

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

MAY 24, 2000

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, May 24, 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. Tom Ford, Senior Grounds keeper, Lake Afton Park; Mr. Tom Pollan, Emergency Medical Service (EMS); Mr. Michael D. Pepoon, Assistant County Counselor; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Jim Weber, Deputy Director, Bureau of Public Works; Mr. John Nath, Director, Kansas Coliseum; Major Danny Bardezbain, Sheriff's Department; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. Mark Masterson, Director, Department of Corrections; Mr. Randy Duncan, Director, Emergency Management; Dr. Mary Dudley, MD, Coroner/ Medical Examiner, Regional Forensic Science Center; Ms. Irene Hart, Director, Community Development; Mr. David Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Lisa Davis, Deputy County Clerk.

GUESTS

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

Ms. Beth Oaks, Vice President, Community Planning and Resources, United Way of the Plains.

Mr. Tim Johnson, City Administrator, City of Bel Aire.

Mr. Steve Lackey, Director, City of Wichita Public Works Department.

Mr. Joe Pisciotte, City Council Member.

Mr. Jamsheed Mehta, Chief Transportation Planner, Metropolitan Area Planning Department.

INVOCATION

The invocation was led by Father Patrick Malone of the Holy Savior Catholic Church.

FLAG SALUTE

ROLL CALL

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

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YOUR COUNTY SERVICES

A. LAKE AFTON PARK.

Chairman Winters said, "We have taken an opportunity, at the beginning of our meetings, to hear a bit about some of the various County departments and folks that work in those departments to inform Commissioners and the public more about what some of the things Sedgwick County is involved in. Today, we're going to talk about Lake Afton Park. Welcome, Tom Ford."

Mr. Tom Ford, Senior Grounds keeper, Lake Afton Park, greeted the Commissioners and said, "Lake Afton Park is approximately 25 miles southwest of Wichita. One of the services we offer to the public is camping, of course. We have a 780 acre park with 180 electrical sites. With our park size, we have virtually unlimited primitive camping to offer. To go along with our camping, we offer fishing and boating at our 258 acre lake. We have roughly nine species of fish you can fish for. Everybody gets a chance to try to catch whatever they would like.

"On the boating side, we offer skiing and recreational boating. We do not allow any personal watercraft, such as jet skis, because of the size of our lake. It would just get too congested. Another feature of the park is we offer shelter rentals which you can use them for birthday parties, retirement parties, weddings, receptions, anything like that. We offer different sizes at different price ranges. It is a pretty good value for the public, I feel.

"Some of the other things we let the park be used for is special events. We are home to the world's largest free outdoor car show. We do have the national boat races now which used to be held on the Arkansas. We have air fly-ins for remote control airplanes. Other things we offer is the go-cart races.

"As you can expect, we are getting ready for the busy weekend, which is rapidly approaching. At this time, I would like to ask people if you could please leave your pets at home because there are going to be a lot of people there and there's really no room for them, to observe our quiet hours, which are from 10:00 p.m. to 6:00 a.m. If you have a camp fire, which we highly recommend if you want one, please keep it in a burn ring. It helps us out. At this time, I'd like to thank you for your time and ask if you have any questions."

Chairman Winters said, "Thank you, Tom. I guess the question is, is the park ready to go for Memorial Day weekend?"

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Mr. Ford said, "We're 75% there. No rain and we'll get 100% there. That's the big key right now."

Chairman Winters said, "Well that is a great facility and we appreciate the effort that Mark Sroufe, you and others do out there to keep it in the excellent shape that it is always in. It is a great County facility, a great resource for the region. It is certainly something that we're very proud of. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. Tom, can you tell the folks how the easiest way to get to Lake Afton Park is?"

Mr. Ford said, "The easiest way to get to us would be come out U.S. 54 to Goddard. There will be a stop light there. You'll head two miles south, which would put you at MacArthur Road. Then you come four miles west, which would put you right in the center of the park. It is pretty easy to find."

Commissioner Gwin said, "Thank you."

Chairman Winters said, "Commissioner McGinn."

Commissioner McGinn said, "Thank you. I know that we recently expanded the store and what it offers. Can you tell us some of the things we added?"

Mr. Ford said, "We have camping supplies, so you can come out there not ready to camp and we can pretty much make you ready to go. We can give you whatever you need. We offer propane. We have food, laundry, bait for your fishing. So, we can pretty much set you up with whatever you need to do for the weekend."

Commissioner McGinn said, "Well if they did forget something they wouldn't have to go very far."

Mr. Ford said, "No. We're right there in the park."

Commissioner McGinn said, "Great."

Chairman Winters said, "Thank you very much for being here today, Tom. We hope that you and all the rest of the staff make it a pleasant weekend for all the citizens who decide to spend this weekend out there. We hope for good weather and hope you have a great weekend. Thank you. Next item."

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DONATION

B. DONATION OF 192 TEDDY BEARS FROM TARGET STORES - EAST, TO BE USED BY SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE.

Mr. Tom Pollan, Director, Emergency Medical Service, greeted the Commissioners and said, "Most people wouldn't recognize that the Sedgwick County Zoo and EMS have a couple of things in common. One, we both have a bear den and we both have a population of bears. Now, there are a couple of things that are different about our bears. One is that their bears would like to hug you and our bears are for hugging. So, they are a different gene pool of bears but something we've enjoyed since the 1980s.

"Again, this is a program that has been developed by the National Association of EMTs, Hershey Chocolate, and the Target stores, to allow a percentage of their sales of Hershey Chocolates to go to the purchase of bears for the local EMS system so they can be on the units for our smallest citizens, our younger citizens. We looked at our 1999 stats and we ran just a little over 1,000 patients 12 years and younger. So there are a number of these. This is what they do and they help comfort the young ones when we have to respond to them. They can grab hold and hug these bears.

"We appreciate the donation by the Target stores, and would ask that you allow us to accept these bears and sign. I would give you one other thing. While they were in the bear den, they grew a little bit in population, up to 216, rather than 192."

Chairman Winters said, "Thank you very much, Tom. We certainly offer out thanks and appreciation to the Target stores. It is a good program that certainly can be a comfort in a stressful time for a young person. Commissioners, what's the will of the Board?"

MOTION

Commissioner Gwin moved to accept the donation and authorize the Chairman to sign a letter of appreciation

Commissioner McGinn seconded the Motion.

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

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VOTE

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

Mr. Pollan said, "There may be a representative here from Target."

Chairman Winters said, "Is there a representative from the Target store here today?"

Mr. Pollan said, "Evidently not."

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

APPOINTMENT

C. APPOINTMENT.

1. RESIGNATION OF GARY D. MARTIN FROM APPOINTMENT AS ILLINOIS TOWNSHIP TREASURER.

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

Chairman Winters said, "Thank you."

MOTION

Chairman Winters moved to accept the resignation.

Commissioner McGinn seconded the Motion.

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

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VOTE

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

Chairman Winters said, "Next item."

2. RESOLUTION APPOINTING JASON MARTIN (CHAIRMAN WINTERS' APPOINTMENT) AS ILLINOIS TOWNSHIP TREASURER.

Mr. Euson said, "Commissioners, we have prepared a Resolution for this appointment, which will expire in January 2001. I would recommend the Resolution for your approval."

Chairman Winters said, "Thank you."

MOTION

Chairman Winters 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, "Next item. Is Gary Martin here? I don't think he was going to be here. Is

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Gary here? Thank you very much. Next item."

PUBLIC HEARING

D. PUBLIC HEARING AND RESOLUTION AUTHORIZING THE CONVEYANCE OF A REAL PROPERTY INTEREST UNDER AUTHORITY OF K.S.A. 19-211 (E).

Mr. Mike Pepoon, Assistant County Counselor, greeted the Commissioners and said, "Mr. & Mrs. Dirck own property which abuts the Cowskin Creek south of Haysville between Broadway and Seneca, south of 87th Street. Two portions of their property, part of their house and part of a garage, extend into a drainage easement that the County has now, by virtue of the fact that the protection drainage district dissolved in 1960 and by state statute, the Board of County Commissioners steps into the shoes of the directors of the drainage district. In effect, the County has an easement that goes along the Cowskin Creek that abuts their property.

"They have requested that the County vacate a portion of that easement, which would clear the property that goes into the drainage easement. Under K.S.A. 19-211(e), the County has the right to vacate or dispose of a real property interest. Deputy Director of the County Public Works, Jim Weber, has reviewed this property, looked at the easement, and has sent each of you, I believe, a memo which, essentially, says that the character of the drainage easement will not be effected by vacating this portion that is involved in the survey attached to the Resolution.

"Mr. Weber is here today and can show you the portion of the easement that we're vacating and further, that portion and why it won't effect the property. The County Commission needs to make a determination that this portion of the easement is really not required for public use and is unmarketable. Jim."

Mr. Jim Weber, Deputy Director, Bureau of Public Works, greeted the Commissioners and said,

OVERHEAD PRESENTATION

"As Mike had indicated, this is U.S. 81 or Broadway right over here. The property lines here are the white lines. This is the west line of the easement that runs along the Cowskin and this is the east line of the easement, the white line. Mr. Dirck's property, there is a pin down here and runs up what is supposed to be a red line. It comes back and around. This is the street right-of-way line out front. The portion of the easement that we're looking at vacating then comes up in here and stays up on the spoiled bank or the

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high bank, and follows it along and comes out around. It misses a couple of existing structures. There is a railroad tie wall in here that it follows, comes back around and then comes back out to his property line. So we're looking at clearing up this piece right in here where he does have several structures and improvements, the wall and so on.

"The main channel of the Cowskin is out in this area. You can't see for the trees. What we're saying is that this portion that he is requesting be vacated is not something that we would use. It doesn't impair our access because we're parallel to the road here for quite a distance. We have good access into this portion of the Cowskin if, for some reason, the County had to go down there and do something and come back up and work in the existing channel. Be happy to try and answer any questions that you might have."

Chairman Winters said, "All right, thank you. Commissioners, are there questions of Jim or Mike at this time? All right, thank you. I see none right now. Stick around though. We need to have a public hearing on this Resolution. At this time, I would open the public hearing. If there is anyone here from the public who would like to address the Board of County Commissioners on our Item D. Is there anyone here who would like to address the Board of County Commissioners on Item D? This would be the time and place to do that. I see no one, so I'll close the public hearing. Commissioners, questions or comments? What's the will?"

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, Mike. Thank you, Jim. Next item."

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DEFERRED ITEM

E. CASE NUMBER SCZ-0793 - RESOLUTION REGARDING ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "B" MULTI-FAMILY; AND

CASE NUMBER DP-245 - REQUEST FOR THE CREATION OF CATAMARAN COVE COMMUNITY UNIT PLAN (CUP), LOCATED NEAR THE SOUTHWEST CORNER OF 37TH STREET NORTH AND RIDGE ROAD.

Mr. Marvin Krout, Director, Metropolitan Area Planning Department (MAPD), greeted the Commissioners and said, "This case was heard by the County Commission last month. It was deferred. This is a request for almost 60 acres on the west side of Ridge Road, south of 37th Street. It a request for zoning and a Community Unit Plan (CUP) that would permit up to 775 multiple family dwelling units. It is a property that is long and bisected by the Big Slough. There were a number of questions related to drainage and density that were raised at the County Commission Meeting. The applicant's agent, who was present at the time, indicated a willingness to defer the case at that time. I don't see him present this morning to respond to you today. In the meantime, City and County staff and the County Commissioners have had some discussions about drainage issues along the Big Slough and I believe that Jim Weber and Dave Spears are here today to be able to talk about the progress that we've made in those discussions."

Chairman Winters said, "All right, thank you. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Mr. Chairman. I have not had a chance to talk to Tim Austin and because of the holiday next week and some other things coming on, I'd like to defer this again for two weeks because I still have some questions about the density issue. I'd like to go ahead and make that Motion and then I'd like talk a little bit about the drainage issue and some of the things we've done here in the last 30 days about that."

Chairman Winters said, "What again was the Motion that you'd like to make?"

Commissioner McGinn said, "To defer this item for two weeks until I have a chance to talk to Tim

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Austin about the density issue and then have a discussion on the drainage."

Chairman Winters said, "Okay, let's take that Motion then and we'll have some discussion. Would you like to make that Motion?"

MOTION

Commissioner McGinn moved to defer the item for two weeks.

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, "Commissioner McGinn."

Commissioner McGinn said, "I guess for the public, I'd like to just share some information that we've gained about the drainage issue. Thirty days ago we deferred this and it was because of some concerns about this area. Let's go ahead and put the map up.

"A few weeks ago, we had a meeting with engineers from the City of Wichita, the County, and also developers, the primary developers in this area, myself, and Commissioner Winters. We talked about some of the concerns we had and I don't know if you can put the camera on that. I don't know if it is showing up at home very well, but that right underneath the big floodway area or flood plain area is a yellow area that has been described as the Big Slough basin. That was our primary area of concern. So we talked about various things that could be done in that area and what should be done and solutions that we could do to make sure future problems didn't happen.

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"Following that meeting, we had another meeting . . . or the engineers all got together and came up with some recommendations. I think I'd just like to visit just a little bit about some of the recommendation that came up. Jim, you guys came up with some possible actions that we could do in the short term, particularly down in this area down here.

"Down here, this is the Reflection Ridge area, I guess, on down here. What is that line there, Jim? Is that 21st? I think it is."

Mr. Weber said, "I think so."

Commissioner McGinn said, "You have the Reflection Ridge area here and then it eventually drains into the Big Ditch. I'm not going to talk about the details, I'm going to let you do that. There were a couple of things down here that could be done to help make sure this water moves through. I'd like you talk about that, Jim, just a little bit and also talk about this area that is being developed, how they've improved the drainage area there so water is moving through. Then, I guess, I'm going to talk a little bit about a meeting that Commissioner Winters and I had about some things we'd like to see on further north."

