

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

MARCH 8, 2000

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, March 8, 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 Betsy Gwin; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Paul Rosell, Chief Deputy Clerk; Mr. Jack Kegley, Deputy Director, Emergency Management; Mr. Randy Duncan, Director, Emergency Management; Ms. Lucretia Taylor, Diversity Officer, Human Resources; Ms. Michelle Daise, Assistant County Counselor; Mr. Marvin Krout, Director, Metropolitan Area Planning Department (MAPD); Mr. Sherdeill H. Breathett Sr., Director, Animal Control Department; Mr. Mike Pepoon, Assistant County Counselor; Mr. Ken Arnold, Director, Facility Planning and Remodeling; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. Mark Masterson, Director, Department of Corrections; Ms. Dorsha Kirksey, Phonebank Director, Department of Aging; Mr. Chris Chronis, Chief Financial Officer; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Lee Caster Jr., Treasurer, Kechi Township.
Mr. Stanley Billingsly, Treasurer, Salem Township.
Mr. Bob Martz, City of Wichita Councilman.
Mr. Tim Erwin, 9360 S. 199th Street W., Viola, Ks.
Ms. Lori Nickels, 9238 S. 199th Street W., Viola, Ks.
Ms. Susan Lowe, 920 Millington, Winfield, Ks. (USD #465)
Ms. Dorothy Erwin, 9360 S. 199th Street W., Viola, Ks.
Mr. Jim Fouts, 1037 S. 183rd Street W., Goddard, Ks.
Ms. Mary San Martine Edwards, CEO, Tiyospaye.

INVOCATION

The Invocation was given by Reverend Carolyn Campbell of St. Paul's Lutheran.

FLAG SALUTE

Regular Meeting, March 8, 2000

MOTION

Commissioner McGinn moved to approve the Minutes of the Regular Meeting of January 19 and February 2, 2000.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

YOUR COUNTY SERVICES

A. EMERGENCY MANAGEMENT.

Mr. Jack Kegley, Deputy Director, Emergency Management, greeted the Commissioners and said, "We're the planning, warning, and coordination agency for the County. At this time of the year, a lot of our efforts are going toward planning for severe weather. As Kristi said earlier, you could see last night that the planning is needed. We do have a little bit of damage in the County this morning that we're going to go view in just a little bit to see how bad it is, primarily just wind damage. We are also gearing up for Severe Weather Awareness Month. The Nation recognizes a week as Severe Weather Awareness Week. We like to do a month in Sedgwick County. During that period, we'll devote a lot of time to training the public and going in and looking at buildings to evaluate them for shelter. We'll do about 18 tornado spotters classes this month, around 15 to 20 tornado safety briefings. We will have a mock drill on the 14th of this month. In fact, this year they're going to do two. They're going to do one early in the afternoon and one early evening. We would like to go ahead and sound our sirens for both of those this year. We'll put out some information, through the media, to make sure that the public knows that we are going to sound them at two times and that it is not a real event at that time. We would like for people to

Regular Meeting, March 8, 2000

go ahead and play as if it was a real event and take their shelter in their safe areas. Thank you."

Chairman Winters said, "Okay Jack, just a question. On a night like last night, were you all here in the Courthouse observing what was going on or do you wait until a certain event begins to happen?"

Mr. Kegley said, "Yes sir, we were here last night. Once we go to a severe thunderstorm warning, we are normally down there watching because at any time then we could have severe weather, whether it is a tornado or just hail or high winds. Yes sir, we were activated last night."

Chairman Winters said, "I just noticed, through various media sources, that it does appear like you are doing a lot of training with the storm spotter events and training through this month. You seem to be pretty active almost every night doing that."

Mr. Kegley said, "Yes sir. We'll do about 1,200 spotters this year."

Chairman Winters said, "Very good."

Commissioner Gwin said, "Just for information for the public, Jack. You all are busy all the time, whether it is just the recognized storm season or not. Can you tell us, for the public edification, how many folks are in your department and you all manage to get your duties done? Tell them a little bit more about the department."

Mr. Kegley said, "Yes Ma'am. There are three officers in the department, a director, myself, and one other officer, and a clerical person. We try to divide the work up, so that if we have several different events that we have to participate in, that one of us can be at one of those events. Then we use volunteers a great deal to help us out in a lot of our instances that we have to work."

Commissioner Gwin said, "How long have you been with the County?"

Mr. Kegley said, "Ten years."

Commissioner Gwin said, "Thank you, Jack, for all the work you do."

Chairman Winters said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. I want to have you talk a little bit more about

Regular Meeting, March 8, 2000

the volunteers. You said you have 1,200 spotters that you can call upon. Can you expand on that program and how people who may be interested in becoming a spotter could make contact with you. Tell us a little bit more about this volunteer program."

Mr. Kegley said, "Yes, sir. Well, our volunteer group, we have four volunteer groups that work with Emergency Management. We have the fire reserve unit, we have two light rescue units, and then storm spotters that are ham radio operators. If somebody wants to join the ham radio operator's group, they have to become a licensed ham radio operator first and then apply for membership. With the other groups, they can apply directly to those groups and we have an application process that they go through and they can get into those groups. A lot of the spotters that I will train are made up from either paid or volunteer fire departments and police departments around over the County. So we train in every city in the County."

Commissioner Sciortino said, "That's great. Is there like a ham operator that may be listening to our program or hopefully maybe reading in the paper tomorrow or hearing on the radio, is there a phone number that an interested party might call to check out how they could become a volunteer spotter?"

Mr. Kegley said, "Yes sir, they can call our office at 383-7546 and we'll put them with whichever team they are interested in joining."

Commissioner Sciortino said, "That's great. Thank you very much."

Chairman Winters said, "Thank you, Jack and Randy. I hope we don't talk to you again this spring."

MOTION

Commissioner Gwin moved to receive and file.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin
Commissioner Bill Hancock

Aye
Absent

Regular Meeting, March 8, 2000

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

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

PROCLAMATIONS

B. PROCLAMATIONS.

1. PROCLAMATION DECLARING MARCH 2000 AS "SEVERE WEATHER AWARENESS MONTH."

Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, "I will read this Proclamation in for the record."

PROCLAMATION

WHEREAS, it is estimated that at any given moment nearly 2,000 thunderstorms are in progress over the Earth's surface;

WHEREAS, tornadoes occur in many parts of the world and in all 50 states, but no area is more favorable to their formation than the Continental Plains of the United States, and no season free of tornadoes; and

WHEREAS, local government has the responsibility to inform the public and promote awareness in an effort to reduce the loss of life, property, and personal injury; and

WHEREAS, the National Weather Service and the Kansas Division of Emergency Management will hold a statewide tornado safety drill Tuesday, March 14, 2000, designed to test the emergency warning systems throughout Kansas; and

WHEREAS, the Sedgwick County Department of Emergency Management will participate in this drill to enhance the public's awareness in this vital area of personal safety;

Regular Meeting, March 8, 2000

NOW THEREFORE BE IT RESOLVED, that Tom Winters, Chairman of the Board of Sedgwick County Commissioners, does hereby Proclaim March 2000 as

"SEVERE WEATHER AWARENESS MONTH"

in Sedgwick County, and urge all residents to participate in the scheduled activities.

"Today, we have the Emergency Management Director, Randy Duncan, here to accept this Proclamation."

Chairman Winters said, "Thank you. Before you make a statement, let's adopt this. Commissioners, what's the will of the Board?"

MOTION

Commissioner Sciortino moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Randy, welcome."

Regular Meeting, March 8, 2000

Mr. Randy Duncan, Director, Emergency Management, said, "Thank you very much. I appreciate the opportunity to be here. We appreciate the opportunity to address you and members of the public about severe weather in springtime in Kansas. That is the time when we are most likely to experience severe weather. In a typical year here in the State of Kansas, we'll have about 48 tornadoes. Oklahoma will average about 52, Texas around 119."

Commissioner Gwin said, "That's just because it is big."

Mr. Duncan said, "I always said it was because they are over achievers. Anyway, the issue is if there is an F-5 tornado, which is typically the largest category of measurement that we talk about in terms of damage done by a tornado, it is most likely to occur in the State of Kansas. That is one of the reasons why it is very important that we're aware of this, know those rules of expedient shelter and always have a situational awareness around us, particularly in the springtime. I'd be happy to answer any questions you might have."

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

Commissioner Sciortino said, "I have one, just out of curiosity. Why are we so blessed, that if there is going to be an F-5 tornado, it is going to happen in Kansas?"

Mr. Duncan said, "I think the scientific basis for that is we're victims of geography. The Rocky Mountains to our west kind of funnel down the cool dry Canadian air and the prevailing low level jet brings plentiful moisture up from the Gulf of Mexico. Those are two of the primary ingredients you need to put together to get this explosive weather phenomenon. We're just in the right place for that to happen."

Commissioner Sciortino said, "That's great, thank."

Mr. Duncan said, "Thank you."

Chairman Winters said, "Thank you, Randy."

Commissioner Gwin said, "Just a FYI. When Exploration Place opened, there is a tornado inside Exploration Place in the Kansas Explorers. It is a wonderful exhibit that teaches you how they form, what breaks them up and what makes them go away. It is real fascinating. So when that facility opens, the first of April, I encourage folks to go take a look at that, the definition or explanation of Kansas weather and the things we have to deal with over there."

Regular Meeting, March 8, 2000

Commissioner Sciortino said, "I'm glad you brought that up. We had occasion to go over and have a sneak preview of Exploration Place. Commissioner Gwin is correct. That tornado is fantastic. But what I really got off on was the massage chair, now wait a minute, and trying to learn how to fly a plane on a simulator. I tried four times and I crashed four times. I'm still confident I'm going to fly that."

Commissioner Gwin said, "We'll take Carolyn with us next time."

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

2. PROCLAMATION DECLARING MARCH 2000 AS "WOMEN'S HISTORY MONTH."

Ms. Zukovich said, "I'll read this Proclamation in for the record."

PROCLAMATION

WHEREAS, American women of every race, class and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play a critical economic, cultural and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist moment, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially in the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions the role of American women in history has been overlooked, in the literature, teaching and study of American History.

NOW THEREFORE BE IT RESOLVED, that Tom Winters, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim the month of March as

"WOMEN'S HISTORY MONTH"

Regular Meeting, March 8, 2000

in Sedgwick County and encourage all residents to celebrate the accomplishments of women in history and their role in making our community better.

"Today we have Lucretia Taylor from our Sedgwick County Human Resources to accept this Proclamation."

MOTION

Commissioner Gwin moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner McGinn seconded the Motion.

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

VOTE

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

Ms. Lucretia Taylor, Diversity Officer, Department of Human Resources, greeted the Commissioners and said, "I would like to accept this Proclamation on behalf of the citizens of Sedgwick County and also the employees of Sedgwick County. The national theme this year for Women's History Month is an 'Extraordinary Century of Women'. So, we look back at the significant accomplishments of women in the past century and we're also looking forward to the significant contributions of women in this century.

"If we look right here at Sedgwick County itself, we can see we have women, a significant number of women, who are in management positions throughout Sedgwick County. I think that is a testament to your efforts in diversity as a Commission and also as the Manager, who has seen what kinds of contributions women can make, their skills and their abilities, and their knowledge. We bring that to the table and enjoy those contributions of women. Thank you again for honoring women and Women's History Month. I will tell you too, on Friday we will have a diversity dialogue series which are a brown bag lunch, we started this this past January this year and each month we will celebrate a different culture or different event. On

Regular Meeting, March 8, 2000

Friday, March 10th, we will be at the Kansas African American Museum celebrating the contributions of women. Dr. Carol Konick, who is the Professor of Women's Studies at Wichita State will be our guest speaker. If you have the opportunity, please come and hear the significant contributions of women. Thank you."

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

Commissioner Sciortino said, "I have a selfish reason here. Is this going to be like the brown bag the last time where we had some of those collard greens and soul food type food?"

Ms. Taylor said, "No. You'll have to bring your lunch but we will have desert."

Commissioner Sciortino said, "Oh, okay."

Chairman Winters said, "That was a great luncheon. Lucretia, thank you very much and thanks for every thing you do in the community and for Sedgwick County, we appreciate it."

Ms. Taylor said, "Thank you."

Chairman Winters said, "Commissioner McGinn."

Commissioner McGinn said, "I, too, just wanted to say thank you for the comments you had. Also, in addition to the women who are working in management and the things they are doing here in Sedgwick County and all of our community, I guess I would like to commend and thank the women in our viewing audience that might be at home raising our youth. I played that role at one time and I found that to be a 16 hour a day job. I'd just like to thank those women out there, too."

