

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

### **REGULAR MEETING**

**DECEMBER 31, 1997**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, December 31, 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 Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. Marvin Krout, Metropolitan Area Planning Department; Ms. Jan Kennedy, County Treasurer; Mr. Tom Pollan, Director, Emergency Medical Service; Ms. Deborah Donaldson, Director, COMCARE; Ms. Mary Ann Nichols, Director, Personnel Department; Mr. Harry Hayes, Director, Human Resources Department; 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. Thomas D. Borninger, Attorney for Petitioners  
Mr. Dale Goter, Director, Public Affairs and Production, KPTS  
Ms. Dolores Falk, Treasurer, Sherman Township  
Mr. Jim Sears, Volunteer, Sedgwick County EMS, Retirement  
Mr. Joe Cotton, Assistant Director, Personnel Department, Retirement  
Mr. Jerry King, Captain, Sheriff's Department, Retirement  
Ms. Norma Allen, Chief Deputy, Treasurer's Office, Retirement  
Mr. Gary Wiley, Professional Engineering Consultants  
Mr. Terry Smythe, Baughman Company, 315 Ellis, Wichita, Kansas

### **INVOCATION**

The Invocation was given by Mr. Tim Bruner of the Christian Businessmen's Committee.

### **FLAG SALUTE**

### **ROLL CALL**

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

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**CONSIDERATION OF MINUTES: Regular Meeting, December 3, 1997**

The Clerk reported that all Commissioners were present at the Regular Meeting of December 3, 1997.

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

**MOTION**

Commissioner Hancock moved to approve the Minutes of December 3, 1997, 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	Absent
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."

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**OFF AGENDA ITEMS**

**Chairman Winters** said, "Today's meeting being the last meeting of the year, we've got several Off Agenda items that we need to take up. I'd like to take one up at this time concerning appreciation from EMS to the Director of Volunteers."

**MOTION**

Chairman Winters moved to take an Off Agenda item.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Volunteers play a very important role in the success of a community. However, they don't often receive the recognition they deserve for all the work that they do. At Sedgwick County, we recognize the value of volunteers. This morning, we are presenting a certificate of appreciation to Jim Sears for 26 years of service as a volunteer. For 13 years, Jim was a member of the Sedgwick County Sheriff Reserve. Today is last day as a volunteer coordinator for 50 volunteers of the Sedgwick County EMS Reserve. We want to thank Jim. Tom Pollan is here and will make a few remarks. Tom. I see you do have the certificate there. I know it has been around our office, trying to get everybody's signatures on it. So if it doesn't quite have them all yet, we'll get them."

**Mr. Tom Pollan**, Director, Sedgwick County EMS, said, "I would just like to echo the remarks that you made about volunteers. They are a very important part of the services that we provide to the community. Jim has coordinated a very professional group of volunteers and provided thousands of hours helping to make our community just a little safer. I want to offer this certification of appreciation to Jim and wish him well in his retirement and his move to Missouri."

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**Chairman Winters** said, "Jim, thank you very much. That's the kind of service that really makes communities a special place to live, when folks volunteer their time and effort and we all certainly appreciate it very much."

**Mr. Jim Sears** said, "Thank you. I appreciated being able to work here and help everybody."

**Chairman Winters** said, "Thank you. Madam Clerk, would you call Item A?"

**APPOINTMENT**

**A. RESOLUTION APPOINTING DOLORES FALK AS TREASURER OF SHERMAN TOWNSHIP.**

**Mr. Richard A. Euson**, County Counselor, greeted the Commissioners and said, "We have prepared a Resolution that would appoint Dolores Falk as Treasurer to fill a vacancy in this position of Treasurer of Sherman Township. This appointment would expire on January in the year 2001, and the Resolution is in proper form."

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

**MOTION**

Chairman Winters moved to adopt the Resolution.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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**Chairman Winters** said, "Is Dolores here this morning? Please come forward Dolores. I meant to meet you at the front but I got so busy this morning with all of this activity that I was not able to do that. A representative from the Clerk's Office will swear you in."

**Mr. Paul Rosell**, Deputy Clerk, said, "Please raise your right hand and say I do swear at the end.

*"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the Office of Sherman Township Treasurer, so help me God."*

**Ms. Dolores Falk** said, "I do swear."

**Mr. Roser** said, "Congratulations."

**Chairman Winters** said, "Thank you very much Dolores. We appreciate you being here and we appreciate your willingness to serve in this position. Next item."

### **RETIREMENTS**

#### **B. RETIREMENTS.**

**Mr. Harry Hayes**, Director, Human Resources, greeted the Commissioners and said, "I should be telling this with a sigh somewhere ages and ages hence, two roads diverged in a wood and I took one less traveled by and that has made all the difference. Commissioners, these words were written by Robert Frost, former poet laureate of the United States several generations ago. However, they capture the essence of service that the distinguished retirees have dedicated to the citizens of Sedgwick County. These individuals have forsaken the lofty goals and rewards of private sector service for the service of the Keeper of the Plain for the public good and for the well being of this government and Sedgwick County. These distinguished servants have dedicated a total of 65 years of their lives to its constituency. Yet, they have kept to the road of public service and that much to the benefit of all of us has made a difference.

#### **1. PRESENTATION OF RETIREMENT CLOCK TO JOE COTTON, ASSISTANT PERSONNEL DIRECTOR, PERSONNEL DEPARTMENT.**

"Our first retiree, Joe Cotton, Assistant Personnel Director, will retire January 1, 1998 after 27 years of service. Joe was hired on November 23, 1970, as a Probation Counselor with the Juvenile Court.

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“He was promoted to Juvenile Court Business Administrator on February 1, 1974, and became a Budget Analyst in 1978 and eventually became the Director of the Youth Residence Hall in 1979. He moved over to the Personnel Department as its Assistant Director in 1979 as well.”

**Chairman Winters** said, “Joe, if you would please come forward. We have a certificate of appreciation for your service to Sedgwick County and also we have this clock that the Board of County Commissioners would like to present to you. You’ve been with Sedgwick County for a number of years. The work that you’ve done has played an important part of making sure that we all function together and have good employees doing proper tasks. Your job has been very valuable to us. We appreciate it. The taxpayers of this County appreciate it. We’d like to give you this as a token of your years with Sedgwick County and wish you the best of luck. Would you like to say anything?”

**Mr. Joe Cotton** said, “I’d like to thank the Commission and the Personnel Department for their support, Mary Ann Mammoth for hiring me in that department, my family, the support of my family, and Judge Corrigan who originally hired me 27 years ago and did this to me. Thank you very much.”

**Mr. Hayes** said, “Mr. Chairman, Joe forgot to tell us that he starts his new job on January 1 in assistance to Commissioner Hancock and the rest of us here in Kansas in letting Don Brace know that KSU will take care of Syracuse. For your KU fans, he will be rooting for the Jayhawks in basketball season.”

### **2. PRESENTATION OF RETIREMENT CLOCK TO JERRY KING, CAPTAIN, SHERIFF'S DEPARTMENT.**

“Our next retiree is Captain Jerry King from the Sheriff’s Department. Captain King will retire January 1, 1998 after 26 years of service. He plans to spend time with his wife Michelle, his son and daughter, and to devote more time to fishing, hunting, gardening, and doing a little traveling. While employed at Sedgwick County, he has always worked in the Sheriff’s Department and describes his time as very much fulfilling. I talked with his wife Michelle a few minutes ago and she indicated that she wasn’t quite sure if she was ready for him to be at home. Provided he takes some lessons in cooking and cleaning, she’s going to welcome him home full time. So Captain King, if you’ll come up please.”

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**Chairman Winters** said, "Jerry, we would like to give you this certificate of appreciation and also this clock to signify the time and appreciation of all of us for your work for Sedgwick County and for the citizens of the County. We have three retirements this morning. All of them are very important, as every individual who retires from Sedgwick County. I've heard it often said and I think I believe one of the most important services that local government provides its citizens is safety.

"For the men and women who work with public safety and have done it for a number of years, I think we have a special appreciation because you do tremendous work and often in very adverse conditions. Those who serve under you look for that leadership and so all of that work is greatly appreciated by all of the staff and commission and the citizens of Sedgwick County. We wish you the best."

**Captain Jerry King** said, "Thank you Chairman. Is there really a five minute limit?"

**Commissioner Gwin** said, "Yes."

**Captain King** said, "I just want to thank everybody, mainly my wife, the big boss. I'm looking forward to it and thanks again."

### **3. PRESENTATION OF RETIREMENT CLOCK TO NORMA ALLEN, CHIEF DEPUTY, TREASURER'S DEPARTMENT.**

**Mr. Hayes** said, "Our final retiree this morning is Norma Allen, Chief Deputy in the Treasurer's Office. She will retire January 1, 1998, after 12 years of service. Norma indicates that she plans to spend time with her son, daughter, and four grandchildren. She will spend the majority of her time with her daughter's family, but will definitely work in time with her son and granddaughter. She will devote more time to her counted cross-stick and reading, and will be taking a two-week vacation which I understand none of us are invited on to Alaska.

"She has been in the Treasurer's Office since 1985 and for a brief period worked at Cowtown. She did volunteer work at Cowtown."

**Chairman Winters** said, "Norma, if you will come on up, we have a certificate of appreciation for the service to Sedgwick County and we also have this clock that we give to retirees of the County and would certainly like to share this with you. You have come from one of the elected officials office, being that of the Treasurer. We certainly have appreciated the professionalism that you've shown and the work that you've done and the leadership that you've provided in that department.

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“It has been a job well done and we appreciate all the hard work that you’ve done and wish you the best in your retirement.”

**Ms. Norma Allen** said, “I just have a few thank yous I’d like to make. One of them is to thank Mr. McCoy for asking me to come on back in 1985, not knowing what I was getting into. Mrs. Kennedy, for asking me to stay on for her tenure, even though she knew I was only willing to stay through the end of the year. To the employees of Sedgwick County and especially those in the Treasurer’s Office and the Auto License, which made my job so much easier. To the County Commission for the beautiful commemorative of the clock. To quote Willard from a couple of weeks ago, it’s time for me to take my clock and walk.”

**Chairman Winters** said, “We do have two other quick Off Agenda Proclamations that we need to respond to.”

**OFF AGENDA ITEMS**

**MOTION**

Chairman Winters moved to take up two Off Agenda Proclamations.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, “I believe Fred Ervin has one of the first special Proclamations regarding significant events happening later today.”

**Mr. Fred Ervin** said, “Commissioners, I will read it. I don’t know if it is going into the record. We’ll determine what we’re going to do with it afterwards.”

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**PROCLAMATION**

**WHEREAS**, in the vast journals of the English language, there are no words that can adequately describe the mauling of the orange man who crosses the paths of the Wildcats; and

**WHEREAS**, Wednesday, December 31, 1997, in the Fiesta Bowl, the Wildcats, draped in purple and white, came face to face, no, this is a typo, the Wildcats were forced to stoop, bend, and darn near lay down to reach the level of the Little Orange Engine from Syracuse that thought it could; and

**WHEREAS**, this day will forever be remembered as a day that will live in sympathy. When the opening kickoff there was a vast swishing sound through the land. That sound was the massive removal of all women, children, and the faint of heart, from having to witness a battle that could not even be shown on National Geographic; and

**WHEREAS**, from this date forward, all who know Don Brace, head cheerleader for Syracuse, will be forced to walk softly in his presence for fear that he will breakdown and whimper like the kid who was denied a Tickle Me Elmo for Christmas;

**NOW THEREFORE BE IT RESOLVED**, that Bill Hancock, County Commissioner, does hereby proclaim Wednesday, December 31, 1997, as

**“POOR DON BRACE DAY”**

in Sedgwick County, and encourage - no, beg, all that come in contact to display the kindness and compassion by offering Don their purple and white clothes to wipe away his tears.

“I guess we just hand it to him.”

**Mr. Don Brace** said, “Do I get a chance to speak?”

**Chairman Winters** said, “Not yet I don’t think.”

**Commissioner Gwin** said, “We’re not done yet.”

**Mr. Bill Buchanan**, County Manager, said, “Fred Ervin is kind of a New Testament kind of a guy and I’m kind of an Old Testament kind of a guy. Therefore, what I’m proposing is a lot harsher.

