

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

MARCH 18, 1998

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, March 18, 1998, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Mark F. Schroeder; 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. Jarold D. Harrison, Assistant County Manager; Mr. Daryl Gardner, County Controller; Mr. David C. Spears, Director, Bureau of Public Services; Ms. Mary Anne Nichols, Personnel Director; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Marty Hughes, Grants Manager, Accounting Department; Mr. Doug Russell, Director, Department on Aging; Mr. Tom Kimbrell, Program Director, Juvenile Intake and Assessment; Dr. Corrie L. May, Coroner-Medical Examiner, Forensic Science Center; Mr. John Nath, Director, Kansas Coliseum; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Linda M. Leggett, Deputy County Clerk.

GUESTS

Mr. Jim Schaefer, on behalf of applicants, Mr. & Mrs. Farmer
Mr. Tom Farmer, 14126 Valley Hi, Wichita, Kansas
Mr. Bob Kaplan, on behalf of Jay Russell
Mr. Jay Russell, 12600 West 13th Street, North, Wichita, Kansas
Ms. Nadine Reimer-Penner, Hospice, Inc.
Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell
Mr. Jerry Jerrick, Crew Chief, Department of Public Services
Mrs. Deanna Farmer, 14126 Valley Hi, Wichita, Kansas

INVOCATION

The Commissioners observed a moment of silence.

FLAG SALUTE

ROLL CALL

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

Regular Meeting, March 18, 1998

RETIREMENT

A. PRESENTATION OF RETIREMENT CLOCK TO JERRY JERRICK, CREW CHIEF, BUREAU OF PUBLIC SERVICES.

Ms. Mary Anne Nichols, Personnel Director, greeted the Commissioners and said, "It is my honor today on behalf of the Board to present a retirement certificate to Jerry Jerrick. Jerry is a Crew Chief with Public Services and will retire April 1, 1998 after 30 years of service. Jerry was hired on October 2, 1967 as a Paint Stripe Operator, promoted to Equipment Operator II on March 1, 1969, reclassified to Utility Foreman Traffic Signs on March 1, 1972, reclassified to Traffic Aid III on April 25, 1974, became a foreman on April 10, 1978, and then became a Crew Chief on January 1, 1984.

"Jerry tells us that he plans to spend time with his wife, his five daughters and eight grandchildren. Jerry says that he has lots of things that he put off that needs to be done and plans to do some traveling. He has worked in the sign shop 30 plus years in charge of two departments, the highway paint crew and the welding crew. Jerry says that he has made a lot of good friends through the years with other employees and he especially likes working with David Spears. We want to wish Jerry well in his retirement."

Chairman Schroeder said, "First of all, two things I want to say, God bless you for having five girls. The other is I don't believe the part about David Spears. On behalf of the Board of County Commissioners we want to extend our gratitude to you for your years of service to Sedgwick County and its citizens. We hope the best for you in your retirement."

Mr. Jerry Jerrick said, "Thank you. I enjoyed working for the County. I made a lot of good friends at the County. Like I said, I liked working with David Spears, he was good to me. He was there when I needed him. I had some other good bosses. I've seen a lot of County Commissioners come and go in my life time and I saw a lot of engineers too. There was a good bunch and I enjoyed it there. Thank you."

Chairman Schroeder said, "Next item please."

Regular Meeting, March 18, 1998

DEFERRED ITEM

B. PUBLIC HEARING REGARDING CASE NUMBER V-2053 - REQUEST TO VACATE A CONTINGENT DEDICATION OF VALLEY HI STREET EAST OF CITYVIEW STREET, GENERALLY LOCATED SOUTH OF MAPLE AND WEST OF 135TH STREET WEST.

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "If you'll fasten your seat belts here. This is an advertised public hearing item. It was continued from three weeks ago when the attorney representing the applicant was ill and requested a continuance of the one planning agenda item. But since we have attorneys on both side of this issue it will probably take longer than the usual planning item.

SLIDE PRESENTATION

"The case concerns property in the O'Dell-White Addition, Lot 2 of the O'Dell-White Addition. This is the O'Dell-White Addition and it is in about the middle of the section that lies between Kellogg on the south, Maple on the north, 135th and 151st Street. It is in the County but the land to the east and the south is in the city limits. It has recently been annexed and it is part of the proposed Auburn Hills Golf Course and single family lot development that I'm sure you read about. There is a 35 foot strip that provides access to this sort of panhandle lot back here, lot two, and the entire frontage of 35 feet of lot two from that south property line is labeled on the plat and noted as a contingent right-of-way dedication. This plat was recorded in 1975 and the purpose of the contingent right-of-way dedication, and it's not uncommon in platting activity when we are in a developing area to try to protect the ability for internal areas to develop in an orderly fashion and prevent land from being landlocked. The idea was to maintain half of a right-of-way so that at some point, if needed, and the owner to the south provided, and the language is very clear on this in the dedication, a like amount of right-of-way, an equal amount of right-of-way in terms of width and along the entire length if that was needed for the development of the tract to the south then the contingency would be triggered and that right-of-way would be available to be able to create a street. That would be half from this property, O'Dell-White Addition Lot 2, and half on the property to the south.

"The owners of Lot 2 are asking at this time to vacate the contingent right-of-way dedication, that 35 feet of contingent right-of-way. They believe it is an encumbrance on the property. They would like to maintain their privacy and have concerns about how the area might develop to the south. So they would like you to vacate this contingent right-of-way.

Regular Meeting, March 18, 1998

“The request is being opposed and you’ll hear about that by the owner of the property to the south, who believes they need to protect the possibility that that contingent right-of-way may need to be triggered and they may need to use it in the future. The Planning Commission approved a preliminary plat. This is not the preliminary plat but this is a contingency that the owner to the south has said if he can’t do what he would really like to do then this is his plan B and that would be the possibility of dedicating as part of the plat the other half of the right-of-way and then fronting lots on that street. There would be access, Valley Hi Street it is called, there would be access for both properties to the north as well as the proposed lots to the south.

“What the applicant I think would prefer to do and what was submitted as a preliminary plat and approved as a preliminary plat by the subdivision committee of the Planning Commission is only using the very eastern portion of that half street contingent right-of-way as part of the development of the street system. This is the Auburn Hills Golf Course and that land has been pretty well set so there is not a lot of movement that is possible at this time. But that would be needed to provide access otherwise into this tract so that lots instead would be backing up to this area. The two owners attempted to negotiate an agreement on the dedication of the acquisition of that little piece of right-of-way. In fact, as this went through the public hearing process with the subdivision committee and the Planning Commission, there were deferrals and there were attempts to try to get the two sides together to see if they could work out what seems to be the most appropriate solution. The two parties were not able to come together on that issue and so the applicant continued to request that the 35 foot be vacated, the contingent right-of-way be vacated. The subdivision committee and the Planning Commission both heard this case and they recommended denial and they filed the staff recommendation to recommend denial. Those votes were unanimous. Basically we feel that the purpose of a contingent right-of-way is to protect the options for the future and that until we know how this area to the south is going to be developed, it would be premature to close out that option and not have this right-of-way available for the development of the middle of this mile section. When you look at vacation cases, the State law says that you must find that the public will not suffer loss or convenience and that private interests will not be injured. We do have the party to the south claiming that their rights will be injured by the premature vacation of this 35 foot contingent right-of-way and we agree with them in this case.

“The request went to the City Council because it is within 3 miles of the city limits. In fact, it touches the city limits. The City Council also heard the two parties to this and voted unanimously that the vacation request be denied. The County Counselor has prepared vacation order for you and it is in order to deny the requested vacation based on the fact that we can’t say at this time that there is no loss in public convenience and that there is no injury to private interests. I’m sure the County Counselor and I may have question either from you or after the testimony from the opposing sides on this issue. I’ll be glad to answer any questions that you have.”

Regular Meeting, March 18, 1998

Chairman Schroeder said, "Okay, thank you, Marvin. I think Commissioner Miller has a question."

Commissioner Miller said, "I just left my light on from earlier, sorry."

Chairman Schroeder said, "That's all right. Okay, Commissioners anyone have any questions? If not, at this time we'll open the public hearing and anyone who is in favor of this item please come forward."

Mr. Jim Schaefer said, "I'm appearing here on behalf of the applicants in this, Mr. & Mrs. Farmer. As Marvin said, this matter was deferred from two, three or four weeks ago, whenever it was, at my request because I wasn't there. If my voice sounds bad, that's because I had some surgery on my neck and that is why I wasn't here then. It still sounds bad so excuse me on that.

