

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

DECEMBER 1, 1999

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, December 1, 1999 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Bill Hancock; with the following present: Chair Pro Tem Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Jarold D. Harrison, Assistant County Manager; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications Department; Mr. Gary E. Curmode, Fire Chief; Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.; Mr. Dale Miller, Metropolitan Area Planning Department; Ms. Marilyn Cook, Assistant Director, COMCARE; Ms. Annette Graham, Director, Department on Aging; Mr. Jim Weber, P.E., Director, Sewer Operations and Maintenance; Mr. William Bryant D.V.M., 5555 Zoo Blvd. Sedgwick County Zoo, Mr. Sherdeill H. Breathett Sr., Animal Control; and Ms. Heather J. Knoblock, Deputy County Clerk.

GUESTS

Ms. Lori Nickels, Rt 19238 S. 199th, Viola, Kansas 67149
Ms. Shauna Hargett, 9208 S. 199th W., Viola, Kansas 67149
Mr. Ken Alvarez, 19910 W. 95th St. South, Clearwater, Kansas
Mr. Larry O. Nickels, 9330 S. 199th W., Viola, Kansas, 67149
Mr. Tim Erwin, 9360 S. 199th W., Viola, Kansas, 67149
Ms. Coleen Hall, 23316 W. 47th Street, Goddard, Kansas
Ms. Shari Boehlke, 2617 Landon, Wichita, Kansas
Mr. William F. Furst III, 23510 W. 47th, Goddard, Kansas
Mr. Jeff Vamp, 23530 W. 47th Street, Goddard, Kansas
Mr. Mike Howell, 2322 Timberlake Ct., Wichita, Kansas
Senator Les Donovan, 314 N. Rainbow, Wichita, Kansas

INVOCATION

The Invocation was given by Mr. Richard Taylor of the Bahai Faith

FLAG SALUTE

Regular Meeting, December 1, 1999

ROLL CALL

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

CONSIDERATIONS OF MINUTES:

Regular Meeting, October 20, 1999

Regular Meeting, October 27, 1999

Regular Meeting, November 3, 1999

The Clerk reported that all Commissioners were present at the Regular Meetings of October 20, October 27, and November 3, 1999.

Chairman Hancock said, "Commissioners, you received copies of all those Minutes and had an opportunity to review them. What's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the Minutes of the Regular Meeting of October 20, October 27, and November 3, 1999.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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

Regular Meeting, December 1, 1999

INTRODUCTION

A. INTRODUCTION OF VISITING FIREFIGHTER DELEGATION FROM TLALNEPANTLA, MEXICO.

Mr. Gary E. Curmode, Fire Chief, greeted the Commissioners and said, "It is a pleasure today to be here to greet our brothers and sisters from Tlalnepantla, Mexico. We're here to share to this week with the City of Wichita, Sedgwick County and their city. They are a sister city of Wichita, Kansas. "In the past year, the Mayor and a delegation of the other Councilmen and the Manager has gone to Mexico and shared knowledge back and forth, participated in many social activities, and also professional meetings. Again, at this time, I'd like to say several things. First of all, I'm going to start with an introduction. Maria Tomeda Torrez, Director of Civil Protection. Dr. Louie Mendoza Marquez, Medical Director to the Fire Department. Carla Sentino Ramos, Deputy Director of Operations, Civil Protection. Roberto Cruz Hasso, Deputy Chief of Operations. Jose Maria Lopez Ringle, Fire Chief.

"We will be touring City and County facilities this week, particular to look at the fire service delivery system here. To learn knowledge from them. To see how we can do things better. We can share how we can network. We will also be having lunch together today. This is one of our other activities. Then touring the fire museum this afternoon. I'm available for any comments or questions."

Chairman Hancock said, "Thank you, Chief. I don't see any comments or questions, but once again, welcome. It is going to be an interesting time for us all. How long will the delegation be here, do you know? Eight days. Wonderful. It will be a good opportunity for us to get to know each other."

Chief Curmode said, "They'll be leaving December 6."

Chairman Hancock said, "Time to go home for Christmas. Thank you, very much."

Commissioner Sciortino said, "It is going to be free for me to have a free lunch with them."

Commissioner Gwin said, "Ben, I notice some of the other people in the back of the room who are also getting free lunches were applauding your comment."

Regular Meeting, December 1, 1999

Chairman Hancock said, "Next item, please."

CITIZEN INQUIRIES

B. REQUESTS (FOUR) TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING EXOTIC ANIMALS.

Presented by Tim Erwin, Larry Nickels, Lori Nickels and Shauna Hargett, Viola, Kansas.

Chairman Hancock said, "Thank you. We have a number of speakers here who want to address the Commission. First is Tim Erwin. Tim, come forward. It is the policy of the Board of County Commissioners for citizens to be able to address the Board during our regular meeting to submit to the Board of County Commissioners in writing or to the County Manager a request to do so. We received those requests. We allow each speaker five minutes and sometimes they respond to questions and sometimes we don't have any. This morning we have our first speaker, Tim Erwin. Welcome, Mr. Erwin. Please give us your name and address for the record."

Mr. Tim Erwin, 9360 S. 199th West, Viola, Kansas, said, "My property borders Ken Alvarez's, which is the property that has been in the news lately on the escaped lions from the backyard zoo. We want to talk today about the animal ordinance and specifically sections 230 to 232, and tell you why we believe that keeping his animals in Sedgwick County is unsafe for a number of the citizens that live in this County.

"First, lions and tigers are not pets nor cougars, leopards, or any of the other exotic cats. If they do escape, they can cause damage or kill, maim, animals, people, in a hurry before anybody could possibly stop them. This past incident of the two African lions escaping and mauling the Bull Masifest is a perfect example of this. We also believe that when the County does give permission to have these kinds of animals, that they need to pay attention to where they are located and not give somebody permission to break restrictive covenants that are in place prior to somebody applying for a license. In our particular area, it specifically states in the restrictive covenants that we all signed, that the only livestock allowed is horses and cattle, and that all fencing must be made of new material. Clearly, this breaks all of our restrictive covenants. It is like the County giving permission to one individual to infringe their rights upon somebody else.

"In the past, we've sent four letters to the Commissioners. One went to all the Commissioners and the other three went strictly to Commissioner Winters, outlining different proposals that we have to help tighten up the laws and make it safer for everybody. In light of this last one, we feel that there should now be a

Regular Meeting, December 1, 1999

total ban or at least shutting down this particular operation because there are too many people living in the area.

"This news coverage has caused a pretty traumatic effect on a lot of small children. One woman I work with told me when she went to pick her niece up to take her to the zoo Saturday after this incident happened, this four year old child cried and refused to go to the zoo because there are lions there and lions eat doggies and people. We need to do something to protect our small children. We have school buses driving by this area and stopping very near by where children have to get out and walk a quarter mile. If one of these animals were to escape, they would not have a chance. There is no way they could get to cover.

"Even since this incident has happened, we have gone by numerous times and seen the perimeter gate standing open. To me, just because this happened, it hasn't changed the way that the operation is run. There still isn't somebody there 24 hours a day and the perimeter gates are standing open, so anybody could walk in and walk up to the cages.

"In Commissioner Winters' interview that was in the paper, he said something about not all the animals belong to Mr. Alvarez on the property and maybe we need to look at that. Already in 231 Section 9, it says animals are restricted to the owners property. That means that if he has animals there that aren't his, those animals aren't restricted to their owners property. That is another violation of this ordinance. After so many violations, we have personally called at least a dozen times to report violations. There has to be something after a certain number of violations that they pull the license. When we area residents do not feel safe walking out of our homes at night or even during the day. Most of the time you walk out and try and see if there is a lion out there. We're asking the County to put the public safety first and do something to protect the citizens of Sedgwick County by banning these animals. That's all I really have unless you have more questions."

Chairman Hancock said, "Thank you. Commissioners, questions? Thank you, Mr. Erwin. Next speaker, please."

Mr. Larry Nickels, 9330 S. 199th West, Viola, said, "I have numerous questions as to what happened during these lions escape. One of them is, why were the neighbors not notified when those animals were out? I got the information myself from another neighbor that said there was something going on down at the corner. That's the only way I knew anything was going on, even though the Sheriff's patrol was down there at the time.

Regular Meeting, December 1, 1999

"Another one is, why were the neighbors not told that those cages weren't up to standard. I'm told that they were cited in July that these cages were not up to standard. The neighbors didn't know this has happened. Why was the citation not followed up on from the time of this July event? Why wasn't it followed up on to find out why the cages are not being brought up to date? Were the animals still being kept in those cages even though they were substandard? The other thing is why were the lions left in the cage to begin with after they were substandard cages? I don't know how long it takes for somebody to get the cages brought up to where they are standard? From July, it has been done now that it is November?"

"The newspaper articles indicated that someone cut the cages, cut the cages open. Why would anybody cut a cage open on a wild animal that they now is going to get lose and it's dangerous? I don't understand that. We've had times at our place and we are probably 3/8 of a mile from the corner, that we've had animal stench, dead animals from something. We don't have a clue as to what that stench was from, but we had it for two and three days and then it came back. You can't even stand your own house.

"He had some mountain lions a while back. They were young lions. I saw those young lions and was personally around them. But they were mean. I was at his trailer and went into his trailer and came back out and that lion wouldn't let us back in, me or the caretaker. Now the lion had a broken leg, so he couldn't get to us very well, but I didn't bother any farther.

"This outside fence, I don't now what that is supposed to represent, but it isn't to hold lions or anything in or it isn't going to hold anything else out because the gates are never shut. I've been buy there since this incident happened and those gates haven't been shut, they've been opened every day. Part of the time there are people there and part of the time there is not. I believe that is the extent of what I have to say if anyone has any questions."

Chairman Hancock said, "Thank you, Sir. Commissioners, questions? I don't see any. Thank you for being here today. Next speaker please."

Ms. Lori Nickels, 9238 S. 199th St. West, Viola, said, "I live right north of Larry. The only reason I'm here today, I'm not a public speaker, but the only reason I'm here today is for the safety of my children.

Regular Meeting, December 1, 1999

I have two daughters, 11 and 13, who have to walk to the bus and we've got five acres and our house sets at the back of the five acres. So our driveway is approximately 660 feet long and my kids walk that every day. The bus picks them up about 7:10 to 7:15, something like that. It is still dark. One of those cats could be out, the neighbors haven't been notified, be laying out there someplace, and those kids would never have a clue if those cats wanted to pounce on them.

"My oldest daughter is also a long distance runner. She is forbidden to run in that direction simply because the incident that happened here a couple of weeks ago where the cat was out in the field. You can't tell me that a six foot fence is going to keep that cat in that area if there somebody running by and he wants to jump them, she would have never known what hit here.

"The other thing I would like to say is like Larry had mentioned. Those pens were deemed unfit in July. In June, we had a wind storm come through there or something come through that area. It actually took a roof off of a barn and come across a hedge row of trees and it actually looked as if someone had sawed off part of the trees. It came right over our house and we've got an under ground house. It is built into the side of a hill. There is 52 feet across the front that we've got a porch and it has four by four posts with rebars coming up out of the cement. It actually lifted our porch up and set the posts off of the rebar. If it can do that to 52 feet of roof, what would it do to some pens that have already been deemed unfit for these animals. We've got a real problem and we want to solve the issue, whatever that might be. But all the neighbors, and there is probably 25 houses out in that area that are all at risk. We had another storm in September, I've got a couple of pictures. I don't know how well you can see, but there's an 11 by 14 garage door that it actually took off the barn. If it can take that kind of door off the barn, what is it going to do to these pens again that were already deemed unfit in July and this was in September and they hadn't been fixed?

"One of the articles in the newspaper also stated that there were ten cats of different sources down there. As far as what he had registered, we had been told as neighbors that there were seven. So if something would have happened, how many animals would we have been looking for, seven or ten? You don't know that there is ten down there. We didn't know there were ten down there.

"Just this past Sunday, my husband and I at different occasions going back and forth to church and that sort of thing, we drove by at 9:30, 10:30, 12:30, 1:30, at 3:00, 6:00, and 9:30 all on Sunday. Every time we drove by, the perimeter gates were standing wide open and nobody was to be seen. There is a fence all the way around the property but for months, half of that fence was down. When they finally did put the fence up, the gates still weren't on. They finally put the gates on, but then they don't lock them. The other thing is, is this a commercial piece of property? It is deemed residential. He's running a business out there.

Regular Meeting, December 1, 1999

But as far as the neighbors are concerned and I believe that is deemed residential property. We're just concerned, is there some changes that need to be made to make our neighborhood a safer place to live. Thank you. That's all I've got."

Chairman Hancock said, "You were a good public speaker. Thank you. Next speaker please."

Ms. Shauna Hargett, 9208 S. 199th Street West, Viola, said, "I'm approximately a half mile north of Mr. Alvarez's property. This is my ten year old step-daughter Chelsea and six year old son Kyler. As you can see, neither one of them would be able to stand a chance against a lion or a tiger or a cougar or any other animal of this nature. They enjoy playing outside. We own a horse. We have four calves, four cows, and a dog. My husband goes out to the pasture in the evenings after work to feed and care for the animals and the kids love to go with him. This is their project. The joy has been taken out of all this because of the fears that we have. The kids fear that the animals are going to be eaten or mauled, and I fear that my husband or kids are going to be eaten or mauled.

"I also have a twelve year old step-son Aaron. Aaron is not here with me today because of his fears and anxieties. Aaron has a rare disease called Cacin Syndrome. He is twelve years old but he is the size of a four year old. He also has the emotional and mental abilities of approximately four years old. I have some pictures of him. I don't know if you'll be able to see very well, but you can tell that there is no way he would even stand against Mr. Alvarez's dogs. Due to this disease, he is very unstable. He has almost no balance left. He is able to walk at this point but we have been told that he will need a wheel chair within one to two years. Due to his small stature and his instability, one of Mr. Alvarez's rottweiler that are out there that supposedly antagonized the lions that night could take my son down. Aaron has told his dad and I that he does not want to come to our house any more because he is afraid the lions will eat him. That was his quote the Sunday after the incident.

"This issue also stems much further than the Clearwater area. Chelsea and Aaron's mother lives in Harper. They called us at 7:00 Friday morning after the incident expressing her concerns about letting the kids come spend the weekend with us when it was our evening and our weekend.

"We just settled a ten month custody and child support issue. It caused a lot of turmoil in our family obviously. We don't want to end up back in court and we don't want to end up back with the lawyers, but I understand her concerns. These are her children. This is very legitimate and we will hold Mr. Alvarez personally responsible if we end up back in the situation because of his lions. My husband

Regular Meeting, December 1, 1999

deserves to spend time with his children and they need and deserve to be with him. I don't think, because of some lions, that should be taken away.

"The evening that the cats were out, my husband and I were not at home at the time that everything started. We got home after dark. My husband went to the pasture to feed the animals. We were sitting in our living room that evening and watching the ten o'clock news, and we found out what was going on. My husband was out in that pasture after dark when the animals were lose. He was a prime target, as our pasture is one mile east of Mr. Alvarez's property.

"Another issue this has raised is our ability to get somebody to come to our home to babysit our children. Nobody is going to send their teenage daughter or son to babysit knowing what is going on out there. Even an adult is not comfortable with the fact thought they would be responsible for our children and there are animals that can get lose because the facility has not been kept up to the standards it should be.

"My husband and I were not aware of the lions and tigers when we purchased our home. Had we known, we would not have purchased our home. There is no way we're going to be able to sell it for the value that is has now. There is a property right next door to Mr. Alvarez that has been for sale. We've heard there has been two contracts on the house that have been dropped because of this issue. Mr. Alvarez has said that these animals are his babies. If that is the case, then why is he not there taking care of them on a daily basis. I understand that he has a business to run. I understand he has to go out of town on business, but then there should be somebody else there on a daily basis. There should be somebody living there, caring for these animals. What is going to happen when one of them has gotten lose and nobody is there.

"I'm not willing to wait until one of my children are killed for somebody to do something. I'm not in a position where I can move at this point either. I feel it is the County's responsibility to help protect us and to set standards and rules and force people to abide by them. My husband and I obey the laws. We respect our children and teach our children to do the same, I don't see why Mr. Alvarez should be an exception to the rule. My husband and I chose to live in the country so we could have the cows, the horse, the dog. So that our children could have the freedom to play outside without our supervision. They are old enough. They don't need us to stand over their shoulder to play outside. My Alvarez does not have the right to take these freedoms away from us."

Chairman Hancock said, "Thank you. Commissioners, questions? If not, I want to thank all of you for being here today. Very good comments. All of you are good speakers. I know from time to time it takes

Regular Meeting, December 1, 1999

a lot of courage, it takes me a lot of courage to get up before these guys. Appreciate you being here. Commissioners, the Chair would entertain a Motion."

MOTION

Commissioner Gwin moved to receive and file.

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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

C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING EXOTIC ANIMALS.

Chairman Hancock said, "Thank you. Is Mr. Alvarez here? Welcome."