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“You see, because of the pencils that Don has handed out with Syracuse’s name, because of the orange candy that he has handed out, because of the wrapping paper that has been draped around the building, the displays in the restrooms and the orange pennants that have shown up, the employees have signed a petition and asked us to get rid of Don. His behavior has been obnoxious, it has been abrasive, it is degrading, unpleasant, old-fashioned pain in the neck. It has been suggested that because Don is a graduate of Syracuse University and played on the football team, that he was one of the players that was not issued a helmet and that is the reason for this behavior. We don’t think so, we just think he is wacky. I would propose that this Resolution be adopted that:

### **PROCLAMATION**

**WHEREAS**, the Board of County Commissioners of Sedgwick County Kansas has recognized the years of faithful service given by Don Brace; and

**WHEREAS**, Mr. Brace’s recent actions surrounding the intercollegiate rivalry with its alma mater have underscored his truest nature and have compelled timely action by the County’s leadership to prevent further downward spiral of behavior, which threatens to overshadow any positive accomplishments he may have made prior to recent weeks; and

**WHEREAS**, in the spirit of continued harmony among and between County officers, agents, and employees, it is deemed in the best interest of Sedgwick County that Mr. Brace be allowed to fully pursue other interests while no longer at the County’s expense or liability; and

**NOW THEREFORE BE IT RESOLVED**, that should Kansas State University win the 1997 Fiesta Bowl, Mr. Brace will be permitted to leave graciously on terms of his own choosing. But in the unlikely event that Kansas State does not secure victory, he shall be summarily dismissed with no further discussion by this body.”

**Chairman Winters** said, “Well, in the spirit of letting everyone speak before this body, does the lone orange man have anything to say?”

**Mr. Brace** said, “I found out one thing today, I know when people have a coo, the reason they take over the communication network first because they have control of the entire situation. But for the people looking on TV, I do have mixed emotions here. I do have a daughter who went to K-State and it is nice to see a program like the football program at K-State do well. It would be a fine thing if they did win and I say if they did win, because I do support Syracuse and it is 100%. The final score tomorrow when we read the paper, will say Syracuse 24, K-State 16.

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“I do have a son that went to KU so I support that university also. But you must remember that Syracuse is the only university that will beat K-State, the football team, in a bowl game and that Syracuse was the only team that beat KU in the NCAA about three years ago. So support a winner and go Syracuse! Thank you very much.”

**Chairman Winters** said, “Mr. Manager.”

**Mr. Buchanan** said, “It should be noted too that there was a significant amount of time spent by Channel 12 interviewing Mr. Brace and apparently pieces of the interview will be on television tonight before the game on Channel 12 at 5:30 and 6:00 for those who want to do something else.”

**Commissioner Gwin** said, “Yes, and his wife doesn’t deserve this kind of embarrassment and humiliation.”

**Chairman Winters** said, “It is great to have a Kansas University playing in such a prestigious bowl game tonight. We’ve had great fun here. Don is a former football player for Syracuse and was on a national championship team and has a lot of pride in that school. But even in light of these two Proclamations, I’m going to move that we indefinitely table these two Proclamations.

### MOTION

Chairman Winters moved to indefinitely table the two Proclamations.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, “Good luck to all K-State fans. Now, we do have a serious Off Agenda Proclamation concerning Channel 8, KPTS, so this is the last meeting and we need to make sure that we’re on the air in the future.

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**MOTION**

Chairman Winters moved to take an Off Agenda item concerning the KPTS Contract.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Fred."

**Mr. Ervin** said, "You should have a copy of the standard Broadcast Contract with KPTS. There are no changes in that contract from 1997. The only one change is that the year has changed to 1998. It has been reviewed by Legal and signed and also by KPTS. I would recommend that you adopt that Contract and authorize the Chairman to sign it. I would be more than happy to answer any questions and after the vote, Dale Goter, I think he is the President of Production would like to speak to you from KPTS."

**Chairman Winters** said, "All right, thank you. Commissioners, are there questions or comments about this continuing contract?"

**MOTION**

Commissioner Hancock 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.

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**VOTE**

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

**Chairman Winters** said, "Dale, if you would like to come forward please."

**Mr. Dale Goter**, Director of Public Affairs and Production, KPTS, greeted the Commissioners and said, "Thank you for taking this up on the last day of the year and I'll answer any questions you have about this. The one thing I wanted to take this opportunity to take a minute to discuss how we might look at this contract over the next year. Because of the timing of your budget year and the timing of this contract, we have a little flexibility to do that in the context of approving the contract, because your budget year obviously going from August to August. So what we would like to propose is that over the course of the next year as you pursue your next year's budget, your 1999 budget, that we could engage in a dialogue and talk about what you are getting for this and what your expectations are. This is a very unique relationship in Kansas between a public television station and a County government. It has been a long successful partnership between the County and KPTS and we're happy to see that continue. There is a lot of interest, I don't know if you've noticed at the State level in the last couple of years in using television to convey what that arm of government is doing and they've gone through a gavel to gavel project, I don't know if you've seen it on the local cable system over the last couple of years, but it is parallel to what you're doing every week. There is a lot of interest in that and a lot of interest in doing more with that and enhancing that product so it is more viewable, attracts more interest among television viewers.

"We'd like to think about maybe over the next year talking with the Commission as well about perhaps taking the money you spend for this project and looking at if there is a way to enhance what you get for it to get more voter education out and get citizens more informed about County government. So with your blessings, we'll do that over the course of the year, be working with Fred to set those discussions up. If you've got any questions, I'd be happy to answer them. Other than that, we'll look to next year."

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**Chairman Winters** said, "All right, I don't see any questions at the moment. I think we would respond very favorably to doing some thinking about how we use your station during this late spring and summer months and before our budget time. Our year actually runs from January to December, but we finalize the dollars and what we're going to spend in early August. So to consider some real changes and enhancements, we do need to think about that early on in the year. I would just say that I'm, maybe amazed is too strong a word, but I am still surprised at how many people during the course of a week, will say to me I saw the Commission Meeting this week and often times we don't think that this is actually what do they say, must see TV. But it is still amazing I think that a lot of people do take advantage of either watching the live broadcast or one of the replays. If there are ways we could enhance that and enhance the message that County government is at work and what it is that they are at work about, I think we would really like to explore that. So we appreciate your being here today and we look forward to working with you all in 1998."

**Mr. Goter** said, "On behalf of the station and our Manager, Don Checots I want to wish you all a Happy New Year. Thank you very much. I'm very pleased at the outfit Commissioner Hancock is wearing."

**Chairman Winters** said, "Thank you Dale. Now we're back to regular agenda items. Madam Clerk, would you call Item C?"

### **PUBLIC HEARING**

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

**Mr. Thomas D. Borninger**, Attorney for Petitioners, greeted the Commissioners and said, "Mr. Chairman and members of the Commission, I represent Rural Water District #3, Sedgwick County, Kansas. This is a Rural Water District that exists in the southeast quadrant of Sedgwick County and also has portions of its territory in Sumner, Butler, and Cowley Counties.

"The reason we are before you today is that the statutes require that we come before you, because this is the County where this water district was incorporated and where the majority of its territory exists, that we come before you any time we are adding territory to the district. In this particular case, we have a couple of small sections, actually two quarter sections in Sumner County and a couple of small parcels in Butler County. None of the property is in Sedgwick County. All of these are properties that the owners have petitioned the district and asked that they be brought in so that they could be provided with water service if there property is not inside the boundaries, they cannot be served.

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“Again, we’ve got more than 50% of the owners that have signed the petitions. We have, in fact, already had the hearing in Sumner County and they have approved it. I would be happy to answer any questions if there are any. I would be happy to pass out a little map if anyone would like to see the specific areas that are involved.”

**Chairman Winters** said, “Yes, I think we would like to see that map.”

**Mr. Borninger** said, “On the map that you’ve seen, the first little bit is in Butler County and as you can see, we’ve marked in yellow that there is a location to be annexed. The one is a little five-acre tract. There is a house there. Actually, emergency water service is being provided there right now. This lady’s well went dry and pending this approval, we have temporarily provided water service because she had no other method of getting service for herself and her child there. The other parcel is simply a larger parcel and is across the street from it. Again, the owner has signed the petition. The next page shows the properties in Sumner County. Those are two quarter sections, the southeast quarter of section nine and southeast quarter of section sixteen. In both those cases, the owners of that property have gone ahead and petitioned for water service. Both of those properties have already been platted through Mulvane and through Sumner County for some construction to go on there and they really can’t go forward with their construction until they can have water service available to them. That is the reason they’ve gone ahead and petitioned for this.”

**Chairman Winters** said, “Thank you. Mr. Euson, you’ve looked at this and all of this seems to be in order?”

**Mr. Richard Euson**, County Counselor, said, “Yes, it is in order and it is appropriate for Commissioners to take the recommended action.”

**Chairman Winters** said, “All right, before we do that, we’ll open up public hearing to receive public comment. Is there anyone here in the meeting room this morning who would like to speak to the Commissioners on our Item C? Is there anyone here who would like to speak to the Commissioners on our Item C on today’s agenda concerning a rural water district? Seeing no one, discussion will be limited to staff and Commissioners. Commissioners, what’s the will of the Board?”

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**MOTION**

Commissioner Gwin moved to approve the attachment.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, “Thank you. Madam Clerk, just to back up a second, on the Off Agenda item concerning Channel 8, we had a Motion and a vote on that, did we not?”

**Ms. Linda Leggett**, Clerk’s Office, said, “Yes.”

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

**PLANNING DEPARTMENT**

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

- 1. CASE NUMBER V-2047 - REQUEST TO VACATE A FLOODWAY RESERVE EASEMENT LOCATED AT HYDRAULIC, NORTH OF 93RD STREET NORTH.**

**Mr. Marvin Krout**, Director, greeted the Commissioners and said, “There are three items on your planning agenda this morning and this first item is an advertised public hearing. It is a request to vacate a floodway reserve. I’m sorry, I don’t have a slide of the area, but you do have in your package a drawing that shows this. This is a ten-acre lot in the north part of the County, north of 93rd Street and west of Hydraulic. A ten-acre lot that was for which when the building permit was issued, a floodway reserve was dedicated. It was based on then available floodplain information from federal insurance maps and there was initial construction on this site.

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“The owner decided that he wanted to do additional construction on the site and in this case it would be in a portion of the dedicated floodway reserve area. So he hired an engineer who did a more detailed drainage study and as a result of that, they submitted a revised description for the floodway that basically moves the actual location of that area to be protected from construction about 50 feet to the north and east of where it was originally dedicated. The Bureau of Public Services reviewed that and the subdivision committee of the Planning Commission and they recommended that the vacation be approved subject to the revised easement being dedicated. The Planning Commission also has recommended approval and there was no one that came in opposition to this request to the Planning Commission meeting. I’ll try to answer any questions you have on this case. It is a public hearing.”

**Chairman Winters** said, “I see no questions at this time. We will open the public hearing. Is there anyone here in the meeting room who would like to address the Commission on our Planning Department Item D-1 concerning a request to vacate a floodway easement? Is there anyone here who would like to address the Commissioner on this issue? Seeing no one, we’ll limit discussion to Commission and staff. Commissioners, are there other questions? If not, what’s the will of the Board?”

**MOTION**

Commissioner Schroeder moved to approve the Vacation Order and authorize the Chairman to sign; approve dedication of the new Floodway Reserve Easement 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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

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- 2. CASE NUMBER SCZ-0757 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL, LOCATED ON THE NORTHEAST CORNER OF WEBB AND MELLOR.**

**SLIDE PRESENTATION**

**Mr. Krout** said, “The black taped area is 2 1/4 acres. This is the intersection recently improved at Central and Webb and Central now curves in this manner. Mellor is, if you’ve been out there, now converted to a one way street in a west bound intersection to intersect with Webb Road at that location. In terms of the surrounding area, this is the Raytheon facility. There is residential to the north and the east. This color represents residential zoning. Minneha School is directly across the street from this sight. To the north and the west of that is the Lakepoint Addition. There is Commercial Zoning further to the north and the Sports World complex to the north of that on the east side of Webb Road. To the south and west is an office park that is substantially developed at the northwest corner of Central and Webb Road. This land, in the same ownership as this tract here, is vacant and zoned General Commercial and Light Industrial. Raytheon’s own Light Industrial.

