

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

MARCH 25, 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 25, 1998, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Mark F. Schroeder; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Melody C. Miller; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Daryl Gardner, County Controller; Ms. Mary Ann Nichols, Personnel Director; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Irene Hart, Director, Bureau of Community Development; Ms. Cecile Gough, Operations Administrator, Department of Corrections; Ms. Deborah Donaldson, Director, Bureau of Comprehensive Community Care; Mr. Mike Pepoon, Assistant County Counselor; Mr. Scott Davies, Horticulturist, Sedgwick County Zoo; Mr. Jack Brown, RS, MPA, Acting Director, Community Health Department; Mr. Paul Rosell, Chief Deputy, County Clerk's Office; Mr. Robert J. Lamkey, Director, Motor Pool; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; and Ms. Linda M. Leggett, Deputy County Clerk.

GUESTS

Mr. Robert Kandt, 2224 Clay Lane, Wichita, Kansas
Mr. Clarence Smith, Wichita, Kansas
Mr. Floyd L. Hansen, Program Director, Project Freedom Family & Youth Coalition
Mr. Don Ramsey, Senior Systems Analyst, Information Services
Mrs. Seery, 2155 Crest, Wichita, Kansas
Mr. Douglas Winkley, Sedgwick County Mental Health Advisory Board
Mr. Jack Whitson, City Engineer, Park City, Kansas

INVOCATION

The Commissioners observed a moment of silence.

FLAG SALUTE

ROLL CALL

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

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CONSIDERATION OF MINUTES: Regular Meeting, March 4, 1998

The Clerk reported that all Commissioners were present at the Regular Meeting of March 4, 1998.

Chairman Schroeder said, "Commissioners, you've received the Minutes of the meeting, what's the will of the Board?"

MOTION

Commissioner Hancock moved to approve the Minutes of March 8, 1998.

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Mr. Daryl Gardner, County Controller, greeted the Commissioners and said, "I certify that there are funds available for those items that we have identified on today's Agenda requiring the expenditure of funds. A listing of these items have been provided to you previously. If you have any questions, I'd be happy to answer them."

Chairman Schroeder said, "Thank you, Daryl. Questions? Thank you, Daryl. Before we go on to the next item, Betsy has something she'd like to say."

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Commissioner Gwin said, "Thank you, Mr. Chairman. I asked the Chairman to give me a couple of Minutes to do a thank you. In this unsure time of politics, Mark's announcement earlier this week was just one of those things that surprises you. You never really know how long your career is going to be. So yesterday morning I tried out for a radio job on one of the local radio stations. I wanted to thank them for giving me that opportunity, Q106.5 Hot Country had me in. I think I stand a good chance. I took them donuts, everything I could think of, double glazed donuts. Even though Sheriff Hill thinks he got the job, time will tell. Thank you and thanks to the people out there at Q106.5. They were great people. We had a great time."

Chairman Schroeder said, "Thank you. All right, next item please."

APPOINTMENTS

A. APPOINTMENT.

1. RESIGNATION OF SHIRLEY SCOTT FROM THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "Ms. Scott has submitted her resignation from this Board and we ask that you approve it."

MOTION

Chairman Schroeder moved to accept the resignation.

Commissioner Gwin seconded the Motion.

Chairman Schroeder said, "Just a quick note that Shirley Scott served for years and I believe she was Commissioner Hancock's appointment for quite some time. She has decided that she just doesn't have the time to do what she would like to do and she has gotten to a point that she had served the Board for an extended period of time and it was time for somebody else to do the job. That is why she has decided to move aside and she wanted me to thank Commissioner Hancock for allowing her to continue to serve. She really appreciated it. Thank you. Further discussion? If not, Clerk call the vote."

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VOTE

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

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

2. RESOLUTION APPOINTING DOUGLAS C. WINKLEY (CHAIRMAN SCHROEDER'S APPOINTMENT) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.

Mr. Euson said, "Commissioners, we have prepared a Resolution to fill the vacancy just created with Mr. Winkley for a term to expire on February 28, 1999. We recommend the Resolution for your approval."

Chairman Schroeder said, "Thank you. Discussion on this item? If not, what's the will of the Board?"

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

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

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Chairman Schroeder said, "Thank you. Mr. Winkley is here today and I know he would like to be sworn in. Doug, come on up to the podium and the Clerk's Office will swear you in."

Mr. Paul Rossell said, "Just say I do swear at the end of this."

"I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Mental Health Advisory Board of Sedgwick County, so help me God."

Mr. Douglas Winkley said, "I do swear."

Chairman Schroeder said, "Douglas, thank you for agreeing to serve. Doug is a very active individual. He's been very active in the community and I met him through Scouting and Doug and I happened to be talking at a Scout meeting one Saturday morning and this isn't your typical Scout meeting. We've got movers and shakers from all over the community that were there and he came up to me and said he was interested in serving on this Board and I told him I had a vacancy. Debbie Donaldson and her staff interviewed Doug not too long ago and were very impressed with Doug's interest in the department, his interest in that issue. He is affected personally by that issue. Doug I think you will do very well and I appreciate you stepping forward and asking to serve the community. I know we all appreciate that."

Mr. Winkley said, "Thank you very much."

Chairman Schroeder said, "Thank you for coming today. Thank you. Next item."

RETIREMENT

B. PRESENTATION OF RETIREMENT CLOCK TO DON RAMSEY, SENIOR SYSTEMS ANALYST, INFORMATION SERVICES.

Ms. Mary Ann Nichols, Personnel Director, greeted the Commissioners and said, "It is my privilege this morning on behalf of the Board to present a retirement certificate to Don Ramsey. Don is a Senior Systems Analyst with Information Services, and will retire April 1, 1998 after 19 years of service. Don was hired on September 10, 1979, as a Software Programmer. He became a Systems Analyst Programmer on October 1, 1979 and was promoted to Senior Systems Analyst on September 1, 1982. I spoke with Don before the meeting. He said that he is going to work part time for a while. He is also building a workshop in his home. He may do some traveling and he said, 'really I'm going to do whatever I want to do.' We want to congratulate him in his

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retirement.”

Chairman Schroeder said, “On behalf of the Board of Sedgwick County Commissioners we want to thank you for your years of service to the County and we certainly hope you enjoy your retirement. I certainly know that part about doing what you want to do. I hope you enjoy it and we wish you the best of luck in the years to come. Thank you.”

Mr. Don Ramsey said, “Thanks to all my friends here that I’ve worked with all these years. I’ve really enjoyed it. I’m going to miss it. I’ll be back around to bug them every once in a while.”

Chairman Schroeder said, “Thank you, Don.”

Commissioner Hancock said, “Next item please.”

PRESENTATION

C. PRESENTATION REGARDING PROJECT FREEDOM FAMILY AND YOUTH COALITION.

Mr. Floyd L. Hansen, Program Director, Project Freedom Family and Youth Coalition, greeted the Commissioners and said, “My mission here this morning is really three fold. First, I want to express to the Commission Project Freedom’s appreciation for the support over time of its program and its activities. Our history is replete with projects in which the Commission has been supportive, shared expectations, loaned staff, or provided funds. We believe that such sharing of resources defines what collaboration is all about. We encourage your continued efforts to share resources and partner with grass roots, community, and neighborhood groups.

“Secondly, I would like to reaffirm our earlier information release concerning three separate phases of Project Freedom closure. Number one, Project Freedom will cease to operate on December 31, 1998. The Board of Directors will continue to operate until that time and Mr. Jaime Lopez will function as the Staff Coordinator. All fiduciary responsibilities will be completed within that time frame. Number two, the Coordinating Center, which is made up of staffs representing a wide range of community agencies will continue to function into the future and will seek to expand and encourage new participation. It will continue at the 3995 East Harry D-12 location, which is in the Wichita Mall. Number three, funds are not available for Project Freedom Family and Youth Coalition to staff community efforts after March 31, 1998. I think we have previously advised you and provided that statement but as a reaffirmation I share it with you this morning.

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“Thirdly, I’d like to suggest an item or two about the future, and I’d like to do that in terms of the words of Peter Benson in his work, All Kids Are Our Kids, which is a 1997 publication. I’m quoting him here. ‘The measure of the health of a society is how well it takes care of its youngest generation. By this standard we fail. This conclusion hardly needs more empirical justification. When it comes to paying attention to one’s most precious resources, our society is losing its way.’ We were reminded of that yesterday as we watched what happened in Arkansas. There are three interlocking strategies which are needed. One, the first is meeting basic human needs. I believe you’ve been about that for a good period of time and continue to approach that in the community and that will continue. The second strategy is to target and reduce, if not eliminate the risks and deficits that diminishes or thwarts the healthy development of children and adolescents. Guns, unsafe streets, predatory adults, abuse, family violence, exclusion, alcohol and drugs, racism, and sexism all are among the threats. The third way he suggests are largely about language, vision, and community. So we leave you with this hope. First, a language that is expressive, open and compassionate. A vision that goes far beyond the business as usual syndrome. A community where all its components have a significant part of the unfolding future.

“As you consider the future of participatory planning, one model for the collaborative process is already etched in our minds. When it was apparent that solid waste management needed special attention, the process that evolved was collaborative. Community input was sought early; an information strategy was developed; key persons with experience and insight were engaged; a citizens group made recommendations on key issues. The results, yet to be fully realized, are within our grasp. The County Manager, as well as the Commissioners response was in the spirit of openness, participation and citizen involvement. We believe that this model of development of plans to serve youth and their families is to be commended, to be represented and recommended and hopefully duplicated over and over. We thank you for your consideration.

“I’ve been asked to discuss one other item of conversation that I had with Mark recently. About five weeks ago, I suggested to him that there was a possibility of funding the Drug Free Communities Act in this community. The Act itself would provide about \$100,000 the first year and about \$200,000 the second year of matched funds. Unfortunately, Project Freedom will not have a say on how that is done. We’re concerned that it will be done. The funds would be available through a coalition and the coalition meets certain qualifications I’ll not share with you today. On the other hand, there should be in the community a response to this opportunity. I wish I could bring you more of a solution, I can’t. I really bring it as a problem to you. Project Freedom is willing to do what it can do, which will be limited.

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“The Community Planning Task Group which a couple of months ago was created to study the problem how you do community planning essentially has been looking at the issue and might provide some outlet for it. Of course there may be resources out there that we are not aware of presently. I bring it to you as a problem. I wish I could bring more of a solution to you. We are not in a position necessarily to be able to participate in that solution. I share it with you so if there is information I can share with you to be helpful in the community to be able to do that. Thank you for your consideration.”

Chairman Schroeder said, “Thank you for being here today. We have some questions. Commissioner Miller.”

Commissioner Miller said, “No questions at all Mr. Chairman, simply some comments that I need to make. The first one would be to you, Floyd. I think you’ve been in this interim position for approximately a year.”

Mr. Hansen said, “About six months.”

Commissioner Miller said, “I wanted to tip my hat and commend you for the job that you took on and your expertise and ability to be visionary in how it is that you approached, broached, and have somewhat to a point resolved a clouded issue. I simply needed to be able to do that publicly and with all sincerity. With Project Freedom, it is a legacy of the ability to collaborate, the ability to look to the community for involvement, for input, for their actual empowerment that will last I think throughout Sedgwick County’s existence. I’m very pleased that an organization such as this was able to come to fruition and do the things that it did and then in taking one of your final hopes for the future go beyond business as usual and recognize that there is possibly some other things that need to be occurring in this community and this is the foundation, the grounding, and the leg work that has been done for that. I simply needed to say that in all sincerity and thank you. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Thank you. Commissioner Winters.”

Commissioner Winters said, “I would just kind of echo part of that. Floyd, I know it is very difficult to see organizations come to an end sometimes. But there are times when that is the right thing to do and I certainly commend you and the Board if this is the time then this is the time. I certainly appreciate that. Besides thanking you for your services, I’d certainly like to say thank you to Jane Richards and all of the hard good work that she’s done for this community over the past several years.

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“I’ve had an opportunity to be on a couple of very small projects with Jane and she just was an excellent person in that position and we certainly wish her the best. We certainly want to make sure that we express our thanks to her. I also appreciate your coming today to give us a bit of . . .”

Mr. Hansen said, “I will see that the message is delivered. We all regret her inability to be able to continue in that position. I’ll see that the message is conveyed to her. I will say also that it was not an easy task for a Board such as ours across the community to come to this decision, but one that needed to be made.”

Chairman Schroeder said, “Floyd, I appreciate your candor and your being here today to express your concerns and your desires as you see the community’s needs. You have expressed to us what you think is necessary for us to continue to protect our young generation. Also, you ended your comments with the suggestion about some funding. We will research that, look at that and see if there is a way that we can possibly help in that process. But we do thank you for all that you’re doing. We know that it is not easy to pull this to closure but I think you are the right one that can bring it to a decent closure.”

