

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

### **REGULAR MEETING**

**APRIL 8, 1998**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, April 8, 1998, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Pro Tem Paul W. Hancock; with the following present: Commissioner Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Melody C. Miller; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Daryl Gardner, Controller, Bureau of Finance; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Louanna Honeycutt Burress, Administrative Officer, Department of Housing and Economic Development; Mr. Jarold D. Harrison, Assistant County Manager; Mr. Marty Hughes, Grants Manager, Accounting Department; Ms. Irene Hart, Director, Bureau of Community Development; Ms. Deborah Donaldson, Executive Director, Bureau of Comprehensive Community Care; Mr. Phil Rippee, Manager, Department of Risk Management; 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. Tim Witsman, President, Wichita Area Chamber of Commerce  
Mr. Jerry Feil, 9737 N. Hydraulic, Wichita, Kansas  
Mr. Fred Hermes, Chief Executive Officer, Catholic Care Center, Wichita, Kansas  
Mr. Trip Shawver, Mediation Center of Wichita, Kansas  
Mr. Ken Short, Mediation Center of Wichita, Kansas  
Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.

### **INVOCATION**

The Invocation was given by Mr. Chuck McCoy of the Christian Businessmen's Committee.

### **FLAG SALUTE**

### **ROLL CALL**

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

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**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

**Mr. Daryl Gardner**, County Controller, greeted the Commissioners and said, "I certify that there are funds available for those items that we have identified on today's Regular and Sewer District Agendas requiring the expenditure of funds. A listing of these items has been provided to you previously."

**Chairman Pro Tem Hancock** said, "Thank you, Daryl. I don't see any questions. Thank you for being here. Next item please."

**PRESENTATION**

**A. PRESENTATION REGARDING WICHITA AREA CHAMBER OF COMMERCE STAFF.**

**Mr. Tim Witsman**, President, Wichita Area Chamber of Commerce, greeted the Commissioners and said, "It is good to see you. I didn't recognize they were Methodists and going to sit in the back. As part of our partnership we were going to make some additions and improvements to our whole operation and today I'm pleased to introduce a couple of people to you. One, Gene Dickinson, who has spent over 30 years with the Chamber, retired at the end of March. Replacing Gene and the position is being changed to include community marketing, is Wendy Johnson. Wendy is the new VP for Communications and Community Marketing. She served as Vice President of Marketing for the Kansas Cosmosphere and Space Center, which I think has gotten some pretty good publicity over the last few years. She did marketing, the web sites, and newsletter at the Cosmosphere. Prior to that she was Director of College Relations for Kansas Newman College, soon to be University. She has good connections here. Before that she had actually worked at Wichita State as Director of Community Relations and Special Events. So a lot of relations with things that go on in this area. She is an accredited member of the Public Relations Society of America. She has a Bachelor of Arts in Journalism with emphasis in public relations, advertising, and marketing, and a Master of Public Administration from the Hugo Wall School hopefully later this year. We still haven't decided exactly what the date on that is. We're really pleased to have Wendy. When I did some reference checks, everywhere I went, everybody said she is just aces and you're lucky to have her.

"It was a very large component of our partnership that we find the right person to be the vice-president for Economic Development. I'm positive that we've found that person. Bob Harvison, after 18 years with IBM, came to Wichita in 1985 as the Manager of Wichita's area for IBM.

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“He left IBM in 1989 to serve as President of DP-Tek developing innovative technologies and licensing them to PC printer manufactures. In July of ‘96 they sold DP-Tek to Hewlett Packard. So I don’t know whether you’ve been coupons for the last year, but he wanted to do something for the community and we thought we had just the right thing for him. He has a degree in accounting from the University of Texas. He has served on the Chamber Board. He was a Vice-Chair and served on our Executive Committee. We’ve worked together before. He was President of the Wichita Music Theater Board, Vice-Chairman for the Ronald McDonald House, and he is a Wagon Master. With our current emphasis on growing and supporting local companies, Bob’s knowledge of Wichita companies, his background in sales, his understanding of finance, are well suited to our economic development needs. I’d be blunt. If we had 10% unemployment, I would have gone out and tried to find some seasoned economic developer from somewhere else, but that I don’t think is our situation today. I think the understanding and working with our local companies is hugely important so I’m really pleased with Bob. I think everywhere I go, business people come up to me. I was at McConnell last night for Colonel Stephenson’s going away and people kept coming up and saying you got Bob. He’s a terrific guy. That was a good hire. So we feel very good about having Bob with us.”

**Chairman Pro Tem Hancock** said, “Welcome, glad you’re here.”

**Mr. Witsman** said, “We don’t have anything more. If you have any questions of us. I’d like to come back in two weeks to do our quarterly report. Probably Bob and I will both come back if that is all right, if we can get on the agenda to provide the report for our contract.”

**Chairman Pro Tem Hancock** said, “Very good, we look forward to that. Commissioner Winters.”

**Commissioner Winters** said, “I just wanted to make a quick comment. I think we will look forward to the quarterly kind of reports that you all have agreed that you’ll bring to us. Again, I think you continue to put together a good team and I think a number of us continue to believe that economic development takes a lot of different forms. We’re so fortunate to have our economy going at such a rapid pace but still so many areas need to have attention paid to them as far as business growth and expansion and new people that look at areas to expand their business. If you don’t keep that welcome mat out, if you don’t keep attention to it, then someday it will be extremely hard to get it rolling again. So I think we’ve gone through a real transition phase from the old WI/SE organization to what we’ve evolved into in this particular climate. I think the Board of County Commissioners has really believed that we’ve struck a great partnership with the Chamber and in working with Tim, the staff, and your Executive Board and Board of Directors.

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“I think we’re in an absolutely good position to move forward and I’m certainly pleased that the Board of County Commissioners has selected the Chamber of Commerce to do part of our economic development. I know we’ve got staff now that is working very closely with you, Louanna and Irene are in that loop, so I think we’ve got a good system and your latest additions will kind of cap that off.”

**Mr. Witsman** said, “Louanna is a part of every meeting we have with a prospect. Surprisingly our prospect activity has been higher than I can remember it. That seems strange when your unemployment is 3%. In candor, we thought about one of the people who contacted us whether we should really pursue it and decided we could not . . . for the very reasons you said, we had to pursue it. We might not pursue some as aggressively or with as many incentives if they don’t fit into what we’re trying to pull together. But we continue to respond to every client to try to bring them all to Wichita. On the business growth, I think you know that the very first group we worked with this year is the trucking industry. We’re trying to go through clusters of industries. The first two months it was trucking. Now we’re moving on in March and April to others for April and May.”

**Commissioner Winters** said, “Well Tim, you’ve got a quality organization. You’ve got a lot of good members, a lot of good board, a lot of good staff. So I’m certainly pleased to be part of that partnership.”

