looking back west towards a subdivision that is developing towards the southwest. That is looking northwest. More activity on the site itself. This is the actual area if I understand correctly where the duplex zoning would go. Back to the aerial."

**Chairman Winters** said, "Dale, do you know what the area is that is notched out there that is not in this application?"

**Mr. Miller** said, "That is a limited industrial zoning that could be used for commercial and other uses that are allowed in limited industrial and did not need a rezoning. Under our code, in order to do residential uses which is not permitted in the limited industrial district then they needed to down zone. So that is the reason for the request. They could put a commercial activity as we often see on corner properties if they so desired."

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

**Commissioner Miller** said, "Thank you, Mr. Chairman. Dale, before I propose a Motion, would you go ahead and give us those five facts of finding."

**Mr. Miller** said, "Certainly. On the zoning uses and character of the neighborhood. The subject property is currently zoned "LI" and the western 71.8 acres of the application area was approved for a conditional use for topsoil extraction in 1994. The balance of the property is currently undeveloped and used for agricultural purposes. The surrounding area has a mix of agricultural, industrial and residential uses on property zoned as Limited Industrial, SF-20, single family 20,000 square foot minimum lot, and SF-6, single family with 6,000 square foot minimum lots.

"The suitability of the subject property for the uses to which it has been restricted. The property is currently zoned for industrial purposes. However, the site's industrial history was based in large part on the extraction of natural resources, the topsoil removal, and may have exhausted its usefulness in that regard. Therefore, the property and also the property is currently at the fringe of northwest Wichita's residential development pattern and may be more suitable for reuse as a residential subdivision than continued use for industrial purposes.

"Item three is the extent to which removal of the restrictions will detrimentally affect nearby property. The zone change for single-family development will give the site a similar character to property that is in the area, particularly the new developing property to the southwest of this location. The request for duplex zoning should not have any negative impact on nearby properties, due to the fact that the permitted uses in the 'TF-3' district, which is the duplex district, are nearly identical to those in the single family district with the exception that you can have one additional dwelling unit on the site.

"Item four is conformance of the requested change to the adopted or recognize Comprehensive Plan. The request is technically not in conformance with the Comprehensive Plan's Land Use Guide or the Sedgwick County Development Guide, but it is adjoining the urban growth boundary and does promote the Plan's intent that land use regulations should encourage higher density development to maximize public investment in existing and planned services.

"Finally, impact of the proposed development on community facilities. Water and sewer services are available for extension to serve this site. Traffic generated by this development should be accommodated by current and future road projects."

## **Regular Meeting, November 12, 1997**

**Commissioner Miller** said, "This was actually a ten-zero vote of MAPC? I see no problem with it."

### **MOTION**

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

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, "I'm certainly going to be supportive of this. I have a question Dale. I heard at one time that the City was limited on sewer capacity in this area. Are you familiar with what effect this will have on the sewer capacity and how much more can happen up here?"

**Mr. Miller** said, "From the plat that is going through to cover this area, the agreement that makes this possible is the property to the south that had developed around what would be the north and east side of that lake, the sand pit, that either they or the other Ritchie property to the south, that they are going to give up some sewer capacity that was originally intended for that property to make this project work. So there is a letter of agreement between all those parties that they understand that is what is going on. So we are reaching nearly the end of service in that particular area."

**Chairman Winters** said, "I guess that is the answer then that there is limited sewer capacity there."

**Mr. Miller** said, "Yes."

**Chairman Winters** said, "Okay, thank you. We have a Motion but we really didn't give any citizens an opportunity or anybody here to speak so I think I would like to do that now. Is there anyone here who would like to speak in either support or opposition to this zone request change? Is there anyone here who would like to address the Board of County Commissioners on this issue? Seeing no one, we'll go back to discussion again of the Motion. Commissioners we have a Motion, is there additional comment or discussion from the bench? Seeing none, we have a Motion to approve this zone change, Madam Clerk, call the vote."

**Regular Meeting, November 12, 1997**

**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, "Thank you, Dale. Thank you, Mr. Smith, for being here in case there was a question. Next item."

**F. 1998 TAX DISTRIBUTION CALENDAR.**

Ms. Jan Kennedy, County Treasurer, greeted the Commissioners and said, "I have before you the tax distribution calendar for the next year. We send this to 101 of the other county taxing districts that we distribute tax to so they know when to anticipate their share of the taxes being received by them. It is a courtesy. It is not required. It has been done by our department for many years and they do rely on this calendar. So I would like your permission to send it out again this year."

