

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

### **REGULAR MEETING**

**JANUARY 19, 2000**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, January 19, 2000 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Carolyn McGinn; Commissioner Bill Hancock; Commissioner Betsy Gwin; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Nancy Larson, Wichita/ Sedgwick County Health Department; Mr. Phil Rippee, Risk Manager, Department of Risk Management; Ms. Irene Hart, Director, Division of Community Development; Mr. Sherdeill H. Breathett Sr., Director, Animal Control Department; Mr. Glen Wiltse, Director, Code Enforcement Department; Ms. Louanna Honeycutt Burress, Economic Development Specialist, Division of Community Development; Ms. Marilyn Cook, Assistant Director, Division of Human Services; Ms. Jeannette Partridge, Contract Administrator, COMCARE; Ms. Cecile Gough, Administrator, Department of Corrections; Mr. Clarence Holeman, Assistant County Counselor; Mr. Michael D. Pepoon, Assistant County Counselor; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Heather J. Knoblock, Deputy County Clerk.

### **GUESTS**

Mr. Joe Norton, Bond Counsel, Gilmore & Bell, P.C.

Mr. Tom Humbolt, Treasurer, Rockford Township.

Mr. Scott Satterthwaite, Kansas Department of Health and Environment, Bureau of Water, Non-Point Source Section, Topeka Office.

Ms. Judy Frick, Communities in Schools.

Mr. Dennis Rees, AmeriServe.

Tim Erwin, 9360 S. 199th St. W., Viola, Ks.

Mr. Rick Alvarez, 2121 W. 63rd St. S., Viola, Ks.

Mr. James Gardner, 1930 Mentor, Wichita, Ks.

Ms. Ellen Querner, 1117 N. Roosevelt, Wichita, Ks.

Ms. Janice Ronald, 8217 N. Hoover, Valley Center, Ks.

Ms. Dorothy Erwin, 3960 S. 199th St. W., Viola, Ks.

Ms. Lori Nickels, 9238 S. 199th St. W., Viola, Ks.

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**INVOCATION**

The Invocation was given by Mr. Pete Morris, of the Christian Businessmen's Committee.

**FLAG SALUTE**

**ROLL CALL**

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

**CONSIDERATIONS OF MINUTES:      **Regular Meeting, December 22, 1999****

The Clerk reported that all Commissioners were present at the Regular Meeting of December 22, 1999.

**Chairman Winters** said, "Commissioners, you've had an opportunity to review those Minutes. Are there any corrections? If not, I'd entertain a motion."

**MOTION**

Commissioner McGinn moved to approve the Minutes of the Regular Meeting of December 22, 1999.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

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**APPOINTMENT**

**1. RESIGNATION OF LARRY FARBER FROM APPOINTMENT AS  
TREASURER OF ROCKFORD TOWNSHIP.**

**Mr. Richard A. Euson**, County Counselor, greeted the Commissioners and said, "Mr. Farber submitted his resignation in writing to you and I would ask that you accept it."

**Chairman Winters** said, "Thank you. Is there a motion?"

**Chairman Hancock** said, "First all I want to thank Larry. Larry has been on Rockford Township for many years and worked very hard and did a very good job. I hate to see him go."

**MOTION**

Chairman Hancock moved to accept the Resignation.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**2. RESOLUTION APPOINTING TOM HUMBOLT (COMMISSIONERS HANCOCK'S**

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**AND SCIORTINO'S APPOINTMENT) AS TREASURER OF ROCKFORD TOWNSHIP.**

**Mr. Euson** said, "Commissioners, this will fill the vacancy just created. This is for a little less than a year to expire on January 2, 2001. I do not know if Mr. Humbolt is present but we have prepared a Resolution to appoint him for this vacancy and it is in proper form."

**Chairman Winters** said, "Is there a motion?"

**MOTION**

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

**Chairman Winters** said, "Is Mr. Humbolt here this morning? Come right on up to the podium and the Clerk will swear you in."

**Ms. Linda Leggett**, Deputy County Clerk said, "Raise your right hand and after I administer the oath, say 'I do swear.'"

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

**Mr. Tom Humbolt** said, "I do."

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**Chairman Winters** said, "Thank you, very much. Sir, we appreciate your willingness to serve on the township board. If there is any help you need, call Mr. Hancock or Mr. Sciortino."

**Mr. Humbolt** said, "Thank you, very much."

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

### **AWARD PRESENTATIONS**

#### **B. PRESENTATION OF KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) AWARD FOR CLEAN WATER NEIGHBORS.**

##### **SLIDE PRESENTATION**

**Mr. Scott Satterthwaite**, Kansas Department of Health and Environment, Bureau of Water, Non-Point Source Section, Topeka Office, said, "I want to welcome everybody to our Clean Water Neighbor event. I want to thank the Sedgwick County Commissioners for allowing us the privilege to facilitate this event here and especially Carolyn McGinn for the privilege to do this this morning. We feel this is an important part of how the Kansas Department of Health and Environment can promote water quality protection among citizenry, as well as multiple agency efforts and so forth.

"I'm especially excited to be here because I grew up in Wichita, in Sedgwick County, and I'm interested in a good quality of life for those around us, including good water. Today, real quickly, what we're going to do is I'm going to overview the Non-Point Source Program for the Kansas Department of Health and Environment, which the section chief is Don Sneiven out of the Topeka Office. We're going to present the clean water neighbor and the friends of clean water award. Then we're also going to have a couple of the projects that received these awards step forward and give a few minutes about their awards.

"First of all, we'd like to kind of get a little information out to people. The definition that we're using as a working definition is non-point source pollution. For non-point source, basically anything that doesn't require a federal permit to discharge into the waters of the state. That is actually interpreted from the new water quality standards.

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"The non-point source mission statement is to ensure that all Kansas water resources are free of non-source point pollutants caused by non-point sources. We just defined that. To accomplish this mission, we developed, implement and maintain the Kansas Non-Point Source Pollution Management Plan utilizing all agencies, businesses, interests and public to meet Kansas citizen's expectations of water quality.

"In order to do this, we facilitate Section 319 grants allocated by the Environmental Protection Agency. We also use state water plan funds. The reason why I bring this up is because these clean water neighbor grant projects are, basically, a pot of money that comes together from the Environmental Protection Agency to us and then we allocate that out for different grant projects and have funded several types with several different agencies and even interest groups and other entities. Part of that is our overall goal in some of the things we do is develop and implement and manage projects that demonstrate water quality protection measures and philosophies, which includes the clean water neighbor projects. We also have information and education programs and literature to raise the awareness. We help the transfer of water protection technology and technical assistance for general water quality inquiries, which, basically, means if it doesn't require a federal discharge permit call us and we'll try to find the answer, if you have a question about how to protect water quality in your local area or state wide.

"Some of the other things that we do that tie in with two of the projects that we have a country-rural living workshop that is going to receive the award. Also the little Arkansas River non-point source agriculture education project. Some of that includes the administering of local environmental protection program to assure environmental and sanitary codes addressing on site waste water and water wells are developed and implemented. In the rural living workshop, we refer to those kind of processes and those kinds of services that are located around the state.

"We also issue water quality certifications for any activities that require federal permits or obtaining financial assistance. For example, if you have to go to the Core of Engineers for a dredge and fill permit, it comes through our office. We review that and assure that it will not impact water quality in the state.

"Just to let you know, we do have a web site available. It is [www.kdhe.state.ks.us/water](http://www.kdhe.state.ks.us/water). You can basically, go and do a search through KDHE if you'd like. We also have a KDHE district office here. A south central district office that is downtown. I have the number to that office and I also have the

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Topeka office number if you are interested.

"Now for the presentations of the certificates. An award goes to Sedgwick County Farm Bureau. The Sedgwick County Farm Bureau is actually the one who sponsored. In other words, these clean water neighbor grants require a 40% match of in-kind or cash outlay. Now most of the time these projects do have in kind type of match. The Sedgwick County Farm Bureau is a sponsor of the Little Arkansas River Agriculture and Rural Non-Point Pollution Education Project.

"At this time, is the Sedgwick County Farm Bureau representative here? Can you come up here please? I'll let you know that with the clean water neighbor there is a responsibility that we have and it is called the clean water code. As a Clean Water Neighbor, I will conduct my personal and other activities in a way that will not impair my neighbors ability to use and enjoy his or her water resources. Les Drum, congratulations. We have one for Carolyn McGinn.

"Now Carolyn is a project manager and she's put up with me a lot and Vaughn Weaver also will get a presentation. She actually developed and implemented and completed this project, which the final report is almost finished. Appreciate your time and effort. Vaughn Weaver, the City of Wichita. The City of Wichita treatment plant has been very supportive of these type of projects. Vaughn actually went out and assisted Carolyn in taking samples. She is going to explain the project a little further. Also, he assisted her with some of the monitoring and analysis. This is for assistance in developing and implementing the Little Arkansas River Agricultural and Rural Non-Source Pollution Control Project. If you want to give those people a hand.

"Now one of the things that Kansas Department of Health and Environment really appreciates is a multi-agency, multi-task, multi-community type of project. We have one with us today, it is called the Country Living Rural Workshop. What I want to do is bring up the representative for the Wichita Sedgwick County Department of Community Health. They're the ones that sponsored, which means they also represented the match requirement and so forth and did all the legal and financial facilitating. Is anybody here to represent them? I think Nancy is going to represent them today. Now Nancy, stay up here.

"Nancy Larson was actually the project manager. We're giving her this certificate that says for leadership and emphasizing water quality protection information through County Living Workshops. We've had quite a few country living workshops before but we really never had anything that emphasized water quality protection and how to be a good neighbor as far as keeping your water quality good, so your neighbor

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had good water quality. Thank you, Nancy.

"Now, if you will bear with me, we have a very good project. We have five or six or seven different entities that were represented in this project. I've asked Nancy that if anybody wasn't here today to receive the award that she'll accept that for them. Basically, this is the same citation that is on hers. I want to emphasize that people really need to be recognized for these kind of efforts. A lot of this is very volunteer. They don't get paid for it. There's a lot of time and hard work spent accomplishing these things.

"So, Carla Appling has received an award and she is with the Wichita Sedgwick County Department of Community Health. Mark Bradberry, with the Kansas Department of Health and Environment, he was integral because there is a lot of different things that we had to sort through, what was regulation, what was voluntary and so forth. Sabrina Gomez, she's not here. Don Henry. These are all with the Sedgwick County Department of Community Health. George Hundergard. Deloris Leslie. Rochelle Myers, thank you, Rochelle. Susan Bessey, thank you Susan. James Monte Munyon and Robert Studsman. James Monte Munyon is actually with the Sedgwick County Conservation District. Robert Studsman is with the National Resources Conservation Services here in Sedgwick County. Bob Walker is with the Sedgwick County Code Enforcement. Is he here today? Steve Westfal with the Sedgwick County Research and Cooperative Extension. The Wichita Board of Realtors, which had several people that were involved and I believe they helped fund a lot of the advertising, which is very important for these kinds of projects. Is there anybody who represents them here today?

"With that, we'll go ahead and have Carolyn McGinn come up. She'll tell you a little bit about her project. Then Nancy Larson with the Department of Community Health will come up and give a little presentation on her project."

**Commissioner McGinn** said, "I'll try to make this as painless as possible and go as quick as I can. Before I start, I do want to thank David Warren for help and support of my project and Becky Gagnon. Becky has kind of taken the back seat to things, but she was one of the original people that started the Ark River Task Force. It is a group that comes together every other month at the Health Department. It is a very diverse group of agricultural people, industry, agencies and the City of Wichita, to work on water pollution problems. Anyway, thank you, Becky, very much, for that.

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"Just details here, Project Coordinator, myself. Then the sponsor, Sedgwick County Farm Bureau. In-kind contributors, the City of Wichita, they did a great deal of work on this project and I really appreciate that, as Scott said, Vaughn went out and helped me with the water sampling and they provided a lot of in-kind lab work as well.

"Just briefly, a lot of times people don't know the difference between non-point source and point source and there are two types of surface water pollution. Point source usually comes from a specific source or requires a permit for discharge. When we think of points, just think of a pipe and you know exactly where it is coming out and it is going into a body of water. Non-point cannot be permitted for discharge and the source is not always easily determined. To give you an example of some non-point.

"A lot of times, when we talk about non-point, agriculture comes to mind. They certainly are contributors, but sometimes we overlook that the urban sector contributes as well. This is a parking lot with salt all over the concrete. That will go down into that drain and it will eventually end up in the river. These little critters, geese, we have a great deal of them. They also contribute to non-point source and in fact it is my understanding that the nitrate levels are quite high in the winter time. My first question was why is that, because farming activities are low. It is because of the geese hanging around the river at that time. This is kind of hard to tell but up here, because of the dam the City has down there, I think you're familiar down there on Stackman Drive area. It collects all kinds of things and it is to keep the river looking nice when it goes on down. They clean this out periodically, but just to give you an example. You need to think of all kinds of things that contribute to non-point source. So you could have bags of stuff, cans of stuff, and that type of thing and anything that increases the sedimentation in the river.

"This is an attempt here. The goal here is to decrease the erosion you are seeing right here and it probably needs to be redone. You see these out on construction sites and they are there for a reason. That's to keep, when we do have heavy rains, to keep sediments from getting into the water body. This is out in the agricultural area where they just re-did a ditch and I'm very thankful for that. It is up in my area. But because of the time of the year, vegetation couldn't come back into that area so they did put some straw bales down here. The reason is because this drain goes right down across the road and then, eventually, drains right into the river. So, you'd have that soil run off and increase a lot of the suspended solids into the river.

"This is a picture, to give you an idea of all the tributaries. How they all, eventually, end up into the river. Whatever goes on out here in the field, chemical applications and things like that, can, eventually, end up here if they're over applied. So, that is why it is very important for ag producers to follow instructions carefully. One other thing. You might wonder why I have this here. Whatever is in the snow that comes

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from the sky also contributes to non-point source pollution.

"Concentration levels were measured for all these different items. I'm not going to go into all that. You can take a look at them and just to give you an idea that the Little Ark River is in pretty good shape, we found out. The only thing, in fact, atrazine was something that everyone was always concerned about, was even at a low rate. The two things that had spikes was fecal coliform was mostly that. Then it wasn't a spike, but phosphorous, which is a slow mover, because farming practices have changed over time, that will have to decrease over time.

"Other things that happened on this project was the education. We used enviroscape and I'm sorry we don't have a picture of that, but it is an excellent model to show what a watershed looks like and it shows how in urban, as well as rural sectors, it contributes to non-source pollution.

"Outcomes; thousands of individuals were educated. Hundreds of children had classroom teaching. I think one of the best things was right here. Partnerships developed between state and local units of government and private sectors. We had some groups come together that have never, normally, worked together before. I put this in here. This is the first time, to my knowledge, that an agriculture producer was actually involved in water quality testing. It is our belief that that did help increase the credibility of the water testing and will help us make great strides in the ag community.

"I was going to put a slide right before this for Commissioner Gwin and it was going to be so what. I thought about it on my way to work today and I didn't have time to get that in there. I thought it was an excellent time to say so what. It kind of leads us in to what we are going to see here in the next couple of years. That's if you haven't heard about TMDL's, I think you will hear soon. It is the second part of the clean water act. After they went out to accomplish point source pollution, they had to start going out with non-point source and addressing that problem. So we're developing TMDL's, which is the total amount of contaminate that a water body may received in a specified time period from any source, non-point or point. What we need to do is help people incorporate best management practices in Sedgwick County to decrease non-point source pollution.

"Special thanks to Sedgwick County Farm Bureau. Some are out here. Would you please stand up and be recognized. I sure appreciate your support. Thank you, very much. The City of Wichita, I graciously

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thank you for all that you have done. I would like to have you stand as well. Thank you very much. KDHE, Bureau of Water, Non-Point Source Section, individual contributors. Of course Vaughn we thanked earlier. Scott, I don't think . . . we normally don't thank agency people, especially if they're from KDHE, but I do want to thank Scott. Because of our Ark River Task Force, Scott comes down to Wichita on an as needed basis and helps us out a great deal here in Sedgwick County. I certainly appreciate that. Then you always have to thank the old professor. I would like to thank Dr. Alan Macarone for all the educational experiences he gave me. Thank you, very much."

**Chairman Winters** said, "Thank you, Scott, for being here. Oh, we've got one more. Nancy."

**Commissioner McGinn** said, "I just want to make one more comment before Nancy starts. Her Country Living Workshop has been a great tool. It just started, really, in the last couple of years. They have had hundreds of people that want to live in the country and they teach them about what to expect in the country. As we talk about a Comprehensive Plan and other issues that we face, this has been a great program and very helpful for our community."

**Ms. Nancy Larson**, Wichita/ Sedgwick County Health Department, greeted the Commissioners and said, "Just to talk to you about our Clean Water Education Project. I'll just go quickly through this. Of course, as you know, this was a huge cooperative effort. That is one thing that has really been a big bonus, in regard to these workshops. I'll just overview some of our project goals.

"Our main goal is to look at protecting local watersheds and ground water from contamination. Pollution prevention. We wanted to educate the public about some of the water quality issues, especially those that have to do with public health issues, issues that impact human health and the environment. Then by getting our different agencies together and figuring out who provides what service, we were not only providing services to our different agencies, knowing how to direct the customer and the residents of Sedgwick County but also improving customer service, with regard to these related rural living issues.