"First off, I can't pass up an opportunity to chide the County Counselor a little bit. I think as far as we're concerned he is premature in the preparation of his order to deny this application. But be that as it may, this case has somewhat of a long history, more so than probably it deserved. Let me give you a little background on this thing without yet referring to the particular drawings that have been shown on the screen.

"The Farmers have attempted, as Mr. Krout said, to negotiate some sort of a settlement on this thing with the property owner to the south of their property. There have been a lot of discussions with them. There have been some discussions between myself with my clients and the owners of the property to the south to work out an amicable settlement to this thing and quite frankly what you see up there right now has been the position of the Farmers as something they could agree with. We have told the owners to the south that and that presents not a great problem to the Farmers' property and the Farmers' personally. However, every time we thought we had an agreement with it we got another string attached to it and we're back to square one.

"Now, I'd like to go back to one of the earlier slides here and I'm not sure how you get there Marvin. I'd like to point out something on this that I'm not sure real clear. Number one, that 35 foot strip that you see there in fuchsia or magenta or whatever color it may be is in fact a part of Lot 2. It is not a dedicated road in any matter, shape, or form. It is part of Lot 2. It is the driveway for Lot 2 and for Lot 1. So I want to make this very clear as far as the argument I'm about to make here in a little bit from the legal standpoint on this thing. There is no street there, no street whatsoever there at this very moment. That is private property. It is owned by the Farmers. They pay taxes on it. It is theirs.

Regular Meeting, March 18, 1998

“Now, they have requested a vacation on this simply because of the development that has been taking place around them and the very much uncertainty about what that development is going to be. There is a plat that has been submitted, a preliminary plat mind you, and that is all it is, that has been submitted and approved by the Planning Commission for some of the area surrounding this particular piece of property. That is the slide that you were looking at a moment ago and I would like to bring that back again if I could Marvin.

“You’ll notice that up in the right edge of that strip there is the Farmers’ property. A portion of that is being used. Now that is the plat that was submitted to the Planning Commission and preliminarily approved and while the Farmers aren’t all that happy with it they can live with it, they do not object to it, and they would to this day agree to that with the property owners to the south. However, we’ve not been able to get that reduced to writing. I heard the beeper, I don’t know what that tells me.”

Chairman Schroeder said, “Go ahead.”

Mr. Schaefer said, “From a purely legal standpoint on this matter, I want to anticipate a little bit because there was filed by the property owners to the south what they called a protest to this matter. I want to comment on that particular protest item if I can find it, I just had it in my file. They wrote a letter addressed first off to the County Clerk, which the statute they cite requires wanting to protest this. I was not copied on that letter but I did eventually receive a copy of it from the Planning Commission staff. In that letter they state that they are protesting this particular vacation proceedings as shown on the attached exhibit. The attached exhibit, on the copy I received, was not attached to the written protest but however I understand that it is the same as this particular preliminary plat here showing a small portion of that road owned by the Farmers to be used in conjunction with a proposed plat to the south. Now the owners of that land have never committed to this layout. We’ve attempted to pin them down to it and they’ve never committed to it, still won’t commit to it. They say well we don’t know what we’re going to do with it. We may sell it to somebody else or we may do this or we may do that. That is of little consolation to the Farmers quite frankly who have owned that property for a number of years and made it their home. They would like to be a little more assured of what use is going to be made if any use and they have not been able to get that commitment from the owners. In any event, the statute cited, I think it is misplaced by the protestant on this particular matter is KSA 58-2614. Now that statute was amended in 1997.”

Chairman Schroeder said, “Mr. Schaefer, how much more time do you think you’ll need for your presentation?”

Regular Meeting, March 18, 1998

Mr. Schaefer said, "Probably going to take me another ten minutes."

Chairman Schroeder said, "Everybody support that?"

Mr. Schaefer said, "It is a little complicated."

Chairman Schroeder said, "All right, thank you."

Mr. Schaefer said, "Thank you. This statute states in part, 'when only a portion of a street, alley, or public reservation is proposed to be vacated the petition shall not be granted if a written objection is filed with the County Clerk by any owner of land which adjoins the portion to be vacated.' Now I think there are several operable words in here. When only a portion or a street, alley, et cetera, there isn't any street, alley or anything else there. You can't vacate a portion if there isn't a street there and there is none. It is only a contingent dedication and that contingency has not as yet come into fruition. So it is impossible to vacate something or protest the vacation of something that doesn't exist.

"To give you a little history on that statute. That statute is not new, it has been on the books since about the early sixties some time. If you'll recall, I don't know whether you were all on the Commission or not, but it used to be that all vacations of streets, alleys, or any portion thereof were presented ultimately to this body, the County Commission because the County Commission in fact owned all those streets, alleys, or what have you. You had to go get, if it was inside the city limits, you had to go to the City and get their consent to vacate but the ultimately responsibility for vacating all streets in or out of the City was with this body. Now a few years ago and I can't tell you exactly when as time flies as we all know, this statute was amended and the legislature in their great wisdom took that vacation authority away from the County and gave it to the cities. So cities, if it is inside the city limits now can vacate their own streets. If it is outside the City and the County then it has to come to this body as this one has in this particular case. So the statute, there is nothing new under the sun as far as it is concerned. It still says a portion. Historically the reason for that statute was so that some people in say half of a block couldn't come along and say I want to vacate this street or alley and leave the people on the other end of the block hung out to wash so to speak with no place to go on through. So that is the reason the statute is written the way it is, any portion. We're not talking about any portion. Number one, there isn't a street to vacate. Number two, if we're talking about a contingent dedication as we are, we're not talking about a portion of a contingent dedication we're talking about the whole dedication. One end to the other.

Regular Meeting, March 18, 1998

“So the problem is with that statute in mind I think you can quite frankly ignore the protest because it is just totally not applicable to this situation. Since it has a direct effect on these people’s rights, that statute would be strictly construed I’m sure by any court to mean just exactly what it means. It is an all or nothing proposition.

“But since we have never been able to get any commitment out of the owner to the south as to what they propose, what it boils down to is that they are sitting there and telling the Farmers, well you sit there and warehouse that property for me for a few years until I finally decide what I want to do and then maybe I’ll take the property and maybe I won’t. Well that is again as I say of very little consolation to these particular people. What brought this whole matter to a head was that one of the early ideas they had, which I don’t think there is a plat here, showed a street running right into the Farmers’ driveway. Well that did concern them a little bit and I think rightfully so. That is what precipitated this proceeding is when they saw all these various ideas coming and going and they didn’t know how it affected their property. So they are naturally and rightfully worried about how this is going to effect their property. And I’ll tell this body the same as we told every other one. If this is what they want to do we’re happy to work with them. But to just sit there and say no we’re not going to talk to you folks, that is not what I call a negotiation. Now I guess I am through. Mr. or Mrs. Farmer would also like to address the Council on this because they have been more intimately associated with it even before I got involved in this. I’d like to at this stage turn the microphone over to them. However, I do want to urge you, I think this is a valid vacation. I think they have a very good solid reason. I don’t think there are any public rights that are going to be endangered because certainly if we follow their own plan that they’ve submitted to the Planning Commission and had approved, where’s the public rights. They’ve got access the way they wanted it. That’s the way they said they wanted it, fine, let them use it. But don’t keep these people hanging out to wash here where they are going on this. I don’t think that is fair. I’ll let Mr. or Mrs. Farmer take it from here. Thank you all.”

Chairman Schroeder said, “Thank you. Mr. or Mrs. Farmer.”

Mr. Tom Farmer said, “I’m co-owner of the property at 14126 Valley Hi Road. My wife and I have lived there for over eleven years. It was before the end of last year that Mr. Russell came to our house and asked us if he could talk to us a little bit so we went out in the back yard and he asked if we would sell a corner section of our property. He said the golf course was being constrained and he needed some more land. He said he would hook us up to city sewer and water if we did that.

Regular Meeting, March 18, 1998

“We went out to the portion that he was talking about and were trying to get an idea or how much land was he talking about. We’ve invested a lot of time and effort on the property and have it bordered with cedars and pine trees that we got from the County Extension Office and have kind of a privacy area that is developing. When he went out and waived his arm, it was probably 3/4 of an acre. It just shocked us because on paper he was just showing a real small sliver. We told him, we don’t know, we need to think about it. This was on a Saturday and he said he wanted our answer on Monday. We didn’t know who to talk to and we did some talking around and we had a family issue come up and we didn’t get back to him until Wednesday and we told him no. At the time he talked to us he says okay, this is just an option. If you decide not to, I’ll go to the landowner on the opposite side of the golf course and ask them so we can spread those ranges out a little bit. At the time we told him no he was pretty dissatisfied with our response. At that point we looked into the contingent dedication and our feeling was that we should go ahead and have it lifted. That if we wanted to allow him to have a portion of the road and what he is showing here is a portion, that the contingent dedication to our understanding has to be lifted anyway. It has to be lifted and reverted to private property with clear title for us to sell whatever portion of land to the developer that he needs for the development. But in that process what we’re striving for is a win win situation. Right now we have no controlling voice in how much road the developer is saying he needs for the development.