**Chairman Pro Tem Hancock** said, “Tim, I just wanted to say also congratulations on the selections. It looks to me that you have made once again quality people a part of your organization. Since I’ve been a Commissioner, going on nine years now or in my ninth year, we’ve been very fortunate with WI/SE and now the Chamber doing our work for us. We’ve had great success. We’ve had bumps in the road that we’ve gone over as if we were driving a sports car as far as our own local economy is concerned while other areas of the country have suffered somewhat. I think that we have, whether we choose to recognize it or not, created something here in Sedgwick County and the City of Wichita that is above and beyond other units of economic makeup of the country. With the report last year of the decline of the volatility here in Sedgwick County, that was one of the most pleasing reports that I have ever had the opportunity to listen to and hear. I know back in the early 80s, again and again we looked at our economy here, our volatility, and our reliance on the aircraft industry. While we still rely on the aircraft industry as a main component, I think that you have had personally a lot to do with changing the atmosphere. With the kind of people that you’ve surrounded yourself with changing our opportunities here. Maybe I’m wrong but my observation has been since I’ve been a Commissioner low unemployment and continued growth here in Sedgwick County. I think our partnership with the Chamber will continue much of what was started back then and continue into the next century. Thank you again and we’re very pleased to be your partner once again.”

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**Mr. Witsman** said, "Well, we've had one year out of 26 where Sedgwick County has exceeded the national average of unemployment. We average normally about 1.8% below the U.S. average. But I honestly believe . . . I think the last ten years have been pretty remarkable. If a person could just go out and look at the roads, look at the downtown, look at the housing, look at the east, west, look at improvements on 21st, it is different. I was at the Cosmosphere a week ago Friday for the opening of From the Earth to the Moon and one of the people over there came up to me. They were from Hutchinson and they said, you know, we didn't really enjoy coming to Wichita all that much ten years ago but Wichita is fun now. It is a fun place to come. I think that in the partnership with all the different players doing their part, we really have made great strides with the community in the last ten years. I just hope we can keep it that way and do another ten."

**Chairman Pro Tem Hancock** said, "Well you've got the right talent. Any other comments? Tim, thank you for being here today. We appreciate it. Next item please."

### **PLANNING DEPARTMENT**

#### **B. CASE NUMBER CU-468 - REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY MANUFACTURED HOME, LOCATED ½ MILE NORTH OF 93RD STREET NORTH AND WEST OF HYDRAULIC.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "I have one planning item for you.

### **SLIDE PRESENTATION**

"This property is the shaded area on the right-hand side of the map. It is on the west side of Hydraulic. It is ½ mile north of the intersection of Hydraulic and 93rd Street. You'll see in the aerial photograph what the surrounding character of it is. There is a manufactured home that is on the northern portion of the site. There is a large storage building also on the site. There is a pond on the site. It is 9.9 acres, just short of 10 acres of land. It is surrounded by homes. All the immediate homes are site built homes in the area but further on in the area there are some manufactured homes and those homes are on lots that are five acres to ten acres in size. I would say there are a couple of larger lots. All of this area is zoned in the RR - Rural Residential District, which means that development is permitted on two acres if septic tanks are allowed. In this case a lagoon is required so there is a minimum five acre requirement for a lot and the dwelling unit.

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“This is the aerial photograph to give you a better idea about the area. There is the hedge row on the northern portion of the site and a hedge row along Hydraulic. This is the pond on the site. There is a road south of that hedge row leading to the manufactured home and there is a large storage building. Surrounding homes, some of them are subdivisions with a number of homes and others are just on individual lots.

“The applicant, who is the owner of the property, is requesting a conditional use for a temporary manufactured home. There has been a long standing provision in the County Zoning Resolution that permits a second accessory unit on a site, typically a manufactured home for a temporary period. That period is sometimes somewhat indefinite, to deal with a hardship situation. Typically in the past, and in this case, the hardship situation is elderly parents. The owner would like to be able to take care of these elderly parents on site. I think you have a copy of a letter from the family doctor indicating that the care is needed and that it would be beneficial to this couple to be able to live on the site and have direct care. So the Board of Zoning Appeals of the County for many years reviewed these, generally looked favorably on them, so you haven't seen too many of these. In the past year and half since the new zoning code, we made these Conditional Uses. That means that the Planning Commission has reviewed these. I'd say over the past year and a half we've had about three cases similar to this. All have been approved by the County by the Planning Commission. Because they are Conditional Uses unless they are appealed by neighbors then that Conditional Use approval by the Planning Commission is final. So those cases have been approved and they haven't come to you. However, with Conditional Uses, if property owners in the 1,000 foot radius do appeal the decision of the Planning Commission or if the applicant appeals their decision then the case comes on to you for final decision. That's the case as you will see in a minute. There are protest petitions from property owners to the south, the east, and the southeast of this tract. That is why it is coming to the County Commission for a final decision.

“In this case, there is a little bit of a twist. The owner is asking to move in a temporary manufactured home for a maximum period of two years. He would live in that home and he would move his parents into the existing home that is on the site today. Over the two-year period his intention is to build a site built house on this 9.9 acres. By the end of the two-year period, when the site built house is completed, the manufactured home that had been moved on the site that is not there today would have to leave. He would move into the new site built home that he's built for himself and his parents then would continue to live in the existing manufactured home for an indefinite period. It would be the accessory unit then. They would live in there for the period until they were no longer both living or either one of them living in that unit.

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“Then the Conditional Use basically terminates. That manufactured home that is on the site today would also be required to leave this 9.9 acres leaving only the site built house and the owner on the property. So that is the intent the owner has. He has submitted a letter from a doctor as I said and probably can go into more detail about what the nature of his hardship is and why he needs his parents to be on the site with him.

“We do have a provision in the Zoning Resolution that allows a property owner to move in a temporary manufactured home without a Conditional Use and live in that home while they are building a site built home. In this case, he is trying to combine a couple of things. Because of the indefinite stay of the elderly parents in the existing manufactured home, he needs the Conditional Use. I guess I would also tell you that this is just short of ten acres. If he had ten acres of land or was able to obtain an additional tenth of an acre from a neighbor, he would be able to divide this into two five-acre lots and if he built a second lagoon for an additional unit he would be able to do what he is requesting to do without having to come for a Conditional Use. He would be able to have the site for the existing manufactured home, create another site to temporarily move the manufactured home in and build his second site built home and then in the end he would be able to have both of those on five acre lots instead of one home on a ten-acre lot. Because of that, because it is a ten-acre site, and there are five acre lots as well as ten acre lots in this area, we didn't think this was really out of character with the neighborhood and generally look favorably on accessory uses like this. So the staff had recommended approval subject to conditions.

“The Planning Commission had their hearing last month. The Planning Commission did hear from a couple of residents in that area and basically what they said was that they really did not want any more manufactured homes. Apparently there was a previous owner who moved into this area and promised ten years ago that he would move this manufactured home out to build a site built home but that didn't happen. This is a relatively new owner. I think he has been in ownership for two years on this property. But I guess they're concerned about another promise that might not be kept. They also, I think it was the owner to the south or one of the owners in this area also said that they have I think a child who was disabled and their solution to this rather than bringing a second unit on to the property was to build their house to accommodate the child. So they didn't think a second unit was necessary.