Mr. Weber said, "I guess a couple of things that we have talked about is that most of this drainage basin has developed after the flood plain rate maps were published in 1986. There are some older areas that are what we call pre-firm, and I think if, for example, you're looking at the map, you see the number two. That is one of those areas that has had some problems. The number one on the map, I think, points at a place where we think there is an obstruction in the stream that could, if that were somehow removed and things were straightened out there, that would probably help things in the lower part of the basin.

"As the basin has developed going northward from 21st Street, basically the slough is running through a series of sand pits, which have had the tendency to provide a good drainage way or conveyance for the storm water to go through there. Some debate about how much storage that actually provides, but we know that once there is a big pond of water that you're not going to build a house in the middle of a floodway that is out in the water. So we have that development between 21st and 29th. We have a new one between 29th and Ridge Road. The case that you're talking about today is in an old sand pit between Ridge and 37th Street. As you come up from 37th going north, there really aren't any pits developed at this point in time. But once again, it is an area that is relatively undeveloped and could still exercise some control over how that comes together. I'm not sure if I've gone where you wanted to go or not."

Commissioner McGinn said, "Well, the lower end is an area that we think we can make sure we don't have any problems in there. Could you talk just a little bit about the fact that 96 Highway is a controlled

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barrier. I'm not sure the term you use."

Mr. Weber said, "We say control structure. Well, 96 Highway, which at this location, for those who are familiar with the area, you have the Big Slough itself coming in, kind of paralleling the highway up here to the west. There is another finger that is called the Little Slough that comes up in here. Those both have to get through the bridges at K-96. When we look at the flood maps up there, what we find is that the flood elevation, the base flood of the 100 year elevation, from K-96 up to at least 45th and a little bit north, is basically flat, which is telling us that it sort of creates a dam or an impoundment up in there. So what we think is, development that would occur to the north, whatever happens with the storm water, if it increases, it is going to come down and hit K-96 and those structures are going to control the amount that gets into the southern part of the basin. It will all have to go through there, but it will take longer. It will control the rate at which water flows through the southern part of the basin.

"So, we've actually suggested in our meetings that you might even look at the Big Slough as being two different kinds of problems and two different kinds of basins. One is how do you control development around the flood plain and the regulatory floodway south of K-96 and the second one is whenever development starts to go on north of K-96, how do you control the run-off or how much actually comes down to K-96 from there. There is kind of a demarcation line at K-96 as far as how we're looking at the basin."

Chairman Winters said, "Let me just interject a thought here at this point. I think it is fortunate today we have Steve Lackey the City of Wichita's Director of Public Works here. This area that we're talking about, along Ridge Road, most of it is in Commissioner McGinn's district. We've had several zoning case requests up in this area and we really believe that this is going to be just a terrific place for businesses, continued growth. We see Ridge Road as having a real high potential for being a well developed area. We, as Commissioners, just want to make sure that we're working, as part of this is in the County, and as we make and consider zone change requests, we want to make sure that we're working hand in hand with the City, as that we don't try to create more drainage problems but we really want to be certain that everybody is looking at drainage in this really very sensitive area. I think we're getting that accomplished.

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"We've had a couple of meetings about this specific area. I guess Commissioner McGinn and myself, as my district is very close to this area, hope that as we move forward we can just make absolutely as certain as it possible. When you start talking about flooding and drainage and hydrology, one of the things I've learned is sometimes to speak with real certainty can be difficult. It is not an exact science. We just hope that we can work with all the people that are involved in this area that if there are problems out there to be addressed, they get addressed at the front end of the process as we begin to make these zone changes as we get on down and have development occurring and then discover we have a problem. I would think that is the point that Commissioner McGinn and I have both been working towards. I think we're getting to that point."

Commissioner McGinn said, "I think we looked at this in two phases. One is below 96 Highway and felt like we could work on that, particularly if we take care of the number one and two situations down there that are restricting water. The second part of this is to go up further north. I get calls from the east side of Maize, they are having some problems. We also realize along 53rd Street, there could be potential development sometime in the future. As Commissioner Winters said, we want to make sure we're looking far enough ahead to make sure we do everything correctly."

"One of the things I got out of the meeting we had with the developer and that was that they wanted to do what was right as well. They would rather spend money up front and do it right than have a problem later. They were concerned and I felt like they were really stepping up to the plate and saying what kind of things could we do. One example was raising the free board, which was a new term for me. I've always known it to be called the pad I guess. Jim, just to take a couple more minutes here. If you would explain, because this is something I have struggled with. If you raise the pad another foot, how does that effect the folks that are only up at one foot down stream?"

Mr. Weber said, "Let me just briefly talk about what free board is and kind of build on that just a little bit. The flood study has gone through and calculated the surface elevation of the flood, for the 100 year flood. When they did the studies, they recognized that development could occur in the fringe and that you could fill in some areas. So, to figure out what area should be allowed to fill in, they set the computer model up to start squeezing the channel down and it stops squeezing the channel when the elevation of the

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flood goes up by one foot somewhere on the stream. When the City and the County went and set up their flood plain management regulations, because it was known you could squeeze the flood plain in and raise it a foot somewhere, they added a foot, this is a free board, to the flood elevation for a pad elevation, so that everybody, even when this encroachment was completed, everybody would still be at or above the 100 year flood elevation. The computer model doesn't call that a foot, the computer assumes that is just a wall, it could be 20 feet high, coming in.

“So, once it establishes the encroachment line and found out it went up a foot somewhere, it is already assuming that if it is two foot above or three, it doesn't really matter. It has no effect down stream. It assumes it is just coming up a foot, but once you come up a foot, you're out of the flood plain and you can keep going up forever. You look puzzled.”

Commissioner McGinn said, "This is the third time I've heard it and I'm still trying."

Commissioner Gwin said, "Okay, maybe I'll catch up."

Mr. Weber said, "So, down stream would not have an effect. In fact, when you're running these analysis, what you are really looking at is what it happening up stream. Typically, that foot of rise happens to you somewhere upstream from where you're working. So, what we have here and I think you make a good point, we have an area that fortunately is developing from down stream upstream, so if there is a problem, we're pushing the problem upstream rather than down stream. We're working with an area that is, except where we have worked, is undeveloped. So we have an opportunity to control what happens in this corridor along the Big Slough and make sure that we don't have a problem."

Commissioner McGinn said, "This was talked about particularly in this area because of the character of the water and things like that, the drainage."

Mr. Weber said, "A very wide flood plain. It is very flat. It doesn't run real fast. When it rains, there is a lot of water around."

Commissioner McGinn said, "I think we need to take great consideration to do that. I guess I'd just like to make a recommendation. The yellow area there, I don't know if we can take action on this or probably just look into it, having a master plan done and having somebody do the hec two hydrology on that and the back flows. Perhaps a suggestion that perhaps the developers could do the cross sections along the drainage way and partner with us to make sure we do develop right in that area. I don't know that it is

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appropriate to have a motion on that or if we even need one."

Chairman Winters said, "I would think maybe if Jim could just put something together about what that plan, maybe in conjunction with Marvin, about what that plan would entail. Then maybe we could take another look at that and move forward when we talk about this case again. If I'm hearing you right then, we believe that there are some drainage issues that have solutions in this area and we want to double check and make sure that we're talking about the same levels and we've got a plan that will make sure that the drainage works, but that is possible to do. Secondly though, I see that Mr. Tim Austin has come. What you'd like to do is set up a meeting with him and you need to talk about some specifics about his project before we really deal with that and we've already moved to defer that for two weeks. Tim, Commissioner McGinn would like to sit down with you and really go over part of your project again. We think we are making progress on the drainage issue."

Commissioner McGinn said, "Jim, since we deferred that for two weeks, do you think you could come back in two weeks with a recommendation for us to move forward on this?"

Mr. Weber said, "I'll reword that a little bit. I'll try to come back in two weeks with a proposal to get a flood study done somehow by partnering together."

Commissioner McGinn said, "Okay, thank you."

Chairman Winters said, "All right, thank you. We've already had a Motion on this item to defer for two weeks, so we will have this back in two weeks to really consider the zone request. Thank you, Jim."

MOTION

Chairman Winters moved to take an Off Agenda item involving improvements along either Woodlawn or 37th Street North.

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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

Chairman Winters said, "Before we begin, I would like to recognize Mayor Gary O'Neal from Bel Aire is here with us today, and Councilman Joe Pisciotte from the City of Wichita is in the audience today. It is going to be my intention, after Marvin makes his presentation, to take comments from anyone who would like to make them this morning. You all can be prepared to do that if you so wish. Marvin, can you tell us how we get to where we are on this issue today."

SLIDE PRESENTATION

Mr. Krout said, "I will try, Commissioners. You know of the MAPC, Metropolitan Area Planning Commission, as a group that makes recommendations to you and also to the Wichita City Council on planning and zoning issues. The situation this morning is a little bit unique. It is a situation where the Planning Commission has asked the County Commission for recommendations. It is on an issue where the Planning Commission has the final responsibility, according to federal and state regulations, with regard to the establishment of what is called a TIP, Transportation Improvement Program. The Planning Commission, back in 1974, was designated as the Metropolitan Planning organization for Sedgwick County, for the metropolitan area. The federal government, in the 1970s, required that every community

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of over 50,000 people have some sort of a Metropolitan Planning entity, that would be looking at the long range transportation needs of the whole community and, in some cases, that resulted in the establishment of councils of government or other entities.

"In this particular case, there was a built in entity, appointed by the City Council and the Sedgwick County Commissioners, to look at planning for the County already. It was indicated that that was the appropriate body to be able to represent the entire community and deal with these issues. For the most part, these issues are fairly simple because they arise out of a process that comes through the prioritization and the establishment of the Capital Improvement Programs for both Wichita and Sedgwick County. But occasionally, there are issues like this that involve the Planning Commission in a little more difficult way. That is what we have today.

"The Planning Commission, in its role as the MPO, has several major products that it is responsible for. One is the Long Range Transportation Program. We've talked about the transportation plan, the plan that's been updated to the year 2030. They have met their responsibility to the federal government by updating that plan and approving a plan that goes out to the year 2030. Having updated it now, within that five year period as required, although the City Council and Sedgwick County Commissioners are still going to be looking at the land use plan and transportation plan.

"The Unified Work Plan is the program of activities that we submit to the federal government every year indicating what kinds of projects, what kinds of planning studies, what kinds of mandated activities are going to be done by the Planning Department and by other groups locally over the next year. The Transportation Improvement Program is the other key component. This is a multi-year program. The federal government requires it to be all federally funded transportation projects need to be identified. That TIP needs to be updated every year. Locally, what we do is put all transportation projects in there whether or not they are federally funded. But it is required for all the federally funded projects to be part of that TIP.

"Now the MPO, the Planning Commission has really two areas of responsibility. One is an area that is designated as all of Sedgwick County as the planning boundary and the Long Range Transportation Plan includes all of Sedgwick County as its planning boundary. But within that area, there are certain funding categories where the money is allocated to what the federal government calls an urbanized area. It is an area that is defined in terms of census population, of contiguous residential population. It is the most dense portion of the metropolitan area that is contiguous. The urban area, as defined by the 1990 census for Wichita and Sedgwick County includes, as you see, some areas of unincorporated area beyond the City of Wichita and also small cities, Park City, Kechi, Bel Aire, Eastborough, and Haysville, are all part of the

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Wichita urbanized area. So all of that urbanized area is eligible for the expenditure of federal funds in programs that are call the Surface Transportation Program, the CMAQ, which stands for Congestion Management Air Quality program, and the bridge program. That totals up to nearly \$10,000,000 per year that is allocated for transportation projects in that urbanized area. So, the Transportation Improvement Program needs to account for this expenditure of \$10,000,000 a year for five years in the five year TIP, plus other projects where federal money and other transportation funds are involved. The whole Transportation Improvement Program involves probably over \$50,000,000 a year that comes just from these three programs.

"In order to qualify to be placed in the Transportation Improvement Program and qualify for federal funds, a project has to be number one, in the officially adopted Transportation Plan and number two, it has to be financially constrained. The definition of financially constrained here is that there needs to be a local match to the federal project. It needs to be a minimum of 20%. Generally, when design and other contingencies are involved, it usually ends up being about a 30% match, 30% local and 70% federal for most of the projects that have been funded with that \$10,000,000 per year program.

"As I said, normally you have a situation where the Capital Improvement Programs for Wichita or Sedgwick County are dictating the priorities. But we also are required, the MPO has to reach out and invite all these other communities to participate and to indicate projects that are eligible, besides projects that are in the City of Wichita. We probably have had over the last eight years of this federal program, over 50 projects. Of those, over the years, we've had two projects that have been funded outside of Wichita. One is 71st Street in Haysville and the other is 61st Street widening in Park City. We've also had a project that never made it to the Transportation Improvement Program because we didn't have the assurance of local funds. But it has always kind of been discussed over the past decade that something needed to be done to 37th Street. Thirty-seventh Street is a two lane asphalt street with ditches whereas the intersections at Oliver and 37th, Oliver and Woodlawn and the areas to the east and west of that mile segment are improved to four lanes.

"For continuity purposes and to have an overall network to deal with accident and maintenance issues, it has always been an interest and it's been in our long range transportation plan to eventually improve 37th Street between Oliver and Woodlawn to four lanes, so you would have continuous four lane roadway for 37th Street. But because the players have not come together, and it is sort of a complicated situation and

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I'll show you on the next map, to provide the local match, it has never made it into the Transportation Improvement Program.

"This year, the City of Bel Aire came to the Planning Department in behalf of the MPO and asked for a shift in priorities in what had been a place reserved in the past for 37th Street if local funding could have been put together in order to fund Woodlawn, between 37th Street and 45th Street. That is the issue really that is before you today. This is complicated by the fact, this is a good lesson in why annexing to mile line streets creates problems and ought to be done carefully in coordination with all parties. The City of Bel Aire has annexed the east half of Oliver, the north half of 37th Street, this portion of Woodlawn, and then all of Woodlawn north of the railroad tracks, north of 37th Street.