“We feel that we are giving up the privacy that we’ve invested a lot of time and energy in and then we have questions that if they would exercise the full contingent dedication which the agreement was established for that right now we’re in the County and so half of the road, 35 feet, half of the road would be City, and the other 35 of the whole length would be County and we have questions on how that would be maintained. It has been clear by the developer and us that we would really prefer, if we have to give up any portion of the road, this is what we would prefer and we’d like to get it locked in and we think the way to get it locked in is to lift the contingent dedication, sell the portion of the road that he wants and lock it in. We don’t want to get drug into the taxation issue in terms of what is connected to the development of Auburn Hills and we want to have some controlling voice in the agreement. So that is what we are after. Any question I’d be glad to answer those.”

Chairman Schroeder said, “Thank you, Mr. Farmer, I see no questions. Appreciate you being here. Next speaker. Anybody else like to speak in favor of this item? If not, Mr. Kaplan.”

Regular Meeting, March 18, 1998

Mr. Bob Kaplan said, "I'm here on behalf of Jay Russell on Auburn Hills. There are almost too many problems with this to discuss, both on merits of the application and also on law. First of all, the application is obviously premature. The time for this discussion is when Mr. Russell prevents his final planned unit development. When it comes up for hearing before the Planning Commission we will get into subdivision at that time, we'll have Planning Commission hearings, and we can then discuss the roadways, the vacations, and all of the matters that will be of interest to both Mr. & Mrs. Farmer and Mr. Russell, including the possible dedication or vacation or utilization of this street. This is simply not the time to do it. It is clearly a premature application.

"Number two, as far as the merits are concerned, there is absolutely no justification for this request. Why do they want it done? What reason? What justifiable reason is there to do the vacation, either legal or if not legal then nonlegal? There is not even nonlegal justification much less legal justification. They simply have no reason to do it other than they simply don't want it any more and I assume would like to make a deal with Mr. Russell to buy it. So you have no justification before you.

"Thirdly, even if it is vacated, and I don't know how to get back to the previous one, the street on the west is City View and somehow you are going to have to access these properties. Even if the vacation should be granted you've got to leave a private right-of-way or a private roadway through there because the street on the west is City View and you've got to come from the west to access their tenant property, the other house there and what are you going to do about public safety? What if there is a grass fire out in that area, how do we get a fire truck in there if we don't have a right-of-way of some kind. That is soft marshy ground and I suggest that if you go out there now you're not going to be able to walk across it, much less drive something as heavy as a fire truck across the grass field. So you have to have access for public safety and regardless of the vacation or not, somebody has got to maintain an access there. It just can't go away, otherwise the gentleman, the tenant can't access his property, it is going to be landlocked. So even if vacated he has to provide some kind of private access. He is not gaining anything. Obviously under the statutory requirement, that private rights will not be injured. You can't make that determination at this time that the public will suffer no loss or inconvenience. You can't make that determination. You've got no evidence before you to make that determination on.

Regular Meeting, March 18, 1998

“Finally, to be very brief, the new Senate Bill 232, which is 582614, which was just passed, actually absolutely prohibits the vacation of a right-of-way over the protest of an adjoining neighbor. I’m not going to stand here and make legal arguments to you. You’re not judges and there isn’t any point in doing it. I feel very rib rock solid, I talked to the County Counselor. I think the County Counselor is in concurrence with my position. Statutorily you cannot do it. This is a new statute that came about, it was a rider on Susan Waigle bill, if you all remember the dispute we had in Andover with the Flint Hills thing. When that Flint Hills bill was passed to allow Mr. Devlin to de-annex from the City of Andover, that was a rider to this bill. The pertinent part of this bill is that if a protest is made to the County Clerk by an adjoining land owner then statutorily the governing body does not have the authority to vacate. That is a controlling statute. Obviously Mr. Farmer and I disagree on it but the intent of the legislature is to be sure that an adjoining landowner does not lose his access by the property owner on the opposite side of the road vacating his roadway.

“There are just too many problems really to discuss in detail. Legally you can’t do it. On the merit you can’t do it, 2614, the statutory requirements are not met, there is no evidence before you, you can act upon. I would suggest that Mr. & Mrs. Farmer come up with their request at the time that we’re in front of the Planning Commission when we complete the Auburn Hills PUD and get a little further along. That is the time this all can be discussed.”

Chairman Schroeder said, “Okay, thank you, Mr. Kaplan. Questions for Mr. Kaplan? See no questions. Anyone else like to speak to this item, deferred Item B? Mrs. Farmer, please come forward.”

Mrs. Deanna Farmer said, “I just want to let you know that this all came about when Jay Russell requested some property to expand for the golf course and so we wanted to work with him. We’ve asked for the request to vacate this dedication and that is what we were told would be the correct procedure because this was private property. So that is why we’ve taken the course that we’ve taken. As far as the road being unable to handle heavy trucks, BF was out and picked up our trash yesterday and they did fine. We’ve had two fire trucks back there, one was lost and another came back for a grass fire. They turned around in our driveway, there was never a problem. The road is really in good shape and they’ve never had any problem coming back there.”

Chairman Schroeder said, “Thank you. Anyone else like to speak? Mr. Schaefer very quickly.”

Mr. Schaefer said, “Mrs. Farmer answered a couple of questions. They’ve maintained that and kept the road in good shape for their own use and so to say that it is soft marshy ground and all that is a bunch of foolishness. But one thing I want to say, this is a typical developer’s approach. Let’s wait and do it at a later time. You know those things cost money. You keep going to meetings.

Regular Meeting, March 18, 1998

“You keep going to meetings. You keep going to meetings. These people have to work. This is a solution to the immediate problem. It would solve their problem if they would just agree on, finally agree on what the Farmers and the developers to the south and east have said they agreed with at one point. To keep putting somebody off is not a solution to a problem and that is what they are telling the Farmers here. You keep coming back and pretty soon maybe we’ll decide what we want to do and then we’ll talk to you. One final point. This plat, which has never been approved or submitted or anything else as far as I know is just one of many that they keep throwing up to the planning hopper up there. That’s the one I talked about before, when they proposed a street running right into their driveway. So you know it keeps going on and on and this is a way to bring this to a conclusion. Let’s get it off of the table and if they want to talk to the Farmers, it is said many times, it is all spread in the records of every authority around and we’ve said it here again today, we’d be happy to talk to them about that, but we need some definitive answer to it. Thank you.”

Chairman Schroeder said, “Thank you. Anyone else like to speak to this item? Please come forward.”

Mr. Jay Russell said, “I’m the land owner to the south. I want to point out that this contingent dedication has been there since 1974. It was put there for a purpose with the type of planning that we’re used to seeing that the Planning Commission did back in 1974. It is there for the purpose of the land to the south to utilize that street when that ground gets developed. At the time that we went and purchased this ground the Farmers had the first right of refusal on this property. We had to wait a couple of weeks before we could buy this property from the Whites so the Farmers could make a decision on whether or not they wanted to buy it. They chose not to buy it. Now the situation that we’re in is strictly control. They want to control me and tell me how I’m going to design those roads and what I’m going to do with that property. We have a commitment to the City to build 800 houses out there around that golf course in the next eight or nine years and that piece of property is in the middle of the way the development is going. We’re starting from the west on 151st, coming to the east, then we’re starting from the east over by Maple and east of 135th and that is right in the middle and will probably be the last phase of the project. But we had to go buy those amounts of acreage of ground in order to dedicate the golf course property to the City. Our position is that we don’t have a problem in discussing with them what we might do with that property but it is just too early to pin us down to what we have to do with that property just so that they will have a peace of mind of what we are going to do. Again, we don’t have a problem talking to them in the future but we just don’t feel like we should be dictated to on what we do with it right now. We will be using that contingent road dedication of some type of the future. Thank you.”

Chairman Schroeder said, “Thank you. Other speakers? Anyone else like to speak to this item? If not, we’ll close the public hearing and limit discussion to bench and staff. Commissioner Winters.”

Regular Meeting, March 18, 1998

Commissioner Winters said, "Marvin, I have a clarification from you. The wording in our material is confusing. Under our agenda item today it says approve the vacation order to deny so that is a little confusing. Then in the back-up under the MAPC recommendation, approve and then under the staff recommendation approve. But that word approve does not mean what it would normally mean does it?"