Ms. Taylor said, "Most definitely. Their contributions are tremendous."

Commissioner McGinn said, "Thank you."

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

APPOINTMENTS

C. APPOINTMENTS.

Regular Meeting, March 8, 2000

1. RESIGNATION OF JUDY A. ALBRECHT FROM APPOINTMENT AS TREASURER OF KECHI TOWNSHIP.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "This written resignation has been submitted and I would ask that you accept it."

MOTION

Commissioner Gwin moved to accept the resignation.

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

2. RESOLUTION APPOINTING LEE CASTER, JR. (COMMISSIONERS MCGINN'S AND GWIN'S APPOINTMENT) AS TREASURER OF KECHI TOWNSHIP.

Mr. Euson said, "Commissioners, we have prepared an appointing resolution for the vacancy that was just created. This appointment will expire in January 2001."

Chairman Winters said, "Commissioners, what's the will of the Board?"

MOTION

Regular Meeting, March 8, 2000

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	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Is Mr. Caster here this morning? If you would please stand up behind the podium there, the Deputy Clerk will swear you in."

Mr. Paul Rosell, Deputy County Clerk, said, "Raise your right hand and when I'm done 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 Kechi Township Treasurer, so help me God."

Mr. Lee Caster, Jr. said, "I swear."

Chairman Winters said, "Thank you very much. Commissioner Gwin has a comment."

Commissioner Gwin said, "Mr. Caster, we want to thank you for your willingness to step in and fill this position. As you know, you have some pretty big shoes to fill in Judy Albrecht's departure. She was there and a really worthwhile member of the Kechi Township Board. We appreciate your willingness to serve and look forward to working with you."

Mr. Caster said, "Well, thank you. I hope I can do it."

Regular Meeting, March 8, 2000

Commissioner Gwin said, "I know you can, sir."

Commissioner McGinn said, "I, too, want to say thank you to Lee. I know you have other responsibilities, but I'm sure you'll find time. Thank you, Lee."

Chairman Winters said, "Next item."

3. RESIGNATION OF LINDA DURHAM FROM APPOINTMENT TO THE SEDGWICK COUNTY ANIMAL CONTROL ADVISORY BOARD.

Mr. Euson said, "Commissioners, we received this written resignation and I would ask that you accept it."

MOTION

Commissioner Gwin 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	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next item."

4. RESOLUTION APPOINTING PAT DESHLER (COMMISSIONER GWIN'S

Regular Meeting, March 8, 2000

**APPOINTMENT) TO THE SEDGWICK COUNTY ANIMAL CONTROL
ADVISORY BOARD.**

Mr. Euson said, "Commissioners, we have prepared a resolution for this appointment. This is an appointment that will expire in February 2003, to this ten member board. The resolution is in proper form."

Chairman Winters 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	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Is Pat here this morning? I don't think she is. Commissioners, while we are still in the appointment part of the agenda. Even though Commissioner Hancock was not able to be here today, he asked we take up as an Off Agenda item, an appointment, a resignation and an appointment from Salem Township."

MOTION

Regular Meeting, March 8, 2000

Chairman Winters moved to take an Off Agenda item concerning a resignation and an appointment.

Commissioner McGinn seconded the Motion.

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

VOTE

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

OFF AGENDA ITEM

Mr. Euson said, "We have received a written resignation from Steven J. Butts from the Salem Township Treasurer's position. I would ask that you accept it."

MOTION

Commissioner Gwin moved to accept the resignation.

Commissioner McGinn seconded the Motion.

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

VOTE

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

Regular Meeting, March 8, 2000

Mr. Euson said, "We have prepared a resolution to fill that vacancy. The resolution would appoint Stanley Billingsly as Treasurer of Salem Township. I would ask that you approve this resolution."

Chairman Winters said, "Commissioners, you've heard that. What's the will of the Board?"

MOTION

Chairman Winters moved to appoint Stanley Billingsly.

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "I believe Mr. Billingsly is here. Is the Clerk's Office prepared to swear him in?"

Mr. Rosell, Deputy County Clerk, said, "Yes, we are. Raise your right hand and when I'm done 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 Salem Township Treasurer, so help me God."

Mr. Stanley Billingsly said, "I do swear."

Regular Meeting, March 8, 2000

Chairman Winters said, "Thank you, Mr. Billingsly. We appreciate your willingness to serve. Good luck. Next item."

DEFERRED ITEM

D. PUBLIC HEARING REGARDING A RESOLUTION APPROVING THE ANNEXATION OF LAND NOT ADJOINING THE CITY OF VALLEY CENTER, KANSAS.

Mr. Euson said, "Commissioners, I have asked Michelle Daise of our office present this item to you."

SLIDE PRESENTATION

Ms. Michelle Daise, Assistant County Counselor, greeted the Commissioners and said, "In a moment you're going to be seeing a map coming up here. This is dealing with annexation of an area near Valley Center. You have before you a Resolution that would approve annexation of this land that is not adjacent to Valley Center. This is similar to a Resolution that you passed last fall. As you will see, the area in orange are the new areas. The areas in yellow are the areas that you approved last fall for annexation. As I indicated before, these are not adjacent to the City of Valley Center. As a result, you have to make a finding that such an annexation will not detrimentally effect the development of that area.

"Marvin Krout, Director of the Metropolitan Area Planning Department has studied this, as he did last fall. He has found that the annexation will not hinder or prevent the proper growth and development of the area or of any other city in Sedgwick County. You certainly have a right to open this for public hearing if you would like to. The statute dealing with this type of annexation does not require a public hearing. But if you choose to do so, upon closing that public hearing, I would recommend you adopt the Resolution."

Chairman Winters said, "Thank you. Commissioners, unless anybodies got any objection, I think I will

Regular Meeting, March 8, 2000

open it for any public comment. Is there anyone here who would like to comment concerning our Item D, the annexation of land near Valley Center? Is there anyone who would like to speak to the Board of County Commissioners concerning our Item D? Seeing no one, we'll reserve the discussion to Commission and staff. Commissioners, comments or questions?"

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	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you very much, Michelle. Next item please."

PLANNING DEPARTMENT

E. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER SCZ-0801 - RESOLUTION REGARDING ZONE CHANGE FROM "LC" LIMITED COMMERCIAL AND "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL, LOCATED NORTH OF**

Regular Meeting, March 8, 2000

21ST STREET NORTH AND EAST OF HOOVER.

SLIDE PRESENTATION

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Two items on the agenda this morning. This first case involves 20 acres that is located on the north side of 21st Street North and just about 300 to 400 feet east of Hoover Road, the intersection of 21st Street and Hoover. It is not far from the Zoo. You can see Zoo Boulevard is located here and this is the bend to go to 21st Street. This is the County Zoo. This is residential development. There are scattered businesses and Residential Uses. The next slide is the aerial photograph. Residential to the south and to the west scattered and also along Hoover Road and to the north scattered businesses in the area.

"The southwest corner of this tract is already zoned Limited Commercial. This part of those squares of Limited Commercial that were zoned 50 years ago by the County. The remainder is Suburban Single Family. The request, as originally filed, was for Limited Industrial Zoning, but the staff had suggested and the applicant agreed with the Planning Commission to Industrial Park Zoning. That is a new category from the Zoning Code, based in 1996. It is intended to have a little bit more limited range of uses and some larger setbacks to try to accomplish an industrial park appearance similar to Comotara and some of the newer parks in the area.

"This is an area that all of these uses today. You can see the sand pits that are in this area, all the other uses that are in that area today are on on-site water and sewer systems. There is some high ground water in this area. It has been an area that has been somewhat difficult to develop but because of its access and proximity to 235 and K-96 up to the north, there is some increasing interest in developing and redeveloping this area that may take the form in some cases of Residential Uses around former gravel pits. In other cases, it may take the form of uses like is being proposed today, which is Industrial Park Uses. In fact, when we looked, and this is some years ago, at the map of the community, we noticed that in the northwest part of the community there is a lack of acreage for industrial park, office, warehouse types of uses. There is some land on Kellogg, but that is being outbid a lot by retail uses. So, there is a need for small businesses of one to three acres to locate on sites like this. That is the intent."

Chairman Winters said, "Marvin, we've got a question about that slide, while we're there."

Commissioner McGinn said, "Marvin, could you just give me an idea, is the Zoo just straight south or is it a little bit to the west? Is that the Zoo there? Okay, I just wanted to make sure. Then up there, how old is this slide?"

Regular Meeting, March 8, 2000

Mr. Krout said, "It is probably three years old. We're shooting slides this spring, but these are 1997."

Commissioner McGinn said, "Okay, a lot has gone on there in the last three years."

Mr. Krout said, "There's been significant activity."

Chairman Winters said, "Can you point to where the City's new Water Treatment Facility is going to be?"

Mr. Krout said, "The site that has been acquired is right over here, about 60 acres, most of which would be used in the future for a water treatment facility. Then, if you've been by recently, and you may remember we had a zoning case about six or eight months ago, there has been construction of a facility called You Need a Storage. It does have the brick wall that was promised, that matches the brick wall on the south side of the County's park, on the south side of the street. If we had it to do again, I think we would have made that wall a little taller, so you wouldn't be able to see those bright green overhead doors above that six foot wall but that facility is located there. They've begun to set a pattern in terms of the uses.

"The applicant in this case and the owner is Cox Machine, which owns, I think it's this building right over here and intends to build a new building, a larger building, and relocate to a site. I think it is this site he is planning to build his building on and then develop the rest of the site into lots for sale. We also have this owner who has inquired about the possibility of similar zoning and we're hoping there is a way to integrate the two tracts of land in terms of development together. This would be a site with ten or eleven, one to three acre lots for sale for a variety of office warehouse showroom, like manufacturing machine shop type uses. This machine shop has been out there for many years with on-site water and sewer. We indicated, in terms of the development of this site, that it was important to provide public services to this proposed industrial park. You Need a Storage already has submitted petitions and will be available to participate in the extension of water and sewer. It is generally going to have to come from the south, from Zoo Boulevard and a little bit to the west.

"The applicant has asked that in the initial stage for the initial construction of the reallocation of the machine shop building that he be able to do a temporary holding tank, but that the intention is for any additional development and this would be guaranteed through a platting process, any additional development on the site would require the full extension of public water and public sewer to this area. That has been an issue

Regular Meeting, March 8, 2000

before, partly in terms of trying to protect the ground water for the Zoo, which still does pump ground water in that area and relies on that. In fact, we had a representative from the Zoo that was there and they indicated that that was their key concern was to make sure that the ground water was going to be protected.

"We had a resident, I think who lives to the east, who expressed concern about the potential of ground water pollution of having Industrial Uses there. We had a local geologist consultant, who didn't have an interest in this particular property, but expressed concerns about ground water contamination and whether or not this was proper land use for this area. We also had, coincidentally, the director of the City's Department of Water Utilities. He was there because the Northwest Sewer Plant Conditional Use application was on later on the agenda. We called on him to ask for his opinion about concerns with ground water. He indicated that he felt that if this was going to be placed on a public sewer system that the combination of that, together with the required pre-treatment program that they have, where they do regular annual monitoring of all industrial type uses that may be using materials that would be sensitive to, if they got into ground water, felt that they had a good handle on that and do a good job of protecting the ground water. Based on that, the Planning Commission voted seven to one to recommend approval of this request.

"We can walk through the slides real quickly. This is the site itself. There is a building on that site today. We're looking across 21st Street to the north. Again, looking north across the site which is mostly undeveloped. There is a lot of clean up in this general area that needs to occur. It probably would meet the requirements for slum and blight in some portions of the area and for assistance in terms of clean up. That is looking to the west. This is the home that is immediately to the east. This is looking south and east across 21st Street. It would be looking toward the Big Ditch in the background. This is looking to the south and west, scattered buildings and outdoor storage. This is the rear of You Need a Storage, not where it is screened from Zoo Boulevard, but the rear portion facing 21st Street, which is just south across the site. Again, looking at that site from the left and further west along 21st Street toward the Hoover intersection. This is looking across at the site of about three or four hundred feet, the strip of land that would be just west of this site to Hoover Road, which probably will develop for similar uses. Looking north at the west edge of the site, up Hoover Road further to the north, where there are scattered homes on Hoover. To the north and east of the site, which is some scattered residential and mostly open land and sand pits. North again on the site. That is the aerial photograph and the zoning map is on the next

Regular Meeting, March 8, 2000

slide. I'll entertain any questions that you have."