"In regard to the grant we received, this was a one year project that ran from July 1998 to July 1999. We were to sponsor two educational workshops. Both of them targeted at potential as well as existing country dwellers, if you will, or folks who moved outside the city limits. Our main topics centered around some of those public health issues that I mentioned. Some of the water quality basics, wells, septic, and lagoons.

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Then we looked at other rural issues: livestock, wind breaks, and how to. Just to give you an idea of the variety of topics that we covered at one of our most recent workshops was everything from water well maintenance, the land and house hunt, all the way to recycling composting and property protection.

"This all began with our first Country Living Workshop, which was not part of the grant that we received. It was a March 30, 1998 event called 'Preventing Your Dreams From Becoming a Nightmare'. It was an evening event. We were expecting about 150 people, but we had over 300 people. That told us there was a real demand for this type of program to go on. From there, we decided we needed some kind of budget to work with. We did get that grant.

"As I mentioned, it went from July of '98 to July of '99. The two workshops that we then sponsored was a real focus water quality workshop at your country home. Then the second one, which has been our largest, was last spring. That was last March of '99, called 'Joining the Rural Community'. It was an all day Saturday event. We had 18 different topics. You could attend one of any four different concurrent session at any one time. It was a great event and we could never have done it without all of these parties pulling together. Quite frankly, it really wore us out, though.

"This spring, what we're looking at, is a scaled back event. An evening event again, called 'Community Living'. It will cross over some of the city living issues, as well as country living issues. Then we're hoping to try something new this summer, some mini-workshops that will be done in conjunction with the Sedgwick County Extension's Farmers Market. That will be held the summer of 2000, between about May and October.

"We had excellent participation, as I mentioned. Pretty much had double the amount of people that we expected each of the workshops, with very positive evaluations. People told us they really wished we had them once a month even. They really were very interested in some of the water quality basics, the wells, the septic and the lagoons. We felt we have increased public education regarding some of these water quality and protection issues. We were able to create some really nice resource lists for people to help people know where do I go for this certain service. Do I go to the Health Department or do I go to the Extension Service? Should I ask the Conservation District? It gave them contact names and phone numbers.

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"The Health Department benefited from the grant in that we were able to update some of our educational materials with regard to water quality. Then overall, this whole project helped increase overall customer service for the residents of Sedgwick County. Any questions?"

**Chairman Winters** said, "Thank you, very much, Nancy. Very informative. As we continue to talk about this urban rural mix, I think your program of country living is excellent. I think you've had great results. Commissioners, are there any questions or comments? Thank you very much. All of your presentations were good. Scott, we appreciate your being here and your assistance in this issue. We're very fortunate to have a Commissioner, such as Carolyn McGinn, who has such an active interest in this field, which is extremely important to all of us. Thank you to all of you who participated in the project in any way. There is probably no question now that if you're looking at water quality issues you know who the expert is who is sitting on this bench. We will certainly continue to be supportive of Commissioner McGinn and all of her efforts. Again, thank you all for being here. We appreciate it very much."

**Chairman Hancock** said, "Nancy, I have attended some of your programs and they're outstanding. I didn't realize, from my point of view, there have been a number of real developments in the last 10 years since I have been a Commissioner, a lot of them. I didn't realize. I've always lived in a rural area. From my point of view, everybody understood what was going on out there. Listening to some of the questions that you have and some of the points of view that you've had in the past out there, it is amazing what folks don't know about rural living. It is a very good resource for folks who are trying to make that decision. I appreciate everything you've done. It has been a really good resource for folks trying to make the decision of whether to go to the country or not. I would say that, based upon some of the presentations, that there have been some folks who decided not to, that it may not be worth the effort. It is a lot easier sometimes to live in town where the services are available and good streets are available. You've got to make big choices about purchasing of land and so forth and how to build a home. I wanted to give you a special thanks for the work you've done on that. It has been very good."

"I have one questions. Have you visited with the Planning Department concerning the Comprehensive Plan in any way? Have they consulted you and some of your responses?"

**Ms. Larson** said, "The Planning Department has been involved in our workshop as presenters. Also, not in the most recent workshop, but the workshop before that, they actually sat on our planning committee."

**Chairman Hancock** said, "Very good. Thank you, again. We appreciate everything you've done."

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**Chairman Winters** said, "Thanks, again, to all of you who were here for this item on our agenda. We certainly appreciate it. Madam Clerk, would you call the next item."

**C. ADOPTION OF THE 2000 SAFETY SLOGAN, "SAFETY ALL THE WAY IN Y2K," AND PRESENTATION OF a CERTIFICATE OF APPRECIATION, FIRST AID KIT, SMOKE ALARM AND FIRE EXTINGUISHER TO DARREN J. CORCORAN, SHERIFF'S DETENTION DEPUTY, WINNER OF THE ANNUAL SAFETY SLOGAN CONTEST.**

**Mr. Phil Rippee**, Risk Manager, Department of Risk Management, greeted the Commissioners and said, "As you know, as part of our continuing effort to promote safety among our employees in Sedgwick County, the Board of County Commissioners has afforded the adoption of a safety slogan for Sedgwick County employees since 1994. This year's slogan, 'Safety All The Way In Y2K' was submitted by Darren Corcoran of the Sheriff's Detention Department.

"There were 18 entries submitted this year to the safety committee, and I would like to take the time to recognize the safety committee and the Sedgwick County Safety Coordinator, Diana Mansouri, for all their efforts in this endeavor. The safety committee members that are present, could they please stand. Thank you, very much.

"We've reorganized the safety committee, effective with your last passing of the safety and loss prevention policy. We are looking forward to some new and innovative things in the safety area for our employees. At this time, I would recommend that the Commissioners adopt the safety slogan and allow us to make a presentation."

**MOTION**

Commissioner Gwin moved to adopt the Safety Slogan.

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin

Aye

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

**Chairman Winters** said, "Proceed."

**Mr. Rippee** said, "Deputy Corcoran, this is our new slogan for the year, hot off the press from yesterday, 'Safety all the Way in Y2K.' That, of course, is our safety owl with the little handbook. First of all, I'll present a certificate/ award for Sedgwick County safety slogan, presented to Deputy Corcoran. Thank you, very much, Deputy. We also have a home fire extinguisher and a very popular American Red Cross first aid kit, which we get from the Red Cross every year to give. We will also have a framed copy of the poster for the Deputy. We started last year, putting the name of whom the slogan was submitted, by his name, down on the bottom, which goes into the departments. That is the conclusion of the presentation. Thank you, very much."

**Chairman Winters** said, "Thank you, very much, Phil and thanks for all of you in the safety committee who take the time to participate in that. Safety is not something that happens by itself. If people are not keenly aware and thinking about that, it just won't happen automatically. We appreciate all the work that all of you have done. Congratulations, Deputy. Next item please."

### NEW BUSINESS

#### **D. DIVISION OF COMMUNITY DEVELOPMENT.**

##### **1. AGREEMENT WITH AMERISERVE FOOD DISTRIBUTION, INC. PROVIDING TERMS AND CONDITIONS OF AN EMPLOYMENT EXPANSION INCENTIVE.**

**Ms. Irene Hart**, Division of Community Development, greeted the Commissioners and said, "The Agreement before you today for your consideration completes arrangements made with Ameriserve in 1998 in partnership with the State and City of Wichita. The arrangement was to retain 150 jobs and increase employment by 65 positions in Sedgwick County within five years. Ameriserve is a good corporate citizen in our community and this Agreement assists in retaining Ameriserve's national data center facility in Sedgwick County. This facility has higher than average salary levels for the industry. The effect

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for this calendar year, the year 2000, is that our investment of approximately \$6,600 will maintain a payroll of over \$6,000,000 here in Sedgwick County. I'd like to introduce to you Dennis Rees, who is Vice President of Marketing Information Technology for Ameriserve and he is head of the Wichita office."

**Mr. Dennis Rees**, Vice President of Marketing Information Technology, AmeriServe, greeted the Commissioners and said, "I appreciate your consideration of this Resolution today. To let you know that business and government working together is always a good thing. We believe that at Ameriserve. A couple of facts about AmeriServe. AmeriServe is North America's largest systems food service distributor. Sales in 1998, over \$9,000,000,000. We are a subsidiary of Wholberg Industries of Greenwich, Connecticut. We serve 36,000 quick service food restaurants all over the country. We distribute food and supply to 13 of the 24 largest U.S. restaurant chains. Quick service restaurant chains. A little statistic, one out of three meals that are eaten at quick service restaurant chains are provided or brought by AmeriServ; a lot of food.

"Our commitment to the Wichita community in our national data center involves all of our order taking activity for those restaurants. We anticipate this year over 4,000,000 restaurant orders coming through our data center. We had committed 65 new jobs when we started this project. I'm happy to report that we're over 75% there. We've increased our employment here by 50 jobs to 200. With that, again I'd like to thank the Commission and hope that you can give us an affirmative on this resolution. Thank you."

**Chairman Winters** said, "Thank you, Dennis. Anything else, Irene? Dennis, I'm going to be supportive of this but would like to say thank you to you. I know that there were efforts and thoughts of moving this facility to other places. It is my understanding that you were instrumental in supporting the Wichita project and remaining here in Wichita. We certainly do appreciate that. Commissioners, are there questions or comments?"

#### **MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, Irene. Thank you, Dennis, for being here. Next item."

**2. ANIMAL CONTROL DEPARTMENT ADVISORY BOARD  
RECOMMENDATIONS REGARDING INHERENTLY DANGEROUS  
ANIMALS.**

**Mr. Sherdeill H. Breathett, Sr.**, Director, Animal Control Department, greeted the Commissioners and said, "Before you, you have a recommendation from the advisory board. We were given a challenge from the Board of County Commissioners to visit, concerning the inherently dangerous animal resolution as far as recommendation. The Animal Control Advisory Board met December 9 and January 11, 2000, reviewed County regulations regarding inherently dangerous animals in light of the recent escape of two lions from a privately owned facility in Sedgwick County.

"This section of the County code had not been reviewed since it was implemented in 1996, so a general review of some of the requirements was also conducted. Following are the recommendations to you from the advisory board. Each recommendation was unanimously approved by all five members. Board members realize that some of the recommendations would require further definition and believe that County Legal and Animal Control staff could work out the details.

"Item one was a facilities license for inherently dangerous animals should be staffed 24 hours a day by

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trained personnel who are employed by the licensed holder. Item two, every facility must have an escape animal protocol. Every employee must receive training in this protocol on a regular basis. A record of the training and signature of such by the employee must be available to County personnel when we go by for inspections, be it announced or unannounced. Item three, a minimum of \$1,000,000 of liability insurance must be carried on the animals. Item four, there is a no need to establish a maximum number of animals allowed if all other requirements are met. Item five, new facilities should be allowed if all requirements are met."

**Commissioner Sciortino** said, "Why did they specifically put that in? I don't see . . . "

**Mr. Breathett** said, "It was part of the agenda items, some of the issues that were raised, whether or not we should continue to license new harbors or people that were interested in obtaining these types of animals and harboring them at the same time."

**Commissioner Sciortino** said, "Chairman Winters, I may want to address item five after Sherdeill is done."

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

**Mr. Breathett** said, "Item six, perimeter fencing must be in place, primarily to preclude public access to the primary cages but secondary to aid and contain any escaped animal. Perimeter fencing should be a minimum of eight feet tall, barbed wire topping is recommended. Within the perimeter fence, the area should be kept clear so that animals could not be elevated and it made easier to jump over the fence.

"Item seven, the perimeter fence gates must be closed after dark or after close of business. Item eight, each primary cage must have access to a shoot cage in order that the animal may be moved, for example for safe cleaning of the primary cage. Item nine, license fees should remain the same, except for any new facility be charged a \$500 initial fee, due to the County staff time required to inspect, evaluate, and license a new facility. Are there any questions?"

**Chairman Winters** said, "Commissioners, what I would like to do is open it up for public comment. If you'd like to have Sherdeill clarify something before we do that, we can sure do that. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. Sherdeill, would you speak to number four, first, and give

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me some background on why they decided that?"

**Mr. Breathett** said, "It was definitely identified that there are professional individuals here in the County that this is a commercial business, maintained at a very professional level. If their facility does meet all the requirements above and even beyond, we felt like it would not be necessary to penalize those individuals for an act of one escaping, seeing that they do keep their facility in top shape."

**Commissioner McGinn** said, "Just to give me an idea, what kind of numbers are we talking about?"

**Mr. Breathett** said, "There is no minimum. In reference to the one where there was an escape, there were a total of ten animals there at that location."

**Commissioner McGinn** said, "On item nine, my question deals with the license fee. I'm just curious, do our fees and things like that kind of cover the cost of our going out and doing inspections and calls that we may receive?"

**Mr. Breathett** said, "For the minimum amount of animals that are being harbored in this nature, yes it does."

**Commissioner McGinn** said, "Thank you. I don't have any more questions at this time."

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

**Commissioner Gwin** said, "I think I'm going to wait until I get some public comment. I, too, have some concerns about item five."

**Chairman Winters** said, "Commissioner Sciortino, do you want to ask a question now or do you want to wait?"

**Commissioner Sciortino** said, "I'll wait."

**Chairman Winters** said, "We are going to open this up to take public comment. Could I see a show of hands of how many people intend to speak about this item? Okay, fine, let's have the first one. Please come forward. Give your name and address for the record. You're limited to five minutes."

**Mr. Tim Erwin** said, "I live at 9360 South 199th West, Viola. Last month, my neighbors and I first

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appeared before this Commission and asked you to protect the citizens of Sedgwick County from exotic animals. At that time, you deferred judgement on the matter until after the Animal Control Review Board had a chance to meet and discuss this matter and then make recommendations considering this matter back to you. The recommendations that this board has made do very little to calm the fears of the residents that are being forced to live near these facilities. It appears to me that the review board and the Commissioners are more concerned with the business operations of one man than the safety of all of the residents of Sedgwick County.

"During the first meeting of the review board, a recommendation of a 14 foot perimeter fence was discussed. This recommendation was changed to an eight foot fence at the second meeting because that is all that is required at the Sedgwick County Zoo and they didn't feel that private citizens should be held to a higher standard than the zoo. Also, at the second meeting, it was decided that a \$500 licensing fee would be charged for each new facility. This fee is to replace the current fee of \$100 per animal that stops after three animals with all additional animals being free. Under this type of fee structure, there is even less incentive to limit the total number of animals held at each facility than there is now. The board also recommended that someone be on the premises of these facilities 24 hours a day, seven days a week. This would help to eliminate some of the fears, if we felt it was enforceable. We don't feel that this is an enforceable policy. Even if you called, with call-forwarding and new technologies, the phone could ring wherever they are at at that time.

"They have also recommended that each facility be required to carry a \$1,000,000 liability policy. The apparent thought behind these new regulations is that if you make it more expensive for these facilities, the facilities will choose to close on their own. I, personally, do not feel that this course of action will work. I feel animal control lacks the manpower to enforce the current regulations and will be unable to enforce the new ones. Therefore, I do not feel that they will be able to enforce the 24 and 7 policy.

"There is also nothing to restrain anyone else from obtaining a new license in Sedgwick County. We already have three of these facilities, and as far as I'm concerned, that is three too many. I feel that banning any new facilities is an important first step in the eventual elimination of these hobbyist facilities from Sedgwick County. I also realize that some of the Commissioners feel that Mr. Fouts runs a superior facility and operates it as a business. If this is in fact true, then I encourage you to find a way to distinguish between the two and have a licensing in effect for a commercial operation.

"Our first choice, and the only one that will completely satisfy and eliminate all of our fears is still the complete ban of the private individuals keeping exotic animals. If this Commission is truly interested in

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putting the safety of the citizens of Sedgwick County first, I encourage you to vote to ban these animals from Sedgwick County. Thank you."

**Chairman Winters** said, "Thank you, Tim. I see no questions. Next speaker. Are there others who want to speak?"

**Ms. Janice Ronald** said, "I live at 8217 N. Hoover in Valley Center. I would like to concur with the previous speaker in saying that I see no need to license any more exotic animal areas. We are in the new millennium. The road side zoo is obsolete. Billions of dollars have gone into the research and development of artificial habitats to safely, humanely, and educationally house wild animals. For an individual to attempt to maintain these conditions is impossible. For an individual to say they are housing these animals as an educational tool borders on the obscene. No child learns a positive message from seeing a lion pace around in a cage. The bottom line is that these individuals are raising these animals for profit and placing them with whomever can come up with the cash.

"Reputable zoos do not buy from these non-professionals, only the unwary and uneducated public. At no time is the animals best interest at heart. Who cares for the animals if they become injured or ill? Who is put at risk when they escape and terrorize a neighborhood? The top of the list, of course, is our children, the general public, and of course our law enforcement officers that must place themselves in harms way. The County Animal Control Officers are already incapable of enforcing existing statutes, even on dog kennels and breeding facilities. They are understaffed and undertrained and will not be able to police wild animal facilities.

"If a person is injured, the animal then must be sacrificed and tested for rabies. That's right. Here is a whole new population of warm blooded animals that are not only potentially deadly in their own right, but are unable to be vaccinated against rabies. It is a 100% fatal disease and it is transmittable to humans. If the general public cannot even own a domestic dog or cat without keeping them vaccinated against rabies, how can we justify the ownership of lions, tigers, bears, wolves, and other so called exotic animals. I submit the time has come to stop this. Not to allow these individuals to continue to endanger the human population, and to stop the inhumane confinement of these animals. Thank you."