"The City of Wichita borders Woodlawn on this side and borders 37th Street on the south, except for a small area where there is a church that is still unincorporated, but has not annexed any of right-of-way. The green area represents the area that the half rights-of-way that Sedgwick County is responsible for although in fact what is happening is that Sedgwick County is maintaining these roadways I think, as David Spears will tell you. Eventually, it is important for all of the parties here to get together like we talked about with Valley Center and Park City at Broadway, to try to deal with these issues, especially if those are going to be boundaries between communities. That is the situation now and that is why we have a complication in terms of who is responsible for providing local match here for either 37th Street or Woodlawn.

"The Planning Department in its role as the staff to the Metropolitan Planning Organization has a responsibility to try to evaluate all the projects for this urbanized area and make recommendations so we did that in a preliminary way and provide the information to the Planning Commission. The Planning Commission, two weeks ago, held a hearing and had the City of Bel Aire and the City of Wichita both discuss their priorities and they're both represented here this morning to talk to you again about those. In our evaluation, what we were looking at primarily were existing traffic volumes, future traffic volumes and also accident rates. What has happened in this area is 37th Street traffic has actually declined in recent years, partly as a result of having a parallel freeway facility just a half mile to the south, K-96, which has taken traffic. Also, 37th Street because it ends there. It only runs from Webb Road to, I guess, it is Hydraulic to the east. It doesn't have the through kind of traffic that some of the other mile line roads do. But also, Koch Industries, which is located over here, has had, as you know, some reduction in personnel and so that has had an influence also, although most of the traffic coming to Koch comes from K-96 and

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uses Oliver or Hillside to get to the facility. But some traffic would come on 37th and possibly part of the reduction in traffic we've seen is due to the reduction in employment there although that may be only temporary.

"The traffic levels are around 6,000 plus on 37th Street. They have dramatically increased on Woodlawn over the past decade, so that the highest volumes now almost twice as high as they are on 37th Street. It is the result of two factors, one is the residential growth in Bel Aire. The second factor is that, I think, when K-254 was improved, it tended to focus traffic and also a new interchange was built at Woodlawn, so that makes it convenient and safe to get off at Woodlawn and use Woodlawn as a commuter route. So Woodlawn has a much more regional kind of function, I think, in terms of traffic than 37th Street in terms of the long range future.

"When we try to project what is going to happen in the future and try to project where our new job places and new residential areas are going to be developed and what is the impact going to be on the road system, what we see is that both roads are going to be increased. We expect 11,000 to 13,000 cars on 37th Street and 15,000 cars or more on Woodlawn, because we think it has more of a through carrier type of operation.

"The fact that Woodlawn, I think that you know from discussions in the CIP, that we use generally 10,000 cars a day as a cut off and say that anything over that qualifies for four lane versus two lane roadway improvement. Woodlawn is carrying over 10,000 cars today. In fact, the only road segment in the whole County that is a two lane road that is carrying over 10,000 cars per day. We did understand what Bel Aire's concerns were, but the City of Wichita indicated to us that there are maintenance and safety issues that 37th Street is not in as good condition, doesn't have wide shoulders, has steeper ditches than Woodlawn. So, there was that issue that also has to be weighed in the consideration, too. That is probably a consideration that especially Dave Spears would have because he is responsible at least now for 37th Street. But one of the things that you would expect to see if the issue of safety were a concern, was that there would be more accidents on 37th Street than on Woodlawn. In fact, because of the heavy volumes on Woodlawn, we count between the intersections two to three times as many accidents have occurred in recent years on the segment of Woodlawn between 37th and 45th, as 37th Street between Oliver and Woodlawn.

"So, given all those considerations, plus the fact that Bel Aire had stepped up to the Planning Commission

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and said we are willing to pay the 30% local match. In fact, Bel Aire said we could see how perhaps Wichita ought to share in that because Wichita does, as you saw on the other map, have some frontage on the southern portion of Woodlawn. But Wichita did pay for the intersection improvement at 37th and Woodlawn. That goes up Woodlawn. Bel Aire didn't participate in that expense, so Bel Aire has said we're willing to pay a local share. So we had a situation where Bel Aire was willing to pay the local share and we could put that in the Transportation Improvement Program. On the other hand, for 37th Street, we did not have the City of Wichita saying we'll pay the local share. We had Bel Aire telling the Planning Commission we can't, in all conscience to our citizens, say that we'll pay part of 37th Street before we pay Woodlawn when Woodlawn is our priority. So, they were not willing to commit for a local share of 37th Street. Even though the project has been in the future year section of the Capital Improvement Program for the County, the County hasn't placed a commitment and put that in the program in terms of dollars either. So, we have only one of these two projects that is really eligible to be placed in the Transportation Improvement Program because we only have the assurance of funding for Woodlawn.

"The Planning Commission heard from the representatives of Bel Aire and Wichita two weeks ago. They're being asked by KDOT and by the federal government to submit this Transportation Improvement Program by the end of this month. Their meeting is next Thursday. The City Council met, I think it was a week or two ago, Steve Lackey can tell you. They considered these two alternatives. He presented them to him. The City Council made a recommendation that the Planning Commission chose 37th Street as the preferred roadway for the Transportation Improvement Program. They're both worthy projects. They're both part of the Long Range Transportation Program. Eventually, both of these improvements we need to find a local source of funding and improve them. But this is the situation that the Planning Commission has in front of them.

"After the Planning Commission meeting last week, Bel Aire indicated that the place that it had sort of been reserved for 37th Street, was the year 2003. So that is where they were initially asking to insert the Woodlawn project instead. They indicated they would be agreeable to pushing that project back to the year 2004 in the Transportation Improvement Program. That does allow the City of Wichita to move up a project in 2003, that otherwise wasn't scheduled. The City of Wichita has indicated that they would probably move up Harry Street, widening from four lanes to five lanes between George Washington and Hillside, if that was to occur. So the Planning Commission, having heard from the City Council and having heard from the City of Bel Aire, felt that before they made their final decision Thursday, they wanted the recommendation from the County Commission and that is why we're here this morning.

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"I'll try to answer any questions that you have. Jamsheed Mehta, who is with our staff and who is the chief transportation planner and staffs the MPO function of the department is here if you have any questions and then we have representatives from the City of Wichita and Bel Aire."

Chairman Winters said, "Just a clarification. The M.A.P.C. meeting is tomorrow, Thursday."

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

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

Commissioner Sciortino said, "Thank you, Mr. Chairman. Marvin, I'm still trying to learn my job. I'm just learning the acronym, TIP and what have you. We were just presented with this cold yesterday at a staff meeting that we had to make some kind of a recommendation to the advisory board. I was always under the assumption that they handled it completely. But just to get my learning curve up, I do believe there is a bottleneck there on 37th Street. It is four lanes on either side. That is a corridor that needs to be taken care of and as I understand, it has been in our long range plan and I understand it has been in the County's CIP plan for quite a while."

"But, if we could resolve who pays for what, as far as the local match on 37th Street, is there any way, this is my ignorance showing, that both of those projects could be put in the TIP?"

Mr. Krout said, "Yes. Of course the City of Wichita, which has all the other projects that are in the TIP, would certainly have to agree to make a place for 37th Street by moving some other project back. It is possible to do that if either the City of Wichita or Sedgwick County or some combination was willing to fund the local match."

Commissioner Sciortino said, "Okay, and we're going to hear from the City here shortly. My focus is to try to figure out how, and I don't know how it could be done, but I'd like to see us try to figure out how we could . . . both projects, or in some manner or form because I think both projects are needed. I think both projects would ultimately benefit Bel Aire. I don't know if that is going to be possible, but I'm going to listen with interest to what the City has to say also. But technically that could be done. We could figure out a way to put both . . ."

Mr. Krout said, "In the past, the City of Wichita's position has been we're not going to. We'd like to see 37th Street improved but we don't think it is our responsibility to help pay for it. But maybe bringing this issue to public attention will change that."

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Commissioner Sciortino said, "Keep continuing to educate me. Thank you. That's all I have."

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

Commissioner McGinn said, "I just had a quick questions. Marvin, when Valley Center and Park City had tried to define the line there at Broadway. When they did their annexations, do you remember if they did it to the ditch or to the middle of the road?"

Mr. Krout said, "I think they avoided going to the middle of the road realizing that it is probably the worst situation is for them to technically have responsibility for half a roadway. My recollection is that their annexation stopped at the right-of-way line at the outside of the ditch on the west side of Broadway. So it still leaves an opportunity for Park City and Valley Center to get together and work that out and Sedgwick County ought to be encouraging them so that they can take over that maintenance responsibility."

Commissioner McGinn said, "How long has Wichita had that area up there adjacent to Bel Aire?"

Mr. Krout said, "It's been some years, at least 15 years."

Commissioner McGinn said, "Is that a common practice to annex and then not take the roadway? You take the tax base but then you leave the responsibility of the road to somebody else who doesn't have the tax base."

Mr. Krout said, "It has been Wichita's policy to annex the street right-of-way only when both sides of the street have been annexed and not until then and only if it is a fairly substantial length of roadway. There are discussions and they're annual discussions, and we just got finished with an annual discussion between the two Public Works directors to work out some maintenance agreements and work out some issues where the City's annexation has kind of fallen behind. Steve or Dave can go into more details on that. Actually, the City Public Works agreed to take over some maintenance responsibility for some roadways that probably will never be annexed that are out in the Raytheon area as part of that agreement. So, there are sometimes where even though it is not annexed, there are maintenance agreements that are worked out on an informal basis."

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

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

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Commissioner Gwin said, "Marvin, wasn't there another group that also heard this and recently discussed this issue and could you tell us about their . . .?"

Mr. Krout said, "Well, it is a group called the Technical Advisory Committee and they met earlier this week. They're a staff group. They include the Planning Department staff, City Engineering, City Traffic director, and County Public Works Director and KDOT representatives. They're vote was five to four to recommend Woodlawn."

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

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

Commissioner Sciortino said, "Just one other question, kind of a follow-up on Commissioner McGinn's. Like on 37th Street where Bel Aire has annexed to the center line, is that correct?"

Mr. Krout said, "Yes."

Commissioner Sciortino said, "And we have the responsibility on the south side of the road."

Mr. Krout said, "Technically, but I think you're responsible."

Commissioner Sciortino said, "We're maintaining it, but am I right in assuming that we've got an agreement with Bel Aire where they pay us for maintaining it or do we just maintain it on our own?"

Commissioner Gwin said, "We just maintain it."

Commissioner Sciortino said, "Why do we do that?"

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, "Just out of a matter of practicality. We're there and we're doing the south half is ours, so we do the north half also. At this point we haven't had a great deal of expense on that. So, we do it out of courtesy."

Commissioner Sciortino said, "As annexations keep going and these communities keep growing into each other and they get to the road and they stop, we maintain the road but then the statement that Commissioner McGinn made, without a tax base that could, eventually, be a burden on us."

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Mr. Spears said, "Right, it could be. But like Marvin said, I've met with Steve and other staff members, Steve Lackey with Wichita, and we've come to some good agreements, not talking about these in particular, but to some other roads and areas that they have annexed out in the eastern part of the County, which is growing at an accelerated pace now."

Commissioner Sciortino said, "You're comfortable with what we're doing."

Mr. Spears said, "I'm comfortable with those others, yes."

Commissioner Gwin said, "The other point is that when cities annex, the County doesn't lose the tax base, we continue to collect the tax base. It is just a matter of responsibility."

Mr. Krout said, "It is more of a problem on a township road."

Commissioner Sciortino said, "Thank you."

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

Commissioner McGinn said, "I was just thinking as . . . because we have several cities and as the City of Wichita grow into these other cities or around these other cities, it just seems like it would make sense to have something in place that those cities can make agreements to take care of those roads."

Mr. Spears said, "As you know, it also happens on the County line between counties, like 159th Street."

Commissioner McGinn said, "I know very well up north we've made agreements with Harvey County and we each share that responsibility."

Mr. William Buchanan, County Manager, greeted the Commissioners and said, "To muddy the water just a bit. The issue of annexation of roads adjacent to cities is a Public Works deal that can easily be worked out. It seems to me the public policy issue is more about law enforcement. If that road is not in the City, then the City Police cannot enforce traffic ordinances. So, that is where it becomes real confusing, in the law enforcement end, and not necessarily in the maintenance end when you can have time to think about streets to plow and grade and grass to cut. You can think that through. It is in those other actions that make these kinds of agreements most difficult and untenable."

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Mr. Krout said, "The other thing it does sometimes is results on duplication of utilities because you'll have one cities utilities on one side of the road and the other cities utilities on the other."

Chairman Winters said, "All right. Thank you very much for the presentation, Marvin. It is the Commission's intention to hear from those in the Meeting Room today who would like to address this issue. So, if there is anyone here who would like to give us additional information, this is the time. Is there anyone here who would like to address the Board of County Commissioners? Please give your name and address for the record."

Mr. Tim Johnson, City Administrator, Bel Aire, greeted the Commissioners and said, "Got a brief slide show presentation I'd like to show you to give you a little more information on what is going on. Then I'd be happy to respond to any questions you may have."

POWERPOINT PRESENTATION

"You have a hard copy of this, I believe, so I'll move through this fairly quickly, but I do want to be sure that you have a little bit of the background on what we're about. You know what our primary issue is now. We're seeking support for the improvement of Woodlawn prior to the improvement of 37th Street. We agree with everyone else that 37th Street is in need of improvement, however, we also believe that Woodlawn is a more compelling issue at this time."

"As you can see from the third and fifth bullets here on this slide, we've experienced a great deal of population increase in the past 20 years. In fact, the city as a corporate entity is not quite 20 years old. Housing construction is very rapid. We've averaged almost 100 homes a year since 1994, and that continues. A brief highlight of the statistics. We do not disagree with what Mr. Krout said earlier about either the traffic volume or the accidents on the two streets."