“This request is for the Limited Industrial category, the ‘LI’ category under the new zoning code. The applicant has in mind and there is a site plan in your packet, I think I have a slide of that also, a concept with an office building in the front of the lot and a possible warehouse or assembly building in the rear portion of the lot. There is one little piece of the lot that is not in that ownership and would remain residential.

“The Comprehensive Plan does indicate this general area we do expect to transition over time and redevelop from Residential Uses to Limited Industrial and Commercial Uses. So the assembly of this land and the proposed Limited Industrial category is consistent with the Comprehensive Plan. We did suggest that the applicant think about some restrictions because of the mixed character of the area. There is some high quality development at the corner, the residential development of Lakepoint and the school across the street. So the applicant did submit a number of restrictions on a proposed protective overlay that would limit the uses. It would limit signage, require landscaping and have some special building setbacks, especially in recognition that there is still residential there at least for the time being.

“The Planning Commission had a public hearing. There was no one who appeared in opposition at the Planning Commission hearing and the vote of the Planning Commission was ten to one to recommend approval. The one descender was not really opposed to the zoning but more opposed to the idea of applying any special controls to the Limited Industrial zone. As I said, there were no protests at the Planning Commission hearing and no written protests have been filed since that time.

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“This is the aerial photograph. You can see the Minneha School, the office park, the undeveloped land. I think this owner has in mind a medical clinic on that very corner of the site, the residential uses to the north and east. The new realigned Central. We’re looking now at the site. This is part of the application area at the northwest corner of the site. That house would come down and the site would be developed in this location. We were looking from Webb Road to the east. Again, this is the northern portion of the site and this street is Van Thaden. There are homes to the north of Van Thaden that were notified of this case. We’re looking from the site across Webb Road at Minneha School, directly to the west. This is looking to the south. This is on the Minneha School actually on the west side of Webb Road. You can see the office park to the south of the Minneha School. I think you can see parking in the background which is part of the Raytheon complex. This is actually at the corner of that one block with Van Thaden behind these two homes, but this is the corner that remains residential and is not part of the same ownership in that same block. There would be screening requirements and landscaping around that edge where it would remain residential.

“Now we’re looking at the cul-de-sac of a north south street that is at the eastern edge of the property and so development would basically be occurring here. This is the house on Webb Road that you saw earlier. This is looking to the south. This is Central curving back toward the intersection and in the background Greenwich. This is Mellor, which would form the south boundary line and so both this irregular shaped lot and this property, which is under consideration now is in the same ownership. This is the area that is being requested for the Limited Industrial. This is already Limited Industrial and General Commercial. This is the Raytheon complex again looking from Central and this is looking up further north at the north south street that is on the eastern edge of the property right here. This is the edge of the area that would be rezoned.

“This is the proposed site plan. This is looking north on Webb Road and so this is the area that is being requested for zoning. This is the entire ownership on either side of Mellor, the one way street that I talked about earlier, and the proposed assembly or warehouse use. There would be some architectural control on the front along Webb Road, recognizing that we have some residential and office uses along that frontage and we want to maintain the character of that area. This is intended for, as I indicated, office type uses. Back to the aerial photograph and the zoning map and I’ll be glad to answer any questions.”

**Chairman Winters** said, “Thanks Marvin. Does anyone have a question of Marvin on this? Commissioner Gwin.”

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**Commissioner Gwin** said, "Thank you Mr. Chairman. Marvin, in one of the requirements it says that landscaping shall be in accordance with the Landscape Ordinance in the City of Wichita. Is this parcel going to be annexed into the City?"

**Mr. Krout** said, "As I explained to the Planning Commission, I would say eventually it would probably be annexed."

**Commissioner Gwin** said, "Where are the City limits, is that the black lines?"

**Mr. Krout** said, "The City limits are right here now. So it is possible that this property can obtain a building permit without being annexed, although the City could go through a unilateral annexation if they chose. That is a process that is very time consuming. So it is possible that both of these could develop in the County even though they are close to the City limits."

**Commissioner Gwin** said, "Okay. And there is no reason for the City to annex the Minneha School property?"

**Mr. Krout** said, "I think the City's intent is to annex wherever they can to the east eventually except for the Raytheon property which is being discussed again as a renewal of an industrial district."

**Commissioner Gwin** said, "Well, they are right there on the corner and they could hop across the street to the south and come up and annex pretty easily should they chose to do so and if it is something that has a decent tax base and would be to their benefit or there is water extension, I could see where they might do that pretty quickly. My concern is that and I kind of have this philosophical thing, if it is close, if the property or parcel that we're considering is close to the City limits and therefore could realistically and in a short period of time be part of the City, then I understand the application of the City's Landscape Ordinance. My guess is that this would soon be a part of the City, why should it be required at time and a half. What's the problem?"

**Mr. Krout** said, "Sometimes the Planning Commission and the staff have recommended more than the minimum landscape requirements in some cases, cases where there is either a fairly stark change in the usage between what is there and what is being proposed. It is not normal to have an industrial development where you have surrounding residential uses. For example, where the Landscape Ordinance would normally require one tree every 50 feet along a street frontage, that really is pretty minimum. I mean the minimum Landscape Ordinance of the City is pretty minimum. So in some cases, depending upon the circumstances and the zoning, there has been a requirement for something more than the minimum landscaping."

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**Commissioner Gwin** said, "But this parcel already has existing trees, is that correct?"

**Mr. Krout** said, "It does. They are not required to save trees in the ordinance, but you a credit for trees. For every tree you save, it is like planting two new trees. So they could probably meet their Landscape Ordinance and a half just by preserving a good number of those trees."

**Commissioner Gwin** said, "At this point, I am pretty comfortable with the recommendation of the zone change. The only thing I might go back and delete is that last line in the recommendations in paragraph two. That is just open for discussion and questions. Thanks. Thank you Mr. Chairman."

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

**Commissioner Schroeder** said, "Marvin, a couple of slides back that shows the site plan. That says Study B, what does that tell me? Is that his second choice?"

**Mr. Krout** said, "The applicant's agent is here and can probably answer that question better than I can. I didn't see a Study A, so I don't know what Study A might have looked like but we're not dictating exactly what the site plan looks like. This is not becoming a part of the approval process, this is just for illustrative purposes."

**Commissioner Schroeder** said, "That's where I was headed to see if for some reason Study A was not approved or if it even existed. That's fine."

**Mr. Krout** said, "We'll find out, I'm curious."

**Chairman Winters** said, "Thank you. I see no other questions from the Commission. Is there anyone here who would like to address the Board on this issue? Is there anyone here? Yes, please come forward. Give your name and address for the record please."

**Mr. Terry Smythe**, Baughman Company, 315 Ellis, greeted the Commissioners and said, "I'm here on behalf of the applicant. There is a Study A and quite frankly I think Study A is probably the one that they are going to pursue. The only difference is that north of Mellor, instead of the larger assembly warehouse building, there is going to be an office building in front of it. The applicant is proposing to put his medical offices just on the south side of Mellor, so he is very sensitive about what the site looks like and we're doing our best to save the trees that are out there."

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“The site is considerably lower than the curbs there so we’ve got some concern about the drainage problems on the issue of site development. There are a number of studies that we went through to come up with a site plan that we thought that we could show to the neighbors and the Planning Commission of our intention of how to develop the site.”

**Chairman Winters** said, “Okay, thank you. Anything else?”

**Mr. Smythe** said, “No sir.”

**Chairman Winters** said, “Thank you very much Mr. Smythe. Is there anyone else here who would like to address the Commission on this zoning issue? Is there anyone else who would like to make comments to the Commissioners on this zoning case? Seeing no one, we’ll limit discussion to staff and Commission. Commissioners, do you have other questions or comments?”

#### **MOTION**

Commissioner Gwin moved to delete the last line in item two of the recommendations that are in the staff recommendations and by that eliminate the requirement of one and a half times the minimum ordinance requirement for landscaping on this parcel. Having done that, I move we adopt the findings of fact of the Metropolitan Area Planning Commission (MAPC) and approve the zone change subject to the additional provisions of a Protective Overlay district and subject to platting within one year, adopt a Resolution and authorize the Chairman to sign, and instruct the MAPD to withhold publication until all conditions have been met.

Commissioner Schroeder seconded the Motion.

**Chairman Winters** said, “Commissioner Hancock did you have something you wanted to say about this case?”

**Commissioner Hancock** said, “Well, in the form of discussion, I am going to propose that we do just a little bit different Commissioner Gwin. I would propose that we eliminate number two and number three and change number five to Sedgwick County sign code.”

**Commissioner Gwin** said, “Eliminate two and three, and Sedgwick County sign code.”

**Commissioner Schroeder** said, “Do you want to add that to her Motion?”

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**Chairman Winters** said, "Can we talk about it first?"

**Commissioner Hancock** said, "It would have to be a substitute, but we can talk about it."

**Commissioner Gwin** said, "Are you prepared to make that as a substitute?"

**Commissioner Hancock** said, "I want to hear the discussion first, I am proposing that."

**Chairman Winters** said, "Well just in the matter of discussion and I don't know if I have strong feelings about this one way or another but I know that we've talked about some developments along Rock Road, particularly to the south and I know that Commissioner Schroeder, whose district that is, and I think I share part of this, that we really want some of those corridors to stay pretty nice.

"I mean there are ways that we know some people can get things looking not quite as nice as we would like. I think this particular piece of property, Webb Road is going to continue to be a Rock Road to the east of the present Rock Road. It is so close to the City of Wichita, that I'm comfortable with Commissioner Gwin's motion of taking out this one and a half times the minimum requirements. I would almost have the best guess here that the developer here if he is going to have his own doctors office there is probably going to make this a pretty nice place. I know it is just across the street from Lakepoint Office Park and the school probably doesn't have all that great of landscaping but it is just across the street from Lakepoint Office Park, which is in the City of Wichita and is a pretty nice place. If we were out a couple of more miles, I don't think I would have any problem, Commissioner Hancock, in agreeing with what you're proposing. I'm just not sure how good I think it is right now, although I could be convinced probably."

**Commissioner Hancock** said, "I agree with you, I believe that the investors in this particular project are going to make it a nice place, I'm sure they will. That's the point we're trying to make in this discussion. There comes a point when I really run out of support for government continuously telling developers and individuals how to do their business even to the point that they require 50% of exclusive of glazing to be of masonry of EIFS. It is ridiculous. I think the architect should be able to determine what kind of architecture they want and can make that investment and put it in there. I'm just not sure, I think there may be zones within any planning area that architectural requirements should be instituted for the protection of a particular neighborhood or area. We have protective overlays. I wasn't too sure about those, but that helps the developer get some of the jobs done that they want to do with the promise that they will do things. So in this particular case, I think we should trust the developer. I think we should trust the owner and say to them that we believe they will do a quality development here and not require them to do that. They may change their mind about what kind of outside they would want on their buildings.

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“The landscape ordinance, we have never approved a landscape ordinance here in Sedgwick County. We might in the future, I don’t know. In the meantime, I’m just not really willing to continue to approve landscape ordinances that aren’t our own. That’s how I feel about it. This is one case where I believe, looking at who the applicants are, that they are going to do a quality development, no doubt about it, and I don’t think we should push them around.”

**Commissioner Gwin** said, “I was going to open the door but I just kind of knocked on it, I think you broke it down. But Bill I don’t disagree with you. There are some things that continue to haunt me as we look at all this series of requirements put upon individuals and this is an individual, who wants to develop property. I withdraw my Motion in favor of yours.”

**Mr. Krout** said, “Commissioners, not to debate the issue, I’d like to do that another time. This would be a substantial change from the Planning Commission’s recommendation. I believe it requires a two thirds vote of the entire County Commission, which means four votes, but I need to double check on that.”

**Commissioner Gwin** said, “To take out three items?”

**Mr. Krout** said, “I would consider that and I think Rich agrees with me that it is a substantial change from the Planning Commission’s recommendation. You could send it back to the Planning Commission to reconsider with those concerns expressed and then on second consideration it would only take a simple majority. We just need to check and make sure it is two thirds of the whole Commission and now two thirds of those present and voting. I think it is two thirds of the whole Commission.”