Mr. Krout said, "No. We would have said deny. The intent is to say deny the vacation request. The way to do that is apparently you have to approve a vacation order whether you are denying the request or approving the request so the County Counselor has drafted an order just like we draft resolutions to represent the Planning Commission's recommendation, this is a vacation order that denies the vacation request. So it is approving the vacation order but the order is to deny the request."

Commissioner Winters said, "Okay, so the action of staff, action of MAPC when they heard this was both to recommend the denial of this vacation."

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

Commissioner Winters said, "I have a question for David Spears from an engineering standpoint. David, I know a lot of times when we do projects or are involved in projects where we are often acquiring right-of-way, from an engineering standpoint do you have an opinion or thought about this request?"

Mr. David Spears, Director, Bureau of Public Services, said, "Four points I would like to make on this and our staff has looked at this pretty carefully. The purpose of contingent street dedications are to ensure that public street access and efficient emergency access can be provided to all properties in a developing area. That is one point. Second, in this case a preliminary plat has been submitted on the adjacent property that proposes to use a portion of the contingent street right-of-way. In this way, actual public street access can be provided to Lot 2, Block A, O'Dell-White Addition as part of the new development. This property does not currently abut a public street. Point three, a vacation of contingent street right-of-way should not be considered until all areas that are adjacent to the contingent dedication have been platted and appropriate public street access has been provided and last this case should be denied until the adjacent plats have been completed and filed."

Commissioner Winters said, "So in your estimation, this is the timing situation again."

Regular Meeting, March 18, 1998

Mr. Spears said, "Yes, sir. Since the contingent dedication has been there since '74 or '75 and it has been there that long and we don't see if you wait one more year, that doesn't make that much difference to see what is going to happen with the adjacent land."

Commissioner Winters said, "From an engineering standpoint you often times get in the process of trying to acquire additional right-of-way for streets and roads and this would be a case of asking us to give back or to vacate what could potentially be used as a road."

Mr. Spears said, "Well yes, that's a possibility sir."

Commissioner Winters said, "That's all I have right now."

Chairman Schroeder said, "Okay, thank you. Commissioner Miller."

Commissioner Miller said, "Thank you, Mr. Chairman. I just have some basic questions of probably both Marvin and from Counsel. In terms of vacation, I'm hearing that it is premature. I'm hearing two things, that the vacation is premature and I'm also hearing from the individuals that would want to vacate that the protest should be ignored. I think their counsel referred to some statutory reasons. Can you shine any light on that, the last statement that I made. I think I understand the argument fairly well for the prematurity of vacating this property now, but to ignore the protest from the other perspective, the other view point."

Mr. Richard Euson, County Counselor, said, "The statute says when only a portion of a street, alley, or public reservation is proposed to be vacated the petition shall not be granted if there is a written protest filed with the Clerk. The point that Mr. Schaefer is trying to make is that this request for vacation does not involve a portion, it involves the entire street contingent right-of-way. His point is that there isn't a street there and of course that points out the difficulty in trying to deal with this case is that there isn't a street there. The idea behind this and a condition of the contingent dedication is that the adjoining owner to the south will dedicate a strip in equal width and length to hook up to and adjoin the contingent dedication so that you will have 35 feet on each side and a 70 foot right-of-way if the contingency comes into effect. The concept is that the adjoining landowner will have to dedicate a portion on his property in order to use the portion that is on the petitioners property. I think it is a complicated case and I think it is probably arguable that this does envision only a portion of a street to be vacated because the idea is to have the full 70 feet not just 35."

Commissioner Miller said, "How does the fact that this is a preliminary plan or is it a preliminary plat actually or a preliminary plan, Marvin?"

Regular Meeting, March 18, 1998

Mr. Krout said, "The Planning Commission, the subdivision committee of the Planning Commission approved a preliminary plat."

Commissioner Miller said, "So it is a preliminary plat."

Mr. Krout said, "They realized that right now the property owner to the south doesn't have the ability to dedicate that little strip of land that is on that eastern side without some sort of conclusion to the discussions that have gone on. He doesn't own that property right now so that plat can't be approved as the final plat without either the owner to the north agreeing to it in the future or without him reverting to a plan that looks more like the one that is on the screen today."

Commissioner Miller said, "A contingent plat, we've had a contingent plan to build a road or when we talk about back in 1980, how far back do we go?"

Mr. Krout said, "1975 is when the plat was recorded."

Commissioner Miller said, "'75 that we've known that there was a possibility that we're going to have to yield right-of-ways to build roads, more than likely in this area. That's been on the book since 1975, is that what you're saying?"

Mr. Krout said, "That's right. Then the Farmers would have bought the property about 11 years ago knowing that there was this encumbrance that was on the property."

Commissioner Miller said, "And I was listening to Mr. Russell that the Farmers had an opportunity to purchase some property, what was all that about?"

Mr. Krout said, "I think that the Farmers had an opportunity to purchase this property to the south that is now being proposed for single family lot development. I don't know the details of that though."

Commissioner Miller said, "In order to keep it within their control totally is what I'm assuming. Is that true Mr. Russell? Okay. I'm simply trying to get a real understanding and feel for the contingency plan that recognized early that there was the possibility or potentiality that we would have to place a road here and that right-of-ways would be yielded with the fact, the actual is that there is no road there, that this is a contingent plan. Simply trying to weight what is most important in front of us as far as decision making today Mr. Counselor."

Regular Meeting, March 18, 1998

Mr. Euson said, "In my opinion that makes this very difficult. You do not know what the subdivision committee is going to approve, what the MAPC is going to approve, you don't know the configuration of the plat on the property owned by Mr. Russell. So it seems to me that it is probably pretty difficult for you to determine the elements of the statute that you're required to determine and that is whether there is loss or inconvenience to the public and whether any private rights be injured or endangered. The MAPC may well come up with an idea for a plat that determines that contingent 35 feet is not necessary. It may well come up with a plat that determines that a portion of it is necessary. It may come up with a plat determining that all of it needs to be used. Those facts aren't before you so it is no wonder that you're having some difficulty with it. That's an unknown."

Commissioner Miller said, "Would it be possible once some of these decisions are actually made and confirmed that this property would still be vacated or no?"

Mr. Euson said, "I think that's a possibility. I think a plat could be brought before you wherein none of the length of the street would be needed. I think it possible that a plot be brought before you where only a part of the street is necessary."

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

Chairman Schroeder said, "Thank you. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. Rich, as I understand it, when we're required to order a vacation, whenever we find that the following three elements exist, that due and regular notice has been given, that the public will suffer no loss or inconvenience by such vacation, and further that no private rights will be injured or endangered if the vacation petition is granted. If I find those things then I have to grant a vacation, is that correct?"

Mr. Euson said, "That's what the statute says, yes. Unless there is a protest involved in a portion of the part to be vacated."

Regular Meeting, March 18, 1998

Commissioner Gwin said, "Okay. So I can check off that item one exists because I'm pretty sure due and regular notices have been given, otherwise we wouldn't be hearing from Farmers and their counsel and from Mr. Kaplan and Mr. Russell. I don't know that I can see that item two exists because if you're talking about a potential street, potential public road that has been planned or that has been anticipated for decades I don't know that I'm comfortable that number two exists. I believe the public very well would suffer a loss or inconvenience if we granted this vacation. Further, that when . . . I think private rights may in fact be injured or endangered if you don't allow this development to occur in an orderly fashion and allow the ingress and egress that this development and others are going to use. I can't find from what I hear today that two or three exists. I think the public would suffer and I think private rights would be injured if we approved this. I think I'm going to follow the lead of the Planning Commission and the City Council on this issue. I understand that there is a lot yet to be determined but when it comes to the vacation and what the law tells me I have to do I only find that one of those three elements exist today as I review it. Thank you, Mr. Chairman."

Chairman Schroeder said, "Thank you. Marvin, let me ask you this question for clarification in my mind. These people on the north side are not, I heard you say dedicate property, are they dedicating any of their private land outside of this purple easement there?"

Mr. Krout said, "That land was dedicated as a contingent right-of-way back in 1975. They are not being asked to dedicate anything more than that. They're asking to remove that 35 feet that is contingently dedicated, to remove that encumbrance."

Chairman Schroeder said, "Okay. So when we talk about the owners dedicating a portion, what are they dedicating?"