**Chairman Winters** said, "Thank you. This is kind of a significant event. This is the first time that the new Treasurer, Jan Kennedy, has been before the County Commission. I certainly want to welcome you Jan and wish you the best of luck and success. This distribution calendar has been provided for all the Commissioners and is in the back up data. We agree that putting this in written form so that everyone knows what the distributions are going to be is a very good. I think I'm going to be supportive, we have been in the past. Commissioners, any questions or comments?"

**MOTION**

Commissioner Miller moved to approve the distribution calendar.

Commissioner Hancock seconded the Motion.

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

**Regular Meeting, November 12, 1997**

**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, "Thank you very much Jan. Next item."

**H. REPORT OF THE BOARD OF BIDS AND CONTRACTS' NOVEMBER 6, 1997  
REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have minutes from the November 6 meeting of the Board of Bids and Contracts. There are 9 items for consideration.

**(1) AIR PACK SYSTEMS - CAPITAL PROJECT  
FUNDING: DETENTION FACILITY ADDITION**

"Item one, air pack systems for Capital Projects and the detention facility. It was recommended to accept the only bid received from Roberson Fire & Safety, Inc., in the amount of \$147,276. A complete tabulation follows.

**(2) ½ TON 4-WHEEL DRIVE SUBURBAN - MOTOR POOL  
FUNDING: MOTOR POOL**

"Item two is a ½ ton 4-wheel drive Suburban for the Central Motor Pool and the Bureau of Public Services. It was recommended to accept the only bid received of Quality Chevrolet, in the amount of \$13,780.30, that includes trade-in and optional manuals.

**(3) ROUTERS - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**

"Item three are various routers for Information Services. It was recommended to accept the low total bid of Cisco Systems in the amount of \$34,221.

**Regular Meeting, November 12, 1997**

**(4) SOFTWARE MAINTENANCE - INFORMATION SERVICES**  
**FUNDING: INFORMATION SERVICES**

“Item four, software maintenance for Information Services. It was recommended to accept the sole source bid of the publisher of Information Builders, Inc., in the amount of \$26,580. That is for the 1998 fiscal year.

**(5) ROOF REPLACEMENT - THIRD FLOOR ANNEX - BUREAU/CENTRAL SERVICES**  
**FUNDING: CAPITAL PROJECTS**

“Item five is roof replacement for the third floor of the annex for the Bureau of Central Services and Capital Projects. It was recommended to accept the low responsible bid of Roof Mechanics in the amount of \$34,793.

**(6) ARMSTRONG PUMPS - BUREAU/CENTRAL SERVICES**  
**FUNDING: BUREAU/CENTRAL SERVICES**

“Item six, various Armstrong brand pumps for the Bureau of Central Services. It was recommended to accept the sole source bid of J.M. O’Connor, Inc., in the amount of \$11,823.63 that is to match existing equipment.

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

“Item seven, personal computer hardware and software for the District Court. It was recommended to accept an extension of the bid of Gateway 2000, for five additional computers in the amount of \$13,530.

**(8) CELLULAR & PCS PHONES - VARIOUS DEPARTMENTS**  
**FUNDING: TELECOMMUNICATIONS**

“Item eight, cellular and PCS phones for various departments for the Department of Telecommunications and Information Services. It was recommended to accept the low proposal of Cellular One, for cellular technology phone services for a one year contract, with the option to renew for two additional one year terms. There are several pages of information provided by Bruce Renberger attached.

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**(9) ADA COMPLIANT POWER FILE - BUREAU/HUMAN RESOURCES  
FUNDING: DIVERSITY & EMPLOYEE RELATIONSHIP**

“Item nine is a ADA compliant power filing system for the Bureau of Human Resources. It was recommended to accept the only bid received of Records Retrieval Systems, in the amount of \$16,140.

**ITEMS NOT REQUIRING BOCC ACTION**

**(10) ASPHALT REPLACEMENT & REPAIR - MOTOR POOL  
FUNDING: MOTOR POOL**

**(11) PLAT SCANNER - GEOGRAPHIC INFORMATION SERVICES  
FUNDING: GEOGRAPHIC INFORMATION SERVICES**

**(12) LUBRICATION & SERVICING PACKAGES - MOTOR POOL  
FUNDING: MOTOR POOL**

“There are three items that do not require action at this particular time. They were all tabled for review. They include asphalt replacement and repair for the Central Motor Pool, a plat scanner for Geographic Information Services, and lubrication and servicing packages for the Central Motor Pool. I’ll be happy to take questions and recommend approval of the recommendations provided by the Board of Bids and Contracts.”

**Chairman Winters** said, “Thank you, Darren. Are there questions?”

**MOTION**

Commissioner Gwin 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.

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**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, "Thank you Darren. Next item."