**Chairman Winters** said, "Thank you, Janice. Next speaker."

**Mr. Rick Alvarez** said, "I'm the brother of Kenneth Alvarez. Kenneth Alvarez owns the property at 199th and 95th Street South, that is in question with some of them. He is unable to attend this meeting. He is on a business venture in Seattle, Washington, so he was not able to attend. I received a speech last

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night at 9:35 p.m. and made the amendment to it and was up until one o'clock going over it.

**Chairman Winters** said, "You've got five minutes."

**Mr. Alvarez** said, "Since the last meeting that covered the topic of passing an ordinance regarding exotic animals if anything should happen. I would hope that after today, it will become increasingly clear that the current ordinances are sufficient and should not be changed. I contacted my neighbors and had a very in depth conversation with them outlining how they felt about having the animals next to them. I made a decision to move my facility and myself. When I left the meeting with my neighbors, I felt that maybe there was a chance this issue could be resolved. Once again, I was mistaken. I would hope any personal feelings be a small part of the decision to amend the current ordinances and the facts at hand will be the deciding factors.

"In the four or five years since this ordinance was passed, there has not been a citation issued. In addition, there has not been one license revoked or now reissued. There has not been a single accident regarding any of the holders of these licenses. The issue as to the safety of my facility was questioned and then inspected by, not only animal control, but the head veterinarian of the Sedgwick County Zoo and a license was issued and it is still valid. Therefore, my facility speaks for itself.

"On the matter that raised this issue, two of the animals out and it was immediately assumed by those without facts that the facility was not safe. Since the last meeting, I have spoken with the Sheriff's Office and learned that the officer who came to my property to fill out a report stated in his report, and I quote, 'the bars had been recently cut and the cuts were fresh.' I've also obtained photos from the night the cats were intentionally released and in the photo it clearly shows that the bars had been cut previous to anyone fixing the cage. It has been stated that, 'to think anyone cut these bars to allow these animals out is ludicrous.' What is ludicrous to me is that the main suspect called in for questioning has conveniently left the state. I would also like to add that this person is also wanted for questioning in another matter.

"These animals were deliberately lured out of their cage with the sole intent for them to be killed. This person was the first individual to show up at my house with a rifle when no one knew the animals were out and 911 had not even been called. We should examine the fact that had this incident not occurred, would any of these new ordinances be considered. The answer is no. Even if someone is at home, there still

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might be the opportunity for criminals to come in and do damage to my property or even worse, put the public at risk by their criminal actions and tampering with the cages at night. Should the answer be to ban the right to have exotic animals all together? Have you or would you consider banning guns in Sedgwick County, even though people want to have the right to own them? No, you would not. But others can break into a persons home, steal guns, and in some cases kill people. Do children have access to guns in the home? Yes, and there are far more deaths from children in the United States being killed by hand guns in the home, from parents who are irresponsible and abusive, than there are exotic animals killing people. Do you prosecute the owner of a gun simply because it was his or her choice to pick up such a dangerous hobby and therefore because of someone elses negligence or an intentional wrongful act, that an innocent party has to pay the price.

"I don't think you would even consider doing this and I'm asking you to do the same now. I have maintained that I have always tried to go above and beyond what has been asked of me. I have maintained my cages above the requirements and have hired someone to stay on the property 24 hours a day, seven days a week. However, I am still receiving criticism. I have now learned that comments are being made like, 'he's probably got his property to look like it is for sale as a front to stop these changes.' Frankly, I am appalled and furious that I cannot even try to move to solve this problem. This must be a small town trying to act like a big town.

"Now I see there is no middle solution. In the four years since the ordinances were adopted, one facility has had ongoing problems. To name a few of them, a female lion tore through a cage and almost escaped. Chimpanzees escaped numerous times. Orangutans escaped. Most recently, the most troubling, is the sad incidences that involve two highly endangered and fragile jaguars that escaped from their pens, got into an entrance park where they drank a sanitizing liquid and died. This feeling is exempt from these ordinance and yet nothing is being done to resolve this problem. This facility shares your name Commissioners, it is the Sedgwick County Zoo. The Director of this facility, Mark Reed, not only designed but oversaw the construction of these cages. He now claims that we should not have our animals. It is kind of like the pot calling the kettle black.

"I am willing to give up my home and my life and my family, but I will not stand for lies and ridicule any longer. These facts stand. Number one, I maintain an above standard facility. Number two, my cages

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were cut, the evidence in the Sheriff's report support that and prove this. Number three, the ordinances work and have worked, so leave them alone. Number four, I have done nothing wrong and only ask to be left alone to move myself and my facility away from this degrading situation.

"In conclusion, I have met the other two license holders and their feelings are very similar to mine. They have done nothing wrong and unlike me, they have neighbors who support them and either cannot or do not want to publicly ridicule the proposed changes. Please leave them alone and pursue action only as needed, as Animal Control has done for the last five years. They have done an adequate job and should be allowed to continue to do so. Sincerely, Kenneth Alvarez, President of Gate Keepers Wildlife Sanctuary."

**Chairman Winters** said, "Thank you, Rick. We have a question. Commissioner Sciortino."

**Commissioner Sciortino** said, "Mr. Alvarez, your brother was here before us the last time. One of the things he was telling us that was a concern of his is that these animals are likes his pets and like his family. Do you agree with that?"

**Mr. Alvarez** said, "I would agree with that 150%."

**Commissioner Sciortino** said, "So he is not running a commercial venture out of his home, it is just his pets."

**Mr. Alvarez** said, "Commercial can be classified in several different ways. He does do educational shows in the public. The last time I spoke with him, he had over \$100,000 in shows locked up all over the country. There are people out there and I expressly want to apologize to the Sedgwick County Zoo for any comment that I might make, personally. Those animals are to be observed from a distance. These animals that my brother owns are once in a life time opportunity for individuals to be able to see them up close and personal. That is what he is educating these people about. In no way, shape, or form, does he ever say that they are not dangerous. They are extremely dangerous. They are meant to be kept that way. The Sedgwick County Zoo, I'm sure, would support all his actions in that. As far as the commercial part of it, having the education out there to educate people to what they are and how they react and the instincts they have is what he does. If he has to do it on a traveling show type of deal, then so be it. The Zoo,

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obviously, can't do that."

**Commissioner Sciortino** said, "My point was, he gave us the impression that these animals were out at his home just because they were his pets and I think he even referred to them as his family. I do not believe that the zoning that is presently in place where he has got these animals require a commercial venture to be there. I don't think it allows for an in-home business that the zoning does require. I just wanted to make sure."

**Mr. Alvarez** said, "Nothing as far as I know out there, is a commercial business whatsoever."

**Commissioner Sciortino** said, "He takes the animals, he makes money by taking the animals around the country and showing them at different shows. Somebody pays him for the service and without the animals he wouldn't have the ability to do that."

**Mr. Alvarez** said, "Obviously, he couldn't show himself."

**Commissioner Sciortino** said, "I agree with you that I think the bars around the cages were cut. I think that was outside of your control. I think if anybody wants to go on the property and cut them and so forth, I don't know how you could protect yourself against that. But that is what is called an attractive nuisance. I think these residents have a right to be concerned if something happens. I don't know how you could protect the animals so much if someone that wants to do damage could do it and let the animals out. I think they have the right to be concerned. You see pictures of Mr. Alvarez petting the animals and I think that children could get the wrong message, that these are warm cuddly friendly little pets and my fear is the next time they see a lion they're going to want to stick their hand in and do what Mr. Alvarez did, your brother. That is a concern of mine.

"You talked about banning guns. I don't want to ban guns, I want to issue some more licenses for guns to protect the neighbors against the animals should they come out."

**Mr. Alvarez** said, "Let me address the issue on the children."

**Chairman Winters** said, "Mr. Alvarez, just address the specific question."

**Commissioner Sciortino** said, "I just wanted to clarify the fact that it is a commercial venture that is being done on that property and I wanted to acknowledge the fact that your brother was correct. I believe those bars were cut and I believe that was probably out of the control of anybody. If somebody wants to go

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in and figure out a way to get those animals out they can."

**Mr. Alvarez** said, "Like any breaking and entering."

**Chairman Winters** said, "Thank you, Mr. Alvarez. Next speaker."

**Mr. James Gardner** said, "I'm acting vice president of Kenneth's company here in town."

**Commissioner Sciortino** said, "What company?"

**Mr. Gardner** said, "All Temp Products. That is his business here in town. I must say, I'm also, incidently, the one who found the cages the first day they were cut. I'm speaking, really, on my behalf and my own personal opinion, having been with him now a year. He didn't ask me to do this. I'm doing this on my own. I've been with him for about a year. I've helped put up the cages, building new cages. Been out there to the cats numerous times. Have brought my kids out there. Every time, I've told them you have to stay at least three feet back away from these cages because they can grab you and they will grab you and pull you in. They will do that anywhere, but that is why the Zoo has that bar so you can't get that close. By having a personal facility like this, it gives you up the opportunity to come up close and see the animals.

"I can testify to the fact that he does have somebody there twenty-four seven. He is abiding by all these ordinances, he always has and will continue to do so regardless of what changes are made he will abide by them. I have watched that. I don't believe that these ordinances are going to effect anything except maybe new people coming in to the field. As far as the commercial venture goes, he does really very little here in town, if anything at all. I haven't even seen most of the other facilities do a lot of education stuff and his is usually out of town. He does not run anything out of his home in Clearwater. He, basically, keeps those cats there. I haven't even seen the cats that he has there move for months and months, eight months. He's had the same cats there. I've watched them. I've seen some of them grow up.

"I don't believe these ordinances are going to effect what everybody's concerns are, as far as having people come out there, if these animals get out or someone lets them out they're going to get out. They're going to jump over an eight foot fence, I don't care what kind of fence it is. They can do it. There is nothing stopping people from cutting cages or there is nothing stopping people from walking in or climbing over the fence and coming in there and getting their arm bit or whatever the case may be.

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"He does care about his property and he has actively tried to sell his property since the last meeting. He sat down in front of me and I watched him with tears in his eyes tell me that he was affected by the kids not wanting to play outside. They don't want to play outside because they're scared of the animals. That's understandable and he understands that. He chose to drop the subject, get moving, and start selling his property and he has done so. He has tried very diligently. He has talked to his real estate agent, just about every time he's in the office, trying to sell it. It is very reasonable and very fairly priced, nothing out of the ordinary on it. He's just trying to get rid of it and try to adhere to everybody's wishes.

"Again, these are my own personal feelings. Like I've said, I've watched these cats and they are very tame and very mild, but they can be very dangerous. All these ordinances, yes, they're fine. All the other people here in town that have or the other licenses it won't affect them and you should do nothing to affect them any way, but he will abide by these ordinances. That's all I have to say."

**Chairman Winters** said, "Thank you, very much, Mr. Gardner. I see no questions. Next speaker please. Are there others who wish to speak? Yes, please come forward ma'am."

**Ms. Ellen Querner** said, "I live at 1117 N. Roosevelt in Wichita. I sent you all a letter yesterday explaining my views on this issue, so I'm going to keep it sort of short. When the regulations were first drawn up in 1996 we thought we had put some pretty strict regulations together to stop a problem such as this from happening. We obviously didn't. Even though you are addressing these issues again and are looking at them becoming even more tougher, I guarantee you, as long as you let more people have the ability to have these animals in their back yard, you will be addressing this issue again. Because whatever you think are strict enough now, in three or four years probably will not be so strict.

"Sedgwick County is one of the most urban counties in the State of Kansas. Do you really want to have people have lions and tigers in their back yard? Butler County, our next door neighbor, had the strength to say no, we don't want this. So no, you can't have these animals. I'm asking you to also do this.

"For those who already have a license, I'm personally asking you not to allow any more people to have a license. Now, for those people who presently have licenses, I addressed some additional regulations that I thought might make those areas safer. I was shocked at what the County Animal Control Department came up with. I cannot believe that they would leave an open end, you can have as many of these animals as you want. I cannot believe they voted on that. I cannot believe that they would say that the perimeter fence should be maintained to keep people out and to keep animals in yet the end quote was it doesn't have to be closed except at night. That's not going to help. I'm just going to read this to you to reiterate the fact that a perimeter fencing, I believe, should be no less than 14 foot tall and this is with the

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exemption of the AZA Zoo, which is totally different. The Sedgwick County Zoo is not what we're discussing here. We're discussing people in residential areas having big cats in their back yard or tigers or whatever they have. This perimeter fence should only enclose the cages meant to house the animals. Therefore, if you want to drive in to your home and you're opening the gate, you're not opening the gate to all those lions and tigers and bears, you're going in to your home. The only time you open that perimeter fence is if you're going in there to directly deal with those animals. Then at any time whatsoever that fencing should never be left open. If somebody goes in, they turn around and lock it and close it behind them. I can't believe they would say the perimeter fence should be to keep the animals from getting lose and yet it can be left open all day long.

"I do think the license fee should be increased. I do think there should be some sort of an ability to limit the numbers of animals that go into the facilities. At the last meeting that I was here you addressed this issue and you addressed an issue about a lady wanting to move a trailer on to her property. The neighbors were concerned about the devaluation of the property if the trailer was allowed to be put on her land. You all supported the neighbors in that issue."

**Commissioner Gwin and Commissioner Sciortino** said, "No we didn't."

**Ms. Querner** said, "I'm sorry, I shouldn't say that. The issue passed. It is absurd that moving a trailer on to someone else's property would be more difficult than someone putting a lion or tiger in their back yard. Please don't subject any more Sedgwick County citizens to the possibility that they may have someone move in to them that would have the ability to meet all these restrictions and put lions and tigers next door to them. Thank you."

**Chairman Winters** said, "Thank you, Ellen. I see no questions. Other speakers? Is there anyone else who would like to speak? Please come forward."

**Ms. Dorothy Erwin** said, "I live at 9360 South 199th Street West. I'm a neighbor to Ken Alvarez. I have a few questions that I've jotted down and so I'm going to read them and I have a couple of comments. Even if the exotic animal laws changed, who is going to enforce them? I know the County is short staffed in several different departments and I feel that Animal Control is also short staffed. Do they have the budget to hire more people? There again, it gets down to money and that's not a good subject all the time. If you do adopt these laws, how long will it be before they go into effect? How long will the people who have the exotic animals have to comply to the new rules? Sedgwick County is a very

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populated county. How many more permits will you allow to be issued? Is there going to be a stopping point where you say no more? Also, is there going to be a number of exotic animals that one person is allowed to own?

"When Mr. Alvarez first moved next door, he said he was going to get a cat. He now has ten. I'm sorry, I don't feel comfortable living next to him any more. I have family who came to visit. They had never been to my house. I told them what was next door. They've known it for a couple of years. They wouldn't let their children go outside and play. I was going to have more relatives come a couple of weeks ago and she said she's not comfortable coming to my house any more. Please help us do something with this situation. Thank you."

**Chairman Winters** said, "Thank you. Next speaker. Anyone else like to speak? Come forward. Are there others who would like to speak?"

**Ms. Lori Nickels**, 9238 S. 199th West, Viola, said, "I am a neighbor of Mr. Alvarez's. I just have a few things I would like to mention this morning. First of all, I think I attended the Animal Control Advisory Board meeting. I think they worked very hard in trying to come up with some rules that they thought people could live with. I think we are dealing with two totally different issues here in the fact that you have the people that have the cats that are just pets, family, whatever you want to call them, and then you have the facility that is out in Goddard. I don't know if there is a way that it can be separated into two different functions. I suspect from what I've heard, the facility in Goddard is ran totally different than the others. I think some of the things that the advisory board is proposing works very well for the corporation sector, but can we make it two different, and I don't know how that would be done, but I don't know if it can be distinguished between two different types of businesses.

"I, again, as a neighbor, am concerned about how you enforce these items that they're proposing. The other thing I would like to address, that Mr. Alvarez stated, was that he was concerned about individuals getting in and cutting his cages. One of the things I brought up the last time I was here, that I was so concerned about, was the fact that the gates were left open 24 hours a day. As a neighbor and driving by there two or three times a day, I would like to tell you that it still has not changed. If he so concerned about somebody cutting his cages, you would think, from his standpoint, that he would lock those gates

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after dark. I would think if somebody was going to come in there and cut those cages, it would probably be when they weren't as apt to be seen. Nine times out of ten, you can go out there any night of the week and those gates are shut but they are not locked. I mean a person all they would have to do is walk up and push the gate open. Same way on the inside coming out. All the animal has to do is lean up against it and I'm sure it wouldn't take a cat to push that gate up. Just for some consideration there. That's really all I have to say."

**Chairman Winters** said, "Thank you, very much, Lori. Are there other speakers? Anyone else who would like to address the Commission on this item? We'll reserve comment to the bench and staff. Commissioner Hancock."

**Chairman Hancock** said, "Sherdeill, I have some questions. First of all, if we would approve a change in our resolution, when would it go into effect?"

**Mr. Breathett** said, "I think that would be a legal question and they would have to address that one."

**Chairman Hancock** said, "Would it be upon the Chairman signing the resolution?"

**Mr. Euson** said, "The effective date? The date of the resolution would be effective upon its passage, unless you put something in the resolution to make it occur at a later date."