Mr. Hansen said, “I’ll reiterate Project Freedom Board’s commitment that if we can help in that process we’ll be glad to do that.”

Chairman Schroeder said, “Thank you again for being here and making the presentation. Thank you, Floyd.”

MOTION

Chairman Schroeder moved to receive and file.

Commissioner Miller seconded the Motion.

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

VOTE

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

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

PLANNING DEPARTMENT

D. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER SCZ-0762 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "SF-10" SINGLE-FAMILY RESIDENTIAL ON 0.27 ACRES OF PROPERTY LOCATED NORTH OF BELLAIRE AND WEST OF CREST.**

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Several items for you, one zoning item. This one concerns a quarter acre, the black taped area on the screen there. It has 94 feet of frontage on Bellaire and it is near Crest. It is part of an ownership that fronts on both Bellaire and Crest and Sunswept Acres Addition. That is a block east of Greenwich and north of Pawnee. This tract is part of a 3/4 acre tract that if you can follow my drawing is an L shaped track, it is everything except for this separate ownership that is right at that corner. The land is zoned SF-20 today as is all the general area. That allows lots with a minimum lot size of 20,000 square feet. The owner is requesting, the owner although owns all this ownership is only requesting SF-10 zoning to be able to split out by replat a portion of that L shaped ownership into a lot that would be 11,500 square feet in size over the 10,000 square feet but under the 20,000. It would be that portion of the L shaped tract to be able to sell off to another party for construction of another single family home.

"The history of this, there is a lot of informal splitting that went on over the years. Even though there was supposedly 20,000 square foot lot minimums and the plats are much larger, there has been informal splitting in this area of these tracts and the owner of this L shaped property actually at one time only owned this small piece of property, which was about 10,000 square feet. There was an ownership of over 20,000 square feet that extended in this direction. In other words, it was this lot plus an extension up to that lot line. So the ownerships were this property and a separate small property with a house on it here then this owner acquired some years ago that property and now would like to retain the back portion of it but sell off this property. So the unique thing in this situation is they were all originally two properties. There was the potential before it was combined for this property to be able to get a building permit on a lot of over 20,000 square feet and build under the current zoning and this would be a non-conforming lot. However it did develop years ago and so what they are asking to do is to redivide that ownership and have the same two lots that were previously there.

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“The reason why is I guess the couple is getting older and they feel like this property is too much for them to mow. There is sewer and water available now to this area and it is in the urban growth area and sewer and water are available and the Comprehensive Plan looks favorably on the urban higher density smaller lot sizes to take advantage of that water and sewer.

“The staff recommended approval although the SF-10 district would be new to this area. There is a variety of lot sizes in this area as you will see from the aerial photograph, bearing from the original small lot here, less than 10,000 square feet to some lots in the area that are maybe 3/4 of an acre to lots that are much larger in size. In terms of the frontage, you have a frontage of 94 feet here. You have this corner lot already developed, separate ownership, with frontage of under 100 feet there. You have this frontage that is developed with frontage of about less than 100 feet there. So it is hard to say in this particular area that this would not be out of character. It does kind of look like a whole. There is a house here, a vacant lot here, a house here, as you will see in the slides. So we didn't think that it was really totally inconsistent with the character which is kind of mixed in that area. It is also just a resubdividing back into two lots of what was once two separate lots out there. The one additional lot should not have any significant impact upon community facilities and it is consistent with the Comprehensive Plan to have this kind of zoning and lot size because of the availability of water and sewer and so the property owner, their rezoning request, if it is consistent is presumed to be reasonable unless there is some serious overriding considerations.

“There were three neighborhood residents who appeared at the Planning Commission meeting. I think there have been, in the general vicinity, there had been another request for rezoning that was subsequently withdrawn for smaller lot sizes. I think at least one or two of those residents were the same people who appeared at that previous meeting. Their concern is with the overall densification of this area and will this set a pattern for other future rezonings in this area and if that happens will that have an impact upon water pressure which is already somewhat problematic apparently in this area and also just change the character of the area and possibly result in a need for curb streets and assessments that would go along with that. I guess with regards to assessments, I think that when you have lots that are 94 plus feet wide that still is a density where the drainage can be absorbed by streets that don't have curb and gutter. We have even platted new subdivisions at the fringe of Wichita, brand new subdivisions, without curb and gutter based on lot frontages about that size. With regard to the water on that other zoning request we did contact the City Water Department who indicated that they do have water improvements on the way to this area and some of those future water pressure problems should be relieved in the next year or so.

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“The Planning Commission vote after that public hearing was eleven to zero. It was unanimous to recommend approval of this request for the SF-10 zoning. The property owners who spoke in opposition, I think one of them was within the 1,000 foot radius of this lot but there were no formal written protests that were filed. So what is required of the County Commission to follow the Planning Commission’s recommendation and approve this is a simple majority three votes of the County Commission. This is not an advertised public hearing. It is your policy though to take public comments and I believe the applicants are here along with some of the property owners from the area who expressed concern earlier on.

SLIDE PRESENTATION

“Let me go through the slides of the area quickly. This is the aerial photograph and you can see that this was one lot at one time. This was a separate lot and then this property was sold to that property and so they now have an L shaped area that is proposed to be replatted back into two lots with a different configuration. One lot, and the second lot. This lot would be over 20,000 square feet and this lot would be under 20,000 square feet. You can see a separate house on the corner. You can see this house over here. The pattern of density, there are some areas where there is a large distance between homes. There are other areas where the homes are fairly closely spaced. You would have to say along Crest for instance in terms of frontage what was possible there that this would be consistent and then the rhythm of what is already in that very immediate area I think.

“This is the proposed replat that would recreate the lot, lot two, which is the owner’s original house and the portion they would retain. The portion that they would like to sell off that is a separate lot. We are now looking at the lot in question and this is the home along Bellaire just to the east. This is the corner lot and so here and we’re standing on Bellaire and there is Crest and this is the corner lot, the separate ownership but the property owner’s home on Crest Street to the north beyond that. This is looking to the east of that intersection at the homes that are across Crest Street to the east. This is looking down Bellaire, the background would be Greenwich and this is the lot in question. You can see the homes are fairly closely spaced along the south side of the street. Again, this is looking at the north side of Crest. This is looking to the east down Bellaire I think. That is looking down to the west I believe. Somehow the arrows must have fallen off of this map. Back to the aerial photograph and the zoning map. I’ll try to answer any questions that you have.”

Chairman Schroeder said, “Okay, thank you, Marvin. Questions at this time Commissioners?”

Commissioner Hancock said, “Mr. Chairman. Marvin, is this north of Pawnee and east of Greenwich? Is this the area north of Pawnee?”

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Mr. Krout said, "North of Pawnee, yes. Greenwich Heights area."

Commissioner Hancock said, "Thank you."

Chairman Schroeder said, "Thank you. At this time, this is not a public hearing, but if there is anybody here who would like to speak to this item please come forward and be reminded that you're limited to five minutes."

Mr. Clarence Smith said, "I'm located on Lot 9 at the intersection of Bellaire and Crest. I would like to thank the County Commissioners for taking a few minutes out to hear me this morning and I'd like to thank Chairman Schroeder for his response to my call only 24 hours ago to address him with this problem. Mr. Farley in our community was the gentleman that was gathering the petitions to oppose and the gentleman, to my understanding got sick and I was involved in this petition within the last 48 hours. The main concern of the people in our neighborhood and about half of these petitions I gathered up late yesterday afternoon. I have a total of 31. Less than a year ago we were addressed by the same problem and to my understanding there was somewhere around the area of 90 petitions at that time opposing this. The major concern at that time was the same concern that the neighborhood, so I am hearing at this time, is that we do have quite a few retired citizens in our area living on fixed incomes and their main concern and worries are the increase of taxes should we have to put in what the requirements can be for an SF-10 zoning area. To my understanding, the lots that are in question where you have the brown shaded area originally ran clear back to the next horizontal line there and many years ago the lot facing Crest was also one long original lot. Informal splitting was spoke of. From what I can hear from my neighbors, this informal splitting that was split and done up, some of it was actually before this area was even platted out to the lots that you are now viewing.

"I personally moved to this area and you saw one of my houses in the slide show. It was the big two story on the corner which was when you were standing on Bellaire looking back to the west and the lot in question would have been on your right. The big empty lot in front of my house which would have been on your left, the gentleman in front of me to the east purchased specifically to keep anyone from building on it because he wanted more area. My wife and I lived at the Edgemoor Mount Vernon area for 18 ½ years to save to build a house such as we have built and move to this quiet and peaceful area. We really do not desire with our time and money invested in this neighborhood which we are very new to. We're kids there basically. We really do not want to see this chopped up into small small residential areas to where eventually it can turn into rental property, you can have more increased crime. The area I moved to, as I pointed out to Chairman Schroeder yesterday, if you look in the newspaper today I moved into it 18 ½ years ago and it was one of the most peaceful little American communities I think I'd ever seen.

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“Today in the newspaper it is one of the highest crime rate areas in the City of Wichita. I moved from that. I do feel like if these are broke down into small lots, we will lose the tranquility that we have and I will end up being caught up and want to run from in less than 20 years. Because of Mr. Farley getting sick and not being able to formally file the petitions I would just like to ask that the County Commissioners take a look at this whole situation, take in view the petitions that we did gather, and we will abide by your judgement. Thank you for your time.”

Chairman Schroeder said, “Thank you. I believe there are some questions, Mr. Smith. Commissioner Winters.”

Commissioner Winters said, “Mr. Smith, could you just point to your lot, where your house is?”

Mr. Smith said, “My house is here. I will be there two years this October. To my original understanding Mr. & Mrs. Nash lives here and the house was here before the drastic tornado in the area. These lots were all running north, very long. Many years ago to my understanding this lot on the corner, which was the little white modular you saw, which did go in since the tornado originally, this was one long plat, this was one long plat. After the tornado, citizens that are applying for the petition bought this plat to increase the size of their yard because the people that lived there did not have the money nor the desire to rebuild a basement and everything. We have no idea and from what I can understand from my neighbors we don’t know how that corner got broke to where the white modular was actually set there in the first place. We do have some other modulares in the area and as I have explained to the Commissioner, the modulares we have in our area actually got there as people recovering from the drastic tornado that hit six or seven years back and although myself and others do not desire modulares we can be human enough to believe that people in their sixties and seventies that are in retirement when a tornado hits would like to be able to get something back on their property as quick as possible to live in.”

Commissioner Winters said, “Okay, just one follow up, then you are on Lot 9 and there is one house on Lot 10, is that right?”

Mr. Smith said, “That is correct.”

Commissioner Winters said, “Okay, thank you, that’s all I need.”

Mr. Smith said, “And one house on the lots to the south of me.”

Chairman Schroeder said, “Commissioner Gwin do you have a question?”

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Commissioner Gwin said, "Yes, I do. Mr. Smith, the City of Wichita limits are not very far away."

Mr. Smith said, "They are one mile west of us at Webb and Pawnee and we are at Greenwich and Pawnee."

Commissioner Gwin said, "Are you aware of any plans that they have. Are they annexing?"

Mr. Smith said, "Not that I'm aware of at this time. It has not been discussed. And when the sewer, it just recently went in out there in the past couple of years, right before we actually got our house built, it was actually laid in across the back of my easement which that at that time was quite a tax burden on a lot of our retired citizens in the area. In fact, we had some that were pretty strongly against the sewer even going in. I really appreciate it being there and I'm glad to know that some of the people that are effected by it can afford it. It was set up to where they could afford it. But any more tax burdens at this time I do believe will effect a lot of the people in my area although I'm fortunate enough at the time that I have a good job and I can take care of myself, some can't."

Commissioner Gwin said, "I was curious as to what you see as the impact of City annexation. Do you see other challenges or changes that might come to your neighborhood as the City comes out to your area."

Mr. Smith said, "That area, Commissioner Gwin is building. You are kind of asking me some questions that are out of my realm to be honest with you, but the area around us is building pretty fast and lately people such as myself have been seeking lots in that area pretty often. In the past three years there have probably been ten to fifteen new houses go up just in the area there that you're looking at. Some of them modulars and some of them were nice frame built homes such as myself."

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

Chairman Schroeder said, "Thank you. Thank you, Mr. Smith appreciate you being here. Other speakers? Please come forward. Please be reminded that you're limited to five minutes."

Mrs. Seery said, "We're the property owners. Really I have nothing to say from the original except that I could tell you how the property on the corner it was split, the two lots, one where we are and the other one. We've lived there for 45 years and we bought the lot and it was legally split between us 45 years ago and it has remained that. Now that corner lot then of course after the death of my

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husband's parents and the people that bought it after that, then after the tornado that left that lot available where that is built there next to us. But that lot was sold 45 years ago so it isn't a recent splitting on that."

Chairman Schroeder said, "Okay, thank you. Next speaker."