Chairman Winters said, "Thank you. Commissioners, are there any questions of Marvin at this time? Seeing none, this is not an official public hearing, but I would open the meeting to any comments from anyone who would like to make comments on this zoning case. Is there anyone here in the meeting room who would like to comment on this zoning case request? Anyone here who would like to discuss this item? Seeing no one, we'll limit discussion to Commission and staff.

"Marvin, one of the questions I wanted to think about was the issue of on-site sewer and water. If I understood correctly, can you talk about that again? How many buildings is this going to apply to? What is the process the applicant is going to use here?"

Mr. Krout said, "The initial use, he's asking to have a holding tank which would basically mean you would hold the sewage and it would have to be pumped out on a regular basis. That is a pretty safe way, although it is an expensive way and a temporary way to handle waste but the applicant feels until he can sell off some lots and get some people to help support the extension of water and sewer and make sure this development can go and put it in his own infrastructure, then he'd like the ability to be able to operate temporarily on the holding tank. That is similar to a request that was approved by the County Commission for an auto repair use at 53rd and Ridge Road, where we approved a holding tank for a limited auto repair use.

"But the condition of approval of a plat will be, and the applicant agreed, that any further development on that site beyond that first building will require the full extension of public water and public sewer."

Chairman Winters said, "Sewer and water is available in this area some place?"

Mr. Krout said, "Yes, it is about at this location right now."

Chairman Winters said, "Okay. I think that is the only real question that I had concerning this was just this is a sensitive groundwater area. I certainly want to make sure that that is taken care of. Commissioner McGinn."

Commissioner McGinn said, "During the platting process is when they'll be hooked up right and he is wanting to build before that process?"

Regular Meeting, March 8, 2000

Mr. Krout said, "He is in the process of platting now. The Planning Commission is considering his plat. As part of that, I'm not sure exactly what instruments it will take to guarantee the restriction on the on-site water and sewer use, probably a restrictive covenant. As part of that, he has to get Health Department approval also before he can get a building permit. He'll plat the property and that plat will come to you and be recorded. Unless it is possible that he may request annexation before the plat is recorded and may come into the city limits. But the plat will be recorded before he would get a building permit."

Commissioner McGinn said, "I guess what I'm trying to get at is at what point in time will he hook up? He's going to start the first building with a containment system, but as he grows he won't be able to afford to do . . ."

Mr. Krout said, "If anyone wants to pull a building permit on the other lot in that proposed addition, it will require the extension of water and sewer at that time."

Commissioner McGinn said, "Okay. Would you go over just a little bit the difference between Limited Industrial and Industrial Park."

Mr. Krout said, "Number one, industrial park has some deeper setbacks so there is more of a campus atmosphere, like you would find in the newer industrial parks. Second, a couple of the heavier uses that would otherwise be permitted in Industrial Zones like an asphalt and concrete plant, hazardous types of manufacturing uses, some of the retail Commercial Uses that would otherwise be permitted to mix in with an Industrial Park Uses. Those are uses that are not permitted in an Industrial Park. The intent is to try to have a compatible range of the types of uses that you would find in an Comotara Park."

Commissioner McGinn said, "So it is kind of a higher level?"

Mr. Krout said, "Yes."

Commissioner McGinn said, "Then what about storm water. Looking here at the geologists comments and his concern about any kind of run off that could happen with some of the commercial businesses."

Regular Meeting, March 8, 2000

Mr. Krout said, "That is where the water department felt that their pre-treatment program will adequately monitor the use of the building and the grounds and make sure that run off is contained and that if it is permitted will run into the sanitary system. If not, it will have to be separately isolated and disposed of."

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

Chairman Winters said, "Thank you. Commissioners, I did receive a note from Mark Reed. I'm not sure if he sent that to all of us or not, but I did just receive a note from Mark Reed saying that the Zoo, again, has no problems or if they did have they would be here, but they did not have a problem with this zone change."

Commissioner McGinn said, "Is it the Zoo that has the testing monitors or was it Cox Equipment? Can you remember?"

Commissioner Gwin said, "Doesn't the Zoo have?"

Commissioner McGinn said, "They've not picked up anything and Cox Machinery has been there for . . ."

Mr. Krout said, "That's right, Cox has been there for many years, on on-site septic and well water. They've, apparently, been good neighbors and the Zoo has not seen any ground water problems as a result of activities to the north."

Chairman Winters said, "Do you know what they plan on doing with their property that they're moving from? It will now be available to have sewer service hooked up there, won't it? I guess where I'm headed is this could potentially be a better situation than what we've currently got today with Cox over there where there current location is."

Mr. Krout said, "I think eventually, if we encourage development in this area, then we're going to get the water and sewer to come in and allow existing uses to hook up to it who are grand fathered and permitted to use on-site systems. Cox Machine indicated that they would probably, that building would probably be remodeled and put to a higher use, potentially."

Chairman Winters said, "Okay. Commissioners, are there other questions or comments?"

Regular Meeting, March 8, 2000

MOTION

Chairman Winters moved to adopt the findings of fact of the Metropolitan Area Planning Commission (MAPC) and approve the zone change subject to the condition of platting within one year; adopt the Resolution and authorize the Chairman to sign; and instruct the MAPD to withhold publication of the Resolution 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	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Next item."

2. CASE NUMBER DR-00-04 - RESOLUTION ADOPTING THE NAME OF BUCKNER STREET FOR A NEW ROAD SEGMENT CONNECTING SOUTH OLIVER STREET WITH BUCKNER STREET IN DERBY IN RIVERSIDE TOWNSHIP.

Mr. Krout said, "Commissioners, I don't have a slide of this street segment but I'm sure you're all familiar with it. Last year, the County Public Works Department completed construction of a new four lane segment of road from 55th Street to 63rd Street. You should have that in your packet. It, basically, moves Oliver to the east from 55th Street to 63rd Street to line up with Buckner in Derby. The new street was signed Oliver North of 63rd Street and we received calls and letters from property owners on the old Oliver Street that remains between 55th Street and 63rd Street, concerned that if we were naming the new street Oliver then what happens to their street. There was at least one business owner who had a long time address in the area and felt that it would be a real inconvenience if they had to change the street name address.

Regular Meeting, March 8, 2000

"We contacted Derby and although Derby had actually platted and annexed property just north of 63rd Street and they had originally named that portion of the street Oliver, and I think that was why it was originally signed Oliver, Derby realizes now that it was probably in retrospect a mistake and it should have been named Buckner, which lines up with Buckner south of 63rd Street in Derby. As that property is apparently in the process of replatting, they are going to rename that street Buckner. We also took this issue to a special City/County address Committee that looks at street name and street address issues of where there are conflicts and duplications and problems that could result in difficulties in terms of emergency service responses and, in general, inconvenience for the public. They all recommended that we retain the name of Oliver for the existing street Oliver and rename this new segment of street from 55th Street to 63rd Street to Buckner, extending the Derby name, that they prefer to extend Buckner.

"We took that, as we do with all street name changes to the Subdivision Committee and the Planning Commission. We notified those owners on Oliver who had originally contacted us. They didn't come to the meetings but the Planning Commission has recommended that you do change the street name. We've prepared a resolution that will direct County Public Works to change the name of that street. If you have any questions for either me or Dave, we'd be glad to respond."

Chairman Winters said, "Thanks, Marvin. Commissioners, questions or comments?"

MOTION

Commissioner Sciortino moved to adopt the Resolution.

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye

Regular Meeting, March 8, 2000

Chairman Thomas G. Winters Aye

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

NEW BUSINESS

F. PRESENTATION OF A WIND MITIGATION REPORT.

Chairman Winters said, "Before Commissioner McGinn starts, I would like to recognize that City Councilman Bob Martz has joined us for this agenda item. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Councilman Martz and be prepared to make comments. Thank you, Chairman. About last summer, Councilman Pisciotte brought myself and Councilman Martz together to form a task force on wind mitigation, as a result of the tornado that hit Haysville and south Wichita. This group, though, is divided into three segments, single family dwelling, congregate housing, which is apartments, those types of things, and manufactured housing. I chaired the manufactured housing part of it.

"It was a very interesting process. I felt like we all left learning a great deal about things that we thought was just common knowledge. We ended up getting into the details of it all. We brought all the stakeholders together, people from manufacturing, housing, the builders, insurance people, and others together to find solutions to how we could build structures better, how we could educate people better. This task force was focused on incentives rather than regulations.

"The interesting thing that came out of this, though, was when we thought we would come up with different solutions, they ended up being very similar. The main primary thing that came out of this was education. We found that there are a great deal of things people can do to prepare themselves to prevent loss of lives or loss of property. Anyway, I'd just like to briefly go over a few of the things.

"Under incentives: we came up with to develop a low interest loan program, develop a limited permit rebate program, develop a property tax abatement program, create special licensing and certification incentives, identify and obtain grant funding, pursue a reduction in property insurance.

"Under education: increase public education, develop community outreach programs for property owners, continue efforts to educate manufactured homeowners and community managers about safe guarding their communities early warning systems, encourage radio stations to provide detailed and frequent weather

Regular Meeting, March 8, 2000

information and warnings during severe weather, develop phone trees, explore placement of weather radios.

"Under codes and standards: adopt a proposed joint City/County storm shelter code. Under that last item, that's something that we're still working on in Legal. One of the goals was to make sure that our codes were consistent with the City of Wichita, as the City grows out. If we are consistent with them, then manufactured home owners would not have to make so many adjustments to comply with some of the City regulations.

"In my group, under manufactured housing, one of the things I learned was HUD (Housing and Urban Development), back in the middle eighties, set out to put regulations in for manufacturing housing and found out that the structures that they build today are quite strong, very strong, stronger than some of the single family housing. That was news to me. There is still some debate about how tie downs should be and those types of things. I've learned that the manufactured housing industry has been very proactive in trying to make sure that people are safe in those homes and safe in parks as well.

"One thing I would also like to share is, I didn't have this the other day at the press conference and I won't turn it on to fire up the whistles or anything. I live in the country and we don't have the benefit of having a siren and I think that sometimes people depend on that too much. It has always been my thinking that when the sky grows dark and the leaves start to rustle and things like that, it is time to turn on your radio station or your television station. Maybe turn off the cable or the Nintendo or whatever and start tuning in and paying attention to what is going on out there. What this is, it's a NOAA radio that you can buy at a reasonable price.

"One of the things it will do is (*demonstrates how radio sounds*) . . . the one I bought runs off of a battery. I thought that was kind of important because when a storm hits usually you use your electricity. I did have a chance to see how the alarm works. I don't know how to turn it on here today. You do set it, I figured that part out, and it shows up here that it is set. A couple of months ago the thing went off at two o'clock in the morning. It just alerts you that there is threatening weather out there and then you can tune right in to get the information as to the direction of the storm system. With that, I'd like to have Councilman Martz make a few comments if he'd like. He did head up the single family dwelling portion of the task force."

Councilman Bob Martz said, "Thank you very much. I didn't think I'd be talking this morning."

Regular Meeting, March 8, 2000

Commissioner McGinn said, "Always when you come over."

Councilman Martz said, "I'm learning that. On maybe the lighter side, we still have work to do on wind mitigation. The wind only got up to 70 miles per hour last night. It is about 30 to 35 an hour right now, so when we talk mitigation. We held it under 80 this time. I think that was probably my initial concern when we started this, was how do we mitigate the wind? It is going to blow no matter what. It was very enlightening to find out that we weren't going to try to stop the wind but rather what can we do to educate the people on what they can do to help give them more preventive methods.

"The breakout, as Carolyn said, was very interesting from my standpoint. We had the three different groups. We all met separately. When we came together, it was almost identically three reports all in one, which made it nice to put it together, because we didn't have a lot of other things to do.

"I want to publicly thank all of the volunteers. We had some outstanding people that helped us. It was positive all the way through. I feel like it is nice to be able to offer the public something for free instead of coming up and having a whole new set of rules and regulations. Rather, this is an educational process. Letting people know what they can do. I also want to thank the press. Monday, on the news, they had covered the news conference very well. They pursued a next step on that and several of the channels went out and found some builders that are putting safe rooms in new construction. It is that kind of communication that we need to let the people know some of the things that we are doing. We definitely want to make sure all the public, if they have questions, call here or the City Council Office. Hopefully, we have some things that will not only help on damage control but also be more protective for people's lives. It was a pleasure working with you."

Commissioner McGinn said, "Thank you, Bob. Why don't you just stay there, in case we have some questions for you. I think this was very timely that we finished our report when we did, because this morning we heard about weather awareness and that kind of thing. They didn't use to have weather awareness until about May. Then in 1991, I think, the Hesston tornado came through in early March. It surprised us all that we could have a tornado that soon. We're seeing severe weather today, this soon, in Kansas. It is good that we've moved up weather awareness at that time.