**Chairman Hancock** said, "Okay. That was one question that one of the speakers brought up. Second question is, in regard to the perimeter fencing. I understand what they are trying to do is keep folks away from the cages, the general public, should they happen by. Is this a chain link fence? Is that what we're talking about?"

**Mr. Breathett** said, "It does not specify whether it has to be a chain link, iron, or whatever of that nature. It does not specify in our current resolution."

**Chairman Hancock** said, "Did the board and you discuss with them something like a perimeter fence around the cages themselves? I don't know how this particular facility that caused all this to happen, what it looks like, how it lays out. But would it be just as effective to create a perimeter fence, a taller perimeter fence, a much shorter distance away from the cages themselves? Did you guys discuss anything like that? What I'm suggesting is a perimeter fence around the cages, maybe 20 feet or so, even taller than eight

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fence, but requiring a much smaller fence in total length. Did you discuss anything like that?"

**Mr. Breathett** said, "Just sparingly, Commissioner. We didn't spend much time on that. There was a recommendation from the zoo that if that would be the case, that it would be roughly 14 feet away from the primary fence."

**Chairman Hancock** said, "As far as cats are concerned, is there a fence they can't get out of, unless it has a top on it?"

**Mr. Breathett** said, "a fence they cannot get out of? We've got a zoo that is here and we've had incidents where they have escaped. Of course, the whole purpose is to try to provide a fence that will hopefully minimize that, if at all possible."

**Chairman Hancock** said, "I was just thinking about, picturing in my mind, what that would look like. It just seems to me that a fence around the facility and now around the property, a taller fence, possibly chain link with ground burial and I don't want to get into all the details. It just seems that would be less expensive and more effective if it was taller and enclosed the facility itself. I just don't understand . . . and at the same time, it would prohibit the public from getting close to the primary cages. I didn't know if it was discussed or not."

"Another question I had, part of that number seven, the perimeter fence gate has to be closed after dark. The reason I thought of that is that I thought about closed at all times. It just didn't seem to me that if the idea was to keep public out or keep the animals in, maybe we can do both at the same time. Just to throw it out there."

"Another thing is, number one, facilities licensed for inherently dangerous animals should be staffed 24 hours a day by trained personnel who are employed by the licensed holder. Any discussions on that one? Would it be acceptable to the board that if the trained personnel who are associates of the licensed holder, the idea of not necessarily being employees. In other words, there are certain incidences, as was suggested, there are volunteers who will do this, who will babysit the animals while the owner is gone. Was that discussed in any way?"

**Mr. Breathett** said, "I think the initial concern, again, is that you have someone there that is familiar with the animals and are well skilled with the animals. You wouldn't want an uncle or an aunt, someone who is visiting, basically, say they are going to staff the facility and not being familiar with the animals. Just reflect back on when the animals escaped back in November. The person that was the keeper at the time

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was not very well comfortable with the animals, to say the least. While we were there at the facility, he was inside the structure, just as well as we were, trying to monitor the activity."

**Chairman Hancock** said, "I see, okay. Thank you, Mr. Chairman."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Sherdeill, I think the last speaker had some concerns and I share them. First of all, I want to acknowledge what the board did. I think we charged them with the responsibility and I think they put in a lot of hard work and have come back to us trying to address some of the initial concerns they had. But one of the problems I have, especially in working as I have in the past with Code Enforcement and the difficulties we have enforcing some of our codes right now. How are we going to make sure these facilities are complying? How do we verify . . . a citizen calls one of the Commissioners and said they tried to call there and nobody answered the phone so it is not being staffed 24 hours a day so we want you to revoke their license. We call and they say no, I was in the bathroom and couldn't get to the phone. How do we verify some of these restrictions that we're putting on these people? To me, it seems that we're asking your department to do a lot of extra work. Maybe you could address how you are going to enforce these codes?"

**Mr. Breathett** said, "I think, from a logistical standpoint, it will require additional work on our behalf because we're an eight hour organization, working basically 8:30 to 5:00. We do have an on-call individual that, if an emergency occurs, then he is called and that person basically responds. We have also worked in concert with the Deputy Sheriffs as well as the incident when the animals did escape. They contact us and we try to work together as a network and hopefully put a close to the problem. As far as the immediate staff of Animal Control, do we have the personnel to cover that 24 - 7, no we do not."

**Commissioner Sciortino** said, "Okay. It says, I think, in number one, that it will be staffed by trained personnel and then number two says every facility must have an escaped animal protocol. Who established the type of training that personnel has to go through and who establishes what escaped animal protocol is?"

**Mr. Breathett** said, "I think for each facility there is some type of a protocol that should be established. There is no criteria currently or presently established. Again, if you have these types of animals, you would hopefully have something in place in the case of these animals escaping and police get hold of some individuals or 911 or whatever to try to get this under control as soon as possible."

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**Commissioner Sciortino** said, "Does each individual owner of these animals develop their own escape protocol and do they have to submit it to the Animal Control Board for approval?"

**Mr. Breathett** said, "We didn't go into that much detail. We did, basically, discuss that they would have something there on hand, as far as the procedures they would follow in case of an escape, very similar to what the zoo has."

**Commissioner Sciortino** said, "What about the facility being staffed by trained personnel? Who trains the personnel? Who approves that they have received proper training?"

**Mr. Breathett** said, "The hope was that the owners of these animals and the facilities, that they would have these personnel that they would personally train and get them familiar with the animals, and that they would be able to respond to the animals, just as the primary owner would be with the animals."

**Commissioner Sciortino** said, "Okay, that's all the questions I have of Sherdeill."

**Mr. Breathett** said, "To speak to that issue, what occurred when we had the escape. a gentleman came in from Peabody, was contacted, that was very familiar with the animals. Of course myself, and zoo personnel, and several of our finest, Deputy Sheriffs were there on the location when this person arrived, very familiar with the animals. We talked to him initially to make sure that everything was okay. We did let him know that we would have experts watching in case his life was to be in danger, to take the animals out. It was no problem. He walked in, coaxed the animals back into the cage. He had a little problem with the female, initially, because she didn't want to go in but she eventually went inside the cage structure, too. Again, we hope that would be the case, by having trained personnel that would guard the facility on a 24-7 basis."

**Commissioner Sciortino** said, "I think this board has to understand that if we do pass this the way it is written, that we're going to have to be prepared to support Animal Control to the extent that they are going to be effectively able to enforce all these. I agree with Sherdeill. I don't think he has the people in place right now to be able to enforce these. I just want to let everyone know that I think if we do this we better be prepared to come to the table with strengthening this department in the amount of personnel or what

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have you needed to effectively enforce these restrictions."

**Mr. Breathett** said, "In reference to the logistics and specifics of that. That is something that we did feel, as far as the Animal Control Department, as well as Legal, could work on trying to fine tune that piece of it."

**Commissioner Sciortino** said, "Thank you, Sherdeill. Mr. Chairman, the one item I have a problem with as mentioned earlier was number five, new facilities should be allowed. I, personally, do not feel that new facilities should be allowed. I have a problem with just immediately banning all facilities. I have to be understanding that people that are in business right now have a right to stay in business. If we were to establish a ban, but grandfather, under my understanding grand fathering existing businesses means the business could operate as a business but if they ever want to get out of the business they couldn't sell their business. That could have a real adverse effect on a person's ability to do business because without an exit strategy, they may not be able to borrow money. Most people get into business with the idea of one day they want to retire and sell their business. That is probably where all of their investment has been.

"I just want to throw up something for the Board to consider, that possibly we could put a ban on any new facilities and a modification of a grandfather clause that if there is a legitimate business and they're in business right now and they conform with the present zoning codes so they could have a business in the area that they are in, that is something that I want to talk to the County Manager with respect to Mr. Alvarez, but maybe they could allow to continue and also be allowed, as long as they're in compliance, to sell their business, so that particular entity could continue. It wouldn't affect the present businesses but we would make sure we limited, there won't be any more in the future. To me, I think that might be a legitimate compromise and I'd like for the Board to at least consider that. Maybe we could defer this for a while and talk about it or what have you. I am concerned that we are not going to be able to enforce what we are and I would like us to really seriously consider some sort of a ban, so that we can assure the citizens of Sedgwick County that there won't be any new facilities. That's all I have.

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

**Commissioner Gwin** said, "Thank you, Mr. Chairman. a couple of logistical questions. Rich, what we have before us today is a recommendation from the Animal Control Advisory Board. It is not presented to us in the form of a resolution is it?"

**Mr. Euson** said, "That's correct."

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**Commissioner Gwin** said, "So if we approved some of these recommendations, then you and Michelle or some of your staff would have to prepare a formal resolution for us to adopt at a later date based upon the guidance we give you today, correct?"

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

**Commissioner Gwin** said, "Is there a way, and I don't know if this is your question or Sherdeill's, is there a way to differentiate, in this ordinance, between commercial and private ownership? Where I'm going is, if I say there are different rules for commercial businesses versus private ownership and I don't know. I'm trying to think out loud here. I hear some, I've heard comments that there is a legitimate, well run, commercial entity in this County. What I don't want are commercial entities that don't stand up and I don't want any more private ownership, if that's where I'm heading. That complicates the legal issue, does it not?"

**Mr. Euson** said, "It complicates it a little bit. That may be something that you would rather do through the zoning than through the animal care resolution itself. That might be a better way to approach that."

**Commissioner Gwin** said, "I appreciate that. That's very helpful. There are a couple of issues, too, that I think, as we ask Michelle or someone to work on this for us. Commissioner Sciortino, as you talked about the training and the protocols and those kinds of things, I would think as we get to the detail of drafting a resolution, we can talk about if that kind of information needs to be submitted for approval. With the help of the trained professionals who work at the zoo or whatever, if they've seen that is a reasonable escape protocol for that particular facility, then maybe we ought to run it by them."

"I agree with you. If I were writing the resolution today and I think I'm working on it, I would not permit any new facilities. I don't care whether they are commercial or private. I would eliminate number five and then, therefore, I would also delete a section of item nine that is given to us. I think I'd like to continue to discuss, however, the question of the maximum number of animals allowed and the fees per animal. If the first speaker was correct and says you pay a fee of so much money for the first few and then on there are no fees, that encourages multiplicity. I'm not sure that is something I want to do."

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"I agree that the 24 hour presence issue is difficult, but if it says, if we would leave it as it currently says, that person is an employee, there should be time sheets. There should be that kind of documentation be available that would indicate that the employee or an employee is on site. It is tedious and, you're right, Sherdeill is going to need more people, even for the existing facilities but I think there are ways to track that, to verify that somebody is in fact there.

"I guess I'd have to talk to some of the folks who are out there. I really do appreciate Ms. Querner's conversation about a fence to enclose the cages. That is intriguing to me. If they should get out of their cages, then there still is a good perimeter fence before they would come to the edge of the property, be over the fence, and someplace else. I'm intrigued by that one. In general, I can concur with the recommendations, with the exception of new facilities being allowed. Like I said, I have questions about other issues, but I would suppose those would come to fruition as we work on a resolution with our Legal Department. Thank you, Mr. Chairman."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. I have a couple of concerns that I would like to have more information on. You may not be able to provide that today. That has to do with the injured animals. I don't know how that is taken care of. I don't know what vets are prepared to go out and take care of exotic animals. You don't have to provide that today, but I'd like a little information on that. The other thing that was interesting to me was to find out that we don't have any rabies vaccines for these animals and I'd like some more information on that.

"The part about the gates closed, number seven. I think about people that live in the country and even people who own businesses in the city and they have gates and when they're not there and even sometimes when they are there, they just keep them closed all the time. To me, I don't know why, because the gates are there to keep people out and the gates are there to keep animals in. I don't know why, that is something to me that should be a concern at all times. For that one, I would like to see the perimeter gates closed at all times.

"The escaped animal protocol. Just a suggestion. As we define and put together this resolution, I think they ought to have some type of a copy and it ought to be filed with Animal Control when they apply for a license. Then I think about our County. I'll bring pigs into this for just a minute. Everybody is concerned about water issues and different things like that and odors. I haven't met anybody yet in this County that says I want a mega-corporate hog farm. I think there are some businesses and industries that don't belong in this County. We do have a large population. We're the largest city in the state here. I think that,

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perhaps, we need to look at all businesses of different types and maybe we need to say no. So with that, I think I could support a ban on new facilities. As far as what Commissioner Sciortino talked about, I would like to explore that further. I'm not quite sure exactly where we want to go with that. I would certainly like to look at a modified grand fathering in of the existing facilities. I'd also like to explore number four, the maximum number allowed, as well. I guess this is the information we're providing to our Counselor and hoping they can bring back a resolution to us."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Mr. Counselor, I would like for you, because we just found out this morning by Mr. Alvarez's brother, that he uses these animals in a commercial venture. I'd like for you to look at our present zoning codes as they are to the area where his place is located, to verify that if he's using these animals in a commercial venture, is that in compliance with the existing code. In my impression, it isn't. I don't think an in home business means that you have to have people come there. I think if he is taking those animals, using them in a commercial venture, he is running the business out of that home. I'm not too certain that complies with our present zoning and I'd like for you to look at that one also, if you could.

"Commissioner Gwin, I thank you for supporting me on deleting number five. I think we probably should modify nine, since it refers to new facilities. I liked what Commissioner Hancock stated as a modification. If the goal is that maybe we have to have some of these, how do we better protect the citizens that have to live around the ones that are in place? I like the idea that Bill came up with of maybe having a bigger, more secure perimeter fence around the cages to really protect people from getting to the cages and then maybe the perimeter around whatever his property can be can be more like regular fencing. I'm thinking about a person that has a swimming pool in their back yard. That has been legally defined as an attractive nuisance, where children might want to get in just because it is there. They're required to have a substantial fence around the swimming pool, but around their perimeter they can have a lessor restrictive fence. I would like for us to look at that. I appreciate some of the support I've heard on the Board and that's all I have."

**Chairman Winters** said, "Thank you. I would be comfortable with the nine recommendations that have been presented to us. The one that Commissioner Hancock brought up, and I would support some kind of modification about this employee person. I think there are times when family members could be involved or close associates that are trained. I'm comfortable with the trained. I think there are other people that may be in that position.

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"One of the things I would like for us to try to come up with today, as we talk about several issues, here is a time frame. I would like to have us develop some kind of time frame where the neighbors of Mr. Alvarez and Mr. Alvarez knows what they're looking at as far as timing arrangements are. When we talk about the maximum number of animals, I get a little bit concerned there because in looking at Mr. Alvarez's facility, I'm not sure one animal is not too many. Looking at Mr. Fouts, facility, I don't know if 100 is too many. They are such different kinds of facilities. I've been to both facilities, if it would be helpful for anyone, I'm sure we could tour both facilities and see the difference if we needed to look at that. They are as different as night and day. So when we start talking about the perimeter fence, in Mr. Alvarez's case, the proposition that Mr. Hancock explained would be very appropriate. In Mr. Fouts', I know he has part of his perimeter fence is stone wall that is eight feet tall. It is not going to be an easy thing for him, either he'd have to reconfigure his operation by part of where he is at the present time.

"About the enforcement, I'm not so sure I see this as a difficult enforcement issue because right now, somebody to Mr. Alvarez with one phone call and a tape measure can tell how tall his fences are, does he have the proper insurance? This is not like going out and taking a half-day inspection to see if he's right. A drive-by can tell you right now that he is not in compliance. A drive by 30 days, 60 days from now, I think, could come pretty close to telling you whether he's in compliance. I know there may be some extra work for Sherdeill's folks but I think they can handle the enforcement of these as they are.

"Right now, the question that I see us talking about now is requirement five saying that new facilities should be allowed if all requirements are met. I would vote against removing that. I think if somebody meets all the requirements I could support that. I don't know that I hear that to be the majority of the opinion. I wonder if we should take that issue, vote on that issue, and then move forward from that point if that is what you wish. Commissioner Hancock."

**Chairman Hancock** said, "In regard to what you just said, it is possible that I might ask Richard to consider this and that we license the facility and not the individual, in that the existing facility could be bought and sold. I don't know if that is an option or not as far as the County is concerned but that's what I'm suggesting any way. Keep that in mind and what the pros and cons of that are."

**Chairman Winters** said, "As a suggestion, maybe if we could answer that one question, on question number five, new facilities should be required if all requirements are met. If we decide that issue then, from that point, direct legal staff to work on some kind of resolution and bring that back to us. I'd still like us to think about some kind of time frame, when we're going to have that all done. Commissioner Gwin."

### **MOTION**

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Commissioner Gwin moved that this County not permit any new facilities that house inherently dangerous animals and that we would eliminate number five of the recommendations from the Animal Control Advisory Board and amend number nine as it refers to new facilities and not consider those.

Commissioner McGinn seconded the Motion.

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Betsy, in keeping in line with what we're trying to do here, we're striking number five. On nine, if we decide to go forward with a new ordinance, I thought I heard that maybe we might want to increase the licensing fees, so would it be appropriate to modify your motion that we strike five and nine? I thought I heard that you may want to revisit licensing fees. If we struck everything about the new facility, nine would read licensing fees should remain the same."

**Chairman Winters** said, "As a matter of discussion, I'd speak against that. I don't know that we need to look at the fee issue right now. I might be in the minority, again, but what we have, in my estimation, is a legitimately operating business and I don't know that we need to continue to tax him."