Mr. Ken Alvarez, 19910 W. 9th Street South, Clearwater, Kansas, said, "I seem to be the man of the hour here lately and so I felt that it was definitely in my interest to come in and address the Commission on this issue. Since all this started, I've been pretty concerned about the neighbors and their interest and so forth. I've never hidden anything from them. I've invited them on numerous occasions to come down to my house. I've practically gotten down on my knees and begged them to call me with any concerns, issues, anything that they had. I've had neighborhood meetings. I've invited them down to my house. They all came down to my house. They toured the facility. It was my understanding, because of what they told me, that they were all comfortable with the way the cages were built and that they were in agreeance with what was going on as long as they were kept informed of what was going on. I constantly informed

Regular Meeting, December 1, 1999

them of what was going on, but I never got a call about anything except when it came from Animal Control visiting my property because somebody had called in a false allegation as to what was going on.

"My father has raised me to strictly stick to the facts and that's what I am going to do today. The fact is that I called Animal Control before I bought my first tiger. I talked to Mr. Breathett. I got all the rules, all the regulations. I built my first cage, which exceeded the regulations by four times. I had him come out and inspect the cage before I ever got the cat. Once the inspection was done, the license was issued, then I got my first cat. After that, each year I've added different cats. Mr. Brethert has been out and inspected the property and issued a license. When Mr. Breathett came out and did an inspection, no citations were issued because the cages were not deemed unsafe, they were deemed that they needed additional repairs and strengthening because a gentleman from the zoo came out and felt that some additional strengthening needed to be done. That was done. "Another inspection wasn't done because I called Mr. Breathett and informed him that the repairs had been done and were up to code. My cages all exceeded the County code the way they were built and always have.

"Last year, \$50,000 was the liability on the insurance, I had \$100,000. It said a six foot fence around the perimeter of the cats, strictly to keep the public out. I spent \$47,000 putting up fence around my property, 22 ½ acres to secure the public from getting into my property and doing any damage. Obviously, this is not enough money to spend to keep someone from breaking into my gate and cutting the cages and releasing a cat. Anyone that snickers about this, we have the proof to prove this. We have a witness. We're going to prosecute this person. No doubt in my mind. I am extremely angered by this. These people think I'm going to go out and cut my cages to release my cats. I don't want anybody getting hurt any more than anybody else.

"The facts remain that I live on my property and have lived on my property for four years. I have a caretaker who lives there full time with me. He was there Sunday, all day. I called three different times and he was there. I want to start seeing proof from these neighbors of all the allegations that they have put against me. I want to know how they know when somebody is not there. They've never called my house. They've never pulled in my driveway. They never come and talk to me ever. Even after this incident, they drive by and they simply just wave to me. If these are such concerned citizens, would you not, anyone in here, come down to the property where this is going on and say I have concerns, I want to see what is going on. I want to know what you're doing. I would. I definitely would if I was concerned. This is something they've never done, never. I've begged, pleaded, asked and sent a letter out to them to bring them down to my house to see for themselves. They do that, they agree with it, and then they turn right around and stab me in the back by calling Animal Control every time they think they see a cat out, which

Regular Meeting, December 1, 1999

has happened on numerous occasions and there has been no cats out. Marty, with Animal Control, has been out and done two inspections. Never issued a citation because there were no violations, both times. This is just the type of issues that is getting out of control I didn't violate any of the Resolutions.

"My cage requirements were up to code. The square footage were not up to code. That is what we repaired. That is what we changed by building all the new cages. The cages were perfectly safe. I think that one of the biggest issues here, and Commissioner Winters has mentioned that he wants someone on the property 24 hours a day.

"Four years ago, there was a couple killed near Goddard. The reason why they were killed is because two teenagers broke into their home to steal the gentleman's gun collection for whatever reason. Those people were murdered for a gun collection. Which one of these people in this room are going to go tell the kids it was your father's fault for earning that gun collection that made those kids come in and break into your home and kill your parents. The same example here. It is my fault that someone broke into my property, cut my cages, allowed an animal to escape, which according to the Sheriff's Officer, was never a threat to the public and never left 100 feet from the cage. It was going back to the cage and at one time fell asleep in front of the cage. These are the facts, the bottom line facts. These resolutions have been effect. They've done a great job. They kept me and two other exotic cat owners from doing anything wrong. They've been in effect. I've exceeded those codes by numerous amounts. But I have one serious question. The Sedgwick County Zoo is exempt from resolutions and yet they had two jaguars escape and die. My cats never died. They were never a public threat. They were told to go back in their cages and walked back into their cages. There are with the Sheriff's of the County Office that witnessed this and could not believe that a 450 pound lion could be told get in your cage and that lion walked in his cage in less than 30 seconds."

Chairman Hancock said, "Mr. Alvarez, how much more time will you need?"

Mr. Alvarez said, "Well, I just feel like four people spoke against me, I feel I should have enough time to express my view and my opinions."

Chairman Hancock said, "Tell me how much more time you need and we'll give it to you."

Regular Meeting, December 1, 1999

Mr. Alvarez said, "A couple of minutes."

Chairman Hancock said, "Two minutes. The Chair would entertain a Motion."

MOTION

Commissioner Gwin moved to allow the speaker two more minutes.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. You have two minutes sir."

Mr. Alvarez said, "Okay. Real quickly. My neighbors say they have a lot of fears. The night of this accident, a man armed himself on the road in front of my house with a rifle and a spot light. He told the Sheriff Officer if a lion even came near the fence he was going to shoot the lion. The Sheriff Officer said I heard it for myself and told my caretaker if one shot was fired they would return fire. They removed that man from the road and took his rifle. This is the type of people that are against me. This is my fear. People grabbing rifles and jumping in the road and wait for one of my lions to step out from behind my house so they can shoot at them. The Sheriff Officers on my roof and in my house, one of them could be killed. This is ludicrous. Mrs. Nickels says that her children don't feel safe. I've never heard of this but in four years, her and her husband were involved in three accidents. Two single car accidents and one where her husband hit the side of a school bus. This is a fear for me. He ran into the side of a school bus. Someday I'm going to have kids. If my kids are on that school bus and somebody runs into the side of

Regular Meeting, December 1, 1999

it and kills my kid, is it my fault for having kids on the bus? It is the same example.

"Mr. Erwin has told Animal Control on numerous occasions, numerous occasions, that I don't live at my house. I want to see this proof. I want to see the proof. Take a video. Call my house. Every time Animal Control has left a message on my door to notify them within 24 hours, I've notified them within 12 because I live there and I'm there every day, almost every day. I think that if you pass any more resolutions, you're going to be punishing three people who have been abiding by the rules. They've done everything by your rules. You're going to punish somebody for going above and beyond the County resolutions, above and beyond his call of duty, if you will, to communicate with his neighbors, abide by the laws, to take care of his animals responsibly. I just think this is ridiculous if you do put any more rules on us when we have abided by them."

Chairman Hancock said, "Thank you, Mr. Alvarez. There are some questions. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. Is there someone here from Animal Control that I could ask a question of. Is this gentleman presently in compliance with the codes or is he in violation? I heard that he was cited for something about his cage in June or July and that still hasn't been taken care of. Mr. Alvarez has refuted that charge. Is this gentleman in compliance with our codes?"

Mr. Breathett said, "The first question was is he currently in compliance? Yes, he is currently in compliance. Back in June, no citations were issued. His reinspection comes up in July. We went out August 3, we do have footage of it basically. He reapplied for his license for seven animals. When we went to the location we found more than seven animals at the location. We did find some concerns of his cages even though they did meet our minimum requirements for codes. We did talk to Mr. Alvarez concerning those issues. We had Dr. Bryant from the Zoo to go along with us as well to see if there were issues that we need to look at above and beyond our codes to ensure the safety of the citizens of Sedgwick County."

Commissioner Sciortino said, "So presently this gentleman is in compliance with present codes and regulations regarding exotic animals. Has he now registered all ten of those animals as opposed to the seven?"

Mr. Breathett said, "That is correct."

Regular Meeting, December 1, 1999

Commissioner Sciortino said, "Okay, thank you. Mr. Alvarez, just for my edification, why do you have those kinds of animals as pets or what is the reason you have those kinds of animals on your property?"

Mr. Alvarez said, "Since I was 13 years old, I've always wanted to own them and I've always wanted to do it responsibly, the right way. I thought I've done that. To me, these are my kids. I'm not married, I don't have any children of my own. To me, these are my kids. You've seen the footage on TV. These animals look at me as their father. You can see it whenever you're around. One thing I didn't add real quickly. I would invite, in fact, I would recommend it very highly, that you the Commissioners, come out to this facility. Visit it and see me with my animals and see the cages for yourself and see the facility. I don't really feel that you can make a really positive assessment or judgement until you see it for yourself. Some of you really don't know much about this but I feel you really should come out and see this for yourselves."

Commissioner Sciortino said, "I think I'll just rely on the TV coverage. One other question. Do you take these animals out of the cage and play with them like you do a child?"

Mr. Alvarez said, "No, absolutely not. I play with them in the cages. I do take them out of the cages to transport them to the veterinarian or to the shows I do with them."

Commissioner Sciortino said, "So you play with them while you're outside of the cage and they're on the inside of the cage."

Mr. Alvarez said, "No, I go into the cages with them."

Commissioner Sciortino said, "Okay. That's all the questions I have. I just have a general comment. I understand if we're totally in compliance with our current rules and regulations. But I, for one, would be supportive of trying to maybe relook at our current rules and regulations regarding exotic animals to see if we can change this. I don't like to deny anybody the freedom to do whatever they want, but I'm having a hard time to figure those types of animals as being pets or children. I would be a little bit uneasy. For example, when they got out of the cage, how long was it before you realized they had gotten out and killed that dog Mr. Alvarez?"

Mr. Alvarez said, "It is my estimation they were out for about ten minutes. It is very upsetting to hear all this snickering. I want to see the proof to what they claim here."

Regular Meeting, December 1, 1999

Chairman Hancock said, "Mr. Alvarez, just address the question and the Commission."

Commissioner Sciortino said, "I was addressing the question to you and they were out of line to make any comment. I don't have any further questions. Other than to share my concerns about maybe we need to readdress our current rules and regulations as regards to exotic animals."

Chairman Hancock said, "Thank you, Commissioner."

Commissioner Gwin said, "Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. I remember when we started talking about this several years ago and adopted the resolutions. I still, because I've never owned an exotic animals or inherently dangerous animal or whatever we call them under the resolution. I don't understand the desire to do that. However, did you have or have you had any special education, training, or that kind of background in taking care of these animals or to learn more about these animals and how to take care of them?"

Mr. Alvarez said, "I spent a year with the U.S.D.A. licensed owner of these cats and learned about them. Learned how to train them and how to take care of them before I ever owned my first cat."

Commissioner Gwin said, "What do you do with them?"

Mr. Alvarez said, "I do educational programs and educational exhibits with them, where we try to educate the public on the endangered species that are dying out in the wild. We try to raise money to help rescue and take care of the animals that people can't take care of them any more."

Commissioner Gwin said, "You are aware of the Sedgwick County Zoo, are you not? Isn't that its purpose too?"

Mr. Alvarez said, "Yes, we don't do it on a public basis in Sedgwick County."

Commissioner Gwin said, "Where do you go?"

Mr. Alvarez said, "All over the United States."

Regular Meeting, December 1, 1999

Commissioner Gwin said, "Well, forgive me, I have domestic cats so I don't understand the need that you feel to have big cats."

Mr. Alvarez said, "I guess it is the same need for anybody to own a gun and go out and blast a deer away."

Commissioner Gwin said, "I don't own that either."

Mr. Alvarez said, "I don't own a gun and I don't believe in hunting."

Commissioner Gwin said, "I'm having a hard time understanding the compulsion or the need that you and others feel to have exotic animals. So it is a little troubling to me, the whole concept."

Mr. Alvarez said, "I think it is like anything else. There are certain things that people want to do and I think that is why we all live here is for the pursuit of happiness and the right to pursue a dream. I think it is like anybody else. You have people who want to do certain things on their property and they do. They buy a swimming pool to go swimming. They buy a gun to go hunting. People die in swimming pools every day. I don't know of any incidents where any one of the general public has ever been killed by one of these animals. It's never happened."

Commissioner Gwin said, "By one of yours."

Mr. Alvarez said, "No, by anyone's in the United States. You've never heard of a person of the general public that was killed by one of these animals in private care."

Commissioner Gwin said, "May I take a moment to ask Dr. Bryant a question? Doc, can you come up? I know you probably weren't here prepared to talk, but I value your opinion and your expertise. Do you know Mr. Alvarez?"

Mr. William Bryant, DMV, Sedgwick County Zoo, said, "Yes, I know him from the inspections we did on his property."

Commissioner Gwin said, "So you go out and look at the property too with Animal Control?"

Dr. Bryant said, "I did on the July, I believe, occasion and then again on a second occasion. I was there

Regular Meeting, December 1, 1999

the night that the lions escaped their enclosures."

Commissioner Gwin said, "Can you give me your assessment of his facility, the cages, those kinds of things?"

Dr. Bryant said, "The original inspections we made, according to the County regulations that they have on exotic animals, the housing, the size of the gage metal, all of the particular parts and pieces were there, but it was my opinion that there were lots of places where the parts and pieces weren't secure enough together in order to maintain the animals in their cage. Much like this building is made of concrete and mortar and bricks and wood, like the thing that happened down in Texas. They had all the parts and pieces together but obviously something wasn't connected enough. That's why we gave our opinion on this needs to be beefed up, this needs to be beefed up, this needs more support, et cetera, et cetera. That initial inspection, I didn't feel like they were safe enough to contain the animal with the strength the animal could put on those cages. His cats, and I commented several times, were just so calm. It was almost uncanny that these cats were well trained, very calm. At that point, we didn't feel like they would get out of their exhibit unless they got spooked. The cages should hold them until he could make the necessary changes. We met with Mr. Alvarez and discussed the matter. There was some initial beefing up of his cages that he needed to do. He talked with Mr. Breathett and the Legal Department and I guess they have a good record of that discussion. Then the beefing up was going to be done.

"He also had some original additional cages that he was going to move his cats to those cages. Those cages were a lot better construction, welded metal, piping systems, et cetera, et cetera. It should have been strong enough to hold these cats. However, on the night that we went out when the lion had escaped his enclosure, the animals were not in those new cages yet. They were still in some of the older cages that had been beefed up but obviously the lion was able to get out of those cages, whatever happened."

Commissioner Gwin said, "Do I remember correctly that despite the rules and regulations we have in effect, when we talked about this early on, that you still have serious reservations about private individuals keeping these kinds of animals or not."

Dr. Bryant said, "If it was my own opinion, the private individuals would not have these cats. But in my opinion, like he mentioned, a lot of individuals wouldn't have a lot of the guns they have laying around too. Kids do take guns to school. I understand that. My personal opinion is that if you are going to have these animals, you need to have them in a safe enough situation that, A, their physical and mental well being is

Regular Meeting, December 1, 1999

taken care of and B, the safety to the public is of utmost importance. These cats can't get out. Even the most tame cat can cause damage. I don't know if any of you saw Jay Lenno a few nights ago where he had these huge lions and tigers on his show. They came into the studio with more people there than now, but these are well trained animals and that was not a zoo. They went back to their facility and nobody got malled on the show. I do think they need to be safe enough.

"My concern with the County ordinance, several years ago we worked and worked trying to make County ordinances for exotic animals. We were stopped several places along the way, politically stopped. We wanted to put a lot more teeth in the ordinance. We could not because of the legality of it all, we could not put the teeth that we wanted to in it and there simply are not enough people to even police those rules when they're put into place. A big concern of mine is the parts and pieces need to be put together in such a way that the animals can't take them apart. The facility that Mr. Alvarez has now actually does exceed most of the County requirements on the integrity of the cage work and it will all boil down to human error to allow this escape, much like it would any where. Human error is always a point you have to consider. If somebody leaves a gate open, there goes the animal. If somebody has the animal outside and a jet flies over and spooks it, there goes the animal. That can happen any where. Back to your original question. If the public owns large cats, dogs, bears, those safety concerns need to be of the utmost importance, right up there with the health and well being of the animal."

Commissioner Gwin said, "Thanks Doc, appreciate it. Thank you, Mr. Chairman. Thank you, Mr. Alvarez."

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

Commissioner McGinn said, "I just want clarification from Sherdeill. I want to make sure I understood the \$100 fee per animal. When you went out there, did we have enough per animal?"

Mr. Breathett said, "On the original inspection, no we did not."

Commissioner McGinn said, "But now we're in compliance."

Mr. Breathett said, "That is correct."

Commissioner McGinn said, "That's all I had on that. Mr. Alvarez, what is your comments on, I heard

Regular Meeting, December 1, 1999

three or four different people talk about how your gate is open all the time. Are you saying that it is not?"