Mr. Robert Kandt said, "I live at 2224 Clay Lane, which is basically about 1,000 feet right straight south of there. I oppose this zoning change for several reasons. One, I feel that if this zoning change is granted, that will open the door to future zoning changes and right behind me is three acres of unplatted ground right there. The side of the street where I'm at there are six houses there. If they would get this zoning change and whoever owns this could then ask for a zoning change there and I think they would have a pretty good chance of getting it because I don't see they could very well deny additional zoning changes. There would be some requests for it and there is a good possibility that they would be approved and pretty soon you would get tired of approving them and probably just say oh, we'll just approve the whole area. Then this three acres they will put 12 houses in there instead of six. I wouldn't object to the six. Like we said, the water pressure is a little bit on the low side. You get these additional homes in there, you're possibly going to have to do things to the water to get more water volume. It is not just the pressure but includes volume goes along with it. You would possibly have to put new lines in which would be an additional burden. Another place, the tornado took out a lot of homes in that area. A lot of those places haven't been rebuilt. These people now have moved to other areas and have new homes in different areas. If their chance comes up that they can sell two of their lots instead of one of their lots they will probably want that chance which they're not there anymore so they don't care if there is ten lots there. They're not looking at the ones of us that are there. Most of us moved there because we liked it. Eight years ago I was up here before this Commission expressing a fact that when a sewer was going in a lot of people was up here opposing it. I knew the Commission's hands were pretty well tied at the time. The State said the sewer has to go in and that is that. But I asked, when this goes in I want us to keep the zoning the way it is because I don't want to change. I was told that I'd have to come back at a later date. Here I am, I'm asking this.

"Another thing, I talked to Jim Weber some time back and I said when this sewer is put in how is this put in. What requirements and everything would they put in for additional houses in this thing? Basically what he said was well, I don't really know right off hand for sure but I think it was put in for whatever it is zoned for. If it is put in for zoned SF-20 and it gets changed for SF-10 you're going to overload the sewer system before we've even had it. I can go with a story. About 15 years ago my father-in-law got sick and had to have some major surgery. He lived on a one acre lot and it got to where this was more than he could take care of. So him and his wife decided maybe we should sell this off and find us a smaller place somewhere else and this is what they did. Luckily he recovered from his surgery and everything and has lived good every since then but never in this

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time did they say well we've got to rezone our acre and sell it off so we can sell off other lots because it wasn't what the neighbors wanted. It wasn't right for the neighborhood just like this isn't right for the neighborhood.

"I hope you can respect the wishes of the neighbors and not allow this zoning change. I don't know how this took place where this one lot was but I can't see . . . there is an old saying that two wrongs don't make a right. By making this as another wrong somehow there is something that took place there that I don't really know what it was how this one lot is smaller than the rest of them but making another one that way would just open up a way for more of them. I thank you for our time."

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

Commissioner Hancock said, "Marvin, is this a rural water district?"

Mr. Krout said, "No, that is city water."

Commissioner Hancock said, "Wichita city water? Okay, thank you."

Chairman Schroeder said, "Thank you. Other speakers? Okay, if not, we'll close that portion of the meeting and limit discussion to bench and staff. Commissioners, if you will allow me for a moment to tell you a little bit about what I think. In the last day or two I've heard a lot about this and what concerns me is that since the storm, and we're all probably a little weary of that and leery of that, but since the storm it seems to me that in this entire area we are trying to constantly plug in houses, more or less like in-fill if you will. Now I know that the City has water out there and that is a large cash operation and it does bring them a lot of revenue. That's not my interest here. My interest is how the community perceives itself now and in the future, how these folks want to live, why they moved out there. They moved out there to live on large lots and I don't think it is up to us to start filling those lots up whenever somebody decides they want to sell off a piece. It was mentioned that our sewer was built to handle these kinds of areas based upon the zoning at that time and the housing standards and how many were in there per acre, et cetera. Am I right Jim? Isn't that basically how we did it? I mean how else would you do it? Obviously that would not cover unplatted or vacant farm ground."

Mr. Jim Weber, Director, Sewer Operations and Maintenance, said, "Typically we would design in a developed area based upon the development that has occurred. There are some factors for over design but it is not unlimited."

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Chairman Schroeder said, "I understand. Okay, thank you. I'm looking at this and my lot is not a lot smaller than the frontage on this lot and when I look at the size of those lots around there, those are large lots. What the neighbors have been telling me is that they moved out there because they wanted to be on larger lots. They wanted to get out of the confined areas as Mr. Smith said before the areas that were having some other problems like crime. SF-10 is a whole different story. We just went through that a couple of weeks ago in another area in my district where we had lots of this size and bigger and next door we approved development of 10,000 square foot lots and smaller. I now that is important. This area has been established for years and I really would worry that every time somebody wants to sell off a piece of land that we just start in filling. I don't think that is the character of the neighborhood. I don't think that is what the people want. I don't think that is what our sewer was set up for. I really don't care what the City thinks about water, but if they do not have good water pressure, that is something that needs to be dealt with right away. So at this point, and I also need to add that a few of these people that went to the Planning Commission hearing were a little bit miffed by the fact that they thought the Planning Commission was physically mentally worn out from the Home Depot discussion. I say that so that you can know that it was one of these deals where they wanted to get this over with. There wasn't much discussion and they just approved it. They wanted to get out of there. That was the feeling that neighbors had that sat through that process. I've heard that before. It has to be tiring, it has to be tough for those Planning Commission people, but they had the distinct feeling that they just wanted to get out of there because they had gone through that Home Depot all afternoon and they didn't want to spend any longer than they had to. Can't blame them in a lot of ways. But I've been through that neighborhood many times and I for one would like to see it remain as an SF-20 neighborhood. I think that is the character of the neighborhood. I think these people have every right to maintain their neighborhood in the present zoning that it is. I'm beginning to get a little irritated with the Comprehensive Plan because every time we have a neighborhood like this it says plug, plug, plug, and I don't think that is what we're about. I would respectfully ask that we consider this and deny the change. Commissioner Hancock."

Commissioner Hancock said, "Thank you, Mr. Chairman. Marvin, I need some clarification. I'm a little confused, but it is pretty easy to do that to me. The lot that is being rezoned, the area just to the east of that, is there a house on there at this time or any improvements?"

Mr. Krout said, "Just to the east? Yes, that was the modular that's kind of on an angle, sited on an angle on the property. There is a house here. The owner owns the L shaped and they have a house here and then there is a house immediately to the west also."

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Commissioner Hancock said, "The L shaped portion is all under one ownership then?"

Mr. Krout said, "The L shaped portion is under one ownership. Actually if the property owner probably has non-conforming rights to keep that original small lot that was there apparently before platting. If they replatted this instead to have this lot be the second lot, they would be over 20,000 square feet and be able to get a building permit."

Commissioner Hancock said, "What we're seeing on our map here, Lots 1, 2, and 3 in that block, with one being the largest to the north. Are all those platted at this time?"

Mr. Krout said, "Well, those are platted lots. This was platted back in 1949. There was some development before '49 and some development afterwards. I'm not sure how closely the development after '49 really followed it. There are just not good records of the permits and splitting of lots that occurred."

Commissioner Hancock said, "Across the street, where it says Sunswept there, are those lots really long lots like that?"

Mr. Krout said, "I think that . . ."

Commissioner Hancock said, "Have they been divided?"

Mr. Krout said, "I think there have been some divisions of those lots."

Commissioner Hancock said, "It doesn't look anything like that."

Commissioner Gwin said, "Unless the lot goes way back there I can't see, Bill is there houses to the north?"

Mr. Krout said, "These would be the long lots that are in question. But it does look like there have been some splits."

Commissioner Hancock said, "While you have that there then, that picture Marvin, just to the east of the proposed zoning case, the manufactured home that went in there, is that a replacement as a result or do we know?"

Mr. Krout said, "A replacement of what was there before the tornado? I believe so."

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Chairman Schroeder said, "How old is this photograph? It doesn't show that modular on there. It doesn't show a house on there."

Commissioner Hancock said, "It must be pre '91."

Chairman Schroeder said, "Is that a house, a garage, or just a slab of concrete?"

Mr. Krout said, "Right here?"

Commissioner Hancock said, "East of the zone."

Mr. Smith said, "The dark area you are seeing, I believe that is the roof of the modular."

Mr. Krout said, "Yes, that's the house."

Chairman Schroeder said, "So, it doesn't sit at an angle."

Mr. Krout said, "This is the owner's house if you can make out that roof."

Commissioner Hancock said, "If the zoning case extended north, let's say they included that north part of the L, that is not doable, looks to me like."

Mr. Krout said, "My point is that I believe they probably could come in and request a replat of this L-shaped ownership into this lot which I believe if they give us evidence, we would have to recognize as a lot that existed and was non-conforming even though now it is under 20,000 square feet. There is some question there. I believe they could probably say that's a lot and either come in separately or as part of this and say here is a lot that is 20,000 square feet and not have to go through a zoning change. The reason they are going through the zoning change is because they want to retain that back portion so they have more than 20,000 square feet."

Commissioner Miller said, "Would you repeat that?"

Mr. Krout said, "Okay. Originally, there was this ownership which was less than 20,000 square feet and there was a separate ownership that was over 20,000. This property owner acquired that larger piece and now owns this L shaped area. What they would like to do now is to sell off this portion, keep the larger portion, and what I was saying was that I believe if they instead were willing to sell off that whole area that they had acquired before then that lot would be more than 20,000 square feet and they would be able to plat the property and get a building permit without

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having to ask for the zoning. Historically there were two lots that were available in this area to build on.”

Commissioner Hancock said, “No, you cleared it up. I was just curious, I couldn’t understand the first time, it takes three times for me. Is there a policy that Metropolitan Area Planning Department and Commission might look at. I know we have a history of large lot developments with divisions sometimes and I know this is a very old subdivision area. Is there some kind of policy concerning large lot subdivisions and how they might change the character in the future. This lot is really out of character with the neighborhood, the size of it and so forth. Is there a policy or an examination as the City creeps out to the more suburban or rural areas with these large subdivisions? What are we going to do?”

Mr. Krout said, “I think in the past there has generally been an informal policy to encourage the subdivision. In fact, in a lot of these areas where you provided services and there has been a tax burden to the owners of large lots, being able to sell off a portion of a lot is a way to recover some of the cost of those services that in some cases have been forced on the property owners. So for that reason and generally to take advantage of the public investments that have been made, I think that the Planning Commission and the plan is encouraging in-fill and the subdivision of lots. I think what you’re suggesting is that maybe there are some additions in some areas of the County where that large lot addition represents the character that ought to be retained and there ought to be a more specific policy that limits the subdivision in those areas. In general there hasn’t been a policy that has really dealt with that in the past.”

Commissioner Hancock said, “Have you run across any subdivisions that have been platted with that in mind and would only allow improvements on certain portions of large lots? I’ve always heard that, that some developers with that in mind. I haven’t seen one myself but I’ve heard is was a possibility.”

Mr. Krout said, “I think that once the water and sewer is there the developer generally wants to keep the lot cost to a minimum and try to develop it to a maximum. I think you almost have to do this as a neighborhood plan, subdivision by subdivision because you have a little in-fill area like this and you may have three acres down here, what happens to that, and you may have ten or twenty acres here and should you preclude that from development? Well that is more like the Tara Falls scheme that we saw earlier at Harry and 127th Street. So I think every one of these subdivisions probably have a unique history and needs to be looked at separately. The point is that we shouldn’t just have a blanket if you’ve got services we should approve rezoning. I understand that and I think that the Planning Commission can take that into consideration as their updating the plan.”

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Commissioner Hancock said, "Okay, thank you, Marvin."

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

Commissioner Miller said, "Thank you, Mr. Chairman. Marvin, I have a couple of questions. First of all, what potentially is going to be the usage of this lot?"

Mr. Krout said, "Single family home?"

Commissioner Miller said, "For how many? I know it is SF-10 so literally . . ."

Mr. Krout said, "Just one household."

Commissioner Miller said, "One single house."

Mr. Krout said, "Yes, one single house. Then there would be another lot that would meet the current zoning requirements, they would leave this SF-20 and it would be over 20,000 square feet and meet the requirements for one single family house on that lot."

Commissioner Miller said, "For some reason I was getting the impression that there was more than one family dwelling."

Mr. Krout said, "It wouldn't be possible under the SF-10 zoning. It is one family, one unit per lot. The lot has to be at least 10,000 and this is 11,500."

Commissioner Miller said, "Reading your recommendations, there were two things that stuck out, the suitability of the subject property for the uses to which it has been restricted that the awkward L shape of the applicant's lot would be difficult to maintain and I've heard that. Then number three, the extent to which removal of the restrictions would detrimentally affect nearby property. I keep seeing and hearing that although the surrounding land use pattern is developed according to the standards of SF-20 district, the addition of one single family lot should not have a negative impact on surrounding property so we are choosing, if we would so approve to deviate what is normal in this area is basically what your recommendation is justifying. Would you say that?"

