

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

### **REGULAR MEETING**

**May 31, 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 31, 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 Bill Hancock; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Joe Barkowski, Bird Curator, Sedgwick County Zoo; Mr. Mark Masterson, Director, Department of Corrections; Mr. Chris Chronis, Chief Financial Officer; Mr. Jarold D. Harrison, Assistant County Manager; Mr. Tom Pollan, Director, EMS (Emergency Medical Services); Mr. Louanna Honeycutt Burress, Economic Development Specialist, Division of Community Development; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. Kenneth W. Arnold, Senior Project Manager, Facility Project Services; Ms. Stephanie Knebel, Senior Project Manager, Facility Project Services; Ms. Susan Erlenwein, Director, Department of Environmental Resources; Mr. Marvin Krout, Director, Metropolitan Area Planning Department (MAPD); Mr. Marvin I. Duncan, Director, Fleet Management; Mr. Rich Euson, County Counselor; 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.

### **INVOCATION**

The Invocation was led by Mr. Bob Bruner Christian Businessmen's Committee.

### **FLAG SALUTE**

### **ROLL CALL**

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

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

### **CONSIDERATION OF MINUTES:**

Regular Meeting, May 3, 2000

Regular Meeting, May 10, 2000

The Clerk reported the Commissioner Hancock was absent at the Regular Meeting of May 3rd, 2000 and that all Commissioners were present at the Regular Meeting of May 10th, 2000.

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**Chairman Winters** said, "Commissioners, I don't know that we've reviewed these Minutes."

**Commissioner Gwin** said, "Mr. Chairman, because of the holiday and the valuation hearings last week, we haven't been able to."

**MOTION**

Commissioner Gwin moved to defer approval of the Minutes for one week.

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

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

**YOUR COUNTY SERVICES**

**A. SEDGWICK COUNTY ZOO.**

**Chairman Winters** said, "Commissioners and those watching, each week we try to take a few moments at the beginning of our meeting to focus in on a County Department or even a portion of a County Department and learn a little bit more, in depth, about some of the services or some of the recreational activities that we provide.

"Today, we have the Zoo represented here. So, I'll just pitch it right to you."

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**Mr. Joe Barkowski**, Bird Curator, Sedgwick County Zoo, greeted the Commissioners and said, "I've been there about a year now. I brought a guest with us today. This is Angeline. She's a female Peregrine Falcon we have in our collection now. Angeline is about 14 years old. We use her for presentations like this and demonstrations to specifically speak about endangered species and a lot of the work that we do at the Zoo. Peregrines were almost extinct in this country in the '70s, due to DDT. They couldn't even sit on their egg shells, they were so thin shelled. Through captive breeding and release programs and the banning of DDT, we've brought the numbers back of these birds to well over 500 breeding pairs in this country. So, she's truly a conservation success story and she's pretty much what zoo's stand for nowadays.

"There are many things going on at the Zoo right now, with the beginning of summer. We have Pride of the Plains, as we discussed. It just opened last weekend to crowds of over 30,000 for the weekend. We have several programs that will be coming up this summer also, including Wet and Wild Days and also Kids Zoobilee next weekend."

**Chairman Winters** said, "All right, thanks, Joe. Questions? Commissioner Gwin."

**Commissioner Gwin** said, "Thank you, Mr. Chairman. Joe, I know a lot of the keepers and the curators out there travel throughout the world to learn more about species or to reintroduce some animals that are bred here and reared here. Have you ever had the opportunity to visit other countries in your capacity, maybe not with our Zoo yet, but in your previous jobs?"

**Mr. Barkowski** said, "Since being here only a year, I haven't had a chance yet here. In other jobs I've been able to do more work in this country, actually. In other zoos I've been able to do work with endangered species, like the Atwater Prairie Chicken, which is a native bird of Texas that used to number in the millions around the turn of the century and now there's about less than 100 left. We'll eventually get a species of prairie chicken in our zoo and we'll probably be working with that as an endangered species, too. I'm sure in the future the bird department specifically will be doing more work in the field with such species."

**Commissioner Gwin** said, "She's not taking off, is she? Okay, thank you, Mr. Chairman."

**Mr. Barkowski** said, "She's not going anywhere."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I just have two questions. Because of the conservation effort, is that species now off the endangered list?"

**Mr. Barkowski** said, "That's a very good question. Actually, as of last year in August Peregrines were down listed from endangered to threatened species, which was a big coup for this species and for the Bald Eagle, which also was down listed last year for this country."

**Commissioner Sciortino** said, "The other thing is one of the events that you have for the summer is the Wet and Wild Days and I know that involves kids or what have you. Could you kind of just expand a little bit on what that offers the children?"

**Mr. Barkowski** said, "Sure. Wet and Wild happens on Fridays during the summer and it's an opportunity for parents to get the kids out. Although it's very hot, we all know, here and especially at the zoo, the Fire Department helps us out. They bring one of their trucks out, their pumper trucks, and hose down the kids and there's many activities that involve water; Slip and Slide and the kids bring their bathing suits out and it's a fun day to be out at the Zoo and it's a little something extra for the kids. Like I said, when it's a hot afternoon, it gets the kids out of the house."

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

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

**Commissioner Hancock** said, "Thank you, Mr. Chairman. I'm just curious about this particular bird. Does anybody still use those for hunting?"

**Mr. Barkowski** said, "That's a very good question also. She was a falconry bird. She was donated to us by the Kansas Hawking Club and her days of hunting as a falconry bird are kind of over. We wanted to be able to use her for more of an education bird and that's what we do now. They also did that from time to time and just use her to sit on a glove like this. She's very calm in front of people. She's wonderful in front of school groups. We're able to take her around, all over the city, when we do presentations."

**Commissioner Hancock** said, "Beautiful. How many birds do you have, different species do you have now?"

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**Mr. Barkowski** said, "We have about 160 species with about 550 individual birds right now."

**Commissioner Hancock** said, "That's a lot of bird seed, I guess. Thank you."

**Chairman Winters** said, "I have a question and then a comment, then we'll let you go. In that number of birds, what, in relationship to size . . . is that a large collection for a zoo our size? Medium, small?"

**Mr. Barkowski** said, "As far as numbers of species and individual birds, we are ranked about 20th out of about 190 zoos in the Country. So, we have a very large collection. Our zoo has about 2,700 animals which is a very large number of animals for a zoo of our size."

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

**Mr. William P. Buchanan**, County Manager said, "I just have one question. How did you get through security?"

**Mr. Barkowski** said, "Believe it or not, it was very easy. People are much more focused on the bird than me."

**Chairman Winters** said, "All right. Well, Joe we certainly appreciate your being here today and we appreciate the work that you and all of the folks who work in the birding section are involved in. We're glad your here. Hope your first year has been good and hope there's many more after that.

"I will just throw in a plug here for the Pride of the Plains exhibit. A number of us were out there Saturday morning for the official grand opening and if any of you have not been there yet, you need to go. It is a great exhibit and, this past weekend, had almost 30,000 people over the three day weekend, as compared with just a little over 15,000 folks the year before. So, I think the Zoo is off for a tremendous ride this summer and, Joe, there will be a lot of spinoffs for all the other exhibits out there, just by the draw of the Pride of the Plains exhibit. So, we appreciate your coming down to the Commission Meeting this morning and good luck and best wishes for the summer."

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

**Chairman Winters** said, "Thank you. Madam Clerk, will you call the next item please."

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**DEFERRED ITEM**

**B. 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, "The Intensive Day Intervention Program Grant provides funding for substance abuse, mental health and life skills services to address the needs of adult Community Corrections clients who have violated the terms of their probation orders from the court. The program provides the judge with an option to revoking probation and sentencing the person to prison.

"The program is located at our Adult Residential Center at 207-209 North Emporia Street. This fiscal year we received a little under \$175,000 from the State to fund five staff positions, contractual mental health services and supplies. In this application, we're asking for \$258,142 for State fiscal year 2001. The increase funds one additional substance abuse counselor position and provides an additional \$18,000 to purchase mental health services. Both of these items were covered in other grant budgets which had to be cut in the last year.

"The Corrections Advisory Board approved this grant application at their meeting on May 11th. I'd be happy to answer any questions."

**Chairman Winters** said, "All right, thank you, Mark. So, this is an ongoing program that has been in existence for a while?"

**Mr. Masterson** said, "This is the third cycle, three years. This will be the third year. So, it's been in existence two years."

**Chairman Winters** said, "And, in making this request for the additional funds, is there some indication that this increase will be forthcoming or is this more just a request to see what happens?"

**Mr. Masterson** said, "The legislature appropriated 50,000 more dollars, or \$750,000 for 2001 for the

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conditioned violator grants, as these are called and we are asking for some of that money.”

**Chairman Winters** said, “Okay, very good. Commissioners, are there other questions or comments?”

**MOTION**

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

**Chairman Winters** said, “Thank you very much, Mark. Next item.”

**NEW BUSINESS**

**C. DISCUSSION OF COMPREHENSIVE PLAN.**

**Chairman Winters** said, “Commissioners, I had asked that this item be placed on our Agenda today. Under our current, kind of loosely organized time table, we are going to try to have. . . We have received a Comprehensive Plan proposal from the Metropolitan Planning Commission that they have voted on and accepted. Now, both City Council and County Commission need to take a look at this plan and move forward. Our original intention was to have our vote on this plan some time early in June. In trying to keep with that schedule, I thought it would be appropriate that we have a discussion about the plan among ourselves.

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“Again, for the public’s information, this is the only way we can really have these kinds of discussions is if we have them in a public setting and so, that’s why I asked that we have this on the Agenda today. We have the plan in front of us. We’ve talked about it before. There may not be much discussion among us today and if that’s the case, that’s okay. If there is some items that we need to think about or give some future direction or additional direction to staff, we can do that.

“Marvin is here and going to make some comments. Before he starts though, Commissioner McGinn would like to make a couple of observations.”

**Commissioner McGinn** said, “Thank you, Mr. Chairman. I, too, wanted this on the Agenda for today. I have people call and ask what are we doing with the Comprehensive Plan. As some of you know, that plan passed about two months and maybe going on three months ago. And in the public’s eye, it looks like nothing’s been done, when in fact we have been working on portions of the plan and trying to prepare for a final discussion and final approval here shortly.

“I guess what I wanted to talk about today was just a portion of the plan, as it pertained to agriculture. We’d heard a lot of things. Different things that people want to see happen in the agricultural community and I’d like to talk about maybe a couple of tools that we’re looking at and thoroughly discuss what that means to individuals who might sign up for some of these programs. The two that I’d like to specifically state, or keep our attention to and focused on is the right to farm and the Ag Zoning, the voluntary Ag Zoning.

“So, I have some comments and questions, but I think at this time we’d probably like to have Marvin come forward and visit with us a little bit on those issues.”

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department (MAPD), greeted the Commissioners and said, “The Planning Department has attempted to try to catalog some of the key issues and some of the key actions that the governing bodies might decide to take as you look towards the . . . bring the Comprehensive Plan to a conclusion. And we’ve tried to categorize them in three areas that we’ve found to be convenient.

## **OVERHEAD PRESENTATION**

“One of the areas that we think that it’s possible for the governing bodies to consider some direct action to modify some of the language that is in the plan that’s been brought before you as recommended by the

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Planning Commission. I'll talk about those first. Those are under number A.

“Then B has to do with some items that we think, based on the public hearings and discussions and comments on the Plan, really need to have a more extended dialogue and would be most appropriate to refer to this review committee that we've been talking about, to have that kind of discussion.