"Bob, you talked about the safe rooms. You're right, I'm glad the media went out and showed and talked about how those safe rooms can fit and incorporate into your home. Those can be put into a manufactured home, as well as a house. The other thing is storm shelters is a topic that was raised. People wondered

Regular Meeting, March 8, 2000

if we have the same storm shelter requirement out in the County that they do in the City. The answer is no, but do we have storm shelters and do we have plans on how to get people to safety, and that answer is yes. I looked at the list the other day and out of around 29 parks that are in the County, we received information back from all but one. Every one of them had shelter or you go to the nearby church that is across the street and that kind of thing. There are shelters out there in the County. I don't know where we're at, as far as getting us to that stage that the City is. The City had a five or ten year grace period."

Councilman Martz said, "I think it is five."

Commissioner McGinn said, "So, we may do something like that or be grand fathered or that type of thing. In talking with the manufacturing home people, they use that as a marketing tool. That is one way for them to sell their parks. I think they are really trying to stay ahead of things and make sure that their folks are safe in their community. One last thing I did want to mention that I forgot to mention at the press conference the other day. One of the things we talked about was the main station, when a storm comes up, that talks about the weather and gives you very current information is KFDI. We always like to say, out in my area, that when the storm starts hitting our house we call in and let everyone know it is coming to Wichita. Anyway, they do an excellent job and that is the channel we always turn to. One of the things that came up in our discussion and is in this report as well is maybe we need to figure out a way to encourage other radio stations to report some of the weather that is going on a little more often. Sometimes, when it is really severe, you'll hear something, but I think it would be good because not everybody, well, maybe one or two percent, that doesn't listen to KFDI and it would be good to have some more frequent weather updates, so the people would know if they're in a bad location they need to take cover. That's all I had. Did you have anything else, Bob?"

Councilman Martz said, "Other than kind of a follow up on the communication line. I would welcome the public, if they have other ideas, this is not necessarily a closed issue but it's a beginning. We want to encourage the public, if they have other ideas on how to better communicate with the community, better ways of doing things, we welcome that input. To me we're just starting on this. You mention the safe rooms. People have a mental block on what that is and what I found out and I think you did too, is that a safe room need not be an ugly attachment to a house. Be it a home or mobile home or whatever, they had designs that can be put outside, in case of modular homes or mobile homes where there is no basement. You can't put it inside, but you can attach it very easily and be attractive. I'd like to get the stereotype of an ugly add-on to any dwelling away and let people know they can fix them up. They are very safe. They've been wind tested. I think that we need to try to communicate that."

Regular Meeting, March 8, 2000

Commissioner McGinn said, "Thank you, Bob."

Chairman Winters said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. Bob, I want to personally congratulate you and Councilman Pisciotte and most certainly Commissioner McGinn on taking on this project. I think it is just another example of how local government can be responsive to the needs and wants of the citizens. I agree with both of you that education on how an individual can make what I perceive is a pretty safe community, even safer is to get them involved in what they can do, what's their part in this. I, for one, was not aware that for \$20 or \$30 you could have a little device in your home. I'm glad Carolyn pointed out, it would be a good idea to have a battery powered one, but that would sound an alarm.

"I don't know, do we still have in the EOC or 911 that cable override where they can . . . I know some years ago and we still have the ability to push a button and override all television channels and send out a message. Now the TV has to be turned on for you to receive this message, but it does help with the proliferation of the channels that we have, regardless of what channel they may be watching they'll get a notice. This idea of education, Kristi is probably already ahead of me on this one, that we do have a block of commercials that cable vision has been nice enough to give us for sending out messages. Perhaps we could design a spot or something that could maybe get this message out to the public. I just want to compliment Commissioner McGinn and both of you from the City side for taking on this project. Thank you. That's all I have."

Commissioner Sciortino said, "Thank you, Commissioner. I don't know if anybody is here today specifically for this item, but if there is anybody in the audience who would want to address this presentation of the wind mitigation report, we'd be glad to hear from you. Is there anyone here who would wish to address this item? Commissioner."

Commissioner McGinn said, "I'd like to close, once again, saying that safety is a two way street. Government can be there to sound the sirens. We can be there to clean up afterwards. Folks also need to tune in when they see certain weather signs out there that could be potentially dangerous and do things to protect their family and their property as well."

MOTION

Regular Meeting, March 8, 2000

Commissioner McGinn moved to receive and file the final recommendation of the City of Wichita and Sedgwick County wind mitigation task force.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you, Councilman Martz for being here. We appreciate your coming over. Next item."

G. RESOLUTION AMENDING CHAPTER 5, "ANIMALS," OF THE *SEDGWICK COUNTY CODE*.

Mr. Sherdeill H. Breathett, Sr., Director, Animal Control Department, greeted the Commissioners and said, "Before you, you should have a copy of the amended changes in reference to the Inherently Dangerous Animal Resolution. We'd like to put that before you to vote in favor of those changes. I'd entertain any questions that you might have. We did address issues in reference to perimeter fencing, 24 hour monitoring, transportation, shift cage, license renewal, on-site staffing, as well as restrictions."

Chairman Winters said, "That was pretty short and quick. Michelle, did you have anything to say at this

Regular Meeting, March 8, 2000

time?"

Ms. Daise, Assistant County Counselor, said, "We did response to request by the Commission to make some changes to the draft actually that you had before you a week ago. That change would allow baby animals to be taken off property for educational purposes, to go out to schools for different shows. The restriction is that it would have to be an animal less than six months of age and 50 pounds or less. That way, we are addressing the issue of there being a possibility of an adult animal that is less than 50 pounds but certainly has some dangerous characteristics. We don't want those going out to the educational facilities. So what this does is allows baby animals to be taken out, so long as they are properly restrained or in the proper enclosure. So, that change has been made since the last draft that you were given."

Chairman Winters said, "Okay, I guess just as a recap and I am going to open this up for public comment for anyone who would like to make a comment. I would think that unless we come upon a real stumbling block in the discussion, it would be my intention that we would go ahead and pass this resolution today."

"In the new draft resolution before us, there are a couple of significant parts are; one is that it does limit locations to the three approved locations, the three facilities that are currently licensed. That's it. It does require a perimeter fencing of eight feet. It does require somebody to be on site seven days a week, 24 hours a day. It does require, on the insurance requirements, that there be a certificate of insurance indicating proof of liability insurance in the minimum amount of \$1,000,000, covering any acts of the inherently dangerous animals owned or harbored by an applicant while on or off the approved location. I think those are really the significant parts, to me."

"Then, in visiting with the people from Wild Life Conservation and Rehabilitation Center out near Goddard, this issue came up about the transporting of baby animals or small animals. I think what I would like to have us at least consider and then if others want to talk about this they can but if we could consider changing on page 12 the procedures for transporting which would then give an exception that they would not have to receive prior permission to transport an animal weighing 50 pounds or less or less than six months old. Then on page 14, Item M, again, would give an exception for animals weighing not more than 50 pounds and in Section N, it would give an exception for animals weighing not more than 50 pounds and less than six months old should not be restricted. With those comments, Commissioners, if any of you have questions we could visit about them. Commissioner Sciortino."

Regular Meeting, March 8, 2000

Commissioner Sciortino said, "I'm also prepared to vote on this but, Sherdeill, we had talked and I had a citizen call me wanting to know if these animals, do they have rabies vaccinations and what have you. I think we visited on that and I didn't have the answer for them. They were trying to ensure that if a person gets an animal, do they go through the same procedures that a domestic animal does to ensure they are healthy and what have you. Could you explain what you discussed with me on that."

Mr. Breathett said, "In reference to the vaccination for these wild animals in regards to trying to deter rabies, in the past, there is not a vaccination that has been approved that is substantial that works on wild animals as it does with domesticated animals. Just basically, just share it with you, they could try vaccinating, but it has not shown to be effective."

Commissioner Sciortino said, "So it is incumbent upon the owner of these animals just to watch them and if they show any signs of illness or what have you, to get them to a vet. I would assume that is why we increased the liability insurance as high as we did, is to further protect the citizens. That's all I have."

Chairman Winters said, "Thank you. Is there anyone here at this time who would like to address the Board of County Commissioners on this issue? If there is, please come forward. Tim, it looks like you're first."

Mr. Tim Erwin, 9360 S. 199th Street West, Viola, said, "For the last year and a half we've been trying to get the Commission to strengthen the Inherently Dangerous Animal Ordinance. Today, you are finally going to vote on a proposed change in the ordinances. However, the ordinance before you today makes only a few minor improvements and at the same time has the potential to make matters even worse than they are now. After the last Commission meeting where this item was discussed, the area residents put together a list of 15 points that the new ordinance needed to contain in order for us to be able to support it.

"Of these 15 points, seven were addressed. All of the items that were addressed were apparently aimed at creating a financial hardship on the two smaller operations, in the hopes of forcing them out of business. I feel this could very easily have just an opposite effect of what we want, because this ordinance opens

Regular Meeting, March 8, 2000

back up the opportunity for more people to obtain a license, as long as they keep their animals on one of the three approved locations. This will allow the operators of these facilities to spread the cost of the additional financial constraints amongst several different owners. This also allows for the possibility of much larger populations of animals being kept at each of these facilities.

"The new ordinance states that the enclosures are to remain locked, but where are the keys to be kept. During our tour of the Goddard facilities, one of the keys was kept on top of the cage door. That is unacceptable. If the keys are right there, anybody can walk up and open a cage. The ordinance also states that if noise is a disturbance to the sleep or peaceful enjoyment of an individual, a neighbor who resides within 100 yards of the animals may make a written complaint. Anybody who lives out in the country knows that sound travels a lot farther than 100 yards.

"Also, under the new ordinance, the fee structure says that the fee licensing is \$100, as long as they hold a U.S.D.A. (United States Department of Agriculture) license. I don't believe that this will cover the County's cost of enforcing the rules and regulations of this ordinance and think that a fee with a minimum of \$100 per facility should be charged in order to make these people pay their own way.

"The new ordinances does require the 24 hour a day, seven day week staffing of the facility. I don't feel that Animal Control is staffed properly to enforce this. Almost two weeks ago we had an incident where we called Animal Control on a Thursday night and they didn't get back to us until Friday. If they can't return a phone call on Thursday night, how can they enforce that somebody is there all night long to watch these animals.

"It also requires that an escaped animal procedure be filed with Animal Control. Part of this procedure requires that 911 be called within five minutes of an escape. I also feel that anyone that lives within a mile of these facilities should be notified so they know to get indoors or get their children in and protect themselves. I also feel that all area residents should be supplied a copy of the escape procedures, so they know what to expect if an animal does escape.

Under the ordinance before you, all the people working at the three approved locations must be trained. The way it is currently written, the operators of these facilities are to train their own staff. I feel that the training needs to be handled by Animal Control, to ensure the highest level of training possible, to ensure the safety of everyone including the handlers. This ordinance also allows the facility to be sold or transferred as long as ten days notice is given to the director. I, personally, feel that any change in

Regular Meeting, March 8, 2000

ownership of an approved location should come before the County Commissioners for your approval and that this item should take effect immediately not in 90 days.

"As mentioned earlier, you addressed 7 of our 15 items. The items that we proposed were no new licenses be issued in Sedgwick County. According to the new proposal, new licenses will be issued. We asked that a minimum of four foot fence surrounding the cage area be implemented, to protect small children during tours of these facilities. We proposed changes in the fee structure. We proposed shift cages be required, which you included. The 24-7, which was included. That the personnel staff be trained by Animal Control.

"We also requested the \$1,000,000 liability policy and that notice be given to the County before it lapse, which was done. We asked that the rules be implemented within 60 days and the ordinance is 90. We did ask for a eight foot perimeter fence, which is in the ordinance, but we requested a wire top."

Chairman Winters said, "Have you got much more Tim? I want to give you time."

Mr. Erwin said, "I just have a couple more items. We brought some pictures of the condition of the facility in Clearwater, because I know you haven't been there. Since the last meeting, we've had problems with dead horses and cattle laying around, that they are eventually going to feed, and with them hauling in junk. It looks more like a Brooks Landfill than a residence right now. We just do not feel that it should be an approved location."

Commissioner Sciortino said, "How large is that fence right there?"

Mr. Erwin said, "There is one little section that is eight foot, but most of it is six. All we ask is that when you vote on this that you consider the fact, is it something that you want to live next door to? Is the safety of all 500,000 of its residents being considered or just the business interest of three people? How everyone would feel if someday one of these animals does escape and harm or kill an individual. We just ask that you consider the safety of the residents of Sedgwick County first and foremost. Thanks."