Mr. Alvarez said, "I'm saying that whenever someone is there, the gate is open. Whenever someone is not there, the gate is locked with a padlock and a quarter inch chain. That is nothing anybody can rebut. They can come by and take all the pictures, that gate is locked with a quarter inch chain and a padlock. Sunday, if she said she came by and the gate was open. I called my caretaker twice that day. He was working on his truck and he was in the back yard working on the cages. If the gate was left open, he has the gate open. I don't know why that is a problem if someone is there. If it is a recommendation that we keep the gate shut at all times, it is not a big deal. We can walk out and shut the gate as soon as we come in. Any time we are there, we can keep the gate shut. That is not a problem at all. If that's a concern, I have no problem with that whatsoever. I do have an add in the paper right now, as a matter of fact, to look for someone as a 'caretaker' which is again above and beyond the regulations to hire somebody to be there 24 hours a day at all times. The sad part is that I feel like I'm not doing this in case the cats get out but doing it to keep someone from coming on my property and cutting my cages. That's the real sad part about this. I'm not doing it to keep the cats in, I'm doing it to keep people off my property."

Commissioner McGinn said, "Thank you. This is just my opinion, but I think lions, tigers, or bears belong in a zoo or in their natural habitat. That's my opinion. But I don't think I'll reach that goal. I would like to take a look at our current regulations and see if they need to be stricter. I do have a concern, the six foot fence to keep people out. I still think we need to be concerned about keeping animals from getting our and you disagree with me on that. I would be willing to come out and look at your facility and make sure we don't put on any undue regulations."

Mr. Alvarez said, "We were just talking about this before the meeting, financially the regulations are very difficult and it has kept irresponsible owners of these animals from owning them. There is no doubt about it. We adhered to all the resolutions. It is very expensive. It is an expensive hobby but we're willing to do that for this hobby. That's our concern is that if any resolutions are made, it is done to be financially draining to the point that now we can't own them. I think that is completely unfair."

Commissioner McGinn said, "I understand that, but sometimes a cost is also tied with things that we want. I'd be happy to take a look at your facility. No further questions. Thank you, Mr. Chairman."

Regular Meeting, December 1, 1999

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

Commissioner Sciortino said, "Mr. Alvarez, you said something that concerned me. You said you don't own a rifle or a gun or anything."

Mr. Alvarez said, "I have a .22."

Commissioner Sciortino said, "Do you have anything on hand to fire at or shoot at, a tranquilizer, weapon, or anything just in case something unforeseen happens to the animal and does something that you're not normally prepared to do. I know it goes back in the cage when you say it does. You play with it in the cage. But it still is an animal and it could get dementia or something could happen where it acts more like what our perception of a wild animal would do, how would you subdue that if it got out and all of a sudden went crazy on you?"

Mr. Alvarez said, "In my exhibit that I do on the road, I carry a tranquilizer gun simply because we're dealing with the direct public. By the way, we're licensed with the U.S.D.A. as a circus, just for your information, this is what we do."

Commissioner Sciortino said, "So you do have a tranquilizer gun on the premises?"

Mr. Alvarez said, "No, not on the premises. I have one with my road crew that does my shows. I keep my .22 on my property. It was just shortly before this incident that happened, we were already looking at buying another gun to put on the property. Yes, that is something that we could do. It is not difficult at all to order another gun. They are close to \$500 so it is an investment. I think we do need it, and it is not a problem to have one."

Commissioner Sciortino said, "Okay, I have no further questions."

Chairman Hancock said, "Commissioners, does anyone else have anything for Mr. Alvarez? Mr. Alvarez, thank you, for being here today."

MOTION

Commissioner Gwin moved to receive and file.

Regular Meeting, December 1, 1999

Chairman Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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

Commissioner Winters said, "When I first thought about this subject, I was ready to come in today and make some proposals about how we change this ordinance. I'm going to slow down for just a minute. As I think back, this is like a lot of other situations that we deal with when somebody does something on their property that has a negative impact on their neighbors. Right now, to me, some of those cases get kind of tough to tell. But to me, there couldn't be a clearer, a more clear case of somebody's activity on their property having a negative on their impact on their neighbors. I think we have a responsibility to allow those neighbors to live in their neighborhood and feel safe and not threatened and not have to look out the door before they walk out of their home and into their yard. I can really, and this may seem pretty silly, but I remember as a child being involved in an area where there was an escaped animal. I tell you, I dreamed about that for a long time. So when this lady brought her young children up there and talked about the fear that they have, that struck home for me.

"I've got some issues that I want to have addressed and I was at first prepared to make some motions this

Regular Meeting, December 1, 1999

morning that we change the ordinance today. In discussing this with some folks, that's why we have an Animal Control Advisory Board. I think that is what I would like to suggest that we ask the Advisory Board to meet as soon as possible. It is my understanding that they're going to meet the third week in December. I have got some of the issues that I think need to be addressed. My intention would be to put these in the form of a Motion."

that the Board of County Commissioners ask the have the Animal Control Advisory Board to look at specific issues and then any others they deem necessary as we revisit this exotic animal ordinance. The issues that I would like to have addressed are, does the ordinance need to specifically say that there needs to be somebody on the premises 24 hours a day, seven days a week. This doesn't mean being gone an hour for lunch. This means being there 24 hours a day, seven days a week. What should the insurance requirements be? Right now, we have a \$50,000 insurance requirement. I'm not sure I know what the specific requirement should be, but if somebody owns a home and a poodle, they need more than \$50,000 of liability insurance. So I would say someplace in between less than a million dollars, but someplace, an insurance coverage that would be capable of helping protect the public.

"As we talk about insurance and Mr. Alvarez's operation, I read his insurance binder. His insurance binder does not cover those animals, to my understanding, when they are off his property. So if he transports those animals, I'm not sure he has any insurance coverage on those animals as I look at his binder.

"The third issue, I think, is the perimeter fence. I don't think a six foot tall fence is sufficient. I think we should consider making that eight foot. I would like for the advisory board to look at that. Lastly, perhaps we should look at the fee schedule. These facilities do need to be inspected. If the operators need to help share the burden of those inspections, then I think we need to consider that.

"I came about these questions in listening to what neighbors have said and some of the responses they have said. I think probably some of them would think the only way to completely give them complete security would be is if this facility goes away. I don't know if that is the right thing to do. I don't know if we could get to that point or not. I think if we try to really beef up this ordinance, I would hope that it would give the neighbors some additional security. Just as Doc Bryant has said, it is human error that is a big problem. Well, if you have, and I know Mr. Alvarez may not think he has dangerous animals. But if you have dangerous exotic animals, the responsibility is on the owner, on the manager of those animals to make sure that no human error happens that there are redundancies there to protect the neighbors. If anybody has

Regular Meeting, December 1, 1999

any comments about that suggestion of a motion asking the Animal Control Advisory Board to look at these specific issues, I'd be glad to visit about that."

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

Commissioner Gwin said, "Just something else for consideration. It was suggested to me that, I understand that regulations make it difficult for people to own them and I think that is why the regulations are so strict. In discussion with an individual who called me earlier this week about this matter, a suggestion was made that we figure out a way to increase or to strengthen or whatever, the existing facilities. Make sure that they're better, stronger, or whatever. But that the Animal Advisory Board also be told that from this day forward or a certain day forward, no other licenses for these kinds of animals would be issued in this County. The suggestion was that you grandfather the existing ones and make sure they are safe and secure, but you don't allow any more. Because that continues to be a problem. If it moves from this location to another, what have we solved? The suggestion was also made that as to facilitate the phasing out of these, that the animals that are here, be micro chipped and as they die or whatever else, they cannot be replaced by the owner. That is fairly strong steps, but it depends on how serious this board is about changing the way we do things in this County and whether or not we think these are not only a problem today but will be a problem in the future and what we might do to solve that. I'm more than willing to support a motion to ask the Animal Control Advisory Board to look at what we have. I would probably ask them to look at are there ways then to phase out this kind of ownership in this County over time and how would they suggest we do it, if anybody else were interested in doing that."

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

Commissioner Sciortino said, "Thank you, Mr. Chairman. Commissioner Gwin, I have the suspicion that we had the same phone call and conversation with the same individual. I think I could support the Animal Advisory Board looking at a way of phasing out this type of activity. I would also like them, if that doesn't pass the muster, I have a problem trying to limit anybody's rights to do what they want to do on private property. I firmly believe that. But I have a hard time, if I understand it right, Mr. Alvarez could go from ten to fifteen to twenty, as long as he kept in compliance with our current laws. I would like for them to also look at, if we can't do a ban, if that doesn't receive support, that we look at a way of limiting the amount of these types of animals any one individual can own. I understand these are his pets and his children. I can't afford to have ten children. I would like to look at a way, maybe we could ask the Animal Control Advisory Board to consider a limitation if the ban doesn't go through. To put a limitation on the amount of animals any one person can own. That's all I have."

Regular Meeting, December 1, 1999

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

Commissioner McGinn said, "To add to that as a suggestion, I'd also like the Animal Advisory Board to see how other communities are dealing with this situation. Is it in their community? Do they allow it and what kind of regulations do they have?"

Chairman Hancock said, "Very good, thank you. Commissioner Winters, anything else?"

Commissioner Winters said, "I'm ready to make a Motion. Before I make it, the two other things that I'd like for our Legal Department to look at is the restrictive covenants on this property. I know enforcing restrictive covenants is up to the property owners themselves, but could you all help me understand if there are restrictive covenants that apply to this specific property and what is the zoning of this property? Is the activity that is happening there in a proper zoning place?"

MOTION

Commissioner Winters moved to have the Animal Control Advisory Board reexamine the exotic animal ordinance and that they specifically look at persons being on the premises 24 hours a day, 7 days a week. That they look at the insurance requirements. They look at the height of the perimeter fencing. They examine the fees. They examine grand fathering of existing facilities and they consider the maximum number of animals held at these facilities. And that they report back to the Board of County Commissioners within 30 days.

Commissioner McGinn seconded the Motion.

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

Regular Meeting, December 1, 1999

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. Thank you, all for being here today. Next item, please."

PUBLIC HEARINGS

D. PUBLIC HEARINGS (FOUR) AND RESOLUTIONS (FOUR) AUTHORIZING THE CREATION OF SEWER DISTRICTS AND ROAD IMPROVEMENT DISTRICTS.

1. PUBLIC HEARING AND RESOLUTION CREATING A LATERAL SEWER DISTRICT (HEARTLAND COMMUNITY CHURCH ADDITION).

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "There are four items here and we're requesting action after a public hearing in respect to initiating a road and sewer district with the County. The first item is Heartland Community Church. This does require a public hearing of which we have published the appropriate notice. This is an area of the County as depicted on the screen, between Greenwich Road and 127th Street East, between Kellogg and Harry.

"On the screen now is a map depicting the proposed benefit district for this particular improvement. This is the area outlined in red. The Bureau of Public Works has estimated that the cost of this project, which has been requested by the owners of 100% of the property proposed to be included in the benefit district, with a total cost of \$26,381. There are 13 parcels within the proposed benefit district. The proposed method of assessment is equally per square foot. Not all parcels are exactly the same size, but for an average parcel, it would be about \$2,029 per parcel for the sewer improvements, or if spread over 15 years at 6% interest, about \$210 per year on a special assessment. Mr. Weber of Public Works and I are here and available to answer any questions that you may have prior to considering comments from the public about this item."

Chairman Hancock said, "Thank you, Joe. At this time, I'll open for comment and receive comments on this item. This is the lateral sewer district, Heartland Community Church Addition. Is there anyone

Regular Meeting, December 1, 1999

here who would like to address this item today? Is there anyone here who would like to address the lateral sewer district of Heartland Community Church. If not, I'll close the public hearing."

Mr. Norton said, "We have prepared a Resolution and recommend your adoption."

Chairman Hancock said, "Thank you. Commissioners, the Chair would entertain a Motion."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Absent at vote
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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

2. PUBLIC HEARING AND RESOLUTION CREATING A LATERAL SEWER DISTRICT (BELRIV ADDITION).

Mr. Norton said, "There are two actions with respect to the Belriv Addition. One is relating to the sewer district and the following is relating to the road improvement district. They are both located in the same area of the County, which is depicted upon the map on the screen before you. Again, this is located approximately 143rd Street East, right north of Kellogg. The proposed benefit district is depicted in the area. As you can see, these are platted lots. The proposed method of assessment is equal per platted lots for the sewer improvements. The Bureau of Public Works has estimated the cost of these improvements to be approximately \$93,400. There are 30 lots within the proposed benefit district. Again, this project

Regular Meeting, December 1, 1999

has been initiated by petitions signed by 100% of the property owners of property within the proposed benefit district. The principal cost per lot would be approximately \$3,113 or if spread over 15 years, about \$321 per year on a level assessment basis. Again, public notice has been published of this hearing and it would be appropriate to receive public comment. Mr. Weber and I would be available to answer questions now or after receiving that comment."

Chairman Hancock said, "Thank you, Joe. At this time, I'll open up the meeting to public comment relative to the lateral sewer district in the Belriv Addition. If there anybody would like to address that item on today's agenda? Is there anyone who would like to address the lateral sewer district in the Belriv Addition? If there are no speakers, I'll close the public hearing."

Mr. Norton said, "Again, we would recommend adoption of the Resolution to implement this project."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "Okay, at this time we'll taken Item 3."

Regular Meeting, December 1, 1999

3. PUBLIC HEARING AND RESOLUTION CREATING A ROAD IMPROVEMENT DISTRICT (BELRIV ADDITION).

Mr. Norton said, "The next item is for street improvements in the same area, the Belriv Addition in the southwest quadrant of 143rd and Kellogg. The Bureau of Public Works has estimated the cost of these road improvements at approximately \$247,500, again equally per lot, 30 lots as requested by petitions signed by 100% of the owners of the property. A principal component of about \$8,250 per platted lot or about \$850 per year spread over 15 years. This particular action does not require public hearing although you may wish to receive public comment prior to considering the Resolution that would authorize this road improvement project."

Chairman Hancock said, "Thank you, Joe. At this time, is there anyone who would like to address this item, road improvement district for Belriv Addition? Is there anyone here who would like to address this item on today's agenda? If not, I'll close the public hearing. Joe."

Mr. Norton said, "Again, we would recommend that you adopt the Resolution."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Regular Meeting, December 1, 1999

Chairman Hancock said, "Thank you."

4. PUBLIC HEARING AND RESOLUTION CREATING A ROAD IMPROVEMENT DISTRICT (TOWN & COUNTRY ESTATES).

Mr. Norton said, "A subsection of this is proposed for a road improvement district for Town and Country Estates. As depicted on the map, this is located north and west of the intersection of 63rd Street South and Rock Road. The map on the screen depicts the proposed benefit district. As you can see, there are certain platted lots as well as unplatted properties located within this particular area. This is a project which has some history. Those of you who were on the bench at the time, may recall back in 1996, a similar project was initiated based upon a petition signed by a majority of the owners of property in this already developed area. After that Resolution was adopted, Public Works went out for bids and the cost as bid on 8/27/97, exceeded the project estimate as was set forth in the petition. Those property owners have now come back and signed a subsequent petition requesting that the project still be completed at the estimated cost as was bid in 1997. They have been advised by the Bureau of Public Works that there is no guarantee that the project could be completed for that estimate, but they would like to honor that amount and go forward. If the Commission passes the Resolution today, then the process would go forward with again rebidding that project. If it comes in under the estimated amount then obviously the project will go forward. If it is over the estimated amount we may be in the same situation a year from now that we are today. But a majority of the people do want the street as evidenced by their signatures on the petition. It is not a 100% petition. There are some property owners that have not signed it. In order for this project to go forward, there must be a public hearing and comment received and the Commission then would consider a resolution to go forward with authorizing the project. I thought that history might be important to you before you go forward on this."

Chairman Hancock said, "Thank you."

Mr. Norton said, "If there are questions, Mr. Weber and I would be happy to address them. If not, it would be appropriate to open the public hearing and receive any comment the public may have."

Chairman Hancock said, "Thank you, Joe. Commissioners, questions for Joe on this item? At this time, I'll open up the meeting to public comment regarding Town and Country Estates street improvements. Is there anyone here who would like to address the Commission this morning on this item, please come forward. Is there anyone here who would like to address the Town and Country street improvements?"

Regular Meeting, December 1, 1999

Is there anyone who would like to speak on this item today? If not, I'll close the public hearing."

Mr. Norton said, "We'd recommend you adopt the Resolution."

Chairman Hancock said, "Thank you."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. Thank you, Joe. At this time, we're going to jump ahead."

Commissioner Gwin said, "Do you want Joe to finish up?"

Mr. Norton said, "There is an Item E that calls for two public hearings."

Chairman Hancock said, "Joe, when are you going to get down?"

Mr. Norton said, "After those."

Chairman Hancock said, "Okay. Sorry Joe, I didn't realize the next one is yours."

Mr. Norton said, "Separate items."

Regular Meeting, December 1, 1999

E. RESOLUTIONS (TWO) ESTABLISHING DECEMBER 22, 1999 AS THE DATE FOR PUBLIC HEARINGS REGARDING THE ADVISABILITY OF MAKING CERTAIN ROAD IMPROVEMENTS.