"What you see here now are some photographs, Woodlawn on the left in the left column, 37th on the right, of the ditches for both streets. For the most part, we believe there are very few very critical ditches, in terms of steep sides. However, those on Woodlawn are quite deep, where as there are very few of any significant depth on 37th. That upper right hand photo there is a housing development just on the south side and west of 37th and Woodlawn. The one below it, if you'll take a look at the shadow thrown by the utility pole, it will give you some idea of the pitch to that side. The upper left hand corner will give you another idea of how deep these Woodlawn ditches are. There is a vehicle at the stop sign there on

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Woodlawn. Traffic volume and depth of ditches, I think the rock culverts will also give you some indication of the depth on Woodlawn. It was, if you'll look at that upper left hand photograph, it was about a quarter of a mile on up the road that the fatality occurred.

“Some additional reasons why we believe we need to look at Woodlawn first. It is traffic. We've seen with the construction of the Remington and LaCross Apartments on 37th Street, just to the east of Woodlawn and on Woodlawn itself, an increase in population density and the logical way to leave Wichita to go north is right up Woodlawn. We're in the process of planning the development of Woodlawn and 45th Street, commercial development.

"Marvin mentioned, a little bit earlier, that Woodlawn is the only two lane street in the metro area with a traffic volume exceeding 10,000 vehicles a day. Resurrection Catholic Church and School, which are at approximately 48th Street and Woodlawn, they continue to grow and expand. We're seeing not just increased vehicular traffic up there, but pedestrian traffic. Now, this portion of Woodlawn is not proposed for inclusion in this project, but it is going to have to be done at some point in time and this project is a first step in getting up north to 49th and Woodlawn.

"The drainage ditches, you've seen the photos of those. Making turns from businesses and side streets onto Woodlawn is becoming more and more dangerous due to traffic volume. We believe conversely that the pressure on 37th has lessened in large part due to K-96, which truly is a through corridor east/ west through town, whereas 37th Street goes east to Jabara Airport and eventually dead-ends to the west at I-235, just west of Meridian. High traffic volume on Woodlawn not only makes it difficult for drivers, but it also makes it difficult for pedestrians. For those of you who aren't familiar with this, about two thirds of a mile north of 37th Street, there is a County Fire Station and adjacent to that fire station there is a park. That park is also right on Woodlawn Street. The only way for folks on the east side of Woodlawn to access that park, which is still probably our most popular or at least our second most popular park, is to cross that traffic.

"This is Bel Aire's position. The bottom line is this. We have limited funding. We cannot do both projects

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at once. We would like to do both projects, but based on our limited financial capabilities, based on the traffic counts, based on the accident record, we cannot in good conscience fund 37th before we can fund Woodlawn. We request that Woodlawn, from 45th Street, south to 37th Street be placed in the 2000 TIP, and scheduled for 2004 construction. As Marvin said earlier, this will allow Wichita to move a project up from 2004 to 2003, while it also buys us a little bit more time to do the ground work for the Woodlawn project. We do wish to work with Wichita and the County on funding that east side of Woodlawn, from the railroad track south to 37th Street, but if no agreement can be arrived at, we're prepared today to finance 100% of the local share, which is about \$1,000,000. Again, we are willing to consider cooperating on the improvement of 37th Street in the future, including funding from the City of Bel Aire if possible, but only after Woodlawn has been programmed first. That's all I have. I'd be delighted to respond to any questions."

Chairman Winters said, "All right. Thank you very much. We have a question. Commissioner Sciortino."

Commissioner Sciortino said, "Let me understand this, because I'm having a little bit of a problem with this. I really think there is a need for 37th Street also. As I understand from Mr. Krout, in the past, Wichita hasn't been willing to come to the table with any matching funds or what have you and I don't know what they're going to say to us this morning. But if there was something that would change their position or join with you or join with the two of you and us, would you be willing to consider doing both projects at the same time if the costs weren't too terribly great on your side."

Mr. Johnson said, "I think we'd be willing to consider that Commissioner. However, cost, in this particular case, is going to be a major issue for us. The City of Bel Aire has an operating budget this year of slightly over \$5,000,000. It is my understanding that the 37th Street project is about 2.3 million dollars and the local match to that would be approximately 30% of that 2.3. We may not be able to be of much help, financially, if we do both projects simultaneously. But we'd certainly be willing to try."

Commissioner Sciortino said, "Thank you."

Chairman Winters said, "Thank you very much. Tim, thank you very much for your presentation. Is there anyone else who would like to address the Commission?"

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Mr. Steve Lackey, Director, City of Wichita Public Works Department, greeted the Commissioners and said, "I've got several issues that I'd like to go through. I did not bring a formal presentation. I just found out about this yesterday, so I'm not prepared for that. However, I do have some issues that I'd like to cover.

"On May 9, the City Council did hear this item and they voted unanimously to support the paving of 37th Street, between Oliver and Woodlawn, and not support the paving of Woodlawn from 37th to 49th, which was the original request by Bel Aire. Their reasoning behind that and some of the issues that were pointed out, Marvin covered some of those. I wanted to highlight a couple of them. The issue about the ditches. Yes, there are steep ditches on Woodlawn, but the side slopes are broader and more gentler. The ones on 37th Street are very, very steep. There are no shoulders on the roadway at all on 37th Street. So, if there is a car break down, there is no where to pull the car over. If there is an accident, there is no where for the car to go, other than straight down these steep slopes, and we see that as a tremendous safety issue. In addition, the number of openings on 37th Street, between Woodlawn and Oliver, are 27 drive openings. Within a similar mile, between 37th and 45th, there are only 14. So, there are almost twice the number of openings in this stretch on 37th than there is on Woodlawn.

"The other thing the City Council considered was the fact that the transportation coordinating committee, or the advisory committee, has long reviewed the issue of paving 37th Street to create continuity between the four lane roadways that are on either side of this. The Metropolitan Area Planning Commission, or Planning Department, has long brought this forth and Bill Stockwell is the staff member who tried to get the agencies to come together and try to get this piece of the roadway paved. By the fact that Bel Aire is annexed down to the center line and the County has maintained the south half, the City of Wichita has taken the position, in the past, that it should be their responsibility to pave the roadway. Maybe this issue and the elevation that was received recently would change that. I'll talk about that a little bit later.

"At the last annual meeting in developing the Transportation Improvement Plan, Sedgwick County indicated that they would try to plan for this in the future, if the local match could be generated. The City

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of Wichita voted in favor, as well as Sedgwick County, in placing 37th Street in the CIP to be constructed in the year 2003, if the local match issues could get resolved. This year, as Marvin indicated, Bel Aire came forward with a request for the other improvement. The improvement on 37th Street was, and is estimated today yet, as \$1,700,000. The improvement that was submitted by Bel Aire from 37th to 49th Street was \$4,400,000. Obviously, that is a major financial undertaking in this program and it would necessitate moving projects that had already been programmed. The fact that Harry Street would be moved up to 2003 and Woodlawn back to 2004 is not a relief at all on the program. The simple fact remains that there is \$4,400,000 being budgeted versus \$1,700,000, which is over \$2,500,000 more that has to be found in the program, some way or another.

"The other issue that I wanted to bring forward is the fact that there needs to be a process established within the MPO that establishes priorities within the urban boundaries. I think Sedgwick County develops their own prioritization process, the City of Wichita does as well. We analyze our projects against one another to determine what the priorities are to eliminate these potential problems that have occurred this year. I think the City of Wichita could probably find projects within its urban boundaries that would rate higher than the Woodlawn project.

"In addition, this process that we just went through did not follow similar processes that we've had before, in that there is a technical advisory committee that generally reviews the improvements. They did meet Monday, however the people that voted on this process do not normally vote. I'm going to tell you that the five to four vote is not indicative of what the general make-up of that committee would normally be made up of. I think there are some conclusions drawn by this vote that really don't substantiate the true membership of that particular committee.

"In addition, there is an advisory committee, as I would call it, that reviews the work of the technical advisory committee and votes on that. It is made up of the Planning Commission Chair, the County Commission Chair, the City Manager representative, the Chair from the Transit Board, and also others. That particular committee never took a vote on this issue and never make a recommendation to the Planning Commission. They simply heard both sides of the issue and was told that the issue would be voted on by the Planning Commission. I must say that the process wasn't followed in this regard. I think that is an important factor in how all this is being played out.

"Now, in terms of what could possibly be done to try to remediate this dilemma. It is my opinion, by the fact that Woodlawn is almost 40 feet wide, we measured it. It is 39 ½ feet wide. It is stripped for two lanes. It has two broad shoulders on it. The accidents that occurred on this roadway could have been

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mitigated by the fact that if it had turn lanes and it has enough room to create turn lanes today without creating an urban curb and gutter and storm sewer section. All that would have to be done is restripe the facility to three lanes. The City of Wichita recently completed a project on Meridian, from Maple to Central, that carries the same amount of traffic. In fact, the whole segment carries more cars than what this section on Woodlawn does and we build a three lane urban facility and it was per the MAPC Transportation Plan. It has a center turn lane. In addition, we have other projects in the City of Wichita where we plan on building three lane facilities that would accommodate similar traffic volumes.

"So, it would be my recommendation that we continue to program the 37th Street project within the TIP. That the City, the County, and Bel Aire participate in the local match share and that Woodlawn would be restriped to three lanes and programmed, on a priority basis, through a process that the M.P.O. would develop and analyze projects in the entire urban area and then program it accordingly and not slip it in ahead of other projects that had already been committed. That is my presentation. Thank you."

Chairman Winters said, "Thank you very much, Steve. A couple of questions. Commissioner McGinn."

Commissioner McGinn said, "Steve, a lot of these acronyms are new to me, too, so I hope I have them all right here. The MPO, that is the ring ratio kind of thing, and the County receives 10% and the City receives 90%. Am I on the right . . .?"

Mr. Lackey said, "No, the funds flow into the Metropolitan Organization and then it is distributed throughout the urbanized area. So it could be distributed in any manner seen fit. Typically, I would say that the City of Wichita has probably received 90 to 95% of the funding in the past. As projects come forward, such as Haysville, such as Park City, such as the 37th Street project, we have attempted to program that in. But we haven't tried to limit, particularly in my involvement, the amount of funds that go to different areas. But we certainly have to take into account the fact that since the City of Wichita has the primary population base, why the funds are primarily kept within those corporate limits."

Commissioner McGinn said, "Who makes the decision on that, is that the TRC?"

Mr. Lackey said, "The process that we've used before is that the staff level technical advisory committee review the projects and make recommendations to the coordinating council, which is the next level up."

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Then they make recommendation on to the full Metropolitan Area Planning Commission."

Commissioner McGinn said, "Okay. And then, you had talked about the TRC, the five/ four vote, and you said there were some folks that voted that don't typically vote. Could you give me a little more information?"

Mr. Lackey said, "There were a couple of people from KDOT that voted and typically KDOT in the past, they'll sit in on a meeting, but for them to provide two votes on this I didn't think was appropriate. The City of Wichita had two people sitting in on this and there were others involved from the Planning Department. I didn't feel like it was appropriate for the mass of people that were there to all take a vote. I think Marvin did agree with me yesterday that that process was somewhat flawed and that they're going to take a look at the process in the future and see how that would better flow."

Commissioner McGinn said, "Okay. I think that's all I have for now."

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

Commissioner Gwin said, "Thank you. So Steve, what you're telling me is that it's the City of Wichita's position then if these 50 projects, none of them be outside the city limits of Wichita."

Mr. Lackey said, "No, not at all, because we definitely voted for 37th and Haysville and Park City."

Commissioner Gwin said, "They're not on here. I mean now."

Mr. Lackey said, "I think Park City is on there. Haysville has been completed."

Commissioner Gwin said, "I don't see Park City. Park City is already happening. I'm talking about in the future years. In the next five years, you're saying that it is the City of Wichita's position that no project from outside the city limits of Wichita be submitted."

Mr. Lackey said, "No, I don't believe that and I didn't say that."

Commissioner Gwin said, "I think that's what I heard, if you're saying you don't want this one on there. I don't see anything else that is outside the corporate city limits of Wichita on this list."

Mr. Lackey said, "We were more than willing to support 37th Street and voted to do that a year ago."

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If the list that you're looking at doesn't have that then there must be some error."

Commissioner Gwin said, "Well, 37th has been something we've had to deal with for a long time. It is amazing to me that all of a sudden, when another community comes up with a project that they'd like to substitute that the City of Wichita all of a sudden becomes interested in providing funding for a project that, for as long as I've been here, you all have not had an interest in."

Mr. Lackey said, "We voted to have an interest in it, but we voted to place it in the TIP, so that the different agencies could get together and try to figure out a way to fund it. We see it as a real benefit to the City of Wichita to have that constructed. My point is that to plop in \$4,500,000 into the program without having an opportunity to evaluate that project against others, I think it is a financial hardship to the entire program."

Commissioner Gwin said, "Aren't you using an incorrect number? \$4,500,000. Wasn't that for the original project?"

Mr. Lackey said, "That was for the original mile and a half, yes."

Commissioner Gwin said, "And they've backed that down to 45th Street, isn't that correct?"

Mr. Lackey said, "I don't know what the new estimate is."

Commissioner Gwin said, "It is \$3,354,000,000."

Mr. Lackey said, "Okay, that would then mean it is approximately \$2,000,000 more than what the original budget was for 37th Street, which that equates to about one mile of arterial roadway, which we'll have to evaluate what projects could be funded."

Commissioner Gwin said, "As the City Council looked at the issue and was concerned about ditches and numbers of openings and those kinds of things, did they not consider traffic and accidents as important?"

Mr. Lackey said, "Yes they did. I presented the fact that there were more accidents on Woodlawn than there had been on 37th Street. But I think again, the fact that the continuity issue on 37th is a viable issue. The fact that there are steep ditches and inappropriate turning radiuses on 37th and the fact that this also

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feeds a major employer, those are additional attributes, other than just traffic, that I think are real important."

Commissioner Gwin said, "Don't get me wrong, I think 37th for a long time has been an important project. I think it has been something we've been concerned about from four lanes to two to four. We've not been able to get the parties together. We continue to maintain a road that probably is not our real responsibility. So, I think the County has gone above and beyond its responsibilities in overseeing 37th in its current state. But David and I have been working on it as long as I've been here and we've never been able to get the parties together. I think that is still important. I think what surprised me and surprised any of us who have been watching the growth out there is the increased traffic just out of no where, quite frankly, on Woodlawn. I think it carries a lot more traffic than you or David or any of us expected that it would carry.