“The Planning Commission though, weighing all the facts, has voted and their vote was 13 to zero, that you approve this request subject to the conditions that are in the report and their motion. Finding that it was not out of character and that it was appropriate to the area and consistent with previous decisions. The protest petitions though do constitute, well let me first show you . . . this is the existing manufactured home on the site, a lagoon on the back, there is a large accessory building existing. This is the drive in from Hydraulic.

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“This is where the temporary manufactured home would be placed for the two year period. Then when the site built home is built, and I’m not sure where that would be, but maybe here. When the site built home is completed then the homeowner moves into that site built home, moves this off the site, his parents continue to live in the existing unit until neither one of them or both living on this property and then at that time the conditions would require that that manufactured home would also be removed.

“These are the protest petitions. This is the site in question. You see properties to the east and southeast, southwest, have a total of six owners I think who filed protests. They constitute just under 35% of the land area within 1,000 feet of this property. Because of this protest, the Zoning Resolution requires that a protest like this can only be overcome by the County Commission by four votes. Seventy-five percent of the members of the Commission, which would be four out of four votes this morning.”

**Commissioner Winters** said, “Excuse me Marvin, I didn’t understand that.”

**Mr. Krout** said, “It takes four votes, a three quarter majority of the County Commission, which is four votes out of five. In this case you have one absent so it would mean it would take a unanimous vote to approve.”

**Commissioner Winters** said, “To change the recommendations of the Metropolitan Planning Commission?”

**Mr. Krout** said, “No, to overcome the protest and following the Planning Commission’s recommendation. It would also take a two-thirds vote, which is also four votes to override the Planning Commission’s recommendation on this first consideration unless Rich tells me I’m wrong. That means you have to have four votes to either approve or deny. If you can’t make either of those votes you have an option to return this case to the Planning Commission for reconsideration and the second time the County Commission can override a Planning Commission recommendation by a simply majority. But you can’t this morning.

“I’ll go through the slides of this area very briefly. We’re standing at Hydraulic at the entrance to the property. You can see the hedge row on the north. This is the existing manufactured home and accessory building to the south of that. This is looking to the south and west across the site. There are homes in the background, they don’t pick up too well. This is the pond on the southern portion of the 9.9 acres, the accessory building. Again, looking to the south. It is a little dark but you can see there is a hedge row also along Hydraulic that buffers the site from the properties that are over to the east. Then this is looking south down Hydraulic. Trees on both sides of Hydraulic.

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“This is looking to the east across Hydraulic from the site. There is some open land, Agricultural Use, as well as the large lot homes. Looking to the north and east. Homes in that direction, Agricultural Use. This is looking north on Hydraulic. This is the entrance, the fence at the northeast corner of his property, the hedge row separating his property from the property to the north. Again, the entrance to his property, hedge row to the north. Back to the aerial photograph and the land use map. Try to answer any questions that you have this morning.”

**Chairman Pro Tem Hancock** said, “Thank you, Marvin. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you. Marvin, in our backup I find neither a letter from the applicant explaining the need nor do I find a letter from the physician. Are those available to us?”

**Mr. Krout** said, “I do have a letter. It was supposed to have been delivered to your office earlier this week. It didn’t come in your initial package but I was told by my staff that it went to you yesterday. Let me pass that around to you.”

**Commissioner Gwin** said, “I didn’t get it. Did anyone else get it? No, I don’t think any of us got it Marvin.”

**Mr. Krout** said, “I’m sorry. Let me pass that out to you.”

**Commissioner Gwin** said, “That’s all. I wanted to review those.”

**Chairman Pro Tem Hancock** said, “We don’t answer our mail the first two days.”

**Commissioner Gwin** said, “That’s right.”

**Chairman Pro Tem Hancock** said, “Commissioner Miller.”

**Commissioner Miller** said, “Thank you. Let’s start with the actual ability or recognizing the ability of the applicant to site another manufactured home on his homestead. Some would think that with the recent changes that we made in zoning for manufactured homes that it is not possible because the 20 acres will stick in our mind. Can you explain that to the public so we’re not confused about that?”

**Mr. Krout** said, “Right. There still is some confusion even at the Country Living Workshop that was held last week about that. You don’t have to have 20 acres to build a house. You only have to have 5 acres to build a house.

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“The zoning code does allow for certain provisions for you to have this kind of accessory use. Accessory use can be a manufactured house. You are also allowed even under the revised County Zoning Resolution to place a manufactured house on any property in the County where you are allowed to build a house as long as it is a double-wide unit on a permanent foundation. Now in this case the property owner intends to bring in this second manufactured home for a temporary period and so it is not required to meet that permanent foundation and double-wide requirement because it is only going to be something that is there for two years. It is only for limited use. So there are provisions. You can also rezone property to obtain mobile home zoning and then be able to place a home that is not double-wide and not on a permanent foundation on a piece of property. But even without rezoning there are provisions like this Conditional Use where you have an accessory manufactured home.”

**Commissioner Miller** said, “And the overriding here is the fact that it is temporary that they are requesting it for a temporary purpose.”

**Mr. Krout** said, “That’s right.”

**Commissioner Miller** said, “Would be the exception we’re really looking at.”

**Mr. Krout** said, “That’s right. Really we’re combining two things. He is going to bring in the second unit, an accessory unit, for a temporary period of time. The existing manufactured home could continue for an indefinite period as long as one of those parents continue to live in that house, then it would have to go. The unit that he is moving into the site would be a temporary unit only for the period of time it takes for him to construct his house. That is a provision that is allowed by right for anyone to move in a temporary manufactured home, not on a permanent foundation, not double-wide, for that period of time that it requires for him to build a site built home. The end result of this process is that when the elderly parents are no longer residing there, there will be one site built home on this site.”

**Commissioner Miller** said, “Understanding that the protestors are leery because in the past they were told that this particular manufactured home, the existing one, was not going to be there for an extended amount of time. It is still there and the applicant that I know has only been there for a couple of years is not the original person that lived there and placed the existing manufactured home on there. Now this owner wants to temporarily place another one. How can the County assure these individuals that live within the residing neighborhood and coexist, that indeed in two years a site built home will start, at least they’ll see the beginnings of the development of a site built home?”

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**Mr. Krout** said, "I don't know that they can be sure the site built home will be built. What they can be assured of is that in a two year period County Code Enforcement will enforce the requirement that the home that is going to be moved onto that site must leave. Then they would be back to one unit. Let's say that the home is built, the moved in manufactured home does leave and so now there are two units on the site, the new site built home and the existing manufactured home for the parents. County Code Enforcement also has a system where every year they require, it is in the conditions and they do enforce it, everywhere where we have these hardship Conditional Uses for accessory units, they require an annual reporting by the owner of the property and do check up on them if they don't get that annual report recertifying that these elderly parents are continuing to live in that home. If they're not, if they don't get that evidence, then they will take the action to remove that unit."

**Commissioner Miller** said, "We're saying that indeed once both of the parents are no longer there that that existing manufactured home would also be required to go, is that what I'm hearing?"

**Mr. Krout** said, "Yes, that is in the County Zoning Resolution. It is here in the conditions of this proposed Conditional Use and it is absolutely enforceable."