**Commissioner Schroeder** said, “In response to Chairman Winters comment about Rock Road, he is right. It was always my intent as the Commissioner of that area to try to protect that corridor. I guess I likened it a lot to the possibility of it becoming another tractor row, if you will, and there is a point and I agree with everybody, there is a point where government needs to stop. I do have a problem with us telling people how they have to build their building, not how, but how the building should look by indicating so much glaze, et cetera. That I have a problem with. From what I’m seeing here, I mean it doesn’t tell me a lot, I don’t see an artists rendition of what the building might look like, but it looks like a pretty good plan. It is good use of the property and I think it marries very well with the whole area. But I do have some concerns. I’m kind of in a quandary right now.

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“I was leaning over here and talking to Commissioner Hancock a while ago that Chairman Winters said something and I’m kind of caught in the middle. I want to give Betsy, since that is her area, I want to give her the most latitude that I possibly can to make the decision she thinks is right for that area. But I don’t want to violate our rules nor do I want to overstep our ability to make this decision and violate any law. I guess what I’m hearing today is that we have a concern about how far we go with governing how these people put together this development. Are we waiting to see what Rich comes up with here?”

**Mr. Krout** said, “It does require four votes to make a substantial change.”

**Commissioner Gwin** said, “Mr. Chairman, in answer to Commissioner Schroeder’s comment, Webb Road is not Rock Road and is not going to be Rock Road. Webb Road kind of has its character predetermined by long term existing developments and or businesses. That is why I see Greenwich Road as being the next Rock Road, if you will, in the east side of this County. There is going to be a lot of development up and down Greenwich Road and its character is going to be set by more residences, by more retail, by commercial businesses. It will be a very active and vigorous street, not that Webb Road isn’t. Beech has been out there forever. Minneha has been out there forever, they’re not going to go anywhere. This little subdivision will, I agree with the Comprehensive Plan, over time and it has because of Raytheon’s acquisitions over the years. This little subdivision will over time change its character to probably more limited industrial type of businesses that either are in synch with Raytheon. Farther to the north of that is the already existing Sports World, the Beech Lakes, developments on the east side and so on as you go farther out. But this section particularly between Kellogg and probably 13th, is pretty well destined already and this I consider a real improvement over what used to be there, despite the fact that when we relocated Central we took my very first school building out. I’ve gotten over that. I attended Minneha School when Minneha School was brand new and I don’t know what’s wrong with their dirt, but they can’t grow a tree.”

**Commissioner Schroeder** said, “Was that the first school?”

**Commissioner Gwin** said, “Yes, both of them. I walked from the old school to the new school and I don’t know how long ago that is but it’s been a long time and there should be growing trees by now. Some of them should have died and they had to replant. They’ve died but they die about here, so I don’t know what’s happening. I don’t have concerns with ‘A’ this request or ‘B’ this developer and my sense of the quality of development that we’re going to get here. I have complete trust in the fact that this individual is going to make a quality development here without us having to tell them what color, what time, what shape, and some of the things as Commissioner Hancock points out, some ordinances that we don’t even have.

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“If they are important for a County to have, then the County ought to adopt them. If they’re not important for the County to have than we shouldn’t include them and they should be included when they come across the street to us. I guess now I need to know what Rich says. It takes four?”

**Mr. Euson** said, “In my opinion, it does take four votes.”

**Commissioner Gwin** said, “So changing recommendations that come to us from the Planning Commission, that means it takes four to change one recommendation or one word or fourteen words or four recommendations.”

**Mr. Euson** said, “That is a good question.”

**Commissioner Gwin** said, “What becomes substantial?”

**Mr. Euson** said, “Well, it doesn’t say substantial.”

**Commissioner Gwin** said, “What does it say?”

**Mr. Euson** said, “It says in the event that the Board of County Commissioners wishes to override the Planning Commission’s recommendation, it must do so by a two thirds vote of the membership of the Commission.”

**Commissioner Gwin** said, “I’m not overriding their recommendation, I’m making a Motion to approve the zone change. I’ve just changed some of the requirements in that. Is that overriding too?”

**Mr. Euson** said, “It is part of the recommendation and I think it is a pretty significant part of it.”

**Commissioner Schroeder** said, “Betsy, what if we send it back?”

**Commissioner Hancock** said, “I don’t want to do that, let’s get on with it.”

**Mr. Euson** said, “If you send it back then of course when it comes back here it can be changed by a simple majority vote.”

**Commissioner Gwin** said, “That delays the applicant. Mr. Chairman and colleagues, I would respectfully ask that you all support me in eliminating items two, three, and changing five to sign codes to Sedgwick County as Commissioner Hancock has suggested.”

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**Chairman Winters** said, "Before you make that Motion, I'm going to say a couple of things. One is that I think I can support Commissioner Gwin in making this change in her district. A couple of comments, the thing that probably makes me most nervous is sometimes seeing us just start wacking on sentences up here and my suggestion would be can we defer this for one week and then come back knowing exactly what your proposal is to eliminate instead of sitting up here wacking them. Secondly, I guess I agree with you that I think this developer is going to do a quality project because they started out in a quality way. They hired a professional team to help them put it together. We've looked at Baughman projects before and we've developments that Mr. Smythe has been involved in and they are good ones, but what do you do if we move down the road and somebody walks in with something he's drawn on the back of a napkin and says this is what I want to do.

"So I guess the third thing I would say is that we had indicated that we would have some discussion and a meeting with the Metropolitan Planning Commission sometime after the first of the year and this might be one of those issues that we can set down and visit with them about and really see what those Planning Commission folks are saying, what is their logic, and have them hear the discussion that we've just had about how we have some problems with some of that. I think this could be a future topic of discussion. I guess my final word is that I'm going to be able to support Commissioner Gwin, but I wonder if we might have it more firmed up if we deferred it for one week. Commissioner Hancock."

**Commissioner Hancock** said, "Thank you Mr. Chairman. Well, I think the message has been sent and received by now about how we feel. Here in the County, we have protective overlays and CUPs and conditional uses and special uses and all these things and tools that we put together through our resolution concerning zoning and platting. All these tools are available to us and then we go in and put on architectural requirements on particular properties. I think we have so many tools available to us to protect ourselves from others and to protect others from others, I mean we're loaded, we're there. In my view, as far as my philosophy of development and community, we have about all the tools that we can stand and quite frankly can afford any more. We're just about done with this deal. I don't mind putting on sign requirements. I don't even mind putting landscaping requirements on properties, but I want to consider the cost and how it works within the framework of a development and the ability of a developer to get it done and even sometimes the history of the developer. What we're being asked to do is to comply with the desires of others when we are in fact ultimately responsible for the zoning in this particular area. I don't think that is fair representation of the constituents that I represent. Maybe it is for others but not for mine. That's how I feel about it.

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“If I’m wrong then time will tell and that’s another story. I will support your motion but I think the message has been sent and I think it will be received that I’m at the end of my rope on these kinds of things. I’m getting tired. I think this particular developer is willing to do what is required. They are ready to go on it and I don’t want to hold them up. I’m just quite frankly very unhappy about being told what we should or shouldn’t do when it is our responsibility and no one else’s.”

**Chairman Winters** said, “Commissioner Schroeder would you like to defer?”

**Commissioner Schroeder** said, “That is what I was going to ask. Are we going to decide here now if we want to wait a week or go ahead with this because it sounds like we don’t want to send it back because that is going to take way too long.”

**Commissioner Gwin** said, “I don’t want to send it back either. I’m assuming Mr. Euson that by eliminating a single line from the recommendation we don’t have to have all four of us vote to change that do we?”

**Mr. Euson** said, “I believe that in the past we’ve interpreted it that something of that nature would not be a substantial enough change to be considered.”

**Commissioner Gwin** said, “In the interest of moving along and letting this applicant proceed with what I’m very confident will be a wonderful improvement in the neighborhood, my Motion is still on the table.”

**Commissioner Schroeder** said, “I just have an idea. I don’t know whether the applicant said anything about these particular items, but would we like that person to respond how they feel about this, whether they think this is proper or improper or if they’d like to wait to see what we could come up with in a week. Do you want to get their input on these items? I mean we’re looking at it from a very County point of view, but they are going to be looking at it from their point of view. Maybe we want them to tell us what they think about some of these things we’re having problems with. I’m not suggesting we have to do that.”

**Chairman Winters** said, “Mr. Smythe, we don’t want to put you on the spot. I think we are having a discussion really about a broader issue than maybe even your specific development here, but have we said anything in the last few moments that would make you change your thought process on this project?”

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**Mr. Smythe** said, "At the Planning Commission meeting we agreed to these items. It is this particular developer's intent to build this way. It was really of no consequence to us whether it was in a protective overlay or not. We fully intend to do it that way anyway."

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

**Commissioner Schroeder** said, "That helps me."

**Chairman Winters** said, "That answers the question about this particular project so thank you very much."

**Commissioner Schroeder** said, "I think Mr. Chairman your comments about getting together with the Planning Commission at a future meeting to discuss these issues would help us greatly. But if the applicant is saying to us that they've agreed to these because this is the way they plan to develop the site, I don't have a problem with it. But I think as Commissioner Hancock has said, the message has been sent and we can work on it from there."

**Commissioner Hancock** said, "I would like to take it one step further. I don't think government should be telling individuals how to do things but we should give them some kind of incentive to want to do them. I can remember in the 70s when we had our oil crisis, the federal government came in and gave tax credit for folks who make investments in energy savings mechanisms. Whole industries blossomed. People had things on top of their roofs and started building all kinds of gizmos and gadgets that worked and saved energy, isn't that amazing. Well, here we are kicking individuals and developers in the teeth and telling them here, spend this money on the behalf of the community. Why don't we give them some kind of incentive to want to do these types of things instead of the other way around? Instead of saying our only incentive is we won't approve your project or you won't get water or you won't get streets, that's our only incentives and I don't think that's the way that we should be doing things. I challenge the Planning Department and I challenge the Planning Commission to look at these kinds of things and develop incentives instead of rules. Maybe that's my New Year's resolution for 1998, I don't know, but that's how I feel about this and this is a very clear case I thought of a non-governing body and another governing body telling this governing body what we should think and do. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you. We have a Motion now on the floor that approves all the recommendations except eliminating the last sentence in paragraph two. Commissioners, do you want to act on this Motion or craft another one?"

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**Commissioner Gwin** said, "Mr. Chairman, I'm comfortable with this and I really do appreciate the conversation. I think it is something that we do need to discuss with our Metropolitan Planning Commission appointees to see what is important to the County and make sure that is expressed."

**Commissioner Schroeder** said, "Has a substitute Motion been made?"

**Commissioner Gwin** said, "No."

**Commissioner Schroeder** said, "We're still with the original Motion and I'm prepared to vote on that now."

**Chairman Winters** said, "And it includes everything except the last sentence of paragraph two. Any other discussion? Seeing none, Madam Clerk call the vote."

**VOTE**

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

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

**3. CASE NUMBER DP-229 - CANYON PROPERTIES COMMERCIAL COMMUNITY UNIT PLAN, AND**

**CASE NUMBER SCZ-0756 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, LOCATED AT THE SOUTHEAST CORNER OF CENTRAL AND GREENWICH ROAD.**

**Mr. Krout** said, "Well Commissioners, I'm afraid it is de ja vu all over again. This is a very similar in some ways and in some ways it is not. Greenwich is different and the property is different obviously, but it does involve some special restrictions that go beyond the restrictions of a Limited Commercial District."

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“This is a vacant property. It is less than 300 feet deep and stretches for a quarter mile along the east side of Greenwich, just south of the intersection of Central and Greenwich. This is the other side of the Raytheon property. This is the runway area to the north of the Raytheon complex, to the south of Central. Originally, there were four corners of Limited Commercial zoning of six acres on each corner. Over time that has changed a little bit. This property owner you may recall was island annexed into the City, rezoned, a portion of his property as he was platting single family lots from Limited Commercial to Single Family to enable single family development and ended up with two commercial lots along Central. This property was rezoned for a larger commercial development and then the Preston Trails residential development has followed that. So there is single family development occurring north and south of Central in this area.

“This is part of the remainder of that old six acre corner and it occupies about three acres of this eight and a half acre parcel. The property owner is wanting to extend Limited Commercial along the rest of the quarter mile of this street. Across the street is the new headquarters of Raytheon and I have slides of that for you in a minute.”