1. RESOLUTION REGARDING 143RD STREET EAST FROM 13TH STREET TO 21ST STREET.

Mr. Norton said, "Item E has two separate actions recommending the calling of public hearing with respect to two street improvement projects located in the eastern portion of the County. Again, a little history I think would be important. As you may recall there are basically two ways to initiate special assessment projects. One is by receipt of a petition signed by a majority of the property owners in a proposed benefit district to be assessed. This is the normal course that projects take. The other way is that the County Commission can deem it advisable to undertake a particular project, hold a public hearing, and then property owners within the proposed benefit district have a right to protest or stop that project from going forward. This is the method that we are looking at for these two particular projects. I think as you see the proposed benefit districts, you will see why we are looking at this particular method.

"Both items would do nothing more than declare an intent to proceed with the project subject to holding a public hearing and the opportunity for citizen protest to stop the project after that hearing has occurred and action has been taken by the Board of County Commissioners. In both instances, a proposed time for the public hearing would be on December 22, 1999, at 10:00 a.m., which is your regular meeting. We also would propose to send a mailed notice to these property owners advising them of an informational meeting which would be held on Monday evening, December 20, at the County fire station located on 143rd Street between Central and 13th to give those persons the opportunity to have questions answered that couldn't attend the County Commission meeting on the 22nd.

"The first project is paving of 143rd Street East between 13th and 21st Street. This is a project which the southern half of which abuts the Savannah at Castle Rock Addition, which has been created on both sides of 143rd Street. Those projects have been undertaken in various phases. Some of those projects, as part of the initial petitions, also requested the paving of 143rd Street at the appropriate time so that petitions did not. The project now has been substantially completed as far as housing is concerned in the earlier additions, there are still later additions to be done. I think as a result of a lot of that construction the road

Regular Meeting, December 1, 1999

has deteriorated to the point where the Bureau of Public Works has requested that that be repaved. Also, in conjunction with this, the part that is north to the railroad tracks at 21st Street is in the County's Capital Improvement Program to be undertaken as a repaving project on a County at large basis. It is about 50-50 the amount of road north and south of the tracks. The proposed Resolution would authorize or declare an intent to authorize the paving of 143rd Street from 13th to 21st. The south half of the map on the screen before you outlines the benefit district, which would pay 50% of the cost of this improvement. That base or the platted Savannah at Castle Rock additions both east and west of 143rd Street. If the Resolution were adopted today, we would hold the public hearing on the 22nd and give the public the opportunity to address the Commission and after that public hearing, the Commission could adopt the Resolution authorizing the project to go forward subject to a majority of the property owners signing a protest petition stopping it. They have the opportunity to say yes or no to this project after you take action.

"The Bureau of Public Works has estimated a total cost of about \$350,000. There are 248 parcels or units within the proposed benefit district on both sides of 143rd Street. Assessing one half of that \$350,000 cost would be about \$706 per parcel or about \$73 per year spread over 15 years on a special assessment. The action today is to authorize the public hearing for the 22nd. At that time, the Commission would actually consider whether or not to move forward on the project subject to citizen protests after that."

Commissioner Gwin said, "I have a question. On our recommended action, it says adopt a Resolution."

Mr. Norton said, "That's correct. The Resolution established the date of the public hearing and authorizes the various notices to be disseminated."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

Regular Meeting, December 1, 1999

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

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

2. RESOLUTION REGARDING OVERBROOK 2ND ADDITION-PHASE 4.

Mr. Norton said, "The second portion of this item is a similar process for the paving of 9th Street through the northern part of Overbrook 2nd Addition. This is located east of 143rd Street at 9th Street. The map before you depicts the proposed benefit district. Again, the road improvement is the heavy blue line that would extend 9th Street from its current location, stopping at the first part of the Overbrook Addition through and including the projects that have been completed on the second phase of the Overbrook Addition and taking 9th Street to the end of that project. On the screen before you, you will note that where the new road is to be constructed, there are mostly platted lots abutting that. A few couple of unplatted tracts on the north side. South of that area, where the finger kind of comes down, projects that have already been completed. Streets are in place. The property owners have been assessed for those in essence collector street situations. The proposed method of assessment on this particular project is kind of a two fold one. One is to assess everyone within the small blue boundary a portion of the cost of the extension of 9th Street. This will be the second way out of the subdivision. I think there are various reasons for having, including fire protection, a second way out of subdivisions. Now the only way out of that subdivision is though the southern area.

"The two part assessment would in essence be the properties that abut the new improvement would pay an assessment basically the same as the property owners in the southern half of the area have paid for streets in front of their house. But the oversized nature of this project as a collector street, that additional cost will also be spread to all properties within the small blue line. So in essence, everyone would have a street assessment in two phases. One already done and now this one approximately the same in the

Regular Meeting, December 1, 1999

entire subdivision to equalize the costs.

"Those cost on the screen before you by the Bureau of Public Works, the total cost of this improvement is about \$339,000. There are 221 lots. There are two break outs of cost. The \$1,534 is what every property within the small blue line area would pay for this collector street. Then the properties that actually abut it would pay about \$9,200 total. The other properties in the area have an assessment of in the neighborhood of \$7,000 to \$8,000 now on the streets that are in front of their house. So this would equalize all lots within this subdivision at about the \$9,200 range. The estimated annual cost over 15 years for the additional properties is about \$160 a year and for the properties that abut the improvement about \$950 a year. Again, the action today is to adopt the Resolution calling for the public hearing on the 22nd. Again, we would do the informational meeting on the 20th at the fire station for these people also. Then after the 22nd, public hearing. You could decide not to proceed with this project subject to citizen protest."

Chairman Hancock said, "Thank you, Joe. Commissioner Gwin."

Commissioner Gwin said, "Joe, can you leave me copies of this information because I think as we start notifying neighbors of the information meeting, they will probably be calling me and I need to have those numbers in front of me."

Mr. Norton said, "Sure, be happy to provide that Commissioner."

Commissioner Gwin said, "Thank you."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin

Aye

Regular Meeting, December 1, 1999

Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. "

Mr. Norton said, "I'm now all done."

Chairman Hancock said, "Thank you, Joe. At this time, I'd like to go to Item G, fire service consolidation pilot project proposal. While Betsy is going around to the podium. Beginning about last April, we had the opportunity, along with Commissioner Sciortino, to meet regularly with Mayor Knight and Councilman Pisciotte discussing ways in which Sedgwick County and the City of Wichita might partner on various sundry projects and items in order to do a better job of serving all the citizens in Sedgwick County. What we have today are some of the fruits of that labor. Last week, we were pleased to talk about railroad track removal and flood mitigation in west Wichita. This week, I'm very happy to have Betsy Gwin along with Councilman Lambkey here to talk about the fire departments and a possibility of a new future there. At this time, I'll turn it over to Commissioner Gwin."

NEW BUSINESS

G. FIRE SERVICE CONSOLIDATION PILOT PROJECT PROPOSAL.

Commissioner Gwin said, "Thank you, Mr. Chairman and Commissioners, and too, thank you to Council Member Lambkey for coming over. We've kept you waiting and we want to try to expedite your stay in and out of here. In June of this year, the City and County elected officials signed a joint resolution, as you said, entitled Compact 2000. In this agreement, we agreed to seek to improve the quality of service delivered to the community while developing cooperative agenda that will bring about improved and more cost effective services. In this new era of cooperation and civility, the compact says, we agreed to work together in finding cooperative endeavors between two different governments. We feel we've identified such an endeavor.

"Stemming from this agreement, the study of functional consolidation of three City and County fire divisions has evolved as a cooperative effort between three elected officials, Council Member Phil Lambkey,

Regular Meeting, December 1, 1999

Council Member Bill Gail and I. Our consensus is that such that our interaction has been consistently cooperative, open minded, and extremely productive, I'll be it has taken some time to get here today. Consolidation of fire services is not a new idea, as many of you know. In the past, proposals for consolidation of City and County operations have been rejected because of the fear that basic services could be negatively effected. Instead of combining operations as previously considered, our study suggests that consolidation of fire prevention, safety training, and medical divisions might instead be more successful. In meetings with Chief Curmode and Chief Garcia, who I might add have been a wonderful asset and informational source to us, these divisions were found to be appropriate for consolidation because none directly effect basic fire service and all share similar duties and responsibilities whether they are City or County departments.

"City county fire service consolidation has a promising future we believe. Fire vehicle maintenance has been a shared responsibility for the past three years. Employees, both City and County, share the responsibility for the upkeep of all fire equipment. City of Wichita Chief Doug Stimmet supervises both City and County employees who work together to ensure that all vehicles are ready for use. He came to one of our meetings once and informed us during that meeting that he knew within the first week that it was going to be a successful project. The sharing of maintenance responsibilities has continued to be effective for these three years and that is the springboard that we used to suggest these other divisions.

"Our proposal is an 18 month pilot program. The pilot project will seek to answer questions about functional consolidation, including financial impact, employee promotions, salary structure, and contract negotiation. We do not believe that all details must be worked out prior to the induction of the pilot project. Given the talent and capability of each department, details will be resolved in a manner that ensures the best fit of resources for this project. It is believed that the employees involved will be willing and able to determine the advantages and disadvantages of this consolidated system. And at the conclusion of the project, we'll be able to provide enough information to either continue or reject the program.

SLIDE PRESENTATION

Regular Meeting, December 1, 1999

"I have some organizational charts that I'll show you on basically what we are planning to do. These are tentative, but we want to give you a picture of what we're thinking. What is up on the screen are the three divisions that we are proposing come together. Just real quickly, in the left hand columns, the division. Next is the activities, work load, and resources. Then the facility locations and assignment of personnel. Under the activities, first is fire prevention. Basic functions include inspections, public education, investigations, plans examination, and fire protection systems. Our recommendation is to keep investigation, plans examination and inspections at the current location in City Hall. Public education we're recommending we move to Sedgwick County Fire Station #37. I do have an organizational chart of that group.

"As this indicates, this is a City Fire Marshall, or in this case he is an interim position. There is our County Fire Marshall. Greg, you're here aren't you? This is a City Inspector who is going to oversee these personnel, two Wichita Fire Department, two Sedgwick County and three more W.F.D. personnel. This is the Chief of Public Education, again a City person, who is going to oversee three City fire fighters and a Sedgwick County individual. Then, here at the end, the City does not currently have a Chief Investigator and we do. So we're going to fill that position with this individual and he will oversee four Wichita Fire Department employees and one Sedgwick County employee. Then back to our plan.

"Training and safety is next and their basic functions include recruit training, driver training, air pacts, fire ground safety, drill and evolutions, promotional process, research and development, hose procurement, safety training, physical fitness and health audits, accident investigation and protective equipment. Under the facility locations, the force recommended to us that these individuals be moved to a City fire station the City is planning on closing. The community deemed that there was not a political will to keep that station open so we're going to ask the chiefs to help us identify the location for these folks.

"I have a shared organizational chart and medical, so I'll go on. Medicals basic functions include quality control, medical training, recertification for E.M.T. and M.I.C.T. levels. Again, the location of this group is yet to be determined by our folks since we didn't want to infringe upon the City's desire to close that location. This is not as well defined. There aren't individuals named on this one, however, you can see again that it is a cooperative effort of both individuals from the Wichita Fire Department and Sedgwick County Fire Department working together, supervising one another, and working in harmony, we hope, to facilitate this project.

"The benefits that we are anticipating include better use of personnel and equipment to avoid duplication

Regular Meeting, December 1, 1999

of services and resources, utilization of existing personnel to fill vacancies, as I pointed out in the inspector category. Central training location allowing for consistent training with City and County personnel. If we train together and we arrive at the same cite together, then we're all going to be working off the same page. We think it makes a great deal of sense. Improved communication for better service provision. Just the fact that these individuals are going to be working together on a daily basis I think will help build a number of bridges. Then from a chief standpoint, certainly more opportunities for certification.

"We believe all these benefits will lead to an end product, shared fire services, that will result in services being administered more effectively, efficiently, and cooperatively, in the spirit of Compact 2000, to benefit all of our residents. We strongly believe that this proposal is founded on shared values and mutual goals of efficiency and effectiveness. The City of Wichita and Sedgwick County has made a commitment to work together in providing services to citizens and the proposed functional consolidation is an opportunity to put into action that commitment to better service. Before I ask you for a motion to approve the proposal, I want to see if either Councilman Lambkey or Chief Curmode have anything they would like to add. Phil, do you want to take a moment?"

Mr. Phil Lambkey said, "First, I want to say that I'm glad I wasn't sitting on the bench this morning. Betsy has done a real good job of writing up the report on the consolidation. There are only a couple of things I'd like to say. That is, no one is going to get terminated in either department. There is not going to be any financial impact for either the County or the City. Another thing that people would be interested in hearing is that it will not effect the fire insurance rates in the City or the County. Basically, I want to thank you for inviting me over and I will be pleased if you will approve the recommendation of the committee. I know I speak for Councilman **Gale** also. I also want to tell you that he is having a good time in L.A. Thanks a lot."

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

Commissioner McGinn said, "I just wanted to say thank you for all the hard work that you did. I do know that you spent a to of hours on this and I think you've come up with a good plan."

Commissioner Gwin said, "How do you know we spent so many hours on this?"

Chairman Hancock said, "We watched. Commissioner Sciortino."

Commissioner Sciortino said, "I want to wait until the Chief speaks."

Regular Meeting, December 1, 1999

Mr. Gary Curmode, Fire Chief, greeted the Commissioners and said, "Again, through the broad vision of Councilman Lambkey, Councilman Gale, Commissioner Gwin and the goals and focus of Compact 2000 Fire Community, Chief Garcia, he wanted me to let you know that he had a family illness and he had to leave, but we can guarantee its success. It will be done properly in both the City and County values that have been extended by both councils and we are excited about the challenge. I'm available for any questions."

Chairman Hancock said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. I am amazed. I am firmly convinced that just a few years ago, nothing of this magnitude could have come out of the City of Wichita and Sedgwick County and I commend you Commissioner Gwin. I commend you Phil, Bill Gale, I know he couldn't be here, both fire chiefs. Setting aside all turf and what have you, I think you all worked with an eye toward what can we do to provide more efficient service for the benefit of all citizens of Sedgwick County regardless of whether they live within the incorporated area of the City of Wichita or without. I just publicly want to comment that I don't know that I could have done as good a job as the three of you did. I know you decided at the beginning the mind set was how can we make this work as opposed to what is wrong with it, to prove that it can't work. I just want to publicly compliment all three of you, both fire chiefs and I'm just very gratified that this is another example of what really can happen positively when peoples on both side of the street decide to sit down and work together and communicate. I applaud all three of you."

Chairman Hancock said, "Thank you, Commissioner. Commissioners, further comments?"

Commissioner Gwin said, "Just one thing. Besides the fact that Bill and Phil and I are just brilliant people and really worked together."

Chairman Hancock said, "We didn't go that far."

Commissioner Gwin said, "I just wanted to step it up a notch. One of the things or two of the reasons I think this will be successful are the fire chiefs. Chief Curmode and Garcia have given us our commitment that this will work and the fact that they are both here at this particular time in our process I think pretty well ensures the success of these pilots. I think we should be encouraged with their presence."

Regular Meeting, December 1, 1999

MOTION

Commissioner Gwin moved to approve the proposal and ask the Chiefs to implement this as soon as it is passed by the City of Wichita.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. Commissioners, thank you. I just want to say before Betsy leaves and before Phil leaves, thank you, very much. Please extend my gratitude to Councilman Gale for his work on this. For those of you who don't know it, this has been a difficult one in spite of how easy Betsy makes it seem and the Chief makes it seem. It is just because they are good at their jobs that this went as smoothly as it did, but this is a difficult issue for us to work around and to do things together on. I know there were a number of concerns from folks who have observed both fire departments over the years about the quality of service. I want to assure the City and those who are responsible for that quality of service, primarily the City Manager, that we'll do everything possible on this side of the street to make this a success and to make sure that anything that we do for either governmental entity does not diminish at all the quality of those particular services. If it appears that it would be the case, certainly we would have no problem withdrawing from some of these agreements and going about our business in a different way. Most importantly is that all this is about public service to our community, both City and County. In any way, shape, or form, that quality of service would diminish for those folks, then certainly we would make immediate changes, even if it meant going the opposite direction. We want to assure folks out there that the pilot program took a lot of hard work to put together and that doesn't mean that we're committed. We'll take a look at the results and see what is best for our community, first of all what is best for the fire service and secondly make decisions in the future. It was very very difficult and I know that Phil and Bill and Betsy had to tread on thin ice sometimes and walk on egg shells. We appreciate the work that you've

Regular Meeting, December 1, 1999

done. It is a very good piece of work. Thank you. Madam Clerk, we'll go to Item F."