**Commissioner Miller** said, "Those are the questions that I have right now."

**Chairman Pro Tem Hancock** said, "Thank you, Commissioner. Any other questions? Marvin, I have one. Let's assume just for purposes of discussion that the site built home isn't constructed. Then one of the manufactured homes would remain if the owner so chose."

**Mr. Krout** said, "Which is the existing situation. Yes, it would have to be the existing home. The requirement is that the home that is moved in has to go in two years."

**Chairman Pro Tem Hancock** said, "Okay, thank you. Are there any other questions? If not, is this a public hearing?"

**Mr. Krout** said, "It is not an advertised hearing but by your informal policy you've opened these up."

**Chairman Pro Tem Hancock** said, "Very good, thank you Marvin. Is there anyone here who would like to address this Conditional Use permit request today? Please come forward and give us your name and address and we allow five minutes for comments."

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**Mr. Jerry Feil** said, "I'm the owner of this property. I've never done this before. If you have any questions I'd answer them. He has basically stated what I would like for and why. I also have a list of petitions that I made myself of eight different homeowners that are for me and their signatures and addresses. Other than that, basically if you have any questions I'd try to answer them."

**Chairman Pro Tem Hancock** said, "Okay, thank you. Commissioner Gwin has one."

**Commissioner Gwin** said, "Thank you. Mr. Feil, who will build the house that you are wanting to build?"

**Mr. Feil** said, "I haven't hired a builder yet."

**Commissioner Gwin** said, "It wouldn't be yourself."

**Mr. Feil** said, "No."

**Commissioner Gwin** said, "You would hire someone to do it?"

**Mr. Feil** said, "Yes."

**Commissioner Gwin** said, "Okay. Have you been through that process before? Have you ever built a home or had one built for you?"

**Mr. Feil** said, "No, I haven't."

**Commissioner Gwin** said, "Well, good luck."

**Mr. Feil** said, "That's why I figured I needed a couple of years."

**Commissioner Gwin** said, "Well, you might. I was just curious. I didn't see anything in the writings and I was a little concerned that you were going to try to build it yourself and then I was going to have to ask about your experience. But if you plan to go hire somebody then I'm sure you'll find a reputable builder who would be able to build it. That was the only thing I needed answered. Thank you."

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**Chairman Pro Tem Hancock** said, "Thank you, Commissioner. Do you have those petitions with you today? Would you like to hand them up to us? Commissioners, do you have any other questions? Thank you for being here today. Is there anyone else who would like to comment on this Conditional Use permit this morning? If not, the Chair would entertain a Motion or discussion."

**Commissioner Winters** said, "I guess I would make a couple of comments. I'm going to be supportive of this request for just as I was listening to the presentation for at least four reasons. I think Commissioner Miller asked the questions that I was going to ask that in two years if there is not a home built there what will be the process and I think if a home is not constructed it will be another tough decision time. But in my supporting this at this point, I would want to follow through with that in two years and hope that in two years we would be back closer to the situation that is there today. But based on the staff recommendation and based on the MAPC's recommendation and that is 13 citizens who looked at this and voted unanimously to allow this situation and because it is temporary. If it was a permanent situation I think I would certainly look at it much differently than I look at this case as being a hardship situation where two years maximum is going to be the case of this new temporary home being there. Also, because of the size of the lot being 9.9 acres. If this was a much smaller lot situation, I'd think I would not be in favor of it. But I think at this time I'm going to be in favor of taking the recommended action."

**Chairman Pro Tem Hancock** said, "Thank you. Commissioner Miller."

**Commissioner Miller** said, "Thank you Mr. Chairman. This is a difficult one. Recognizing that residents in the area may be very leery of seeing another manufactured home placed on the site that one is existing, that they are probably not comfortable with. I recognize and I can understand the apprehension of the neighbors. But the only reason why, and I would echo Commissioner Winters' comments, the only reason why I would give serious consideration to basically adopting the findings of the MAPC and MAPD is because it is a temporary situation. I am going to be one Commissioner that will certainly look for our Code Enforcement to definitely be on their P's and Q's and being able to ensure that the new manufactured home would indeed no longer be able to exist there within the two year time frame that Mr. Feil, if we do vote in favor of it, is being given. So at this time I am prepared to be able to support and adopt the findings."

**Chairman Pro Tem Hancock** said, "Thank you Commissioner. Commissioners, is there any more discussion?"

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**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Chairman Pro Tem Hancock** said, "Thank you, Marvin. Next item please."

**Mr. William Buchanan**, County Manager, said, "We can read the next two items but we're not ready for them. They are tabulating the bids currently in the 8th floor conference room. So if we could move on to Item D."

**Chairman Pro Tem Hancock** said, "Sounds great. Madam Clerk, Item D please."

**NEW BUSINESS**

**D. RESOLUTION AUTHORIZING SEDGWICK COUNTY TO ISSUE HEALTH CARE FACILITIES REFUNDING REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,200,000 FOR THE PURPOSE OF REFUNDING AND REDEEMING CERTAIN OUTSTANDING HEALTH CARE FACILITIES REVENUE BONDS.**

**Ms. Louanna Honeycutt Burress**, Administrative Officer, Department of Housing and Economic Development, greeted the Commissioners and said, "Back in 1989, Sedgwick County issued Health Care Facility Revenue Bonds to finance the construction of Catholic Care Center on North Woodlawn."

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“The original principal amount of the issue was \$6,000,000 and of that amount, just slightly over \$4,900,000 remained outstanding on that issue. The Catholic Care Center is a 180-bed nursing home facility, which is currently leased to Catholic Care Center, Incorporated. This is a Kansas not-for-profit corporation.

“Since these bonds were issued, interest rates have declined and the purpose for refunding this issue is to achieve savings in the form of interest rates. We’re here this morning, I have J.T. Klaus, with Hinkle, Eberhart and Elkouri, and Fred Hermes, who is the Chief Executive Officer of Catholic Care Center to request that you approve a resolution approving the issuance of not to exceed \$5,200,000 in Health Care Revenue Bonds. If you have any questions, I will attempt to address them and Mr. Hermes has requested a few minutes to address the Board.”

**Chairman Pro Tem Hancock** said, “Thank you, Louanna. Commissioners, are there any questions for Louanna? Thank you. Mr. Hermes.”

**Mr. Fred Hermes** said, “Good morning. I am the Chief Executive Officer at the Catholic Care Center and I appreciate the opportunity to give you just a little bit more information on the Catholic Care Center. We originally began in 1977 and was first housed in the old St. Joseph Hospital. In 1989, the representatives from Catholic Care Center came to you requesting your assistance in helping to fulfill our mission by the issuing of bonds for the construction of a new facility on North 45th Street and Woodlawn. The Catholic Care Center is sponsored by the Catholic Diocese of Wichita and the Via Christi Health System. It is part of what is known as the Catholic Life Center Campus. It provides 24 hour long-term nursing care to just over 170 residents. This includes such things as skilled nursing, physical/occupational speech and respiratory therapies, housekeeping, laundry, dietary, social, recreational, and of course spiritual services. The Catholic Care Center cares for individuals without regard to race, color, religious belief, ancestry, or physical disability. Naturally the majority of our residents are old. Of the total resident population, 40% of them are indigent. This allows us to keep up our mission of serving the poor. In addition to caring for residents, Catholic Care Center also employs about 170 individuals and has a payroll of nearly \$3,500,000. Our mission is to know, to love, and to serve our residents, our family members, and one another. The Catholic Care Center has had a good survey history with the Kansas Department of Health and Environment and last fall received an award in recognition for outstanding survey compliance from the Kansas Association of Homes and Services for the Aging. The Catholic Care Center is a bright, roomy, cheerful place to live and to work and I would invite each of you to come out for a tour. We ask your continued support with our mission by returning a favorable vote for the refunding of our bonds. If you have any questions, I’d be happy to answer them.”