Mr. Krout said, "Well what was discussed in this plan, which was the plan that was approved preliminary by the subdivision committee but requires some cooperation, they would be vacating all of this area but dedicating that small piece to be a part of a street system for the Auburn Hills Development. I guess I would say from a standpoint of public interest, that I think if there is not a connection in one way or another at this location so that the property can be connected from Maple down to the internal area of the development and the development is restricted just to here, I think that does present some real problems for emergency services in the future. So it is desirable to try to have internal areas that have more than one way in and out for emergency services and in one way or another unless you protect this area either by maintaining the whole dedication or what you would be doing by denying is sending these two parties back to negotiation over the next period of time to see if they can continue to work out their differences. But from a public interest standpoint I think that maintaining that connection to this area is very important."

Regular Meeting, March 18, 1998

Chairman Schroeder said, "Is this is what this is intended to look like at this point, right here?"

Mr. Krout said, "That is what the developer would prefer to do. That is what his preliminary plat shows. That is what the applicants have told you that they would prefer over the other alternative which is a street and lots facing their homes. But they haven't been able to work out the details of what other strings may or may not be attached to that piece of land."

Chairman Schroeder said, "This is the developers preferred plan right here, that's what you're telling me?"

Mr. Krout said, "I think they are uncertain at this time. It is one of the last areas that they intend to develop. But it is the plan that they have submitted as a preliminary plat and was approved."

Chairman Schroeder said, "Okay, thank you Marvin. Other questions?"

Mr. Euson said, "For the benefit of the interested parties in the room and for the benefit of the public, I think it is important to say on the record that in response to Mr. Schaefer's concern about the preparation of an order. It is customary in planning cases for us to prepare an order that contains the findings and determinations of the subordinate bodies and that is a normal practice that we do. It is not intended to be a predetermination of a case or intended to influence the decision making of the County Commission. But we do like to have an order in front of you that is in conformity with the recommendations made to you. So that is the purpose of our preparing that order and no other purpose."

Chairman Schroeder said, "Okay, thank you, Mr. Euson. Commissioner Miller."

Commissioner Miller said, "Thank you, Mr. Chairman. I simply need to say that at the time I am inclined to be supportive of the two bodies that have yielded their recommendations to approve the actual denial and it is primarily based on the fact that as Commissioner Gwin has stated, for decades potentially there has been a plan in place knowing that there would more than likely be a road that would be placed here. Thank you."

Chairman Schroeder said, "Thank you, Commissioner Miller. Any further discussion on this item?"

Regular Meeting, March 18, 1998

Commissioner Winters said, “Mr. Chairman, I’m ready to make a motion I believe based on the finding of the MAPC staff and the Metropolitan Area Planning Commission and the fact that I believe that the timing is not right yet because it is still unknown what is going to happen to the south of this contingent dedication.”

MOTION

Commissioner Winters moved to approve the Vacation Order to deny the petition 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	Absent
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, “Thank you. I appreciate you all being here today. We’re going to take a quick break. Before we do that though we want to introduce two members of the Valley Center Leadership Class, Lois Elms and Karen Sevick. Welcome today. Glad to have you hear. I think you’ve seen a lot of what we do today. I hope that you learn something in the process. Welcome again. At this time we’ll take a five minute break.”

The Board of Sedgwick County Commissioners recessed at 10:10 a.m. and returned at 10:18 a.m.

Chairman Schroeder said, “We’re back in session. Next item please.”

Regular Meeting, March 18, 1998

NEW BUSINESS

C. RESOLUTION AUTHORIZING THE OFFER FOR SALE OF GENERAL OBLIGATION BONDS, SERIES A, 1998 AND TEMPORARY NOTES, SERIES 1998-1 OF SEDGWICK COUNTY, KANSAS.

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, “I will attempt to get high tech here now.

SLIDE PRESENTATION

“For your consideration this morning is a Resolution which will authorize the public sale of two series of obligations. One is a general obligation bond issue in the amount of \$27,750,000, Series A, 1998, and one in the amount of \$4,000,000 for temporary notes, Series 1998-1. If this Resolution is adopted we will work with your staff and proceed to authorize the sale of these obligations. For your information, there is a significant event calendar on the screen here before you. Of course the action today, to authorize the sale, we would then if approved prepare a packet and send that to the rating agencies. Those are agencies in New York City which provide financial ratings on the bonds and as you may recall we have three of those ratings now. We are AA-1 by Moodys, AA+ by Fitch, and AA by Standards and Poors, which is a very good credit rating for the County.

“In conjunction with that, we would also mail a preliminary official statement and notice of bond sale, which is the document which I’m showing you now which has been prepared by your County staff. The Bureau of Finance does an excellent job in compiling all this information. It contains the bid parameters for the bonds and notes, has demographic and financial statistical information about the County and includes the audit prepared by your outside auditors which was accepted last week I believe by the Board of County Commissioners. This is the information going to the rating agencies and perspective purchasers of the bonds and notes. We are also required by statute to publish a notice of sale of the bonds which will be done on the 26th. April 8 would be the date for receiving bids for these obligations in consideration of a Resolution authorizing the bonds and notes to be issued. We will then take steps to print the final official statement for these documents to Topeka for review by the Attorney General as required by statute and our exchange bonds and notes for money on or before May 8, 1998, depending upon closing arrangements.

Regular Meeting, March 18, 1998

“There are two projects proposed to be financed in the bond issue. One is the further extension of the courthouse adult local detention facility. This was preliminary financed in 1993, the net proceeds from that issue of about \$9,900,000 and we’re proposing a net amount of about \$26,120,000 in this issue which would be used together with the 1993 proceeds and interest earnings on the idle funds calculated by the Finance Department, about \$2,460,000 to complete the authorized project amount set forth there.

“Also, there is a second project which we have the economies of sale including in this issue. That is the Gilder’s Gardens-Gott Addition sewers. You may recall this is a project approved for financing last summer. There was some dispute and litigation involved in that which was resolved in favor of the County and now we have the opportunity to finance that basically with very little or no cost in combining it with this adult detention facility project. The amount of net proceeds on that issue would be about \$1,630,000. There are some prepaid special assessments and we anticipate collection of the assessments that were levied last November during calendar year 1998 so we’ve reduced the amount of borrowing by those prepaid special assessments, that’s the \$87,000 number there. The Gilder’s Gardens project, as is typical for special assessments that would be spread over a 15 year period and we’re financing the last 14 years. The adult detention facility project would be financed over a 20 year period.

“Before you on the screen now are 16 projects which would be included within the temporary note issue, the amount of \$4,000,000 and this is the allocation for that project. These projects have all been previously approved by the Board of County Commissioners and are in the process of having bids or are under construction and these amounts were based upon bid specs obtained by the Bureau of Public Services. We anticipate that this note issue and these projects would be completed during the summer construction phase and be included in the County’s summer bond issue usually done in August of every year. So this is interim construction financing to keep these projects going until we get the permanent financing, most of which we anticipate to be permanently financed this summer. One other thing that is included in the Resolution, since the large magnitude of the adult detention facility, the Resolution does provide an exception to that financing from the County’s normal debt policy of only a certain percent every year for capital projects. So that is included in your action also today. The Bureau of Finance people, Public Services are here to answer any questions and I’d attempt to address any questions you may have considering this Resolution.”

Chairman Schroeder said, “Okay, thank you, Joe. Questions or comments? I just have one for the staff, would you go back to the first slide. The courthouse local detention facility, \$38,500,000, I thought it was \$37,000,00, but it is \$38,500,000?”

Regular Meeting, March 18, 1998

Mr. Gardner said, "Mr. Chairman, the \$38,500,000 is the total not to exceed figure including issuance cost, construction, engineering, and design of the facility. The \$37,000,000 is the construction and engineering cost for the facility. Preparation is included in the \$38,500,000."

Chairman Schroeder said, "Oh, okay, I forgot about that."

Mr. Norton said, "The Resolution which you previously passed setting the parameters did have a \$37,000,000 figure on construction but not to exceed \$38,500,000 on the financing factoring in those extra costs. This is within the parameters of that Resolution that you previously adopted. Also, I might add for your benefit that one question may come up, why now? Obviously the project is under construction and additional funds are needed, but we seriously discussed this with the Finance Department and your management team. We are seeing a historically low interest rate over the 20 to 25 years in the general obligation bond market. No one ever knows what is going to happen between now and April 8, but we're seeing historically low interest rates and based on our best recent estimates, this would be a real good time to do long term financing because if we wait until the project is concluded we don't know what is going to happen with interest rates. I think this fits within the financial plan that you considered when you adopted the budget last summer."

Chairman Schroeder said, "We're refunding the earlier bonds?"