PLANNING DEPARTMENT

- F. CASE NUMBER CU-543 - RESOLUTION REGARDING CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY MANUFACTURED HOME AS AN ACCESSARY STRUCTURE FOR A CARETAKER, LOCATED ON THE NORTHWEST CORNER OF 47TH STREET SOUTH AND 231ST STREET WEST.**

SLIDE PRESENTATION

Mr. Dale Miller, Metropolitan Area Planning Department, greeted the Commissioners and said, "Commissioners, this is a request for a temporary manufactured home to be used as a caretaker for someone who has a medical hardship. The location of the application area is the northwest corner of 47th and 231st Street. The applicant owns a ten acre tract and currently has a site built log style home on it. There is also horses and horse corrals and pastures and some outbuildings on the location. If this request is approved, the applicant has indicated that she intends to locate what would amount to a residential designed manufactured home, a new one. Those homes are the ones that have the sloped roof and the roofing material and siding material are the same or similar to those that are on site built homes. They are at least 22 feet wide and so they are basically the double wide homes.

"The difference between a residential design and a manufactured home and what she is proposing to do is by definition residential design homes are on permanent foundations and this would not be on a permanent foundation since it is intended to be a temporary use. As you can see here with the slide, that is the approximate location of the site. The aerial there can give you a feel of the area. This is basically a rural area with agricultural uses and large lot residential uses located sporadically in the area. All the surrounding property is zoned currently RR, rural residential. The closest home, these are approximate distances because I'm scaling off a map that is a one to 1,000, but the home immediately to the west is approximately 700 feet and then there is a home to the northwest and it would be approximately 900 feet from the proposed location of this temporary manufactured home. As you go north off the slide, there are homes located along 231st Street that front on the west side, approximately a half mile to the north. It appears to us, just driving by, that at least one of those homes appears to be a residential design manufactured home just looking at it from the road, but they've gotten so good at those it has gotten hard to see for sure.

"There are homes to the east that are approximately 1,200 feet away. There are some homes to the southeast that are approximately 1,000 feet. Then to the south, as part of the north end of Lake Waltanna,

Regular Meeting, December 1, 1999

those homes are approximately 2,000 feet to the south. Staff is recommending approval of this request subject to specific conditions that are outlined in the staff report, but generally those are that this temporary manufactured home would only be allowed to remain on the site as long as the applicant's husband is in need of medical assistance.

“When that assistance is no longer required on this site, then they would have 90 days to remove it. The applicant would be required to check in, report in to County Code Enforcement on an annual basis to provide an update as to the status of the need for the assistance.

"It is a temporary use. This is a mechanism that has been in the code since at least as far as we can tell from the beginning of the code. It is not a recent addition to the code in '96 and when we did the unified zoning code. The Goddard Planning Commission heard this case a little while back and voted on a 5-0 to 1 to recommend denial. With that recommendation for denial, that will trigger a unanimous vote on your part if you decide to override their recommendation for denial. They didn't actually make specific findings with their recommendation, but one can assume based on the testimony that was heard at the meeting that their intention must have been that their findings would be consistent with the comments made by nearby property owners who were concerned about the introduction of a residential design manufactured home that in their opinion this would be out of character with the other homes in the area and could then possibly lead to a devaluation of their property values because of that.

"The MAPC heard this case and voted 8 to 5 to recommend approval. There is an approximately 55% protest on this from adjoining property owners. The area in red indicates the property owners who have filed petitions that we have on file and mapped those. I'll run through the rest of the slides. This is the site plan. What the applicant proposes to do. You can see there it is approximately 100 feet or so to the south of 47th Street and to the west is the existing horse pasture and barn area and there are some outbuildings there further to the north. You can see the location of the lagoon. It is our understanding that they have worked with the Health Department and have approval to connect, if this is approved, to connect this home up with their current lagoon on a temporary basis.

"This will be looking at the site. You're looking straight north approximately from the roadway in the general location where the home would be located. This is the applicant's existing home. You're looking to the northeast. East along 47th Street back towards the paved road way. This is southeast at the hedge row on the south side of 47th. Straight south. Then southwest. This would be looking west. That row of trees there on the right hand side of the screen would be approximately the beginning of the property line of the closest home to the west there. Back to the aerial. As I indicated, the code does permit this as a temporary use provided they can meet set back requirements and that they can meet lot sizes stipulated by the Health Department if they're not on public services. That they provide hardship. The applicant did provide a letter from their doctor indicating there is a hardship here and she can speak to that

Regular Meeting, December 1, 1999

more in detail if necessary. That there be a reasonable time limit on the use for it to remain on the site and that they be eligible for a planning exemption for which they are.

"The other piece of information that would probably be important for you to know is because she does have ten acres, it would be possible if this application is denied that she could then file a plat and plat the ten acres into two five acre tracts and place the same type of a home, a residential design manufactured home on one of the five acre tracts. But it would have to be on a permanent foundation as opposed to a temporary. So that would be the other alternative if this is not approved. With that, I'd answer any questions."

Chairman Hancock said, "Okay, thank you, Dale. Commissioners, questions? When you showed us one of the slides, there were lines drawn on it. Are there other lots around this particular lot, platted or unplatted? Are each one of those representing a different ownership with those lines there?"

Mr. Miller said, "We take that off the parcel map and so they would be individual tax keyed properties. It is possible that one person could own, for example, that southeast one, one person could own all three of those or they may all be owned by separate people."

Chairman Hancock said, "None of these are currently platted? Their tracts of land?"

Mr. Miller said, "To the best of my knowledge at least in this area, I don't think any of these are platted."

Chairman Hancock said, "Okay, thank you. Commissioner Sciortino."

Commissioner Sciortino said, "I need some clarification. Thank you, Mr. Chairman. If we approve this, we're approving a temporary use of this property to allow this mobile home to go on the property, is that correct?"

Mr. Miller said, "Yes, it would be a temporary placement?"

Commissioner Sciortino said, "What is the time frame for temporary, one year, six months?"

Mr. Miller said, "In terms of the way the current condition is stated, it is that it would remain there as long as the conditions triggering the need for the temporary home would be there. In other words, as long as Mr. Hall is in need of medical assistance, the home would remain. If he is no longer on the property, then

Regular Meeting, December 1, 1999

they would have to remove it within 90 days."

Commissioner Sciortino said, "I have no further questions."

Commissioner Gwin said, "Okay, other questions of Dale? I don't see it at the moment. Is it the will of the Board to take public comment on this item? First, I think as is our custom, we would ask the applicant or her agent or some representative to come address us as to this request. Also, on public hearings like we had earlier, we ask that you give us your name and address for our records and your comments should be limited to five minutes. We appreciate your cooperation, thank you."

Ms. Coleen Hall, 23316 West 47th Street, Goddard, said, "As you know, the reason that I'm here is I'm basically asking your permission to place a modular home on my property for conditional use. My husband is 73 years old. He is retired military and post office. He has been diagnosed this past year with Alzheimers. He is one year into that and if you know anything about Alzheimers, it can be working on a person for I don't know how long before it is ever diagnosed. He is also ten years into diabetes plus he has a lot of other medical problems. All I'm asking is just to set this home out there temporary as long as I need help with him. As I said, he does have other medical problems and I know Alzheimer patients, the quality of life is not really that good whenever they start losing their faculties. But when they are kept at home and can be in their own surroundings, it helps a lot more. I'm 64, I still work, and I have to work. So I am needing somebody out there that can watch him and help me take care of everything. Like I said, he is 73 years of age and he does have a lot of other medical problems other than just Alzheimers and diabetes. As a matter of fact, I just brought him home Monday afternoon, he had some minor surgery and I just brought him home from the hospital when I was met with some reporters, which I didn't mind. It was just at the wrong time.

"What I'm asking is your approval, your permission to set this home temporarily, as long as I need help with my husband. I understand that when he is not with me any longer, that this home will be moved within 90 days. I understand that perfectly. The reason that I want to do this is I thought when I moved out there three years ago that this was going to be the perfect spot for us. I thought well, you now, if anything really happens I've got some neighbors close that I can go to for help. I have one son here. He lives north of me. But he has a job. He has a family. I can't say you need to come and stay with me. I don't want a total stranger in my home because that would just make my husband that more nervous. He is really frustrated now because he can't remember things. He is at the point of living 40 years ago. He can remember things that happened 40 to 50 years ago but he can't remember yesterday. Physically you could look at him and think there is nothing wrong with this man, but I live with him. I can see it daily. I know

Regular Meeting, December 1, 1999

what is going on in his mind. I know what is developing in his body. It is hard to explain to you what is there.

"Again, like I said, it is a temporary thing. I don't want something that I'm going to set there permanently. I wouldn't put it out there if I thought it was going to degrade property values. I know I have neighbors that are complaining or should I say objecting. I'm not mad at them for objecting. That's fine. If I thought we were going to set some little junky trailer out there, I would be pretty upset too. But right now, like the man from the MAPC was saying, up on 231st Street there are two modular homes right on the highway. There is no complaint there. One of the people who is objecting lives across the street. There is another, I call it a house trailer, that is within two tenths of a mile of another one of the people who is objecting. There are other modular homes out in that area, other mobile homes in that area. I just don't understand why. I really don't understand why and I'm just here asking for temporary permission so I can have the help that I need. I don't have five minutes worth of talk. That's all I can say. I just need permission from you to put this home out there for a temporary use."

Chairman Hancock said, "Thank you, Mrs. Hall. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. Mrs. Hall, I read the article in the paper and then I just want to make clear in my mind. What you are looking for is to provide some living quarters for people that will assist you in caring for your husband, is that correct?"

Ms. Hall said, "Yes, and then helping me wherever I need the help."

Commissioner Sciortino said, "So they are also going to be like a hired hand?"

Ms. Hall said, "A caretaker type of thing. I'm furnishing the living quarters for their help."

Commissioner Sciortino said, "But the primary job they will have is assisting you in caring for your husband."

Ms. Hall said, "That's right."

Regular Meeting, December 1, 1999

Commissioner Sciortino said, "I don't have any further questions right now. Thank you Mr. Chairman."

Chairman Hancock said, "Thank you, Commissioner. Commissioners, questions? Thank you Mrs. Hall for being here today. Are there other speakers who would like to address this item today? Please come forward. Any speaker for or against? Normally we don't have as many speakers as the Metropolitan Area Planning Commission does during those hearings so they may or may not divide them up. Sometimes they do, sometimes they don't. But in our case, it is just whenever you feel like you want to speak, please come forward. Be glad to have you."

Ms. Shari Boehlke, 2617 Landen, Wichita, greeted the Commissioners and said, "I am a real estate agent. I've been in the business for nine years. I have found that working with buyers who are interested in country property, they are always concerned about mobile homes. They want to know if a mobile home is going to be next door, if a mobile home could be put across the street and so forth. When looking at properties, if they see a mobile home, they assume that mobile homes are allowed in the area. If this is a major concern to a buyer, they definitely will not purchase the property or if they do, they will consider making a lower offer based on the mobile home. It is hard to say it is going to devalue the property by a certain amount. But it is reasonable to assume that it will devalue the property and buyers will make an adjustment because of a mobile home in the area. If a buyer is looking for a property in the area with a mobile home, they definitely will have second thoughts before purchasing. Again, they perceive what they see. If they see a mobile home, they perceive that other mobile homes will also be allowed."

Chairman Hancock said, "Thank you. Next speaker, please. Is there anyone else who would like to address this item today?"

Mr. Tray Hurst, 23510 West 47th, Goddard, greeted the Commissioners and said, "First, we don't want to be the bad guys here. Our sympathies are with the Halls. We just feel that there are more reasonable alternatives for the help that they need. My home property is northwest of the Halls and my wife and I also own a 20 acre lot directly north of the Halls. We purchased that and hope to sell it in the next six to seven years to pay for our 11 year old daughter's education. I'd like to give you a brief slide show with a few closing remarks."

SLIDE PRESENTATION

"This slide depicts what the view is like for everyone driving home south bound on 231st to Lake Waltanna, Beaver Creek housing development, plus all the surrounding homes. The mobile home would be installed approximately behind the shed, which is kind of hard to see, but it would be right in there somewhere I believe. Please note later in the slides that there is a tree line screen that is noted in your

Regular Meeting, December 1, 1999

document from the Planning Department. They showed three different slides of it at the MAPC meeting. That is the tree line right there. This view again is from 231st if you are north bound. Again, the mobile home site is approximately behind the propane tank, clearly visible. We've been told a mobile home wouldn't be that visible. They live on a hill. Here is a view from the front porch of the Brenein's house. That is caddy-corner and the slides backwards. But this is where the mobile home would be, again you can see by the propane tank the location.

"From my home, you can see the roof kind of right in here and the Vap's house is right in here. I'll drive by both sides of the mobile home every day. Here is a view from the Vap's porch. That is the one we're missing isn't it. This is a view from the Vap's house. They were told that their house would be screened at the MAPC meeting from the trees. The screen of trees described by the Planning Department there was trimmed up five to six feet tall 14 years ago because I did it. That's the home we lived in prior to having too many kids and having to build a new home. The only way those trees could block the view is if you were a professional basketball player. Here is the view of the development. The property described by my wife and I and again here is where the property would sit and again there is the screen of trees.

"This is another view west which lets you see the Planning Department screen of trees again. If you notice, they're on the wrong side of the road to screen anybody. It is right here. I'm on Waltanna road and looking west. I guess what I'm trying to present with this, this is the screen of trees. If you look on the other side of this screen of trees, there is nothing but a grown field. There is nothing for this screen of trees to screen other than the farmer if he is bailing that field. I don't think the view is going to bother him a whole lot.

"All of the neighboring property owners we could contact, you talked about 55%, we're telling you it is 100% of the ones we could contact opposed this. Again, with sympathy to the Hall situation, we believe there are many reasonable alternatives. We also have these points of concern. They're not requesting a health care provider. They're telling us the person has no health care training that they're asking to stay there. They're wanting to put in a mobile home for the property maintenance and horse care. We don't even know if she owns all the horses and she also has family if there are emergency needs that is just 15 minutes away, 10 or 11 miles.

"Does the granting of this request set a precedent making it acceptable for anyone with an illness or

Regular Meeting, December 1, 1999

disability to put a mobile home on their property in the country? I believe these requests in the past have been limited to health care providers as this request is written or else moving elderly parents closer to family for care during a terminal illness. Third, Alzheimers has long term health care planning requirements with many of those afflicted living many years. While we hope Mr. Hall is with us for many years, we believe the temporary housing requests in the past were not based on illnesses that could last 10 to 15 years, long past when some of us may try to sale our homes. Four, there are no other mobile homes within one half mile of this property. On the news it showed that there was one, well it is on a road that nobody drives down and it is covered by trees. I need about two more minutes if I can."

Chairman Hancock said, "Commissioners, two more minutes?"

MOTION

Commissioner Winters moved to five Mr. Hurst two more minutes.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. Go ahead Mr. Hurst."

Mr. Hurst said, "I know I present the view from our side and it is biased. We believe Coleen Hall represents it from her side and that is fair. My only objection to this whole procedure is we feel the Planning Department should present an unbiased report with all the facts to the governing boards to objectively review. Here are examples of where we feel the Planning Department is biased. I've shown a significant hedge row they highlighted in their staff report. It is not significant and it screens no one. Two, we think there are several options open to the Halls that they point out. They act like it is the only

Regular Meeting, December 1, 1999

option possible for them in their report. Section three, it says the hardship cannot be reasonably alleviated without the granting of a conditional use. That's not true. If immediate 24 hour care is needed, why not have a caretaker live in the house. Why is that not reasonable? Three, in the staff reports finding, number three, we have presented expert testimony to refute that there should not be detrimental effects on nearby property. What does staff present to support that? We all ask that you not grant this request for all those reasons with so many other reasonable options available. Thank you."

Chairman Hancock said, "Thank you, Mr. Hurst. Commissioners, questions? If not, thank you very much. Next speaker, please? Is there anyone else who would like to address this item this morning? Sorry about the slides, we couldn't get it any darker without turning off everyone's lights here."

Mr. Jeff Vap, 23530 West 47th Street South, Goddard, greeted the Commissioners and said, "I own the house that is directly west of the Hall's. I suppose I'm probably the one that is going to be effected the most by this. Where the trailer is proposed to sit is in direct view of my home and my yard. There is no way that it is ever going to be able to be screened where we're not going to have to look at it 24 hours a day. It is always going to be there.

"I do feel sorry for the Halls. I understand that this is a bad situation for them and she's trying to find a remedy for their situation and find help to help her with her husband. I do agree with the other people. I think there are other ways to handle this. Mr. Hall was just diagnosed with Alzheimers one year ago. It can last for years and years. As an example, my parents have a neighbor that lived next door to him and I know it has been every bit of 15 years that he had it. I think there are other ways to go about this without having to move in a trailer. Who knows if it is going to be there a year or 15 years? Nobody knows.