“And then third, there's an area that's come up that regards the platting process, an issue that the Planning Commission really didn't tackle as they were talking about the Comprehensive Plan, that we think is an issue it's most appropriate maybe to refer back to them.

“So, let me begin by talking about some of the areas where the governing bodies might consider changes to the Comprehensive Plan. First, number one, dealing with agricultural activities. The Planning Commission did adopt an objective that encourages agricultural activities but there are no specific strategies that are listed under that objective. A couple of the things that we have been talking about are one, the filling of an affidavit regarding the right of farm. Kansas does have a right to farm statute. In fact, we refer to it in our zoning and our subdivision codes but what we don't have is a process whereby property owners, as they're going out to make decisions to build and live out in the country, have an understanding about what that right to farm act means and the fact that there are some protections, at least according to State law, from claiming that farming, normal farming practices constitute nuisance activities and requiring a filing, something that goes in the deed that recognizes, for people who are living out in the country that they're going to have to deal with farming, is probably a way to reduce some of the conflict that otherwise occurs between agricultural and residential uses out in the country.

The second idea has to do with Agricultural Zoning. Agricultural Zoning we've talked about for a long time. In fact, we've talked about it in the 1993 Comprehensive Plan and I think it's a very difficult concept because it means that your rights to develop your property are more limited and more dependent on the County Commission giving you approval, through Rezoning to a higher category, to develop at some higher use but some property owners, as we went through the public hearings, have indicated 'this is our vision for the future and we want to state it in some kind concrete way and we understand the implications of the restrictions but we want to band together, as property owners in a certain part of the county at least and state that that's what we see as our vision for the area'. So, one of the possibilities is that the governing bodies may decide to place an agricultural zoning district in the ordinance and allow an applicant to voluntarily request the rezoning. That means you would have the decision for whether or not to approve Agricultural Zoning or not and if someone comes in and they're a quarter mile from the Northwest Sewage Treatment Plant, you might well decide that that's probably not an appropriate place for Agricultural Zoning because you should expect development to occur within the next ten years but in other areas of

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the County it may be appropriate for you to consider.

“So, there’s a couple of ideas that could be implemented fairly quickly if there was a will on the part of the governing body and those are really issues more for the County than for the City of Wichita.

“Second issue has to do with large lot subdivisions. Five acre lot subdivisions that are developed out in the County. The Planning Commission has begun to look at those developments as a possible inhibition to future orderly urban development at higher densities. It’s very difficult to redevelop a five acre lot into an urban subdivision and so they have suggested that County wide, in their recommendations, that County wide subdivisions be restricted so that they have to be designed to anticipate urban lot sizes and drainage and easements and so on, and also that a majority of the land be held in single ownership. That’s a concept that would provide an incentive for the owner of that land to hold that land in single ownership until urban services, water and sewer, were available and be more likely than a number of five acre lot owners, then, to develop that for urban densities. In further discussions, we’ve had some concern that, while that may be a good strategy in the area that we have identified in Wichita and around the small cities, for urban development in the future, but in more remote parts of the County that would be very restrictive and very expensive for developers and so we’re suggesting that that strategy be limited to only the know urban growth areas, the 30 year growth areas that are identified on the plan.

“The third issues is, well it’s been suggested that it’s really just an issue of semantics and that may be the case but it’s had great meaning for some people who have been involved in the discussions on the Comprehensive Plan, and that is how do you look at the terms of the words that have to do with the urban growth areas. The 1993 plan says that development should be guided to areas served by existing public services or areas that can be served economically and areas that promote compact and contiguous development. The ‘93 plan also uses the terms growth area and reserve area. It identifies the first ten years of growth, where growth would be less expensive or services are generally available or easily extendable and then it identifies an area where, generally speaking, you should expect that development probably won’t occur for at least ten years but it ought to be protected for the long term.

“The Planning Commission, in their recommendations, have changed the words ‘guided’ to ‘encouraged’ and they’ve changed the words ‘growth area’ and ‘reserve area’ to the term ‘urban service area’. Does

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that have strong implications? Probably not. On a case by case basis, you're the one's who are making decision, whether we use the word 'guided' or we use the word 'encouraged', whether we use 'urban service area' or 'growth area'. I can tell you that, using the 1993 plan, we identified a growth area that stopped at the ridge line, north of 21st Street in northwest Wichita, believing that was a logical end. That was how far the Cowskin interceptor could serve and that was a logical edge to development.

"As the marketplace changed, the Comprehensive Plan was amended. Development was served out in that area north of 21st Street and we began plans for providing extra capacity in the northwest, with the new sewage plant. So, I think that's how the plan is approached, in terms of flexibility and revisiting, is more important than the terms that you use but those terms have . . . there's been great importance attached to them, I think, more emotional maybe than anything else. That's one of the other areas for consideration.

"Then there's a set of issues that have to do with revitalization. As I think you know, the City Council has been very active, over the past few months, in developing a redevelopment incentives plan. In fact, the Council reviewing that plan recently talked about somehow incorporating that into the Comprehensive Plan. I think you have copies of the . . . it's about a 50 point plan. There's 18 priorities. And so, the suggestion is simply to incorporate that incentives plan, by reference, as part of the Comprehensive Plan.

"There are a couple of issues that the Planning Commission talked about, in B and C up on the screen, that were in their comments to reviewing the incentives plan and I think are appropriate for incorporation in the Comprehensive Plan. One is that the target area that the City of Wichita has been using for its incentives program has been fairly narrow, narrowly defined to an area that is within about two or three miles of the core area. What we find in investigating the community is that there's older neighborhoods all over the city, west of the Big Ditch, South 63rd Street, all over there are neighborhoods that are older. There is housing stock that is in need of attention and we need to have a strategy that deals with all of those neighborhoods. So, the suggestion here is to, and with discussions with City Council Members individually, I think that they don't disagree with that, is to refer to the map that shows those neighborhoods in the Comprehensive Plan and say, 'we really need to have a strategy that deals comprehensively with all of those areas, no matter where they're located'.

"Third, that any redevelopment plan would focus, as opposed to where the current focus has been, is using federal dollars to assist low and moderate income households, because there are requirements in that area,

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that there should be a clear goal to encourage a mix of incomes in these neighborhoods and to encourage programs that will have middle income and upper income people remaining in and moving to older neighborhoods, to retain that mix. Those are some suggestions to add to the discussion in the Comprehensive Plan on revitalization.

“The second area are issues to possibly send to the review committee that’s been discussed for consideration and for their recommendations to the MAPC. One of those areas has to do with additional possible strategies for preserving agricultural activities in the County. Aside from the two that we talked about, there are lots of other programs that are being tried at the local and state level, throughout the country and we think maybe they’re worth looking at, investigating and seeing whether or not they have applicability locally. I just read an interesting zoning code for Indiana County that has an Agricultural Zone and in that zone they have a specific provision where they allow special signs to be posted on Agricultural Zone property that says ‘this is an Agricultural Zone; this is a right to farm area’. There’s going to be normal farming practices and you should be aware of those. That may be another tool, like the affidavit that we talked about, that might be useful.

“There are communities where people who are developing in rural areas set aside an acre of farmland for every acre of farmland that they’re going to develop, to be preserved permanently. There are areas where they have special buffers. Where the community decides that they want to preserve, by acquiring development rights, where they assist private land trusts in getting property owners to dedicate, donate their development rights so that farm land and open space is preserved. There’s all kinds of techniques in other parts of the Country. There are some states where tax credits are provided for dedicating agricultural easements and I think that that may be a useful area for this committee to look at.

“The other area is a very complicated area and that has to do with how we finance new infrastructure in urban fringe and rural areas. We had people at the public hearings get up and say what we need is, in order to accomplish redevelopment, a level playing field. There are questions, from time to time, as to what are our policies, in terms of fees and special assessments and are we using them in a way that encourages the most efficient growth? Is development paying its own way? Are there instances where we can achieve a more efficient and orderly development if there’s some other distribution of the way that infrastructure is paid. It’s a very complicated area but I think that it’s the sort of area that this review committee maybe ought to tackle.

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“Last is the issue of platting. As we’ve gone through our process with the Comprehensive Plan, and even just on a day to day basis, dealing with zoning and with plats and dealing with every day problems of drainage and issues of on site sewage systems and whether they’re adequate. What we find out, I think, is two things. One, the neighboring property owners are indeed affected by plats, as much or more as they’re affected by the zoning. The zoning has to do with, basically, how you can use the land, how densely you can develop lots, what kind of use you can put to it. Subdivision process has more to do with how you’re developing, the standards to which you’re developing, the street standards, where the access points are, if your drainage plan is going to work. Owners can be affected by it and they also have, sometimes, important information about their local area, about how the drainage works and how they may be affected, about how septic systems may be working in their particular area, about the availability and the quality of water.

“So, occasionally, but not in a systematic way, we have been involved with neighboring property owners. Sometimes we have invited neighboring property owners after they’ve been involved in a zoning case and expressed drainage concerns and we said ‘well really, you need to look at this as platting issue’ and we’ve notified them later but we haven’t had a consistent policy and what we suggest is that the Planning Commission take a look at the issue of, if we should provide some notification to adjoining owners on subdivision plats and, if so, how do we do it? How do we provide notification? How do we assure that we’re not creating a hearing and creating expectations for property owners that they get to talk about zoning issues, when in fact the zoning is already established and we’re talking about not what you can but how you can build it.

“I think there may be ways to get those issues over. I think there may be good reasons, in terms of having a more educated and informed citizenry, for providing a notification process. It’s certainly not going to make things any more streamlined than they are now but I think we can possibly organize a notification process, so that people will come out and developments will come out better because of it.

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“So, those are some of the suggestions that we’ve been talking about. I wouldn’t say that there’s any consensus on these, either on the City side or the County side yet but those are some of the issues that you might want to discuss this morning.”

**Chairman Winters** said, “All right, thank you, Marvin. Commissioner McGinn.”

**Commissioner McGinn** said, “Marvin, let’s go back to the beginning here. We talked about the right to farm and, first, I want to just, I think, break this down a little bit. I want to talk specifically about the right to farm affidavit and then talk about Ag Zoning a little bit. I need, I guess, to have Rich address this for me.

“Rich, we’ve been looking at several different ways in which to implement this policy and it is, primarily, an education tool to alert people that when you move to the country there’s things that come with moving to the country: gravel roads, tractors that maybe drive at two o’clock in the morning, a little bit of dust and those kind of things but that’s where the agricultural industry is located and those kinds of things just happen out there. So, this tool is to make people aware of those things. I guess, our biggest and most difficult task was the implementation of this. We do have a State right to farm and what we want is a County right to farm. Did we come up with a tool that we could easily put into place? I can’t think of the term that it is. So, would you address that just a little bit?”

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “Yes, we did talk about the possibility of doing some kind of a filing that would go on the land records, that would be filed with the Register of Deeds. Something that could be done to put future property owners on notice that the property that they’re buying or possibly even leasing is something that’s in an agricultural area. As we talked through that and met with some groups that would be affected by that kind of a filing, we determined that there’s a few problems with trying to deal with that issue and one of them certainly is that we can only apply it in the unincorporated area. It’s probably likely that a lot of the development that we have involves plats that get automatically annexed into cities, and so we would lose the opportunity to deal with those. That was one problem we dealt with. Another problem certainly was can we force the Register of Deeds to accept filing with our home rule power and that’s something we really don’t know the answer to, even today.

“Another issue that we dealt with involves, we can certainly require these filings as a part of a building permit process but of course that’s only going to cover the new or remodeled construction and probably is not going to capture a lot of people involved.