Mr. Norton said, "No, we're not. We're just showing that the \$26,120,000 from this bond issue, together with the net proceeds of the \$9,900,000 from the '93 issue and the interest earnings aggregate to \$38,500,000, showing the complete picture of where all the financing is coming from."

Chairman Schroeder said, "What was the length on the bonding of that almost \$10,000,000? Was that ten years?"

Mr. Norton said, "I believe that was ten years."

Chairman Schroeder said, "And we're going 15 on this?"

Mr. Norton said, "Twenty on this issue."

Chairman Schroeder said, "Okay, thank you."

Mr. Norton said, "We estimate that based on these interest rates and the structure of the issue it will be well within the parameters you established last year when you adopted your budget for debt services projects."

Regular Meeting, March 18, 1998

Chairman Schroeder said, "Okay, thank you, Joe. Other questions or comments?"

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. Before we go on to the next item, I've been asked to bring up an off agenda item since Joe Norton is here, Bond Counsel."

MOTION

Chairman Schroeder moved to take up an off agenda item.

Commissioner Winters seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. Mr. Euson."

Regular Meeting, March 18, 1998

Mr. Euson said, "Commissioners, we had received a request from Counsel to Commerce Bank to amend the County's bond agreement involving an Industrial Revenue Bond issue having to do with the 21st Street Senior Center. Back in 1995 the County issued its Industrial Revenue Bond in the amount of \$5,000,000 at an interest rate of 9%. Commerce Bank bought that bond and now Commerce Bank and the tenant under the bond lease have reached an agreement to reduce that interest rate from 9% to 8%. Since the County is the issuer of those bonds, the bond documents do require the County's consent. This is a matter that we can recommend for your approval. We don't think there is any difficulty in your doing this so I'll be happy to answer any questions that you have and Gilmore and Bell was the bond counsel involved in this and Joe Norton is also available to answer your questions."

Chairman Schroeder said, "Okay, thank you, Rich. Questions on this item? Let me just ask this, is there anybody here from the public that would like to speak to this item, you're welcome to come forward. Anyone from the public like to speak to this item? If not, Commissioner Gwin."

MOTION

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

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you, Rich. Thank you, Joe. Appreciate your being here. Next item please."

Regular Meeting, March 18, 1998

D. AGREEMENT WITH WICHITA BAR ASSOCIATION FOR USE OF LAKE AFTON PARK JUNE 6, 1998 TO HOLD A DUATHLON AND 5K RUN.

Mr. Jarold D. Harrison, Assistant County Manager, greeted the Commissioners and said, "This will be the fourth year for this event at Lake Afton Park. We have had pretty good success with this event and they're pretty happy with the arrangements at the park. We've coordinated the date with the Park Superintendent and it will be subject to receipt of a certificate of insurance. I might note that in spite of the fact this is with a group that represents a majority of the attorneys in this community this is a standard form agreement. We'd recommend your approval."

MOTION

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

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thanks, Jerry. Next item please."

Regular Meeting, March 18, 1998

E. CONTRACT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO PROVIDE OPERATING FUNDS FOR THE EXPLOITED AND MISSING CHILD'S UNIT.

Mr. Marty Hughes, Grants Manager, Accounting Department, greeted the Commissioners and said, "Before you this morning we have a contract with the Kansas Department of Social and Rehabilitation Services which has historically provided one third of the cost of a share of materials, supplies, and operating expenses for the Exploited and Missing Children's Unit. This contract renews, this cost share rate went with SRS through 1998, with annual options to renew until a time when either party terminates the contract. Based on the 1998 Exploited Missing Children's Unit budget, one third of the cost of operations for EMCU in 1998 will be no more than \$31,000, which would be SRS's share. We recommend that you approve the Contract and authorize the Chairman to sign."

Chairman Schroeder said, "Thank you Marty. Discussion on this item?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you, Marty. Next item please."

Regular Meeting, March 18, 1998

F. DEPARTMENT ON AGING.

- 1. LEASE AGREEMENT WITH T LE QUANG AND TUY LE TRAN FOR OFFICE SPACE LOCATED AT 2959 SOUTH HILLSIDE, WICHITA, KANSAS TO HOUSE CASE MANAGEMENT PERSONNEL.**

Mr. Doug Russell, Director, Department on Aging, greeted the Commissioners and said, "This Agreement is one of our five out station offices for case managers and it is down by Joyland, in that area. We've been there for a year and we're asking for renewal of a lease. We ask that you approve it and can answer any questions."

Chairman Schroeder said, "Thank you, Doug. Discussion on this item?"

MOTION

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

Chairman Schroeder said, "Thank you. Next item."

- 2. AGREEMENT WITH SUSAN GURLEY TO PROVIDE TARGETED CASE MANAGEMENT SERVICES.**

Mr. Russell said, "Commissioners, Susan is one of about a dozen targeted case management Medicaid case managers last year who took a maternity leave and is ready to return. We're glad to have her back if you can approve this."

Regular Meeting, March 18, 1998

Chairman Schroeder said, "Thank you. Discussion? It not, what's the will of the Board?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. Next item."

3. AGREEMENT WITH CITY OF PARK CITY, KANSAS FOR DISTRIBUTION OF UNITED STATES DEPARTMENT OF AGRICULTURE COMMODITIES.

Mr. Russell said, "Commissioners, this is one of those little agreements we have with individual cities and SRS to deliver peanut butter, cheese, fruits, vegetables, things like that. Garnelle Brayfield had done this for many years and decided to give it up in favor of simply growing older. So the City of Park City has agreed to do this. Thank you."

Chairman Schroeder said, "Thank you, Doug. Discussion on this item?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

Regular Meeting, March 18, 1998

VOTE

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

Chairman Schroeder said, "Thank you. Next item."

4. CONTRACT WITH AMERICAN RED CROSS MID-WAY KANSAS CHAPTER TO PROVIDE MEDICAL TRANSPORTATION.

Mr. Russell said, "This is an Agreement with the Red Cross that we've had for many years. They provide about 15,000 rides per year to frail older people to medical appointments and back. I can answer any questions and ask for your approval."

Chairman Schroeder said, "Okay, thank you, Doug."

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

Chairman Schroeder said, "Thank you. Thank you, Doug. Next item."

Regular Meeting, March 18, 1998

G. GRANT APPLICATION TO STATE OF KANSAS JUVENILE JUSTICE AUTHORITY.

Mr. Tom Kimbrell, Program Director, Juvenile Intake and Assessment Center, greeted the Commissioners and said, "I believe you have before you this morning a copy of the grant application for our fiscal year '99. I would be willing to entertain any questions that you have for me."

Chairman Schroeder said, "Okay, thank you. Discussion on this item?"

MOTION

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

Chairman Schroeder said, "Thank you. Is there a question?"

Commissioner Miller said, "A brief one, Mr. Chairman. Tom, in the back-up I'm just reading the additional enhancement which is to the tune of about \$382,000 for office assistance, follow-up and case management. When will we know on the additional because it is asking for continuation of current funding and then enhancement."

Mr. Kimbrell said, "I suspect we won't know until the end of the Kansas Legislative Session. To this point that I've been informed that we're probably not going to see any more funding for this year over what we got last year. But they wanted us to basically put together a wish list of what we thought we need to make the program more effective."

Regular Meeting, March 18, 1998

Commissioner Miller said, "And make it more public. Thank you."

Chairman Schroeder said, "Thank you. Next item please."

H. KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FUNDING FOR THE SUDDEN INFANT DEATH SUPPORT NETWORK OF KANSAS.

Dr. Corrie L. May, Coroner-Medical Examiner, Regional Forensic Science Center, greeted the Commissioners and said, "I come before you today with an issue that I've been involved with for over 20 years and that is the issue of Sudden Infant Death Syndrome. Just for our viewers at home perhaps a brief explanation on what SIDS is about. SIDS is the sudden death of a child less than one year of age that remains unexplained after an inspection of the death scene, a review of the medical history, and a complete autopsy. Now we're losing about 4,000 infants nationwide to this tragedy each year. In Kansas, about 300 infants die annually from multiple causes and about 35 to 45 cases of these are SIDS and yet Kansas is only one of four states that has no organized professional support system for these families.

"We have a proposal and some start up funding from KDHE to address these problems and I've asked Nadine Reimer-Penner from Hospice, Incorporated to explain to you briefly what those services are all about."