Mr. Krout said, "Well, I think it is reasonable to say that the overall character of the area is lot sizes that are larger than 10,000 square feet. In fact, the average lot size is probably well over 20,000 square feet which is the minimum. So this is a deviation from the character in that it is a smaller lot size although you do have these situations . This is a little bit of a unique situation

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because you've got these old tracts of land that have been developed where this is exactly the same size, the same situation as this property and it is permitted on that property. This was originally developed and had an ownership that was the same size as those lots. In the very immediate area you can say this is not out of character. In the larger area yes, all these lots are larger."

Commissioner Miller said, "In the larger area it is out of character but immediately, those were four lots or three, I can't remember the original."

Mr. Krout said, "Ownership has changed a lot over time. Originally this was all one ownership and how this was split out and this was split out probably before platting I'm not sure. Before '49."

Commissioner Miller said, "Okay, that is what I'm trying to basically reckon with and that is number three, being able to, although the surrounding land pattern is developed according to SF-20 we're being asked to deviate because that specific area it is not out of character because of the way it has been broken out?"

Mr. Krout said, "And I think you have to . . . I mean the other issue is you have the case with Tara Falls a couple of weeks ago. There was an introduction of a higher density area next to low density subdivision. I think you have to, when you say what's the character of the area you always have to take that with a little bit of a grain of salt because otherwise you would probably never approve zoning because a zoning change is very often a change in the character of the area. If you're out in a wheat field and you ask for zoning to single family you're changing the character of that area, which is agricultural. A little bit of difference between that Tara Falls case and this case is that this is in the middle of an old addition. The Tara Falls case was a new large tract next to an older addition. But you've got these mitigating circumstances I think with the immediate vicinity and how it was cut up even before platting into some smaller lots."

Commissioner Miller said, "Okay, thank you."

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

Commissioner Gwin said, "Thank you, Mr. Chairman. Marvin, I appreciate you pointing out the difference between Tara Falls and this one because I certainly agree and I think the public needs to know that changed the looks of an existing neighborhood but it was next to it. What we are talking about today is within an existing neighborhood. As a former Realtor though as I look at this case I'm thinking about the issue of private property rights and I wonder as a landowner in this area, in this neighborhood or any other neighborhood in the County if I own several acres of land, or more than several but currently, and I want the ability to sell off whatever I believe is appropriate

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piece of land, whether it is ten acres of that 40, or 20 acres of that 80 or whatever, am I generally restricted from doing that or can someone tell me what I can sell off and what I can't?"

Mr. Krout said, "Well, you can sell off your land. What you can sell it for is another matter. Let me say that you have five acres or ten acres and it is zoned SF-20 today, you would have water and sewer and you would have to go through the platting process you would have to provide in an area like this paved streets, water, and sewer extensions but you would be limited to 20,000 square foot lots. The question then becomes can someone market a development, make it economical viable reuse of that acreage if they're limited to 20,000 square foot lots. Well, at 13th Street and 143rd Street, I think the answer is yes, that area can support the very high public investment of putting a lot of infrastructure on large lots. I think if you start to look at an area that is more like this and we haven't done the calculations, but if someone did the calculations, they might conclude that you cannot market lots at the cost of the assessments plus the land, the infrastructure, that you have to put into it and sell lots and build homes that would be marketable because of the overall price structure in this particular neighborhood let's say as opposed to another neighborhood. What the courts says is that if there is not an economically beneficial use of the property then it is a taking without compensation. So if a developer could prove to you that it is impossible to market 20,000 square foot lots with public services in this area he would have then a pretty good point to be able to say I should be rezoned to smaller lots. So again, I am saying that it does get down to a case by case basis. In this case, it may be arbitrary given the values of the properties versus some other parts of town."

Commissioner Gwin said, "The other issue the homeowners brought up was that if we grant this and make this change today that there would be other opportunities in this neighborhood for some more of their neighbors to do the same thing. If they found out that the acreage they bought several years ago is no longer needed, there is an opportunity to recoup some of the investment they made and sell off pieces of it or a portion of what they currently own, then that kind of domino effect would ultimately really change the character of this neighborhood. I'm not as familiar with it as the Chairman is but are there a lot of other opportunities or a lot of other possibilities that we might see that kind of transition here? Are you that familiar with it?"

Mr. Krout said, "Yes, I'd say yes there are. You do have properties like the owner who spoke earlier who bought the vacant lot next to his house in order to have the open space that he wants to enjoy. He would have the same opportunity to come in the door tomorrow and file for a zoning change just like this property owner. Without some more specific policy that you have now then you are weighing the issues of the character of the neighborhood as it exists today versus the idea

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that as public services are brought to an area it is appropriate to consider higher densities.

“In other words, we don’t have a very precise policy for a neighborhood like this. So yes there are other opportunities for people to do that. As I said earlier, we had a zoning request to do that and it did meet with opposition. It was for five or six lots and it ended up being withdrawn. I think there probably will be other cases. We have situations more in the city limits than outside of the city limits today where you have 300 foot lots and if you look at the platting, what has happened over time is that people have gone down to the lot line and dedicated streets at the rear of those 300 foot deep lots and created a whole new street system and created urban density lots. Really the character of some of those neighborhoods haven’t changed all that dramatically. I think that change happens mostly in terms of the street appearance. When you have a regular street appearance in terms of width of the lots and that changes dramatically, that’s what you see. So I think you could differentiate maybe if someone was coming in here where you have a clear pattern of lots that are on 160, 200, or wider lots from this particular area which is this unusual situation that had smaller lots even before the property was platted.”

Commissioner Gwin said, “Thanks, Marvin. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Thank you. Marvin, the Comprehensive Plan, the way I’m beginning to understand this a little better now seems to be taking the older areas of the County that were once large lot areas and I guess turning them into SF-10. We just approved an SF-10 in Tara Falls.”

Mr. Krout said, “Actually, that was SF-6.”

Chairman Schroeder said, “I think there are plenty of places for people to go that want to live in that way if they want to live in smaller lot developments. They have a chance to do that. But I see these people living in large acre lot developments, that’s what they want, although there is one individual that probably wants to do something different as we are aware today. But it comes before us for a reason and that is in order for these people to do this, we have to agree to an SF-10 change, right?”

Mr. Krout said, “That’s right. As I said, they may have an option ahead of them if they are willing to give up this portion of their property to just come in and plat that. That is considered to be legal and non-conforming then they could do the same thing and not even ask you. I don’t want to tell the neighborhood that they don’t have another option here to build on that lot.”

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Chairman Schroeder said, "I see it as kind of a cat and mouse game. People who want to live out in the County in a more rural setting are being chased continually. As the City annexes, which they have northeast to a great extent and those people got smart and protected themselves with covenants, et cetera. Commissioner Gwin and I were just talking about some other areas. This was developed so long ago, these people don't understand all of that I'm sure when they move in. They just assume these are large lot developments and that is what they like. Next thing they know, they're being challenged to reduce the size of these lots, in-fill housing, bring more people in, exactly the opposite of what they hoped and dreamed of. So here we go, we're taking that dream away from these people so that we can in-fill and I don't know why we're doing it. I guess we're doing it because the Comprehensive Plan says we need to do it and because the City wants to sell more water. But we built the sewer to handle a certain capacity. That means as we start to do this in these older areas, we're going to have to increase the capacity of that sewer. But my understanding was when we did this back in the late '80s, that we built that sewer system as the community is developed now and with the potential of development in new areas. I don't ever remember any conversation with Jim Weber that we were going to go back and in-fill all of these areas and that is why we built the sewer to the capacity it is. I remember the conversation is we built the sewer to the capacity it is because we plan to develop more into the County.

"Where do these people go if they can't live this lifestyle? Where are we going to send them? That one bothers me. I don't think it is necessary up to us to mirror what the City does in the city limits. I think people move into the County because they like that setting. Now if we don't allow that to continue than I don't think we offer lifestyles for everybody. I think we only offer lifestyles for people who want to live in a neighborhood like mine with an 80 foot lot frontage. I feel for these people who want to sell this off because they can't mow it anymore but I also understand that there are 90 people who signed petitions when this first started. This gentleman got sick and did not get that done, but that is a lot of people. And 1,000 feet in this neighborhood is not very much. When you go out 1,000 feet, that is not very much at all. So what I want to do is protect this neighborhood. If they want to stay SF-20, I think they ought to be allowed to do that. If somebody wants to live in a SF-10 neighborhood, they can go do that. So I guess what I'm asking the Commissioners today is that we not do this based upon the character of the neighborhood, the size of the lots, SF-10 versus SF-20 that they are now, the possibility of increased special assessments due to infrastructure changes as the neighborhood becomes more in filled with houses. I believe the character of the neighborhood is not an SF-10 neighborhood and that is why I would vote against it. So if any Commissioner wants to talk about that, I'm going to try a Motion here."

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MOTION

Chairman Schroeder moved to deny the recommendation of the Metropolitan Area Planning Department and disapprove the zone change.

Commissioner Hancock seconded the Motion.

Chairman Schroeder said, "Discussion?"

Mr. Krout said, "I would just like to make a point before you have a vote that the Motion will take four votes to override the Planning Commission's recommendation. If you don't get four votes to deny it, one of your options is to send the case back to the Planning Commission."

Chairman Schroeder said, "Maybe they could put it before the Home Depot hearing next time."

Mr. Krout said, "Then if they reconsider it, whatever their recommendation is the second time then it would take only a simple majority even if they recommend again to approve it."

Chairman Schroeder said, "Okay, thank you, Marvin. I appreciate your honesty and candor about this case but I have real difficulties with what we're trying to do with this neighborhood. Commissioners, any further discussion? If not, Clerk call the vote."

VOTE

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

Chairman Schroeder said, "Thank you, Marvin. Appreciate your presentation. Next item please."

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2. CASE NUMBER DR-98-2 - "CLEAN-UP" AMENDMENTS TO THE UNIFIED ZONING CODE.

Mr. Krout said, "Commissioners, you may recall we had an interesting case last fall that was called the Northern Lights Club. It was up on 69th Street near Broadway. In the course of that, the question came up about interpreting the definition of drinking establishments in the zoning code. We referred to the City and County licensing provisions in that definition. We thought that we worked it out to everyone's understanding, but the way that it was being interpreted on the County side was that any use that would require a license for a drinking establishment, as I said, even a Pizza Hut that wants to sell beer or you can potentially at the Sedgwick County Zoo if they want to have a special event on the premises, it was interpreted that that would be a drinking establishment. They would have to go through a Conditional Use Permit process because they would likely be within 200 feet of a residential district or a park or church or school. That was not the intent and we said I think that we would come back and try to clean that up at some point. We understand the Zoo has an activity planned for this spring and so we did decide this was the time. That is the primary purpose for these proposed zoning amendments.

"At the same time we were going through the public hearing process, we talked to the County Code Enforcement and City Code Enforcement people, local builders, and people that were dealing with this zoning code on a day to day basis to see if there were any other items of a clean-up nature that ought to be included at the same time. So in this package you do have a number of other proposed changes. One was to clarify the definition of a commercial vehicle. You are allowed to have one commercial vehicle on your residential lot to park it or store it. But we clarified what that meant. We clarified also what is an inoperable vehicle, because that was a source of some confusion for Code Enforcement. We differentiated a pitch and putt course which would be a much more intensive kind of outdoor recreation activity from a typical golf course. We separated out farm equipment and machinery sales and display from other types of equipment and display so those could be permitted by right out in the County in Limited Commercial and did not require an additional Conditional Use Permit. We discovered that with a recent case that we had done that. We removed references to having manufactured homes by Conditional Use. That was inadvertently left in the zoning code when we went through this past year the amendment to the manufactured home provisions. We allow apartments by right in the neighborhood retail district but realized we did not allow assisted living by right and assisted living is really a less intensive use so we have allowed that by right.

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“There are a number of features and structures that are permitted in building set-back areas and we have gone back in and added and clarified those provisions to deal with patios and decks and window wells. I do want to review one minor change to the wording on the proposal to add window wells to the things allowed in building setbacks. On page 12 of the attachment, it currently reads, the proposal was ‘window wells not over 8 inches above grade may project 36 inches into the building set-back plus an 8 inch stem wall.’ What we would like to do when we reviewed this with the City Council yesterday, we changed that wording, simplified it to be a little more flexible, to say ‘window wells not over 8 inches above grade may project a maximum of 44 inches including all structural elements.’ As we’ve seen a product on the market that goes out 44 inches which is 36 plus 8. It actually projects a little more than 36 inches and doesn’t have the 8 inch stem wall. That is a minor change that we would ask you to include.