"When we talk about the value of the property. I don't think there is any question about what would happen if it is in there. You have perspective buyers that come in and look at a property, they're going to wonder what's going on there. Why is a trailer sitting there? It is just going to be another problem that is going to continue to go on or is there going to be more trailers coming in? I really don't want to have the trailer sitting there in my front yard is basically where it is going to be. They say 700 foot, but 700 feet is not a very long distance, it is not far at all. I could pick up a stone and hit it if I wanted to. I just ask that the consideration of all the other neighbors that have to live here too be taken into consideration. We've all invested a great deal of money to be able to live in this area and to live in the homes that we have. We've all worked very hard for our money and the reason we bought out there was to be able to

Regular Meeting, December 1, 1999

live in a nice neighborhood and to enjoy our properties.

"Mrs. Hall is talking about she's got a couple of college students who are going to be moving in there. She said that she didn't want to have a total stranger move into her home. Well, to us if you get a couple of college students, we don't know who they are. They're stranger to us. We don't know what kind of people they are. They could be great kids, but who knows? My own view, I don't like the idea. I really don't want to have the trailer sitting there. I'm not trying to act like a snob or anything like that, but it is our property that is surrounding all of this. I feel sorry for Coleen, I really do. Coleen, if there is anything I can do to help you, I'll be sure and come down to help you too. I'm not trying to be a jerk about this or anything but I feel like I should stand up for my own rights and the interest in my property. Is there any questions anyone would like to ask me?"

Chairman Hancock said, "Commissioner Gwin."

Commissioner Gwin said, "You're aware that residential designed mobile homes or manufactured houses are permitted if they're on a permanent foundation. If this doesn't happen, she could go back and plat because she has the acreage to do so and can put a residentially designed mobile home on a permanent foundation, the law allows her to do that. You're aware of that?"

Mr. Vap said, "I'm aware that there is some type of ordinance like that, yes."

Commissioner Gwin said, "State law. Okay, I just wanted to make sure that you knew that you may stop the conditional use of a manufactured home being in there for a limited time and we can all debate what that might be, but she can, by law, go back and plat because of the acreage she has and state law would allow her to put a residentially designed manufactured house there on a permanent foundation. It would be there forever. I just want to remind you of that too."

Mr. Vap said, "Yes, I understand that."

Commissioner Gwin said, "Okay, thank you Mr. Chairman."

Chairman Hancock said, "Thank you. Commissioners, questions? Mr. Vap, thank you very much. Next speaker please."

Regular Meeting, December 1, 1999

Mr. Bill Hurst, 2322 Timberlake Court, Wichita, said, "I previously lived 20 some years there near Lake Afton. I had 120 acres of land there with my horses, et cetera. I really hadn't planned on speaking. The Realtor who arranged this transaction, which I was the agent, Margie Walton, was to be here. I gave her the restrictions at the time I sold the property. Let me explain that I originally bought that quarter of land and I sold a lot of it to one of my friends in California, a man I've known since '78. He is in his eighties and he was wanting to divide it up and we presented a program to you about three years ago. I had Don Morine come in and we were going to plot it in ten acres. All you wanted done on that 70 or 80 acres was very costly. It cost us \$4,000 to get as far as you. Anyway, it was just not feasible for us to build a road and all the things you recommended. At that time, Margie came to me and said Coleen wanted to buy that 20 acres on the corner. She really only wanted 10 acres but she wanted 20 acres. Well, they worked it some way, I don't now, where she bought the 20 acres and deeded the other 10 acres back to the seller and this way she got on the 10 acres.

"I'm not sure, how big is your house Coleen? It calls for 1,600 square feet. No modular, house trailers, any of that kind of thing was in this. What I'm saying is that I never filed this because after I got back and found out all the stuff that she wanted to do, I decided to keep farming it for him. I had since purchased that back. I own the north 40 acres. Sold my son 20 some acres right there. I have just adjacent to it another 40 acres. So I own 80 acres in there.

"I'm just saying that, for instance, I get along with Coleen fine, but she built the house where the farmer that has been farming said don't build that house there. She said, I want to build it there so she built it there. That's fine, she owned the land. But she tore the terrace out and the first thing she wanted to know is why the basement is full of water. I took Don Morine, who is a friend, I took him back out and gave her some suggestions at no charge as to what could be done. I really, the five horses that are on maybe two acres and it is well, I think it is a mistake. I wanted you to know some of the background that led into this. They worked hard there. They built a big pond but it won't hold water. That's all I have to say."

Chairman Hancock said, "I want to respond to some of those things as you go. You mentioned that you didn't plot the property and I'm going to respond to that. I always encourage folks to plat even though it does cost a little bit more money it makes the property more valuable. Usually what you invest in it you get out of it."

Mr. Hurst said, "We fully intended to."

Chairman Hancock said, "But when you create a plat, you create a vested interest in a property and a vested right in a property, which includes proper drainage, good roads, utilities, rights of way, et cetera,

Regular Meeting, December 1, 1999

sometimes covenants. Maybe if that property were platted at the right time, this wouldn't even be an issue today."

Mr. Hurst said, "I think you're right."

Chairman Hancock said, "My point is, if you ever do another one, thing about platting. It is well worth the investment."

Mr. Hurst said, "The thing I was going to say is that she agreed to all these things at the signing. I'm sure that Margie could certify that. Maybe since it wasn't platted or if I owned the property, I don't know. But I know that was a gentleman's agreement."

Chairman Hancock said, "Thank you. Next speaker please. Is there anyone else who would like to address this item today? Mrs. Hall."

Ms. Hall said, "To begin with, when I purchased this property, I purchased it from a **Mr. Brener**, he is in California. Mr. Hurst was the P.O.A. for Mr. Brener. There was no restrictions given to me, none whatsoever. I bought 20 acres of ground on paper. Ten of it, I signed back to Mr. Hurst at the closing of my deal. When I bought that property I was told that this property would be platted. It has not been platted yet. I do have a drainage problem, yes. I have worked and worked and worked hard at it. All my neighbors see me out there constantly either moving dirt or something and every time I get a rain my dirt goes right down the ditch. But I go out there and I do it again.

"They all have seen me. Not one of my neighbors have stopped and said is there anything we can do, can we help. Mr. Rap, I appreciate your offer. I just might take you up on that. But other than that, nobody has stopped to offer any help and yes Mr. Hurst did bring an engineer or a friend or whatever it was out there and he said you need to do a drainage ditch over on the north side of the property. I call a guy out and he does me a drainage ditch on the other side of my property. I've done everything I know to do and I still have a drainage problem.

"He said my horses are not mine or he doesn't know if they belong to me. Would you like to see my ownership papers? They do belong to me. My son, yes. I have one son who lives here. He uses my horses in dog trials. I was told one time that you don't even ride the horses. Well, they don't see me all the time. As far as Bill Hurst and Beth where they live, I can see the roof top of their house from where I live except when I go into my west pasture, I can see there house. The only house that I can actually really really see is the Breneins and they live over on 47th and 231st, on the other corner. He says there is no modular or mobile homes out there? There is two on 231st Street. There is one that is within two tenths of a mile of the Breneins. I don't know what they want. I really don't know what they want me to

Regular Meeting, December 1, 1999

do. I'm not asking for anything that is going to stay there forever. I'm just asking for a temporary conditional use permit to put a mobile home in there. That's all I'm asking. That's all I have to say. I'm just sorry that the neighbors feel the way they do. I don't know what more to say."

Chairman Hancock said, "Thank you, Mrs. Hall. Are there other speakers who would like to address this item today? Anyone else wish to address this item today? Thank you all very much for coming today and addressing the Commissioners. Commissioners, are there comments and questions on this conditional use case."

Commissioner Gwin said, "I guess I'll start this discussion if no one else is going to. I read the minutes again last night. Took them home and did a little homework. I know I should get a star for that. The staff's recommendation doesn't seem too far fetched to me. Particularly based upon the fact that residentially designed manufactured housing could be placed there on a permanent foundation that would be there forever. I would think that a temporary use of that kind of home would be more appropriate or more acceptable to the neighbors than a permanent use. Hearing them today, I don't necessarily hear that. But the staff recommendations about zoning use and character of their neighborhood, I don't disagree with that. The suitability of the subject property for the uses to which has been already restricted. The issue of the applicant having a hardship and needing assistance says a lot to me. It is temporary in nature and again temporary. Alzheimers I know can be a long time affliction, but sadly Alzheimers patients sometimes die from something much more sudden than Alzheimers. Having watched family members go through that, I understand the physical requirement of the family taking care of that individual. It is stressful. It is physically demanding. It is emotionally taxing. I can sympathize with the nature of this request. Quite frankly I think I would be able to support this conditional use based upon the staff's recommendations."

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

Commissioner Winters said, "Thank you. Commissioner Gwin, I appreciate your comments very much because it certainly would be an understatement that this has been a difficult case for me to think about, ponder about, visit about. It has not been easy and I appreciate your suggestions. I guess what I'd like to do is have some discussion here. Before we do that, I'd like to make my concerns known and then if we can address that then fine.

"I first want to begin by saying to Mrs. Hall I want you to know how sorry I am about the illness of your husband. This past summer I lost a parent after a long illness so I realize what care givers, such as yourself and myself go through as we try to provide care for long term illness of family members. I understand those situations. Today, as we sit here at this moment, I don't think I'm going to be able to support this request. Let me quickly say to all of you here, those of you who are watching or will watch later or will

Regular Meeting, December 1, 1999

write about this tomorrow. I hope that you believe that I am not making this decision because I am heartless as has been described in the paper. There is no one here in this room I think that doesn't have complete sympathy and understanding for the position you're in. But in my opinion, I don't believe your solution is good for that neighborhood.

"Sometimes, I think it is difficult for people to think about when we talk about neighborhood when you're out in the country. You think about more about this is out in the country and we ought to be a bit more free. But I think people chose to live in areas and neighborhoods do develop up around those places. Today, in the newspaper, they talked about this really meets the County's rules and requirements. Well it really doesn't because if it did we wouldn't be having this review process, this hearing as we have today. So as I try to pinpoint what my concerns are and Commissioners, if you have other ideas, you can help me with this. I really believe that temporary housing is not in character with this neighborhood. The folks did a fairly good job of describing the neighborhood but I would that if you begin at the corner of 231st and MacArthur, 231st West, south for two miles that is a paved county road. On both sides of that road there are houses and developments. Both east and west side of the road. Mrs. Hall's house is kind or right in the middle of that. She is right on Main Street. People refer to that as the Lake Waltanna Road. As people travel up and down 231st, that is the Douglas Avenue of that little two mile stretch of road. I really believe that we need to take the character of that neighborhood into consideration.

"Secondly, there has been strong neighborhood opposition. Dale represents a 55% protest petitions. Yesterday, I received a petition with 50 signatures. A week ago Tuesday, I received a petition with I think 18 or 19 signatures on it in opposition to this. So there is a strong neighborhood opposition and we've heard from them that they believe it will have a detrimental effect on their property. The third reason that I have a problem with is the Goddard Planning Commission's decision to vote for denial.

"The fourth and last reason is I do understand the hardship that Coleen and Mr. Hall have, but I believe there should be and are other options to solve that hardship. I'll be glad to listen to any of the rest of you, but right now I feel as if I'm going to be opposed to this."

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

Commissioner McGinn said, "I think Commissioner Sciortino was next."

Chairman Hancock said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. It is times like this that I guess I don't like my job very much because a decision has to be made here and I listened very intently to Mrs. Hall. My

Regular Meeting, December 1, 1999

heart goes out to her. I understand the stress of being a primary care giver, watching a loved one slowly deteriorate. I have a problem with the word temporary because hopefully so that Mr. Hall could be in the community for many many years and that is word I have . . . temporary to me is a more temporary time frame. I asked Mrs. Hall the question as to these individuals she wants to hire and what their primary care was and she indicated their primary care was to help her in caring of her husband and secondarily of assisting her in the property.

"I see a lot of options that are available to the Halls that will solve that problem in going against every other property owner in the area and asking for exceptions. The one option that I see, to put a modular home on a property, the capital requirement to purchase that double-wide, I'm not an expert here, but I think it would range \$40,000, \$50,000 to \$60,000 for a double-wide modular home. The cost that the Hall's are going to have to acquire to get it transported there, mounted in some way, although it may not be permanently, hook up all the utilities, hook up to the lagoon. There is a lot of capital cost that the Halls will have to incur. Then eventually all of that will have to be taken down and taken off that property. So there is no increase in the value to the property. I would think, just from a practical point of view, consideration could be given to add on to the home, a whole separate apartment could be designed into the home with a door ingress and egress into the home at the times when it is appropriate for that care taker to be in here home but then closed when it isn't. If it were just primarily a hired hand, I'm not too familiar with the way farms run or ranches run, but I know in the city people get up in the morning and they drive 15, 20 miles to go to work and then they drive back to their home. They don't live at Boeing. If it were primarily a hired hand, why would it be necessary to provide them housing. I also see as an option, if that was an incentive to them, the interest that you could receive on that amount of capital that you were ready to spend could be used to further increase the salary or the incentive to hire someone. I don't think I'm going to be supportive of this issue either. Thank you."

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

Commissioner McGinn said, "Thank you, Mr. Chairman. I too reiterate that this is a difficult situation and my family has been through that too. We've had to bring in care providers to help us out. The good news is in this day and age we have a lot of nurses out there that come to peoples homes and other businesses that do home health care. I feel like we're moving this manufactured home though maybe for the wrong reason. Because you can't have in-home health care, I get the feeling we're really moving it to help with the chores on the farm. I guess I don't understand that because we have a farm and we have a hired hand and he drives to work every day to do chores for us. We don't need him to live on our property. We had a small cow, calf operation. But our situation at home changed so we had to sale our cow calf operation. So I guess I'm a little confused, are we doing this because we need a hired hand or are we doing this because we need health care. If we're doing it because we need health care, I still look

Regular Meeting, December 1, 1999

at those other sources out there plus reading the minutes of the Planning Commission I believe Mrs. Hall, you had said something about you intend to take care of your husband and I think that is great. Given all that, I still don't know where I'm going on all this.

"The other side of it is, I guess I look at if this is allowed by the current regulations and zoning, I guess you have to allow it. I don't know if it for the right reasons. I'm hearing from other Commissioners, that maybe it doesn't fit all the guidelines that the Planning Commission came out with. I don't have an answer yet."

Chairman Hancock said, "Thank you, Commissioner. Commissioners, further questions or comments?"

MOTION

Commissioner Gwin moved to adopt the Resolution.

Chairman Hancock seconded the Motion.

Chairman Hancock said, "Discussion? Commissioner McGinn."

Commissioner McGinn said, "I just want to ask a couple of questions of Dale if I could. Why doesn't Mrs. Hall want to plat this? Is it because of the added procedure, the added expense?"

Mr. Miller said, "I think primarily the expense was the main thing. Since the code does permit this, it is a use that someone can apply for and the staff directed her in that direction because it would be cheaper although the platting route is another option."

Commissioner McGinn said, "So, I have ten acres and if I wanted to put a manufactured home on there I could just go in and do it, correct?"

Mr. Miller said, "No, this only applies for a temporary situation. If you were just putting a manufactured home on unless you have 20 acres you would have to rezone it to manufactured home. This particular clause is set up really for situations where there is a hardship that exists. There have been two others of these that have been approved that have not come to you because nobody protested them. They stopped at the Planning Commission."

Commissioner McGinn said, "Has there ever been a situation after the temporary status was gone that somebody came back in and reapplied to make it permanent? Has that ever happened?"

Regular Meeting, December 1, 1999

Mr. Miller said, "Not that I know of, but I wouldn't be the absolute authority on that."

Commissioner McGinn said, "Okay, that's all I had. Thank you."

Chairman Hancock said, "Commissioner Sciortino."

Commissioner Sciortino said, "I just have one question here because like I said this isn't easy. One of the conditions is that the applicant shall show due cause that the hardship exists and the hardship cannot be reasonably alleviated without the granting of the conditional use. Is that true? Was the Planning Commission, I've thrown out what I thought were some reasonable alternatives, had the Planning Commission looked at those and discounted any of the thoughts I had as being reasonable."

Mr. Miller said, "I believe both of those options were discussed at the Planning Commission as being brought up by folks that were in opposition saying this are other solutions, I think in the same context you brought them up here, by the MAPC. They recommended approval but obviously Goddard was recommending denial."

Commissioner Sciortino said, "Okay, I have no further questions."

Chairman Hancock said, "Thank you, Commissioner. Further questions or comments? If not, Clerk call the vote please."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	No
Commissioner Carolyn McGinn	No
Commissioner Ben Sciortino	No
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. Thank you, all for being here today. We appreciate your time and your comments. Thank you, very much. At this time, I'd like to take an Off Agenda Item."

MOTION

Commissioner Winters moved to take an Off Agenda Item.

Regular Meeting, December 1, 1999

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

OFF AGENDA ITEM

Chairman Hancock said, "Mr. Spears."