Chairman Winters said, "Tim, we've got a question. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Chairman. In looking at those pictures, I was just curious, has anybody called and had Code Enforcement out?"

Regular Meeting, March 8, 2000

Mr. Erwin said, "Yes. They've cited him for abandoned and junk cars but that is the only one that I know of that they've cited him for. He has received an extension, until March 22, to get those taken care of."

Chairman Winters said, "I think there is ongoing action on that. Again, I learned for the first time, two weeks ago, a dead horse and a dead cow showed up on this property for what unknown reason."

Mr. Erwin said, "It was a week and a half before somebody convinced him that they needed to at least push some dirt over the top of them, so they weren't in plain view of the children on the school buses."

Chairman Winters said, "It is not a good situation."

Commissioner McGinn said, "That would be the Health Department."

Chairman Winters said, "But there are no regulations requiring anybody to do something with those if they're on your property. Anyway, that's what I was told."

Commissioner Sciortino said, "Would that fall under Animal Control?"

Chairman Winters said, "Health Department."

Commissioner McGinn said, "I'm thinking Health Department because I'm thinking the live stock industry, if you have a cow that dies or something, it was my understanding that you had to take care of it right away."

Mr. Erwin said, "Believe me, we called everybody that we thought would have any kind of authority in the matter and everybody said it was legal."

Chairman Winters said, "I think that is the response that a normal cattle/ farm operation would have, but evidently that is not what this guy had."

Commissioner McGinn said, "On the Code Enforcement, when was the first time Code Enforcement was called and brought out?"

Mr. Erwin said, "I don't know who actually called them. We were informed that he was cited on January."

Regular Meeting, March 8, 2000

Commissioner McGinn said, "I know they have to go through a certain process before they can . . . "

Mr. Erwin said, "Who actually brought Code Enforcement into it, I don't know."

Chairman Winters said, "I think Michelle can get that information for us or somebody could."

Commissioner McGinn said, "Thank you."

Chairman Winters said, "Thank you, Tim. Is there anyone else who would like to address the Commission on this issue? Please come forward. State your name and address please."

Ms. Lori Nickels said, "I reside at 9238 South 199th Street West, Viola, Kansas. First of all, I'd like to say thank you for allowing me a few minutes here to talk. Tim hit on a lot of the issues that I have. One of the things that, as you can see from the pictures, the place isn't real neat. I question, even from the stand point of the way the rest of the property appears, does he take care of these animals. Is he cleaning these cages? Is their interest . . . he stood up here and said these were his babies. We were all talking, a couple of weeks ago, and in the four years he's been out there none of us have ever seen anybody out there cleaning pens out. I wonder if he treats those the way he treats the rest of the facility."

"My family, as well as several other families in the neighborhood, have gone out to the operation in Goddard. I would like to say that we were very impressed with the facility. If I lived next door to that facility, I wouldn't be standing up here today. Unfortunately, when it is not in your back door, most people don't get involved, if it doesn't directly affect them. I'm just as guilty as the next person. I wouldn't be here, if it wasn't in my back door. But every time we leave and go into the City of Clearwater, we have to drive by this facility. When I take the kids to school functions, to church, to the grocery store, to the post office, whatever."

"The other day, what the situation was, there were actually two grown cows and a baby colt that was dead out there. It was right out in front, where all the kids on the school bus could see it. I noticed them on Saturday morning and I waited to call Animal Control, I called the Health Department, and I spoke to a

Regular Meeting, March 8, 2000

couple of you folks on Tuesday. They assured me, especially the Health Department, they were pretty appalled by it. They told me something would be done. It was a couple more days and these were the days when it was getting 60 and 70 degrees and they are laying right out in front of these cages in front of these animals. They've got to start smelling. I think it would make those animals crazy, having to smell them. That was on Tuesday. On Friday, they were still laying there. They had moved them around to the back of the house where, if you weren't looking as close, you didn't see them, except that the house next door to it that is for sale, if you stepped out on the porch you saw three dead animals laying out there. When they were laying out front, my 12 year old and I were going to town one day and she says 'mommy, did he kill that colt?' I said no honey, I don't think so. She said, who did? I said, I don't know. Well, how come he's got them laying there? Well, I don't know. They were there ten days before he ever buried them. I called again on Friday and talked to all three departments and that's when I was informed he was doing nothing illegal. He could leave them out there and let them rot and there wasn't anything, as concerned citizens, that we could do.

"The old cars was I think, that's backed up to his fence there, the Code Enforcement, they cited him in January and he was supposed to have 30 days and there was only supposed to be one extension. Well, he's gotten another extension. He'd done nothing. He's not tried to move any of them. My question is, if you enforce these laws here that you're proposing, is he going to be able to get extensions if he doesn't meet the deadlines? Can we make him accountable for his lack of action or his actions? I would think those old cars are not only unsafe if an animal was to get out, they could just hop up on them and go right on over that six foot fence. I would think, for their safety, if they got out, he wouldn't want any of the . . . he wouldn't want those cars there for the animals safety, in case they got up there, let alone the citizens around him.

"I don't know, he told us when this all started, he came and he spoke to the neighbors and asked us if we would drop this, if we would come before the County Commission and say we'd drop this, he would agree to move. Well, he hasn't done that. He also said until he could, he would get somebody on the property 24 hours a day. There was somebody on there but here in the last month, there is nobody there again. If they are, they don't turn any lights on at night and they don't have a car. I do know that we had a dog get out a couple of weeks ago and there was nobody there to contain it. I know that's when they called the Animal Control and we weren't called back until Friday. Thank you."

Chairman Winters said, "Thank you very much, Lori. Is there anyone else who would like to address this issue? Please come forward."

Regular Meeting, March 8, 2000

Ms. Susan Lowe, USD 465, 920 Millington, Winfield, Kansas, greeted the Commissioners and said, "I bring you greetings from Winfield, Kansas. I am the cite coordinator of Partners for Success, which is an after school program at Winfield. I am here to speak on behalf of Ken Lockwood and the Wildlife Conservation and Rehabilitation Center at Goddard. Our after school program is one of the original four Kansas programs that was federally funded through a 21st Century Learning Centers Grant. A primary goal of our program is to provide dynamic, educational and drug free activities for our middle school age students. Without a doubt, one of the most positive and successful of those that we have discovered is Ken Lockwood and the drug free program that he presents.

"If any of you have had any experience with middle school age students, I'm sure you are aware of the challenge in trying to break through the bravado of them, especially when you're trying to address them with something that is for their own good. During the past two years that our school has had this after school program, I personally have attended two different types of drug free programs, one of which was given by an x-drug dealer. He now travels around the country giving presentations to schools. He did a fine job of presenting, but to be honest with you, the bravado of the middle school age students took over. He did not penetrate that. It was almost as if the frightening aspects of his talk encouraged them to deny that it could happen to them.

"On the other hand, we had the program that was done by Ken Lockwood and a baby tiger. Because of the way the message was delivered by Ken, the students never had a reason to put up their toughness barriers. He began by educating the students on the plight of the tiger and the inhumane treatment of the animal by poachers. Once compassion for the species was in place, he showed a correlation of how poachers treat tigers with the similarities of how drug dealers treat users. Neither cares anything about whether anyone is hurt or dies. They only care about money.

"I can't describe for you how powerful his message was, except to say that in a hall filled with over 100 middle school age students, their parents, and siblings, there was total silence when he finished. At all times, safety of both audience and animals was the number one concern of Mr. Lockwood. Before I close, I would like to address the argument that I know many people feel it is unnecessary to bring the tigers or other animals into the school setting. There is no doubt in my mind, based on this program and others that we have had, that the presence of the animal was a magnet to draw, not only the students but their parents, to come to this program and here this drug free message. It was incredible. I thank you for having this opportunity to speak to you. I would also like to say that I come to speak to you today with the full approval and support of my school district. Thank you."

Chairman Winters said, "Thank you very much, Ms. Lowe for being here. We appreciate your making

Regular Meeting, March 8, 2000

the trip."

Ms. Lowe said, "I also brought a packet of 30 cards, from my after school students, in support of Mr. Lockwood."

Chairman Winters said, "Let us take a look at them and we'll pass them along."

Ms. Lowe said, "Don't count for spelling."

Chairman Winters said, "We won't grade their spelling. Thank you again for making the trip up today, we do appreciate it. Is there anyone else who would like to address the Commissioners? Please come forward."

Ms. Dorothy Erwin said, "I live at 9360 South 199th West, Viola. I have a question about the new draft. When my husband was speaking, he said that this new draft allows new permits. I saw several of you shake your head. I'm confused. Could you explain some of this for me?"

Commissioner Gwin said, "We're going to ask staff to answer some of those questions that have been brought up Ms. Erwin."

Ms. Erwin said, "Thank you."

Chairman Winters said, "Thank you. Is there anyone else who would like to speak? Please come forward and give your name and address please."

Ms. Jim Fouts said, "I live out at 1037 South 183rd Street West, Goddard. I own the facility in Goddard. Basically, I just wanted to say that I think that the draft that has been proposed by Legal goes a long ways to fixing the problem we have in Sedgwick County. I know of no other jurisdiction that has anything that is anywhere near as stringent as this is. There are a few out there, in some areas, that have actually stopped the activity with few exceptions, but I think this will, in fact, address the problem.

"The thing that I would like to point out is that, and I'm sure Commissioner Sciortino and Chairman Winters, on the visit to my facility, as well as the folks here from Clearwater who I sympathize with their situation. The difference between our facilities is night and day. I have, in all the years I've been in the

Regular Meeting, March 8, 2000

business, been very, very careful with whom I do work with, with whom I am associated with, just because of this kind of a situation. I think that the issue that you have in Clearwater, I learned recently about the carcasses that were down in the area around the facility. To me, I'm amazed by that. It seems to me that should be a health issue. Certainly should be a health issue. I know the city will come out and tell you to mow your grass if it is too tall, we certainly should be able to do something about dead animals laying in the middle of your yard.

"It seems to me that with the current draft, with the help of Code Enforcement, the Health Department, animal welfare issues, at the very least, which I have always questioned at that facility. I've only seen pictures, but I certainly believe that animal welfare is not being addressed at this particular facility not will this facility be able to comply with the other requirements that have been put forth in this draft. I'd like to say in response to what Tim said about keys at our facility. We set the key on that particular door because they were coming out to show them how the shift cages work. It is not the kind of thing where we leave them hanging out where everybody can get hold of them.

"In addition to that, I'd like to say that the letters that I delivered yesterday in support of the programs we do, we've done many and we have many more to do. It would be really unfortunate if we weren't allowed to do that. I think it does provide a great service to the schools and communities at large and I would encourage you to support that. Thank you."

Chairman Winters said, "Thank you, Mr. Fouts. Is there anyone else who would like to address the Board on this issue? Seeing no one, we'll restrict discussion to staff and Commission. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. Sherdeill or Michelle, we need to get clarification on the issue of licenses. The draft does say that there is a moratorium until June 1, 2000. Then it says, thereafter the issuance of all new licenses and license renewals shall be pursuant to and in compliance with sections two through six of this resolution. For clarification purposes, we are not going to permit any new locations, but are licenses granted for animals and not for sites, is that the way this resolution is written?"

Mr. Breathett said, "That is correct. If you look at page ten, section 5-226, in reference to the prohibitions of inherently dangerous animals. It states that it shall be unlawful for any person to own, harbor, or permit at large, any inherently dangerous animal in the unincorporated area of Sedgwick

Regular Meeting, March 8, 2000

County, Kansas. Then goes to section 5-227, exceptions to prohibitions. If you look at Item I. It says license holder harboring one or more inherently dangerous animals at an approved location. So, that just basically narrows it down as to the three locations that we currently have in the County. If they were to acquire or receive an additional license, it would have to be at these locations only."

Commissioner Gwin said, "Okay, that's why I'm a little interested in the issuance of all new licenses. I understand renewal licenses for these facilities, but I'm not sure what it means about new licenses. Does that mean if they get new critters? Do they have to get a new license, a different license every time they get a new cat or bear?"

Ms. Daise said, "Every time they get a new animal, they have to contact Animal Control within a set period of time to let them know that a new animal has been brought onto the property or that they've actually taken an animal off the property. That way there is always a record of how many animals are out there.