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“So, there is a number of difficulties in getting some of that going but we do have a good strong state statute. The State Statute is something that is applicable to all Kansas counties. Certainly, one of the things we can do is to take that statute and mirror it, locally, and say that as a matter of local concern we believe that agricultural activities are important to our county and use the language in the statute to say that if nuisances are going to exist, they’re not going to exist in agricultural areas, unless there is a substantial deviation from good agricultural practice.”

**Commissioner McGinn** said, “Didn’t that have a name to it?”

**Mr. Euson** said, “That Statue really doesn’t talk about the community standards, as such. It just talks about what is consistent with good agricultural practice and it talks about good agricultural practices not being a public or private nuisance, unless there’s a substantial adverse affect on the health or safety of the area.”

**Commissioner McGinn** said, “So, we’ll continue to work on that implementation. Chairman, I don’t have any other questions on right to farm, but I’d like to see if my colleagues have any and I’d like to ask some questions about Ag Zoning.”

**Chairman Winters** said, “Well, I just want to ask one question. On the right to farm issues, would it be possible for us to just enhance or somehow magnify or use the State’s current law, as opposed to us formulating some new County resolution focused on the right to farm?”

**Mr. Euson** said, “Well, sure you can use it. It’s already applicable, too. The only reason I would suggest that you mirror that statute and adopt it locally is because you’re making a local recognition, as opposed to a state wide recognition.”

**Chairman Winters** said, “So, we could, in fact, just take that and recognize it, adopt it, say that this is promoted. Say this is what we believe is important in Sedgwick County?”

**Mr. Euson** said, “That’s right and then, when somebody files a private nuisance action, we can inform the court that not only has the State determined that good agricultural practice is acceptable but the Board of County Commissioners, as a local unit of government, as a local legislature, has also determined that that’s appropriate. I think that extra layer might be helpful in a nuisance case.”

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**Chairman Winters** said, "Okay, thank you. I'm not sure which one of you is first. Commissioner Hancock."

**Commissioner Hancock** said, "Thank you. The question that I have, Marvin, is what is the advantage to Ag Zoning for the applicant? Assuming that I would have a parcel, a property that I would want to turn into Ag Zoning, what benefit would I receive from that, to voluntarily doing that?"

**Mr. Krout** said, "Well, let's say that you had banded together with . . . if you've decided that agriculture as the land use was your vision, your future for your part of the County and you had several other farmers in a several square mile area, let's say, that came along and agreed with you, and one of the problems that we hear that farmers have is that if they want to expand land, because of the speculative development value, is becoming too high for them to purchase or lease for farming purposes. Now, the flip side of that, obviously, is that if they want to sell their land in the future, it would have lesser value if it was zoned Agriculture. If someone is consciously choosing that they see that the stabilization of the land values is something that they value because that's what they see as their vision for the area, then the creation of a Agricultural Zoning area in the County will help to stabilize those land values.

"It also means that, let's say, that several owners have come in and they've all agreed, at some point, that this is the future of their area and, let's say, the land passes hands with one of those owners, and there's a death in the family and the children decide 'we want to develop this parcel that's a quarter section' that's right in the middle of this several square mile Agricultural Zoning area. Well, one of the issues, then, that they would have to come in and ask to rezone the property. The County Commission would have the final choice on whether or not to say that 'yes, that's appropriate to develop or not' and one of your considerations would be the zoning and the uses in the surrounding area, as the State Statute say you look at with zoning cases and you would also be notifying those other property owners who may still have this vision that the area should remain basically agriculture. So, then you would have . . . those owners would have the protection of having a voice in the future of their neighborhood when someone requested a rezoning in the future."

**Commissioner Hancock** said, "I thought maybe it would be much like right to farm. All along, I assumed that if you would zone something, say Industrial, that that particular piece of land would be used for

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industrial purposes and you have certain vested rights that go with that, with the zoning as a result. Ag Zoning wouldn't be like that? It wouldn't guarantee I have a right to farm this ground or have cattle on it, or sheep or horses or whatever, or wheat or corn? It doesn't guarantee that?"

**Mr. Krout** said, "I think, from a legal standpoint, the State has exempted agriculture from local zoning. So, you have a right to farm, whether your land is zoned Industrial or Agriculture or Residential or any other category. So, I think it only has sort of a more of a localized purpose. People are farming their land and getting the agricultural exemption on Rock Road. So, it's possible to build into an Agricultural District. Some ingredients that maybe you wouldn't have in other districts. We've already kind of built that into our Rural Residential District, where we allow a great variety of home occupations, for example, including accessory contracting and auto repair and some other uses, to try to help farmers. We've already, in some areas, they've included those only in Agricultural Zones. We've already included some of those more flexible provisions in our Rural Residential Zone."

**Commissioner Hancock** said, "Change the subject just a little bit. Single ownership in five acre plats. Explain that to me at little more in detail. How that would actually work, Marvin. I don't think I quite get that."

**Mr. Krout** said, "You had a plat recently, and I think the Planning Commission looked at that and decided it would be a good model for these areas that are just beyond the urban limits, to allow for some development and some return on the land, in an interim basis but to try to promote that, in the future, it would turn to Residential. In that model, the owner of the land is planning to sell off one acre to half acre parcels and planning to lease four to four and a half acres of additional land to that property owner, so that that owner could have the minimum five acres that's required by the health regulations in order to have a lagoon. But, the owner would retain 80%, in that case, of the land. The layout would show where that half acre or one acre lot is, in the context of an overall urban street system and other smaller lots and because that owner is holding onto the majority of that land and leasing it, it will be in his interest, if and when the water and sewer service becomes available, to petition for services and to further develop the

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land.

“Whereas, if you take 80 acres and you divide it into 12 or 15 five acre lots, you have a very difficult situation getting those 12 or 15 property owners to all work together and decide, at the same time, this is the time to bring water and sewer to our neighborhood and to divide all of our lots. A lot of the reason that people will move out is that they want that five acres and they want that open space and they’re not going to be very interested, and probably the people they sell to are not going to be very interested in subdividing that five acres into 15 or 20 lots.”

**Commissioner Hancock** said, “Is it possible to do that now? For an owner to develop five acre lots and then retain ownership?”

**Mr. Krout** said, “Yes, we worked out that model on this property that’s actually in the Four Mile Creek sewer basin, around 143rd and Pawnee. The plat was approved and there’s some fairly complicated covenants to go along with it, to try to make sure that it works well but, on a voluntary basis, that’s what was established for that plat.”

**Commissioner Hancock** said, “Okay, I’m sorry, one more question, Mr. Chairman. Plat notification, in the past, of course plats . . . we don’t notify the neighbors in the event of a plat. Just in the zoning hearing is when they get notification. I think, I really want you to consider that very carefully. It seems to me that some plats could end up being put together by committee. Sometimes that’s not very successful. I wouldn’t mind some kind of notification, information gathering more than anything but if we’re going to rehash the zone, the zoning hearing over and over again during the plat process, we need to lay down some very strict rules on how that’s going to be handled. I’ve seen . . . I’ve sat on the Planning Commission and been to Planning Commission meetings and listened to constituents who wanted to redo the zoning during the plat process.

“The flip side of that is a bunch of folks deciding how to best design a plat, not in the best engineering tradition, sometimes by committee. It just doesn’t work very well. I don’t mind, it’s something I would consider. And you’re right. It certainly wouldn’t streamline the process.”

**Mr. Krout** said, “I think that’s why we’re suggesting that it go to the Planning Commission for discussion. I think that there are pros and cons. I think that we get lots of calls from people, lots of calls after the fact, asking how could this happen? How could we not be notified that this development was going to occur in our backyard? And I think that we would do a real service to the public if we could inform them of

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what the process is and make it very clear, from the beginning, through notification and at subdivision meetings, that these are not zoning hearings. That those decisions have already been reached. There's a narrow scope of issues that the Planning Commission has to review. They do have to rely on the technical input from their engineering staff and the Health Department but I think that, in the long run, we could have better informed and satisfied citizens through a process like that."

**Commissioner Hancock** said, "I know we've run into one on South Hydraulic, as you may be aware of, of the storage units and it's a mess, I don't mind saying. I wish the committee would have been present for the plat process on that one."

**Mr. Krout** said, "I understand there were some drainage issues that weren't carefully resolved and I think that sometimes just notifying neighbors who understand how the local drainage works on the perimeter of a plat and having the private engineer and the City or County Engineer know that someone's looking over their shoulders, might make them just a little more careful about how they're handling some of those details and, in flat Wichita, one foot makes a big difference on how you handle some of these drainage issues sometimes."

**Commissioner Hancock** said, "We have a foot difference in Wichita? Thank you, Mr. Chairman."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Marvin, I want to talk a little bit more about Ag Zoning. Now, you're talking about if farmers banded together to form an Ag Zoning District, but would it be possible just for one farmer, regardless of the number of acres he has, under the scenario that you presented, to request Ag Zoning just for his farm?"

**Mr. Krout** said, "It would be possible. You would have the final decision on approving it or not approving it. I think that, from a practical standpoint, it wouldn't be very practical, unless the one landowner owned an awful lot of land or unless he did band together with a number of other owners."

**Commissioner Sciortino** said, "The thing that confuses me a little bit, if a farmer or a group of farmers decided that it was in their best interest to down grade the value of their property and make it just Ag

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Zoning, that's all that would be used there would be for Ag Zoning. It would only be if a farmer decided it was in his or her best interest to develop the land, would the land be developed. Is that correct?"

**Mr. Krout** said, "That's correct and that is the system that basically is in place today in Butler County and Harvey County and in Sumner County."

**Commissioner Sciortino** said, "Okay. Well, I'm going to defer to Commissioner McGinn on this, because she is more versed on agricultural issues than I am but coming from a background of farmers and farming a little bit, I'm just having a problem with, if an individual has some property, I feel that individual should have the right to do with that property, basically, what he or she feels is in their best interest. My concern is, I hope that whatever we decide to do, it's explained fully to the farmers. The adverse effect, I mean, there may be some people out there who have their land as collateral for loans and if they downgrade it to Ag Zoning, the banks, I think, base their lending policies based on what's the highest and best use of that land. If it's limited just to Ag Zoning, there maybe some problems with some of the loans that are outstanding or getting other loans.

"I guess, overall, the concern I have is that I think that an individual should have the right to do with their property what they feel is in their best interest. Now, I think I could support what was discussed about some of the right to farm policies and what have you. Because I don't think somebody just moving into the country should have to complain about a farmer, that's been farming for the last 200 years or what have you, about his tractor because he's doing the job that he's doing for his livelihood. This idea of Ag Zoning, it sounds good but it also sounds like 'I'm Farmer Brown and I want to farm and I want to make sure that Farmer Jones can't do anything but farm'. I just have a problem with that, just in general."

**Mr. Krout** said, "I guess I'd just say, just to respond, that you're really touching on the basics of zoning because you could . . . and it's a question of degree. I mean, most people out in the country don't have the right to develop their property for commercial or industrial purposes. They have to come in and they have to request zoning. They don't have the right to use their property anyway they want to. They're

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restricted by zoning from putting it to commercial or industrial uses. We go through a hearing process. The neighbors are notified and have some voice in how the desired future of that particular area should look and you take those neighbors input into consideration, as part of your decision. So, it's a different kind of land use, but it's the same principle of zoning that is being applied."