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "This item was deferred at last weeks meeting. It is approval of the official project request for system enhancement and project estimate/local match fund forms. The purpose of the program is to allow cities and counties to request projects that improve safety, relieve congestion, and improve access or enhance development. An official project request must be submitted to the Kansas Department of Transportation for any project to be considered for system enhancement funding. Concurrently with this request, a project estimate/local match fund form must be completed. Systems enhancement criteria requires the project sponsor to pay for all design and right-of-way expenses associated with interchange projects. The official project request and supporting documentation is due on December 8, 1999. KDOT will use these requests to select projects for system enhancement funding. Project selection will be announced in early summer of the year 2000. Official project requests have been prepared for the following projects that are sponsored jointly by the City of Wichita and Sedgwick County.

"The first is the Kellogg - Tyler Interchange. Sedgwick County would commit \$10,000,000 and Wichita would commit \$10,000,000 and KDOT \$60,000,000. Second is I-135, I-235, K-254 Interchange. Next is I-235 Kellogg Interchange. Next is I-235 Central Interchange. Next project is I-235 at 13th Street. This one we are recommending that Sedgwick County commit \$5,000,000, the City of Wichita will commit \$5,000,000, and KDOT \$10,000,000. Then the Northwest Bypass Corridor Preservation.

Regular Meeting, December 1, 1999

In this project we recommend that Sedgwick County commit \$1,500,000, Wichita \$1,500,000 and KDOT the same amount. Wichita approved all these projects on November 23 at their council meeting. We are competing with the other urbanized counties, Douglas, Johnson, Shawnee and Wyandotte, for \$350,000,000. The projects before you today total \$345,000,000. So we know that we won't get all of these. I recommend that you approve the official project request and project estimates/local match fund forms, and authorize the Chairman to sign. I think we deferred this item last week because you wanted to give the public an opportunity to speak and you might want to do that."

Chairman Hancock said, "Very good. Thank you, David. Is there anyone here who would like to address this item today? Senator Donovan is here and we're very pleased to have you here Les."

Commissioner Sciortino said, "I think he is going to tell us he's approving all of these."

Chairman Hancock said, "Welcome Senator, nice to have you here today."

Senator Les Donovan said, "If I had the vote the County I think we could probably think that would be a correct solution. I appreciate the opportunity to come and talk to you today. I need to give you a little bit of background on the passage of the transportation plan. It gets called the highway plan by everybody but in fact it includes an awful lot of funding for railroads, including the special \$50,000,000 amount that we put in for the City of Wichita for our rail corridor enhancement. A very big safety issue. The main article that was in the Eagle two or three days ago, the reason I called to talk to Commissioner Winters and made a few other phone calls. One of the points that jumped out at me that bothered me a great deal was a comment attributed to the Department of Transportation spokesman saying that the highest priority for the \$350,000,000 is being given to projects that will create jobs. I think we need to stress a very important point here and say that the highest priority should be given to projects that will save lives, first and foremost, always, and also prevent massive property losses. I think the quote in here was that in just a few years there were 322 accidents attributed to that interchange. There has been more than one fatality that I know about since I've been in Wichita for 22 years.

"I probably shouldn't say this, but we ought to be able to get the media a little bit more on our side because when we first moved here in '77, right before that there was an accident that killed a reporter from the San Antonio Express News that was up here working on an article. He went into the clover leaf a little bit too fast, flipped his Volkswagen over and killed him. My business is right there, very close to that, and I have

Regular Meeting, December 1, 1999

seen untold amounts of wrecks, bad accidents, really bad accidents, up on top of the overpass, underneath, and probably a thousand very near tragedies because of the funneling down from three to two lanes. You're getting off to go to Oklahoma or on to go north and whatever and people are doing the same thing in the opposite direction. If you ever come in, and I know you all have, on 235 going north and you need to go west and try to get off while a semi is trying to get on, it is a pretty terrible moment, it really is. We all know that. Obviously this type of interchange is no longer allowed by the Department of Transportation and for a good reason. I understand when the City did the improvement in front of my dealership and made it a little bit more of an adventure to come see me. It is much easier to leave if you want to leave, and I'm not sure that's good from a business standpoint. Anyhow, we protested the design because it was going to mandate that people go past me, make a four block detour and come back around. If you're coming in from the west, and this is the part that has impacted our business because once you see our business, see a bright red Cadillac that you'd like to buy, the first place you can turn around and try to come back is West Street. If you knew how to get there, you'd have to get off on the other side of the airport and come up into the side street.

"I'll get back on the subject. We must have, in order to get these projects done, and I've had many conversations with Steve Lackey. I tried to call Secretary Carlson yesterday and he was not in, and explain to them and make certain they understand that the City, the County, and the Sedgwick County delegation, the representatives and the senators we speak with one voice with one page about these issues. I got a copy of this just now and I don't know if this is the order of priority that the City/County puts on. I would rearrange it slightly. I think the Kellogg/235 is one followed very closely by 235 and Central. I go that way sometimes early in the morning going to Topeka and you talk about an adventure trying to turn left to get on 235 and go north. It is very troublesome. If you're trying to get off of 235 and get on Central going west, which many many times more people are doing because many many times more people live on the west side then when that was designed. You will see what New York City traffic is like. It is really something.

"I would put Kellogg/235 as one, Kellogg and Central as two, then the fly overs on Kellogg as three. They are very close in there because they are obviously much more needed now before we get more building around there to get this done. It costs less money to do it today than it will ten years from now. Those are going to be important issues to get people to live on the west side and work down town or Boeing or whatever to get across town without injuring themselves and burning a lot of fuel setting there waiting for four stop lights.

"What my points are, I am willing to work with the City and County and give whatever assistance I can from the Senate side and the Sedgwick County delegation side. I will try to put a meeting together and

Regular Meeting, December 1, 1999

I would suggest that the City and County both arrange for one of our delegation meetings on Wednesday when we're in session to come up and have this as the single project. I would suggest strongly that you do it very early in the session. We have our meetings every Wednesday. We furnish exotic lunches in a little tight room a whole lot smaller than this one.

"The example of what can happen when the citizens, the media, and the governing bodies get together, there was absolutely no chance that 54 and Santa Fe Lake Road was going to get a stop light a month ago. Guess what, they're going to get a stop light. Because people did it the right way. They contacted, they contacted, they contacted, and they followed up, followed up, followed up. That is what has to happen. I supported the plan as I told you and the point we need to make certain the people that are going to spend the money know. Sedgwick County and our surrounding area, the people that use these arteries most, we are responsible for collecting a tremendous percentage of the state taxes that go to fund these things. Fuel tax, sales tax, and income tax, a huge percentage of that for the state comes out of the Sedgwick County area. We have the right to deserve and get our fair share of what is coming. There are some projects that got a lot of flack during the passage of this transportation plan about \$64,000,000 that got spent on some interchange, \$34,000,000 for some improvements to get people into a race track that is going in in Kansas City. There was a lot of discussion about that. Well over \$100,000,000 was spent on projects that are very very local in nature. I'm not saying that those are wrong, but I'm saying that some of these projects should have a higher state wide priority. What I'm saying is be sure you convene a meeting early in the session and this is our subject. If we need to meet two weeks, lets do it. But if we don't get in there early and I know that these requests have to be in by the 8th I believe it is. They need to be on file and I'm sure they will be. I appreciate it. Any questions? I'll be happy to answer any questions."

Chairman Hancock said, "Commissioner McGinn."

Commissioner McGinn said, "Thank you, Mr. Chairman. Thank you Senator Donovan for coming here and I think we had you on for 10:30 and thanks for staying."

Senator Donovan said, "I've been in government for seven years and it is understandable."

Regular Meeting, December 1, 1999

Commissioner McGinn said, "Maybe we can buy him lunch or something. I brought this up last week. It has been a concern of mine. I've lived here all my life. I've watched that intersection through the years become obsolete, absolutely. It is a very confusing intersection. It is not just an intersection that local people use. It is an intersection that people through the state and all through the country come through that intersection. Therefore it can be very confusing for them. It has a high accident rate and you reiterated the same comments I made last week. When you try to get off you've got to slam on your brakes and when you're coming down 54, those people that don't know the area they run right into a bridge and have to slam on the brakes. I don't know if you've had a chance to see this. David Spears blew this up, but you're certainly welcome to have this. This is the accidents from 1992 to 1996."

Senator Donovan said, "I haven't seen that but I have seen other ones but I haven't seen that one and I know it just screams out for a solution."

Commissioner McGinn said, "I think for the locals we know it is a terrible intersection. I go by there a lot and it seems like half the time there is some kind of an accident or something. I talked to my representatives this past week and one had suggested just what you did and that was try to get on the agenda right away and I intend to work towards that. The other representative kind of made a comment that yeah we can go over there and do things but we can't tell KDOT what to do. Well I kind of hope that's not right and maybe we can learn by working together that maybe that's not right. I appreciate your comments about people saying they want the projects that create jobs and not the projects that save lives. I don't think that is prioritized correctly. I hope that we can do something. I'd like to say as one Commissioner and I think the other Commissioners share this as well, I'd be happy to work with our legislatures to encourage KDOT or whoever that is going to make that decision, that this is a high priority and that we do something soon about this intersection. I do hope that if we speak together as the County Commission, Wichita, and then our Sedgwick County delegation. I also think if we can include our south central in this because it is important to them as well."

Senator Donovan said, "They all use the interchange and nobody that lives in Wichita doesn't go over that often."

Commissioner McGinn said, "Thank you, for being here today. I look forward to working with you and with others to see if we can get something going on this."

Chairman Hancock said, "Commissioner Winters."

Regular Meeting, December 1, 1999

Commissioner Winters said, "Thank you. Senator, I just wanted to echo Carolyn's words. Thank you, for being here. I think you've got a feel that the Board of County Commissioners believe that interchange is very important to us. As we get into the session, we'll certainly look into your leadership and others and if we can be a positive part, we'd like to do that. We really appreciate your being here today."

Senator Donovan said, "I take this as one of my major projects for this coming year, kind of like I did with vehicle taxes back seven years ago when I first got in. It took a little doing and we kind of went around by Laura's house, but we finally got some things done. I'm not satisfied we cured the problem completely, but at least we are paying much lower taxes today than we were then. I'll be happy to work with all of you and all the City people and I have a very good relationship with the Secretary of Transportation. Dean is a good guy. He's testified dozens of times in front of Commerce and Taxation and even Judiciary. We meet a lot and I can get his ear on a pretty regular basis."

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

Chairman Hancock said, "Commissioner Sciortino."

Commissioner Sciortino said, "Les, I also thank you for coming. I thank you very much for agreeing to champion this cause for us. This was one of the first times I believe the City of Wichita and Sedgwick County are sort of providing a unified platform and it is our goal that maybe there is some strength in numbers and that Topeka will listen to us a little more intently and I think now our chances of getting these projects approved has been enhanced by having you on board with us. I really appreciate it."

Senator Donovan said, "One of the big changes coming up not this year but next year. The next election is going to probably change the leadership, where the location of the leadership members of the Senate and probably the house also, a great deal. We know the Senate President is not running again. The Chair of Taxation is not running again and some other very influential people. So the location or the home base of a lot of the leadership, committee heads and stuff will switch dramatically. I think maybe we'll have a good change of getting a good strong committee chair or some leadership out of the Wichita area. It is high time."

Commissioner Sciortino said, "Thank you."

Chairman Hancock said, "Commissioner Gwin."

Regular Meeting, December 1, 1999

Commissioner Gwin said, "Just one more comment. You talked about economic development and increasing jobs and obviously it is important to us to have a thriving state and you understand that. But I think as elected officials if we know of a risk or a danger or a problem that is currently existing and we turn our backs to it, close our eyes, and pretend like it is not there, then I think we're doing a much greater disservice by ignoring what we know than hoping for what we don't know. You know what I'm saying? We were just absolutely not doing our job if we continue to ignore that interchange and we all know it. We're all here to help you help all of us."

Senator Donovan said, "We're all in it together. The power of working together is multiplied, believe me. It is much more than all of us doing our thing separately. It is much stronger if we speak like I say with one voice."

Commissioner Gwin said, "Thanks for your time and thanks for coming."

Senator Donovan said, "Can I really go now? Thank you, very much."

MOTION

Commissioner Gwin moved to approve the Official Project Requests and authorize the Chairman to sign.

Commissioner McGinn seconded the Motion.

Chairman Hancock said, "Before we vote, I just want to say thanks to David and all the work he's done on this and his staff and putting it together as quickly as he did. I know it is confusing. I know Steve Lackey has worked on this and I want to thank him and the City staff also. This is the result of an approval last year of the Kansas Comprehensive Highway Plan. Of course Senator Donovan was a part of that. We really appreciate his efforts on that. It was important to us beginning last January and here it is almost a year later and we're submitting our application for these projects. It is a very good time in the State of Kansas that we are where we are at on this. All of these projects represent a cooperative effort between the City of Wichita and Sedgwick County. While most of them occur with the City limits of Wichita, Sedgwick County has looked at these in terms of benefit for all the citizens who travel throughout this County, go to work each day, go home each day, who depend on commerce, who go shopping or entertainment projects. We feel like these projects really do a lot to enhance the living conditions and the transportation system throughout all of Sedgwick County. David, thank you very much for coming up with these and working on these. We appreciate everything you've done."

Regular Meeting, December 1, 1999

Mr. Spears said, "Thank you for those comments."

Chairman Hancock said, "Further discussion? If not, Clerk call the vote please."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. Thank you, David. Item H."

H. AGREEMENT WITH CITY OF WICHITA, KANSAS FOR COLLECTION AND DISTRIBUTION OF FUNDS FOR OVERPASS IMPROVEMENTS AT THE INTERSECTION OF THE UNION PACIFIC RAILROAD AND 71ST STREET SOUTH IN SEDGWICK COUNTY, KANSAS.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You have before you a inter-local agreement that was prepared by Rich and was sent to the City some time ago. They approved it and have sent it back to us for our approval. This inter-local agreement lays out how we are going to distribute the funds that Senator Donovan, or at least a part of the funds that Senator Donovan spoke about. We have agreed, because of our help in obtaining the state funds and federal funds, as you recall Commissioner Winters did have discussions with the Governor, did have discussions with Congressman Tiahart when people were not talking and put the coalition back together single handedly. Because of that, we did receive federal and state funds that we negotiated with the City of Wichita for our efforts in helping with the attorneys and doing the other things, that we would receive 7.2% of the funds. This agreement lays that out in writing and was what the intent was several years ago to allow us to proceed with the overpass at Haysville. I would recommend you approve it."

Chairman Hancock said, "Thank you, Mr. Buchanan. Commissioners, questions? Single handedly?"

Commissioner Winters said, "There was some help."

Chairman Hancock said, "He did it really. Commissioner Winters became an expert on railroads and transportation in part of the County and this country. Quite frankly, he has probably forgotten more at this

Regular Meeting, December 1, 1999

point about this issue than I ever learned. Tom, thanks. We appreciate everything you did on this. He really grabbed hold of this and went forward. My eyes seemed to glaze over on the issue but it was really important to the community. We really appreciate that."

MOTION

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

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent at vote
Chairman Bill Hancock	Aye

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

I. DIVISION OF HUMAN SERVICES.

1. CONTRACT WITH WICHITA STATE UNIVERSITY, ON BEHALF OF THE SELF-HELP NETWORK OF KANSAS, TO PROVIDE TRAINING AND CONSULTATION.

Ms. Marilyn Cook, COMCARE, greeted the Commissioners and said, "This item is a contract with Wichita State University that provides training and consultation services from the Self-Help Network of Kansas for COMCARE Community Support Services and their consumers. As part of the contract, the Self-Help Network will work with Project Independence, which is a non-profit consumer run organization of consumers with mental health problems. The Self-Help Network is going to assist the individuals in accessing cost free self-help groups that compliment the more traditional services that we have to offer in our program. It will assist Project Independence to strengthen its leadership and organizational capacity. The contract amount is in the amount of \$6,199 and will be coming from state funds, specifically Topeka State Hospital closure funds. We're requesting that you approve this contract.

Regular Meeting, December 1, 1999

MOTION

Commissioner Gwin 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.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

2. CONTRACT WITH THE UNIVERSITY OF KANSAS SCHOOL OF MEDICINE - WICHITA MEDICAL PRACTICE ASSOCIATION TO PROVIDE PROFESSIONAL PSYCHIATRIC SERVICES OF MERCEDES PERALES, M.D.

Ms. Cook said, "The University of Kansas School of Medicine and Wichita is contracting with COMCARE for professional services for a psychiatrist, Dr. Mercedes Perales. Dr. Perales is a full time employee at COMCARE, but this contract from the University provides money for us, for her to provide education and lecturing services in psychiatry for residents and medical students at KU School of Medicine of Wichita. She serves as the supervisor of the adolescent in-patient services at Via-Christi. While she is with us full time, this provides half the time she is spending in these activities and KU School of Medicine is paying for that half or her time. The Contract is for \$60,000 annually. We're recommending that you approve the Contract."

Chairman Hancock said, "Thank you, very much. Commissioners, questions? If not, what's the will of the Board?"

MOTION

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

Regular Meeting, December 1, 1999

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent at vote
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. Item I-3."