Ms. Nadine Reimer-Penner, Hospice Inc., said, "I too have been involved with working with families who have experienced infant death, both my previous experience in a hospital setting to currently with Hospice, Inc. One of the challenges historically has been because there has not been any kind of organized system for providing counseling assistance to families, education to health professionals that are providing services. Most of the former initiatives that have been providing services to families have failed really the primary responsibility to parents. That has been hard for them to maintain that over an extended period of time. We hope to change that by developing what we're calling the Sudden Infant Death Support Network of Kansas. What we're hoping to provide with those services is first of all a headquarters which would be operated with a 24 hour hotline. Currently that is being done by Kansas Children's Service League Parent Hotline. State wide, peer support meetings including home visits by trained professionals to not only parents but also grandparents, child care providers, and other groups that have been impacted. We also hope to do efforts in terms of prevention including the back to sleep campaign that is in existence as well as the SIDS Awareness Month. Then we hope to provide education for health care professionals for law enforcement, for EMS providers in terms of how to respond to a family who has been impacted by this sudden impact."

Regular Meeting, March 18, 1998

Chairman Schroeder said, "Thank you, Nadine."

Dr. May said, "I'd be happy to answer any other questions about our program. If not, I would recommend that you approve receipt of these initial funds from KDHE to start up our pilot program here in Sedgwick County at the Regional Forensic Science Center."

Chairman Schroeder said, "Thank you, Doctor. Commissioner Miller."

Commissioner Miller said, "Thank you, Mr. Chairman. Dr. May, that is exactly what I was going to attempt to get out to the public, that it will be housed at the Forensic Science Center which is located . . ."

Dr. May said, "I'd be happy to explain that Commissioner. That is not unusual."

Commissioner Miller said, "I don't need an explanation, from a public's perspective I was simply letting them know where this would be available."

Dr. May said, "If any of the viewers have any questions I would recommend that you call the Regional Forensic Science Center. We'll be happy to tell you about our program and what we hope to accomplish and just provide some help for you in this initial start-up period."

Commissioner Miller said, "Thank you."

Chairman Schroeder said, "Thank you Commissioner. Doctor and Nadine, I appreciate you coming today and making this presentation. Obviously it is a good program and I appreciate you folks getting on with the program. I didn't realize we were one of three states until you and I sat down in my office the other day. My thought is the sooner the better. Maybe we can help people through those tough times and work with them. I don't think many of us think about these kinds of things and think how lucky we are, the ones who have healthy kids and ones who have not experienced what some of you have experienced. It is not an easy thing to deal with and anything that we can do to help find the cause, help those people deal with what they're going through, I think that is a wonderful idea. I support you whole heartedly and hopefully these kinds of grants will increase gradually as we go along. Good luck to you and thank you again. Nadine, did you want to say something?"

Ms. Reimer-Penner said, "One of the I think particularly exciting pieces about this is that it is involvement with both private organizations as well as public organizations working together. I think it is a real nice thing for our community."

Regular Meeting, March 18, 1998

Chairman Schroeder said, "You bet, that's great. Thank you again. Other comments or questions? It not, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve receipt of funds.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you again for being here. Next item please."

I. ADDITION OF ONE SENIOR EXECUTIVE OFFICER, RANGE 23, TO THE COURT TRUSTEE STAFFING TABLE.

Mr. Louis J. Hentzen, District Court Administrator, Eighteenth Judicial District, greeted the Commissioners and said, "This is adding a position to our Court Trustee's Office to oversee some of our major projects in order for us to meet the requirements of the SRS's current child support enforcement contract which we just completed the first year and we've got two more years to go. This particular position is going to oversee the imaging system which we just installed and some other future projects which will meet the contract and provide better service for the child support recipients."

Chairman Schroeder said, "Okay, thank you, Louis. Discussion on this item? It not, what's the will of the Board?"

Regular Meeting, March 18, 1998

MOTION

Commissioner Miller moved to approve the addition to the Court Trustee Staffing Table.

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	Absent
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Louis. Next item please."

J. KANSAS COLISEUM MONTHLY REPORT.

Mr. John Nath, Coliseum Director, greeted the Commissioners and said, "The report is for the month of February, which is in our business the busiest month for arenas all across the country. The shortest month, it is also the one that is always heaped with the most events. For the month of February we had 16 events and there have only been 17 performances, and a total attendance of almost 113,000 people. Our net revenues were in excess of \$236,000, which put us 10% ahead of last years period. As you know, last year was a record year for us revenue wise and attendance wise. We're real encouraged by the way the numbers are falling at this point in time.

"Highlights for the month include the Model A Swap Meet, the annual Sports, Boat & Travel Show, the National BMX Tournament, the State High School Wrestling Tournament, and we had a very successful first time event which was a livestock oriented show called the Equi-Fest of Kansas. The State High School Wrestling Tournament had a record year. They sold 13,523 tickets. This was also the last year in their contract and we have had meetings with the High School Association concerning a new five year agreement and we hope to hear back favorably on that probably this week.

Regular Meeting, March 18, 1998

SLIDE PRESENTATION

“I’ve got a little slide presentation prepared for you on the Equi-Fest because it was a new event. It is real important to have new events in our business. It is almost like breathing new life into certain areas of the business. Sometimes events have a finite life span. They run out of favor with the ticket buying public. A number of reasons into that, the changing attitudes of the customer, certainly maybe an inability to change on behalf of the event. A glaring example happened just six months ago with the demise of the Ice Capades. The Ice Capades used to be the ice show that was on the road. They are no more, they couldn’t change and the product became a little stale. Public perception of ice skating went more to the Olympic style skaters. We present the Campbell’s Soup event every year in January so the Ice Capades is actually no more. It is the business reinventing themselves and we’re real happy to see this in a livestock oriented, which actually turned out to be a very good event for us.

“You’ll have to notice that the quality of the slide very often is proportionate to the skill and the talent of the photographer. I can’t blame these on anyone else but myself. This is a view from Pavilion I where the show ring was incorporated with a trade show around it showing many things related to the horse industry from training tapes to accessories to arts and crafts. Many of the presenters that came to the event are nationally known experts in training horses and things about horses. This is a view of Pavilion II, which we had set up as a stall area as well as a classroom area for people to watch presentations on different techniques of training horses.

“They did some things with decorating the main office in Pavilion I. A little bit of the shrubbery right out front of the main door. Notice it gives you a good view of our new ATM that is available for folks. Again, some of the aisle ways, it is almost as if they put a center planter down the center of where the horses were stalled. Again, this is part of the crowd. The show was attended by approximately 10,500 people, which we do horse shows all year long. I guess the secret is to charge admission. A lot of people came out. A lot of people really had a good time out there. This was part of the costume aspect of the show where we had the famous ladies or infamous ladies of the old west. Everybody dressed in period pieces. This is something I would like to recognize at this point. In one weeks time at the Coliseum we went from the Sports, Boat & Travel show, this is only in six days, completely remade the building, made ice, set up for soccer, changed it over to hockey, completely remade the building again and set up for two days of the State Wrestling tournament, then back again to soccer. A lot of events in six days time. This is just part of the crew out there. I would like to recognize them because nothing happens out there without those guys. They are the guys who actually make it go. That is the conclusion of the presentation. If you have any questions I’d be happy to answer them.”

Regular Meeting, March 18, 1998

Chairman Schroeder said, "Appreciate your presentation today. Please extend our thanks to the crew. I know they have a tough job that runs 24 hours a day tearing down, setting up, et cetera. I want to say, I was going through the event list and I had a chance to watch Melody and Betsy at the team penning and I really enjoyed that. I just want to say that I hope we keep doing that. It was very entertaining. It is nice when you have the Commissioners participate in those kinds of events."

Mr. Nath said, "You're welcome any time."

Chairman Schroeder said, "Any other questions or comments on this? It not, what's the will of the Board?"

MOTION

Commissioner Miller moved to receive and file.

Commissioner Winters seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "John, thank you. Appreciate the presentation. Next item please."

Regular Meeting, March 18, 1998

K. BUREAU OF PUBLIC SERVICES.

- 1. CROSSING AGREEMENT WITH KANSAS SOUTHWESTERN RAILWAY IN CONNECTION WITH SEDGWICK COUNTY PROJECT NO. 811-S¹/₂ K, L; RIDGE ROAD BETWEEN 29TH STREET NORTH AND K-96. CIP #R-222. DISTRICT #4.**

Mr. David C. Spears, P.E., Director/County Engineer, Bureau of Public Services, greeted the Commissioners and said, "Item K-1 is a rail road crossing agreement between Sedgwick County and the Kansas Southwestern Railway in connection with the construction of Ridge Road between the north city limits of Wichita, around 29th Street North, and K-96. This construction will close Ridge Road for two weeks and will include a new concrete crossing with gates and flashing lights. The cost of this railway construction is \$233,000. I recommend that you approve the Agreement and authorize the Chairman to sign."

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "I think Commissioner Miller has a question."