**Commissioner Sciortino** said, "Okay, but it just seems to me we're trying to make it even more restricted but that's all I have is just an observation."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Well, let's continue on with Ag Zoning a little bit. One of the reasons I wanted to have this discussion was to bring all these points out so that people would be well informed. I've had some farmers say 'we want voluntary Ag Zoning' and I've had just as many farmers say 'I don't'. So, that's why I really wanted to have this discussion today. Let's talk about everything and let's talk about what it really means."

"Marvin, I want to ask you, I guess, a series of questions. One is if somebody enrolled . . . we don't know, fully, what Ag Zoning is going to look like and if somebody enrolled in Ag Zoning, how many years would they tie up their ground?"

**Mr. Krout** said, "Well, zoning goes with the land and stays with the land until someone requests and is approved to change zoning. So, there's no time limit per se."

**Commissioner McGinn** said, "So they couldn't pick a ten, twenty or thirty year. . ."

**Mr. Krout** said, "Sunset provision? No. The only way to rezone land, one way or the other, is through the process, by State law, of going through a hearing process and having the County Commission make the final decision."

**Commissioner McGinn** said, "They'd have to go through the Planning Commission and it would finally come to us. I guess, the concern I have about that is, you know, I watched a lot of farmers in the early '80s drop out of agricultural and it was because of the drought and I've watched them drop out since

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because of other reasons, crop disasters, low prices or deaths in the family. And my concern is is that somebody may tie it up today because things are good but in ten years, if it's not, they have to come before five people that will decide their fate and it will also make a decision on whether they can pay the bank off or not, too. And that's just a concern I have about that and if that's something that folks that want to go that direction, that's fine, I just want to make sure that they're well aware that their fate is tied in five individual's hands."

**Mr. Krout** said, "We haven't dusted off concepts for an Agricultural Zone for some time but I remember discussing concepts, at one meeting several years ago that probably you attended, and there are some ways to at least partially address that. Today, let's say, it would take just three of the five Commissioners to say 'no', to deny someone who wants to rezone from Agricultural to Residential to develop their land. You could, possibly, in the County Zoning Code set up a special provision where to deny a rezoning from Ag to Residential Use would require some higher threshold than a simple majority that unless four or even all five Commissioners voted against a request to rezone to Residential that that Residential request could be approved. In other words, you could set up some ways to make it easier than the normal process, maybe, for rezoning."

**Commissioner McGinn** said, "I think that's a good concept that we ought to look at, if we go down that path. Another question that I had, do you see the tax base changing at all? Do you think that if it's in voluntary Ag Zoning that it would just stay Agricultural Use?"

**Mr. Krout** said, "I don't see that that would have a tax base change, unless you were to apply and to hang onto Agricultural Zoning that were prime for development but otherwise, where development wouldn't occur, I think that, for the most part, people are going to be looking for Agricultural Zoning in areas where they already have an Agricultural Zoning exemption. So, I don't see the tax base being affected."

**Commissioner McGinn** said, "So, these Agricultural Zoned areas, do you see any of them in that 30 year fringe growth area?"

**Mr. Krout** said, "Potentially, someone may come in, let's say . . . and I think that's the usefulness of having an area that we would call the ten year growth area and a reserve area for the next twenty years after that. Potentially, someone might come in and say, 'I just want to hold things stable for the next ten or twenty years'. I know development's eventually going to happen and it might be actually a good tool for discouraging five acre development which would be harder to develop into urban lots later, to have it as a sort of a temporary holding zone. And sometimes these zones are used in that fashion. You can

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even create different zones for maybe what would be the 'temporary zone' and a more permanent zone, that would be outside of the growth area. You could create different zones that would indicate that one is more temporary than another. I think that we wouldn't expect anybody to be coming in where growth is really expected and where we're projecting for water and sewer and probably not much in the thirty year growth area at all. It would probably be more and where we've heard more from farmers are in the more remote areas of the County."

**Commissioner McGinn** said, "Could you see a situation where one farmer, or a group of farmers did Ag Zoning on Section eight or whatever and another one did it on Section six and Section seven is in the middle. This is Ag Zone, this is Ag Zone, could you see, if somebody came in there and wanted to develop that middle area, them being denied because they're right in between two Ag Zoning Districts?"

**Mr. Krout** said, "If they didn't request Agricultural Zoning and they had some form of Residential Zoning, Rural Residential, then they have the right, as long as they meet all the platting requirements, to develop that property and can't be arbitrarily denied."

**Commissioner McGinn** said, "So, it couldn't be denied because they'd say, 'well, we're in between two areas that are Ag Zoning?'"

**Mr. Krout** said, "No, you can't use the character of the area, or the zoning of the land. Those are decisions you make in the zoning process. You cannot use that as a reason to deny a plat, if they have the proper zoning and they meet all the requirements of platting."

**Commissioner McGinn** said, "Okay. Another issue that came up a few years ago is when we changed to the 20 acre base for developing . . . putting a house on or whatever. And I guess what I wonder is if a farmer put his 160 acres in Ag Zoning and later his son or daughter wanted to live on that homestead and they wanted a five acre piece to put their house, they wouldn't be able to do that, would they?"

**Mr. Krout** said, "Well, sure. There's a lot of misconception about this twenty acre rule. All we have done is said that if you are dividing out, for ownership purposes, a lot of less than twenty acres, the lot has to go through the platting process. It doesn't prevent anyone from having a lot that's smaller than twenty acres. And, in fact, we already have, in the subdivision regulations, we have a platting exemption that allows for a sell off, an initial sell off of a larger acreage to be exempt from platting and then if there's any further subdivisions, then they have to be platted, if they're less than twenty acre lots."

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**Commissioner McGinn** said, "Well, that wasn't quite my question but you raised another one. I don't remember. What does it cost to have something platted?"

**Mr. Krout** said, "Well, it could cost, depending on the number of lots and how much information you do or don't have, it could cost anywhere from \$2,500 to \$5,000."

**Commissioner McGinn** said, "So, it could cost me that much just to put one house?"

**Mr. Krout** said, "It would be the lower end of that probably."

**Commissioner McGinn** said, "Okay. Well, my question was though, if the land is Ag Zoning, can you even parcel off a piece at all and put a house?"

**Mr. Krout** said, "Again, that depends on the exact rules and I remember talking about that again a few years ago, about whether or not we would allow exemptions for initial sell offs from a large acreage, in an Agricultural Zone. I think you can structure it so that, let's say, if you had land that was in the same configuration for many years that you could, in an Agricultural Zone, allow a sell off of less than twenty acres, even though you have a base zoning rule that says that the minimum lot size would be twenty acres, you could build into it an exemption for an initial sell off of land, like to a family member or something like that."

**Commissioner Gwin** said, "I'm sorry, but would you have to change the Zoning?"

**Mr. Krout** said, "If you build it into that Agricultural Zone, an initial sell off from a large parcel of land that was in the same configuration for 'x' number of years can be less than twenty acres, then no, you don't have to change the zoning. That's just built into the rules and you're allowed to have one sell off of less than twenty acres without rezoning the property. You can build that kind of exemption into the Ag Zone."

**Commissioner McGinn** said, "I just want to bring these out because I think these details, that's what's important for the success of this, to those folks that want this, and we need to be talking about that and we need to make sure that's on the table. One last question that I have. Thinking about why we would put ground in Ag Zoning, there's private land trusts out there and I'm wondering, has anybody looked at

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that? I would think that a group of farmers could come together, neighbors, and put something in a private land trust and satisfy or meet the goal that they're wanting to meet anyway. Is there something different there?"

**Mr. Krout** said, "I think that they can meet their requirements. I think they can. I think if you got all of those same owners to all agree that they were all going to all dedicate their rights to development to a land trust, you can accomplish the same end."

**Commissioner McGinn** said, "And then they could tie ten, twenty, thirty years to that land trust and have a little more flexibility. Or they could make that decision at the end of every ten years, whereas with the Ag Zoning you can't. Your Ag Zoning and that's it, unless you come before a board that's going to change it."

**Mr. Krout** said, "Well, see, I think that that may be . . . I'm not aware . . . maybe we need to do a little more investigation and maybe this is why a review committee ought to be looking at some of these things. I'm not aware that you can dedicate for a ten year period your land and then make a decision to reverse that and decide to develop. You can through zoning. You can through zoning, because the ultimate decision is always with the County Commission to change the zoning at any time but I think once . . . and that may be the difficulty with getting property owners to all agree to the dedication of their development rights is that I think that when that happens that's permanent and not reversible."

**Commissioner McGinn** said, "Well, it may not be this tool but there is a tool out there and that's what I'm thinking is that you can tie up and you give up for so many years and then in the end, you renew that contract. Which would be a good tool, if you're trying to stop the five acre developments and plan in growth areas. I just think that that ought to be something that people look at as well."

**Mr. Krout** said, "I think . . . one of the things we suggest is to see if there's ways that the County can give some more assistance to local land trusts to do that kind of work. I think that that kind of group is very important in areas that have been successful in agricultural preservation."

**Commissioner McGinn** said, "Well, in a private land trust, they'd been in control of their own fate, rather

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than having to come before a board. Thank you.”

**Chairman Winters** said, “Thank you. Commissioner Hancock.”

**Commissioner Hancock** said, “Thank you, Mr. Chairman. Well, I’ve listened to the discussion and I’m afraid I just don’t understand the advantages of Agricultural Zoning. If it’s not to protect the farmer and allow him to farm, her to farm, whatever the case, I don’t understand the advantages of it. Name an advantage.”

**Mr. Krout** said, “When you reduce it to only voluntary zoning, and then your not dealing with the character of the whole area, and you could have potential for a hodge podge of people who want Agricultural Zoning, alternating sections sort of scenario that you described I think that it probably doesn’t work as well. The only way it’s going to work is if large numbers of property owners for large areas are going to agree to do it.”

**Commissioner Hancock** said, “And that is not to inflate the values of the property.”

**Mr. Krout** said, “Right.”

**Commissioner Hancock** said, “But does it protect the farmer and give that particular farmer the right to farm that property in a normal manner?”

**Mr. Krout** said, “Supposedly, that’s already granted by the State, through the statute that’s already on the books. You can strengthen that, I think, Rich is saying to a certain extent.”

**Commissioner Hancock** said, “But why? I guess my question is, Marvin, is why in the world, as a property owner, would you want to lessen your options? I mean, if you zone Ag, what you’ve just done is you’ve reduced it to the lowest denominator as far as value is concerned. You have no options, whatsoever. You’re going to farm and that’s the value it’s going to remain. If you are anywhere in this County and got an offer on the property to be used, other than farming, you’ve just shot yourself in the foot.”

**Mr. Krout** said, “I think one of the reasons that it’s more controversial in Sedgwick County than it is in Butler or Harvey County is because there’s more pressure to develop because you’re closer into employment. So, there are higher values, generally, in Sedgwick County than there is . . . more difference in value between development and agricultural value in Sedgwick than there are in the surrounding

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counties. The reason that farmers are interested in Agricultural Zoning in other areas is because they want to protect that way of life for themselves and for the next generations and I guess, I'll tell you honestly, that unless you . . . I think that voluntary zoning may satisfy some people or some part of the County but really, if your intention is to protect agriculture, you really need to do it on the basis that you do other kinds of zoning and say, 'this area shouldn't be commercial, even though this owner wants it to be commercial'. The way that you're going to be affective in Agricultural Zoning is if you do it on the basis of good planning. These are prime soils. This owner may have an interest in developing but this owner has an interest in doing a commercial development and we're going to say no to him so we're going to say Agricultural Use is a viable land use in certain parts of Sedgwick County and discourage development from those areas. If you say it's only going to be a tool that's going to be used on a voluntary basis, the odds of being successful are probably fairly slim."