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**Chairman Pro Tem Hancock** said, "Thank you, Mr. Hermes. There is one question. Commissioner Gwin."

**Commissioner Gwin** said, "Not a question necessarily Commissioner Hancock but a comment. Mr. Hermes, I am personally familiar with the Catholic Care Center because someone who is very near to me spent the last year or two of her life with you all and so I know the good things you do. The other thing I think besides making the money available to you that really helped the facility was the partnership that the County and the City of Bel Aire entered into to make sure that we got 45th Street paved. When I first was elected, that was a dirt road. I know there were some concerns about the dust and what all that did to minimize the decor. So I think that was a real plus that we were able to bring that together so that now it is a nicely paved road and access it appropriate and nice and clean as is your facility. I certainly am going to be supportive of this refunding issue. It makes sense. It's nice to see a Care Center run in the manner in which you all do that when we so often hear of ones that are not run well. So I'm very supportive today and delighted that you are here. Thank you. Thank you, Mr. Chairman."

**Chairman Pro Tem Hancock** said, "Thank you, Commissioner. Any other questions or comments? Mr. Hermes, thank you for being here today. We appreciate the opportunity to help out."

### MOTION

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

**Chairman Pro Tem Hancock** said, "Thank you, Louanna. Next item please."

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**E. RESOLUTION AUTHORIZING USE OF THE KANSAS COLISEUM AS AN ALTERNATE ASSEMBLY AREA FOR THE KANSAS ARMY NATIONAL GUARD.**

**Mr. Jarold D. Harrison**, Assistant County Manager, greeted the Commissioners and said, “This is an Agreement we enter into about every two years with the Kansas Army National Guard. The purpose is to provide an alternate assembly area in the event that their primary assembly area for call-up for a disaster would be disabled. They would normally assemble at 620 N. Edgemoor at that Armory facility. In the event that facility was disabled they would like to use the Kansas Coliseum as an alternate assembly area. The requirements are fairly minimal. For our facility they require that we provide restroom facilities, a couple of telephones, indoor sheltering for about 80 personnel and parking for approximately 37 vehicles and in no event would that assembly period require more than a 48 hour use of our facilities. We’ve had this agreement for a number of years and to my knowledge I don’t think we’ve ever even exercised it.”

**Chairman Pro Tem Hancock** said, “Very good. Commissioners, any questions?”

**Commissioner Winters** said, “I just have one. Do we do this same Agreement every year?”

**Mr. Harrison** said, “Every two years.”

**Commissioner Winters** said, “Okay.”

**Chairman Pro Tem Hancock** said, “It seems like it was last year that we did it.”

**Commissioner Winters** said, “I know we’ve addressed this before but I wasn’t sure how long a period of time lasted.”

**Mr. Harrison** said, “It is a two year agreement. I think that is related to their military contracting.”

**Chairman Pro Tem Hancock** said, “Okay, very good. Any further questions? If not, the Chair would entertain a Motion.”

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**MOTION**

Commissioner Winters moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Pro Tem Hancock** said, "Thank you. Thank you Jerry. Next item please."

**F. AGREEMENT WITH DAVID M. GRIFFITH & ASSOCIATES, LTD. PROVIDING CONSULTING SERVICES TO DEVELOP A COST ALLOCATION PLAN AND JAIL RATE STUDY FOR SEDGWICK COUNTY BASED ON 1997 FISCAL YEAR COSTS AND DATA.**

**Mr. Marty Hughes**, Grants Manager, Accounting Department, greeted the Commissioners and said, "David M. Griffith & Associates, Ltd. provides an essential service to the County through the development of a cost allocation plan and a jail rate study each year. This Agreement authored by the Assistant County Counselor provides the arrangement by which the County will continue to use these services of this consultant for another year. Compensation for these services will remain at last year's level and the Agreement includes an option to extend the Agreement for current compensation rates for an additional two years. County staff is pleased with the consultant's past performance and recommends approval of the Agreement. I'd be glad to answer any questions you might have."

**Chairman Pro Tem Hancock** said, "Commissioners, any questions? Marty, I have just one. In plain English, what are they doing?"

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**Mr. Hughes** said, "They gather data, in fact yesterday I just got a request for data for 1997, and we give them a lot of information as far as cost basis information so that they can develop a plan where it allocates the administrative and overhead cost of the County to the different programs across the County that do direct services. Then these costs can be applied to federal and state grants as overhead costs and in some instances we use them for programs that are funded by County funds and allocation costs to be covered by County mill levy or whatever funding sources they use for those programs.

"So it is a way of spreading the administrative and overhead costs to the County throughout the programs that provide direct service to the County. On the jail rate study, on that one, they calculate the cost of a prisoner day in our Adult Detention Facility for us and it is approved by the U.S. Marshall Service. Then the U.S. Marshall Service reimburses us for any federal prisoners that they have in the jail at that rate. So we get compensation from the Feds for that."

**Chairman Pro Tem Hancock** said, "I see. Very good. Thank you, Marty. Any other questions?"

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Chairman Pro Tem Hancock** said, "Thank you. Next item please."

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**G. CONTRACT WITH MEDIATION CENTER OF WICHITA TO PROVIDE MEDIATION SERVICES TO DISTRICT COURTS LOCATED IN SEDGWICK COUNTY.**

**Ms. Irene Hart**, Director, Bureau of Community Development, greeted the Commissioners and said, "We bring for your consideration today a contract with Mediation Center to provide mediation services to over 300 cases in District Court this year. This is a continuation program. The dollar amount last year was \$9,000. It is in the budget for 1998. We do have two members of the Mediation Center, Ken Short and Trip Shawver are here to answer any questions and to hopefully make a presentation and tell you what they do at the Mediation Center for the District Court."

**Chairman Pro Tem Hancock** said, "Very good. Thank you, Irene. Trip you are just in time."

**Mr. Trip Shawver** said, "The Court of Appeals just turned me loose. I'm not sure if you all know Ken Short. He is out Outgoing Director of the Mediation Center of Wichita. You remember I'm sure Naomi Adam, she had an aneurism and had some problems so she is out for some time. But Ken Short, who was involved with the Mediation Center stood in for about a year to help us and we have a new individual that we just hired by the name of Teddy Woods who is a retired fireman, excellent gentlemen, just coming on board. We see a lot of future as far as the Mediation Center of Wichita is concerned.