Commissioner Miller said, "Just a quick question, David. Are we paying for it totally or how?"

Mr. Spears said, "Yes. We requested it and the County is paying for it totally."

Commissioner Miller said, "Thank you."

Regular Meeting, March 18, 1998

Chairman Schroeder said, "Thank you. Other questions? Thank you, Dave. Next item please."

2. **INTERLOCAL AGREEMENT WITH CITY OF MT. HOPE IN CONNECTION WITH SEDGWICK COUNTY PROJECT NO. 594-9, 10; 101ST STREET NORTH BETWEEN 247TH AND 279TH STREETS WEST. CIP #R-38. DISTRICT #3.**

Mr. Spears said, "Item K-2 is an interlocal agreement between Sedgwick County and the City of Mt. Hope regarding the construction of 101st Street North between 247th and 279th Streets West, and also 279th Street West between the north city limits of the Missouri Pacific Railway and K-96. This is designated as R-38 in the Capital Improvement Program. The City of Mount Hope is paying for a curb and gutter addition to this project within the city limits and this is between Pratt and Steen Streets. The cost of the additional curb and gutter is \$24,291. Recommend that you approve this Agreement and authorize the Chairman to sign."

Chairman Schroeder said, "Any questions on this? I have one question. You say they are paying for curbing and guttering, are they paying for the pavement too within the city limits?"

Mr. Spears said, "We were going to go through any way. We were going to use open ditch and they are paying for the difference between an open ditch section and a curb and gutter section which is similar to what we've done with other cities."

Chairman Schroeder said, "Great. Any other questions or comments? It not, what's the will of the Board?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

Regular Meeting, March 18, 1998

VOTE

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

Chairman Schroeder said, "Thank you. Next item."

3. RESOLUTIONS (TWO) DESIGNATING AND CLASSIFYING CERTAIN STREETS TO THE ATTICA TOWNSHIP SYSTEM. DISTRICT #3.

Mr. Spears said, "It is standard procedure that after a road has been constructed within a platted residential development in accordance with County standards that road is then assigned to the township system. In this particular case, Hickory, Hickory Circle, and Reece Road in the Woodland Hills Addition, and Pine Circle in the Woodland Hills 2nd Addition, which is located near Central and 151st Street West will become the responsibility of Attica Township. Recommend that you adopt the two resolutions."

Chairman Schroeder said, "Thank you. Discussion?"

MOTION

Commissioner Winters moved to adopt the Resolutions.

Commissioner Miller seconded the Motion.

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

VOTE

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

Regular Meeting, March 18, 1998

Chairman Schroeder said, "Thank you, David. Next item please."

**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MARCH 12, 1998
REGULAR MEETING.**

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the March 12 meeting of the Board of Bids and Contracts. There are eight items for consideration.

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

"Item one, bridge improvements for the Bureau of Public Services, projects 807-CC-265 on 103rd and Hoover Road. Recommended to accept the low bid of Dondlinger & Sons Construction in the amount of \$423,639.25.

**(2) CM-B SAND - BUREAU/PUBLIC SERVICES
FUNDING: BUREAU/PUBLIC SERVICES**

"Item two is CM-B sand for the Bureau of Public Services. It was recommended to accept the low bid of Associate Material and Supply. That amount is \$65,400.

**(3) FOUR DOOR SEDAN - MOTOR POOL
FUNDING: MOTOR POOL**

"Item three is a four door sedan for the Central Motor Pool and Emergency Medical Services. It was recommended to accept the low bid of Don Hattan Chevrolet. That amount is \$15,804. That includes trade-in and optional manuals.

**(4) FOUR DOOR SEDAN - MOTOR POOL
FUNDING: MOTOR POOL**

"Item four is also a four door sedan for the Central Motor Pool and the District Attorney. It was recommended to accept the low bid of Frye Chevrolet. That amount is \$11,385 and includes trade-in and optional manuals.

Regular Meeting, March 18, 1998

**(5) FLAIL MOWER - MOTOR POOL
FUNDING: MOTOR POOL**

“Item five is a flail mower for the Central Motor Pool and the Bureau of Public Services. It was recommended to accept the only bid received of Wichita Ford. That amount is \$13,535.35 and includes trade-in, set-up and installation of the mowers on the tractor.

**(6) ONE TON DUMP TRUCK - MOTOR POOL
FUNDING: MOTOR POOL**

“Item six is a one ton dump truck for the Central Motor Pool and the Bureau of Public Services. It was recommended to accept the low only bid of Don Hattan Chevrolet. That amount is \$21,206 and includes trade-in and optional manuals.

**(7) SIRENS & PARTS - EMERGENCY MANAGEMENT
FUNDING: EMERGENCY MANAGEMENT**

“Item seven, sirens and parts for Emergency Management. It was recommended to accept the low bid of Blue Valley Public Safety. That amount is \$18,963.80.

**(8) CUSTODIAL SERVICES - AUTO LICENSE
FUNDING: AUTO LICENSE**

“Item eight, custodial services for the auto license center for the County Treasurer. It was recommended to accept the total proposal of River City Building Maintenance for an annual amount of \$14,835.80.

ITEMS NOT REQUIRING BOCC ACTION

**(9) PREVENTION EARLY INTERVENTION - COMCARE
FUNDING: COMCARE**

“There is just one item that does not require action at this particular time, that was the remainder of the Prevention Early Intervention funds for COMCARE. Those proposals were received and have been referred to a selection and review committee. I believe those recommendations will be presented to you directly. I will be happy to take questions and would recommend approval of the minutes provided by the Board of Bids and Contracts.”

Regular Meeting, March 18, 1998

Chairman Schroeder said, "Darren, thank you."

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

Chairman Schroeder said, "Thank you, Darren. Next item please."

CONSENT AGENDA

M. CONSENT AGENDA.

1. Right-of-Way Easements.

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

- a. Road Number 612-12, Owners: Gary D. Fulton, Pamela K. Fulton, Duane A. Reichenberger and Heidi L. Reichenberger, located in the Northeast Quarter of Section 1, Township 27 South, Range 3 West, more specifically located on the south side of 29th Street North and east of 231st Street West. Garden Plain Township. District #3.

Regular Meeting, March 18, 1998

- b. Road Number 795-T, Owners: Taher M. Zeglam and Janet M. Zeglam, located in the Southwest Quarter of Section 8, Township 28 South, Range 2 West, more specifically located on the east side of 199th Street West and north of 39th Street South. Illinois Township. District #3.

2. Floodway Reserve Easement.

The following tract of land has been granted by Floodway Reserve Easement 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.

Owners: Taher M. Zeglam and Janet M. Zeglam, located in the Southwest Quarter of Section 8, Township 28 South, Range 2 West, more specifically located on the east side of 199th Street West and north of 39th Street South. Illinois Township. District #3.

3. Right-of-Way Agreements.

- a. One Temporary Construction Easement and one Easement for Right-of-Way for Sedgwick County Project No. 807-CC-265; Bridge on 103rd Street West between 103rd and 111th Streets South. CIP #B-305. District #2.
- b. One Temporary Construction Easement for channel cleaning a tributary from Clifton west to the Arkansas River. District #5.

4. Section 8 Housing Assistance Payment Contract.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
C98014	\$142.00	5	Springcreek Apts.

Regular Meeting, March 18, 1998

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V95136	\$444.00	\$15.00
V95119	\$181.00	\$302.00
V97054	\$000.00	\$138.00
V98011	\$204.00	\$324.00

- 6. Application for License to Retail Cereal Malt Beverages.**

<u>Applicant Name</u>	<u>d/b/a</u>
Samuel G. Eberly	Eberly Farm Inc.

- 7. Order dated March 11, 1998 to correct tax roll for change of assessment.**

- 8. Consideration of the Check Register of March 13, 1998.**

- 9. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
980123	Election Commission	Transfer
980124	Coroner-SIDS Network	Supplemental Appropriation
980125	Corrections Community Initiative	Supplemental Appropriation
980126	'98 Road/Bridge Sales Tax	Transfer

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

Regular Meeting, March 18, 1998

MOTION

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. Any other business to come before this Board? If not, we're adjourned."

N. OTHER

O. ADJOURNMENT

Regular Meeting, March 18, 1998

There being no other business to come before the Board, the Meeting was adjourned at 10:55 a.m.

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

MARK F. SCHROEDER, Chairman
Fifth District

PAUL W. HANCOCK, Chairman Pro Tem
Second District

BETSY GWIN, Commissioner
First District

THOMAS G. WINTERS, Commissioner
Third District

MELODY C. MILLER, Commissioner
Fourth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1998