**Chairman Winters** said, “Excuse me Marvin, where is the headquarters located?”

**Mr. Krout** said, “Right here. I think it shows on the aerial but there will be a slide that shows the building. The zoning code requires a Community Unit Plan be filed for commercial development that is over six acres in size. The applicant has filed a Community Unit Plan. The plan was discussed between the staff and the applicant and with one exception that I’ll talk about in this case, the applicant has indicated that he is in agreement with all the conditions that are in the CUP. They do include landscaping requirements. They do include a special masonry screening requirement along the east side of this lot adjacent to the single family lots that are under construction in the development. That is consistent with the general requirement for CUPs larger scale developments to have masonry screening walls adjacent to residential uses.

“The staff recommended approval subject to the conditions with the exception of access control along Central that I’ll talk about in a minute. It’s difficult to imagine this tract along Greenwich across from Raytheon, a narrow strip, being developed for residential uses. Greenwich and Central are both scheduled for improvements and this frontage along Greenwich scheduled for a continuous center left turn lane that would provide access to tracts along this side of Greenwich and also a north bound third lane, a decel lane. So there will be plenty of traffic improvements to handle commercial development along there.

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“The Comprehensive Plan does discourage strip commercial development, development like West Street or East or West Central in the older parts of the City would tend to strip out with many small lots and very little control over access or appearance or those sorts of things. But the Comprehensive Plan does suggest that the visual quality of the community is something that we should be concerned about. That is the reason why we have CUPs and some special conditions. So the idea of the CUP was to try to mitigate some of the factors that would otherwise be a number of lots. You will see that there are seven lots that are planned for this but with the special conditions, we think that can be mitigated. The applicant agreed to limit access control and to landscaping and sign controls along this frontage. The only issue then that remained was the issue of access along Central. The general principle, although historically if you look at other streets you won’t see this, especially in older areas, but the general principle is along a road that we want to maintain as a good road for through access an arterial should have a minimum of 200 to 250 foot spacing between driveways. So the Comprehensive Plan says that we should try to space driveways farther apart and to share access between commercial developments where possible. The applicant has agreed to do that between lots that he is platting here but has a problem with this corner lot where when this property was platted and it is under construction now as a Klepper’s Grocery, there was a covenant that was attached with the plat that said that this property owner would permit that drive that he might construct to be closed in favor of a joint access drive to be constructed by this lot in the future. “It would provide one common point of access to these two lots. We have I think about 500 feet or less between Greenwich and this residential street. This lot has access to the residential street as well. So this owner is under the encumbrance of that covenant that says that he may need to share a joint access point at some point in the future if when this lot came along they agreed to or were required to provide that same joint access point. That is what we were trying to accomplish is to get these two property owners to ultimately share one access drive.

“This property owner does not want to do that. He wants to have his own access drive. This property owner, the Klepper store owner wants to maintain their own access, so they would prefer to keep the access as it is. The Planning Commission recommendation on this case was to recommend approval subject to the conditions in the CUP and subject to the requirement for sharing access between these two lots so that there would be a shared drive and not a separate drive for that corner lot on Central. The Planning Commission recommendation, the minutes don’t correctly reflect it, the Planning Commission intent was to eliminate the wording that is in that condition that requires cross circulation for this property to this particular lot that is outside of this ownership and at the close of the Planning Commission meeting there was some discussion about that and I indicated that it was not necessary as part of the staff recommendation.

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“The key interest was in trying to reduce the number of driveways along an arterial street so the Planning Commission recommendation should be corrected to state that the interest is in the joint access drive but the requirement for cross circulation including circulation to this lot in the Fountains Addition should not be considered part of the Planning Commission recommendation or the staff recommendation.

“The vote of the Planning Commission was ten to zero to approve including the joint access drive. I think again that it is a substantial enough change that it should require four votes to make that change and permit the additional access point or else send it back to the Planning Commission. There was no opposition at the public hearing of the Planning Commission and no written protests have been filed.

### **SLIDE PRESENTATION**

“I’ll go through the slides quickly for you. Aerial photograph. This is the new headquarters building. This is the area that is zoned limited commercial. This is the area that is residential. Behind it you can see dirt being scratched but there is more substantial construction behind there now. We’re looking up Greenwich. This is the frontage that is in question on the east side of the street. In the foreground is the frontage area and the homes that are constructed to the rear, looking south on Greenwich, on the west side of the screen is the area in question. This is looking across Greenwich Road to the new corporate headquarters. Substantial setback from Greenwich.

“These are the seven lots that area in question. The applicant has agreed to joint access at this location, at this location, and we’ve agreed to an access point there and so the only question is whether or not to have an access point at this location or a joint access point between that lot and the lot to the east. The County Engineer, Jim Weber, who wasn’t able to be here this morning, I think he’s had some discussion with Commissioner Gwin about this case. He indicated to us that their obvious preference was to limit the access points and to try to reduce the number of access points along an arterial but if the County Commission wanted to approve an access point, his recommendation would be that it be located at a point 150 feet from the intersection. That would provide for more clear space at the intersection. It would provide for left turn movements in and out behind a raised medial that is planned for the improvement of Central. However, that would be closer than desirable but not an uncommon situation in terms of that drive and the drive that would be next to the east, which is only constructed currently about ten feet from the property line today. I’ll be glad to answer any questions that you have. The applicant and the agent are both here this morning.”

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

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**Commissioner Schroeder** said, "Marvin, on this diagram here, would you show me where the current driveway is?"

**Mr. Krout** said, "For the Klepper store to the east? It is just to the east about nine or ten feet."

**Commissioner Schroeder** said, "Okay and where is the desired location for the other drive?"

**Commissioner Gwin** said, "It would be 150 feet from the intersection."

**Commissioner Schroeder** said, "Which way?"

**Mr. Krout** said, "Jim Weber said it should be about there, which is about 60 feet from the property line."

**Commissioner Gwin** said, "Yes, he said about 60 to 70 feet of space."

**Mr. Krout** said, "Okay, 70 feet or so between the two drives."

**Commissioner Schroeder** said, "Does City engineering, are they saying this is a hazard?"

**Mr. Krout** said, "It is kind of like radioactivity, there are degrees of exposure, and there is no point where it is hazardous and it is not hazardous. It would be less hazardous as I told the applicants and Jim Weber agreed, it would be even less hazardous to have this driveway 100 feet instead of 150 feet from the intersection and I say that because then this driveway would be limited to only right turns in and out and you wouldn't have the cross movement, the left turn movement out and it would be further away from the driveway on the next lot. But this applicant desires to have left turn in and out movements from this site as well as right turn in and out from Central. In order to do that, it would have to be moved to at least 150 feet."

**Commissioner Schroeder** said, "Those are separate ownerships."

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

**Commissioner Gwin** said, "Competing uses."

**Mr. Krout** said, "Potentially competing uses."

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

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

**Commissioner Hancock** said, "My questions is, will there be with the widening of Central a median in there?"

**Mr. Krout** said, "There will be a median and the median is planned to extend almost 150 feet east of the intersection, which means at the 150 feet point, it will stop and if you place the driveway for this corner lot at 150 feet then you would be able to make left turns in and out before that raised median."

**Commissioner Hancock** said, "Okay, I see. The applicant wants that north entrance at 150 feet."

**Mr. Krout** said, "He wants it at 150 feet so he can have the left turn in and out. Jim Weber said, as to the hazardous situation, it is all relative and I think if Jim were here this morning he would say it is not desirable but we can live with it. We have this situation in other parts of town."

**Commissioner Gwin** said, "His note to me didn't mention the word undesirable."

**Chairman Winters** said, "Okay. Does anyone else have any questions of Marvin?"

**Commissioner Schroeder** said, "Yes. One of the driveways is existing or not?"

**Mr. Krout** said, "It has just been constructed by the separate ownership, the Klepper Store."

**Commissioner Schroeder** said, "Well that helps me. I was thinking that if neither one of them had been constructed why in the world couldn't you put one on one side of the property line and one on the other and solve the problem. But since the owner has already built his driveway . . ."

**Commissioner Hancock** said, "Add on to his."

**Mr. Krout** said, "And that would probably be the solution is you would just expand the existing curb further to the east."

**Commissioner Schroeder** said, "That would come over to the other owner's property, right?"

**Mr. Krout** said, "Yes, so that both owners could use that property but they don't desire to do that. Neither one of them desire to share the opening."

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**Chairman Winters** said, "Perhaps this would be a good time to hear from the applicant or his representative. Does anyone else have any questions of Marvin. If not, perhaps we could hear from the owner or the applicant's representative about this issue. Please give your name and address for the record."

**Mr. Gary Wiley** greeted the Commissioners and said, "I'm with Professional Engineering Consultants, 303 S. Topeka, representing the applicant here today. I think Marvin pretty well summarized things here. I would like to state though that the applicant is in favor of leaving the special conditions that have been imposed by the CUP. Since there are seven parcels on Greenwich Road, we feel like these special conditions could be an asset and would in fact provide a better unity in the construction of those separate parcels. So we are in agreement with all those special conditions. The only thing we aren't in agreement with is the access control to Central. We do desire one point of access. I had also had conversations with Mr. Weber and were in agreement with the 150-foot access control versus the 100 we had shown. We feel that most likely these two parcels will develop as a like use, as a competitors use. This could be a very congested one point of access on Central. We think it would be better to have two points as has been proposed. The City Council, when they did approve the Fountains, Lot 1, Block 1 of the Fountains zone change, they imposed this joint access without any notification to the property owner that I am now representing today. Kind of went into this blind, unknowing. We feel like it would be better and like Marvin suggested, Klepper Oil would also like to continue to maintain their own point of access."

**Chairman Winters** said, "Okay, thank you Mr. Wiley. Do you have anything else Mr. Wiley?"

**Mr. Wiley** said, "No, but I'd be happy to answer any questions you might have."

**Chairman Winters** said, "I see none right now, but if some come up please hang around. Is there anyone else who would like to address the Commission on this issue? Is there anyone else who would like to address the Board of County Commissioners on this zone change? Seeing no one, we'll limit discussion to Commission and staff. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you Mr. Chairman. I asked Jim Webber with our Bureau of Public Services to look into this matter for me when I was made aware of this requirement of a single curb cut. A couple of issues came up and I didn't go to Legal with the Restrictive Covenant signed by the property owner to the east of the property we are discussing, wherein he agreed to allow a driveway across his property and a single cut and it was no problem to him and he signed a restrictive covenant and it was filed and so on and so forth. However, since the adjacent property owner didn't sign a covenant, didn't agree to that, I think legally it would be pretty hard to tell him he has to abide by what his neighbor said he would do."

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“Secondly, I kept a copy of Mr. Weber’s note to me and it says that, because it is copied to Mark Borst and David Spears and other engineers down there, it says, we think that the fall back position is to require 150 feet of access control from the intersection and allow one commercial entry to Canyon’s property. This should provide about 60 to 70 feet of space before Klepper’s drive. This is closer than we would like but it should work. I should note that the Balthrop plat on the north side of the street gave 180 feet of access control. We’ve also reviewed the preliminary plans for improvement of the intersection. There will be a full median near the intersection which will drop off at about the end of the 150-foot access control point. A driveway closer to the intersection will only allow right turns so it wouldn’t make sense to shorten it up on the 150. I guess I will have to defer to staff to find out if this is really a substantial change or not but I could certainly support my engineer’s recommendation of allowing a curb cut at 150 feet as proposed by Mr. Weber in his reports.”

**Chairman Winters** said, “Okay, without making a motion, you could support this?”

**Commissioner Gwin** said, “I could support this.”

**Chairman Winters** said, “Other Commissioners have questions or comments? If it is going to require four votes and it has got four votes then it is not a question. But if somebody has got a problem though we could talk about it. Would you like to make a Motion?”

#### **MOTION**

Commissioner Gwin moved to delete B-1 and allow for a curb cut on Central at 150 feet from the intersection as recommended by the Bureau of Public Services, and with that amendment then adopt the findings of fact of the MAPC and approve the zone change and Conditional Use Permit subject to the condition of platting, adopt a Resolution and authorize the Chairman to sign, and instruct the MAPD to withhold publication until the plat has been recorded with the Register of Deeds

Commissioner Hancock seconded the Motion.