"As was indicated, we did over 300 cases for the Small Claims Court last year, mediated them. This equates to us doing the work for a judge. So we replace about one judge in the Small Claims Court for you all a year as far as doing that work. But that is just part of the benefit. The real benefit is that those people that go through mediation instead of coming out in a win-lose situation where you continue to have conflict, if it is a mediated agreement, the parties come out in a win-win solution. It is really gratifying. Many times I go over and do mediation and of course Ken does mediation there also, that you will have people that are in high levels of conflict, either in Small Claims Court or other areas and you get out and you get done and they are shaking hands and walking out laughing and talking to one another. I had one that I did across the street that was an automobile case. People were just at each other's throats. When we got done, they were walking out hand in hand and one guy was saying well I can get you a better deal at such and such a place for these parts and these parts. So instead of going on with a conflicting atmosphere, we're helping the community as far as that's concerned. We're expanding as far as the Mediation Center of Wichita is concerned.

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“We’d ask at least consideration next year to maybe expand the budget also in that we are picking up overflow cases as far as the Domestic Court is concerned. We have trained mediators that are now qualified to do domestic cases and deal with the people who cannot pay for mediation. We pick up that slack and do mediation for people who cannot afford to pay. That’s in a highly conflicted area as far as Domestic Courts are concerned. How many roughly did we do last year?”

**Mr. Ken Short** said, “About 50. That was half a year.”

**Mr. Shawver** said, “Half a year, 50, as far as stepping in that breach. We’ve identified a need that maybe with the Juvenile Court as far as being able to step in and deal with some of that conflict down there to help resolve it. Our main goal as far as the Mediation Center of Wichita is to expand the concept of mediation so that people end up in a win-win situation, to train people as mediators and to provide that service at no cost or low cost to the people of Sedgwick County. Last year we trained about 45 new mediators to go out and infect the community.”

**Chairman Pro Tem Hancock** said, “Commissioners, are there any questions or comments? Trip, thank you for being here today. Anything else?”

**Mr. Short** said, “Two things seem important to me as far as this body is concerned. One is the growth and expansion of the Mediation Center. I keep wanting to call it a neighborhood justice center. I was one of the three or four non-attorneys privileged to be on the first elected board and early on we did I think it was 30 mediations in a year and was funded at the rate of \$10,000. Now at \$9,000 we do about 300 mediations. That is significant. The level of commitment of the mediators I think is highly significant. They do this at no cost, they are volunteers. So I would urge the possibility of additional funding at some later time certainly. The other thing I think the statement that is made by this body by funding the Mediation Center, you’re saying that mediation is a legitimate alternative to a dispute resolution and encouraging that and that’s a real positive statement to this community I believe. So I’m real appreciative of what you’ve done.”

**Chairman Pro Tem Hancock** said, “Thank you. We appreciate all the services you’ve rendered. Over the years it’s been kind of on shaky ground from time to time our relationship but we’ve worked through it and each year we seem to stay in business together and I think it’s been a good partnership. Irene, is there anything further?”

**Ms. Hart** said, “The \$9,000 funds the training of volunteer mediators and the administrative costs in coordinating and directing and organizing the program. I’d repeat, the mediators themselves are volunteers and there is a good core of them in the community.”

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**Chairman Pro Tem Hancock** said, "Thank you. Any questions?"

**Commissioner Miller** said, "Just briefly. So you did get it out there loud and clear that these individuals are volunteering their time, their expertise. We're simply paying for the training so that they can be as equipped as possible to work through the situations that they are put within. So when you think about the service that they're rendering, how many of those individuals do we have in that core that are actually out there on the front line?"

**Ms. Hart** said, "They trained 45 last year. We did some cost benefit, the cost of the services that they donate and we figured that the number of cases that they mediated if they hadn't gone to mediation would have gone to the court and that would have supported a full-time judge. So the difference between the \$9,000 we spend on mediation is a whole lot less than it would cost to support another judge in the district court."

**Commissioner Miller** said, "I'm hearing you also loud and clear that more than likely you'll be requesting an expanded budget the next time you come before us possibly."

**Mr. Shawver** said, "We would always like more. We staff the small claims court weekly with two to three mediators each time the court is in session. That's all volunteer. The domestic court that we deal with, there is probably 14 mediators that rotate through that and donate their services. Then we have other mediators that work in code violations in the City and all over. So we train between 30 and 60 a year and use them in our program and work through that. Some of them actually even though we train them don't spend the time in the small claims court but they end up with the Girl Scouts or things like that. That is another thing we do, a deal called 'My Changing Family' that is put on by the Girl Scouts. We go every two weeks to that and put on a two or three hour presentation of mediation and how that can solve domestic disputes with families and keep them together. That is all donated also. Some of our mediators are active also in the high school peer mediation training. They do that. Quite a number of them give talks around the community with different groups. There are several ways that the Mediation Center gets exposure. Also, we do mediations like if a neighbor has a problem with a neighbor about a property line or a barking dog. I get calls all the time. The Animal Shelter I guess though went out and muzzled dogs or something. But we do provide the opportunity for persons in conflict to negotiate that if they're willing to do that. We will go to any police substation if the police have a problem going on that they think we can resolve, out people will go out to the police substation and mediate with the people to reduce conflict there also."

**Commissioner Miller** said, "Thank you. I commend you."

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**Chairman Pro Tem Hancock** said, "Thank you. Thank you once again. Commissioners, any further comments or questions? If not, the Chair would entertain a Motion."

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Pro Tem Hancock** said, "Thank you. Thank you, Irene. Mr. Manager, do you want to go back to Item C now or go on?"

**Mr. Buchanan** said, "Not yet."

**Chairman Pro Tem Hancock** said, "Okay, thank you. Madam Clerk, Item H."

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

- 1. CONTRACT WITH FIRST METROPOLITAN COMMUNITY CHURCH TO INITIATE AN INTERFAITH VOLUNTEER CARE GIVER PROGRAM TARGETING HOMELESS INDIVIDUALS WITH SERIOUS MENTAL ILLNESS.**

**Ms. Deborah Donaldson**, Executive Director, COMCARE, greeted the Commissioners and said, "This first item is a contract not just with one church, but with a group of churches who through a Board of Directors will be working to help homeless individuals who are also mentally ill toward employment and provide some mentoring."

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“To list some of the other churches involved are the First Unitarian, St. Paul’s United Methodist, Central Church of Christ, there is a Lutheran Church, the Fairmont United Church of Christ, Inter-Faith Ministries, the First Baptist Church, and Family Life Center of El Dorado. We feel this would be a very positive program and this is seed money and they will support it after this initial funding. I’d be glad to answer any questions.”

**Chairman Pro Tem Hancock** said, “Commissioners, any questions for Debbie?”

**Commissioner Miller** said, “Briefly. Debbie, just what does this do for that partnering of churches. I know the service that they are going to render but do we divvy it up equally, does it go to the Board that these churches make up?”

**Ms. Donaldson** said, “Basically the Board will be making decisions on how to split. Basically what they will do is come together and they will be educating some of their congregation about mental illness and how to work with people who have a mental illness and then these individuals will be paired up with folks who we serve through our Center City Program to help them work toward employment.”