**Commissioner Hancock** said, "It's not going to protect the value."

**Chairman Winters** said, "Commissioner, I guess I'd make a comment, too. I remember when we talked about Ag Zoning four or five years ago. At that time, I can only remember one person that came to us supporting Ag Zoning, and that was Dewey Sanders, up from the northeast part of the County and we had a lot of landowners talking to us about not wanting Ag Zoning. So, I was one of the folks that said, at that time, well, if we have any kind of request to think about Ag Zoning from the rural landowners then that will be the time to think about that again. I wasn't interested in thinking about it three or four years ago. Well, at least now there has been some folks that come and say 'we think that Ag Zoning would help us' and so, that's the thing that I think we need to explore about . . . certainly, the only way I would even consider, is to think about the voluntary nature of it but then, we need to really think through what does that mean then to your neighbor and to everybody else in your particular area. So, that's the part we need to continue to think through.

"To kind of maybe bring part of this back together and think about what we're trying to do, we need to have this discussion because, again, this is where the five of us try to come to some kind of consensus about what we want to think about. Overall, we think about a couple of things on this Comprehensive Plan. We know that we've got, fortunately, a strong consumer demand out there for activities to be happening. And I would hope that we could figure out how we can meet this demand that is out there and

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yet do it in a smart manner. Do it in a way that will be helpful to the future.

“The second key issue is this redevelopment of the core area and, again, I think it would be my anticipation that we kind of let the City take the lead on how they think core development needs to be refocused. I want to make one more comment and then Commissioner Sciortino would like to make another question or have a question or comment. We need to over here, over the next few weeks then, kind of decide how we want to handle this agriculture issue in Sedgwick County. We need to think about this large lot requirement in the thirty year growth area. We need to think about this language issue, of whether we want to talk about ‘guided growth areas’ and ‘urban reserves’ or we want to talk about ‘encourage’ and ‘urban service area’. The City is really, I think, going to need to lead the way on the revitalization effort and then, get ourselves clear on what we want to refer to the task force and then the last issue, this platting issue, again, I agree with Commissioner Hancock, that can be a very sensitive area, but we’re dealing with a case now that we’re going to bring back next week, up on North Ridge Road, where both Commissioner McGinn and I really kind of got into the platting issues and we have, I think, become more comfortable with how that is going to work, but we even got ourselves a little bit . . . talking about more than the zoning issue, we ended up talking about stuff that’s platting. So, they are, in some places I think, very closely aligned. I don’t know how to handle that complicatedness. Commissioners, we need to get ourselves focused some place so in a few weeks we’re going to be ready to act on this. If it was an easy process, we’d have already done. Now, we’ve got to get back focused on it again.”

**Commissioner Sciortino** said, “Thank you, Mr. Chairman. Well, I want just touch base one more time on Ag Zoning. I agree with the Chairman. I don’t want to be part of a governing body that dictates to farmers what they can do with their land. I think that I agree with you. The only thing that I would consider is that if they want to try to do something remotely, I would consider their interest there or their desires there. However, I’m being told from Marvin, I agree with him, unless a large group bands together and decides, collectively, that’s what they want to limit their uses for, it won’t be too affective but mandatory dictation of how they can use their land I wouldn’t be supportive of. And on the infrastructure and the infill type thing, I agree with you, that the City of Wichita should take the lead on it because it’s within their corporate limits. I would encourage us, as a governing body, to work with them and research ways that we might be supportive of whatever idea they come up with, to assist them in the revitalization effort. But I do believe that they should take the lead on what they feel is in the best interest of how to revitalize some of these deteriorating neighborhoods. But I’d like to feel that we would be open to supporting their efforts. So, that’s all I have. Thank you.”

**Chairman Winters** said, “Okay, thank you. Commissioner McGinn.”

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**Commissioner McGinn** said, "Thank you, Mr. Chairman. I too want to make sure we take a good hard look at the infill and I agree that the City needs to take the lead on that but hopefully we can help out in any way and I hope the focus is on neighborhoods. We have redeveloped large portions of downtown Wichita and I really think it's time that we start looking at our neighborhoods. There's several out there that could use the help. So, I'm very supportive of whatever we can do to help partner.

"Then, the other thing . . . I'm glad we're having this discussion because, as Marvin put the sheet up there, it just reminded me of all the different things that we need to talk about from the Bench and we primarily hit on the ag issues today and I hope we schedule more time here, in the next few weeks, to hit on some of these other issues as infill and the plat review and those kinds of things.

"I just, I guess, I just want to make a final comment about the Ag Zoning that people need to think very seriously about, if they are interested in looking at putting their land in Ag Zoning, that you give up rights but you need to weigh that with what you're gaining. So, I want them to study that issue very closely. The other thing is that when I look at Maryland and Pittsburgh and some of those, or Pennsylvania I should say, some of the other states, these programs they're not just county, they're state. And some of the folks that have really taken the lead about ag preservation, I hope that they're also talking to our State Representatives because a lot of these programs, they're not just funded by little governments or unincorporated areas. They're funded by everybody in the State. So, the City folks need to say this is important to us and need to understand that those are . . . involve everyone's tax dollars to do some of these programs. I think that we had talked, Marvin, that that was a little bit bigger issue and we need to let that committee talk about that a little bit but I do hope that they are bringing their State Representatives in on this and talking about this issue as well. Thank you."

**Chairman Winters** said, "All right, thank you. Marvin, thanks very much for helping us walk through this discussion. I know it's not easy but again, it's discussion we need to have among ourselves and with your help, we appreciate that. I did visit with Councilman Pisciotte yesterday and he's ready to . . . he said he's

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been trying to get in trust with you and he's been busy and he's ready to dig back in, I think, because we'd like to stay in concert with the City Council and as they work through it, if they have ideas or thoughts on this platting issue or the large lots and the urban growth area. I mean, we need . . . want to stay connected to what they think and if they have a specific request, if you'll let us know so we can continue to think about that. But I think we're ready to charge on here and get this thing wrapped up, hopefully, in the month of June, so we can get others on to thinking about some of the items that we're going to defer on.

“So, I appreciate your work. Keep challenging us to move on. Keep challenging the City Council to move on and I think we'll get this thing completed.”

**Mr. Krout** said, “Sounds good to me. Thanks.”

**Chairman Winters** said, “All right, thank you. Commissioners, is there a Motion to receive and file this report?”

**MOTION**

Commissioner McGinn moved to Receive and file.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**D. RESOLUTION IMPLEMENTING AND ESTABLISHING A SCHEDULE OF FEES TO BE ASSESSED AGAINST AND CHARGED TO REAL PROPERTY WITHIN THE COUNTY'S SOLID WASTE SERVICE AREA; PRESCRIBING THE USE AND EXPENDITURE OF REVENUES FROM SUCH FEES AND ESTABLISHING THE BOUNDARIES OF THE COUNTY'S SOLID WASTE SERVICE AREA.**

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, "That was a very useful and informative discussion. It took a bit longer, I think, than you had anticipated. I can either do a presentation very similar to the one that I gave you yesterday in our work session or I can do a much abbreviated version of the presentation. Your choice."

**Chairman Winters** said, "Since this is a repeat of a program that's in process, I don't have a care if we cut to the end. Commissioners? Maybe we don't have to go through everything yesterday, but just be thorough and adequate in your presentation."

**Mr. Chronis** said, "And I trust you'll let me know if I fail to do that. The Resolution that you have before you is a reimposition of a fee that was first imposed in the current year. It was actually adopted at this time last year. This is a solid waste fee that provides funds to pay for the solid waste program that the County is currently in the process of developing and that we will begin providing in October of next year.

"The fee that is before, that is in the resolution before you, has been constructed in exactly the same manner as the current fee was constructed. There are multiple tiers of fees, multiple rates that apply to different commercial properties, based on their land use code and further, based on the waste generation characteristics of those businesses. Additionally, there is a fee that is applied to residential properties and that fee is based on each residential dwelling unit. So, a single-family residence pays the fee. An apartment complex pays the fee, times the number of dwelling units in that complex. These fees, for the year 2001, are intended to cover the following services.

"First, planning and development of the program that, as I said, is to begin in October of 2001, when the Brooks Landfill closes. Those planning efforts have been underway for this year and last year and the fee covered those services this year. It will cover the remainder of those efforts next year.

"Secondly, the fee is intended to cover public education services. The public education program that has been going on, with newsletter inserts and advertisements on TV and radio and so forth, have been operated this year. Those efforts will intensify next year, as we get closer to the implementation date in

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October and the fee is intended to cover the cost of those services.

“Third, the fee is intended to cover the cost of the Christmas tree disposal program, which the County will assume responsibility for from the City in 2001.

“Fourth, the fee is intended to cover the initial costs of the Household Hazardous Materials Collection Facility. Imbedded in the fee are amounts sufficient to pay one interest payment on an anticipated bond issue, if we move ahead with that project, through the use of bonds, and to pay the cost of continuing to plan for the implementation of that program and to pay the initial operating costs of that program, once we assume responsibility for it, late in 2001.

“In total, the fee is intended to provide for just over \$1,000,000,000 worth of services in 2001. And in order to do that, the fee that we have computed is as follows, the fee structure is as follows: for residential properties, for each dwelling unit, \$5.27 per year and for commercial properties according to the following tier structure: tier one, \$4.44, tier two, \$5.92, tier three, \$7.40, tier four, \$8.88, and tier five, which is the largest retail properties in the community, the rate is \$5.92 times the number of retail tenant spaces in the facility.

“Again, this is the same structure as was adopted in the current year. The rates are a little bit different, because the cost of services have changed and because we’re implementing the program next year, that we were planning this year. I’ll be glad to answer any questions. If there are none, I recommend your approval of this Resolution.”

**Chairman Winters** said, “All right, thank you, Chris. I think that was thorough and adequate. Commissioners, are there other questions concerning this? All right, seeing none, what’s the will of the Board?”

### **MOTION**

Commissioner Hancock moved to Adopt the Resolution.

Chairman Winters seconded the Motion.

**Chairman Winters** said, “Commissioners, is there other discussion? Commissioner Gwin.”

**Commissioner Gwin** said, “Yes, Mr. Chairman. Chris, I appreciate the explanation and the services that

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we plan to support with the fee. My concern is a recent ruling by the Attorney General that this kind of fee cannot be used for recycling purposes. I think one of the things that's most important to the success of our program is recycling, overall. If this fee doesn't get us there, is there another method that we can use to facilitate recycling in this community?"

**Mr. Chronis** said, "Susan Erlenwein is here and perhaps she's better equipped to answer that. I can attempt it. As I understand it, the effort that we are developing is primarily one that is voluntary and that is managed by the haulers, rather than one that is operated and managed by the County. That is, the expectation now is that haulers will be required to provide a recycling service and to cover the cost of that service, within the fee that they are imposing for general collection activities. We will regulate the program. We will establish the parameters within the program is operated but we won't be involved in either delivering the service or in billing the customers and collecting the revenue to pay for the service. Thus, there's no need for the solid waste fee to address that cost. That cost will be borne by the haulers and they will impose that charge to their customers, through their regular collection fees.

'We do have plans to assume responsibility for the collection, the recycling collection drop boxes that are located in several Dillons around town, in the parking lots of several Dillons around town. The cost of that service, for the portion of 2001, after we assume responsibility, is estimated to be \$20,000 and that cost will be covered by general revenues of the County, not by the solid waste fee.'

**Commissioner Gwin** said, "Okay. Susan, is there something else that you can add to that for me on residential recycling?"