I don't think we saw the growth along that as it has turned out to be. With the link between K-96 and 254, I think that has created some traffic there that as I said, I don't think any of us anticipated that. Wherein K-96, I believe, has relieved some of that east/ west pressure on 37th and traffic has gone down a little. As I said in my letter to the City of Bel Aire, 37th is still very important and it is a very important project to me, personally. It has been all along. But I think based upon traffic and those kinds of things that Woodlawn ought to get some attention right now, too. I would think, since we're supposed to be inviting other communities to be a part of this process and the fact that Bel Aire has said if you consider us, we'd even step back a year. We could wait. I think we ought to give them the courtesy of consideration. I understand the City disagrees and that's the way it is going to be."

Mr. Lackey said, "I understand your position, I do. I felt like the City of Wichita took into account the potential for growth at the intersection of 37th and Woodlawn when we reconstructed the intersection and channelized it. I think they anticipated some of that. Now further north, obviously, we were not considering extending the roadway that far north. But the fact that having gone through Capital Improvement Programs before, I know in the City of Wichita, we try to figure out ways of trying to put off major expenditures as long as we can and we do that by building roads in phases, particularly if we've got the room and the right-of-way to do so. I think we've got the ability to put this one off a while to adequately program it and fund it and by adding turn lanes at strategic places I think we could do that because the pavement width out there is there and can be accommodated."

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Commissioner Gwin said, "Thank you."

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

Commissioner Sciortino said, "Steve, I got the figure of \$3,354,000 for the one mile section to build Woodlawn. What is the cost of the one mile east and west on 37th Street?"

Mr. Lackey said, "I heard someone say it was \$2,300,000 this morning, but what we had used in our programming a year ago in the TIP, it was \$1,700,000."

Commissioner Gwin said, "Our CIP has \$3,000,000 in it, doesn't it, David?"

Commissioner Sciortino said, "Does anybody have a hard . . . I've got a point I'm trying to make but I need a number. Anyone have an answer yet?"

Mr. Jamsheed Mehta, Chief Transportation Planner, Metropolitan Area Planning Department, greeted the Commissioners and said, "The cost to 37th Street, the one mile, the total cost is \$2,300,000, of which the federal share reserved in that five year program historically through the 90s, was \$1,700,000. So you are comparing total cost of \$2,300,000 on 37th Street to a total cost of \$3,300,000 on Woodlawn."

Commissioner Sciortino said, "I've got that. Then all I have to do is figure 30% of each to figure out what the total match is. On Woodlawn it would be somewhere around \$650,000 to \$700,000? I mean on 37th Street?"

Mr. Mehta said, "Nearly \$650,000 to \$700,000."

Commissioner Sciortino said, "Okay, and on Woodlawn it is about \$1,000,000, if I figured it right. Okay, thank you."

Mr. Lackey said, "I had our department look at that and we feel like those estimates are high but I guess that is a disagreement we'll have to live with."

Commissioner Sciortino said, "I want to ask one other question. I'm still trying to learn here so bear with me. One mile, one mile, four lane, curb and gutter both ways, why the disparity in the cost?"

Mr. Lackey said, "I don't know. Typically, we can build a one mile of urbanized four lane pavement in

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Wichita for \$2,000,000 or less. I would guess maybe the drainage facilities has something to do with that and maybe the major intersection at 45th Street."

Commissioner Sciortino said, "David, could somebody educate . . . ? I'm just trying to figure out because there is a substantial difference in these figures and Steve is even saying he feels the \$2,300,000 is high. I'm just a layman here seeing one mile and supposedly the end result is the same, why such a big disparity in cost?"

Mr. Spears said, "Commissioners, I will say, I believe another consulting engineer put together these estimates on both the roads, MKEC. Just looking, the drainage quantities are a lot different. Approximately, pushing \$500,000 on Woodlawn versus \$200,000 on 37th. That is part of it."

Commissioner Sciortino said, "Okay. Just for me to try to get up to speed here. Let's assume these figures are correct. Bel Aire, right now, has come to the table pledging 100% on their part, investing about \$1,000,000 to do the Woodlawn project and is the City saying 1/3, 1/3, 1/3? What did the City say, as far as the local match is concerned? Are they coming up to the table with \$650,000 or I didn't get that?"

Mr. Lackey said, "Let's just say that the local match is \$600,000, like Jamsheed indicated, instead of maybe let's say that Wichita and all three agencies put in for \$200,000 apiece. I'm looking at Bel Aire's side of it now. If Bel Aire would kick in \$200,000 on 37th and then restripe the roadway, they wouldn't be out the million or whatever their number is going to be. So it would be a cost savings."

Commissioner Sciortino said, "So, between the two financially, and we'll use \$600,000 for visiting purposes, Bel Aire's portion is \$200,000 as opposed to a million."

Mr. Lackey said, "Right."

Commissioner Sciortino said, "I have one question of the Bel Aire people if I can ask it. I'm trying to be peace maker between two neighbors here. This was interesting about the restriping and having a turning lane. I would think that looking at \$200,000 investment, as opposed to a \$1,000,000 investment, given the size of the community and the amount of capital that you have to invest might be attractive to you. Would that be something that, at least temporarily, because I'm thinking the restriping probably doesn't have to wait until 2004 or whatever, would that provide sufficient relief to Bel Aire, that you would reconsider throwing your support to 37th and maybe pocketing the \$800,000 at this time?"

Mr. Johnson said, "In a word, no. That argument was raised at the MAPC meeting two weeks ago and

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the question was asked, has it been done any where by the City. Only those streets that have been designed as three lanes with drainage have actually been stripped three lane. No black top, we are told, has been done that way. Our traffic counts are already in excess of typical engineering practices, in terms of the load. We see no smoothing or lessening of the continued increase in traffic on Woodlawn. If we were to direct resources into 37th Street, whether it is \$200,000, and I have yet to hear the City of Wichita come to the table with a dollar on their part, that would just set back reconstruction of Woodlawn even further and increase traffic load, accident counts, and danger not only to the citizens of Bel Aire, but to the citizens of Wichita and from outside of Wichita."

Commissioner Sciortino said, "Thank you."

Chairman Winters said, "Thank you, Commissioner. Is there any one else who would like to address the Commission? Welcome Councilman."

Mr. Joe Pisciotte, Wichita City Councilman, greeted the Commissioners and said, "My wife and I live at 4225 Ironwood Court, which is just a stones throw from this particular area and the exercise walking area for my wife each evening. I also have the privilege of representing the 2nd District of the City of Wichita, which is largely the east portion of the community. Let me say, at the outset, that I find this somewhat less than an enjoyable process that we're going through. Let me add to that, that I know that all of us have the same goal whether it is the Sedgwick County Commission, the good folks in Bel Aire or the Wichita City Commission. We all want what is best for this community. We all want what we need to do in terms of creating the best quality of live, including safety and traffic efficiency. We just have what I think we would call an honest difference of opinion at how we can best arrive at that. Let me also say, I know my friend Mayor O'Neal here has done an outstanding job in that community. He is a breath of fresh air and what is really developing in terms of working out things as good neighbors.

"I drove this area, again, this morning to make certain that I was on target in my thinking. I also drove Rock Road, to make certain that my thinking was correct in terms of how this ties into that. I don't want to repeat everything that has been stated, but I do want to emphasize my thinking, which has brought me to this particular position. One of the things that is related to Rock Road and, in my opinion, is a critical issue of the east side, in terms of traffic and quality of life. We're going to get Kellogg resolved, but we still have Rock Road to resolve and I'm not quite sure how we're going to do that. But one small part of that equation is 37th Street. If you start at Hillside and go east, it is a four lane corridor. The traffic, even though it is not constant all day long, it is at a high volume several times a day when it picks up the traffic

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from Koch and takes it, hopefully what we had in mind, was to take it to Webb Road. There is one small piece in that road that we're also going to correct so that it can be a four lane corridor that can take that traffic to Webb Road, get it off of Rock Road, get it off of Woodlawn and allow it then to either go down Webb Road or pick up K-96 where there is a high incidence of residence from that particular traffic.

"I think to have that bottleneck is not good planning. As I said, I drove it. I'm very much aware of the absence of shoulders, the steepness of the grades that Mr. Johnson talked about. But there is also a railroad crossing, as there is on Woodlawn, that is a critical issue. I will assure you that it is much more critical on 37th Street than it is on Woodlawn because it is closer to the street and there is no shoulder. I would ask you to consider, not just one small portion for the immediate need, but for a long term plan for the entire quadrant of this particular section of the City because I think it is critical for ultimate relief of Rock Road.

"I would also ask that you give thought to, if you don't do 37th Street now, when will you do it? In my opinion, the asphalt, the concrete, everything about it, is in far worse shape than is the case on Woodlawn. I would simply ask the question as a matter of policy for the future, when will we do 37th Street? By my calculation, by my Italian arithmetic, it is going to get pushed back so far, regardless of what plan we go with right now, it is going to be pushed back so far it will be critically difficult to navigate as a major corridor in this part of the community and I think it will be a drastic mistake.

"I would also suggest for your consideration that if you go look at the traffic, much of the traffic that is north of 37th Street, on Woodlawn, is what you might call a spaghetti bowl process. It is not largely through traffic. It is folks going from Sonic across to the car wash, 7-11, whatever the case might be of the businesses along the way. I would also suggest that you look at the development that is going to be taking place along 37th as well. They just had a new business go in there. Jostens is buying a piece of property to move in there, as are others, as that develops. On Sundays, you've also got critical incident when those churches that are on 37th Street, and there are two, as they go about their entrance and exits along that particular area.

"Let me suggest that if we do adhere to the TIP as it has been, that we do come to the table and the City of Wichita is prepared to engage in a third of the cost for the local match on 37th Street. I haven't gotten a chance to talk to all of my colleagues. It was just raised yesterday when we found out this was going to be an Off Agenda Item. I think we would be prepared to come together for a third of the local match on 37th Street. I would suggest, then, that we proceed with that as has been recommended all the years and as we have anticipated as we put our program together. That we proceed with that and then we come together and take a look at all of these funds and these programs. I think Commissioner Gwin has a point.

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What really is planned for all the other communities in the area? I think we are in this together. As all of you know, we've been making great strides in working together as a community. I would ask that you consider not where we've been, because there has been a lot of incidents since 1980 and a lot of residue that I'm not necessarily familiar with. Let's not focus on where we've been, but where we're going. Let's build 37th Street now. Let's get together and start de novo on all of these monies and this plan and the TIP, and see what we can do in the best interest of the entire community and the communities that around the City of Wichita. With that, I would urge that you give consideration to keeping 37th in the plan as it has been. Thank you."

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

Commissioner McGinn said, "We've been at this. Joe, I have some questions for you. Come on back up. We've been at this for a while and you've kind of refreshed my memory here. I'm trying to figure out . . . This has just all come up new to me, too. I'm just learning about a whole lot of things today."

Mr. Pisciotte said, "I think a whole lot of us are engaged in a rather sharp learning curve."

Commissioner McGinn said, "But it sounds like it is very important to the City of Wichita, but what I don't understand is if it is so important, am I hearing right, that they haven't thought about allocating any dollars to it to date? Is that what I'm hearing? Because you said you'd have to go and talk to them to see if they'd even do a third."

Mr. Pisciotte said, "I think I could assure that that would happen."

Commissioner McGinn said, "Okay, but what I don't understand if it is so important how come funding for this hasn't been talked about before today?"

Mr. Pisciotte said, "Commissioner McGinn, I can't answer that. As I say, this has been going on for a lot of years before I got there. I was not aware of all the nuances of local match and how this particular process worked. I didn't know about these various committees until just yesterday myself. I didn't know how the process worked. Also, until just recently, until I got a copy of the letter that Commissioner Gwin had indicated she had sent to Bel Aire, the County's support for this change. I wasn't aware that there was going to be a request for a change. So, we have really not talked about the City's involvement on local match. We just reiterated our support for 37th Street as being in the overall plan as it has been for years."

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Now that the question has come up, specifically about this, we're prepared to say yes, let's work on 37th Street and then go back and work on the others.

"Bear in mind, I can only anticipate the past because again, I was not involved in these discussions. The City of Wichita has no responsibility for 37th Street between Oliver and Woodlawn. This is a Bel Aire road and a County road. I was asked, as a matter of fact, when folks asked why I felt so strongly and passionately about this is you don't have a dog in this fight. I said quite the contrary. This is an overall corridor that we need to resolve in the best interest of the entire community."

Commissioner McGinn said, "Okay. And I heard some things from David that he has talked to the City engineers about resolving some of these problems in the future. If there is a way that we can all partner somehow, do you see the City coming in and resolving this problem of why we've got a County road going through two communities?"

Mr. Pisciotte said, "Yes, very much so. Because again as I drove that this morning, I was reminded once more as I go down this corridor, when I get to Woodlawn I leave the City of Wichita, I drive for a mile west and I come back into the City of Wichita. It just doesn't make sense. As I say, a lot of this has a lot of residue of the past that I think we need to resolve and overcome. I think all of you know, collectively and individually, my very strong feeling of cooperative efforts between the City and the County and the smaller communities. I would be more than willing to do what we can to resolve these particular issues."

Commissioner McGinn said, "Thank you, Joe. I just have a quick question for David. We talked about the cost difference in these two projects. It costs more to do Woodlawn, we think mostly because of the drainage. Could I reason that ditches are deeper and wider on Woodlawn because it is going to cost more for drainage? Or do those two things not relate?"

Mr. Spears said, "They relate. Once again, our staff did not put together this estimate and I don't believe Mr. Lackey's staff put it together. I believe it was put together by a consultant. So, I really haven't studied this in great detail. There is also miscellaneous items that amount to a difference of about \$150,000, as well as the roadway quantities themselves amount to a difference of about, looks like

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\$250,000. But of course drainage, if you have a stream, and I don't know if you have a stream that crosses Woodlawn that doesn't cross 37th there in that particular mile, of course it is going to cost more to put a structure there. Like I say though, I see that there is a reinforced concrete box culvert for \$100,000 on the Woodlawn project, whereas there is not one on the 37th Street project."