**Commissioner Miller** said, “So it sounds like education and training. Thank you. Thank you, Mr. Chairman.”

**Chairman Pro Tem Hancock** said, “You’re welcome. Any further questions or comments?”

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

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**Chairman Pro Tem Hancock** said, "Thank you. Next item please."

**2. CONTRACT WITH BREAKTHROUGH CLUB TO PROVIDE A FULL-TIME EMPLOYMENT COORDINATOR TO WORK WITH COMCARE'S HOMELESS PROGRAM CONSUMERS.**

**Ms. Donaldson** said, "Commissioners, again this is a Contract that is focused on employment. The Breakthrough Club is an organization we've done a lot of work with toward employment issues, folks who have a serious mental illness and this will be for a year for them to provide those services. I'd be glad to answer any questions."

**Chairman Pro Tem Hancock** said, "Thank you, Debbie. Any questions? I just have one. You say this Contract is for a year?"

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

**Chairman Pro Tem Hancock** said, "Through March of 1999. Commissioners, any further questions? If not, the Chair would entertain a Motion."

**MOTION**

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

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Pro Tem Hancock** said, "Thank you, Debbie. Next item please."

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**I. APPLICATION TO KANSAS DEPARTMENT OF HUMAN RESOURCES, DIVISION OF WORKERS COMPENSATION, FOR RENEWAL OF WORKERS COMPENSATION SELF-INSURER PERMIT NUMBER 718.**

**Mr. Phil Rippee**, Risk Manager, Department of Risk Management, greeted the Commissioners and said, "This application before you today is the renewal application and does not reflect any changes in policy for permit number 718. The ultimate decision to renew by the Kansas Department of Human Resources will be based on the overall financial position and history of our compensation losses as presented with the application. The application will also be accompanied and supported with the 1997 Comprehensive Annual Financial Report, which is our CAFR. I would like to say that Sedgwick County continues to manage our self-insurer compensation program in a highly efficient manner and we have looked at basically the last eight years.

"I pulled up the figures for this and if we would have been paying for an insurance premium we would have paid approximately \$10,000,000 and we've ran the program including the personnel and the claims and the legal costs of about \$7,300,000. So we've saved approximately \$2,716,000 in the last eight years by doing this and the Manager's Office is always asking us to look for more innovative ways to save money and I think we've done that. That is approximately \$340,000 annually. I would recommend the Commission approve the application and authorize the Chairman to sign."

**Chairman Pro Tem Hancock** said, "Thank you, Phil. Commissioners, any questions or comments?"

**MOTION**

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

Commissioner Miller seconded the Motion.

**Chairman Pro Tem Hancock** said, "Phil, with all the savings, maybe we could self-insure more stuff."

**Mr. Rippee** said, "That is our plan Commissioner. We do self-insure progressively up to where we can and we have a model in Risk Management, we budget for the predictability and insure for the unknown. That is basically what we try to do."

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**Chairman Pro Tem Hancock** said, "Thank you, Phil. If there are no further comments, Clerk call the vote please."

**VOTE**

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

**Chairman Pro Tem Hancock** said, "Thank you. Next item please."

**J. REPORT OF THE BOARD OF BIDS AND CONTRACTS' APRIL 2, 1998  
REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the April 2 meeting of the Board of Bids and Contracts. There are five items for consideration.

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

"Item one, road improvements for the Bureau of Public Services, Project 594-9 and 10. It was recommended to accept the low bid of Cornejo and Sons, Inc. That amount is \$708,158.50."

**(2) REPAIR PUMP STATIONS - BUREAU/PUBLIC SERVICES  
FUNDING: SEWER OPERATIONS**

"Item two is the repair of the pump station for the Bureau of Public Services sewer operations. It was recommended to accept the low bid of Nowak Construction. That amount is \$12,523.22.

**(3) CARPET - EMERGENCY COMMUNICATIONS  
FUNDING: EMERGENCY COMMUNICATIONS**

"Item three is carpeting for Emergency Communications. It was recommended to reject all bids and re-solicit at a later date. We need to improve our specifications just a bit.

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**(4) HARDWARE & SOFTWARE UPGRADE - EMERGENCY COMMUNICATIONS  
FUNDING: MCT GRANT**

“Item four, hardware and software upgrade for Emergency Communications. It was recommended to accept the only bid received from PRC Public Management Services, Inc. That amount is \$240,870. This is one of the final pieces for the mobile data terminal project and there is a memo from Diane Gage outlining the recommendation attached.

**(5) TRACTOR - MOTOR POOL  
MOTOR POOL**

“Item five, a tractor for the Central Motor Pool and the Kansas Coliseum. It was moved to reject all bids. You will note that we were able to locate a tractor that was in use in another portion of the County and can be used here at the Kansas Coliseum.

**ITEMS NOT REQUIRING BOCC ACTION**

**(6) RECORDS MANAGEMENT SYSTEM - BUREAU OF PUBLIC SERVICES  
FUNDING: BUREAU OF PUBLIC SERVICES**

**(7) TRAVEL AGENCY SERVICES - PURCHASING  
FUNDING: VARIOUS DEPARTMENTS**

“There are two items that do not require action at this particular time. Those items were tabled for review and those include a records management system for the Bureau of Public Services and travel agency services as a cooperative effort between Sedgwick County, the City of Wichita, and the Wichita Public Schools. Again, those items are being reviewed. I’ll be happy to take questions and recommend approval of the Minutes as provided by the Board of Bids and Contracts.”

**Chairman Pro Tem Hancock** said, “Thank you, Darren. Commissioners, are there any questions? If not, what’s the will of the Board?”

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**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Pro Tem Hancock** said, "Thank you, Darren. Next item please."

**CONSENT AGENDA**

**K. CONSENT AGENDA.**

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

- a. One Easement for Drainage and one Easement for Right-of-Way for Pine Bay Estates. District #2.
- b. One Easement for Drainage for Elpyco Church of Christ Addition. District #1.
- c. One Temporary Construction Easement for Sedgwick County Project No. 644-23-1136; Bridge on 103rd Street South between Hoover Road and West Street. CIP #B-375. District #2.

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

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
C98016	\$425.00	5	Cottage Grove
V98016	\$113.00	5	John Van Winkle

**3. 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>
V96030	\$66.00	\$54.00
V96035	\$167.00	\$168.00
C97028	\$203.00	\$204.00
C97025	\$248.00	\$262.00
C97029	\$251.00	\$254.00
V96038	\$152.00	\$160.00
V96044	\$200.00	\$199.00
C97030	\$295.00	\$297.00
C97037	\$300.00	\$176.00
V96003	\$119.00	\$142.00
V95007	\$185.00	\$525.00

**4. Order dated April 1, 1998 to correct tax roll for change of assessment.**

**5. Consideration of the Check Register of April 3, 1998.**

**6. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
980158	Finance General Detention	Transfer
980159	Aging Transportation	Supplemental Appropriation

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<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
980160	Prosecuting Attorneys' Special Trust Fund	Supplemental Appropriation
980161	Prosecutors' Training Fund	Supplemental Appropriation
980162	1998 Bridge Projects	Supplemental Appropriation
980163	Special H/W Improvement	Supplemental Appropriation

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

**MOTION**

Commissioner Miller moved to approve the Consent Agenda as presented.