**Ms. Susan Erlenwein**, Director, Department of Environmental Resources, greeted the Commissioners and said, "On this curbside residential recycling we've had discussions with the large and small waste haulers, to get their input of how they'd like to see it implemented. They do not want the County to go into a contract or franchise with one or several companies. They would prefer a system of us requiring a condition on their license to haul trash that they must also provide recycling, as part of their trash hauling license and that that would be provided to all customers in the base price and they would do the billing."

**Commissioner Gwin** said, "And then how do we control those costs if they have total control over it?"

**Ms. Erlenwein** said, "You cannot control costs over the private companies except through regular competition between the companies."

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**Commissioner Gwin** said, "And we've given up the idea of franchising or somehow having control of collection for recyclable materials?"

**Ms. Erlenwein** said, "We are going to have a workshop next Tuesday with the Commissioners to discuss recycling and that can be one of the options we discuss next Tuesday."

**Commissioner Gwin** said, "Okay, thank you."

**Chairman Winters** said, "Thank you. A follow up on that line, Susan, at that discussion, will there be recommendations presented that have come from the Solid Waste Management Committee?"

**Ms. Erlenwein** said, "Yes, there will."

**Chairman Winters** said, "Okay, and they'll be talking about curbside and how that will be handled?"

**Ms. Erlenwein** said, "Right."

**Chairman Winters** said, "Okay. And the only other thing I'd say, Commissioner Gwin, is that if we had decided that through part of this process, we were going to need to build a material recovering facility, then you'd be right on target because this would not be a way to do that but we're not going to build a county owned material recovery facility but we certainly are going to need to have a household hazardous waste disposal facility, and this process would cover that project. So, even though there is a question about the recycling, I think the household hazardous waste is going to need to be addressed in a meaningful way and this would be a method to do that."

**Ms. Erlenwein** said, "Well, and the Solid Committee, some time ago had recommended that we do something like the solid waste fee for accountability, that the charges for programs associated with solid waste were spelled out so that we are accountable to the community and the Committee and that it's not just hidden in regular taxes or the trash bill."

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

**Commissioner McGinn** said, "Susan, refresh my memory. When we went to Fort Collins, I was thinking that they went through this whole situation like we're going to go through and when the haulers were required to . . . and they have the private system, too, but when they were required to do recycling, if I remember right they said, because of the competition, the prices didn't go higher."

**Ms. Erlenwein** said, "In fact, one company lowered the overall price of their trash collection instead of it going up."

**Commissioner McGinn** said, "Okay, I was just wondering if that's what I thought I heard."

**Ms. Erlenwein** said, "The competition keeps the prices down and that's one of the lessons we were learning from other communities that are in our same situation with private collection."

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

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Susan, now the fee covers more than just anticipated recycling, does it not?"

**Ms. Erlenwein** said, "The solid waste fee? It's covering, for the year 2001, the program development, the education, operating the Household Hazardous Waste facility from October 10th through the end of the year, so it's a variety of programs covered by the fee."

**Commissioner Sciortino** said, "Well, I agree with you and if these are the services that we're going to provide, I feel more comfortable if the citizens could see, very clearly, exactly what is being charged for these fees, instead of hiding it just in the general property taxes or what have you. That's all I have. Thank you."

**Chairman Winters** said, "All right, thank you. Thank you, Susan. Are there any other questions? We have a Motion before us. Is there any other discussion or questions? Seeing none, call the vote."

### VOTE

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

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

**E. AGREEMENT WITH SEDGWICK COUNTY ZOOLOGICAL SOCIETY, INC. FOR A FIVE-YEAR FUNDING PLAN.**

**Mr. Jarold D. Harrison**, Assistant County Manager, greeted the Commissioners and said, "For the past five years we've been operating under a funding agreement with the Sedgwick County Zoological Society. That agreement was reduced to writing but was never incorporated into a formal agreement between the Zoological Society and Sedgwick County. During that five year period, we've had two different financial directors and two different budget directors and every time that office changed hands, either one of those offices changed hands, the question came up as, 'where's the agreement, how's this work?' So, that agreement ends the end of this year.

"We've met with Zoological Society Board of Trustees and worked out a new funding agreement for the next five years and formalized that agreement as a written document, signed by the Zoological Society and, hopefully, the Board of County Commissioners.

"This agreement calls for a 3% increase in funding each year for the next five years using the 2000 budget year as base. Any unspent funds remaining at the end of any given year will be transferred to the Zoological Society within 45 days of the end of the fiscal year. The funding of this agreement is subject to the State Budget Cash Basis Law. This funding will be used for staffing for the Sedgwick County Zoo and also used for capital maintenance items and any unexpended salary money will be put into a segregated fund in the books of the Sedgwick County Zoological Society Committee and will be monitored by Sedgwick County. I would recommend your approval."

**Chairman Winters** said, "All right, thank you, Jerry. There are a couple of questions. Commissioner

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McGinn.”

**Commissioner McGinn** said, “Thank you. Jerry, we’ve been a partner with the Zoo, I guess, since the beginning, is that correct?”

**Mr. Harrison** said, “Since day one.”

**Commissioner McGinn** said, “If you haven’t been out there for a while, it’s something to certainly be proud of, to have something like that in our community. The question I had was what is their total budget, just an idea?”

**Mr. Harrison** said, “I can tell you we fund about 45% of the total budget.”

**Commissioner McGinn** said, “But that number has been going down, is that right? The dollars that they’re receiving through either the gate or private or fund raising is going up, is that . . . ?”

**Mr. Harrison** said, “The total funding for the Zoo is going up. The generated revenues from the gate, membership, and other sources is going up. What you see, if you just look at the total budget picture is the capital money will cause that number to fluctuate and look like it’s going down but as far as operations are concerned, that funding level is increasing on a regular basis.”

**Commissioner McGinn** said, “Which is good, more traffic, more tourism in Wichita, Kansas and Sedgwick County. Thank you.”

**Chairman Winters** said, “All right, thank you. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you, Mr. Chairman. First, I think we need to thank Jerry Harrison and Chris Moore, the President of the Zoological Society, for bringing . . . getting this Agreement to us and these kinds of things don’t easily occur, except with people who are like minded. I’m real proud to serve on the Zoological Society on behalf of the Board, and I do want you to know that I abstained from voting on this issue at the time it came before the Board of Trustees so that I could participate today. As Carolyn pointed out, the partnership between the Sedgwick County Zoo and Sedgwick County government is a long term and a successful one.

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“I think there’s some keys there that indicate its success. We do share a common goal. We want that Zoo to be the best zoo we can have. There is a willingness to cooperate. I mean, you’re not going to get any place unless both partners agree that they’re going to cooperate and work together. And then we do, I think, have a real good open communication process. That we do express our concerns and our congratulations openly and willingly.

“As a matter of fact, zoos around the United States and the world have asked us for copies of our agreements so that, hopefully, they too could replicate the successes that we have in this community. One of them, of course, as you remember, is the one on governance that we approved earlier this year, and then now having to do with the financial commitment.

“I think there’s several things that I think are important about this agreement and why we should approve it. First of all, we’re going to be able to notify our partners of funding levels over the next five years, and as Jarold pointed out, based upon cash basis and budget laws. Secondly, we’re going to assure that the salaries of the County employees at the Zoo are fair and equitable and I think that way that assures that we’re going to have quality individuals who staff this very important facility. On the maintenance side, we can build all the wonderful exhibits in the world and if we don’t take care of them and make sure they’re maintained in a quality manner, we’re wasting our time and money and the private contributions, too. And lastly, I think, it’s important that we reaffirm the Board of County Commissioners and Sedgwick County Government’s commitment to the success of the Sedgwick County Zoo and to our ongoing and continuing partnership with the Zoological Society. So, thank you, Jerry, for your hard work and to Chris Moore for his hard work on this item. Thank you, Mr. Chairman.”

**Chairman Winters** said, “All right, thank you Commissioner Gwin. Commissioners, are there other comments or questions? If not, what’s the will of the Board?”

### **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.

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**VOTE**

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

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

**F. AGREEMENT WITH WESTLINK CHRISTIAN CHURCH FOR USE OF SEDGWICK COUNTY PARK JUNE 9, 2000 TO HOLD A SUMMERFEST EVENT.**

**Mr. Harrison** said, "This is an agreement with Westlink Christian Church for Summerfest event. This event was held at Northwest High last year. They've decided they would like to move it to Sedgwick County Park this year. Will include events such as a street dance on the roller hockey court, will include use of the bike trail system, ski divers, inflatable games and events for participants in the Summerfest event. We've coordinated the dates with the Park Superintendent. It is subject to the receipt of a certificate of insurance and we would recommend your approve."

**MOTION**

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

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

**G. AGREEMENT WITH HUTCHINSON COMMUNITY COLLEGE TRAINING PROGRAM FOR SEDGWICK COUNTY EMERGENCY MEDICAL SERVICE (EMS) TO PROVIDE FIELD INTERNSHIPS FOR TRAINING PROGRAM STUDENTS.**

**Mr. Tom Pollan**, Director, EMS (Emergency Medical Services), greeted the Commissioners and said, "This is a standard form agreement with Hutch Community College for providing internship for paramedic students that they have. This agreement has been passed to the County Counselor's office and they have agreed to its form and I'd recommend your approval and allow the Chair to sign."

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**H. CONTRACT AMENDMENT REQUEST #2 WITH KANSAS DEPARTMENT OF COMMERCE AND HOUSING PROVIDING A 12-MONTH EXTENSION FOR COMPLETION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT MICRO-LOAN PROGRAM GRANT.**

**Ms. Louanna Honeycutt Burress**, Economic Development Specialist, Division of Community Development, greeted the Commissioners and said, "Back in the fall of 1998, the Division of Community

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Development made application and received from the Kansas Department of Commerce and Housing a \$50,000 grant to implement a micro-enterprise loan program in the County.

“With that grant there were some restrictions that have been applicable. First of all, it is to be implemented within the County, outside the City of Wichita. A resident of the City could apply for a loan, but it would have to be for a micro-enterprise that is located outside the City. Second of all, the program is for very low and moderate income residents of the County. So, you have to fit into a certain grid in order to be able to make application and receive a loan.

“We have originated \$30,000 in loans and we have been doing everything that we can figure to do to make people aware that this program is available. We’ve gone so far as to send information to the small town newspapers. We’ve also actually sent notices to churches and even to convenience stores and gas stations in the County.

“We were given an 18 month period to originate these loans and that will be completed at the end of June which will be today. What I’m requesting that we do today, and I think you notice here it said that this is the second amendment to the agreement, I should tell you that we did, originally, receive a \$50,000 grant. The State did not receive as many applications as they had anticipated, so those that they gave grants to they decided to double. So, instead of having a \$50,000 grant, we ended up with a \$100,000 grant, which means that was more money to originate in this 18 month period.

“What I’m asking you to do today is to approve a request to extend the origination period for an additional 12 months, which will allow us to get out and work in the community and make people aware of this. I know that the program is needed. There are people that can use it. I think the challenge to us is to get to the people that could take advantage of it. If you have an questions, I will address those. Otherwise, I recommend that you approve the contract amendment and authorize the Chairman to sign it.”

**Chairman Winters** said, “All right, thank you. Commissioner McGinn.”

**Commissioner McGinn** said, “Thank you. Are you putting ads in the papers, in the local . . . the smaller communities?”