**Commissioner Sciortino** said, "Appreciate that, but I was asking the person who made the motion."

**Commissioner Gwin** said, "Commissioner Sciortino, that has been part of the discussion."

**Commissioner Sciortino** said, "If you're comfortable with keeping it 'licensing fee would remain the same' I have no problem with that. I thought I heard from you that you wanted to look at that."

**Commissioner Gwin** said, "I'm interested in how much people pay for this privilege, quite frankly. My first reaction was to delete the inference of new facilities because I thought that was what we were focusing on. I think I could amend it to delete all of number nine, at this time, for future discussion."

**Commissioner McGinn** said, "It would be out there for part of the discussion for the resolution?"

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**Commissioner Gwin** said, "It is not off the table for discussion."

**AMENDED MOTION**

Commissioner Gwin moved that this County not permit any new facilities that house inherently dangerous animals and that we would eliminate number five of the recommendations from the Animal Control Advisory Board and delete number nine as it refers to new facilities awaiting future discussion.

Commissioner McGinn seconded the Motion.

**Chairman Winters** said, "The motion before us deletes number five and nine and has been seconded. Is there other discussion? Seeing none, call the vote."

**VOTE**

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

**Chairman Winters** said, "The motion carries."

**Commissioner Gwin** said, "I have a question, then, about time frame. Rich, can you help us on that? If we would, in another motion, direct your staff to create a resolution amending this ordinance and then work with us to get our consensus on this items that are still on the table, what kind of time frame? Working with us is one thing but I'm asking you, legally, how much time would you need to get that done?"

**Mr. Euson** said, "We would really like a minimum of 30 days. We anticipate several meetings with Mr. Breathett as well as attempting to circulate copies of this among the Commissioners. Whether or not we could visit with you during that period of time or not, I don't know. That would be a helpful minimum period of time."

**Chairman Winters** said, "Commissioner Hancock, I see you have your light on, but I'd like to make a

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comment in response to that. In the time frame, I would like to at least try to balance out the desire for the neighbors of Mr. Alvarez to get as comfortable as they can as soon as they can. I also want to try to be fair to Mr. Alvarez. He does have a facility that he is going to have to get relocated something and he's got ten large animals and he's going to have to figure out what he's going to do with them. I'm not sure that 30 days is a fair time frame for him. I have heard the suggestion that licenses run from July to July and that maybe July 1 would be the time to implement it, but I think that might be too long. Again, I think 30 days is maybe too short."

**Commissioner Gwin** said, "I guess there are two issues here. How soon you can produce a resolution and how soon that resolution goes into effect. If my staff could get a resolution to me in 30 days, I think they'd be doing a yeoman's job."

**Chairman Winters** said, "Then we could figure out when it would go in to effect."

**Commissioner Gwin** said, "Based upon what might be written in the resolution."

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

**Chairman Hancock** said, "Thank you. Just in difference to Commissioner Gwin and yourself Mr. Chairman, all those things we talked about today are on the table. While I support the motion, there are a number of issues that I'm sure Rich will bring to us in a resolution that I'll be voting to adjust or suggesting at the time he presents it to us. I just want everyone to know, on the Board, that I haven't exactly made up my mind on what all the parameters of this resolution will be."

**Commissioner Gwin** said, "Nor have I."

**Chairman Hancock** said, "I don't want anybody grunging at me when I change my mind."

**Commissioner Sciortino** said, "We're familiar with that."

**Chairman Winters** said, "All right."

**Commissioner Sciortino** said, "I agree with you and also I agree with what Commissioner Hancock said. I don't think any of us, right now, have a clear mind set exactly what this new resolution is going to be like. I think what we've asked the County Counselor to bring is a draft of something that we can start looking at and adjusting and getting real comfortable with. I also agree with you, whatever we do here, I think

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we're looking at Mr. Fouts, I think, as an existing business and trying to protect him. We have to, in order to be fair, look at Mr. Alvarez. If he is indeed trying to sell his business, we have to be fair and address that and give him sufficient time to be able to do that. I think there could be some time gap between whenever we decide to approve the resolution, as to when the new ordinance goes into effect. We'll take into consideration all factors and all people involved in this to be fair to everyone. I agree with you."

**Chairman Winters** said, "Thank you. I would suggest that if there are any Commissioner or I would encourage the staff that is going to work on this to at least take a drive by or a tour of both the Alvarez and the Fouts facility. I'm sure we could make arrangements to do that."

**Commissioner Sciortino** said, "I'd like to, with you. I don't want to go by myself."

**Chairman Winters** said, "Rich, it appears to me that the ball is in your court. Do you need more decisions from us this morning before you start putting together this resolution?"

**Mr. Euson** said, "I don't believe that I do."

**Commissioner Gwin** said, "Do we need to make a motion directing you to do same or have you gotten that from our conversation?"

**Mr. Euson** said, "I think I understand my instructions."

**Chairman Winters** said, "Thank you, Sherdeill and thank you to the advisory board. We appreciate their work, very much, and more of this to come later. At this time, we're going to take a short recess while we prepare for the next item, which is going to be Item E, the resolution concerning 143rd Street."

**The Board of Sedgwick County Commissioners recessed at 11:00 a.m. and returned at 11:08 a.m.**

**Chairman Winters** said, "We're back in session. Madam Clerk, please call Item E."

### **DEFERRED ITEM**

**E. RESOLUTION OF ADVISABILITY FOR MAKING CERTAIN ROAD IMPROVEMENTS - 143RD STREET EAST FROM 13TH STREET TO 21ST**

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**STREET.**

### SLIDE PRESENTATION

**Mr. Joe L. Norton**, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "This is a deferred item that was considered last by the Board of County Commissioners at the meeting on December 22. As you may recall, this is a project that proposes to make a road improvement to 143rd Street East, which is located on the map before you. I believe you'll need to reference that the improvement runs on 143rd Street from north of 13th Street to 21st Street North. The proposed benefit district, which you'll see a more detailed description map up shortly, is basically either side of 143rd Street, south of the railroad track, with a small exception, basically known as the Savanna Development in northeast Sedgwick County.

"The proposed benefit district are all the platted lots within the various subdivisions, known as Savanna in general. The proposed method of assessment prepared by the Department of Public Works is that, although it is not exact, approximately one half of the road improvement is located south of the railroad tracks and the other north. The County at large has scheduled the improvement north of the railroad track as part of its Capital Improvement Program and therefore that approximately 50% of the cost be assessed to the property within the proposed benefit district and 50% be paid for by County at large.

"The proposed cost on the method that has been before the County Commission has an all end cost of \$350,000. There are 248 platted lots within the proposed benefit district. When you take 50% of the cost of the improvement divided by the 248 lots, it is a principal component of about \$706 per lot or if spread over 15 years at 6%, about \$73 per year or about \$6 per month.

"The County Commission set, at a previous action December 22, as a public hearing and also provided that on December 20, on a Monday evening, there was an informational meeting held at the County fire station on 143rd Street about 9th Street at which time myself, Mr. Weber and his staff from Public Works, gave more detailed information about the project and proposed method of assessment and the cost and received comments from about 30 individuals, at the time expressing their interest and concerns about the proposed project. At the public hearing on the 22nd, a number of those same people and others appeared and gave testimony with respect to the project.

"To summarize some of the basic comments, many you may recall. The proposed improvement at the time, designed by Public Works, was a three lane road improvement south of the railroad tracks, two lanes north of the railroad tracks, County standards, bar ditches, and things like that, an urban standard street.

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Many of the comments received by the citizens at the public hearing and the informational meeting were concerned about the width of the road. They would prefer it be two lanes, as opposed to three lanes, that the third lane was basically a left turn lane down the middle of the street. It would take up less space in the road right-of-way to have an effect of lowering the speeds that would actually be driven by people on that road regardless of what the speed limit may be and an effort to save several mature trees that line both sides of the proposed improvement on 143rd Street.

"Public comment was received. The Chairman of the Commission did close the public hearing at that time and limited discussion to bench and staff. The Commission did ask Mr. Weber of Public Works to outline various alternative design structures of this project and report back to you today what some of those alternatives would be. I know Mr. Weber has done that and has had some meetings with some of the property owners out there. I think it would be appropriate at this time to have Mr. Weber outline with you some of those alternatives, in answer to some questions you had about the proposed project, before we consider a resolution that would authorize this project to go forward. I'll be back after Mr. Weber completes his presentation, if you have any legal questions about the process."

**Chairman Winters** said, "Thank you. Jim."

**Mr. Jim Weber**, P.E., Director, Sewer Operations and Maintenance, greeted the Commissioners and said, "One of the things we didn't bring you last time was any photographs. Some of you may have seen it and some of you may have never seen it. We had a meeting with the developers and with probably six or eight of the property owners out there on January 7. When we were out there, we went ahead and took a few pictures so we could bring them back and show you what is going on.

### **SLIDE PRESENTATION**

"We focused on the south half mile, down next to the Savanna subdivision. So, this particular shot is taken from the half mile line, the railroad tracks, looking south. These houses, right here, are the ones that are the unplatted tracts at the north end of that mile, right down at the crest of the hill, that would be 13th Street. That is, basically, from the same location, moved over to the west ditch line.

"This is an area where there has been some reconstruction for drainage coming out of one Savanna subdivisions. It probably looks about like the new section. It may not be exactly right. This side did not have heavy trees and they've come in with their development and done some berming back in here and planted some trees over here."

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**Chairman Winters** said, "Jim, before you move forward, will those trees be disturbed?"

**Mr. Weber** said, "I'm concerned about some of them down close to the ditch line."

**Chairman Winters** said, "But they're smaller trees, newer trees."

**Mr. Weber** said, "They're smaller trees. They were put in with the development. This is looking south again, from the center of the road down at Sport of Kings. So we're about half way down in that quarter mile. We're about a quarter mile north of 13th Street. This is what I consider to be the row of hedge trees and there are some to the north of here but this is the most significant piece, I think the one that we'll probably discuss the most. There are, again, trees here on the west side. They are more scattered and not as direct. While we're looking at this one, one of the things that we have ran into here is in most places in the County the right-of-way line, the old right-of-way lines were at the 30 foot line. In this case, it is at the 25 foot line. So, basically, these trees are 25 foot from the center of the road, which is closer than what we would normally be dealing with. There is a small kind of sharp ditch on both sides. They've got some fencing in here and once again the scattered trees.

"The next one then, if you just think about stepping back to the shoulder line and looking down the ditch line you'll get some ideas of how close the trees are to the road. As we looked at it, this drip line is basically at the shoulder right now. If these are allowed to grow up, they'll have to be trimmed back to keep them out of the way. Step back a little bit farther. This puts us behind, again the old tree line. The right-of-way line is a little dark, but you can see the new fences back in here and some trees that have been planted on the property owners side, some on the right-of-way side headed back south towards 13th Street. There is a 25 foot gap between the base of these trees and that fence line."

**Chairman Winters** said, "So how about that tree there on the left?"

**Mr. Weber** said, "I don't think it will be effected by this construction. It may be on the right-of-way line but I think it is far enough this pine would stay in. There are some here that would stay in. This is a mass of trees that is really in trouble. Standing at that same intersection and turning around looking back to the north. This would be some of the other trees. These are adjacent to a side lot for a house on the north side of Sport of Kings on the east side of 143rd Street. Again, you can see these up here. There are no

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houses adjacent to those hedge trees. This is an undeveloped portion of Savanna yet. This is, again, where this fence is enclosed. There have been some trees planted, obviously, with the developer. These are front yards in here, fronting on to 143rd. This ditch, then, is, again, I considered it to be too narrow and too sharp. Some of this will have to set back so there are some conflicts with some of the real close trees. Some of the farther back ones are probably all right.

"Closer to the intersection and part of what we discussed was what does 143rd Street look like south of 13th. Again, if you look, this is the edge of the pavement here and here. We have a wide rock shoulder in the six to eight foot range. This one, we went about 250 feet south of the intersection and you can see that there are trees down in that area but we've got gentler ditches and a little better section. This is about what we're talking about, what we're trying to do on the north side. Turn around and look back toward the intersection. You can see things are pretty clear and clean. We have trees back in here and North Point and Crestview. They are sitting well back from the right-of-way line and aren't giving us any problem. This fence actually follows that 75 foot major intersection right-of-way that we get with plats, so it is swung way out. You can see, as you go through the intersection, things start to get a little congested in here again from a distance, at least in my opinion.

"Closer again, back in the intersection, this sign is real interesting. It appears to be a permanent sign that says it is under construction. Posted right with the speed limit sign. We did hear from a property owner that has this corner property. There are some trees right in here close that are probably in trouble but he has quite a few existing mature trees that are well back and probably be fine. At the intersection, step over closer to the east right-of-way line. We're again looking back behind this row of hedge trees. They've got scattered very mature pine trees back here and some other things planted, just to kind of give you . . . and there's that famous sign again.

"What we thought we ought to do is kind of run through the process just a little bit. We've outlined what we thought would be six objects that would be important to consider before making a decision here. One of them is what every engineer has to throw in, do nothing. Second one would be to pave it two lanes without grading. That is one of the things the homeowners have been interested in trying to do. The next

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one up would be pave it two lanes with grading to meet the AASHTO standards. That is a full grading project. We had suggested that we would want to pave two lanes and do through lane grading to the north half mile and then actually three paved lanes in the south half mile. That was our original recommendation to you. Then another one that was discussed in our meeting with them on January 7 would be the idea of coming in and paving it with two lanes with urban section.

"The important thing about this particular slide is we have not given you what specific costs are but consider that costs go up as you come down the sheet. I think it is clearly ranked in the cost order here. We consider that do nothing does not meet the requirement that they have for their subdivision and it perpetuates the substandard road situation. The next one is pave two lanes without grading. That is the least cost. It does not meet the AASHTO standards because if we repave that, that becomes a reconstruction project and really needs to be brought up to standard. That is going to raise some safety issues, some liability issues for the County if something happens to someone out there. It does not address any drainage issues along the road. However, it would save all the trees. Our next one up, once again, this is pave it two lanes with grading to meet the standards. This would meet the minimum AASHTO standards and would increase traffic safety and minimize our liability issues for the County. It would meet the requirements for the subdivision that were imposed by the Planning Commission and the City. However, it would require removal of the trees. We can go into that in a little more detail later.

"The next one, which we had considered for half of this project was the three lane grading with two lanes paved. We were looking at that on the north half mile. Once again, meets the standards, increases the safety, minimizes liability, meets the subdivision requirements. Allows for addition of left turn bays when they are warranted. There is a lot of discussion about whether they are needed or not. Once again though, it does require the removal of the trees. The next level up, the main difference here is we actually put three lanes in all the way. It would provide left turn bays right now and have long turn functionality out of whatever you build. It probably wouldn't have to be done for quite a long time. Again, it does require the removal of the trees.

"The urban section there would be curb and gutter and storm sewers that meet the AASHTO standards and safety issues would not be a problem. Minimize our liability. Would meet the requirements for the subdivision. May save some or all the trees. We have an issue if you have to do that, you have to build

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a storm sewer and that has to go somewhere and that may get into the trees. This does represent a significant increase in cost due to curb and guttering and the storm sewer that would have to be built along with it.

"We are recommending after discussion with the property owners and with our staff, we're recommending that you construct two lanes with the grading to meet the two lane standard. We believe this meets the requirements of their subdivision. We had felt it would be a nice thing to do and go ahead and take care of that, but it is not really a requirement at this time. We're going to recommend that. That's the end of that. Now, what I want to do, briefly, is throw you over to ELMO and talk a little bit about trees."

**Chairman Winters** said, "Jim, can you clarify what you are saying when you say grading, paving with grading?"

**Mr. Weber** said, "Grade the right-of-way, the ditches, put four to one slopes down and get the ditches in the right configuration so that it would meet the AASHTO standards."

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

**Mr. Weber** said, "It wouldn't be a rock shoulder, it would be a turf shoulder two or three wide to hold the edges. It would not be as wide as the section to the south of 13th Street. Basically what we've done is this is actually a cross section of the road at Sport of Kings, a little to the north and kind of run through it. There are actually three colors here. This blue line that comes in close right here would be the proposed section for the two lanes, the one that we are recommending to you. A significant part of that, as we look at the east side of the road, this squiggly line right here, represents that tree line. The ditch comes down and in and those trees are right in the middle of the bottom of the ditch and then it would come back up. This point is 35 feet from the center of the road at that point, so we're ten foot behind the trees. The red line, the cash line, is what it looks like right now, so the ditch is enclosed. It is just a V ditch and kind of shallow, not very well developed. Then the option that we had originally recommended for this project, which is the three lanes, would be this green line that comes out a little wider here for the shoulder and down and over and back. The back of the ditch actually hits at a right-of-way line of about 50 feet.

"I think the point is whether we do a three lane section with full grading or a two lane section with full grading, we don't see any way to save the hedge trees. There may be some mature trees behind that we

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could work around or save. But the hedge row I think has got to go. If you have any questions, I'll be happy to try and answer them."

**Chairman Winters** said, "Thank you, very much, Jim. In consultation with Commissioner Gwin, we have closed the public hearing on this issue and have met the requirements of law. But if there is anybody here who did not speak at the public hearing and who would like to address the Commission on this issue, we would receive those comments. Is there anyone here who did not speak at the public hearing but would like to address the Commission on this issue? Seeing no one, we'll continue the discussion with Commission and staff. Commissioner Gwin."