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

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**VOTE**

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

**Chairman Winters** said, "Thank you Marvin. At this time we're going to take a ten minute recess. Be back in ten minutes."

**The Board of Sedgwick County Commissioners recessed at 10:40 a.m. and returned at 10:50 a.m.**

**Chairman Winters** said, "We'll call the meeting back to order, the meeting of December 31, we've been in a short recess. Madam Clerk, call the next item."

**NEW BUSINESS**

**E. RESOLUTION AUTHORIZING CERTAIN PERSONAL PROPERTY TAX JUDGMENTS TO BECOME DORMANT.**

**Ms. Jan Kennedy**, Sedgwick County Treasurer, greeted the Commissioners and said, "I'd like to wish you a happy new year. I also would like to extend to you a personal request that you stop by my department between 2:00 and 4:00, we are having a retirement reception for Mrs. Allen, who is taking her clock and walking. We would love to have you there."

"This is a routine matter that occurs at this time every year so that we can purge from the tax roles personal property that is over 20 years old. The chances of collecting this are slim to none. We can't contact or even locate many of the people and so we would like very much to recommend that you adopt this Resolution so that we can in fact declare these taxes dormant. Are there questions?"

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

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**MOTION**

Commissioner Schroeder moved to adopt the Resolution.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**F. LETTER OF INTENT AND JUSTIFICATION TO CITY OF WICHITA REGARDING REVISED EMERGENCY MEDICAL SERVICE (EMS) USER FEE SCHEDULE.**

**Mr. Tom Pollan**, Director, Emergency Medical Service, greeted the Commissioners and said, "Going through the budget process for 1998 it became evident that we, as a manager, that I needed to look farther down the road than a one or two year basis and set out a business plan looking at our revenues and looking at expenditures and seeing how those are going to match and anticipate those activities well in advance of them occurring."

**SLIDE PRESENTATION**

"What I put together here, in the red line I'm showing you what I see as our expenditures based upon a modest increase of 1 ½ to 2% based on the category and looking at our capital equipment improvement program of replacing existing equipment as it is used up and I put those on the red line to show you and indicate to you where that is going, the trend. Then the green line, I have indicated revenues and this is total revenues which includes user fees and taxation and any monies that are carried over as cash reserve. As you can see, we're going to do fine in 1997 but we did feel something in 1996 as our revenues declined as we changed our service and we're back on track in 1997."

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“We’re doing well there and we’re going to finish the year with the needed surpluses. But as we look into 1998, we’re going to be just barely under the required level of surplus needed to carry into 1999. From there, we will actually use off any surpluses we have and our existing user fee revenues and taxation at that same level will only increase slightly as our user fees, as we actually transport additional patients. So you can see that we have a leveling off of this line and it certainly would have a shortfall in 1999 and from there on. In the particular business we are in, this governing body has chosen to use user fees as a strong piece of how we generate and operate EMS. Those user fees at our current level appear at this point, and all we can evaluate, to stabilize during the year 1999 and be a shortfall.

“From that, I begin to say what is it going to take to look at these increases and stay with current level, we’re not adding people here, we’re not adding any projects, we’re simply staying where we are in 1998, the number of people, and looking at the capital equipment replacement plan. What I did then was take a look at the way that our charges are disbursed and look at how are patients are distributed across our charges and say what can we do to increase our user fees, what needs to be increased. I looked at changing and I’m recommending the change of two. One would be the non-emergency schedule without ALS specialized services. Currently it is \$100 and I am recommending that we balance with the already existent non-emergency schedule services that do require ALS skill, evening it out at \$170.

“The next one that I am updating is looking at the issue of normal emergency responses where we do not provide special ALS care as defined by Medicare and balance that with that charge as well and bringing it to the level of \$350. This year, we are looking at adding three charges that we currently do not have a charge rate for. The first of which is EKGs. This currently has been required that we deliver a 12 lead EKG strip trace in order to be able to charge for that under Medicare rules. They have now allowed for 3 lead, which we do on a routine basis with our cardiac patients and our severely traumatized patients. So enacting this, I am recommending taking that and establishing a charge of \$25 for that. We’re also seeing as we see health care move in different directions, primary care, a number of occasions where we are responding to patients such as difficulty breathing due to asthma, diabetic patients who are unconscious due to taking insulin and maybe not eating correctly, those types of issues where we are providing advance life support service but in the end the patient refuses to go to the hospital and feels that they are in a stable position and we do not transport. When we do that, the only thing that we can recover is the amount of the drug. That is it. We cannot recover any of the cost of the time and effort by the personnel. So what I’m recommending is that we apply a charge of \$170 to just those types of patients.

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“I want to reiterate, this is not to the individual who is involved in an accident and somebody not attached to them calls and says we need a response from EMS and we respond and get there and they are not hurt, they are not injured, they do not need our services in an advanced life support method, and they do not want to go to the hospital. I am not recommending that we charge those individuals. That is a good intent call and we want to keep that at zero. We want to go if they think we’re needed, but if we’re not, don’t charge for that. This would simply be for those times that we actually provide some level of skill and service at the ALS level or advanced life support level, meaning an IV or drug therapy is used.

“The next one that I am recommending is the physician directed. Currently, we pay \$15,000 a year for a medical director in our organization. We have no way of recovering costs for any of the services he provides. What I am recommending here is a \$55 per unit charge so when he has to be involved due to Medical Society’s requirements, for him to be involved, that we can recover some of that cost. Under our current arrangement with the medical director, we cannot charge that because he is not actually an employee and we’re not recommending he be an employee, but he would be a contracted service and we would bill and we would see the gain from any revenues generated. Then we would reimburse him at what level you dictate. So this would not go directly to our medical director, it would come into our organization and supplement the cost of providing that service. If this recommended fee schedule was implemented, what I can project is that, and I’ll explain the chart, the red line again being the expenditures that we anticipate under the current conditions with our capital equipment replacement plan. The green line here is the required carry over that we need each year to carry from our 1997 into 1998 in order for taxes to be distributed so we stay within the cash requirements of the law. The blue line would be the additional revenues that could be generated with the full implementation of this fee schedule that would be involved.

“What I’m recommending is that we have a number of projects, one of which in 1997, due to decreased revenues and we’re concerned over revenues, we made some reductions in our staff and our support to our field personnel. I’m indicating that we need to take a look at that and see how to restructure EMS to make sure we’re getting adequate support to our field personnel and adequate support for those staff functions that are needed in the organization. I’m not prepared at this time to tell you where we want to go with that because I’m not sure. We’re still monitoring that piece of it to see. We are feeling some impacts from that. We don’t have a public education program and it is important that people understand and know what to do when an emergency occurs and also what services we’re providing.

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“We have a capital equipment replacement program that is involved there and also it is shown that we provide medical equipment for the Wichita Fire Department and the Sedgwick County Fire District #1 as well, plus about \$30,000 a year in disposable medical supplies and other supplies for medical use. Obviously, if we had the kind of reduction we saw in the first chart we would look at what services we are going to cut in order to be able to continue with that. We have a capital improvement program for 1999 at \$370,000 and then there are some improved technologies that we’re not budgeting for at this time and we need to be looking at. Some of those include 12 lead EKGs as I talked about earlier. It has been proven in different studies that the amount of time you reduce, every minute that you reduce from the time a person has an onset of chest pains and are in a heart attack condition that every minute that is wasted you’re burning muscle, the heart is dying. You lose the potential of returning that individual to a normal productive life. We are also looking at the mobile digital terminal system, a computer system that the Sheriff and law enforcement agencies are getting. There are some service improvements that they are looking forward to and we can benefit from that as well. We are also looking at the issue of global positioning, meaning that along with our computer aided dispatch center, currently the last position known of the ambulance is what they make recommendations off of. If we had a global positioning system of AVL, automatic vehicle location system, it would be able to track their movement across the community. Our service is very fluid. It moves to hospitals and back to different points, it is constantly in motion as police officers and law enforcement officers are. It would have immediate notice of where that particular unit is and we could get the closest unit that could go around the natural barriers and get to the patient as quickly as possible. This is a system that we need to be looking at. Those particular programs are out there and they are functioning in other communities and we need to bring to improve the services, it is my recommendation that we would implement the recommended user fee schedule that I have presented. It would appear that about \$300,000 of additional revenue could be generated to offset the increase in operation cost and look forward to some of these promising programs that we would look at. As part of our agreement between Wichita and Sedgwick County, signed January 1998, it is required that we send a letter of intent to implement a new user fee schedule to the City of Wichita and that we send justification.

“It would be my recommendation that we send that letter and I come back before you in the last meeting of January to implement this hopefully by February 1 so we can start the benefits of increased funding so we assure that quality public service is provided now and in the future.”

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

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**Commissioner Gwin** said, "Thank you Mr. Chairman. Tom, I asked when you came to my office that you give us a cost comparison of what this proposed user fee, how it compares to some other cities or counties in our neighborhood and I see that we have one but I didn't see a slide. Do you have that information in front of you?"

**Mr. Pollan** said, "Thank you for reminding me. I did look at some other communities and in that I used a few that I knew were out there and doing service in a community that had the same philosophy that this body has had for EMS and for Sedgwick County, and the fact that we've looked at limiting the amount of taxation, user fees paying the majority of the cost of the services. So I looked at communities that had a better than 30% or less than 30% of their total revenues were from taxation. We're at about 26%. Some of these are down to zero for instance in Kansas City, Kansas. I looked at these to do some comparison and as you can tell, I tried to use regional communities and county services that were similar either in its industrial or agricultural setting and those types of things. It would not be fair to evaluate us with Kearny County Kansas so I thought we'd look at places that are very similar to what we are doing and how they are charging.

"In our emergency code with ALS specialized service, I am recommending that we remain at \$350 and you can see that it is considerably underneath specifically Oklahoma City, the one that I am asking to increase at this point or update would be the emergency without ALS specialized, meaning they don't get oxygen, they don't get EKGs, they don't get IVS, they don't get those types of advanced life support skills, to bring that to \$350. You can see that it still remains well underneath those communities that are very much similar to Wichita and Sedgwick County. The other non-emergency rates where we do provide the ALS skills, I am recommending they remain at the current level and you can see it is well underneath what is charged in the other communities. Our non-emergency without ALS specialized care is the one I'm recommending that we update to \$170. Essentially, we'll have two tiers of charges, but charging on four different codes to \$170. Again, that is well below what you see in these other communities that are providing services that are similar to ours, as sophisticated as ours, and doing it with limited tax dollars. Then the last is the mileage I'm not recommending any increase but I'm showing you that as a comparison."

**Commissioner Gwin** said, "I appreciate the information. I think it is important for us to have and I appreciate you sharing that with the public. Thank you Mr. Chairman."

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

**Commissioner Schroeder** said, "Tom, two questions. One is will this comparison be sent with this letter of intent?"

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**Mr. Pollan** said, "Yes, I'm recommending it and I believe I would attach that."

**Commissioner Schroeder** said, "The other is do we need approval from any other governing body to do this?"

**Mr. Pollan** said, "No. The letter of intent is that, it is not approval necessary."

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

**Chairman Winters** said, "Thank you. Tom, you did take time to come and visit with me about this and I appreciate that very much. I guess I'm sorry I didn't ask this question earlier so I don't mean to put you on the spot necessarily. Can you tell me who did the financial calculations on your projections for what future you see on some of those? Did that come out of your shop or did that come out of finance, or have a number of people looked at that?"

**Mr. Pollan** said, "That is out of my shop, however that is based on past practices and how finances work with our organization. It is a little different than the general fund and basing it upon that information and what we've done in the past, that is how I made the projections."

**Chairman Winters** said, "Okay. Commissioner Gwin brought up these comparisons and I'm going to be supportive of this but I want to have some real confidence in those numbers that we project. I've got a little bit of a question there and I'm not saying that I don't have confidence in your numbers, it is just one of those things I'd like to double reconfirm. Second, as I'm thinking about the best way to present this, a letter of intent to the City. I wonder if there might be some good way we can do that either manager to manager office of saying that this is what we see the numbers looking like. I would hope that . . . I don't know why there would be any concern from their perspective but I know they have ideas about EMS services should be delivered and we certainly provide EMS service to the largest population base of the County, which is the City of Wichita. I just want to make sure that we go through that very carefully. Is there anything magical about making this take effect February 1?"