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Chairman Pro Tem Hancock** said, "Thank you."

**Mr. Buchanan** said, "Chairman, here is one of the dilemmas we have. The best laid plans of mice and men. We're now out of items on the agenda to deal with and we're still not ready."

**Commissioner Winters** said, "If we took a 15 or 20 minute recess, would it be done by then?"

**Mr. Buchanan** said, "I think so. The bids are in and he is going through whatever it is he needs to do to make sure that the bids are solid and that you can enter into them and authorize the signature and sale and closing. So that is going to take a bit."

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**Chairman Pro Tem Hancock** said, "In the meantime, we'll recess the Regular Meeting."

**The Board of Sedgwick County Commissioners recessed to the Sewer District Meeting at 10:17 a.m. and returned at 10:20 a.m.**

**Chairman Pro Tem Hancock** said, "I'll recommend that we take a 15 minute recess."

**The Board of Sedgwick County Commissioners recessed at 10:20 a.m. and returned at 10:38 a.m.**

**Chairman Pro Tem Hancock** said, "I'll call the meeting back to order and we'll return to Item C now."

**C. RESOLUTIONS (TWO) REGARDING THE SALE OF BONDS AND NOTES.**

- 1. RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$27,750,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES A, 1998, OF SEDGWICK COUNTY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.**

**Mr. Joe L. Norton**, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "We appreciate your indulgence in waiting although fortunately by waiting a little bit we have some wonderful news for you in respect to the bond and note sale today. As we discussed a couple of weeks ago, the staff had solicited proposals for both \$27,750,000 in General Obligation Bonds and \$4,000,000 in Temporary Notes to finance the construction of various Capital Improvement Projects within the County. There was prepared a preliminary official statement and Notice of Sale which was distributed to probably 100 different potential bidders across the nation. As a result of the dissemination we have received bids this morning.

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“For a little bit of review, for the Series A, 1998 bonds, there are two primary projects within this bond issue. One is the Adult Local Detention Facility addition to the courthouse. We had previously borrowed \$10,005,000 in 1993 and the principal amount of \$26,120,000 in this transaction, together with other funds of the issuer for the total project cost of the \$38,500,000 that we talked about before. Also, in this issue is the Guilder’s Gardens-Gott Addition sewers for a principal component of \$1,630,000 for that transaction.

“We have also solicited and received very favorable financial ratings on the bond issue. These were confirmed prior to the sale and they are exactly what we’ve had in the past so the rating agencies in New York have confirmed the County’s sound financial standing. Moody’s Investor Service, Incorporated rated the issue AA-1, Standard and Poors, AA, and Fitch IBC, Inc., AA+. A AA+ and a AA-1 are basically the second highest rating that is achievable being AAA and there are very, very few governmental jurisdictions throughout the country who have AAA. So this is a very strong credit analysis of the County by the New York rating agencies.

“We now have the bids that have been received. There were seven syndicates that submitted the bids. They are: George K. Baum from Kansas City; Stephens, Inc. from Little Rock; Merrill Lynch, New York; A.G. Edwards & Sons, St. Louis; UMB Bank, Kansas City which has a host of additional bidders that we’ll show you here in a moment, and ABN AMRO Bank, Chicago; and the winning bid was submitted by Paine Webber, Inc., New York, with an average interest rate of 4.7805% over the life of the 20 year bond issue. When the decision was made earlier this spring to try to accelerate this transaction to take advantage of the favorable markets, we really weren’t sure how favorable that would be. We’re basically kind of bottoming out at the lowest rates we’ve seen on average for the last 20 years. This is a very excellent rate based on the total debt service to maturity on the actual bids received basis the projections we were using earlier in the spring. These interest rates result in a savings of a little over \$2,100,000 in interest costs on the adult detention portion of the bond issue from what was projected earlier in the spring. So \$2,100,000 over 20 years savings on actual interest rates. So with respect to the bond issue, we would suggest that you award the sale of the bonds to Paine Webber, New York, and then adopt the Resolution that we have prepared for you authorizing for the bonds to be issued.”

**Chairman Pro Tem Hancock** said, “Thank you, Joe.”

**Mr. Norton** said, “You can take two motions or do them in one if you like.”

**Chairman Pro Tem Hancock** said, “This is not item C-2 though. This is all on Item C-1?”

**Mr. Norton** said, “Yes, sir.”

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**Chairman Pro Tem Hancock** said, "Okay."

**MOTION**

Commissioner Winters moved to award sale of the Bonds to Paine Webber, New York and adopt the Resolution that has been prepared.

Commissioner Miller seconded the Motion.

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

**VOTE**

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

**Chairman Pro Tem Hancock** said, "Thank you. Joe, Item 2."

- 2. RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$4,000,000 PRINCIPAL AMOUNT OF TEMPORARY NOTES, SERIES 1998-1, OF SEDGWICK COUNTY, KANSAS; FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF CERTAIN INTERNAL IMPROVEMENTS OF THE COUNTY; AND PRESCRIBING THE TERMS AND DETAILS OF THE NOTES.**

**Mr. Norton** said, "I think we can probably just read the first clause there and save some time. These notes fund 16 Capital Improvement Projects in the County which has previously been authorized by the Commission and contained in your Capital Improvement Program. The allocation on the screen before you are those 16 projects. Again, we've also submitted this note issue of \$4,000,000 to the same three rating agencies in New York. Moody's Investor Services rates the Mig-1, Standard and Poors SP1+ and Fitch F1+. These are the highest ratings achievable on short term financing.

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“Five syndicate bids were received on the notes. They were from: UMB Bank, Kansas City; Nations Bank; Zions First National Bank of Salt Lake City, Utah; First Albany Corporation, New York; and Piper Jaffray, Minneapolis. As you can see the winning bank was by First Albany Corporation, New York, with an average rate on the six month short term note of 3.72175%. Again, wonderful interest rates for the Capital financing projects. Be happy to try and answer any questions that you have. Otherwise, we recommend that you award the notes to First Albany Corporation and adopt the Resolution authorizing the issuance and delivery of those notes.”

**Chairman Pro Tem Hancock** said, “Okay, thank you, Joe. Commissioners, any questions? If not, the Chair would entertain a Motion.”

**MOTION**

Commissioner Winters moved to award the sale of the Notes to First Albany Corporation and that we adopt the Resolution as prepared.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Pro Tem Hancock** said, “Thank you. Thank you Joe. Good work everyone. We appreciate it.”

**Chairman Pro Tem Hancock** said, “Is there any further business for this Regular Meeting? If not, we stand adjourned.”

**L. OTHER**

**M. ADJOURNMENT**

**Regular Meeting, April 8, 1998**

There being no other business to come before the Board, the Meeting was adjourned at 10:45 a.m.

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

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**MARK F. SCHROEDER**, Chairman  
Fifth 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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**THOMAS G. WINTERS**, Commissioner  
Third District

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

ATTEST:

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**James Alford**, County Clerk

APPROVED:

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