**Commissioner Gwin** said, "a couple of questions, Jim, that have been raised to me during the process of this. You are including the platted lots in Savanna as part of this benefit district and specials will be assessed to those lots. There are some parcels that are north of that that are not included. Can you clarify for those people who asked me why those are not included in the special assessment?"

**Mr. Weber** said, "We did not include those, there are three parcels I believe, unplatted parcels, we did not include them in the benefit district because the responsibility for making this road improvement lies with the plat, it is a platting requirement. That can't, we don't think, be shifted over to these other three parcels."

**Commissioner Gwin** said, "By law it is not applicable to those."

**Mr. Weber** said, "I think they'd have a good argument to come back in here and say we didn't do this development, we're not part of the deal."

**Commissioner Gwin** said, "Okay. Then the other question that came up, several did, but another one was the difference between the road project we did at 159th Street recently and this project. And 159th was done in two different segments so could you talk a little bit about that. Some say you saved trees on a portion of 159th, how come you can't save them here. Talk to me about that project."

**Mr. Weber** said, "Really 159th Street is two different sets of circumstances that occurred here. With the plat of Belle Terre South, there was a requirement with that plat to make improvements to 159th Street

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across the face of that plat or up to the first street into Belle Terre South. The south 800 or 1000 feet of 159th Street, just north of Kellogg, were done as a County special assessment project, using the same process that we're going through here and the same type of construction. In fact, there is some commercial property in there and there is a three lane section in all of that south portion to provide for left turns and left turns at Kellogg. In fact, there was a significant row of hedge trees that did come out. There was much distress over that, also. They may think we saved trees, but we took a bunch out.

"North of there, the County has ended up taking over maintenance of 159th Street. Now that annexation has occurred, that sets right between Wichita and Andover. It is the only thing there that is County. The County has done some maintenance work on that and some cold mix asphalt, some things to try to get that up to a decent service level until some other future improvement gets made. As maintenance work, it is not required, but it meets the AASHTO standards, that new construction is required to meet."

**Commissioner Gwin** said, "At some point I'm assuming that we're going to go ahead and do that piece to be similar to the south part of that when it comes into the CIP process."

**Mr. Weber** said, "That would be my thinking."

**Commissioner Gwin** said, "How do you go about then, if we do now take your recommendation for two lanes with grading, how do you go about notifying the folks as to the change in the cost or getting new cost figures for us."

**Mr. Weber** said, "What I'd like to do is leave it at \$350,000 where it is set. There will be some cost savings, but I'm not sure how much."

**Commissioner Gwin** said, "I see."

**Mr. Weber** said, "And just tell you that we don't just run around spending money because it is there. I don't think we're way out of the ball park."

**Commissioner Gwin** said, "You think it is going to be fairly close to that any way."

**Mr. Weber** said, "Maybe \$300,000 instead of \$350,000."

**Commissioner Gwin** said, "Okay, keep me posted on that. Just real quickly for my colleagues and for the public, on 143rd Street, I'm going to support the staff's recommendation of the two lanes with

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recommendation to standard. There is a need out there and there is also a safety issue. Otherwise, I wouldn't have brought this to your attention. The road does need work. I've gotten complaints from folks for quite some time. They haven't been recent. This has been over time. Recently, and this is just the stack I grabbed yesterday, this is the stack of letters from just last year, and then they started coming again, saying please help us with this roadway. I keep getting more complaints, as more people move into this area. When it comes to planning these things, we do ask our engineers to make recommendations and not on some wild guess but on, based on standards that they keep. We try to hire well trained folks, educated, albeit, at some universities that I wouldn't recommend, but educated, and rely on their advice.

"When Jim first brought us this plan of two lane with a center turn lane, it was his professional opinion that would meet the long term needs of this community. We try to look at long term solutions when we do projects like this and not quick fixes. When we do that, over time it is less expensive. We know that we could just lay down more asphalt on a particular roadway, but shortly thereafter, it would be falling apart and we'd have to go back and revisit it. We put these into our planned maintenance program then and are able to keep them up and we do quality construction when we do it.

"On the method of payment, we do establish benefit districts. We try to be fair and reasonable on the assessments and real plans, as to who pays and why and how much. Certainly, part of this is driven by requirements of platting, as you indicated, from the Planning Department. The down side to these projects, also, are that in a lot of these cases you do lose trees. That is a negative. It certainly is inconvenient during construction for folks. That is a part, again, of the changing face of this County. In the end, the pluses are that you have a new road, built to County standards, that it is safer, that those folks that live out there and use that road daily will have a safer ingress and egress to their properties. For those folks who just pass through, they will have a much improved road surface.

"I believe the revised plans meets the foreseeable needs. Who knows what our growth will be, but I think this will hold us for a while. Again, it is a shared project, which I think is a plus, between those people in the benefit district and the County at large. If there are no questions or discussion or anything else, I'm prepared to make a motion."

**Chairman Winters** said, "Thank you. Commissioners, any other questions or comments? I see none."

**Mr. Norton** said, "I do want to clarify that we have the resolution prepared for your consideration. Again, since this does involve some County participation, the current structure would take a four-fifths vote as opposed to a majority vote. Once that resolution is passed and published, there is an opportunity then for the property owners within that subdivision to file a protest petition, which is the owners of the majority

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of the property and a majority of the owners of property. If that is done within the time period prescribed by statute, then they would have the opportunity to stop the project if a petition is filed. If it is not sufficient or does not meet that guideline, then the project will go forward."

**Commissioner Gwin** said, "What is that time frame, Joe?"

**Mr. Norton** said, "I knew you were going to ask me that. It is 20 days after the publication."

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

**Commissioner Gwin** said, "Thank you, all."

**Chairman Winters** said, "Thank you. Madam Clerk, would you please call Item D-3."

**3. INTERLOCAL AGREEMENT WITH CITY OF CHENEY, KANSAS FOR  
SEDGWICK COUNTY TO PROVIDE CODE INSPECTION AND**

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**ENFORCEMENT THEREOF.**

**Mr. Glen Wiltse**, Director, Code Enforcement Department, greeted the Commissioners and said, "What we have is an interlocal agreement where Code Enforcement performs inspection services for different communities throughout the County. This is an agreement with the City of Cheney. The agreement allows us to do the inspections for 50% of the permit fees. They send that money to us every month. We have ten other agreements that are identical to this throughout Sedgwick County and recommend that you approve this agreement."

**MOTION**

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

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, "Glen, is this similar to the other agreements we have with small cities?"

**Mr. Wiltse** said, "Yes. The only one that is different is with the City of Kechi, where we only do commercial inspections for them."

**Chairman Winters** said, "All right. Commissioners, questions or comments? Seeing none, call the vote."

**VOTE**

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

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

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### 4. PRESENTATION OF THE ANNUAL REPORT OF FOREIGN-TRADE ZONE #161.

#### SLIDE PRESENTATION

**Ms. Louanna Honeycutt Burress**, Economic Development Specialist, Division of Community Development, greeted the Commissioners and said, "For approximately 10 years now, every since Sedgwick County received a grant of authority to establish, operate, and maintain a foreign-trade zone, I've appeared before you in January with an annual report that must be submitted to the Foreign-Trade Zone Board in Washington, D.C., before the end of January. That's why I'm here today. Since this has been such a lengthy meeting, I am going to by-pass my opportunity to go into some depth on the foreign-trade zone program. This morning I'll spare you that and just hit some of the high points over the past year. Then I want to look ahead a little bit at the year 2000 and project what we might expect there.

"While I said I'm not going into a great deal of detail, I do want to explain what foreign-trade zones are for the public that might not know. In general, the public and businesses are not aware of what foreign-trade zones are. Foreign-trade zones are actual physical locations, pieces of ground, within the United States, that, for duty purposes, are considered outside customs territory. When we establish the foreign-trade zone project, we knew it was an economic development incentive and an important one, but we also knew that it has a very narrow group of companies that can take advantage of it.

"Each foreign-trade zone project has two kinds of foreign-trade zones that exist within it. First of all, there are general purpose zones. These are locations where any number of businesses can take advantage of the program. The Sedgwick County general purpose zone is located at the Garvey Industrial Park, which is just south and east of Mid-Continent Airport. During 1999, three businesses took advantage of benefits that were available through our General Purpose Zone. There were product and merchandise from five countries of origin that were brought into the General Purpose Zone. The value of the merchandise that was received in this zone during 1999 was almost \$3,500,000. Now if we look back at 1998, we see that there were also three businesses using this general purpose zone. However, there were only four countries of origin in 1998. But the value of the merchandise received in 1998 was greater than 1999. It was over \$4,600,000. So that is kind of a quick overview of our General Purpose Zone.

"We also have two subzones in our project. Subzones are foreign-trade zones that are restricted to a

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single plant site. As I said, we had two of those, Foreign Trade Zone #161A is located in McPherson and in 1999 it received merchandise in excess of \$41,000,000. Foreign Trade Zone Subzone #161B, which is in El Dorado, received merchandise in excess of \$581,000,000, a lot. You can see the totals, but we did have a great deal of merchandise in product going through the subzones.

"Now, to look ahead into the year 2000, the federal fiscal year, as I'm sure you are aware, begins on October 1, so we're well into the federal fiscal year 2000. We're actually into the second quarter already. I expect during this year that Subzone #161A in McPherson will deactivate. Regulations on a federal level trickled down and effect all the Foreign Trade Zone projects in the country. It effects some more than it does others. The federal governments decision to eliminate duties on certain products and chemicals that are used in Subzone #161A has in essence eliminated the reason for them to be a subzone. I will encourage them to deactivate rather than simply give up their right to be a subzone. Because the way regulations change, as fluid as they are, six months from now that subzone might want to reactivate.

"On the positive side, for several years now, we've been working with the Airport Authority in Salina to sponsor an area on the airport property to be an additional site of the Sedgwick County foreign-trade zone project. This has been sort of set aside for a length of time, but I do anticipate that this will begin to move forward and this will happen in the year 2000.

"Finally, I wanted you to be aware that we will be marketing foreign-trade zone projects. We do this in concert with the Wichita Area Chamber, the Kansas World Trade Center. We do it through direct mail and when a company is interested in hearing more, we go out and pay a personal call on the company. I do have copies of our marketing materials that I will leave with you. With that, I will stand for any questions and would ask that you take action to approve submission of the annual report to the Foreign-Trade Zone Board and authorize the Chairman to sign the letter of transmittal."

**Chairman Winters** said, "Thank you, very much, Louanna. I like your plan on marketing and direct mail. I wouldn't be too concerned about if we see activity either fluctuate up or down. This is still just something we need to have in our economic development arsenal. If somebody calls up looking for a new community to locate in, one of the things they could very possible ask is do you have a foreign-trade zone. It is much better to say 'yes, we do have' than to say 'no, but we'll go start one', which you know and we know is a long tedious process. You don't create one over night. I'm not too concerned about seeing the activity go down, but it is something we have to keep in place, as something in our economic development package. Commissioner Hancock."

**Chairman Hancock** said, "Thank you, Mr. Chairman. Good comments, absolutely. The regulations that

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have caused the changes in McPherson Subzone 161A, have those been coming down through the Department of Commerce or were they congressional changes?"

**Ms. Burress** said, "Actually, I think it goes even beyond that with the international trade community. You're probably aware of GAT and NAFTA. Decisions that are made by groups of nations effect each country that participates in the negotiation. I really think what it is effecting the McPherson subzone is a result of the GAT."

**Chairman Hancock** said, "Those new regulations."

**Ms. Burress** said, "Yes."

**Chairman Hancock** said, "Thank you, Louanna. Thank you, Mr. Chairman."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I agree with you and also with Commissioner Hancock. We need this in order to continue with our economic development. Just for my own edification, how large is our Foreign Trade Zone?"

**Ms. Burress** said, "The actual General Purpose Zone at the Garvey Industrial Park is 280 acres."

**Commissioner Sciortino** said, "What I meant is we were able to license subzones up in McPherson and Salina, how far out can we go in our authority to have subzones."

**Ms. Burress** said, "For subzones, there is really no limit. Generally, if you are the closest general purpose site to a manufacturer or a company that needs the foreign-trade zone, they need a subzone status, then you're the . . ."

**Commissioner Sciortino** said, "It could actually go past state borders or county borders?"

**Ms. Burress** said, "It has, on some instances. I don't think it would here but it can."

**Commissioner Sciortino** said, "That's all I have. Thank you."

**Chairman Winters** said, "Thank you. Any other questions or comments? If not, what's the will of the

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Board?"

**MOTION**

Commissioner Gwin moved to approve submission of the Annual Report to the Foreign-Trade Zones Board and authorize the Chairman to sign a transmittal letter.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, very much, Louanna. Keep up the good work. Before we call the next item, I'd just alert those who are watching on television or watching a rebroadcast, it is ten until twelve, so in the middle of the next presentation we'll be going off the air. It is not a TV fault, but we'll be off the air. Madam Clerk, would you call the next item, Item F."

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**PLANNING DEPARTMENT**

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

- 1. CASE NUMBER SCZ-0796 - RESOLUTION REGARDING REQUEST FOR ZONING FROM "SF-20" SINGLE-FAMILY RESIDENTIAL AND "LC" LIMITED COMMERCIAL TO "LC" LIMITED COMMERCIAL; AND  
  
CASE NUMBER DP-250 - CREATION OF STARWEST COMMUNITY UNIT PLAN (CUP) FOR COMMERCIAL DEVELOPMENT, LOCATED ON THE NORTHWEST CORNER OF 37TH STREET NORTH AND RIDGE ROAD.**

**SLIDE PRESENTATION**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "There is one zoning case and you can see it. This is the northwest corner of Ridge and 37th Street North, northwest of the Wichita city limits. The Ridge Road corridor is very active. As you know, we have residential development to the south along Ridge Road. This was a recent request that was approved by the County Commission for about 80 acres for a medical campus and Commercial Zoning. There was also commercial development and CUP that was approved on the southwest corner. This is 28 ½ acres, a portion of which, as well as all the other three corners is already zoned Limited Commercial. The request is to rezone the 28 ½ acres to limited commercial and also approve a Commercial Community Unity Plan at this corner.

"There is also, by the way, just off of the screen and maybe in the aerial photograph we'll see it, up at the southwest corner of K-96 and Ridge Road, there is a 36 acre request for Commercial and Limited Industrial zoning that is pending before the Planning Commission later this month. What we expect to happen in this area, because of the accessibility and the interest and the improvement to Ridge Road is a commercial corridor that would be similar to the Rock Road corridor that you see, the North Rock corridor at K-96 in terms of that level of intensity and development. So commercial development, including some large scale retail uses, would not be unexpected in this area in the future, especially if the residential development continues in this area.

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"What we want to do is try to do it in a controlled matter and deal with traffic and circulation in the best way that we can so that we don't have some of the problems that we do have on north Rock Road. Because of this, the Community Unit Plan, in addition to having some of the typical conditions that dealt with road improvements with access limitations with sign and architectural review, also attempted, originally, the staff recommendation was to try to create a north south right-of-way, so we could have a circulator road system begin to develop in this area, which is going to come in, in a piece meal manner but hopefully we were going to be able to put some kind of a local circulator road together. If you think about the effect that Penstemon and 32rd Street has on North Rock Road, if we didn't have that, traffic would be much worse. You couldn't get the traffic circulating. If you didn't have the Bradley Fair Parkway and Rock Hill Road down at 21st and Rock Road, traffic would be a lot worse. So we're looking at the same kind of system.

"The attempt was to provide some type of local circulator. The applicant was concerned because . . . here's the aerial photograph. This is the little slough and this is a very flat area and there is a lot of drainage. A lot of this area is in the flood plain today. The intention, throughout this area, is to be raising the fringe of the flood plain and doing a series of detention lakes. We all hope that that system will work and the platting process is when the engineering for this plat will be accrued. If you go to the next slide, I think I can show the attempt to try to say ,let's organize some kind of local circulation in this area, so that all the traffic isn't forced to go out on Ridge Road but that people have options.

"The applicant does not have clear development plans for the tract at this time and so wouldn't know where to plat a dedicated right-of-way. So, what they asked instead is that they provide for cross access circulation by some private access easement with review at a later stage of development that there can be smooth through traffic from development that we expect to occur to the north of this tract, through this tract, and to 37th Street. The staff accepted that counter proposal, the Planning Commission recommended this with that condition by unanimous vote. There was no one at the Planning Commission hearing who was opposed and no one who has filed a protest petition. The agent is here if you have any questions this morning."

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**Chairman Winters** said, "Thank you, Marvin. I'm going to be supportive of this, it has come with some review. I've still got some concern about this whole area. When you talk about how flat it is and how the big slough comes through there and the Halloween event the intersection on Ridge Road was impassable. Ridge Road was under water in this area. So then we are right in the process of really starting a consultants project of looking at drainage issues, particularly in the Cowskin basin, not this one but what I hope will come out of that is some clearer method of how we look at developments in places like this because if we do begin, if the whole process in this whole area is going to be to raise elevation, then what long term effect does that have, down the road, for the neighborhood? I'm not sure I'm seeing a real clear vision of that."