**Mr. Pollan** said, "No, the only thing that is required is a 30 day notice prior to the implementation of a new schedule. If you want to make it March 1, certainly each month we set it back then the less money we will see in 1998, but again we're projecting toward the future."

**Commissioner Schroeder** said, "What are you proposing, do you want somebody to check his numbers, is that what you're saying? Well say it if that's what you want to do."

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**Chairman Winters** said, "Again Tom, I apologize for not raising this question when you were in my office, not to say anything about the numbers coming from your office. We've got some financial geniuses in various aspects of this organization and other departments and I wonder if some of them would just take a second look and really think about that and I'd be a little bit more comfortable. I see our Finance Director here."

**Ms. Bouska** said, "Sir, Tom did provide us these schedules in advance and we have reviewed the numbers and are comfortable with his projections."

**Chairman Winters** said, "Mr. Manager, did you have something to say?"

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "We understand the need to raise revenues as quickly as we can to solve the problem. There is also a need to be as comfortable and as cautious as we can. I don't think there is anything inherently difficult with taking another week to assure ourselves that we're all comfortable with the position that we're taking and why it is necessary and to review that. This has been a busy time of the year and people have not been here and been on vacation and I would recommend you postpone it for a week."

**Chairman Winters** said, "If it is acceptable with the Commission. If anyone thinks we need to move forward I could be convinced, but I would feel comfortable if we deferred this for one week and we came back and adjusted it at the next meeting."

**Commissioner Schroeder** said, "Is there anything in particular you think needs to be looked at or are you just wanting them to look at the projections?"

**Chairman Winters** said, "I would just like to have them look at the projections again and have new eyes look at the projections."

**Commissioner Gwin** said, "I would suggest too that the projections are pretty straight lined, they really parallel one another. I wonder how much consideration we've put into demographic change in this community as this county ages. I think there may be longer term issues that you are not addressing. But I think before we go talk to anybody, let them know that we've considered other things than just these are the expenditures and these are the revenues that we need and at some point they will intersect and that point is here and so we have to figure out how to do that. I mean other than a 1½ to 2% growth or whatever projected, I wonder if we might have them look at if there are any other things that we maybe have not considered in these needs or projections as far as population density or other like Tom said technological improvements and those kinds of things. Those are going to drive a great deal of what that department needs it seems to me."

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“I don’t know whether that is too complex or not, probably is, but I really do think those are the things that we need to let the public know that we’ve considered. I would agree with the deferral to make sure we’ve dotted all the ‘T’s and crossed all the ‘t’s and looked at everything that we can consider before we let people know that we intend to change.”

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

**Commissioner Schroeder** said, “I’ll go along with delaying it but I’m sure the department has done a good job and the reason I say so is because Betsy mentioned changing demographics and older population. I notice non-emergency schedule transfer current fee is \$100 and going to \$170. That indicates to me that we’re doing more of those, my guess, and it is taking up more of our time. A lot of those do come with a lot of older citizens being transferred back and forth. If you need another week to feel reassured about this, that’s fine. I just want to make sure that I don’t think anybody here is saying we’re not distrusting your numbers. We think your department has done a good job. It is your business to know what the future looks like just as law enforcement, fire, or anybody else. If you want finance to look at it again, that’s fine with me. Is a week okay?”

**Chairman Winters** said, “That’s fine with me. Again, I think the important thing for citizens to realize as we have this discussion is that even the projections, the charges that our citizens are going to see are still significantly lower than those in Shawnee, Topeka, significantly lower than those in Kansas City, Kansas, Tulsa, and Oklahoma City. I think citizens should be comfortable in knowing that. Tom, again I apologize for not having this more extensive conversation before we got in here this morning. I appreciate the work and the opportunity to defer.”

#### **MOTION**

Chairman Winters moved to defer the item for one week.

Commissioner Gwin seconded the Motion.

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

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**VOTE**

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

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

**G. BUREAU OF COMPREHENSIVE COMMUNITY CARE.**

- 1. CONTRACT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (SRS), MENTAL HEALTH AND RETARDATION SERVICES, FOR CONTINUATION OF A GRANT AWARD FOR CONSOLIDATED GRANTS, MENTAL HEALTH REFORM, HOSPITAL CLOSURE AND HEARTLAND.**

**Ms. Deborah Donaldson**, Director, COMCARE, greeted the Commissioners and said, "This is the long awaited State contract that we've extended for two quarters and this will be the final contract for the rest of the year. I would recommend your approval."

**MOTION**

Commissioner Hancock 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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

2. **CONTRACT WITH SRS, MENTAL HEALTH AND RETARDATION SERVICES, FOR CONTINUATION OF A GRANT AWARD FOR TITLE XIX CERTIFIED MATCH SYSTEM AGREEMENT.**

**Ms. Donaldson** said, "Commissioners, this particular contract is our certified match agreement. Those are the dollars we receive for Medicaid for the State portion and then with those dollars we are able to pull down the federal portion and we provide the services. I'd be glad to answer any questions and would recommend your approval."

**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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

3. **NOTIFICATION OF GRANT AWARD WITH SRS TO PROVIDE FUNDING FOR SUPPORTED EMPLOYMENT SERVICES TO PERSONS WITH SEVERE AND PERSISTENT MENTAL ILLNESS.**

**Ms. Donaldson** said, "This particular grant has some additional dollars the State has decided to provide to us to work with individuals with a serious mental illness to obtain and retain employment. I would recommend your approval."

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**MOTION**

Commissioner Gwin moved to approve the grant award.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

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

**4. ADDITION OF ONE SUPPORTED EMPLOYMENT SPECIALIST POSITION, RANGE 17, TO THE COMCARE STAFFING TABLE.**

**Ms. Donaldson** said, "Commissioners, this is the position that goes with the grant and will be doing the work in this area and I would recommend your approval."

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

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**VOTE**

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

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

**H. ADDITION OF ONE OFFICE SPECIALIST POSITION, RANGE 15, TO THE BUREAU OF FINANCE STAFFING TABLE.**

**Ms. Allen-Bouska**, Director, Bureau of Finance, greeted the Commissioners and said, "If you recall, during the budget process for the 1998 budget, we had requested that two positions be eliminated from our budget and two part time positions be added. At the time, we had been through an internal process where we determined that we thought it would be the best way to function in our bureau. We tried using two part time people in order to cover the front desk, which is the position I'm discussing today. That did not work. It was difficult to coordinate and made internal management much more difficult. What we're requesting today is to consolidate the two part time positions back to one full time position. It still equals one position elimination from our department and we would absorb the full cost of the increase in change of benefits for 1998. That's our request today. We're still decreasing our staffing."

**Chairman Winters** said, "Any questions or comments?"

**MOTION**

Commissioner Gwin moved to approve the addition to the Bureau of Finance Staffing Table.

Commissioner Schroeder seconded the Motion.

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

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**VOTE**

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

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

**I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' DECEMBER 18, DECEMBER 24 AND DECEMBER 30, 1997 REGULAR MEETINGS.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "We have three meetings worth of minutes for your consideration today. First is December 18. There are ten items for consideration.

**(1) PERSONAL COMPUTER HARDWARE & SOFTWARE - REGISTER OF DEEDS  
FUNDING: REGISTER OF DEEDS**

"Item one, personal computer hardware and software for the Register of Deeds. It was recommended to accept the low individual bids for the items that you see listed from Computerland East for a total of \$2,748.24, and Stonebridge Technologies for the hardware and peripheral items you see listed for \$9,454.98. The grand total for this purchase is \$12,203.22.

**(2) RISC 6000 SYSTEM - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**

"Item two, RISC 6000 System for Information Services. It was recommended to accept the low bid of Champion Computer Corporation, in the amount of \$26,102. That is two units.

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

"Item three, personal computer hardware and software for COMCARE. It was recommended to accept the low total bid of Computerland East, in the amount of \$27,420.24.

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**(4) 2000 YEAR CONVERSION TOOL CONTRACT - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**

“Item four, 2000 year conversion tool contract for Information Services, consulting services. It was recommended to accept the sole source bid as an extension of an existing contract with Terry Young for \$6,000 even.

**(5) AS400 COMPUTER & SOFTWARE - COMCARE  
FUNDING: COMCARE**

“Item five is an AS400 computer and software system for COMCARE. It was recommended to accept the only bid received from Boston Technologies in the amount of \$32,005.

**(6) DOMESTIC WATER SERVICE - BUREAU/PUBLIC SERVICES  
FUNDING: BUREAU/PUBLIC SERVICES**

“Item six, domestic water service for the Bureau of Public Services. It was recommended to accept the sole source bid of the Wichita Water & Sewer Department. That amount is \$16,395.75.

**(7) MULTI-MEDIA FIREARMS SYSTEM - SHERIFF  
FUNDING: FEDERAL ASSET FORFEITURE**

“Item seven is a multi-media firearms system for the Sheriff. It was recommended to accept the only bid received of IES/Electronic Industries USA. That amount is \$68,000. Note that this is co-funded by the City of Wichita. There are three pages of information attached for your review.

**(8) COLOR COPY MACHINE - BUREAU/CENTRAL SERVICES  
FUNDING: BUREAU/CENTRAL SERVICES**

“Item eight is a color copy machine for the Bureau of Central Services. It was recommended to accept the low bid meeting specifications of Xerox Corporation . That total amount is \$28,015.

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**(9) STATIONERY STORES CONTRACT - BUREAU/CENTRAL SERVICES  
FUNDING: BUREAU/CENTRAL SERVICES**

“Item nine, stationery stores contract for the Bureau of Central Services and the Purchasing Department. It was recommended to accept the low proposal of Corporate Express for an estimated amount of \$56,278.45. Those are the items that are normally carried in our stationery stores. There is a page of tabulation attached.

**(10) KITCHEN FURNITURE & EQUIPMENT - CAPITAL PROJECTS  
FUNDING: DETENTION FACILITY ADDITION**

“Item ten, kitchen furniture and equipment for the expansion of the detention facility by Capital Projects and the Sheriff’s Department. It was recommended to accept the negotiated bid of Sunflower Restaurant Supply with alternates one and two, in the amount of \$493,413.01. There are three pages of tabulation for your consideration as well.

**ITEMS NOT REQUIRING BOCC ACTION**

**(11) UNIFORMS - SHERIFF  
FUNDING: SHERIFF**

“There was one item that did not require action at that particular time, uniforms for the Sheriff and that was tabled for review.

“Mr. Chairman, if you’d like, I could continue with minutes from December 24 or would you like to take these separately.”

**Chairman Winters** said, “Proceed.”

**Mr. Muci** said, “Okay, December 24 minutes. There are eleven item for your consideration.

**(1) REFURBISH ATTENDANT’S FUEL FACILITY - MOTOR POOL  
FUNDING: MOTOR POOL**

“The refurbishment of the attendant’s fuel facility for the Central Motor Pool. It was recommended to accept the low bid of Van Asdale Construction, in the amount of \$22,500.

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**(2) PERSONAL COMPUTER HARDWARE & SOFTWARE - APPRAISER**  
**FUNDING: APPRAISER**

“Item two, personal computer hardware and software for the Appraiser. It was recommended to accept the low total bid of National Computer Resource. These are components for \$25,825.89. There are two pages of tabulations that follow.

**(3) PERSONAL COMPUTER SOFTWARE - APPRAISER**  
**FUNDING: APPRAISER**

“Item three, personal computer software for the Appraiser. It was recommended to accept the low individual bids of Computerland East, their total is \$6,200.21, and CompUSA, their total is \$17,983.31. The grand total for this purchase is \$24,183.52.

**(4) LUBRICATION SERVICING PACKAGES - MOTOR POOL**  
**FUNDING: MOTOR POOL**

“Item four, lubrication servicing packages for the Central Motor Pool. It was recommended to accept the low bid of Liquidynamics. That amount is \$17,391.84.

**(5) DISC CHIPPER - MOTOR POOL**  
**FUNDING: MOTOR POOL**

“Item five is a disc chipper for the Central Motor Pool and Bureau of Public Services. It was recommended to accept the low bid meeting specifications of Vegetation Management Supply, Inc. That amount is \$23,862.

**(6) IFR SERVICE MONITOR - EMERGENCY COMMUNICATIONS**  
**FUNDING: EMERGENCY TELEPHONE SERVICES**

“Item six, IFR service monitor for the Emergency Communications Department. It was recommended to accept the only bid received from IFR in the amount of \$10,495.