“There is a procedural change. We realized at one point that the code goes farther than the statute or that we intended in terms of the 20 day notification for written notice on zoning cases and so we want to clarify that we need to post-mark that mail 20 days and not that someone needs to receive it in 20 days. We shouldn’t be responsible for making sure the people receive their mail. There are all kinds of reasons why that may not happen or they may not be home even.

“Then we’ve added one new administrative adjustment procedure. Where now the Board of Zoning Appeals in lots over five acres you can have an accessory structure in front of a main dwelling. But on smaller lots, which might be a lot, say in the Greenwich Heights area, if it is under five acres and you want to put an accessory structure. Say you have a home very deep on the lot and you want to put the garage in front of it, traditionally you’d have to go the Board of Zoning Appeals. We think that is something we can handle administratively. It does sometimes need a review to make sure that it is in character with the neighborhood and that it is going to be something that would be complimentary but we think that is something we can handle administratively rather than sending it to the Board of Zoning Appeals. So those are the recommendations of the Planning Commission.

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“The only other thing that I’ll tell you is that there was another issue that came to our attention dealing with signs. The County Code Enforcement Officer said we had sort of an ambiguity in the ordinance about off-site signs, billboards in the County. Where the old County Zoning Code used to clearly say that they’re first permitted in the General Commercial district, then in the limited and General Industrial districts. We said in the new code where they are not permitted but we never said where they are permitted. So we looked at that and we had suggested to the Planning Commission that they ought to be permitted in those districts as they were previously but we suggested they ought to be permitted by Conditional Use Permit, which would be a case by case review of the location of billboard signs in those districts because the County really doesn’t have sign standards governing the height or size or spacing of billboards or many other signs. We thought that should be a case by case review. If you’ve read the Minutes then you know that we let Donrey Sign know about that proposal. They weren’t real excited about it. In the end, because of that and also we had recommended another clarification in residential districts that you can have signs for churches and schools and recommended that they be larger than 12 square feet that kind of infers they are limited to in the district. The Planning Commission’s recommendation was that there are a whole bunch of sign issues that the County needs to be facing someday, I think we had this discussion at a luncheon with the Planning Commission, and we should pull this out for now and deal with that on an overall basis. So that is fine with us. This recommendation then doesn’t include any changes to the sign rules or any additions to the sign rules that used to be in the Zoning Code. We’ll deal with all those other issues I mentioned previously. If you have any questions, I’d be glad to answer them.”

Chairman Schroeder said, “Okay, thank you, Marvin. Commissioner Gwin.”

Commissioner Gwin said, “Thank you, Mr. Chairman. Marvin, I’m pleased to see that the issue of signs was set aside. I think there are some fairly strong feelings that we do need to look at it but I’d like that to start here with this Board rather than with the Planning Commission. I think you need to get input from us, you and Glen, about where we see the problems are and what kinds of things we’d like to see as we work on this. We know we have problems, but I’m a lot more comfortable talking to Glen and having him run the halls and kind of get input from us as to what we think are the most important aspect or series of changes, amendments, or whatever, before it is taken to the Planning Commission for their discussion. I’m pleased that’s been set aside. I look forward to working on that and hopefully we can kind of get through it and see what we’d like to see changed and then get it to the Planning Commission for their consideration as soon as possible. Thank you, Mr. Chairman”

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Mr. Krout said, "We have indicated we have a couple of other items that our ability to try to tackle these amendments is a little bit limited and then we always have another issue like mobile homes or in this case the drinking establishments. The next items on our agenda are trying to streamline the process for approving vacations and some subdivision plats and that's what we got State Legislation to enable us to do last year. So we want to try to tackle that first and then try to deal with signs after that."

Commissioner Gwin said, "That's fine. I'm not in a big rush with it. But my point being that you'd better talk to this body before you take anything over and run it by the Planning Commission."

Mr. Krout said, "Okay."

Commissioner Gwin said, "Thanks."

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

Commissioner Winters said, "Marvin, has the City Council reviewed these clean-up amendments?"

Mr. Krout said, "Yes, I'm sorry. The City Council Planning Commission did approve them unanimously after taking out the sign issues. The City Council had this on their agenda yesterday and they voted to approve."

Commissioner Winters said, "Okay, thank you."

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

MOTION

Commissioner Hancock moved to follow the recommendations of the MAPC and approve the proposed amendments to the Unified Zoning Code, adopt a Resolution approving the amendments and direct staff to publish the Resolution.

Commissioner Winters seconded the Motion.

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

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VOTE

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

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

3. RESOLUTION REVISING THE AIRPORT HAZARD ZONING CODE.

Mr. Krout said, "Commissioners, this is an advertised public hearing. It really is to reenact a resolution that was approved back in late 1995. If you recall, Raytheon was developing plans to rebuild and expand their runway. They asked the City to review the Airport Hazard Zoning Ordinance which had been on the books since the 1950's and was amended again in 1983. Until 1995, the ordinance was enforced by the City of Wichita outside as well as inside the city limits. At the time, in the 1950's, there was not a building code or a zoning code and well I think the thought was and the State Statues permitted this special kind of zoning protection to occur in an extraterritorial jurisdiction area. So the City went ahead and enacted that but by 1995 we believed it would be more appropriate for the County to enforce this code in its jurisdiction, outside the Wichita City limits. So we developed a new joint ordinance and resolution to deal with the issue. The ordinance limits the heights of buildings, towers, and other structures in the vicinity of airports. Of public interest, it prohibits activities which might be hazardous to air navigation. That might include glare or smoke or activities that would attract birds.

"This was approved by the two governing bodies in December of 1995 but we discovered this past year in a law suit, which has since been settled, that the official newspaper did not provide the correct advertisement of the public hearing dates, either the City Council date or the County Commission date. So we have been asked to go back and recertify this ordinance and resolution. We have taken the ordinance to the Wichita City Council and they approved it on first reading at their meeting a week ago Tuesday. Your Agenda reads correctly that we would like you to approve the Resolution. The staff referral report that you have took the City Council wording by mistake and said approve the ordinance on first reading. You are not approving an ordinance or on first reading, but we are asking you to adopt the Resolution. There are no changes in this Resolution from what was approved in late 1995, but I'll try to answer any questions you might have. I believe

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there is a representative in the audience from Raytheon who can speak to this issue if you'd like."

Chairman Schroeder said, "Okay, thank you, Marvin. Any questions Commissioners at this time before we open up the meeting? If not, I'll open the meeting to public hearing. Anybody who would like to be heard on this item please come forward and state your name. You're limited to five minutes. Anybody from the audience like to speak on this item? If not, we'll close the public hearing and limit discussion to bench and staff. Commissioners?"

MOTION

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

4. UNIFIED WORK PROGRAM (UWP) FOR FISCAL YEAR 1999.

Mr. Krout said, "Commissioners, this is the time every year when we come to you with what is called the Unified Work Program, which is basically a work plan that lays out the issues and problems and opportunities dealing with transportation in the community and goals in the community and lays out a work plan of what are the priority projects that the Planning Department's Transportation Division, in cooperation with City and County Engineering and with KDOT and with the Wichita Transit Authority and others expect to be working on over the next year. It also provides a basis for the grant submission that we make so that the Transportation Division is basically funded with federal funds from the Federal Highway Administration and the Federal Transit Administration. We would be submitting that grant application shortly after today.

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“The purpose of the Metropolitan Planning Organization, which is the MAPC, which is staffed by the MAPD in this overall set-up is to assure that there is coordinated and comprehensive and continuing planning that involves all entities in the region and we are required to do a number of mandated studies and one of those is the Comprehensive Plan which we are required to review and update every five years and we’re in that process right now. That would be a main objective of this upcoming year in terms of the transportation element of that Comprehensive Plan, working on that.

“In addition, we’re working on, I’m sure you’ve heard about the Northwest Bypass Study that is being done by consultants to KDOT, so we’re involved in that study. We’re involved in the Kellogg corridor access management efforts and I think those will be continuing. We want to look at better access management along arterial streets on major corridors other than the state highway system including Kellogg in the future. You can bet that we will be continuing to work on railroads in the future as part of our efforts. Those kind of activities are all outlined in this work plan. I’ll try to answer any questions you have on this item.”

Chairman Schroeder said, “Okay Marvin, thank you. Questions on this item? It not, what’s the will of the Board?”

MOTION

Commissioner Hancock moved to approve the fiscal year 1999 (July 1, 1998 through June 30, 1999) UWP and adopt a Resolution authorizing the Director, MAPD, to submit applications, negotiate agreements and execute contracts in support of the UWP.

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

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Chairman Schroeder said, "Marvin, thank you. Appreciate you being here. At this time we'll take a quick five minute recess."

The Board of Sedgwick County Commissioners recessed at 10:35 a.m. and returned at 10:45 a.m.

Chairman Schroeder said, "We will resume our meeting, and before we go on to the next item I want to acknowledge Commissioner Bud Hentzen, former County Commissioner Bud Hentzen is in the audience today. Welcome Bud, good to see you. Next item please."

NEW BUSINESS

E. RESOLUTION PROVIDING FOR THE SALE OF CERTAIN REAL PROPERTY LOCATED IN THE VICINITY OF DOUGLAS AND RUTAN IN WICHITA, KANSAS.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "Commissioners, this property was purchased in connection with the development of the State Office Building project. It is a building that is the former Wichita Clinic building. It was purchased by the State from the Wichita Clinic and the City of Wichita and County purchased it from them. The building is now ready for sale and we have developed a Resolution which would authorize it subject to the terms and conditions contained in the Resolution. The procedure for selling real property that is owned by the County requires us to publish three times and wait for a 45 day expiration protest period and if there is no protest then we're free to sell. That would put us approximately May 26 for receipt of bids and approval. The sale is conditional upon the City of Wichita's approval since they are a co-owner. That is the procedures. I'd be happy to answer any questions that you'd have."

Chairman Schroeder said, "Thank you, Mr. Euson. Any questions? If not, what's the will of the Board?"

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Hancock seconded the Motion.

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

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VOTE

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

Chairman Schroeder said, "Thank you, Richard for your presentation. Next item please."

F. CONTRACT WITH UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR CONSOLIDATED ANNUAL CONTRIBUTIONS FOR RENTAL PROGRAMS, AND CERTIFICATION OF CONTRACT.

Ms. Irene Hart, Director, Bureau of Community Development, greeted the Commissioners and said, "This is another of our annual contributions contracts. Our contributions with HUD so that we can obtain money to continue the Housing Authority Program. The dollar amount is about \$47,463. You will expect to see about three more of these over the next year. The first ones we got lasted for 15 years. This one now lasts for one year. HUD is trying to make all of them expire March 31, 1999. So this renewal is for one year until that time. I'd be happy to try and answer any questions."

Chairman Schroeder said, "Thank you, Irene. Questions? If not, what's the will of the Board?"

MOTION

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

Commissioner Winters seconded the Motion.

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

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VOTE

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

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

G. AGREEMENTS (FOUR) WITH STATE OF KANSAS JUVENILE JUSTICE AUTHORITY ALLOWING SEDGWICK COUNTY TO CONTINUE PROVIDING SERVICES TO JUVENILE OFFENDERS AT FOUR LOCATIONS.

- ! SEDGWICK COUNTY YOUTH AFTERCARE PROGRAM**
- ! JUDGE RIDDEL BOYS RANCH**
- ! JUVENILE RESIDENTIAL FACILITY**
- ! JUVENILE DETENTION FACILITY**

Ms. Cecile Gough, Operations Administrator, Department of Corrections, greeted the Commissioners and said, "Because the Juvenile Justice Authority assumed the responsibility for the juvenile offender case management services formally provided by SRS (Department of Social Rehabilitation Services), our Department needs to establish formal provider agreements in order to continue to provide these services and receive reimbursements. The SCYP Program we would anticipate \$600,000 annually reimbursement from this contract at \$105.14 per client day. For the Judge Riddel Boys Ranch we expect \$900,000 annual reimbursement at a client day rate of \$72.32. The Juvenile Residential Facility is expected to acquire \$230,000 annually at a client day rate of \$72.32. The Juvenile Detention Facility is expected to receive between \$800,000 and \$900,000 at a client daily rate of \$74.70. We would ask approval of these four Agreements."

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

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MOTION

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

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

H. BUREAU OF COMPREHENSIVE COMMUNITY CARE.

1. CONTRACT WITH WICHITA CHILD GUIDANCE CENTER TO PROVIDE THERAPEUTIC SERVICES FOR SEVERELY EMOTIONALLY DISTURBED CHILDREN, YOUTH AND FAMILIES.

Ms. Deborah Donaldson, Executive Director, COMCARE, greeted the Commissioners and said, "This first item involves the Guidance Center as a provider and is part of the children's mental health waiver. As I had mentioned before, we are anticipating that we'll be seeing a number of providers who will be participating in this program and this allows them to become one of those. I'd be glad to answer any questions."