Commissioner McGinn said, "Okay. I guess I was just wondering if it had to do with having to move more water through the ditches, that is kind of what I was thinking."

Mr. Spears said, "I wouldn't say so. I would say it's more or less the difference would be a stream crossing one and not crossing the other."

Chairman Winters said, "Commissioner Sciortino."

Commissioner Sciortino said, "Thank you, Mr. Chairman. Joe, come on back up, you're not done yet. I'm still trying to find out if there is some way we could effect some kind of a compromise to where the City of Wichita and Bel Aire would be comfortable. Again, like you and Carolyn and definitely myself, I'm learning as I speak. We discussed the idea of, Bel Aire has stated that they wouldn't be interested in joining one third of the project for this one and they've stated that the restriping, which I was getting excited there because I thought maybe that could have it, but that wouldn't resolve the problem that they have. If we could figure out another way of still providing the matching grant for Oliver [sic Woodlawn], would the City supporting putting both plans in the TIP?"

Mr. Pisciotte said, "You mean Woodlawn?"

Commissioner Sciortino said, "Keep Woodlawn in and then if we're down to who pays for the \$600,000 for the 37th Street project, as I heard from Bel Aire they can't afford to contribute to both, let's just assume that somehow we figure out how to get that money, would the City support putting both of those plans in the TIP?"

Mr. Pisciotte said, "Certainly we would support it. I think it would become a twofold question, Commissioner. That is, would there be sufficient money in this pool fund to be able to do those when and secondly, what would be involved in the local match. To obligate the local match on the part of the City of Wichita, we would have to go back and do some serious numbers crunching."

Commissioner Sciortino said, "Would it be such a thing as there may have to be a reprioritization of all the other projects?"

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Mr. Pisciotte said, "Yes. And I might add that if you proceed with Woodlawn, you're going to have to do some reprioritizing anyway, because you're going to have to address the question of those which are going to be kicked out, how are you going to then reshuffle them."

Commissioner Sciortino said, "Okay. I guess I have a question of Marvin, I don't know for sure. You might stand by."

Mr. Pisciotte said, "Since I'm back up here, I might add that one of the problems I think with Rock Road is that decisions were made for the moment. They were made to satisfy an immediate issue and an immediate problem without taking a look at the long range need of the community as it grows and develops. I think to make this decision in deference to Woodlawn, would be one more time of making a decision for the short haul rather than the long haul and then we would have two corridors, neither of which are complete. We're going to have 37th Street, which has got a bottle neck and we're going to have Woodlawn which is going to be four lane to 45th Street and then two lane on out. Where if we proceed with the TIP on 37th, let's do some serious long range planning how we can come together as a City and a County and the City of Bel Aire, and talk about what we can do to build that road, from Woodlawn all the way out to 235, because there is an interchange there. Let's build that, not for the next couple of years traffic, but let's build it on down for the next 30 or 40 years as it develops and it will, rest assured, if we learned anything from Rock Road, it will develop. Let's do it for the long haul as partners for the entire community. Thank you."

Chairman Winters said, "Thank you, Mr. Pisciotte. Unless you've got a burning question, we've had a little over an hour on this discussion. We need to get toward the decision making at this point."

Commissioner Sciortino said, "I've got one technical point and I'll be very quick. Marvin, and I apologize, Mr. Chairman, but I'm trying to get educated here and maybe the next time this comes up I won't have as many."

Chairman Winters said, "That's fine."

Commissioner Sciortino said, "Okay, the City of Wichita has proposed a third, a third, a third, for matching funds and then, I guess, the feds pick up the rest of it. We've just heard the City of Bel Aire say that they wouldn't participate. So what happens to the process, the proposal was a third, a third, a third, Bel Aire says no thank you, what happens to that TIP project."

Mr. Krout said, "We can't put it in the TIP until we've got the \$600,000. So, maybe, then the next

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question you might ask is if Bel Aire cannot participate, would Wichita and Sedgwick County be willing to pay \$300,000 each and would the City of Wichita be willing to take one of their projects already in the TIP and move it out of the program in order to make a place for 37th Street, because all the rest are their projects and they haven't had that discussion either. They'd have to decide what is . . ."

Commissioner Sciortino said, "But all of that has to be decided by tomorrow? Does that have to go in by tomorrow?"

Mr. Krout said, "They need a program by tomorrow. Now the Transportation Improvement Program has to be updated annually, so this is an issue that can be discussed over the next year and can be revisited if there is some way to put a project together, it can be put in the project next year. In fact, the TIP could even be amended earlier than a year from now if we could come to some agreement about moving projects around. But it would take Wichita deciding how much it is willing to put in, the County, how much it is willing to put in, can Bel Aire put anything in, and what City project is less important than 37th Street, if they want to put 37th Street in."

Commissioner Sciortino said, "Thank you. Mr. Chairman, thank you for putting up with me, I've learned a lot."

Chairman Winters said, "That's all right. Thank you. I think we need to direct our attention here to our task now of . . . we've been requested by MAPC, the Metropolitan Area Planning Commission to give a recommendation to them. Ours is just a recommendation. They'll be making a decision at their meeting tomorrow. This has not been a fun or a good process. I appreciate all of the comments. I think back on what I've heard Councilman Joe Pisciotte say a number of times in situations. We've got our good friends here from the City of Wichita. We've got our good friends from Bel Aire, and we support our good friends. I've asked Joe exactly what that means. I think that means that sometimes you have to begin to make some decisions and move on. I really want to emphasize the good working relationships that we have had recently with the City of Wichita. They have improved, dramatically, over the past year and half or two years. As a number of us know, we're working on a number of great projects with them, including the flooding issues. We worked very closely with them on the Union Pacific Railroad issues. We've worked on the railroad issue west of town where we partnered with them. We're partnering with them on the Kellogg west interchanges at Maize and Tyler, if we can get state enhancement programs. There are a number of places that we've work very closely with the City and I certainly don't want to do anything that would jeopardize that. I think when we agree to have a disagreement I don't think that we will let situations like this come in the way of those good projects."

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"I'm going to say that I would probably, several months ago, been a supporter of the 37th Street project. It was in the plan. If the coordinating council had voted on it several months ago, I probably would have been in favor of it. But I think that there are instances when things change, when circumstances change. The City, in fact, had an example of that just a couple of weeks ago. I'm referring to paving roads out to the new sewer plant. I certainly don't mean to equate paving for this or paving for that as somehow that relates in itself to this, but circumstances change. The director of the City Sewer and Water Department made several comments, testified before the MAPC that they were going to pave the roads to the sewer plant. The City Council had a change of circumstances and decided not to pave the road. I think there are instances when changes occur in your circumstances and that's why I'm going to be supportive of changing this particular project, based on what I hear the MAPD, the Metropolitan Area Planning Department saying. I realize that even though there may have been some question about the KDOT voters on the technical committee but that did speak a little bit to me that some of these KDOT folks would think that a change is appropriate. At this point in time, I'm prepared to support recommending to the Metropolitan Planning Commission that we support the Woodlawn project. Commissioner Gwin."

Commissioner Gwin said, "Mr. Chairman, I'm prepared to make a motion that the Board of County Commissioners recommend to the Metropolitan Area Planning Commission that we support the Woodlawn project. I do so based upon the fact that it is the only two lane road in the County with a traffic count over 10,000. I do so based upon the number of accidents that are occurring there as compared to 37th. I do so because there is only one government who is ready to proceed today to provide matching grants on either one of these two projects. I do so based upon the fact that we are to invite other communities in this metropolitan area to participate in requesting funds to the federal government. I believe Bel Aire meets that also. That's my motion."

MOTION

Commissioner Gwin moved to recommend to the Metropolitan Area Planning Commission that the Board of Sedgwick County Commissioners support the Woodlawn project.

Chairman Winters seconded the Motion.

Chairman Winters said, "Commissioner Sciortino."

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Commissioner Sciortino said, "I don't think that I can support this. I think the compromise that has been presented by the City of Wichita has merit. I would encourage, and I like this idea of restriping to three lanes. It seems to me that that would provide some instantaneous relief. What is swaying me to want to support the completion of 37th Street is the fact that it is a bottle neck. It has been a bottle neck for quite a number of years and that would resolve it and we would at least have one corridor completed. Woodlawn is going to have to have a lot of additional work until it gets completed totally. To me, the idea of three lanes makes sense. I would, however, encourage the City of Wichita to relook at the existing projects and if they felt real strongly about Oliver [sic Woodlawn] and there could be a way that they might be able to reprioritize some of your projects to put this one up to the fore, the ideal situation would be to put both projects in the TIP. That's my comment."

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

Commissioner McGinn said, "Thank you, Mr. Chairman. I felt like Steve and Joe made some very compelling points and I appreciate them coming over and providing that for us. I guess I'm going to kind of say the same thing Commissioner Sciortino is only a little bit with an opposite view to some extent. It is my hope that we can continue to work on both of these projects. If that means changing the TIP or the CIP, a little new with the TIP thing, but I hope that we can work . . . we look at 2004, when it comes to money, that is not so far away. But when I think about it, that is kind of a long ways away when it comes to making policy decisions, and changing some things throughout. But based on the information I've heard today, when I look at the facts, we have almost three times more accident rate on Woodlawn. We have a third more vehicles. Bel Aire is committed to funding 30%, if I understood that correctly. And based on that commitment, I feel like since we know some dollars are coming forth, I have to support Bel Aire's decision to pave Woodlawn. But it is my hope that we can continue, as Joe had talked, we could continue to talk about how we might take care of 37th Street in the shorter term than what has been projected."

"I guess it just keeps getting put off and I think that maybe it shouldn't be put off and we need to maybe put all our heads together here and concentrate on how we make that happen quickly, too. But I guess, when I look at a planning situation, Bel Aire has already said here, we're going to put money up, we're ready to go. Joe says he wants to work with the City Council people and see if we can start putting money up there to make 37th Street happen and I hope we continue to have those discussions and see if there are ways that several government entities can be involved and help. With that, I guess I have to support Woodlawn being number one and 37th being number two and ultimately it is the Planning Commission's decision."

Chairman Winters said, "All right, thank you. Commissioner Gwin."

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Commissioner Gwin said, "Just real quickly. I don't want anyone to think that my motion minimizes the importance of 37th Street. What we're recommending and what MAPC is considering is the utilization of federal funds. I believe that if this governing body and the City of Wichita and Bel Aire believe that 37th Street is as important as I believe it truly is, we ought to put our monies where our mouth is and the three of us can pony up and do something with that without having to use federal funds. If we're serious about it, we have local resources that we can use, too. It has been an ongoing fight and I think the time is appropriate, where we understand the cooperative spirit that we all work together. I don't want anyone to think 37th isn't important but when it comes to using federal funds, that is the issue we're talking about here and this decision has to be made quickly. Again, MAPC is going to make the final call on this. All I'm doing today is giving them a recommendation."

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

Commissioner McGinn said, "Thank you, Commissioner Gwin for commenting on that. That's kind of how I feel. If we have three units of government that think this is important, I don't see why we have to wait for the federal government to make it happen. I hope we can all work together and resolve all these issues quickly."

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

Commissioner Sciortino said, "Well this whole process is getting to be as clear as mud to me."

Chairman Winters said, "We've got a pretty clear motion out there."

Commissioner Sciortino said, "I understand the motion but what Commissioner Gwin just said. We could just consider just building the darn thing ourselves, it is only a mile long and get the three entities involved, and just all chip in and to heck with the federal government and we just build it."

Commissioner Gwin said, "If it is important, right."

Commissioner Sciortino said, "Well I could support that."

Commissioner Gwin said, "We have to talk about that as we build our CIP in this year's budget then. Maybe we ought to get to that. We've got several months to decide that, Commissioner Sciortino. We've got one day to give a recommendation to the Planning Commission. I think we can solve this problem."

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Commissioner Sciortino said, "All right. This is fun."

Chairman Winters said, "This has been a unique process and I'm glad we don't discuss all of our Capital Improvement Projects in this manner. This is the reason we have Capital Improvement Projects so we don't get in this kind of discussion where we've got our friends on both sides of an issue. I hope we can prevent it, but again, as I said earlier, sometimes circumstances change. Commissioners, are you prepared to vote? The motion is that we will recommend to the Metropolitan Planning Commission the support of the improvement of Woodlawn. Is there any other questions? Madam Clerk, please call the vote."

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, "Commissioners, we're going to take a ten minute break here. We're in recess."

The Board of Sedgwick County Commissioners recessed at 11:10 a.m. and returned at 11:20 a.m.

Chairman Winters said, "I'll call the meeting back to order, the Regular Meeting, May 24, 2000. Madam Clerk, call the next item."

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NEW BUSINESS

F. RESOLUTION CREATING A ROAD IMPROVEMENT BENEFIT DISTRICT IN SEDGWICK COUNTY, KANSAS AND AUTHORIZING IMPROVEMENTS THEREIN (SUNCREST ADDITION).

SLIDE PRESENTATION

Mr. Joe Norton, Bond Counsel, Gilmore & Bell, P.C., greeted the Commissioners and said, "This morning, the Commission has received a petition signed by the owners of 100% of property within a proposed road improvement district to create that district and authorize improvements therein. This is an area of the County known as Suncrest Addition street improvements as depicted on the screen before you. It is located north of 71st Street South and west of Hydraulic. The plat is outlined in red and constitutes the proposed benefit district. There are 31 lots within this proposed benefit district. The recommendation petition is to, if the project goes forward, assess each of those lots equally for the costs of the improvement.