**Mr. Krout** said, "The applicants may want to respond to that. We do have some rules in place now that limit the amount of increase of rise of elevation that the accumulative effect of all that flood plain fringe flooding can occur can cause and that is according to the FEMA rules. Dave may want to comment further on it. I think we both agreed that the Cowskin study may give us some additional information. We may revise some of our standards in the future, but this is the way we've developed the community, up until now, and the City and County Engineering will be looking at the drainage plan as it is prepared."

**Chairman Winters** said, "Do you have any comments, David?"

**Mr. David Spears**, Director, Bureau of Public Works, said, "I guess my main comment would be that yes, we are doing a major basin study for the Cowskin Creek. As part of that, and I would expect that to be done in about a year or so, part of that will not only be to find solutions for the Cowskin drainage problems but also to possibly come up with recommendations of policy changes County wide, not just for the Cowskin basin. We're all looking forward to that and we don't know exactly what the outcome will be now, but I think there will be some recommendations to you in about a year or so."

"Also, in this particular case, this has nothing to do with drainage today. I just want everybody to understand, I think Marvin mentioned that, too, it is just to consider the best use for this property. This is a zone change. Then, when the plat is done, that is when the drainage is considered and Marvin, as I understand it, this is going to be annexed into the City, so City Engineering will be looking at the plat and the drainage. Is that correct?"

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**Mr. Krout** said, "Probably this will be annexed to the city before the plat is completed, so it will probably be the City engineer who will have the primarily responsibility."

**Chairman Winters** said, "This will clearly be one that, whoever reviews the plat, is going to have to look at more than just this property. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you, Mr. Chairman. I have the same concerns that Chairman Winters has and it has to do with drainage. That whole area is in a flood plain. If you saw the map, the whole thing is. Given what has been approved there already with the hospital and everything, I think that probably is the best use of the property. I want to continue on with the study that they're doing and hope that will give us a guide for how we do development in the floodways in the future.

"You said it is going to be in the city, probably before the permit is up. I'm just curious, will they be curb and guttering this area?"

**Mr. Krout** said, "The developers are not responsible for bringing arterial roads up to curb and gutter standards. If they have to, for instance, pave 37th Street along their frontage in order to get access to their property, they are required to pave, basically, to a County standard. The City may come in later and improve it to an urban standard or, if the City has funds and it is the proper time and it would reduce the need to tear up the road twice, the City, potentially, could have extra funds that they could add into the project to try to do the underground drainage and curb and gutters. But they haven't done anything like that yet."

**Commissioner McGinn** said, "I'm just trying to think of how large this underground drainage might end up being."

**Mr. Krout** said, "At this point, just like Ridge Road. It has surface drainage. I imagine that 37th would be similar."

**Commissioner McGinn** said, "Okay. I see that the traffic is going to increase, if I'm reading this right, it is going to increase more than what they had projected originally for 2020."

**Mr. Krout** said, "Yes, our new projection, looking at more commercial development than we anticipated a number of years ago in this area, a medical campus and commercial uses, is that traffic is going to be increased. That is why with all these plats we'll be taking additional improvements along Ridge Road for left turns and deceleration lanes to provide good access and circulation. Also, that is why think it is

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important to be able to try to get the local circulator system either in a formal or informal manner established."

**Commissioner McGinn** said, "The intersection signalization, I see, 12.5% is paid by the developers and the others have agreed to that."

**Mr. Krout** said, "Right. That's been in the case of these two other corners. That's the amount that they agreed to guarantee."

**Commissioner McGinn** said, "Are we going to see a light at 37th and 29th, eventually?"

**Mr. Krout** said, "Eventually there will be a light here and at 29th. Eventually, if traffic warrants, you'll see signals at the ramps, more like you see at Rock Road and K-96. Eventually, there may be a mid-mile signal at locations near that location. We believe this will someday be a very intense development area."

**Commissioner McGinn** said, "Like I said, I'm going to go ahead and approve this but I do have a great deal of concern about the future of developing in this area. Thank you."

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

**Chairman Hancock** said, "Thank you, Mr. Chairman. What Chairman Winters has said and then David Spears said made me think, which in itself is an usual event. I want to be supportive of both of these cases today, but I just want to go on record. This area reminds me a lot of the area that I'm working in in the south end. I just want to give fair warning that we need to take a look at these basins. I know there is an ongoing study at this time. We need to figure out how we're going to direct the water out of these basins to a location that it can be dealt with, either the Valley Center Floodway or to the rivers and not over load the Cowskin Creek. The Cowskin Creek certainly drains a lot of this area. I'm going to be working with County Engineering in my area and I think some of the solutions that we'll eventually come up with are going to be applicable to this area. We just need from now on to be very cognizant of drainage as we move out into this very flat area. As soon as you said this is the slough here, it immediately caught my attention. We have dealt with so many parcels with that same slough that meanders through the County. There may come a time when that slough area just may need to be a drainage way all the way to some termination point where the water can be dealt with effectively."

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"I think you need to go back to the Planning Commission and take a look at, ultimately, where the water goes. We're working with two plats, currently, right now in the south end where we approved the plats and the streets are ready to go in but the County needs to figure out how to drain the plats. They've drained the water off the lots and got it out to the streets, then they get to our streets and we've got to figure that out. That's not bad, that's the way we've been doing business and that's okay, we'll figure it out. We need to begin to think about, ultimately, what we're going to do with it, so we can drain property. We're not going to be 100% successful, but I do believe that within the next year or so there is going to come before this Board some kind of a proposal that will include a drainage entity of some kind to deal with drainage county wide. I'm working on that as we speak. It will be interesting. I'm with Chairman Winters on this. Good idea, but can we protect that property once we approve the zoning and they improve it. Somehow we need to protect it and we need to protect the neighbors around it. It is just not right for us to do these zoning cases and then say we're just going to ignore zoning halfway and just drain the immediate area. We need to think about a basin-wide plan. It is going to be very expensive, but I think it will certainly help our overall growth of our community and our County. It is very important. Thank you, Mr. Chairman."

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

**Commissioner McGinn** said, "We keep hearing about how this is going to be the next 21st and Rock or 29th and Rock and all that. We're seeing that as it develops. We're seeing those types of things come out in this area. This area and 21st and Maize is just like that. I think we need to look at 'no it is not, it is different'. The whole geology, topography, and everything is different. So I think we need to think differently on the west side and how we develop."

**Chairman Hancock** said, "Absolutely."

**Chairman Winters** said, "Thank you. I guess I'm going to say, again, that I'm going to be supportive of this. From what I can tell, this is going to be some quality stuff going up in this area, but I guess I'm now getting anxious for this consultant that we've engaged to bring us back some additional information. Again, I don't have enough knowledge to make a real generalization about this area, but I think we are going to find areas in Sedgwick County that are not suitable for development. Not every square foot is going to

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be someplace where something can be built. Some of them are going to be park and flood lands when it rains. I guess that is all the comments. Other comments? Is there anyone here who would like to speak to this issue? Okay, thank you, very much."

**MOTION**

Commissioner Hancock moved to concur with the findings of the Metropolitan Area Planning Commission and approve the zone change and CUP subject to the condition of platting within one year; adopt the Resolution; and instruct the MAPD to withhold publication until the plat has been recorded with the Register of Deeds.

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

**Chairman Hancock** said, "Thank you. Do you have another one, Marvin?"

**Mr. Krout** said, "I do."

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

**2. MAPD MONTHLY REPORT.**

**Mr. Krout** said, "I'll be very brief. We closed out 1999 with 606 cases. That is three less than our all time high which was last year, 609 cases. It was another busy year. The cases the Planning Commission

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looked at last week included the Planned Unit Development for the Juvenile Detention Center south of Kellogg, which was approved. The County staff did a good job of working with the neighborhood before the case was even filed, so it went very smoothly through the process. They also approved new telecommunication towers for AT&T wireless, as well as looked at today's application. There were comments on drainage and I think they will take a close look at the drainage plat when the plat is filed on this case.

"In land use and transportation, most of our work had to do with preparing and getting out the work on the Comprehensive Plan public hearings, which begin tonight at seven o'clock at Southeast High and continue Monday night and Tuesday evening. The plan is on the web page. We also mailed out notices and a newsletter to 1,000 people. We hope for good attendance and good discussion at those meetings. If you have any other questions about December, I'll try to respond."

**Chairman Winters** said, "Thank you. Could you tell again where the process is in the Juvenile Detention Facility."

**Mr. Krout** said, "The City Council last week approved the Planned Unit Development for the Juvenile Detention Center."

**Chairman Winters** said, "So that's a done deal then."

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

**Chairman Winters** said, "Very good. Commissioners, are there other questions or comments?"

### **MOTION**

Commissioner Gwin moved to receive and file.

Commissioner Hancock seconded the Motion.

**Commissioner Sciortino** said, "I just have one question. What is the time of the meeting tonight at Southeast High?"

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**Mr. Krout** said, "Seven o'clock in the Southeast High cafeteria. That doesn't mean that food is going to be served."

**Commissioner Sciortino** said, "I understand."

**Chairman Winters** said, "Wish we could give you some TV time but it is too late."

**Mr. Krout** said, "Sorry, I was trying to get there."

**Chairman Winters** said, "We have a motion and a second, other discussion? Please call the vote."

**VOTE**

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

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

**G. DIVISION OF HUMAN SERVICES.**

**1. CONTRACT WITH ROSA STARNES, MSN, ARNP, CS TO PROVIDE HOME- AND COMMUNITY-BASED SERVICES UNDER MEDICAID WAIVER PROGRAMMING.**

**Ms. Marilyn Cook**, Assistant Director, COMCARE, greeted the Commissioners and said, "This contract would allow Rosa Starnes, who is an advanced nurse practitioner and a clinical specialist to provide community and home based services to kids under the Medicaid Waiver Programming. The Medicaid waiver allows kids to access their services that they would otherwise not qualify for under Medicaid standards. The intent of the provision of the services is to facility stabilization of their symptoms, behaviors, that often place children at risk of state institutionalization or psychiatric institutionalization. Each child has to have an individualized plan of care, which includes involvement with their family, which is facilitated by a wrap-around facilitator. Then Rosa would be authorized to provide medication management and individual therapy services to these youth.

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"Medicaid is billed for each of these services through the waiver program. COMCARE gets the money and then distributes it to the providers that are contracted, so it doesn't involve any funding source. We are recommending that you approve the Contract."

**Chairman Winters** said, "Thank you, Marilyn. Commissioners, comments? If not, what's the will of the Board?"

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**2. CONTRACT WITH EAP PLUS TO PROVIDE EMPLOYEE ASSISTANCE SERVICES.**

**Ms. Cook** said, "This item involves a contract that sets the terms and conditions for the purchase of employee assistance program services from EAP Plus. The contract covers full time, part time, and retired employees and their immediate family members. The services provided include counseling, consultation,

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referral, case management, supervisory training, and employee education. The contract is a renewal. We've had it three or four years, I don't remember which. It provides this time, first time actually, a small increase per employee of a nickel per employee per month going from \$.75 per employee per month to \$.80 per employee per month. The total contract is \$23,654 and the funds come from clinical services outpatient funds. We are requesting that you approve the contract."

**MOTION**

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

Chairman Winters seconded the Motion.

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

**VOTE**

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

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

**3. CONTRACTS (TWO) TO PROVIDE MENTAL HEALTH SERVICES FOR YOUTH WITH HEALTHWAVE INSURANCE.**

**! MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS**  
**! ROSA STARNES, MSN, ARNP, CS**

**Ms. Cook** said, "These contracts are with the Mental Health Association and Rosa Starnes, who was mentioned earlier, who is an advanced nurse practitioner, to set the rates and conditions for mental health services provided to youth who have Health Wave Insurance. Health Wave is the state insurance program for youth whose families earn too much for Medicaid but can't afford other means of health insurance. COMCARE acts as the local managed care organization for mental health services in Sedgwick County and COMCARE is authorizing the type and the amount of services to be provided by Health Wave or to

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Health Wave youth. The contract would allow the Mental Health Association to provide attendant care, respite care, and psycho-social treatment groups with youth with Health Wave insurance and would allow Rosa Starnes to provide medication management and individual therapy.

"The funding for this comes from the Health Wave funds that we get through the State, through the consortium. The rate is paid by unit of service after we have prior authorizes those services. We're requesting that you approve the contract."

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

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**4. AMENDMENTS TO CONTRACTS (TWO) WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS.**

**! ADULT ATTENDANT CARE**

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**! GROUP HOME RESPITE BEDS**

**Ms. Cook** said, "This item involves an amendment to the contract with Mental Health Association for adult attendant care services. That makes three changes to the original contract. The first one is that it would increase the total amount available for service provided under the contract. The second change is that it would increase the rate paid per hour of service provided. The third is that it would allow attendant care services provided at group respite homes to be billed to the adult attendant care contract at the rate of \$7.08 per hour. Total compensation available for adult attendant care services increased by \$169,246, which would make the grand total of the contract \$589,246. The rates are increased to \$13 per hour for consumers who have Medicaid, which is up from \$10.50 and to \$20.08 for those without Medicaid coverage, which is up from \$17.58. The total cost would be \$169,246, coming from the Community Support Services Funds Grant. We're recommending that you approve the contract amendments."

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

**MOTION**

Commissioner Hancock moved to approve the Amendments to Contracts 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 Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

**5. NOTIFICATION OF GRANT AWARD FROM KANSAS JUVENILE JUSTICE**

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**AUTHORITY FOR FUNDING OF a DIVERSION SUBSTANCE ABUSE  
TREATMENT AND CASE MANAGEMENT PROGRAM.**

**Ms. Cook** said, "This grant award would provide \$185,458 in funding for a diversion substance abuse treatment and case management program. The program would serve Sedgwick County teenagers who are arrested for first time drug related offenses. The program was developed through a cooperate and collaborative effort between the COMCARE Addiction Treatment Program, Sedgwick County Department of Corrections, and the District Attorney's Office. The collaborative nature of the program is designed to ensure that continuous interagency communication among the agencies involved in each case go on. The youth involved would be ages 10 to 17. It would be serving approximately 275 to 300 youth in Sedgwick County this year. These would be youth arrested on drug related charges without a previous adjudication and they can be referred to the program to be provided with drug treatment and monitoring services.

"Part of this program also involves family members who would be expected to participate in the program as well. The monitoring and compliance would be done by case managers who are trained in the Kansas Advocacy Model and the Correctional Case Management Training Model. The funding source would \$185,458 with the identical amount in matching funds from the County. We are requesting that you approve the grant notification."

**MOTION**

Commissioner Hancock moved to approve the Notification of Grant Award and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

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

**Commissioner Sciortino** said, "Marilyn, would this channel juveniles that have a problem with alcohol also?"

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**Ms. Cook** said, "I have a question about that myself. It is intended for people with first time drug offenses, much like a diversion program for the adult side. However, there is a high percentage, I'm going to say over 50% of the kids who are arrested with marijuana use or possession also have alcohol use, so it is not intended to be used exclusively for drugs, because there is no way to separate those two populations."

**Commissioner Sciortino** said, "So will a juvenile with alcohol problems be able to . . ."

**Ms. Cook** said, "Secondary to a drug charge, yes."

**Commissioner Sciortino** said, "Thank you. That's all I have."

**Chairman Winters** said, "Thank you. We have a motion and a second, is there other discussion? Seeing none, call the vote."

**VOTE**

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

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

- 6. ADDITION OF THREE ADDICTION COUNSELOR I POSITIONS, RANGE 17, TWO JUVENILE DIVERSION INTENSIVE CASE MANAGER POSITIONS, RANGE 18, AND ONE OFFICE SPECIALIST, RANGE 15, TO THE COMPREHENSIVE COMMUNITY CARE (COMCARE) STAFFING TABLE.**

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**Ms. Cook** said, "A total of six additional positions are required to run the Diversion Substance Program we just heard about in this grant award and case management program. The new program is partially funded through a grant from the Juvenile Justice Authority. The program serves Sedgwick County teenagers arrested for the first time in a drug related offense. The positions required are three Range 17, Addiction Counselor I positions to provide treatment, two Range 18 Juvenile Diversion Intensive Case Managers to provide the monitoring we talked about earlier, and one range 15 Office Specialist to provide support. A total cost would be \$206,663 coming from the State Funds Juvenile Diversion Program. We are requesting that you approve the additions to the COMCARE staffing table."

**MOTION**

Commissioner Gwin moved to approve the additions to the COMCARE Staffing Table.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, Marilyn, we're glad you stayed until the end of the meeting. Next item."

**7. PRESENTATION OF THE FINAL RECOMMENDATION FOR 2000 PREVENTION FUNDING.**

**Ms. Jeannette Partridge**, Contract Administrator, COMCARE, greeted the Commissioners and said, "The Sedgwick County Grant Award Committee, their initial recommendations were approved January

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5, however, after the recommendations were made, an error was noticed with Communities in Schools. For 2000, the committee recommended basically a 3% cost of living increase for Communities in Schools prevention grant. The intention was to maintain services at the 1999 level. The 1999 grant included services at Cooper and Oaklawn Elementary, Derby Sixth Grade Center, and Hamilton 6th grade center for partially funding Hamilton Sixth Grade Center. What the committee did not pick up from the proposal was that the Derby Sixth Grade Center did not open until August of 1999 so the 1999 grant only included half a years cost for that site. It was the committees intention to serve those school. So an additional \$16,000 is needed to fully fund the Derby Sixth Grade Center for the full year 2000.