"When we're talking about new licenses, what we are talking about is if someone would come out and buy the property in Goddard from Mr. Fouts, that person would have to get a new license. They would have to comply with every requirement in this Resolution before they would be given a license. They cannot just come out and buy Mr. Fouts' property, bring their own animals on the property, or even keep his animals on the property until they get the license. So, in a sense that is a new license, but it is still at the approved location. So, even if they met every requirement, if it was not at the approved location, they would not be granted a license and not be allowed to harbor any animals."

Commissioner Gwin said, "Okay. Sherdeill, also on the issue of inhumane treatment. I'm assuming that is one of the basic reasons why Animal Control exists in this community it to ensure that when people do in fact own animals, no matter what they are, whether they are horses or dogs or lions or whatever, that they are, in fact, treated humanely. Isn't that a major charge of your department?"

Mr. Breathett said, "That is correct."

Commissioner Gwin said, "In doing so, when you find that an animal is being, in your opinion, being treated inhumanely, or by these definitions, what do you have at your disposal to make those owners change their behavior? What laws, what codes, how do you go about enforcing that?"

Regular Meeting, March 8, 2000

Mr. Breathett said, "Current codes that we do have established gives us the rights that if those animals are not being properly cared for, as far as potable water, housing, things of that nature, we can address that, even to the point of having those animals removed if it is to the detriment of that particular animal."

Commissioner Gwin said, "I guess my next question then might come to Commissioner Sciortino. In addressing the County Courts Bill that we're trying to get some teeth in our County Court because at this time there is some frustration that Erwins and others pointed out that we can write citations and a lot of times we don't quite have the oomph to make those happen. If we could get that passed, would that be an attribute to this?"

Commissioner Sciortino said, "Thanks for bringing that up Commissioner. I spent a day, as you know, in Topeka lobbying for that very thing, to try to get some more teeth in our County Court system with regards to enforcing zone violations and code violations. What we're asking the state legislatures to do is to give our County court judge, after he or she has exhausted every method at our disposal to get that citizen to conform with County codes, for example remove the junk cars, the trash, or the vermin or whatever, that he have the authority to order nuisance abatement. Which then he could order the County to actually go on the property and remove that obstruction from that property, since he apparently doesn't want to do that. Right now, we don't have that right. We're asking for it. We're lobbying very strongly. It is my hope that they will see the reasonableness of this. It is actually a state wide problem, not just a Sedgwick County problem. We're hoping that they will see our position and give us that authority, so we could actually do what you're asking for after a period of time, enough is enough, if you won't do it, we'll do it for you."

Commissioner Gwin said, "Would it be helpful for them to contact their legislators and ask them to support that bill?"

Commissioner Sciortino said, "I certainly would support that and encourage that you do so."

Commissioner Gwin said, "Do you have the bill number?"

Commissioner Sciortino said, "It is Senate Bill 319 and it is presently in the judiciary committee of the state legislature."

Commissioner McGinn said, "We can get them a copy of the committee members."

Commissioner Sciortino said, "Right after the meeting, I'd be happy to give you a copy of all of your

Regular Meeting, March 8, 2000

legislators that are on the boat right now."

Commissioner Gwin said, "My point, in bringing that up was, that I know there is some frustration, not just from you all, but from other folks around the community about old cars or stuff sitting around. We go out, our folks go out and do their best to try to enforce the codes that we have, to try to maintain a neighborhood that we'd all be proud to live in and around. You've seen, over and over, again what happens. Folks ask for a delay. We try to be cooperative in the way we do things and try to let people have the time to fix things the way we've asked them to. Those delays turn into other delays and then we bring them in to court and we ask them to pay fines and sometimes they do and they still don't make the corrective actions that we need to.

"So, that is why this bill that Commissioner Sciortino has been so aggressive about pursuing is so important to us, because unlike higher courts, county courts really don't have much teeth in our regulations. We really think, in order to make those stick, in order to impress upon people that we are serious about these things being done, we do need some more strength and more teeth to enforce them. If it means a lien on their property, then so be it. Whatever we have to do to make things better in this community. They hear from us and they think maybe for some reason we have an ulterior motive as a government. What we're trying to do here is try to represent the people who we represent and impress upon our state legislators that this kind of amendment to the County court system is very important, not just for this governing body but for the folks who live in Sedgwick County."

Commissioner Sciortino said, "Just to embellish upon that a bit. One of the things I mentioned in my testimony yesterday was that when an individual citizen calls Code Enforcement, you call your County Commissioner, you say its been three months, its been six months, its still there, what can you do? It sort of reenforces the conception that government really can't do anything for the people when it gets right down to it. I think that the passage of this bill will go a long way to eliminating that perception and actually it will show the individuals that yes, once and for all, if the individual that is infringing on my rights because it is either lowering my property values or effecting my health and my safety and what have you, government can step in and do something positive to alleviate the problem, which was the reason why the zoning code was established to begin with. I'm confident that we have a good chance to have that passed,

Regular Meeting, March 8, 2000

but I would encourage anyone that would like to contact their local representative to please do so. Thank you."

Chairman Winters said, "Thank you."

Commissioner Gwin said, "Thank you, Mr. Chairman. That's all for me, too."

Chairman Winters said, "Thank you. Michelle, the way I look at this ordinance, on page 2 it talks about the three approved locations. Does that mean forever?"

Ms. Daise said, "Forever, until you change it."

Chairman Winters said, "What I was thinking about was adding something in there, that this goes into effect on June 1, if on June 2 these locations are out of compliance, then they fall off the chart. They fall out of the resolution."

Ms. Daise said, "We do have a provision in here that indicates, I believe if the property is not used for 60 days for harboring animals, then at that point they are no longer considered an approved location. That does not directly address what you're talking about but it does address a situation where no animals are being harbored there. If someone is not in compliance with the resolution, as Sherdeill indicated, the County will have the right to go in, in appropriate situations with appropriate notice and procedure, we'll have the opportunity to go in and remove those animals. If the animals are removed on June 2, then on August 2, we would be able to say that property is no longer an approved location. That is as it is written at this time."

Chairman Winters said, "That answered my question. Commissioner McGinn."

Commissioner McGinn said, "So does that mean if they're removed on the second, cleans the place up and back in 30 days, we're a go again?"

Ms. Daise said, "Correct."

Commissioner McGinn said, "So, it doesn't fall off the chart."

Ms. Daise said, "Not until 60 days, correct."

Regular Meeting, March 8, 2000

Commissioner McGinn said, "The other question that I had is could somebody find out about the dead animals laying around ten days? I've always thought that owners were responsible for getting rid of dead animals. The only other comment I wanted to make, did you want to ask a question of Michelle? I was just going to make a comment about, I can support this 50 pounds or less for showing animals out to school children and things like that. There must be something there, if anybody can get junior high kids to be quiet. There has got to be something there. The other thing, I know Earth Day is coming up April 22, and they bring out animals and it has been a great way to teach children about what is happening in other ecosystems and what habitat is being affected and that type of thing, which also teaches them how to appreciate the environments in which we live in and the animals and things like that. I would hate to see that go away. So I can support this 50 pound limit. That's all I had."

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

Commissioner Sciortino said, "Thank you, Mr. Chairman. Having raised two children and having them in middle school, I'm hoping that they can be placed under Animal Control. I just want to make sure, and I think Chairman Winters covered it, we have three entities right now, three locations that are licensed. Not to mention any names, but one individual decides that he wants to move and he sells his property and he takes his animals with him and whatever. The only way the new owner, first of all, that new owner would have to apply for a license, correct? And would have to get that licensed approved within 60 days, or that location falls off the radar screen and now we only have two approved locations."

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

Commissioner Sciortino said, "I can sort of see the reasonableness of the 60 days because if one person was leaving and taking his animals, there may be a period of time that the new owner has to bring in the new animals or whatever. I'm not that uncomfortable about a reasonable period of time to let the new owner that bought the property for that very reason to continue that business. But I want to make it very clear because this one question caused me concern. We will not be issuing any new licenses to any individual that wants to do business in the County of Sedgwick for any other locations throughout Sedgwick County."

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

Commissioner Sciortino said, "Now, if you issue one license to this location, it is the gentleman in Goddard, I wish . . . baby giraffes are over 50 pounds when they're born, right? I really liked the baby giraffe, that was kind of cute. Okay. So, that site is issued. Could someone come to this individual and

Regular Meeting, March 8, 2000

say 'could I buy ten acres of your land and stay on this same area' so now we have two separate license holders but it is in the same geographic location."

Ms. Daise said, "Yes, they could do that. In fact, they would not have to buy part of the property. Currently, on Mr. Fouts property, we have two license holders, both Mr. Fouts and Mr. Lockwood. Any individual who owns animals who are being harbored at a location has to have a license. The license itself is not for the property."

Commissioner Sciortino said, "But then both Mr. Lockwood and Mr. Fouts have to have the insurance requirement that if they put an animal in a cage, they have to have all the fencing and everything else and both individuals have to comply with the license requirements?"

Ms. Daise said, "That is correct."

Commissioner Sciortino said, "I don't know that I have a problem with that. That's all I have. Thank you."

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

Commissioner Gwin said, "Thank you. I'm still wrestling with this idea of approved locations. I understand that it says 'subject to the provisions of the inherently dangerous animal article'. So, do we have something in the resolution that would indicate that, I don't know if it is a three strike and your out, but if you have a location that is chronically, continuously out of compliance, can't get them to comply, do we have something in this that we can just pull the plug and say you're done? We've given you all the chances that we're going to give. Your licenses are now revoked, box up your stuff and get out."

Ms. Daise said, "Yes, we do not specify how many times there has to be a violation for something to happen. There can be one violation and we can begin the procedures for revoking the license. If it is a safety issue, immediately Animal Control, with the assistance of the Zoo, can go out and remove those animals from the property. We might want to consider getting district court involved because this is an

Regular Meeting, March 8, 2000

individual's property. But we certainly have the right to go out there and make those determinations, if it is risking the safety of the neighborhood or even the people on that property. That can happen immediately. It does not take three strikes you're out. It can be however many times. If there are small violations, Sherdeill, with the assistance of his staff, is going need to make a determination of whether it rises to the level of revocation or if it is simply a matter of writing a citation and taking it through County court, as we mentioned previously. But it can happen at any point."

Commissioner Gwin said, "Okay. The other issue that I know the Erwins continue to be concerned about and others, probably I'm sure, too, Sherdeill, is your staffing and your department. I know that over time we've asked you all to do more with less. Can you handle these three locations in addition to your other responsibilities? Are you going to have to come and talk to us, then, about adding personnel or changing the way you do business?"

Mr. Breathett said, "I think even in reference to Tim's earlier concern about calling our office in the after hours and not being able to get hold of us. We have the convenience of networking with the Sheriff's Department. That if it is a serious enough concern that you have the Zoo, you have us involved and we're put together as a network. So that gives us adequate support, from that standpoint. If it is a situation that requires for us to directly to come out, myself or one of the staff members are on call, to be able to do that, as well, too."

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

Commissioner Sciortino said, "Just to clarify, Michelle, I guess I would address it to you. The reason we decided to license the facility and not the individual was to protect the rights of people that have made a major investment in a business and this would give them a reasonable exit strategy, should they decide to sell their business, that they could sell to someone and it would have a value. If we put a solid wall grandfather clause they would lose, I don't know, the value of their business would go to zero because they wouldn't have the ability to recapture their investment when they decide, in their sole discretion, they wish to leave the business. That was the reason for that."

Ms. Daise said, "Yes."

Chairman Winters said, "Commissioners, I know that this Resolution may not be perfect. It probably does have some issues that we could talk about for a long time. I think this is a much, much better document than we had before, a much better Resolution than we had in the past. I'm willing to keep

Regular Meeting, March 8, 2000

talking about it. I'm also prepared for us to move forward and adopt the resolution and as it written, it goes into effect June 1. Then the only exceptions or changes that I would like to suggest, again, is on adding three exceptions, one on page 12 under item 10, which would allow for transporting of animals under 50 pounds or less than six months of age. Then on page 14, two exceptions under 1-M, transportation, which would allow for transporting animals under 50 pounds and then N which would then give an exception for animals weighing under 50 pounds and less than 6 months. Is there other comments or questions?"

Commissioner Sciortino said, "Mr. Chairman, I agree with you. This isn't perhaps perfect and might not address each and every concern, but I think it has come a long way. I think this ordinance could just continue to be a work in progress and if it turns out, at a future date, that we've overlooked something or something needs to be strengthened, I think we always have that option to readdress that. I'm prepared to vote on it."

MOTION

Chairman Winters moved to adopt the Resolution with the three exceptions concerning animals under 50 pounds and under six months of age.

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you very much. Commissioners, we have an Off Agenda item, another one, concerning an amendment to a lease agreement."