3. AMENDMENT TO AGREEMENT WITH A.J. INVESTMENTS, L.L.C. PROVIDING ADDITIONAL COMPENSATION FOR REMODELING SERVICES.

Ms. Cook said, "This amendment is an amendment to the contract with A.J. Investments to correct an error that was made in the total compensation amount. In the original contract, the total compensation for remodeling services was incorrectly stated as \$33,620, which it should have read \$34,970. There is a difference of \$1,353 there. The funding source for this is state funds, specifically state hospital closure funds. We're recommending that your approve this amendment to that contract."

Chairman Hancock said, "Thank you."

MOTION

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

Commissioner McGinn seconded the Motion.

Regular Meeting, December 1, 1999

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent at vote
Chairman Bill Hancock	Aye

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

4. ADDENDUM TO AGREEMENT WITH BREAKTHROUGH CLUB OF SEDGWICK COUNTY PROVIDING ADDITIONAL FUNDING FOR PSYCHOSOCIAL REHABILITATION AND RELATED SERVICES.

Ms. Cook said, "This addendum would provide a 3% increase, which is an additional \$5,997 to the contract budgeted for psychosocial rehabilitation and related services. The contract includes funding for Breakthrough Club's transitional age program, which is psychosocial rehabilitation services and case management and some flexible funds. Breakthrough Club is a psychosocial rehabilitation program in town that provides members of this with an opportunity to avoid social isolation that often accompanies mental illness and helps them develop job skills and some work history. Breakthrough Club operates on our nationally accepted club house standard. As a club house, the Breakthrough Club members have an opportunity to participate in work of the club, including administration there, research, intake and orientation, outreach, hiring and training, and evaluation of staff, public relations advocacy and evaluation of their effectiveness. The additional cost to this contract to increase it 3% would be \$5,997. The funding source is state funds, the Heartland Funds. We're recommending that you approve this addendum."

Chairman Hancock said, "Thank you, Marilyn. Commissioners, questions on this item?"

MOTION

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

Commissioner Winters seconded the Motion.

Regular Meeting, December 1, 1999

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent at vote
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. Item 5."

5. GRANT APPLICATION TO KANSAS REHABILITATION SERVICES TO PROVIDE FUNDING FOR COMPREHENSIVE COMMUNITY CARE'S (COMCARE) COMMUNITY SUPPORT SERVICES.

Ms. Cook said, "This grant application was given to you last week and then an additional copy was given to you this morning. Let me explain the difference. The original grant application was a renewal of the previous year's grant that would provide a total of approximately \$46,752 to COMCARE's Community Support Services Programs. The application is due December 5 and the current grant year runs through January 1 of the year 2000 through December 31, 2000. The purpose of the grant is to assist adults with serious mental illness to achieve competitive employment. One supportive employment specialist serves COMCARE Community Support Services consumers in these endeavors and they assist them in exploring job options and selecting employment opportunities and preparing for interview and securing employment. Additionally, the specialist currently works with potential employers to develop job opportunities for our consumers. Last week, some changes were made in the thought process that went behind this application. It was felt that instead of submitting three individual applications for our area, that the three agencies collaborate with one another. So Karen McNally the Director of Community Support Services rewrote the application along with members of the Breakthrough Club and the Mental Health Association and you have that new application in front of you now. This would be a multi-agency application with Breakthrough Club being the lead agency. They were selected because of their lead to their long setting contractual relationships with the state, specifically with the State Rehabilitation Services.

"The grant that COMCARE received from KRS last year was approximately \$42,000. That grant year ends December 31 of this year. The new grant would be for a total of \$167,384. Of that, \$51,651 would be COMCARE money, which is a little higher than the original one you have. The reason for that is that we were matching the cost per client rate that was used for the Breakthrough Club and other parts of

Regular Meeting, December 1, 1999

Kansas. That's where we made that modification. The employment subcommittee of CSS felt that in collaborating we would strengthen our efforts to have a potential to be awarded this money rather than having the KSA have to select and possibly reject one of the applications. If the state selects this, but asks for a reduction in cost, the three agencies would trim the costs accordingly so that all of the fundings could be maintained at the current level. Be happy to answer questions if I can on this one."

Chairman Hancock said, "The amount in the application has gone up from \$46,000?"

Ms. Cook said, "That was just COMCARE's portion. Now, the \$167,384 is all three organization, the Mental Health Organization, our Mental Health Association, which is asking for \$37,500, \$80,000 going to the Breakthrough Club, and \$51,651 for COMCARE's Community Support Services. So what you saw before was just our portion. Now you are looking at the whole application."

Chairman Hancock said, "Okay, thank you, Marilyn. Commissioners, questions on this item? If not, what's the will of the Board?"

MOTION

Commissioner Winters moved to approve the Grant Application 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent at vote
Chairman Bill Hancock	Aye

Regular Meeting, December 1, 1999

Chairman Hancock said, "Thank you. Thank you, Marilyn. Next item, please."

6. AGREEMENTS (FOUR) TO PROVIDE COMMUNITY SERVICE COORDINATION.

! FRANK RODRIGUEZ
! MAE LOIS FIELDS
! JODY LUJAN
! SONA JINAY BEVAN

Ms. Annette Graham, Director, Department on Aging., greeted the Commissioners and said, "The Sedgwick County Board of County Commissioners approved funding to support the Community Service Coordination earlier this year based on a model of service delivery from Housing and Urban Development.

"The four service contracted professional will provide intensive information and assistance to Sedgwick County senior citizens needing short term assistance who have no other means to access that service. In addition, service coordinators will work out of five senior focused apartments whose elderly population are in need of this service to maintain independence and remain in their homes. They have no other service coordination available at the senior focused housing. The assignments of the apartments will be for only eight hours a week so they can provide assistance to other community residents. The program is fully funded through the mill levy funded program that has previously been authorized, as I said, to fund this service. This is for contracts with four professional to provide community service coordination."

Chairman Hancock said, "Thank you, Annette. Commissioners, questions on this item?"

Commissioner Winters said, "Not really on this item, but a question of Annette. Annette, you were here during the hearing where Coleen Hall was asking for her request. Will it be possible that you could make sure if there are any Sedgwick County Department of Aging programs that she perhaps is not aware of that she has some kind of information about the full array of our programs, whether it is COMCARE or Aging or just somehow get in touch with her. I don't know if you thought about that listening to her talk about how she is going to handle the long term care of her husband. But if we have any programs that she needs to be taking advantage of and she's not, could you please work with that?"

Ms. Graham said, "Yes, we could get with her and provide her some information on services available in the community."

Commissioner Winters said, "I'd appreciate it very much."

Regular Meeting, December 1, 1999

Ms. Graham said, "I can get that information on her."

Commissioner Winters said, "Thank you."

Chairman Hancock said, "Thank you, Commissioner. Commissioner Winters brought up kind of a whole host of thoughts to me. During the budget session last year, we had an application from I believe Kansas Alzheimer's Association Sunflower Chapter. We did not grant that request in our budget for the year 2000. But following that, there were certainly a number of calls and letters coming from people associated with the Sunflower organization. Is this something Annette, in your view, that counties should become more involved with? Do you think it would be something we would need to have a look for the next budget session?"

Ms. Graham said, "As far as funding for Alzheimer's support groups and other services?"

Chairman Hancock said, "I don't want to put you on the spot, it occurred to me that I was. I want you to think about it and kind of kick it around with some of your colleagues and staff and other counties maybe and see what is going on out there. It may be something we want to look at. I don't want to go into areas where other folks are doing it better or just as good, but if there is a vacuum and a need out there, maybe we had better consider something like that. Don't answer the question. I'm sorry, I shouldn't have asked that. Anyway, where are we?"

MOTION

Commissioner McGinn 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent at vote
Chairman Bill Hancock	Aye

Regular Meeting, December 1, 1999

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

J. PUBLIC WORKS.

- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH RITCHIE PAVING, INC. ON SEDGWICK COUNTY PROJECT – BELLE TERRE SOUTH ADDITION, PHASES 4 AND 5; PAVING AND DRAINAGE IMPROVEMENTS. DISTRICT #1.**

Mr. Jim Weber, P.E., Director, Sewer Operations and Maintenance, greeted the Commissioners and said, "In Item J-1, we are requesting your approval of modifications of plans and construction number one, not final, for phases four and five of the Belle Terre South street paving project. Modification incorporates changes in 12 line items within our contract with Ritchie Paving and will result in a net increase of \$13.10. All costs of the project are to be paid by the benefited properties through special assessments.

"I would note again, we error, having incorrectly shown that it was a final modification and I am now aware there will be one more modification required. We request your approval of the recommended action."

MOTION

Commissioner Gwin moved to approve the Modification of Plans and Construction 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Bill Hancock	Aye

Regular Meeting, December 1, 1999

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

2. AGREEMENT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A., FOR DESIGN ENGINEERING SERVICES FOR SEDGWICK COUNTY PROJECT NO. 634-28,29; 63RD STREET SOUTH BETWEEN HYDRAULIC AND K-15. CIP #R-247. DISTRICTS #2 AND #5.

Mr. David C. Spears, P.E., Director/County Engineer, greeted the Commissioners and said, "Item J-2 is an approval of an agreement with Professional Engineering Consultants for the design of 63rd Street South between Hydraulic and K-15 to a four land roadway. This project is designated as R-247 in the Capital Improvement Program. It is scheduled for construction in 2002. The total cost will not exceed \$295,900.50. I recommend that you approve the Agreement and authorize the Chairman to sign."

MOTION

Chairman 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 Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent at vote
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. David, Mr. Lambkey thanks you and I thank you and Commissioner Sciortino thanks you for beginning. Appreciate it. Next item please."

K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' NOVEMBER 23, 1999 REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the November 23 meeting of the Board of Bids and Contracts. There are 10 items for

Regular Meeting, December 1, 1999

consideration.

(1) REMODEL OF GOVERNMENTAL RELATIONS OFFICE - CAPITAL PROJECTS
FUNDING: 11th FLOOR REMODEL

"Item one is remodel of Governmental Relations Office for Capital Projects. It was recommended to accept the low bid of Descon, \$49,502.

(2) WEED CHEMICALS - PUBLIC WORKS
FUNDING: PUBLIC WORKS

"Item two, various weed chemicals for Public Works and the Department of Noxious Weeds. It was recommended to accept the low individual bids of Van Diest Supply Company for \$20,208 and Vegetation Management for \$10,579.95. A grant total of \$30,787.95.

(3) SOFTWARE LICENSES - INFORMATION SERVICES
FUNDING: EQUIPMENT RESERVE

"Item three, software licenses for Information Services. It was recommended to accept the low bid of Integrated Solutions Group, \$38,750.

(4) SNOWPLOWS - FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT

"Item four, snowplows for Fleet Management. It was recommended to accept the low bid of Midwest Truck Equipment, \$19,848. That includes trade-in.

(5) MULTISYNC PROJECTORS - EMERGENCY MANAGEMENT
FUNDING: EMERGENCY MANAGEMENT

"Item five, multisync projectors for Emergency Management. It was recommended to accept the low bid of AV Marketplace, \$10,850.

(6) GATEWAY PERSONAL COMPUTER HARDWARE & SOFTWARE -
INFORMATION SERVICES/PURCHASING
FUNDING: VARIOUS DEPARTMENTS

Regular Meeting, December 1, 1999

"Item six, and a bit of a change on these three items. Gateway personal computer hardware and software for Information Services and the Purchasing Department. The recommendation was to extend the contract with Gateway Personal Computers for an estimated amount of \$250,000 through June 30, 2000. We would like to defer action on that item for one week.

**(7) DELL PERSONAL COMPUTER HARDWARE & SOFTWARE - INFORMATION SERVICES/PURCHASING
FUNDING: VARIOUS DEPARTMENTS**

"Item seven is Dell personal computer hardware and software for Information Services and Purchasing. Similar recommendation. We would also like to defer action on this item for one week. There is one page of recommendations that follow that.

**(8) COMPAQ PERSONAL COMPUTER HARDWARE & SOFTWARE - INFORMATION SERVICES/PURCHASING
FUNDING: VARIOUS DEPARTMENTS**

"Again, a similar item and recommendation. We would also like to defer action on this item for one week. An additional page follows.

**(9) JURY SUMMONS & CHECK PRINTING - DISTRICT COURT
FUNDING: DISTRICT COURT**

"Item nine, jury summons and check printing for the District Court. It was recommended to accept the only bid received of Xerox, \$21,723.25.

**(10) HIGH DENSITY STORAGE SYSTEM - ADULT DETENTION FACILITY
FUNDING: CAPITAL PROJECTS**

"Item ten, high density storage system for the adult detention facility. It was recommended to accept the proposal of Records Retrieval System, \$38,112.50.

ITEMS NOT REQUIRING BOCC ACTION

Regular Meeting, December 1, 1999

(11) RESTROOM PARTITIONS - JUVENILE RESIDENTIAL FACILITY
FUNDING: JUVENILE RESIDENTIAL FACILITY

"There is one item that did not require action and that was restroom partitions for the juvenile residential facility. Those bids were tabled. I will be happy to take questions and recommend approval of the Minutes of the Board of Bids and Contracts with the except of items 6, 7, and 8."

Chairman Hancock said, "Thank you, Darren. Commissioner Winters."

Commissioner Winters said, "Thank you. Darren, I'm not sure if I direct this question to you or to Rich Euson concerning Item 5 on the multisync projectors. It was brought to our attention by one of the bid board members that this bid was that the low bid was \$250 lower than the next lowest bid which was a local company and this was an out of state company that secured the low bid. I certainly am not saying anything detrimental about the company that has the low bid or the state from which they're from. I even get concerned sometimes when we go about getting bids and stuff from out of our county, when we don't try to utilize the businesses that are here in Sedgwick County and pay taxes and support us in whole lots of ways. I guess my question is, is there any way we can consider accepting the bid other than somebody than the lower bidder in this case? I guess which ever one of you wants to answer that. Maybe Rich, because I know you've looked at this."

Mr. Richard Euson, County Counselor, said, "I'll be happy to take a stab at it. There is a statute that is a reciprocal statute that says if you have an out of state bidder, that has state laws requiring preferences that you can use the preference and take the next lowest bid if it is within that percentage. So it is possible to use that statute. It has never been tested and so we don't really know if it is constitutional or not."

"Other than to use that and I understand this was a Florida bidder and we don't know if they have a preference law so we don't know if we can use this statute. Other than that, I think you probably have to take the bid. We could certainly study what remedies are available to us to possibly change our purchasing charter. I think you are probably going to have to take the lowest bid."

Mr. Muci said, "Mr. Chairman, if I may, and Mr. Euson. I would note that the vendor in question, AV Marketplace is based in Tampa. I have spoken with the Purchasing Director for the City of Tampa and they do not have any local preference laws for their vendors in that community."

Commissioner Winters said, "So state law precludes us from giving any kind of preference to local vendors?"

Regular Meeting, December 1, 1999

Mr. Euson said, "I think we can study this issue and possibly come up with some regulations that would allow us to do it. But under our current charter and our current statutes, I don't believe we have the authority to reject that."

Commissioner Winters said, "I don't know if any other Commissioners have any desire to have you study that. I'm willing to go ahead and accept this bid as the recommendation of the Bid Board today, but I think we ought to really look at that. Not saying anything detrimental about AV Marketplace or Tampa of Florida in general or anything else. But I think if there is a way we can keep our tax dollars here in Sedgwick County, I'd like to do it. That's all I have."

MOTION

Commissioner Gwin moved to approve the recommendations of the Board of Bids and Contracts except Item 6, 7, and 8.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent at vote
Chairman Bill Hancock	Aye

Chairman Hancock said, "Is there other business? Next item please."

CONSENT AGENDA

L. CONSENT AGENDA.

1. Right-of-Way Agreement.

One Easement for Right-of-Way for Sedgwick County Project No. 807-K, L, N ½ M; Maize Road between 21st and 45th Streets North. CIP #R-246. Districts #3 and #4.

Regular Meeting, December 1, 1999

2. **Donations (eight) totaling \$185.00 to the COMCARE suicide prevention program.**
3. **Payroll Check Registers of November 24 and November 30, 1999.**
4. **General Bills Check Register of November 26, 1999.**
5. **Budget Adjustment Requests.**

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

MOTION

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Absent at vote
Chairman Bill Hancock	Aye

Chairman Hancock said, "Thank you. Further business? If not, we're adjourned."

M. OTHER

N. ADJOURNMENT

Regular Meeting, December 1, 1999

There being no other business to come before the Board, the Meeting was adjourned at 12:35 p.m.

BOARD OF COUNTY COMMISSIONERS OF

Regular Meeting, December 1, 1999

SEDGWICK COUNTY, KANSAS

BILL HANCOCK, Chairman
Second District

BETSY GWIN, Chair Pro Tem,
First District

THOMAS G. WINTERS, Commissioner,
Third District

CAROLYN McGINN, Commissioner,
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1999