**CONSENT AGENDA**

**I. 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 626-1, Owners: Gregg Keefe and Laura Keefe, located in the Northeast Quarter of Section 7, Township 28 South, Range 4 West, more specifically located on the south side of 31st Street South and east of 391st Street West. Morton Township. District #3.
- b. Road Number 771-the, Owners: Gregg Keefe and Laura Keefe, located in the Northeast Quarter of Section 7, Township 28 South, Range 4 West, more specifically located on the east side of 391st Street West and south of 31st Street South. Morton Township. District #3.

**2. Right-of-Way Agreements.**

Two Easements for Right-of-Way, two Temporary Construction Easements and one Easement for Drainage for Sedgwick County Project No. 811-S ½ K, L; Ridge Road between 29th Street North and K-96. CIP #R-222. District #4.

**Regular Meeting, November 12, 1997**

**3. Section 8 Housing Assistance Payment Contract.**

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>Landlord</u>
C97062	\$195.00	Patricia Richey

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V96007	\$145.00	\$153.00
C96109	\$275.00	\$249.00
V97020	\$325.00	\$272.00
C96085	\$344.00	\$338.00
C97044	\$25.00	\$220.00
V94075	\$341.00	\$332.00

**5. 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:

Davis' Crestland Addition

**6. Applications for License to Retail Cereal Malt Beverages.**

<u>Applicant Name</u>	<u>d/b/a</u>
Kelly J. Lanham	Cheney Lanes, Inc.
Robert J. Sleeter	Kwik Shop, Inc.
Maurice G. Coulter	General Station
Bill Hall	81 Speedway
Hilton A. King	G & G Beer Store
Sheldon R. Hall	Johnson's General Store #39

**Regular Meeting, November 12, 1997**

- 7. Notice of Public Hearing setting November 26, 1997 for determining the advisability of detaching certain real property from the Oaklawn Improvement District, pursuant to 1997 Session Laws of Kansas, Ch. 143, New Sec. 4.**
- 8. Order dated November 5, 1997 to correct tax roll for change of assessment.**
- 9. Consideration of the Check Register of November 7, 1997.**
- 10. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970645	Central Services	Transfer
970646	Diversity	Transfer
970647	Stream Maintenance	Transfer
970648	Lake Afton Park	Transfer
970649	Budget	Transfer
970650	Corrections	Transfer
970651	Emerg. Communications	Transfer
970652	Animal Control	Transfer
970653	Information Services	Transfer
970654	Information Services	Transfer
970655	Information Services	Transfer
970656	Public Services (Highway)	Transfer
970657	COMCARE-Community Support Services	Transfer
970658	Emerg. Communications 911 Tax Fund	Transfer
970659	Aging	Supplemental Appropriation
970660	COMCARE Consolidated Grant	Supplemental Appropriation
970661	COMCARE Topeka State Hospital	Supplemental Appropriation
970662	COMCARE Mental Health Reform	Supplemental Appropriation
970663	COMCARE-Heartland	Supplemental Appropriation

**Regular Meeting, November 12, 1997**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970664	Community Policing Grant	Supplemental Appropriation
970665	Local Law Enforcement Block Grant	Supplemental Appropriation
970666	Corrections	Supplemental Appropriation
970667	Rocky Creek Phases 2 and 6	Supplemental Appropriation

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "You have the Consent Agenda before you and I would recommend you approve it."

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner 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, "That was the last item on the agenda. We do not have an agenda for the Fire District or the Sewer District. Is there any other business to come before this Board?"

**J. OTHER**

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

**Regular Meeting, November 12, 1997**

**MOTION**

Commissioner Miller moved that the Board of County Commissioners recess into Executive Session for 45 minutes to consider consultation with Legal Counsel on matters privileged in the attorney client relationship relating to legal advice and personnel matters of non-elected personnel and that the Board of County Commissioners return from Executive Session no sooner than 10:30 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 W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "We are recessed into Executive Session."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 9:45 a.m. and returned at 10:51 a.m.**

**Chairman Winters** said, "I'll call back to order the Regular Meeting of November 12, 1997. Let the record show that there was no binding action taken in Executive Session. Is there any other business to come before this Board? Mr. Euson?"

**Mr. Euson** said, "No."

**Chairman Winters** said, "All right, this meeting is adjourned."

**K. ADJOURNMENT**

**Regular Meeting, November 12, 1997**

There being no other business to come before the Board, the Meeting was adjourned at 10:52 a.m.

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

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

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

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**BETSY GWIN**, Commissioner  
First District

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

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

ATTEST:

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**James Alford**, County Clerk

APPROVED:

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