**Ms. Burress** said, “We haven’t put paid ads in the paper. We have sent press releases to the editors of the papers.”

**Commissioner McGinn** said, “What about mayors and council members?”

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**Ms. Burress** said, “Yes, we have. We sent it to all the cities, and we found that we feel probably the most affective way of reaching potential borrowers is through the small cities because the mayors and the clerks and council persons are aware of people in the community that might be wanting to start a small business. It’s just a challenge because most of the population is within the City of Wichita. We have targeted the Oaklawn/ Sunview area and the interest rate will be slightly less in that area. I think the challenge is just to reach people who want to start one of these very small businesses and who can qualify, in terms of income and also be interested in establishing a business outside the City.”

**Commissioner McGinn** said, “Thank you.”

**Chairman Winters** said, “Thank you. A follow up on that. I guess I would suggest, too, that we need to contact, I know a number of the small communities in Sedgwick County have Chamber of Commerce organizations, I think it would be wise to contact each one of those organizations and it might even be appropriate to contact the banks that are located in these small communities, because they have probably have heard from some people who don’t quite meet their standards but yet do want to start something. So, I would suggest that we let every bank in each of the smaller communities know about this program.”

**Ms. Burress** said, “And we have notified both of those groups. We just need to continue to do it, to keep the issue out there, so people are aware of it.”

**Chairman Winters** said, “Very good. Commissioners, you’ve heard Louanna’s report. What’s the will of the Board?”

### **MOTION**

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

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

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

**I. DIVISION OF HUMAN SERVICES.**

**1. CONTRACT WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS TO PROVIDE AN EMPLOYMENT PROJECT FOR INDIVIDUALS WITH A SEVERE AND PERSISTENT MENTAL ILLNESS.**

**Ms. Deborah Donaldson**, Director, Division of Human Services, greeted the Commissioners and said, "This particular item deals with employment for individuals who have a serious mental illness. There are two aspects to this contract. One is to employ an employment specialist who will work with folks to obtain competitive employment and also some start up funds for Cero's in terms of cookie making. I'd like you to know that they are moving forward with this project. They already have a contract with some of the large aircraft companies. They're working with the Coliseum. They have a contract with Exploration Place. They're going to do dinosaurs-on-a-stick and they're also working with the Zoo. So, they're moving forward and, I think, really making progress. So, this has been very positive in terms of employment and employment opportunities.

"The amount of the contract is \$138,000 and those are State funds. I'd be glad to answer any questions."

**Chairman Winters** said, "All right. Thank you. Commissioners, any questions of Debbie?"

**MOTION**

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

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

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

**2. AGREEMENT WITH HUNTER HEALTH CLINIC, INC. TO FORGIVE \$36,560 IN ACCUMULATED 1999 DEBT.**

**Ms. Donaldson** said, "Commissioners, this particular item is with Hunter Health Clinic, who experienced some financial difficulties last year and they came to us and explained what their situation was and a number of things that they have into place to correct this. They have asked forgiveness of the debt for the funds that they own for services and we will then enter into a new contract with them for the next year and there will be timely payment on that contract. I'll be glad to answer any questions."

**Chairman Winters** said, "And so, Debbie, our next item is also related to Hunter Health Clinic, besides this one."

**Mrs. Donaldson** said, "That is correct. That is the contract."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Debbie, you explained this to me and I think, in general, I'm comfortable with it. But the \$36,560 that we're forgiving. Couldn't that be considered, just in common terms, soft money because isn't this services that were being provided by staff and we would have been paying their salary anyway. This isn't actually \$36,000 of cost that we incurred that we lost. Is that correct?"

**Ms. Donaldson** said, "It is, in fact, cost that we incurred but our situation was such that we were able to handle that. While we are interested in the continuing contract, that while we could do that this year, the next several years is going to be absolutely critical that we have ongoing funds for those positions, or

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we will be looking at laying off staff.”

**Commissioner Sciortino** said, “I understand, but the services were provided by staff that we actually had on . . . “

**Ms. Donaldson** said, “That’s correct.”

**Commissioner Sciortino** said, “Okay, that’s what I was trying . . . okay, thank you.”

**Chairman Winters** said, “Thank you. Is there any other question on this item? Seeing none, what’s the will of the Board?”

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, “Next item.”

**3. CONTRACT WITH HUNTER HEALTH CLINIC, INC. FOR COMPREHENSIVE COMMUNITY CARE TO PROVIDE PSYCHOLOGICAL SERVICES TO HOMELESS PERSONS.**

**Ms. Donaldson** said, “Commissioners, this is the contract for the next year. It’s for \$45,639 and provides funding for one and a half positions in our Homeless Program. I would recommend your

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approval.”

**Chairman Winters** said, “Commissioners? Commissioner Gwin.”

**Commissioner Gwin** said, “Debbie, do we have a way in tracking their success or any problems that they might have to make sure that they don’t fall into the same difficulties that they did previously?”

**Ms. Donaldson** said, “Since we’re in the situation where we actually contract with them, where we provide the services and they pay us, I think that, obviously, the one red flag that would be apparent to us is if they are not able to make the timely payments and we will respond to that immediately, since we have been aware of this situation. So, at some point, if we do not receive the payment, then we will be talking with them.”

**Commissioner Gwin** said, “Okay, thank you. Thank you, Mr. Chairman.”

**Chairman Winters** said, “Thank you. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you, Mr. Chairman. Debbie, I have to assume that you’ve had discussions with Hunter Clinic and they must have given you some comfort level that some of their financial difficulties are over and their going to be in a position to be able to service this responsibility that their excepting.”

**Ms. Donaldson** said, “Yes, they have gone over that with us.”

**Commissioner Sciortino** said, “Thank you.”

**Chairman Winters** said, “All right, thank you. Commissioners, what’s the will of the Board on this issue?”

### MOTION

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**4. GRANT AWARD FROM KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES/DIVISION OF HEALTH CARE POLICY TO FUND THE KANSAS SELF-DETERMINATION DEMONSTRATION PROJECT.**

**Ms. Donaldson** said, "Commissioners, this particular contract is an ongoing one and this grant is for \$49,788. To explain how this works; this allows for more flexibility for individuals with developmental disabilities, in terms of their use of funds and innovative ways of doing that.

"One situation we ran into was a police officer found a homeless person who obviously was in need of these services and he brought them in and it became apparent that this individual would not respond well to a real traditional agency based services or the service providers we typically work with. And so a circle of friends, usually which includes family, get together on these projects and determine what these individuals need. Well, this individual had a circle of friends of one, which was this police officers, who sat down and worked out a plan where this individual has an apartment and has folks who come in but it is unobtrusive and it's not agency based and he's doing very well. And it's because this was available to him and he didn't end up in an institution because of that.

"So, that's what we do and that's why it's an important project for those folks who want something or need something different for it to work for them. I'd be glad to answer any questions."

**Chairman Winters** said, "All right, thank you. Commissioners, are there questions or comments? If not, what's the will of the Board?"

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**MOTION**

Commissioner Hancock moved to approve the Grant Award 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	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

**J. FACILITY PROJECT SERVICES.**

**1. AMENDMENT TO THE 2000 CAPITAL IMPROVEMENT PROGRAM (CIP)  
FOR THE COURT TRUSTEE'S OFFICE; CIP #PB-451.**

**Mr. Kenneth W. Arnold**, Senior Project Manager, Facility Project Services, greeted the Commissioners and said, "Would recommend that you approve this CIP (Capital Improvement Program) amendment in the amount of \$25,000. In our work on the Court Trustee's remodeling project to add additional personnel we found that it would work better in moving some of the court criminal people around, the Court Trustee has agreed to fund those work stations to make that project work best for both sides. Be happy to answer any questions."

**Chairman Winters** said, "All right, thank you. Commissioners, what's the will of the Board?"

**MOTION**

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Commissioner Hancock moved to approve the CIP amendment.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**2. AMENDMENT TO THE 2000 CIP FOR WORK RELATED TO THE ROOF REPLACEMENT PROJECT FOR FIRE STATION #37; CIP #F31.**

**Ms. Stephanie Knebel**, Senior Project Manager, Facility Project Services, greeted the Commissioners and said, "This agenda item requests your approval for amending the 2000 Capital Budget. Currently, in the Capital Budget, there is a Fire District project to replace the roof at Fire Station #37. The amount shown in the budget is \$35,000. During initial project planning and with assistance from our on-call architectural firm, we discovered that additional work was needed on this work. More work was needed on the building to insure that moisture stayed out of the building. Because of this additional work, the cost of this project has increased. We opened bids last week. The actual cost of this project is going to be \$95,979. That number is different than the number shown in your back-up. When I did the agenda back-up, I was still using estimated costs.

"Later on, in today's meeting, that bid will come before your for approval. So, instead of a \$35,000 project, we're looking at a \$95,000 project. I request your approval."

**Chairman Winters** said, "Thank you. Stephanie, remind me the location of Station #37."

**Ms. Knebel** said, "That's the one in Bel Aire, on North Woodlawn."

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**Chairman Winters** said, "Okay, thank you. Commissioner McGinn."

**Commissioner McGinn** said, "The only comment that I was going to have was instead of just putting the number of these stations, it would be nice to know, because I just don't have it memorized."

**Ms. Knebel** said, "I will do that."

**Commissioner McGinn** said, "Other than the surprise on the dollar amount, but go ahead."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Would you just explain to us, once again, how a project can triple, or somewhere around triple in cost?"

**Ms. Knebel** said, "When we went through this project development, when the Year 2000 Capital Budget was approved, which would have been last August, we were relying on estimates from the Fire Station and we had all made the assumption that the Fire Department did their homework and had contacted everybody to get good estimates. When I took over the project, I asked our on-call architect to go out and start putting plans and specifications together and at that time, when I was meeting with the Fire Department and the architect, we all discovered that that building was in a lot worse shape than we thought it was. There were big pieces of work missing out of the estimate that the Fire Department put together. There is a lot of down spouts that need to be replaced. There is a lot of exterior grading that need to be done, to keep the moisture away from the building. So, that's why there was a cost difference between then and now."

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

**Chairman Winters** said, "Thank you. Commissioner McGinn. How old is this station? I mean, it's not brand new . . . it's old enough that this is kind of an expected deal or is this unusual that we should be replacing it? Here comes Ken, maybe he has . . ."

**Ms. Knebel** said, "To be perfectly honest, when we started on this project, we didn't know it was going to take an entire roof replacement. We thought there were places where, instead of replacing the roof, we could go in and repair it. And, again, additional work and looking at the entire building, rather than just two or three key section, we needed to replace the roof."

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**Commissioner Sciortino** said, "Wait a minute. It's \$95,000 to replace just the roof?"

**Ms. Knebel** said, "As well as the additional work that's needed as far as replacing some siding, doing some site grading, doing some down spout replacements."

**Commissioner Gwin** said, "This is not just a Fire Station. This is also the administrative center for the Fire District."

**Ms. Knebel** said, "That's correct."

**Commissioner Gwin** said, "And that's underground. The administrative center is below grade, the whole thing. And is that flat roof built on top of that admin center?"

**Ms. Knebel** said, "Yes it is."

**Commissioner Gwin** said, "And that's part of the problem because administration is underneath the station and the roof on the administration part is just a flat roof, at grade. And I don't know if that's the roof or whether it's the roof over the fire house itself but an at-grade flat roof covering a basement building, I think, would be somewhat tenuous, too."

**Commissioner Sciortino** said, "So, are we going to replace it with a peaked roof, or is it just going to another flat roof?"

**Commissioner Gwin** said, "I doubt it. I don't know what that plan is but that's part of the problem, is it not. Is that the administration part of the Fire District is in the basement?"