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

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MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

- 2. CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE INTENSIVE FAMILY SUPPORT AND ADVOCACY SERVICES TO FAMILIES WITH SEVERELY EMOTIONALLY DISTURBED CHILDREN.**

Ms. Donaldson said, "Commissioners, this particular contract is a renewal of our Family Advocacy Program that the Mental Health Association provides. I'd recommend your approval."

MOTION

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

Commissioner Hancock seconded the Motion.

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

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VOTE

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

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

**3. CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH
CENTRAL KANSAS TO PROVIDE A SUPPORTIVE PROGRAM FOR
CHILDREN WITH SEVERE EMOTIONAL DISTURBANCES.**

Ms. Donaldson said, "Commissioners, this particular program you are more familiar with in terms of it being called COMPEER, which provides a match with a child who had a serious emotional disturbance and then they work together. It is similar to a Big Brothers Big Sisters Program only this is kids who have very serious mental illness issues. I'd be glad to answer any questions."

Chairman Schroeder said, "Thank you, Debbie. Discussion?"

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

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

- 4. CONTRACT WITH SOUTH CENTRAL KANSAS EDUCATIONAL SERVICE CENTER-PROJECT BRIDGE TO PROVIDE THERAPEUTIC SERVICES FOR SEVERELY EMOTIONALLY DISTURBED CHILDREN, YOUTH AND FAMILIES.**

Ms. Donaldson said, "This particular contract is again a contract for this particular agency to provide services for the childrens mental health waiver. I'd be glad to answer any questions."

Chairman Schroeder said, "Thank you. Discussion on this item? If not, what's the will of the Board?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

- 5. CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE EDUCATIONAL/SUPPORT GROUPS FOR CHILDREN GROWING UP IN HOMES WHERE ALCOHOL AND OTHER DRUG USE IS A PROBLEM.**

Ms. Donaldson said, "Commissioners, this particular program has been around as Pathways and is a renewal and an ongoing program the Mental Health Association provides to children who are

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growing up in homes where substance abuse is an issue. Be glad to answer any questions.”

Chairman Schroeder said, “Thank you. Discussion? Commissioner Gwin.”

Commissioner Gwin said, “Debbie, when your department refers to children, what age groups do you generally consider?”

Ms. Donaldson said, “Normally under 18, although in some circumstances when a child has already been receiving services prior to the age of 18 we will sometimes go up to 21 or 22.”

Commissioner Gwin said, “Okay, thank you.”

Chairman Schroeder said, “Thank you. Further discussion on this item? If not, what’s the will of the Board?”

MOTION

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

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Schroeder said, “Thank you. Next item.”

6. AGREEMENT WITH HORIZONS MENTAL HEALTH CENTER, INC. ALLOWING SEDGWICK COUNTY TO PROVIDE PROFESSIONAL PSYCHIATRIC SERVICES.

Ms. Donaldson said, “This particular contract allows us to provide child psychiatry service to

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Horizons Mental Health Center. We do that through our tele-psychiatry option. I would recommend your approval of this Contract.”

Chairman Schroeder said, “Thank you, Debbie. Discussion on this item?”

MOTION

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

Chairman Schroeder said, “Thank you. Next item.”

7. CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE RESPITE CARE SERVICES TO SEVERELY EMOTIONALLY DISTURBED CHILDREN.

Ms. Donaldson said, “Commissioners, this last Contract is again with the Mental Health Association and this is a renewal and they will provide respite care to the families who have children who have a serious emotional disturbance and really need a break from that particular responsibility. I would recommend your approval.”

MOTION

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

Commissioner Hancock seconded the Motion.

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

VOTE

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

Chairman Schroeder said, “Thank you, Debbie. Next item please.”

I. MEMORANDUM OF UNDERSTANDING WITH CITY OF PARK CITY RELATING TO THE PROVISION OF WATER AND SEWER SERVICE TO THAT AREA COMMONLY KNOWN AS ARCADIAN ACRES.

Mr. Euson said, “Commissioners, I have asked Mike Pepoon from our office to present this item.”

Mr. Mike Pepoon, Assistant County Counselor, greeted the Commissioners and said, “You have before you today a Memorandum of Understanding, basically a Contract between the City of Park City and Sedgwick County in which we would be deferring to Park City to provide sewer service to an area commonly known as Arcadian Acres. I have a couple of overviews of the area in questions.

SLIDE PRESENTATION

“The area we’re allowing Park City to provide sewer services is this area right here which is bordered on the east by Broadway up here and to the north by 53rd Street North. Give a little closer view of the area we’re talking about and I believe the dot there are the people that have signed petitions to have sewer service provided to the area. Apparently 68% of the land owners in this area petitioned the City of Park City to provide for sewer service in their benefit district. As you have probably seen in your back-up, we asked Jim Weber to look at providing this service and he found that from a feasibility standpoint it is not feasible really for the County to provide the service and he recommended that Park City provide this service as well. KSA 12-2908 allows for cities and counties to enter into intergovernmental agreements to provide such governmental functions. Bond Counsel for the City of Park City, Joe Norton, has reviewed this agreement and feels that it was necessary for the County in some fashion or another to give permission for Park City to provide this outside of the city limits. We’re asking that the Commission approve the Agreement and authorize

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the Chairman to sign. City Engineer, Jack Whitson from the City of Park City is here and he can answer any questions from their end of things. Any questions?"

Chairman Schroeder said, "Thank you, Mike. Commissioner Miller has a question."

Commissioner Miller said, "Thank you, Mr. Chairman. Actually it is just a kind of hallelujah that this is going to happen. It has been a moment when we began talking about it to actually get to the point where we are going to look at approval at the Commission bench. I am going to be supportive of this. There are several, not only residents, homeowners, but also businesses within the referred to district, particularly on Broadway and north of 53rd Street that would definitely benefit from this occurring. I'm just eager to see it get on the way and if you don't mind Mr. Chairman, Jack Whitson is there anything else you'd like to add at this time."

Chairman Schroeder said, "Come on up Jack."

Mr. Jack Whitson, City Engineer, Park City said, "Currently several of the businesses here are paying in excess of over \$1,000 a month to pump their sewage. Several of the residents are paying over \$100 which would easily pay the assessment costs. Because the assessment is spread on a per square foot basis, the businesses are picking up the bulk of the tab of the project which benefits the residents here. This also is an area you've heard possibly in the newspaper on the Superfund sight, part of the Riverview area, that area there. Water tables are about 14 feet in this area. The soil is not conducive for continuation of septic tank systems. The City has already invested around \$10,000 in engineering already on the preliminary project so that we can move forward once you've approved this. I'd be more than willing to answer any questions you may have."

Chairman Schroeder said, "Thank you, Jack. Commissioner Gwin I think has a question."

Commissioner Gwin said, "Yeah, I do. Thank you, Mr. Chairman. Jack, is it my understanding that Park City has agreed with the State Department of Health and Environment that this is kind of their responsibility area. Do you have some sort of agreement with KDHE on this?"

Mr. Whitson said, "Yes, Ma'am. Our sewer treatment plant in fact if you look over in the right hand corner where it says city limits, that's the property our sewer treatment plant is located on. Park City sewer treatment plant is considered a regional plant by the Kansas Department of Health and Environment. This area here is in the area designated by KDHE to be in our service area for that particular plant."

Commissioner Gwin said, "I'm glad we're finally able to get this to the Agenda so that you all can

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proceed. Thank you. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Thank you. Thank you, Jack. Anything else? Okay, thank you. Mike, anything else you’d like to add?”

Mr. Pepoon said, “Only that Jim Weber is also here, Director of Sewer Operations, in case there are any questions that can be directed to him.”

Chairman Schroeder said, “Jim, do you have any comments that you’d like to make? Thank you. At this point, I don’t know if there is anybody here from the public that would like to speak to this item. But if there is, you’re welcome to come forward and limit it to five minutes. If not, we’ll close the public hearing and limit discussion to bench and staff. Commissioners? Discussion?”

MOTION

Commissioner Miller moved to approve the Memorandum of Understanding and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, “Thank you. Next item please.”

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J. CLOSURE OF ZOO BOULEVARD DURING A PRAIRIE GRASS BURN ON ZOO PROPERTY.

Mr. Scott Davies, Horticulturist, Sedgwick County Zoo, greeted the Commissioners and said, "Once again it is time to conduct a prescribed burn out at the prairie at the Zoo, the prairie area in front of the Zoo. We've done four of those in the past and we do those with the utmost safety in regard to making sure that we don't create smoke hazard there on the road. So we are asking your approval to do a road closure if we need to. In the past we haven't had to close any of the roads down. We select days when the weather is very conducive for a good burn and that means low winds. It hasn't been a problem but we want to be prepared to close those roads down if it becomes a problem or the wind picks up on us. We do this jointly with the Sedgwick County Disaster Management. It provides an opportunity for them to do some training on prairie grass burns with their volunteer fire department and so it is kind of a cooperative thing between us too. I'd recommend approval"

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

MOTION

Commissioner Gwin moved to approve closure of Zoo Boulevard for the prairie grass burn.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Scott, thank you. Next item please."

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K. REVISIONS TO SEDGWICK COUNTY AND FIRE DISTRICT PERSONNEL POLICIES AND PROCEDURES MANUAL.

! POLICY NUMBER 4.300 "EMPLOYMENT"

! POLICY NUMBER 4.2001 "WAGE AND SALARY ADMINISTRATION"

! POLICY NUMBER 4.502 "GRIEVANCE"

! POLICY NUMBER 4.603 "LAY OFF"

Ms. Mary Ann Nichols, Personnel Director, greeted the Commissioners and said, "I'm here to request your approval for revisions to the Sedgwick County and Fire District Personnel Policies and Procedures Manual. The first change is under the chapter Equal Opportunity Employment, Subject Employment, Policy 4.300. We're asking under III, Definitions, Category 10, Temporary/Interim Appointment Employees, 'Employees who are assigned the duties and responsibilities of a higher classification for a temporary period of time (time frame to be determined by the County Manager or Board of County Commissioners). The employee must meet the minimum qualifications for the assigned classification and must perform the full scope of work in the assigned classification.' In conjunction with this, we looked at Policy 4.2001, Compensation Plan, Wage and Salary Administration, and under II, Q, we are changing that to state, 'Rate of Pay as a Result of Temporary/Interim Assignment (Interim Appointment Pay). Number 1, an employee who is formally assigned the duties and responsibilities of a higher classification for a temporary period of at least sixty (60) days may be paid Interim Appointment Pay consistent with the temporarily assigned position, as determined by the County Manager or Board of County Commissioners. a. Interim Appointment Pay will be based on the classification (pay range) of the position to which appointed and the step of the position that provides a minimum of five percent (5%) increase above current salary. b. Employees serving interim appointments that extend beyond six months shall be subject to the County's employee evaluation program as if holding a permanent position. That is, 6 month interim evaluation(s) shall be accomplished and 12 or 18 month formal evaluations shall be accomplished based on the evaluation period of the assigned pay step. Accordingly, pay step advancement will then occur as provided by the evaluation program. c. When an interim appointment ends, the employee will be placed back on his/her original pay range and step as if the interim assignment had not occurred (i.e., if a pay step advancement should have occurred, the employee will return to the higher pay step).'

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“The next change is to Chapter: Employee Conduct and Relations Standards. The subject is Grievance, Policy 4.502. It currently states, if the employee is not satisfied with the County Manager’s decision, the employee may appeal the grievance to the Sedgwick County Grievance Board for grievances related to: (1) terminations, (2) demotions, (3) suspensions without pay and (4) grievances related to discrimination. We are changing that policy to state, ‘If the employee is not satisfied with the County Manager’s decision, the employee will have thirty (30) days to appeal the grievance to the Sedgwick County Grievance Board for grievances related to: (1) terminations, (2) demotions, (3) suspensions without pay and (4) grievances related to discrimination.’ We felt that we have time lines elsewhere within that policy and that we needed to provide a time line for an appeal.

“We’re also adding under L, following the presentation of evidence at the grievance hearing, the Board will make written findings of fact which will be included in the Board’s recommendation to the grievant. The Board shall recommend to uphold or overturn the decision of the County Manager. The Board’s recommendation will be forwarded to the County Manager within ten (10) working days of the conclusion of the hearing. The decision of the Grievance Board shall be final unless overturned by the County Manager within five (5) working days of the date of the Grievance Board’s decision. We’re asking for a revision to make that period of time; the Manager has the right to make a decision fifteen (15) working days rather than five (5) to give him additional time.