MOTION

Regular Meeting, March 8, 2000

Chairman Winters moved to take an Off Agenda item.

Commissioner Gwin seconded the Motion.

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

VOTE

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

OFF AGENDA ITEM

Mr. Mike Pepoon, Assistant County Counselor, greeted the Commissioners and said, "I tried to provide, prior to the meeting, a copy of a document entitled second lease amendment. If any of you don't have that, I have some extra copies available. This document is an amendment to a lease we entered into on behalf of the Treasurer back in September of last year, September 29 to be exact. It was a ten year lease for the West Tag Office on north Maize Road. This document was negotiated by the Treasurer through her attorney, Larry Spurgeon, of the law firm of Adams and Jones.

"The lease amendment in effect obligates the tenant, which is Sedgwick County, the Board of County Commissioners, to pay additional work request in the amount of \$13,442. In consideration of this, the landlord has allowed the tenant not to begin paying any rent until May 1st of this year. This document has been signed by the Treasurer, Jan Kennedy. It has been reviewed by our office, as to proper legal form, and I'd be happy to answer any questions you might have."

Chairman Winters said, "Thank you, Mike. In according to your estimation, everything is proper and in order with this amendment?"

Mr. Pepoon said, "Yes sir."

Chairman Winters said, "I see Ken Arnold here. Ken, could you speak to time frames about this? What is now going to be able to happen?"

Regular Meeting, March 8, 2000

Mr. Ken Arnold, Director, Facility Planning and Remodeling, greeted the Commissioners and said, "I've just given you a copy of a schedule we've put together that assumes that the lease amendment would be approved today. We'd go through the various phases of construction, remodeling activities by the various companies, our staff installing equipment, that type of thing. Moving the folks from Cross Roads that will be shut down. Shows you basically about the 13th to 15th of June we would anticipate that we could have the new tag office open in this new facility. It will take that amount of time to get all the construction and activities done."

Chairman Winters said, "I see that the State installs their equipment, the tag office or substations are hooked directly to Topeka?"

Mr. Arnold said, "That is correct. We have an order in to the State, that is just on hold, pending a decision on this project. Once you approve this, we'll call them and tell them to go ahead and proceed with their end of it. They're anticipating about 60 days to get their end of it done."

Chairman Winters said, "Okay, very good. Commissioners, questions or comments? Commissioner Gwin."

Commissioner Gwin said, "Ken, on the delay from item two to item three, is that just on the availability of the contractor?"

Mr. Arnold said, "That's correct. The project, as you may recall, was supposed to start at the end of last year. As result of the delays, obviously the contractor has gone on and is doing some additional work. They will attempt to get into that just as quickly as they can, but we've built in approximately two weeks for them to get their subcontractors and everybody back together again. They may be able to improve that, but I can't assume that at this point in time."

Commissioner Gwin said, "Okay, thank you."

Mr. Euson said, "Commissioners, I think the schedule also assumes that the landlord's contractor will be able to do its work within the schedule also."

Chairman Winters said, "Okay. Commissioners, other questions or comments?"

Commissioner Sciortino said, "I want to compliment both of you and also Treasurer Kennedy. It looks like you did some very good work and a little give and take between tenant and landlord and what have

Regular Meeting, March 8, 2000

you and have negotiated something that looks to me to be very fair and reasonable. I compliment both of you. If Jan was here, I'd compliment her also."

MOTION

Commissioner Gwin moved to approve the second lease amendment.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you, Mike. Thank you, Ken. Commissioners, does anybody need to take a break or shall we just keep on going. Madam Clerk, call the next item."

H. DIVISION OF HUMAN SERVICES.

1. CONTRACT WITH WICHITA PSYCHIATRIC CONSULTANTS TO PROVIDE INPATIENT PSYCHIATRIC SERVICES.

Ms. Deborah Donaldson, Director, Division of Human Services, greeted the Commissioners and said, "This first item is a new contract with a private practice group to provide our inpatient coverage for consumers that are seen in various hospitals. It is \$75,000 and these are State monies. I'd be glad to answer any questions."

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

Regular Meeting, March 8, 2000

MOTION

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

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

2. CONTRACTS (TWO) FOR HEALTHWAVE MENTAL HEALTH SERVICES.

a. SUMNER MENTAL HEALTH CENTER

b. FAMILY CONSULTATION SERVICE

Ms. Donaldson said, "These two contracts are with Sumner Mental Health Center and Family Consultation Services. They provide Healthwave services for us. We do manage that program. This is on a fee for service basis. I'd be glad to answer any questions."

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

MOTION

Regular Meeting, March 8, 2000

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

Commissioner McGinn seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

3. AGREEMENT WITH TIYOSPAYE FOR 2000 PREVENTION FUNDING.

Ms. Donaldson said, "Commissioners, this is one of our prevention contracts. It is \$80,000 of the prevention money. Mary San Martine Edmonds is here today, the CEO of that organization, if you have any questions."

Chairman Winters said, "Thank you, Debbie. I think we've had discussion about this. This is actually just signing that contract, is that correct?"

Ms. Donaldson said, "That is correct. Commissioner Sciortino."

Commissioner Sciortino said, "Just one real quick one. I know in the beginning and Mary, you might come up real quick. I think I know the answer but I just want to ask it. I know, some time in the past, you had talked about the fact that you really needed more than we were able to give you in order to do the project. Our concern was that if we only had these dollars available, could you do the project or do a project for us that would meet some of our outcome measurements. Apparently, you feel very strongly that you can do what we're expecting you to do with the funds that we're allocating to you."

Ms. Mary San Martine Edwards, Chief Executive Officer, Tiyospaye, greeted the Commissioners and said, "Yes."

Regular Meeting, March 8, 2000

Commissioner Sciortino said, "Okay, that's all I have."

Chairman Winters said, "Thank you. Thank you very much. "

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	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

4. AGREEMENT WITH SOUTH CENTRAL MENTAL HEALTH COUNSELING CENTER FOR COMPREHENSIVE COMMUNITY CARE TO PROVIDE AFTER-HOURS MENTAL HEALTH EMERGENCY SERVICES.

Ms. Donaldson said, "Commissioners, this is the Mental Health Center in Butler County and they have approached us about providing their after hours coverage, in terms of their crisis program, which we also do for Sumner County and this is that agreement and they will pay us to provide that service. I would be glad to answer any questions."

Chairman Winters said, "Thank you. Is most of that done by telephone? Is that what that means or will there be some actual interaction? How does that work?"

Regular Meeting, March 8, 2000

Ms. Donaldson said, "The majority of that will be done by telephone."

Chairman Winters said, "We just have people there 24 hours a day, 7 days a week?"

Ms. Donaldson said, "Yes, that is the efficiency of it. Because we have to have people there anyway, like at three o'clock in the morning, we will have a staff member there available. That gives them the advantage of not having to hire and have staff available at that time, so we can cover that for them."

Chairman Winters said, "Okay, it sounds like a good deal. Commissioners, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the Agreement 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	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

5. AGREEMENT WITH KANSAS CHILDREN'S SERVICE LEAGUE TO PROVIDE GRANT-FUNDED JUVENILE INTAKE AND ASSESSMENT CENTER CASE MANAGEMENT SERVICES.

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "This

Regular Meeting, March 8, 2000

agreement with Kansas Children's Service League is for a new program in our community to help prevent juvenile delinquency. The program will provide case management services to juveniles who have been brought to the Juvenile Intake and Assessment Center a second time or more. The goals for case management are to connect the youth and their families to appropriate community resources, to increase school attendance and reduce anti-social behaviors, to increase employment, and to prevent further offending.

“This program is part of our local Juvenile Justice Comprehensive Plan and is funded with state prevention dollars from the Juvenile Justice Authority. KCSL (Kansas Children’s Service League) was selected to provide the program by the Sedgwick County grant review committee through a competitive RFP process. The contract is for calendar year 2000 and provides \$150,157 for start-up and operations. Be happy to answer any questions.”

Chairman Winters said, "Thank you, Mark. Again, this is one of the new initiatives on prevention funds and spending State prevention dollars. As we have intake and assessment facility when youth is picked up by law enforcement and they come to this facility, we often times wonder how many times do they go through that process before somebody really starts taking a look at what is going on. Mark, you can correct me if I'm wrong, by starting this program, once a juvenile goes through intake and assessment, there is going to be a case manager begin to look at this child, their parents or guardian, about what is going on. Is that essentially right?"

Mr. Masterson said, "Yes, in a targeted population of those who come a second time or more, which is a high risk group. This pot of money is to fund case management and offer it to 100% of those families that are not covered by some other case management already."

Chairman Winters said, "We're not doing that now. We could have a kid come back and touch base over and over and nobody really try to take a closer look. This is part of the Juvenile Justice prevention funds from the State of Kansas that we're putting to work here in Sedgwick County."

Mr. Masterson said, "Yes."

Chairman Winters said, "Thank you. Commissioners, you've heard Mark's report, what's the will of the Board?"

MOTION

Regular Meeting, March 8, 2000

Commissioner Sciortino 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	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

- 6. AGREEMENTS (19) TO PROVIDE TARGETED CASE MANAGEMENT SERVICES.**
 - a. KIMBERLEE ANDERSON**
 - b. SONA JINAY BEVAN**
 - c. KATHRYN COIT**
 - d. FAE COLE**
 - e. CINDY CRANGLE**
 - f. MAE FIELDS**
 - g. NORMA FRY**
 - h. VANESSA GALBREATH**

Regular Meeting, March 8, 2000

- I. MELISSA HOGAN**
- j. VALORIE HOWARD-WINDHOLZ**
- k. LISA JOLIFF**
- l. KYLE JONES**
- m. WILMA LOGANBILL**

AGREEMENTS (19) TO PROVIDE TARGETED CASE MANAGEMENT SERVICES (con't)

- n. JODY LUJAN**
- o. DEBBIE MCCLELLAN**
- p. JULIE OLIVAS**
- q. LISA PARKER**
- r. FRANK RODRIGUEZ**
- s. MICHELLE SHAHEEN**

Ms. Dorsha Kirksee, Department on Aging, greeted the Commissioners and said, "The targeted case management contracts before you will initiate our fourth year as a Medicaid provider for the program. The clients for this program are age 60 and over and at risk of nursing home placement. They are in need of some sort of in home services, in order to keep them independent and in their homes. These contractors will be reimbursed, through Medicaid funds, and no additional County funds are needed. I'd be glad to answer any questions at this time."

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

MOTION

Regular Meeting, March 8, 2000

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

Commissioner McGinn seconded the Motion.

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

VOTE

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

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

I. AMENDMENT TO THE 2000 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR THE COURT TRUSTEE'S OFFICE.

Mr. Arnold said, "This item is to amend the 2000 CIP, to allow us to remodel a portion of the 7th floor for the Court Trustee's Office that has added three additional personnel. The amount is \$42,000. I would be happy to answer any questions and I would recommend you approve the amendment."

Chairman Winters said, "Thank you. Commissioners, you've heard Ken's report. Any questions? Seeing none, what's the will of the Board?"

MOTION

Commissioner McGinn moved to approve the CIP amendment.

Regular Meeting, March 8, 2000

Commissioner Gwin seconded the Motion.

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

VOTE

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

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

J. RESOLUTION URGING THE KANSAS LEGISLATURE TO RESTORE FUNDS TO THE STATE GENERAL FUND BUDGET TO FINANCE THE FY 2001 DEMAND TRANSFER STATE AID PROGRAMS FROM THE STATE GENERAL FUND TO COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT.

Chairman Winters said, "Commissioners, we received a request from the Kansas Association of Counties, as they are coordinating an effort to request counties across the State to pass resolutions requesting that the State legislature and governor restore all the previous State money that was given to cities and counties. We've got that Resolution before us today and I've asked Chris Chronis if he would come and make just a couple of brief comments about these demand transfers and what is actually taking place. Chris, could you visit with us about this?"

Mr. Chris Chronis, Chief Financial Officer, said, "I'd be happy to Mr. Chairman. Let me begin by defining the term. Demand transfer is kind of an esoteric term for a fairly significant funding source for local governments in this State. Demand transfer is nothing more than revenue that is collected by the State, specifically for local governments. There are a variety of State laws in place that set aside a portion of State revenues, specifically for local government to use to reduce property taxes or to provide State mandated services. For example, there are two laws on the books that set aside 6.4% of State sales tax to be distributed to local governments, according to a formula, to be used for property tax reduction.