"The Bureau of Public Works has estimated the cost of this project with all contingencies to be approximately \$211,200. When divided equally among the 31 parcels, a principal component of about \$6,813, or if spread equally over 15 years at 6% interest, about \$700 per year. We found that the petition is in proper form, has been filed, and have prepared a Resolution for your consideration that would create this district and authorize the improvements. Statute does not require a public hearing prior to consider of the Resolution but you may wish to take comment. I'd be available to answer any questions and Mr. Weber I think is here also."

Chairman Winters said, "Thank you. Commissioners, are there questions of Joe on this item? Joe, there is no public hearing or comments connected with this Resolution?"

Mr. Norton said, "None required."

Chairman Winters said, "All right, thank you. Commissioners, you've heard Joe's report, what's the will of the Board?"

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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, Joe. Next item."

G. LETTER OF SUPPORT FOR A GRANT APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR CONTINUUM OF CARE SUPPORTIVE HOUSING.

Ms. Beth Oaks, Vice President, Community Planning and Resources, United Way of the Plains, greeted the Commissioners and said, "Every year, the Department of Housing and Urban Development, or HUD, releases a Notice of Funds Available to be used for transitional housing, permanent supportive housing, and supportive services to help people who are homeless become self-sufficient and adequately housed. Each major urban area is assigned a 'pro rata needs' share, the total HUD funds available based on population, area served, and community need. This year's pro rata share need for Wichita/Sedgwick County has been approximated at \$1,100,000. The homeless task force has been working with United Way of the Plains to prepare and submit an application for the Wichita/Sedgwick County area. The application will be submitted to HUD by United Way of the Plains and the deadline for application is May 31, 2000.

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"The application will include three projects, two of which are renewal projects. The first project is a transitional housing project. It is a renewal. The requested amount is \$1,000,000. The agency supporting that would be the Salvation Army. The second project would be a Shelter Plus Care renewal application. The requested amount for it is \$4,164,800. It will be administered through the Housing Services Department of the City of Wichita. The Supportive Services for Homeless Persons with Mental Disabilities is requesting \$157,710 and that would be administered through Breakthrough Club for a total of \$5,322,590.

"These projects have been reviewed and ranked by the community, through a series of community hearings where business, banks, service providers, Wichita Police Department and others have participated in these meetings. What I am requesting of you today is your support of the application by signing a letter of support to benefit the homeless individuals of Sedgwick County. I'd be happy to answer any questions."

Chairman Winters said, "Thank you, Beth. Are these grant applications competitive in nature and lots of folks out there after this money or is this allocation for Wichita/Sedgwick County pretty much a deal."

Ms. Oaks said, "No, it is not a deal. It is very competitive in nature. Even though Wichita/Sedgwick County has been identified or targeted as a pro rata needs share of \$1,100,000, we are actually competing against everybody applying for funds amongst the nation. There is the project applications that are part of an overall application called a 'Continuum of Care' which will be submitted. That is ranked for total points. Where we rank on the total number of points available allows us to know where we rank in that. If we don't rank high enough in the total grant application, then no money will come into the community."

Chairman Winters said, "So even the \$1,100,000 is not a done deal and we're asking for \$5,300,000."

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

Chairman Winters said, "And our COMCARE people have been involved in putting all the process together?"

Ms. Oaks said, "Very much so. They have representatives also on the Homeless Task Force from COMCARE, on the 'Continuum of Care' Writing Committee, and they will be supporting some of the supportive services that are required for match in the Shelter Plus Care."

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Chairman Winters said, "All right, thank you. Commissioners, any other questions of Beth? If not, what's the will of the Board?"

MOTION

Commissioner Gwin moved to authorize the Chairman to sign a letter of support.

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. Next item."

H. AGREEMENT WITH VALLEY CENTER CHAMBER OF COMMERCE FOR ADVERTISING RIGHTS AT THE KANSAS COLISEUM.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, "This is again our standard agreement for advertising rights, the client being the Valley Center Chamber. The location of this ad panel will be in Pavilion I, allowing Valley Center Chamber to target those folks who may spend more than one day in our community, such as the vendors and participants at live stock shows. They're cooping the advertising with many of their merchants so they'll have a good exposure to those folks who may want to take a little jog just a little bit west of us and see what is going on in Valley. We recommend approval."

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

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MOTION

Commissioner McGinn 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, John. Next item."

I. AGREEMENT WITH HARRY KOURI, JR., D.D.S. TO PROVIDE PROFESSIONAL DENTAL SERVICES TO SEDGWICK COUNTY DETENTION FACILITY INMATES.

Major Danny Bardezbain, Sheriff's Department, greeted the Commissioners and said, "As you are aware, the Sheriff's Department is responsible for the operation of the Sedgwick County Detention Facility. In the facility, we have the responsibility to provide dental care for our inmates. I am recommending your approval of a contract with Dr. Harry Kouri to be extended for one year. One thing I want to point out is the contract does ask for a 10% increase in the salary for Dr. Kouri. We are basing that on the fact that he is right now seeing about 10% more patients. As you are aware, we brought back all of our inmates that we housed outside the County and in addition we expanded the facility, so his patient base has expanded. I recommend approval of this Contract with Dr. Kouri."

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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, "Major, congratulations on the promotion and the responsibilities of the Adult Detention Facility. We've been just very fortunate in the people that Sheriff Hill has put in charge of that facility. We realize that is a big task. If we can be of assistance to you or Sheriff Hill as you go through your new job, please don't hesitate to call on us. Again, congratulations."

Major Bardezbain said, "Thank you, I appreciate it."

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

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J. DIVISION OF HUMAN SERVICES.

- 1. ADDENDUM TO CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS PROVIDING CHILDREN'S RESPITE CARE AND PSYCHOSOCIAL SERVICES, ADDING SUMMER CAMP FOR CHILDREN WITH A SEVERE EMOTIONAL DISTURBANCE AND ADDING A SIBLING RESPITE CARE PROGRAM.**

Mr. Deborah Donaldson, Director, Division of Human Services, greeted the Commissioners and said, "This particular addendum adds \$9,000 to the Mental Health Associations allocation of funds. They will, with those funds, add two new programs. One is a summer camp for children with severe emotional disturbance, allowing them an opportunity to have summer activities and some summer programming, very similar to what other children receive. The other is respite care that includes siblings. This was a strong request from the parents who said 'you know, if we have five children and you do respite care for one child and we have four others, we don't get much of a break from care giving and we really need that'. So, that is what this program will do. I'd be glad to answer any questions."

Chairman Winters said, "Thank you. Commissioners, are there any questions of Deborah? If not, what's the will of the Board?"

MOTION

Commissioner Gwin moved to approve the Addendum to Contract 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

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Chairman Thomas G. Winters Aye

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

**2. GRANT APPLICATION TO KANSAS DEPARTMENT OF CORRECTIONS
 FOR FUNDS TO CONTINUE THE INTENSIVE DAY INTERVENTION
 PROGRAM.**

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "I need to ask that this item be deferred until next week for technical adjustment to the grant."

MOTION

Commissioner McGinn moved to defer the item for one week.

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, "Next item."

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K. DIVISION OF PUBLIC SAFETY.

1. AGREEMENT WITH KANSAS ASSOCIATION OF LOCAL HEALTH DEPARTMENTS TO HIRE AND ADMINISTER A GRANT-FUNDED HEALTH ALERT NETWORK PROJECT MANAGER.

Mr. Randy Duncan, Director, Emergency Management, greeted the Commissioners and said, "We are going to be talking with you today about the Kansas Association of Local Health Departments grant funded position, through the Health Alert Network, to take a look at the issue of outbreaks of disease and illnesses and put together a coordinated information gathering program so that we know more about that. The primary reason for the funding existing is our concern with domestic preparedness issues originating with the Centers for Disease Control. On a day to day basis, I think the benefit of this grant is going to be that we're going to be able to have a better idea of what is going on, in terms of the overall health of our community. Assuming that it meets with the Commission's approval, I'd like to ask you all to consider accepting the grant and authorizing the Chairman to sign. I'd be happy to answer any questions you might have."

Chairman Winters said, "Thank you. Commissioners, any questions of Randy?"

MOTION

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

Commissioner McGinn seconded the Motion.

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

VOTE

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

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Chairman Thomas G. Winters Aye

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

**2. ADDITION OF ONE GRANT-FUNDED HEALTH ALERT NETWORK
PROJECT MANAGER, RANGE 20, TO THE EMERGENCY MANAGEMENT
STAFFING TABLE.**

Mr. Duncan said, "I might point out one small technical error here, that should be Range 21. I apologize for the error. Basically, the grant agreement that you previously allows us to pursue will fund the salary, benefits, our administrative costs, and travel and training for this person for a period of one year. This Motion that we're about to ask you to consider allows this person to be added to our staffing table, even though their day to day responsibilities will occur over in the Health Department. I would ask that you all consider allowing us to do that. If you have any questions, I'll be happy to answer them."

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

Commissioner Gwin said, "Thank you, Mr. Chairman. Just a real quick question. When the grant goes away, does the position go away?"

Mr. Duncan said, "That's correct."

Commissioner Gwin said, "Okay, thank you."

MOTION

Commissioner Gwin moved to approve the addition to the Emergency Management Staffing Table.

Commissioner Sciortino seconded the Motion.

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

VOTE

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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, Randy. Next item."

3. ADJUST THE REGIONAL FORENSIC SCIENCE CENTER STAFFING TABLE TO CHANGE A CHIEF TOXICOLOGIST POSITION, RANGE 30, FROM A SALARIED POSITION TO A CONTRACT POSITION, DIRECTOR OF FORENSIC LABORATORIES/CHIEF TOXICOLOGIST.

Dr. Mary Dudley, M.D., Coroner/Medical Examiner, Regional Forensic Science Center, greeted the Commissioners and said, "I have two proposals today. The first one is regarding the adjustment of the staffing table of the change from Chief Toxicologist position to a combined position, which would be encompassing the Director of Forensic Laboratories and the Chief Toxicologist. I have spoken with you individually regarding this position and also this has been approved for the budget of 2001. This proposal is to have this position starting July 1st, so this is for the 2000 budget, which we can absorb the cost within our current budget."

Chairman Winters said, "Thank you. Commissioners, are there questions? Commissioner Gwin."

Commissioner Gwin said, "Just real quickly, will this change help us find somebody for this position?"

Dr. Dudley said, "Yes. It will help us. Also the adjustment in salary will help fill this position and then when we do find a suitable candidate and have the contract written we will come back at a later date for that approval."

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

Chairman Winters said, "All right. What's the will of the Board?"

MOTION

Commissioner McGinn moved to approve the adjustment to the Regional Forensic Science Center

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Staffing Table.

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. REORGANIZATION TO CHANGE FIREARMS EXAMINER POSITION, RANGE 24, TO CHIEF, CRIME LAB, RANGE 26; CONVERT CHIEF OF PHYSICAL EVIDENCE POSITION, RANGE 27, TO DNA TECHNICAL LEADER/MANAGER, RANGE 26; AND UPGRADE DNA ANALYST I POSITION, RANGE 23, TO DNA ANALYST II, RANGE 24.**

Dr. Dudley said, "This is another position within the DNA Crime Lab, which will help restructure the positions that we currently have. This will both create a permanent position for what we now have as an interim position for our Firearms Examiner Crime Lab Manager and also will upgrade the positions of the DNA Analyst. This will, for this year, 2000, it will actually create a net gain in funding and for next year will be a minimal expense. For a year and a half adjustment of these positions, it will cost just slightly over \$200, which we can absorb within our department."

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

MOTION

Commissioner Sciortino moved to approve the reorganization.

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Commissioner Gwin seconded the Motion.

Chairman Winters said, "The only comment that I have is, and you've probably all heard me talk about this before is, someday, it would be, I think, appropriate to have some kind of presentation or somehow we could continue to let the community know how important this facility is at the Forensic Science Center and things as we're upgrading people here as the Firearms Examiner and how DNA continues to be such a critical part of law enforcement in this day and age. The community stepped forward and built this facility, I think we need to keep reminding the community that it is doing its job and one of those things is law enforcement. I think crimes here are being solved because we've got this facility and people like Dr. Dudley who are professionals that are managing it. I think we need to keep reminding the community that the facility is there and working. Future reference I guess."

Dr. Dudley said, "We certainly plan to do ongoing community education in the future. As soon as we get our complete staff together, we will meet with our partners in the community, probably in August. Thank you."

Chairman Winters said, "Very good. Thank you, Dr. Dudley. We've got a motion and a second? Any other discussion? Seeing none, call the vote."

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."

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L. AGREEMENT WITH THE REGIONAL ECONOMIC AREA PARTNERSHIP FOR THE LOCAL ELECTED OFFICIALS BOARD UNDER THE WORKFORCE INVESTMENT ACT.

Ms. Irene Hart, Director, Division of Community Development, greeted the Commissioners and said, "This is an Agreement among the counties of Butler, Cowley, Kingman, Harper, and Sumner, the cities of Arkansas City, El Dorado, Kingman, Wellington, Wichita, and Winfield, and the Regional Economic Area Partnership. It has to do with the implementation of the Workforce Investment Act in the local six county region identified by the State as service delivery area four.

"Under the Workforce Investment Act, there are certain structural requirements and certain special purpose committees required. The Agreement before you is to do these special purpose committees under the auspices of REAP. We believe this is an opportunity to make good use of an existing regional partnership rather than inventing something new and there is no cost to Sedgwick County."

Chairman Winters said, "Thank you, Irene. You've heard that report. Commissioners, are there any questions?"

MOTION

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

Commissioner McGinn seconded the Motion.

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

VOTE

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

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

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M. REPORT OF GOVERNANCE OF THE MENTAL HEALTH FUNCTION IN SEDGWICK COUNTY.

Mr. Buchanan said, "Commissioners, you have in front of you a report that was developed for this agenda item. Two weeks ago, Ms. Connie Masters was here. She recommended to you that in fact the governance of the mental health services that we provide be changed, that it no longer be the purview of the Board of County Commissioners but, in fact, have a governing board to do that. We think that is ill advised. We think that won't be helpful to the system. This report speaks to it.