“The next change is Chapter: Separation, Layoff, Policy number 4.603. Currently Sedgwick County policy states that we will continue payment of life and health insurance for ninety (90) days after the effective date of lay-off. The employee shall be responsible for his or her share of the premium to the County after ninety (90) days total insurance coverage shall be the obligation of the employee. We are asking for a change and that policy will state that, ‘Sedgwick County will offer health insurance continuation coverage under the Consolidated Omnibus Budget and Reconciliation Act of 1986 (COBRA). The Human Resources/Personnel, Records Section will explain and provide the forms for COBRA coverage, if the employee wants the coverage.’”

Chairman Schroeder said, “Mary Anne, in that one, will COBRA cover these people who are laid off?”

Ms. Nichols said, “COBRA will cover them for 18 months and their dependants for 36 months. It is federal law.”

Chairman Schroeder said, “What level of coverage will that be?”

Ms. Nichols said, “The same that is provided for normal County employees.”

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Chairman Schroeder said, "So they won't notice any difference from the time they leave until they're . . ."

Ms. Nichols said, "That's correct."

Chairman Schroeder said, "Okay."

Ms. Nichols said, "They have to pay the total cost."

Chairman Schroeder said, "Do you have estimates on what something like that costs compared to what our people pay per month if they're on a family policy?"

Ms. Nichols said, "They pay the County's rate. That's what COBRA does. They stay on our insurance at our rates. They must pay the total premium."

Chairman Schroeder said, "What brought us at this point to do that?"

Ms. Nichols said, "Well, first of all, I went out and surveyed a lot of organizations and we could find none that provided this kind of benefit. If you're looking at lay-offs and it is for financial considerations, our departments are looking at that financial condition. It just didn't make a lot of sense that we're taking on an additional liability. Especially since we have COBRA and it has been available to anyone who is terminated as well as people who are laid off."

Chairman Schroeder said, "Okay. Just wondered about their ability to make those insurance payments if they don't have a job. That was my concern. I'm sorry. Continue Mary Anne."

Ms. Nichols said, "That's all and I would request your approval."

Chairman Schroeder said, "Commissioner Gwin. I'm sorry, Commissioner Miller."

Commissioner Miller said, "I have a question regarding 4.2001. Actually it is not regarding compensation pay but as you were doing your investigatory work, in terms of comparable counties, what is the time limit for an interim position that you ran across. I know we're talking about being able to pay individuals that are placed within that position, but I know that there are probably some interim positions that have been held for a year. What is typical?"

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Ms. Nichols said, "When I went out and there again surveyed other entities and we got some information off of internet, we could find no policy that addressed interim or temporary on a long term basis. Temporary and interim basically means short periods of time. But we felt because of the circumstances and I know that the County Manager and we have some department head positions and their senior management positions that are critical to this organization and they have been appointed on an interim basis and have been extended over a period of time. Since the manual was kind of mute to that issue we felt like we needed to address it."

Commissioner Miller said, "Once again, you're saying that the industry does not typically an interim is indeed what, three months, six months?"

Ms. Nichols said, "I found that generally it was six months was the maximum policy. Although, when I talked to other human resource people, they indicated that there were occasions when they had to look on a case by case basis and address that before their boards. None of them had too much of a problem with us making a wide extended policy."

Commissioner Miller said, "Certainly. Mr. Manager, what is our policy in terms of keeping individuals in that interim status? Is it just discretionary or what would be a reason then for continuing with an interim position for over six months?"

Mr. William Buchanan, County Manager, said, "Either difficulty in filling the position or the circumstances in the department were such that it really wasn't an appropriate time to make a change."

Commissioner Miller said, "So basically discretionary is what I'm hearing based upon it sounds as though ultimately your decision. Is that what I'm hearing? Okay. I would like for us to consider looking at or have you considered looking at being able to put bookends or time lines on how long an individual is in that position or would you like for it to stay discretionary?"

Mr. Buchanan said, "I'm not concerned about it in this organization. There are only two instances that I can think of that there was any length at all involved and they are both very recent. One is clearly the Director of Community Corrections was in that position. It took, by the time we advertised and we delayed it because of the holiday season and didn't do the interview process until after Christmas was a delay. The Interim Budget Director has been there in the longest history probably of this organization. The Finance Director, when she became pregnant, requested that she stay in that position. There was not time to change in the middle of that process."

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Commissioner Miller said, "So we're talking about budget or when you Finance Director, not budget. Finance Director, is that what you're saying?"

Mr. Buchanan said, "The Finance Director requested that the Interim Budget Director stay on."

Commissioner Miller said, "That the Interim Budget Director, okay, that was what I was attempting to put those two together. Okay. Well, basically you are qualifying that it is not a problem that typically someone does not stay in an interim position for . . ."

Mr. Buchanan said, "I think if anybody has paid any attention in the last several years about we feel positions, it is orderly, it is on schedule, and we get it done when we say we're going to get it done."

Commissioner Miller said, "Thank you. I just wanted to be able to clarify what the industry was doing compared to what we are doing locally and wonder if we need to do some things differently. Thank you, Mr. Chairman."

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

Commissioner Gwin said, "Just real quickly Mr. Chairman. Mary Anne, under Policy 4.2001, Q, b, there is a typo that could be of significant importance if you'd correct that. It calls for a 60 month interim evaluation. I know that we mean six."

Ms. Nichols said, "We'll fix that before we send them out. Thank you."

Chairman Schroeder said, "As a follow-up to that conversation just a moment ago. Bill or Mary Anne, do you, by making those changes, do you foresee that that is going to prolong the process in filling a position once that is put into place. Is that going to create a longer interim stay if that is taken care of in your mind?"

Mr. Buchanan said, "No."

Ms. Nichols said, "I think it just addresses circumstances and that covers us."

Chairman Schroeder said, "All right, very good. Thank you. Other questions? If not, what's the will of the Board?"

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MOTION

Commissioner Gwin moved to approve the policy revisions.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Schroeder said, “Thank you, Mary Anne for your presentation. Next item please.”

L. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.

Mr. Jack Brown, RS, MPA, Acting Director, greeted the Commissioners and said, “The monthly report for the Health Department. There are several items I’d like to cover. We had a situation with a young Labrador puppy that had rabies, which is somewhat of a rarity. The owner we found out had taken it with him to an exhibit and consequently there were a lot of people exposed to this animal. We worked with actually the Federal CDC, State KDHE on this trying to track down all of the people who were potentially exposed, evaluate their exposure, and were very successful. I think we had a total of 20 people however that are receiving the post prophylaxis treatment. We were very successful in getting the word out. It was multi-county and multi-state type of a situation but it worked out for the best. I think those people who needed to be treated have been and we actually called all the exhibitors, all the participants that we had lists of. We sent out letters and that type of thing. That worked out . . . a potentially serious situation worked out quite well.

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“Water sampling. We worked in the Riverview area and completed all the water sampling. That is the area that is adjacent or part of now the Superfund site of 57th and North Broadway. We completed with KDHE and EPA approximately 50 samples, maybe even more, I’m not sure of the final tally on sampling. But we have pretty well identified all those people who are potentially at risk who are on water wells and we’ll be getting the word out to the public. The data just was received in the last couple of days. We’ve met with KDHE as of yesterday afternoon and we’ll be notifying residents up there of the status of the water quality in their area.

“Speaking of water sampling, we’ve also completed the sampling of the Riverside Township area. That is in the south part of south Wichita adjacent to, I guess it is a large area if you look at the whole township. The area we focused on was 55th to 61st Street South between Broadway and Meridian I believe and that sampling has been done and we have the results back from that and did not find any significant contamination issues based upon that preliminary review of the data.

“We put out a request for proposal to privatize the Household Hazardous Materials project. That is out on the street now and I think by June we will have some bidders for that particular project. Basically, what that would do is that we would continue to use the monies that are available through the tipping fees to operate that program under a contractual arrangement and then at some point in time when solid waste responsibilities change, it would be under a contract so it will be very easy to do whatever is necessary at that time in terms of who operates that type of program. So rather than invest money and capital and building a facility and that type of thing, we’ll allow the private sector to do that work and then like I say a contractual arrangement will be entered into until the landfill closes 2001. I might add that we’ll have a selection review committee that will have City and County staff on it to select a company for that particular activity.

“Along with household hazardous waste there has been a state initiative to collect mercury, which can be very toxic if you’re exposed to that particular chemical and compound. There was an issue nationally where mercury was spread around a school and a housing area. The state has this initiative and so our household hazardous materials program will be participating with the state to do a major focus on collecting mercury from whatever sources, science school laboratories, people that happen to have this compound around their home for hobbies and that type of thing. So we will have an event coming up that you’ll hear about to try to collect a lot of this material that is not being used.

“I might up to date you on groundwater. There is a lot of environmental news this month or last

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month. Groundwater remediation, the North Industrial Corridor, all of the phase one sampling has been completed. That is the contamination area between 42nd Street North and 2nd Street, basically between Broadway and the canal route. That first investigative sampling phase has been completed and we're on schedule with that particular project.

"Pollution prevention issues, our staff has been working on pollution prevention at small businesses. We've now done 50 assessments of small businesses and in a number of occasions have established a waste exchange program which I believe I've mentioned to you before where one person's waste is another person's material that they might be able to use in a process. That keeps it out of the solid waste stream. That program is doing real well. There is a lot of potential in that particular segment of the solid waste management system and that's the niche we've been working in as well as the small quantity generators. That program continues to work quite well.

"Last month was the annual dental education effort, it was called Molardrama '98. I think we've been doing this for about 20 years. This is a real successful health education program. We work with the Dental Society, Boeing, Good Neighbor Fund, and the Wichita Children's Theater. I think we had something like close to 5,000 second graders learning about oral and dental health. It has been a long running program and very successful.

"Lastly, I would conclude that our Healthy Start initiating program, we are going out for a director position and have been working with the coalition on that particular project and are hiring a team. Working with the coalition to hire a team of four staff to start that program up and then we'll be expanding the staff to a total of 12 and we're back on schedule with that particular program. Any questions I'd be happy to answer them."

Chairman Schroeder said, "Thank you, Jack. Discussion? Commissioner Miller."

Commissioner Miller said, "Jack, regarding the Healthy Start. There is a team you say that is actually going to do the hiring of some auxiliary staff I would guess because we're not quite at a point where we're going to name or I know we've gone through one interview process, we're going to go through another one in regards to the Executive Director for the program."

Mr. Brown said, "Yes."

Commissioner Miller said, "And in utilizing that team, a portion of the team, is representative of the advisory board for Healthy Start."

Mr. Brown said, "Right."

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

Mr. Brown said, "We've been meeting with them quite frequently to get this all going."

Commissioner Miller said, "Good. I know we're anxious and concerned, but things look good?"

Mr. Brown said, "I think you'll find that everybody is doing quite well about getting this team. The team was a big thing to get sort of a nucleus going and then we'll hire the director. It is back opened up and advertised in a lot of the regional newspapers."

Commissioner Miller said, "Glad to hear it. Thank you, Jack."

Chairman Schroeder said, "Thank you, Commissioner. Further comments or questions? If not, what's the will of the Board?"

MOTION

Commissioner Hancock moved to receive and file.

Commissioner Miller seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you, Jack. Appreciate your presentation. Next item please."

M. BUREAU OF PUBLIC SERVICES.

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- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER TWO AND FINAL, WITH CORNEJO & SONS, INC. ON SEDGWICK COUNTY PROJECT NO. 616-833; INTERSECTION IMPROVEMENTS AT 13TH STREET NORTH AND WEBB ROAD. CIP #I-72. DISTRICT #1.**

Mr. David C. Spears, P.E., Director/County Engineer, Bureau of Public Services, greeted the Commissioners and said, "Item M-1 is a Modification of Plans and Construction for the 13th Street North and Webb Road project, designated as I-72 in the Capital Improvement Program. This project has been constructed and is ready to be finalized. There will be a net decrease of \$5,155.30 due to variations in planning quantities from actual field measurements. Recommend that you approve the Modification and authorize the Chairman to sign."

MOTION

Commissioner Gwin moved to approve the Modification of Plans and Construction and authorize the Chairman to sign.

Commissioner Hancock seconded the Motion.

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

VOTE

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

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

- 2. "US-54 CORRIDOR MASTER PLAN" WITH THE SECRETARY OF TRANSPORTATION TO SUPPORT SPECIFIC PROJECTS UNDER THE**

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CORRIDOR MANAGEMENT PROGRAM.

Mr. Spears said, “On June 10, 1997, Sedgwick County, the City of Wichita, and the Kansas Department of Transportation entered into a Memorandum of Understanding that established general goals for managing the US-54 or Kellogg Corridor. The following month a corridor management committee was formed to identify both existing and potential problems along the corridor and to recommend solutions to those problems. This committee consisted of staff from the County, City, and KDOT. The solutions or strategies along the corridor fall into two general categories, planning and operations.