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**(7) PERSONAL COMPUTER HARDWARE & SOFTWARE - INFORMATION SERVICES**  
**FUNDING: INFORMATION SERVICES**

“Item seven, personal computer hardware and software for Information Services. It was recommended to accept the low total bid of CompUSA in the amount of \$16,230.41

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

“Item eight, personal computer hardware and software for COMCARE. It was recommended to accept the low bid of Computerland East. That amount is \$22,327.97.

**(9) CHRISTMAS TREE RECYCLING PROGRAM - BUREAU/COMMUNITY DEVELOPMENT**  
**FUNDING: FINANCE GENERAL - SOLID WASTE**

“Item nine, Christmas tree recycling program for the Bureau of Community Development. It was recommended to accept the low responsible proposal of Hong’s Landscape. That amount is \$21,810.

**(10) ONTRAK TEST CUPS - DISTRICT COURT**  
**FUNDING: DISTRICT COURT**

“Item ten, Ontrak test cups for the District Court. It was recommended to accept the only bid of Roche Diagnostic, that will match existing equipment and supplies. That amount is \$14,460.

**(11) 800 MHZ MAINTENANCE - EMERGENCY COMMUNICATIONS**  
**FUNDING: EMERGENCY TELEPHONE SERVICES**

“Item eleven, 800 MHZ radio system maintenance for Emergency Communications. It was recommended to accept the sole source bid of Motorola, Inc. That amount for 1998 is \$77,216.52.

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**ITEMS NOT REQUIRING BOCC ACTION**

- (12) RAID 5 STORAGE ARRAY - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**
- (13) PERSONAL COMPUTER HARDWARE & SOFTWARE - SHERIFF  
FUNDING: SHERIFF**
- (14) PERSONAL COMPUTER & PERIPHERAL EQUIPMENT MAINTENANCE -  
INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**

“There were three items at that time that did not require your action. Those included Raid 5 Storage Array for Information Services, those were tabled; personal computer hardware and software for the Sheriff, those bids were tabled at that time and there is tabulation that follows; and personal computer and peripheral equipment maintenance for Information Services, those proposals were being reviewed at that time.

“Moving onto the minutes of December 30 meeting. There are five items for consideration.

- (1) HEADSPACE ANALYZER - REGIONAL FORENSIC SCIENCE CENTER  
FUNDING: REGIONAL FORENSIC SCIENCE CENTER**

“Item one is a headspace analyzer for the Regional Forensic Science Center. It was recommended to accept the only bid received of Hewlett Packard, in the negotiated amount of \$19,672.

- (2) UNINTERRUPTIBLE POWER SUPPLY - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**

“Item two, uninterruptible power supply for Information Services. It was recommended to accept the alternate proposal #1 of Southwestern Electric Company. That amount is \$58,937 which includes the optional bypass. There are two pages of tabulation and notes for your review.

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**(3) PERSONAL COMPUTER & PERIPHERAL EQUIPMENT MAINTENANCE - INFORMATION SERVICES**  
**FUNDING: INFORMATION SERVICES**

“Item three is the personal computer and peripheral equipment maintenance for Information Services which was tabled previously. It was recommended to accept the negotiated proposal of Entex Information Services. That amount for one year on a three year contract is \$126,753.48

**(4) PERSONAL COMPUTER HARDWARE & SOFTWARE - SHERIFF**  
**FUNDING: SHERIFF**

“Item four, personal computer hardware and software for the Sheriff. This item was previously tabled. It was recommended to accept the low total bid of Business Computer Center. That amount is \$17,857. There is tabulation that follows.

**(5) MOBILE DATA COMMUNICATIONS SYSTEM - SHERIFF/EMERGENCY COMMUNICATIONS**  
**FUNDING: MCT GRANT**

“Item five, mobile data communications and terminal systems for the Sheriff and Emergency Communications. It was recommended to accept the negotiated proposal of DataRadio. That amount is \$650,736.95. There is a memo attached from Diane Gage.

**ITEMS NOT REQUIRING BOCC ACTION**

**(6) RAID 5 STORAGE ARRAY - INFORMATION SERVICES**  
**FUNDING: INFORMATION SERVICES**

“There is one item that will remain tabled and that is the Raid 5 Storage Array for Information Services. Those proposals continue to be reviewed. I will be happy to take questions and would recommend approval of the minutes provided by the Board of Bids and Contracts.”

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

**Commissioner Gwin** said, “Thank you Mr. Chairman. Mr. Manager, back on the December 18 item, which is on page 86 of our back-up. That kitchen furniture for the addition and remodel of the adult local detention facility. Is that a reimbursable item per contractual relationship?”

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**Mr. Buchanan** said, "Yes, I believe it is."

**Commissioner Gwin** said, "Would you double check that."

**Mr. Buchanan** said, "We have entered a contract with the provider and they were going to provide some of the kitchen equipment in that area. This is the specified equipment."

**Commissioner Gwin** said, "Okay. I want to make sure that that is what we are doing here. Thank you Mr. Chairman."

**Chairman Winters** said, "Thank you. Are there any other questions or comments? What's the will of the Board?"

**MOTION**

Commissioner Schroeder moved to approve the recommendations of the Board of Bids and Contracts from December 18, December 24, and December 30, 1997.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you Darren. Sounds like you guys have been buying a lot of stuff. Next item."

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**CONSENT AGENDA**

**J. CONSENT AGENDA.**

**1. Right-of-Way Easement.**

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

Road 797-B, Owners: Earl L. Hamilton and Dee J. Hamilton, located in the Northwest Quarter of Section 9, Township 25 South, Range 2 West, more specifically located east of 183rd Street West and south of 117th Street North. Eagle Township. District #3.

**2. Right-of-Way Instruments.**

One Easement for Right-of-Way and two Temporary Construction Easements for Sedgwick County Project No. 616-32, 33, W½ 34; 13th Street North between the Wichita city limits and K-96. CIP #R-225. District #1.

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

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V97069	\$286.00	5	Vevia and Ronald Godwin

**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>
C863005	\$382.00	\$384.00
C95012	\$115.00	\$79.00

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<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
C96017	\$163.00	\$173.00
V95031	\$203.00	\$200.00
V97077	\$275.00	\$179.00
V74001	\$125.00	\$160.00
V94075	\$332.00	\$375.00
C87102	\$199.00	\$200.00
V96021	\$324.00	\$170.00
V861001	\$212.00	\$000.00
C97031	\$222.00	\$3.00
V95111	\$335.00	\$301.00
V94069	\$162.00	\$144.00

**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:

Dodson Estates

- 6. Agreement with Native American Services to provide on-line access to Sedgwick County's electronic data.**
- 7. Order dated December 17, 1997 to correct tax roll for change of assessment.**
- 8. Real Estate Purchase Contract with Joel K. Banks and Marian J. Brown in the amount of \$129,145, less required deductions, under the FEMA buy-out program.**
- 9. Contracts (three) with Kimberly Home Health Care, Inc., dba Olsten Health Services, Interim HealthCare of Wichita Inc. and Special Care Services, Inc. to provide developmental disability registered status.**
- 10. Consideration of the Check Register of December 19, 1997.**
- 11. Consideration of the Check Register of December 26, 1997.**

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**12. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970760	Register of Deeds	Transfer
970761	County Commission	Transfer
970762	County Clerk	Transfer
970763	Capital Projects	Transfer
970764	Central Services	Transfer
970765	Finance General	
	Geographic	
	Information System	Transfer
970766	Finance General	
	District Court	Transfer
970767	Finance General	Transfer
970768	Finance General	Transfer
970769	Finance General-WSU	
	Program Development	Transfer
970770	Public Relations	Transfer
970771	Old Cowtown Museum	Transfer
970772	Sheriff	Transfer
970773	Capital Projects	Supplemental Appropriation
970774	Animal Control	Transfer
970775	Sedgwick County Park	Transfer
970776	Diversity	Transfer
970777	Geographic	
	Information System	Transfer
970778	Corrections	Transfer
970779	Corrections	Transfer
970780	Appraiser	Transfer
970781	Animal Control	
	Housing Assistance	Transfer
970782	Public Services	Transfer
970783	Emergency Medical Svc.	Transfer
970784	Information Services	Supplemental Appropriation
970785	Aging	Transfer
970786	Capital Projects	Supplemental Appropriation

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<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
970787	COMCARE Consolidated Kansas Case Management	Transfer
970788	COMCARE Consolidated Children's	Transfer
970789	COMCARE Consolidated Homeless	Transfer
970790	COMCARE Project Freedom	Supplemental Appropriation
970791	Coroner-DNA Grant	Transfer
970792	Sheriff	Supplemental Appropriation
970793	Capital Projects	Supplemental Appropriation
970794	Detention Facility Expansion	Supplemental Appropriation
970795	Temporary Notes Series 1996-1	Supplemental Appropriation
970796	Temporary Notes Series 1996-2	Supplemental Appropriation
970797	Temporary Notes Series 1996-2	Transfer
970798	1994 Series A Bond Issue	Supplemental Appropriation
970799	1995 Series A Bond Issue	Transfer
970800	Temporary Notes 1995-2	Transfer
970801	PBC Bond Issue 1995-A	Transfer
970802	Auto License	Transfer
970803	1997 Bridge Projects	Transfer
970804	Finance/Finance General	Transfer
970805	COMCARE-Vocational Rehabilitation Grant	Supplemental Appropriation

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

**Regular Meeting, December 31, 1997**

**MOTION**

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “That concludes the Regular Agenda. Before we move on, two things I would like to say. One, I want to welcome J. B. Allen, County Commissioner from Sumner County has entered the room and is here this morning. It is nice to have you here from Sumner County.

“The other thing I wanted to mention is we have been in contact with the people doing the Christmas tree recycling program and I meant to talk about that at the beginning of the meeting. Again, we want to encourage people to use the Christmas tree recycling program that Sedgwick County is providing to the citizens of Wichita and Sedgwick County. Kristi Zukovich has advised us that as of this morning, there are already over 5,000 trees in the locations waiting to be recycled. So when we think about the space and volume that saved out of the landfill, it is a good project. I do want to remind people that the locations are the same as they were last year. We added a site out at the observatory at Lake Afton. We’re going to try to conclude the program January 11. So if you are deciding when to take that tree down, if you intend to have it recycled at one of these locations, please have it there by January 11. We would certainly encourage everyone who has a real tree to use the recycling opportunity.

“If there is no other business at this time for the Regular Meeting, 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 11:30 a.m. and returned at 11:32 a.m.**

**Regular Meeting, December 31, 1997**

**Chairman Winters** said, "I'll call back to order the Regular Meeting of December 31, 1997. Commissioners, we do need to have a short Executive Session."

**K. OTHER**

**MOTION**

Chairman Winters moved that the Board of County Commissioners recess into Executive Session for ten minutes to consider consultation with Legal Counsel in matters privileged in the attorney/client relationship relating to potential litigation and legal advice and that the Board of County Commissioners return from Executive Session no sooner than 11:40 a.m.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "We are in recess for approximately ten minutes."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:32 a.m. and returned at 11:46 a.m.**

**Chairman Winters** said, "I'll call back to order the Regular Meeting of the Board of County Commissioners, December 31, 1997. Let the record show that there was no binding action taken in Executive Session. Other business Mr. Euson?"

**Mr. Richard Euson**, County Counselor, greeted the Commissioners and said, "At this time, I would like to ask the Commission pursuant to discussions in Executive Session for authority to settle a case involving a claim filed by the Crestview Improvement District in the amount of \$28,920.68."

**Regular Meeting, December 31, 1997**

**MOTION**

Commissioner Schroeder moved to authorize the settlement of a claim filed by the Crestview Improvement District in the amount of \$28,920.68.

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	Absent
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

**Chairman Winters** said, "Thank you. I'm sure you'll be available if anybody has questions after the meeting."

**Mr. Euson** said, "Yes, I will."

**Chairman Winters** said, "Thank you. Is there any other business to come before this Board? Seeing none, this meeting is adjourned."

**L. ADJOURNMENT**

**Regular Meeting, December 31, 1997**

There being no other business to come before the Board, the Meeting was adjourned at 11:48 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:

\_\_\_\_\_, 1998