"With the recommended increase of \$16,000, I'll just give you an update of where we would be. We already approved \$900,000 on January 5. Then, with the recommended \$16,000 increase to the Communities in Schools to make up for that correction, it would leave \$113,665 for contingency available at the Commissions discretion. The recommended action is to approve the increased amount to Communities in Schools for \$16,000. This would give them a total 2000 year contract of \$144,000. That would cover all the sites that were funded in 1999. I'm available for questions."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Just looking at this letter I received from Judy Frick. I'm trying to make sense of some of the numbers that are here. It is my understanding that the \$25,000 from the Derby Center, that was the full amount and only half was funded, was that correct?"

**Chairman Winters** said, "Judy, why don't you come up to the podium and introduce yourself for the record."

**Ms. Judy Frick**, Communities in Schools, said, "I even ran it by my attorney to see if he could understand it. What we did was for 1999 we asked for \$25,000 to begin a site at the Derby Sixth Grade Center. So then for the year 2000, the same \$25,000 is still in the budget but we asked for an additional \$25,000 to complete that site. You are in the calendar year and obviously the schools are sort of more like a June 30 fiscal year. So, what happened is our proposal, I should have underlined or something, that this was to provide the additional funds for the Derby Sixth Grade Center. When we talk about the cost of the project, we're talking about the site coordinator, the mileage, the discretionary fund, a coordinator's assistant, several things in the budget that cover a project site."

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**Commissioner McGinn** said, "So is it a \$50,000 project?"

**Ms. Frick** said, "Approximately, but what I did is, when asking for the increase, I didn't know how much was available, so I said, at least what I would like to do is get the \$16,000 so we can pay the site coordinator's salary. That's what I did. I didn't ask for the full amount."

**Commissioner McGinn** said, "Thank you."

**Commissioner Sciortino** said, "What part did you fail to put in when you applied for the funds that wasn't in that should have been in that Jeanette is trying to address as an oversight on the committee's part."

**Ms. Frick** said, "I put all the money in."

**Commissioner Sciortino** said, "No, you requested some monies from us and then, as I understand it from Jeanette, that through an oversight on our part we failed to take into account something. I'm trying to figure out what did we fail to take into account that you had requested?"

**Ms. Frick** said, "The remainder of the project. As I was explaining to Carolyn. What happened is that it was in the proposal but I think the committee interpreted it that I was just asking for an increase of \$25,000 or something and said we'll give you a cost of living increase, isn't that correct Jeanette? It was actually in there."

**Commissioner Sciortino** said, "We're getting ready to approve \$16,000, what is that \$16,000 that was not in the original proposal or wasn't in the original proposal originally?"

**Ms. Partridge** said, "Typically, the agencies that come back, they ask for more than what, necessarily, the committee may recommend, what they did was give them a 3% increase. Thinking that included all the services that were covered in 1999, not realizing that the Derby center only began operations in August, so only half of that center was in there. They gave them a 3% increase just as a cost of living increase to maintain the status quo. Judy did put it in there and I even read the proposal, but none of the committee members at the time picked up that the increase that she was asking for was related to a full year's funding of the Derby site. It was truly an oversight on the committee's part."

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**Commissioner Sciortino** said, "So this \$16,000 reflects 3% of something that was not put into the budget."

**Ms. Partridge** said, "It represents the bare minimum to keep the Communities in Schools in the Derby Center. The 3% increase was over the 1999 prevention grant."

**Commissioner Sciortino** said, "Okay, so this was an oversight on our part."

**Ms. Partridge** said, "We didn't realize that the increase they were asking for, what appeared to be a substantial increase, we did realize the increase was just completely funding the Derby Center."

**Commissioner Sciortino** said, "Okay, thank you. No further questions."

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

**Commissioner Gwin** said, "Not a question of Judy or Jeanette, because I'm going to support the recommendation, but to ask my colleagues to give consideration to yet another program, the Tiyospaye program. It is an adolescent substance abuse program we funded in the past. Its letter grade has been A. It has met, consistently, the goals it set out to meet. It is a multi-cultural success story. As we are looking at a contingency fund of almost \$114,000, I'd ask my colleagues to consider, I don't know what the request would be, but I would ask my colleagues to consider funding this program, which has been very successful in the past and I think fills a certain niche that is not otherwise being funded by the recommendations that we've gotten from the committee."

**Chairman Winters** said, "Thank you. I know Commissioner McGinn has comments and I know she has been visiting with those folks. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. I guess I do want to help support Tiyospaye, but in talking to them I'm a little bit confused about . . . they had mentioned that they wanted more than what we are thinking about in order to do that program. So, I'm concerned that if we don't give them what they want,

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will they still be able to do their program effectively. I guess I don't know if there is anyone from there to speak. I know Mary San Martine was out of town and she was hoping to get somebody here. Maybe they thought it was a morning meeting. I do want to support this program and I guess I need some more information. I think we need to visit with them too to make sure, if given a lesser amount, that the program would still be able to succeed. Do you have any other comments on that, Jeanette?"

**Ms. Partridge** said, "I have talked with Mary extensively. We looked at maybe giving them the same amount that they had last year, which was \$80,000. She indicated to me that her proposal, which would have been submitted this year, would have been for \$130,000. We didn't have that available. I suggested that she needs to look at maybe some other sources. She has made it clear to me that without a grant it probably would fold, so \$80,000 would give her more than what she has got now is what it boils down to."

**Commissioner McGinn** said, "I'd like to visit with them. I want them to be successful, but they may have to trim down or change a little bit how they are doing it. Anyway, that's where I'm at. I'd like to maybe bring this back in a couple of weeks, after we have a chance to visit with them."

**Commissioner Gwin** said, "That would work for me."

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

**Commissioner Sciortino** said, "I too want to echo what Commissioner McGinn has said. We have to try to keep our mind set focused on what we are trying to do with these prevention funds. I have also heard that in order to implement what they presented that they could implement they need something like \$130,000 or more and I know, not trying to get cynical, but we'll take whatever you give us type of approach, our goal has got to be focused. Can you deliver the program that you presented to us if we only give you a lesser amount. I'd want to be clear in my mind that they could deliver something for the amount of money that we would allocate to them and not just give us whatever you can give us and we'll try to get some other money and we get caught up in that. I agree that maybe we should table this for a little while and have visits with them to get comfortable that they can do what we anticipate they would do if we do get them a grant. Last year, I think they were a tremendous program and I would be inclined to want to support them if they can give us those assurances. Thank you."

**Chairman Winters** said, "Okay, thank you. Jeanette, I just have one question. Maybe I've been asleep at the switch, but the total amount of funds is \$1,029,000. I thought it was \$1,000,000."

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**Ms. Partridge** said, "I don't know where the \$29,665 came in."

**Mr. Bill Buchanan**, County Manager, said, "We increased it by the anticipated growth in the real estate of around 3%, that's where that figure came from."

**Chairman Winters** said, "So, that was a natural increase in the budget."

**Mr. Buchanan** said, "We increased it in the budget."

**Chairman Winters** said, "Thank you. Commissioners, what's the will of the Board after hearing the recommendation from the grant's committee."

### **MOTION**

Commissioner Sciortino moved to approve the recommendation.

Commissioner Gwin seconded the Motion.

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

**Commissioner McGinn** said, "Can we add that we review Tiyospaye at the February 1 meeting, that's two weeks?"

**Chairman Winters** said, "I think it would just be sufficient to ask Jeanette to get with certain Commissioners and do some research and discussion and bring back some recommendation or help the Commissioners come to some kind of recommendation."

**Commissioner McGinn** said, "I'd like to have it as soon as possible."

**Commissioner Sciortino** said, "As long as one thing is made clear here. I think what the recommendation committee did was proper. They did their job and the only thing I felt comfortable that they could recommend if they saw a legitimate oversight which they did in Communities in Schools and if we're asking Jeanette to do something to help us make a decision as to how we want to spend the other money, that's fine. As long as there is no reflection that this is second round of programs and the committee is going to be doing more recommendations on the programing."

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**Commissioner Gwin** said, "That would be my intent."

**Commissioner Sciortino** said, "Okay."

**Chairman Winters** said, "Okay, very good. We have a motion and second that we're going to include the \$16,000 for Communities in Schools. Seeing no other comments, call the vote please."

**VOTE**

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

**Chairman Winters** said, "Thank you, Jeanette. Thank you, Judy, for being here. Next item."

**8. AGREEMENT WITH FAMILY CONSULTATION SERVICES TO PROVIDE A GRANT-FUNDED MULTI-SYSTEMIC THERAPY PROGRAM FOR JUVENILES.**

**Ms. Cecile Gough**, Department of Corrections, greeted the Commissioners and said, "This agreement with Family Consultation Services will provide State Juvenile Justice Grant Funds for the provision of multi-systemic therapy for juvenile offenders. This program is part of our local Juvenile Justice Plan. The agreement is for a maximum of \$240,000 during calendar year 2000. We recommend that you approve the agreement and authorize the Chairman to sign."

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**Commissioner Sciortino** said, "I see a typo, I see \$250,000 in my paper, is it \$250,000 or \$240,000?"

**Ms. Gough** said, "It should be \$240,000."

**Chairman Winters** said, "We have a motion and second, is there further discussion? I would point out to the Commissioners that this is a new program. This is not something that we have done in the past. It was funded by Juvenile Justice funds from Topeka. So, this is going to be one of the programs we really want to watch. Cecile, you can share with Mark and others that as this one gets about going, we'd like to have some updates about how this looks like it is going to work. This is one I'm excited about and, hopefully, it will have some effect. Any other questions or comments? Seeing none, call the vote."

**VOTE**

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

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

**9. AGREEMENT WITH THE EIGHTEENTH JUDICIAL DISTRICT OF KANSAS TO PROVIDE A GRANT-FUNDED JUVENILE DETENTION ADVOCACY PROGRAM.**

**Ms. Gough** said, "This agreement provides State Juvenile Grant Funds again to the 18th Judicial District of Kansas to begin providing Juvenile Detention Advocacy services. This program is part of our local Juvenile Justice Plan. The agreement is for a maximum of \$171,000 during this calendar year of 2000. We recommend that you approve the agreement and authorize the Chairman to sign."

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**MOTION**

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

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, "This is another new one that we'll keep our eyes on this project also. Any other discussion? Seeing none, call the vote."

**VOTE**

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

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

**10. RESOLUTION INCREASING PROGRAM FEES CHARGED TO ADULT OFFENDERS ASSIGNED TO COMMUNITY CORRECTIONS ACT PROGRAMS.**

**Ms. Gough** said, "This resolution will allow the Department of Corrections to increase the fees that we charge to adult offenders designed to Community Corrections ACT Programs. We anticipate the increased revenue that we can collect in year 2000 to be approximately \$75,000. We recommend that you approve this Resolution."

**Chairman Winters** said, "Thank you. Commissioners, questions or comments? What's the will of the

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Board?"

**MOTION**

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

**Chairman Winters** said, "Thank you Cecile. Glad you waited. Commissioners, do we want to take a lunch break or do you want to plunge right on through this. I think we could probably be done."

**Commissioner Gwin** said, "Let's keep plowing, we have a little Sewer Agenda and a small Fire Agenda."

**Chairman Winters** said, "Let's keep rocking and rolling then. Next item."

**H. RESOLUTION AUTHORIZING CERTAIN PERSONAL PROPERTY TAX JUDGEMENTS TO BECOME DORMANT.**

Mr. Clarence Holman, Assistant County Counselor, greeted the Commissioners and said, "Under state law, this Board is authorized to cancel delinquent personal property tax judgements that are uncollected after 20 years. That is the intent of this resolution. It is routinely passed every year, in order to keep the books clear of the oldest delinquent personal property tax. I would encourage you to approve it."

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

**MOTION**

Commissioner Hancock moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**I. AGREEMENT WITH THE KANSAS BOARD OF REGENTS PROVIDING CANCELLATION OF A LEASE AGREEMENT PROVIDING PARKING ADJACENT TO THE FORENSIC SCIENCE CENTER.**

**Mr. Michael D. Pepon**, Assistant County Counselor, greeted the Commissioners and said, "This is an agreement with the Kansas Board of Regents to cancel a lease that we had for 15 parking spaces adjacent to the Forensic Science Center. It was part of an agreement that we had with the KU Endowment

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Association in July of 1998, wherein as part of that agreement they sold us a piece of property to include 15 parking places. In return, we were going to rescind this lease. I'd be happy to answer any questions."

**Chairman Winters** said, "Without making it too confusing, this is in accordance with what our original intentions were when we did all this property trading back and forth."

**Mr. Pepoon** said, "We agreed in an agreement in 1998 to rescind this lease, once they conveyed us the parcel of land for the additional parking. That has been done."

**Commissioner Sciortino** said, "How much money did we save by canceling the lease?"

**Mr. Pepoon** said, "That I don't know. Originally it was a ten year lease. It was all part of a larger transaction. They gave us about \$80,000 for a piece of property which housed the old mental health administrative offices and it was a large transaction."

**Chairman Winters** said, "This transaction would make the America On Line merger seem simple."

**MOTION**

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

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

**J. FORCE ACCOUNT AGREEMENT WITH KANSAS DEPARTMENT OF TRANSPORTATION FOR PERFORMANCE OF CONSTRUCTION ENGINEERING ON SEDGWICK COUNTY PROJECT NO. 644-15-3725; BRIDGE ON 103RD STREET SOUTH OVER THE NINNESCAH RIVER, WEST OF CLEARWATER, CIP# B-218. DISTRICT #3.**

**Mr. David C. Spears**, P.E., Director/County Engineer, greeted the Commissioners and said, "Item J is a Force Account Agreement with the Kansas Department of Transportation to reimburse Sedgwick County for construction engineering services performed by our personnel during construction of the bridge project located on 103rd Street South over the Ninnescah River, just west of Clearwater. This project is designated as B-218 in the Capital Improvement Program and will have 80% reimbursement. The maximum amount of federal funds the County can receive is \$105,595.22. Recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Hancock** said, "David, this project hasn't been done yet has it?"

**Mr. Spears** said, "No. It let in Topeka last week and Dondlinger will be the contractor on it. I'll bring before you the Authority to Work Contract at a later date. It was about \$2,000,000 and 80% of it is federal funds."

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

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

**MOTION**

Commissioner Hancock 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.

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**VOTE**

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

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

**K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' JANUARY 13, 2000 REGULAR MEETING.**

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "You have Minutes from the January 13 meeting. There are four items. This is only source day, you can trust me, everything is good or would you like me to read them?"

- (1) **MICROPLUS GHOST THERMAL TICKET PRINTER - KANSAS COLISEUM  
FUNDING: KANSAS COLISEUM**
- (2) **SOFTWARE MAINTENANCE RENEWAL - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**
- (3) **HARDWARE MAINTENANCE RENEWAL - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**
- (4) **SOFTWARE MAINTENANCE/RENEWAL PURCHASE - INFORMATION SERVICES  
FUNDING: INFORMATION SERVICES**

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**CONSENT AGENDA**

**L. CONSENT AGENDA.**

**1. Right-of-Way Agreements.**

- a. 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.
- b. One Easement for Right-of-Way and one Temporary Construction Easement for Sedgwick County Project No. 616-13-4938; Bridge on 13th Street between 199th and 215th Streets West. CIP #B-343. District #3.

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

<u>Contract</u>	<u>Rent</u>	<u>District</u>	
<u>Number</u>	<u>Subsidy</u>	<u>Number</u>	<u>Landlord</u>

**Regular Meeting, January 19, 2000**

V2004	\$171.00		Sun Valley Apartments
V2006	\$344.00	2	Spring Creek Apartments

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V92013	\$250.00	\$239.00

- 4. Agreement with CTR Real Estate Service to provide on-line access to Sedgwick County's electronic data.**

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

<u>Applicant Name</u>	<u>d/b/a</u>
Bernard J. Berning	Pizza Villa Restaurant

- 6. Easement for Right-of-Way providing City of Derby, Kansas access to Spring Creek for maintenance purposes.**

- 7. Notice of Public Hearing setting February 2, 2000 as the date for hearing regarding enlargement of Crestview Improvement District; direct the County Clerk to give notice by publishing in the official County newspaper.**

- 8. Plat.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 1999 and prior years are paid for the following plat:

BFI Addition

- 9. Order dated January 12, 2000 to correct tax roll for change of assessment.**

**Regular Meeting, January 19, 2000**

- 10. Payroll Check Registers of January 7 and January 14, 2000.**
- 11. General Bills Check Register of January 14, 2000.**
- 12. Budget Adjustment Requests.**
- 13. Supplemental Budget Adjustment Requests.**

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

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Is there other business to come before this Board? Seeing none, we're adjourned."

**M. OTHER**

**N. ADJOURNMENT**

**Regular Meeting, January 19, 2000**

There being no other business to come before the Board, the Meeting was adjourned at 12:45 a.m.

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

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**THOMAS G. WINTERS**, Chairman,  
Third District

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**CAROLYN McGINN**, Chair Pro Tem,  
Fourth District

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**BETSY GWIN**, Commissioner,  
First District

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**BILL HANCOCK**, Commissioner,  
Second District

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**BEN SCIORTINO**, Commissioner,  
Fifth District

ATTEST:

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**James Alford**, County Clerk

APPROVED:

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, 2000