“The planning aspect recognizes the long term goal of upgrading Kellogg to a freeway throughout Sedgwick County. This strategy will prohibit new permanent direct access to Kellogg at mid-mile points. New permanent access will be limited to public streets via access or frontage roads. The operation strategy focuses on retrofit projects that will maintain or improve the safety and capacity of the Kellogg corridor. It will include but not be limited to such activities as eliminating illegal turn locations across the median, consolidating access breaks, and constructing left turn storage at certain intersections. These projects will be developed on a case by case basis. A County/State Agreement that identifies the scope of the work and the funding requirements will be developed for each proposed project in the unincorporated areas of Sedgwick County for consideration by this Board. The City and KDOT will execute similar agreements for projects within the City of Wichita. KDOT has program funds for these retrofit projects, a local match of 33% will be required for each project that cannot be worked by KDOT maintenance personnel. The individual agreements, as discussed previously, will address costs and funding sources. The County may use cash matches or soft matches. Examples would be right-of-way acquisitions costs or planned preparation costs.

“The program will benefit all citizens of Sedgwick County and our visitors. This partnering effort will enhance travel within the County. The City of Wichita has considered and passed a similar agreement with KDOT on March 3 of this year. I recommend that you approve the Agreement and authorize the Chairman to sign.”

Chairman Schroeder said, “Thank you, David. Discussion? Commissioner Winters.”

Commissioner Winters said, “Thank you, Mr. Chairman. David, I’m going to be supportive of this

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but a couple of questions I guess or maybe not questions but more concerns. When the State of Kansas reconstructed Kellogg, US-54, west of the city limits to Goddard, at several places in mid-mile they put turn bays across the lane. So if you're driving along there visually now and you owned a piece of property you would think well there is a place where I can cross Kellogg and they've made, not really turn bays, but exit into what are now farm fields. Are they going to go back and take those out now or are we going to have to deal with constituents that say well there is a cut in the mid-mile why can't I use it. How are we going to handle those?"

Mr. Spears said, "We're going to try to eliminate the mid-mile access. So that would mean to take those out at some point. But we're going to look at all this. A lot has to do with when someone comes in to develop, what we would like to do instead of mid-mile access, which is what used to be done which is a problem now on Kellogg through the City of Wichita, that's the problem. What we would like to do is put in frontage roads and take those developments to the one mile lines, one side or the other and not have any mid-mile access."

Commissioner Winters said, "I understand that, but I think maybe you should share with the State our concern on this western part of US Highway 54 because from the Wichita city limits to Goddard that was recently reconstructed with mid-mile access availability. I would appreciate it if you would just bring that to their attention that perhaps they are going to take those out if we're going to start a policy of not allowing that to happen."

Mr. Spears said, "Okay, we'll do that."

Commissioner Winters said, "Thank you. That's all."

Chairman Schroeder said, "Thank you, Commissioner. David, I do have a question regarding that. When Commissioner Winters mentioned mid-mile access to I guess what we're referring to is farm ground in a lot of these cases. Obviously the State would not put somebody in a bind of having trouble getting access to harvesting crops, planting crops, et cetera, so you would have a side street, a mile line street or something that would allow them to get in. If they don't, is that where they build the frontage road? Is that the plan?"

Mr. Spears said, "That's correct. That's the things we will be looking at. They'll have to have access to the fields and we would prefer that to be off of a side road and not off of Kellogg or US-54."

Chairman Schroeder said, "I imagine you'll probably get a lot of response to that when and if that

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time comes. You'll have quite a bit of discussion on that."

Mr. Spears said, "A lot of response and a lot of ideas and ways to get there."

Chairman Schroeder said, "All right, very good. Thank you. It is one that ever since we've talked about this that bothered me that they are going to think that they are going to be left out and won't have a chance to justify what they like. Okay, thank you. Commissioners, any other discussion on this? It not, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the US-54 Corridor Master Plan 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 at vote
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

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

N. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MARCH 19, 1998 REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have minutes from the March 19 meeting of the Board of Bids and Contracts. There are six items for consideration this morning.

(1) ROAD IMPROVEMENTS - BUREAU/PUBLIC SERVICES

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FUNDING: SALES TAX - ROAD & BRIDGE

“Item one is road improvements on Greenwich Road between Kellogg and Central for the Bureau of Public Services. It was recommended to accept the low bid of Ritchie Paving. That amount is \$1,493,588.12.

**(2) SECURITY SYSTEM - TREASURER
FUNDING: EQUIPMENT RESERVE FUND**

“Item two is a security system for three sites for the Sedgwick County Treasurer and the tag offices. It was recommended to accept the low bid of AGC Security. That is for the 168 hour recording systems. That amount is \$7,707.15.

**(3) PREMIUM #4 PAPER - BUREAU/PUBLIC SERVICES
FUNDING: BUREAU/CENTRAL SERVICES**

“Item three, premium #4 bond paper for the Bureau of Central Services. It was recommended to accept the low bid of Convenience Computer. That amount is \$30,848.

**(4) ONE TON TRUCK - MOTOR POOL
FUNDING: MOTOR POOL**

“Item four is a one ton pick-up truck for the Central Motor Pool. You’ll note that the initial solicitation offered no responses. However, in accordance with our Charter Resolution, we were able to find a vendor that was willing to provide this truck. That is Rusty Eck Ford, and the amount is \$31,680 and includes trade-in and optional manuals.

**(5) BOOK/EM LICENSES - SHERIFF
FUNDING: DETENTION FACILITY ADDITION**

“Item five are additional book/em licenses for the Sheriff and the Detention Facility. It was recommended to accept the low bid of Epic Solutions to match existing materials. That amount is \$34,000.

(6) SOFTWARE MAINTENANCE - INFORMATION SERVICES

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FUNDING: INFORMATION SERVICES

“Item six, software maintenance for Information Services. This vendor is Compuware Corporation, they are the publisher of DBA Xpert & Xpediter. This is for 1998 maintenance. That amount is \$10,878.

ITEMS NOT REQUIRING BOCC ACTION

**(7) PAVING & DRAINAGE IMPROVEMENTS - BUREAU/PUBLIC SERVICES
FUNDING: SPECIAL ASSESSMENTS**

“There is one item that does not require action at this particular time. That is paving and drainage improvements for the Bureau of Public Services, Country Club Court. Those bids were tabled for review. I will be happy to take questions and would recommend approval of the Minutes provided by the Board of Bids and Contracts.”

Chairman Schroeder said, “Thank you, Darren. Discussion on this item?”

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	Aye
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

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O. CONSENT AGENDA.

1. Right-of-Way Easement.

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

Road Number 592-26, Owners: Dale K. Allen, Elizabeth A. Allen, James R. Arnold and Teresa A. Arnold, located in the Southeast Quarter of Section 8, Township 25 South, Range 1 East, more specifically located on the north side of 109th Street North and west of 16th Street East (Hydraulic). Grant Township. District #4.

2. Right-of-Way Agreements.

- a. One Easement for Right-of-Way and two Temporary Construction Easements for Sedgwick County Project Nos. 612-18-2000 and 612-18-2750; Bridges on 29th Street North between 119th and 135th Streets West. CIP #B-313 and #B-314. District #3.
- b. One Temporary Construction Easement for Sedgwick County Project No. 644-23-1136; Bridge on 103rd Street South between Hoover Road and West Street. CIP #B-375. District #2.

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

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client.

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V883040	\$300.00	\$300.00
V96028	\$75.00	\$123.00
C6003	\$253.00	\$253.00
C86201	\$355.00	\$315.00
V97010	\$421.00	\$296.00

4. Plat.

Approved by the Bureau of Public Services. The County Treasurer has certified that taxes for the year 1997 and prior years are paid for the following plat:

Rasmussen 1st Addition

- 5. Restrictive Covenant combining County lots adjacent to South Walnut Street across from the Stillwell Yard into one parcel.**
- 6. Agreement with Mennonite Housing Rehabilitation Services, Inc. to provide Developmental Disability Registered Community Service Provider status.**
- 7. Agreement with Allied Mortgage Group to provide on-line access to Sedgwick County's electronic data.**
- 8. Establishment of a COMCARE Imprest Fund checking account in the amount of \$4,000.**
- 9. Establishment of a Lake Afton Park Imprest Fund checking account in the amount of \$5,000.**
- 10. Order dated March 18, 1998 to correct tax roll for change of assessment.**
- 11. Consideration of the Check Register of March 20, 1998.**
- 12. Budget Adjustment Requests.**

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<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
980134	Finance General	Transfer
980135	Personnel	Transfer
980136	Sheriff	Supplemental Appropriation
980137	COMCARE-CDDO	Transfer
980138	1998 Bridge Projects	Supplemental Appropriation
980139	1998 Bridge Projects	Supplemental Appropriation

Chairman Schroeder said, “Mr. Manager, before we vote on that, there is an item on here involving the County Yards that Mr. Lamkey wanted to . . . I asked him to make a short presentation on what we’re doing down there.”

Mr. Bob Lamkey, Director, Central Motor Pool, greeted the Commissioners and said, “The item that Chairman Schroeder is referring to is an item to establish a covenant tying all these pieces of property into one parcel. As a matter of orientation, this is the Stillwell Yard, this is Stillwell, this is Seneca. This is the site of the new public services building. This is Walnut Street, a street which we are vacating and these are the parcels of property that we acquired last year. As part of the process to prepare the larger area for parking and green space, it was required that we submit a vacation request for Walnut Street. Apparently there is a requirement that platted lots have access or direct access to a street so as a condition of granting a vacation request, the MAPC requested that we establish a covenant tying these portions of the property together as one parcel. Therefore, there would remain a direct access to the street which is Stillwell. Working with the Public Services staff, we saw no reason why we shouldn’t tie the entire piece of property into one parcel and therefore we provided the covenant doing that and we would request that you approve the covenant and authorize the Chairman to sign.”

Chairman Schroeder said, “Thank you, Bob, appreciate your presentation. One question, I’ve been getting your documentation about the process that you went through, the hearing process, and I understand that the neighborhood is very amenable to what we’re doing and had a good response from them.”

Mr. Lamkey said, “We offered the opportunity for all of our neighbors who would be effected by this change and any zoning change that we have to a town meeting in February. We had over a

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dozen people show up and we visited with them for about two hours. We explained our vision. We had Mr. Spears' nice architect rendition of the building that is going up on the corner of Stillwell and Seneca. We also had a colorized diagram of the parking plan and green spaces that we had. Explained to them the process that we're going through. Entertained any questions that they had and quite frankly found them very supportive. We went to the CPO, they were very supportive of the process also. All is moving ahead and from my perspective it was in concert with our County's mission and values that we had honest dialogue with our neighbors. Quite frankly they were very excited with the improvements that we have made and are going to make in this area in the future."

Chairman Schroeder said, "Very good. I appreciate the hard work that you've put into this. I think it is important that the County be very up front about all that we're doing especially with this project. I think we've shown that and I think you've shown that you respect your neighbors and their views. Obviously we're trying to do this in a very correct and decent manner so that our neighbors in that area will be happy with the end result, which I think they will be. That is attributed to all of us involved in this process including David's office, you, and Bob Rogers doing a wonderful job in putting this together. I really appreciate that."

Mr. Lamkey said, "I thank the Commission for their support because you provided the leadership which allowed us to move forward with this."

Chairman Schroeder said, "Thank you, Bob. David?"

Mr. Spears said, "We all intend to be good neighbors and I want to point out that we have agreed to fence the entire perimeter of the complex and the fence will be of one type, the same type that will be around the new engineering building. Also, we'll do a little bit of landscaping."

Chairman Schroeder said, "Great, very good. Again, thank you. I appreciate the hard work that you've put into this. It looks like a great project. I appreciate you making the presentation today. Thank you. Any questions or comments? If not, Mr. Manager."

Mr. William Buchanan, County Manager, said, "You have the consent agenda before you and I would recommend that you approve it, which would include the request that Mr. Lamkey just made the presentation on."

Chairman Schroeder said, "Thank you. Do I hear a motion?"

MOTION

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Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. I will recess this meeting."

The Board of Sedgwick County Commissioners recessed to the Sewer District Meeting at 11:41 a.m. and returned at 11:48 a.m.

Chairman Schroeder said, "I'll call the meeting back to order of the Regular Meeting of March 25, 1998. Other business?"

P. OTHER

MOTION

Commissioner Hancock moved that the Board of County Commissioners recess into Executive Session for 20 minutes to consider consultation with Legal Counsel in matters privileged in an attorney client relationship relating to legal advice, personnel matters of non-elected personnel, preliminary discussions relating to the acquisition of real property for public purposes, and that the Board of County Commissioners return from Executive Session no sooner than 12:10 p.m.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Schroeder said, "Thank you. We're adjourned into Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 11:50 a.m. and returned at 12:15 p.m.

Chairman Schroeder said, "I'll call the meeting back to order. Let the record show there was no binding action taken in Executive Session. Commissioners, anything else? Mr. Manager? Mr. Euson? Then we're adjourned."

Q. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 12:15 p.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