"The problem arises because when the State gets in a budget pinch, very often it is easier for State officials to reach a consensus on how to address that problem by taking money away from local governments,

Regular Meeting, March 8, 2000

rather than by making hard decisions about how to reduce funding for State programs to match available State revenues. The easy solution is simply to reduce the amount of money that the State provides to local governments and then require local governments to make the hard decisions, within their operations, about how to deal with the funding short fall.

"That is what is proposed in the current years budget, by the governor, in the 2001 budget that is currently being considered by the legislature. The Resolution that you have before you voices our concern about the impact on our budget of that action. There is some serious money involved in this. State wide, all local governments this year will receive \$106,000,000 in demand transfers from three different sources of State funding. The governor's budget for next year reduces that aggregate amount of money to \$99,000,000. It requires local governments to absorb a \$7,000,000 reduction in their programs in order to help balance the State's budget.

"If the State followed the law, that is if the State fully funded demand transfers as current statutes provide, the state would be provided \$123,500,000 to local governments next year. That is, they would be providing a total of \$24,000,000 more than is currently proposed in the governor's budget. In Sedgwick County, this also is a serious manner. In the current year, we will receive \$11,600,000 of demand transfers from the State. That represents about 6% of our total budget. In the governor's proposal for next years State budget, Sedgwick County would receive \$11,100,000, an absolute reduction of a \$500,000 over the current level of funding. If the State fully funded demand transfers, as we think it should and as the statutes call for, Sedgwick County would receive \$12,400,000 next year rather than the \$11,100,000 that the governor is proposing. That additional \$1,300,000 equates to roughly a half a mill of property tax, locally. That is, in order for us to absorb that \$1,300,000 reduction in statutorily provided State funds, one approach, and perhaps the only approach that we have on the revenue side of the equation, is to increase property taxes by half a mill. The alternative that we will face in our budget cycle and we're just starting the process of putting together our budget, as you know, the alternative will be for us to look for a way to impact services, to reduce the level or quality of service that we are providing and save \$1,300,000 on the expenditure side of the budget.

"Quite simply, I think it is not right for Sedgwick County residents to have to help balance the State budget, either by paying increased property taxes or by suffering from lower quality services from the County government. For that reason, I recommend that you approve the Resolution that you have before you."

Regular Meeting, March 8, 2000

Chairman Winters said, "Thank you very much. Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. Now, let's go real slow here for a minute. Demand transfers, Kansas kitchen english, is money that the State collects for us."

Mr. Chronis said, "Correct."

Commissioner Sciortino said, "They're saying that even though they've collected it for us, they're not going to give it to us."

Mr. Chronis said, "Correct."

Commissioner Sciortino said, "And because of what they're recommending, we may have to look at raising the local property tax mill levy, to offset the money that the State collected for us but they're refusing to give us."

Mr. Chronis said, "Correct. As currently proposed, we will have to make up about \$1,300,000 either by increasing revenues or by reducing expenditures."

Commissioner Sciortino said, "By cutting programs, for the homeless or the aged or whatever."

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

Commissioner Sciortino said, "I think I'm going back up to Topeka because there is something wrong here. I'm not stupid, but my IQ does reach at least room temperature and I plan on going up there and talking. I want to understand what reason . . . so, this isn't money that they're giving us, out of the goodness of their heart, or we're applying for a grant. This is money they collected just for us."

Mr. Chronis said, "It is money that, through statutes that have been adopted in past years, the State has said this much of this revenue that is collected by the State we will provide to local governments to reduce property taxes or to provide State mandated services."

Commissioner Sciortino said, "Okay. I'm going to definitely support this Resolution."

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

Regular Meeting, March 8, 2000

Commissioner McGinn said, "I'd just like to say, I hear just a few legislators always talking about how local government needs to cut taxes. Is this our second or third year we've cut the mill? Second year. We've cut our mill levy the last two years, but yet now we're being denied the funds that are supposed to come to us to take care of social services, aging, mental, physical disabilities, those kinds of things. On one hand, we're kind of told you folks need to cut your budget or whatever and we have been reducing our mill levy. But now as this gets handed down to us, we're being forced to raise it. They ask us to cut and now we're being forced to raise because we're not receiving the dollars that really are supposed to be coming to local government. Interesting situation. I, too, will be doing what I can to visit with our legislators on this. Thank you."

Chairman Winters said, "Thank you. Again, I think this is going to be working in conjunction with other counties and other cities. It is my understanding that cities are also considering this same kind of resolution."

Commissioner Sciortino said, "One other thing if I could, Mr. Chairman. We've got a school bond issue that we're trying to get passed. For the first time, I believe, in the history of the City of Wichita, this County Commission, we've endorsed that school bond issue. I believe our State delegation endorsed this issue. One of the concerns I read in the paper is that property appraisals are going to be going up and that may have a negative impact on getting this school bond passed. Our State legislators are giving us a little bit of a mixed signal. They say they endorse the school bond issue, but then perhaps by what the governor is trying to do, we may be forced to raise the mill levy, which would put further pressure on the passing of this resolution. I definitely am going to be talking to our legislators on this. Thank you."

Chairman Winters said, "Commissioner Gwin."

Commissioner Gwin said, "Thank you. I certainly agree with the comments of my colleagues. I think the bottom line is that if this Commission has to make tough decisions on services or those kinds of things, based upon the valuation of this County or other things that are of our making, we do in fact make those difficult decisions. I think it is incumbent upon our State representatives, who are facing a financial dilemma at the State level, to make their tough decisions there. This makes the decision easy for them, if you will, by making it even more difficult on us. By handing the solution to the problem, just saying 'here now, local government, it is your dilemma, now you deal with it'. I don't think that is a very fair way to do it. I don't think this Commission would do that with the local communities in this County by saying 'oh

Regular Meeting, March 8, 2000

look, the County Commission has a problem this year with the budget so now, all you cities, guess what, we're not going to disperse funds to you either'. We're not going to do the distribution that we ordinarily do through the Treasurer's Office, we're going to hold that money. That's ludicrous. So if tough decisions need to be made, they need to be made by the governing body or by the elected officials in whose court those problems occur.

"It troubles me when we are chastised over and over again about the growth of local government. When we are continually threatened with tax lids and other ways for the State to control what we do and how we spend money. It is very troubling, then when they attack us as growing when they contribute to the growth that we don't want to have happen. They are absolutely doing that with this kind of behavior. I certainly will support the Resolution and whatever is possible to get them to change their minds and understand the importance of following the laws that they themselves approved. Thank you, Mr. Chairman."

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

Commissioner McGinn said, "Just a quick question of Chris. I think sometimes some legislators think that maybe local government spends their money on frivolous things. For a County government, that is just not the case. I was just looking at our little hand-out we have and I left it back in my office. Chris, how much of our budget is spent on emergency services and social services? Those kinds of things that folks really want and value in their community?"

Mr. Chronis said, "I don't have the number committed to memory but I would estimate 40% of the total budget is for public safety, perhaps another 10% is for human services, things like the contracts for the Aging case managers that you just approved before I came up here. A significant portion of our budget goes for those essential public services. That's the area that we have to look to for reductions if that is the choice that we have to make."

Commissioner McGinn said, "I would have gotten it, but I just figured you had it on the top of your head. I was looking at that the other day and there really is not a lot of fat there. I mean, these are the kinds of services that communities demand from their local government. Thank you."

Chairman Winters said, "Thank you. I'm ready to proceed on. Again, I think this is going to be a joint effort with all other counties in Kansas and cities in the State of Kansas. We have, in our original back-up,

Regular Meeting, March 8, 2000

we have a model Resolution and then I got a memo that has one with numbers written in, talking about the actual dollar amounts as they relate to Sedgwick County. If we pass this Resolution, then would someone please get that in . . ."

Mr. Euson said, "It is prepared."

Chairman Winters said, "Okay, then we need to distribute that to Randy Allen, with KAC and with Marci Hess, our Governmental Relations person with the figures. Rich has the completed document, without all the handwritten stuff on it. Okay Commissioners, what's the will of the Board?"

MOTION

Commissioner Sciortino 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	Absent
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you, Chris. We appreciate your explanations. Next item."

K. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MARCH 2, 2000 REGULAR MEETING.

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

Regular Meeting, March 8, 2000

(1) LATEX MODIFIED SLURRY SEAL - PUBLIC WORKS
FUNDING: PUBLIC WORKS

"Item one, latex modified slurry seal for Public Works. It was recommended to accept the low bid of Beachner Construction, \$860,521.90.

(2) TRAFFIC LINE PAINT - PUBLIC WORKS
FUNDING: PUBLIC WORKS

"Item two, traffic line paint, also for Public Works. It was recommended to accept the individual low bids meeting specifications of CenterLine Industry for items one and two, that amount \$28,150.10 and item three from Flex-O-Lite, that total is \$6,746.40, for a grand total purchase of \$34,896.50. A complete tabulation follows.

(3) ANNUAL SOFTWARE SUPPORT MAINTENANCE - THE DIVISION OF INFORMATION AND OPERATIONS
FUNDING: THE DIVISION OF INFORMATION AND OPERATIONS

"Item three, annual software support and maintenance for the Division of Information and Operations. This contract is with Sterling Software for the year 2000. This is the link between the City of Wichita and Sedgwick County. The grand total is \$29,006.20.

ITEMS NOT REQUIRING BOCC ACTION

(4) ARCHITECTURAL AND ELECTRICAL ENGINEERING - OFFICE OF FACILITIES AND REMODELING
FUNDING: CAPITAL PROJECTS FUND

"There was one item that does not require action at this particular time and that is architectural and electrical engineering for the office of Facilities and Remodeling for the Kansas Coliseum. Those proposals are being reviewed. I'll be happy to take questions and recommend approval of the Minutes from the Board of Bids and Contracts."

Chairman Winters said, "Thank you. Commissioners, questions or comments? Seeing none, what's the will of the Board?"

Regular Meeting, March 8, 2000

MOTION

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

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Absent
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.

Four Easements for Right-of-Way for Sedgwick County Project No. 833-I, J, N ½ K;
Webb Road: North Wichita City Limits to K-254; Payne Township. CIP #R-238.
District #1.

2. Section 8 Housing Assistance Payment Contracts.

Contract	Rent	District
----------	------	----------

Regular Meeting, March 8, 2000

<u>Number</u>	<u>Subsidy</u>	<u>Number</u>	<u>Landlord</u>
C2017	\$270.00	2	Springcreek Apts.
V2016	\$425.00	5	William Favreau
V2018	\$241.00		Charles E. Forrester

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V99021	\$149.00	\$93.00
C6003	\$303.00	\$311.00
C86010	\$227.00	\$163.00
V62007	\$208.00	\$318.00
V99025	\$296.00	\$301.00
C96025	\$118.00	\$49.00
V99024	\$199.00	\$192.00
V861001	\$134.00	\$91.00
C98021	\$176.00	\$182.00
C95129	\$32.00	\$42.00

- 4. 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:

Burbank Addition

- 5. Order dated March 1, 2000 to correct tax roll for change of assessment.**
- 6. General Bills Check Register of March 3, 2000.**
- 7. Payroll Check Registers of February 29, 2000 and March 3, 2000.**

Regular Meeting, March 8, 2000

8. Budget Adjustment Requests.

Mr. Bill Buchanan, County Manager, greeted the Commissioners and said, "You have the Consent Agenda before you and I would recommend you approve it, with the exception that you withdraw budget adjustment number 000256."

Chairman Winters said, "Commissioners, you've heard that report with the one exception, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the Consent Agenda with the exception of item 000256.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Winters said, "Thank you. Is there other business? We do not have a Fire or a Sewer District Meeting, do we? No."

M. OTHER

MOTION

Commissioner McGinn moved that the Board of County Commissioners recess into Executive Session for 10 minutes to consider consultation with Legal Counsel on matters privileged in the Attorney Client relationship relating to legal advice and personnel matters of non-elected personnel, and that the Board of County Commissioners return from Executive Session no sooner

Regular Meeting, March 8, 2000

than 11:39 a.m.

Commissioner Sciortino seconded the Motion.

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

VOTE

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

Chairman Winters said, "We are recessing into Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 11:29 a.m. and returned at 11:44 a.m.

Chairman Winters said, "I'll call back to order the Regular Meeting. Let the record show there was no binding action taken in Executive Session. Is there any other business to come before the Board of County Commissioners? Mr. Euson? Commissioners? We are adjourned."

N. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 11:44 a.m.

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

Regular Meeting, March 8, 2000

BILL HANCOCK, Chairman
Second District

BETSY GWIN, Chair Pro Tem,
First District

THOMAS G. WINTERS, Commissioner,
Third District

CAROLYN McGINN, Commissioner,
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 2000