"You have in front of you a time table of what has happened in the reform of mental health reform and why it has been successful. Let me just touch on a few things that I think are important that the Board of County Commissioners needs to continue to be involved in the governance. You are the gate keepers. You assure that people are limited unnecessarily from going to state hospitals. The result of mental health reform is improved consumer quality of life. You are intimately involved with those issues. The increased cost of containment and good financial oversight is in your purview. You are responsible for almost a quarter of a billion dollar budget, have the resources to make sure that occurs in a routine and regular basis and you've heard reports from the Chief Financial Officer and Ms. Donaldson regarding other implementations of management systems that are different, so that we assure that the public, State legislators, consumers and you that those increased cost containments and there are good oversights.

"The Board of County Commissioners is the local authority for policy making decisions. That was what was intended. That the decision on a State level be made at a local level. The partnerships have been fostered because of your goals. You have set up goals as partnerships. We've just witnessed Chairman Winters talking about our good friends who happen to have a difference of opinion, but your goals have been for this organization to develop partnerships. As long as you are in control, that issue, that value of partnerships is part of a process by which we live and it is part of the continuum of care.

"You being in charge frankly helps promote local investment. You are more likely to contribute tax dollars to the issue of mental health because you are directly involved and you are not funding some third party agency. It is a uniform service throughout Sedgwick County. We provide County wide services. You are concerned about not only your constituents but by issues that occur throughout, County wide. Therefore, the Board of County Commissioners being in charge, you can assure that services are delivered on a County wide basis.

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"The increase in number of recipients has occurred and you've had the flexibility because of being here full time, have had the flexibility to deal with the problems of growth. We serve 60,000 adults, 12,000 of those with severe persistent mental illness. Thirty thousand youth are involved and 10,000 of those with severe emotional disturbances are seen in a given year. You, because of your full time presence here, have the ability to be flexible to provide those services.

"The County Commissioners is the ultimate responsible authority conducting mental health. It is for creating plans for services. You are the ultimate gate keeper. You are the folks that are held politically accountable. The elected officials opposed to appointed boards have the mandate of citizens to ensure provision of quality services. You know as well as I do, better than anyone, that when service is diminished in any area that you are responsible for, that the phones ring, that you are contacted by constituents and are expected to respond. The volunteer board is not motivated in the same ways that you are and that is the wonderful nature of politics. You are motivated to provide services because you are elected to do so and appointed boards have less motivation.

"The Board of County Commissioners clarifies the lines of responsibilities real clear. The direction and actions that are going to take place in the continuum of care, there are clear lines of responsibility. It comes to you as it should. We've established appeals and grievance rights for consumers and as we talked yesterday, as has been suggested by Chairman Winters that we provide a review and look at that so we can provide grievance rights for citizens in a different fashion so the consumers know that you are in charge and know that there is a clear line of communication. There is a built in system by the State for licensing. You're relationship with the State through the legislators and relationship with the State through the other departments, through your hired staff, is a clear line of responsibility that I think is different and better than would be provided by a volunteer board that might do this.

"Finally, you use a volunteer board. The volunteer advisory board gives you advice as to how to proceed. You use experts as they should and you ask for their advice about services and extent of services that should be given. You, on the other hand, have the responsibility of providing funds and means to provide those services and that is the way the political system works. Therefore, it is our recommendation that I would want you to receive and file this report, but it is our recommendation that no change be made in the governance of mental health services in Sedgwick County."

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Chairman Winters said, "Thank you. Commissioners, are there questions or comments? I have a question and it might not be exactly about governance. I think I am and have been comfortable with the way we govern mental health functions here in Sedgwick County. I appreciate this report and I would think that if anybody would like to take a look at our logic, we could certainly share this report as being what Sedgwick County is about and how we feel about governance. The question I would have is, I guess, on a program or an issue that has surfaced recently and I don't mean to catch you off guard. But there was some concern about our involvement with U.S. School District 259 and how COMCARE was coordinating our activities with the school district. Do you have anything to report, at this time, how that process is going or could we expect something, in the near future, on that issue?"

Mr. Buchanan said, "Mr. Chairman, I have first-hand knowledge of that. The Superintendent of Schools, Winston Brooks, and I have had several conversations regarding this. I can say, without hesitation, that his commitment and my commitment are to see that children are served in this community, that we need to figure out ways in which to do it the best. We understand that our missions are different and so therefore we've asked a group of our staffs to get together. An initial meeting occurred a couple of weeks ago, where we asked our professional staffs to get together to figure out a system of how we were going to provide the services in the school district to do several things: to identify children who are in need, to prevent violence, to do some other things. And that he and I will hear a report jointly from that task force in the next couple of weeks. I don't have that date in front of me. That part you did catch me off guard. But there has been a date set where he and I will sit and hear about how the progress is being made. I'm comfortable that our folks are looking at it, the school district is looking at it. There is a presumption of goodwill, on both parts, to make sure that children are served in this community."

Chairman Winters said, "I know a number of us were concerned about a survey that seemed to indicate there were some fractures between our organizations. But you and Winston Brooks are both involved in getting staffs on the same page."

Mr. Buchanan said, "Absolutely. We were both at the meeting and we both plan to be at the meeting."

Chairman Winters said, "All right. Very good. Commissioners, are there other questions or comments? What's the will of the Board?"

MOTION

Commissioner Sciortino moved to receive and file the report.

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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, Bill. Next item."

N. PUBLIC WORKS.

- 1. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH APAC KANSAS, INC. ON SEDGWICK COUNTY PROJECT NO. 827-V; OLIVER BETWEEN 47TH AND 63RD STREETS SOUTH. CIP# R-212. DISTRICT #5.**

Mr. Spears said, "Item N-1 is a modification of plans and construction for the road project on Oliver, between 47th and 63rd Streets South, designated as R-212 in the Capital Improvement Program. This project has been constructed and is ready to be finalized out. There will be a net decrease of \$35,576.65, due to variations in planning quantities from actual field measurements. I recommend you approve the modification and authorize the Chairman to sign."

MOTION

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

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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, "Next item."

- 2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER TWO AND FINAL, WITH WILDCAT CONSTRUCTION CO., INC. ON SEDGWICK COUNTY PROJECT NOS. 773-V-4335, BRIDGE ON 375TH STREET WEST BETWEEN 47TH AND 55TH STREETS SOUTH; CIP #B-400 AND 628-4-4625, BRIDGE ON 39TH STREET SOUTH BETWEEN 343RD AND 359TH STREETS WEST; CIP #B-401. DISTRICT #3.**

Mr. Spears said, "Item N-2 is a modification of plans and construction for two bridge projects included in one contract. The first is a bridge on 375th Street West, between 47th and 55th Street South, designated as B-400 in the Capital Improvement Program. The second is a bridge on 39th Street South, between 343rd and 359th Streets West, designated as B-401 in the Capital Improvement Program. These projects have been constructed and are ready to be finalized. There will be a net decrease of \$2,617.60, due to variations in planning quantities from actual field measurements. I recommend that you approve the modification and authorize the Chairman to sign."

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

MOTION

Commissioner Gwin moved to approve the Modification of Plans and Construction 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, "Next item."

3. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER TWO AND FINAL, WITH WILDCAT CONSTRUCTION CO., INC. ON SEDGWICK COUNTY PROJECT NO. 814-N-3110, BRIDGE ON ZOO BOULEVARD OVER THE WICHITA/VALLEY CENTER FLOODWAY; CIP #B-408. DISTRICT #3.

Mr. Spears said, "Item N-3 is a modification of plans and construction for the bridge project on Zoo Boulevard, over the Wichita/ Valley Center floodway, designated as B-408 in the Capital Improvement Program. This project has been constructed and is ready to be finalized out. There will be a net increase of \$92,531.70, due to variations in planning quantities from actual field measurements. Recommend that you approve the modification and authorize the Chairman to sign. That is a large amount and I did want to explain, just briefly, on that. That came because of unknown sub-deck deteriorations. When you mill off the upper two inches of the deck and we're prepared to put that back on, we knew there would be

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some sub-deck modifications to be made but there were more than we and the consultant anticipated. That is what caused the increase. We had to repair all those before we put the overlay on."

Chairman Winters said, "All right, those things happen. Commissioners, you've heard the report on Item I-3. What's the will of the Board?"

MOTION

Chairman Winters moved to approve the Modification of Plans and Construction 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, David. Next item."

O. PURCHASING DEPARTMENT.

- 1. RECONSIDERATION OF ITEM 5 OF THE BOARD OF BIDS AND CONTRACTS' APRIL 13, 2000 REGULAR MEETING: ARTICULATED MOTOR GRADERS - FLEET MANAGEMENT.**

MOTION

Chairman Winters moved to defer the item for one week.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "Next item."

**2. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MAY 18, 2000
REGULAR MEETING.**

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "You have before you the Minutes of the Board of Bids and Contracts for the meeting of May 18. There are five items requiring approval.

**(1) BITUMINOUS SURFACING & RECONDITIONING - PUBLIC WORKS
FUNDING: SALES TAX**

"Item number one is bituminous surfacing and reconditioning of the Kansas Coliseum parking lots, for the Division of Public Works. The Bid Board recommendation is that you accept the low bid of Kansas Paving, in the amount of \$553,595.05.

**(2) HIGH FLOAT EMULSIFIED OILS - PUBLIC WORKS
FUNDING: PUBLIC WORKS**

"Item number two is high float emulsified oils for the Division of Public Works. The recommendation of the Bid Board is that you accept the only bid received from Koch Materials Company, in an amount not to exceed \$349,500. That recommendation pertains to item number two, which includes delivery from

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the source to our west yard.

(3) DEMOLITION & DEBRIS REMOVAL QUADRAPLEXES - FACILITY PROJECT SERVICES
FUNDING: DEPARTMENT OF CORRECTIONS

"Item number three is a contract modification for a previously awarded contract for demolition and debris removal of quadraplexes for the Facility's Project Services Department at the Juvenile Justice complex. The recommendation of the Bid Board is that you accept the contract modification for Cornejo & Sons in the amount of \$3,190 for a new grand total on the contract of \$82,570. You have three pages following this item, in your package, explaining the reason for the requested adjustment pertaining to additional asbestos removal.

(4) ARCHITECTURAL, ELECTRICAL, MECHANICAL, OR INDUSTRIAL ENGINEERING SERVICES - FACILITY PROJECT SERVICES & DEPARTMENT OF CORRECTIONS
FUNDING: FACILITY PROJECT SERVICES

"Item number four is architectural, electrical, mechanical, or industrial engineering services for the Facility Project Services Department and the Department of Corrections. Again, at the Juvenile Justice Facility. This is for the energy center project. The recommendation of the Bid Board is that you accept the negotiated proposal of Mid Kansas Engineering Consultants, in an amount not to exceed \$37,800. You have, attached to your package, several pages outlining the selection process and the matrix used to evaluate the proposals.

(5) PNEUMATIC LINE 9 WHEELED ROLLERS - FLEET MANAGEMENT
FUNDING: FLEET MANAGEMENT

"Item number five is pneumatic line 9 wheeled rollers for the Department of Fleet Management. The recommendation of the Bid Board is that you accept the low proposal of Murphy Tractor & Equipment Company, in the amount of \$77,670 with trade-ins. Once again, you have several pages of back-up

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identifying the analyses of these proposals.

ITEM NOT REQUIRING BOCC APPROVAL

(6) SPACE PLANNING SERVICES FOR JUVENILE COMPLEX - FACILITY PROJECT SERVICES
FUNDING: FACILITY PROJECT SERVICES

"There is one item on the Bid Board Minutes not requiring your approval. Item 6 is space planning services for the juvenile complex for the Facility's Project Services Department. The recommendation of the Bid Board is that this item be tabled indefinitely for review. I'll be glad to attempt to answer any questions that you might have. If there are none, then I recommend that you approve these items, as recommended by the Bid Board."

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

Commissioner Gwin said, "No questions, just a comment on Item 3 and the modification. If they found asbestos that they weren't aware of, I think that is certainly appropriate. On the other side, just to compliment the firm, I've been by there several times and they did a very nice job of clearing and cleaning and making sure that as few trees were disturbed as possible. Most of those trees are still where they were and standing up and growing. They did a really nice job down there of clearing that space."

Chairman Winters said, "All right, thank you. Any other questions or comments? If not, what's the will of the Board regarding the Bid Board contracts?"

MOTION

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

Commissioner Sciortino seconded the Motion.

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

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VOTE

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

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

CONSENT AGENDA

P. CONSENT AGENDA.

1. Right-of-Way Agreements

One Easement for Right-of-Way for Sedgwick County Project No. 833-I, J, N½ K;
Webb Road: North Wichita City Limits to K-254; Payne Township. CIP #R-238.
District #1.

2. General Bills Check Register of May 19, 2000.

3. Payroll Check Registers of May 12 and May 15, 2000.

4. Budget Adjustment Requests.

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

MOTION

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner McGinn seconded the Motion.

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

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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 need to have a short Executive Session. But, is there any other business before I recess this meeting? Seeing none, we'll recess the Regular Meeting of the Board of County Commissioners."

The Board of Sedgwick County Commissioners recessed to the Sewer District meeting at 11:50 a.m. and returned at 12:03 p.m.

Chairman Winters said, "At this time I'll call back to order the Regular Meeting of May 24, 2000. Is there other business?"

Q. 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 pending claims and litigation and legal advice, and that the Board of County Commissioners return from Executive Session no sooner 12:10 p.m.

Commissioner Gwin seconded the Motion.

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

VOTE

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

Chairman Winters said, "We are in recess for Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 12:00 p.m. and returned at 12:24 p.m.

Chairman Winters said, "I'll call this meeting back to order. Let the record show there was no binding action taken in Executive Session. Is there any other business to come before this meeting? Seeing none, this meeting is adjourned."

R. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:24 p.m.

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

THOMAS G. WINTERS, Chairman
Third District

CAROLYN MCGINN, Chair Pro Tem

Regular Meeting, May 24, 2000

Fourth District

BETSY GWIN, Commissioner
First District

BILL HANCOCK, Commissioner
Second District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 2000