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

**Commissioner Gwin** said, "But is not protected by the building over it. Just by tar roof, a flat roof, and I'm sure that's part of the problem here."

**Ms. Knebel** said, "Yes, it is."

**Commissioner Sciortino** said, "Because your answer is. . . are we changing the whole pitch of the roof now, too, as opposed to replacing it?"

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**Ms. Knebel** said, "There are some changes to the pitch of the roof, to get the water to run off into the roof drains. That's not happening now. The water's getting hung up on these flat sections and we are changing it so that there is a slope on there now."

**Commissioner Sciortino** said, "I'm starting to understand why the cost tripled. Okay, I get it."

**Chairman Winters** said, "We ought to go find the original architect and ask them how it's suppose to work."

**Mr. Arnold** said, "Commissioners, I don't know the exact date, but I understand that station was built in the 1950s. So, it's been around for a while."

**Chairman Winters** said, "Okay, so it's been there for a while. All right, thank you, Ken, Stephanie. Are there other questions or comments?"

**MOTION**

Commissioner Gwin moved to approve the CIP amendment.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

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**K. PUBLIC WORKS.**

- 1. SUPPLEMENTAL AGREEMENT WITH PARSONS BRINCKERHOFF QUADE AND DOUGLAS, INC. TO PROVIDE DESIGN ENGINEERING SERVICES IN CONJUNCTION WITH SEDGWICK COUNTY PROJECT NO. 606-23-4950; BRIDGE ON 53RD STREET NORTH OVER THE ARKANSAS RIVER; CIP #B-269. DISTRICT #4.**

**Mr. David C. Spears**, P.E., Director/County Engineer, Bureau of Public Works, greeted the Commissioners and said, "Item K-1 is a supplemental agreement with Parson, Brinckerhoff, Quade and Douglas to provide additional design engineering services to Sedgwick County for the widening and reconstruction of the bridge on 53rd Street North over the Arkansas River. This is designated as B-269 in the Capital Improvement Program. There will be an increase of \$24,700 to the original contract to design a four lane bridge in lieu of two lanes. We will receive federal funds for 80% of the construction cost for a four lane facility. I recommend that you approve the supplemental agreement and authorize the Chairman to sign."

**MOTION**

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

Commissioner Sciortino seconded the Motion.

**Chairman Winters** said, "I think we certainly appreciate KDOT's (Kansas Department of Transportation) willingness to see this needs a four lane bridge."

**Mr. Spears** said, "Well, we convinced them of that and you're talking about a \$4,000,000 facility here."

**Chairman Winters** said, "Very good. Thank you. Commissioners, any other questions or comments? Seeing none, call the vote."

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**VOTE**

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

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

- 2. CONTRACT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A., TO PROVIDE DESIGN ENGINEERING SERVICES IN CONJUNCTION WITH SEDGWICK COUNTY PROJECT NO. 616-E½ 34, 35, 36; 13TH STREET NORTH BETWEEN K-96 AND 159TH STREET EAST; CIP# R-253. DISTRICT #1.**

**Mr. Spears** said, "Item K-2 is a contract with Professional Engineering Consultants, to provide design engineering services to Sedgwick County for the reconstruction of 13th Street North between K-96 and 159th Street East. This is designated as R-253 in the Capital Improvement Program. This includes improving 13th Street to four lane arterial street standards plus channelization and signalization at the intersections of 127th and 143rd Streets East. The total cost for these services will not exceed \$472,697. I recommend that you approve the agreement and authorize the Chairman to sign."

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

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**VOTE**

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

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

**L. PURCHASING DEPARTMENT.**

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

**Mr. Darren Muci**, Director, Purchasing Department, greeted the Commissioners and said, "As stated, articulated motor graders, this was originally tabled from the April 13th Meeting of the Board of Bids and Contracts. It was recommended at that time the recommendation stands to accept the proposal of Foley Tractor for two motor graders, that includes trade, \$278,630 and there are several pages of backup in your handout that explains and delineates the recommendation."

**Chairman Winters** said, "All right, thank you. We have a question. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I will not be supportive of this request for a few reasons and I want to just mention them to the Board. The overall reason for my not being supportive of buying the Caterpillar Tractor is cost. I'm looking at page 78 in our backup and I see that all four other people that bid, John Deere, the two Champion graders and the Galion graders were substantially less. I see that the trade-ins for the other items were higher than the Cat was willing to give us. I see that maintenance on all of them, but I'll just focus on the Champion for right now, was about half as much as what it's going to cost to maintain the Caterpillar. Also, an item that is missing here, that I had asked for, that Chris had given me was the less income opportunity of the money that we would be not

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spending on the more expensive item and, for example, on the Champion 720 it's an additional savings of \$40,000 and the one item that they talk about is that somewhere in the future that the trade-in value is higher on the Cat but even if you took that into consideration we're still talking approximately \$100,000 less money or more money to buy the Caterpillar and I'm just having a hard time justifying that, in knowing that we're spending taxpayers' dollars.

"Further, as I understand it, we only use these Caterpillar graders about, on an average, about two to two and a half hours a day. If these were being used eight, ten hours a day, I could put a little bit more weight on what the operators feel and, as it was explained to me here, the greatest weight was given on user evaluations and I respect that, but when we're talking about spending taxpayers' dollars, I can't put that great of weight on the individual that drives the tractor, as to what he or she wants. I think we have to look at it from a financial consideration. I assume that all of these graders would do the work that we're requiring them to do and again, it substantial more money for the Cat. They're not being used very long each day and I would encourage you to turn down this request. Thank you."

**Chairman Winters** said, "Thank you, Commissioner. With those comments, Darren, I think it would be appropriate that we go through the process of how the Bid Board made this recommendation and if you would like to explain that or have someone else explain that, would you please do that."

**Mr. Muci** said, "Absolutely, and Commissioner, I'll get a start and then also Marv Duncan, our Fleet Manager is here as well.

"First Commissioners, I will note that we issued a request for a proposal for this particular purchase. Our goal, therefore, is to identify and select a solution. We're looking for the motor grader, in this particular case, that will provide us with the best overall services and we factored in such things as user, life cycle costing, and that includes the entire cost of acquisition, trade, etcetera and the cost to maintain that during ownership. This is a process that has worked very, very well for us and I can say, without having a quick history in front of me, that this has been very successful in allowing us to make the best solution and we've seen, across the board, movement between vendors and between brands during the six years that we have used that particular process.

"I think I'll stop there, and Marv, you want to come up and give an overview of exactly what transpired in this particular case. Of course, I'll be right close."

**Mr. Marvin I. Duncan**, Director, Fleet Management, greeted the Commissioners and said, "A few years ago Fleet Management was asked to incorporate user comments, user evaluations into the decision

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matrix process of buying this equipment. This is the same process that we're taught in our executive development course that we all go to at one time or another.

"So, with that in mind, how did we incorporate the user comments. It looked like the decision matrix was a good way to go and the Fleet Manager, at that time, in concert with the Purchasing Department, started to use this process, and we've used it for about three years. Sometimes it works out where you buy the least expensive item, but the users like. We did that last week with the pneumatic rollers. We got a good price on the rollers. The user evaluated it in field evaluations. They have like twenty areas that they look at. The maintainers also evaluate it. They have six or seven items that they look at and then I personally call the references and assign rating to theirs. And I did, for the first time, on the motor graders we went further than just looking at how much a motor grader was going to cost. Rather than except the minimum proposed bid. I also look at what it's going to cost to maintain it and what's it going to cost to salvage it when we're done with it, which is about 8,000 hours, eight to ten year time frame.

"Originally, I used our own data, because we owned all these motor graders and it was suggested to me, as we went through this process of the Bids and Boards, and then later on as I talked with some of the Commissioners, to look at industry standards and use some industry references. And I found some of those and some of those were even provided by the vendors.

"But after we factor all those in, the Foley Equipment still remained the best choice and even when I flip-flop the price and the users grades, the Foley still came out on top. So, in three areas, the users, maintenance and references, the Foley was number one and then the Caterpillar took its hits in the cost category. Are there any other questions at this time?"

**Chairman Winters** said, "Marv, then after you went through the process, when you say user comments, that's more than just the individual operator. There are a whole series of equations that go into this matrix."

**Mr. Duncan** said, "The users get a score sheet and go out and do field trials."

**Chairman Winters** said, "But that's only one part."

**Mr. Duncan** said, "That's one part. The second part was the cost analysis and it gets its rating factor.

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The third part is the maintainers do their evaluation sheets and grade them and then, finally, the references are graded. Those are all factored together.”

**Chairman Winters** said, “And when you took this proposal to the Board of Bids and Contracts who recommends, then purchasing to the Board of County Commissioners, what was their recommendation?”

**Mr. Duncan** said, “Foley Cat.”

**Chairman Winters** said, “All right, thank you. Commissioner McGinn.”

**Commissioner McGinn** said, “Thank you. Marvin, I have one question. Looking on page 80, the average cost per hour, the Cat is twice that of the Champion?”

**Mr. Duncan** said, “What happened in . . . this information that went to the Boards and Bids included a 26 year old Caterpillar costs in there. And then after I visited with the Commissioners and started factoring in income opportunities, that’s when I started looking at industry standards and when I did that, the Cat and the 730A cost per hour were about the same, if you use a national standard, not just looking at Sedgwick County maintenance data.”

**Commissioner McGinn** said, “Well, we probably should have, I guess, fixed that then if that was a 26. So, we don’t have apples to apples here in this?”

**Mr. Duncan** said, “Right. Through the visits that I’ve had with you all and the other ideas that we’ve gathered, it never changed the recommendation. I think it made the process better, in the long term.”

**Commissioner McGinn** said, “Well, I appreciate all the work that you’ve done and the figures that you’ve brought to us but I have to concur with some of the comments Commissioner Sciortino made. When I look at the difference between the Cat and another contender, there’s some small differences but there’s a pretty big difference when it comes to the cost of these and I think about, I guess I have to think about back in the days when I used to drive a tractor and I used to want to have that special color that everybody wants and it costs a lot more and I notice that we get the farming done just the same. And when I think about the fact that we’re only going to use these two hours a day, I mean on average, I know they’re needed in certain times, but on average, that also tells me we have down time to where we can do maintenance and those kinds of things.

“So, I think we have, you know, I think we have two or three very good machines to choose from here

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and for the difference in price, and if it was a small difference in price, it wouldn't be that big of a deal, but since it is a large difference and knowing that these are all pretty good products and then looking at that maintenance, I think that's important. That's why I would spend extra money and my maintenance cost be down and those kinds of things. But when it's the same or, according to this, it was even better, but when it's the same, I guess, I can't support spending that extra money. So, that's all I have."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Marvin, on page 76, I just want to clarify something, you've actually got it highlighted. You say the greatest weight was given to the user evaluations. Is that correct?"

**Mr. Duncan** said, "Yes."

**Commissioner Sciortino** said, "User evaluations is the individual who operates the machinery, is that correct?"

**Mr. Duncan** said, "Yes."

**Commissioner Sciortino** said, "Okay, and you did mention the fact that you were comparing a 26 year old Cat, but you were comparing it to a 13 year old Champion. Is that correct?"

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

**Commissioner Sciortino** said, "So, those were two pretty old pieces of equipment so I'm still comfortable that the maintenance of a Champion is substantially less than the maintenance of a Caterpillar and even if we took all those figures and I did notice that the less income opportunities was missing in our backup here, the Champion 720 is an additional \$40,000, even if we factored everything in, at the end of a eight to ten year life cycle, we still wind up spending about \$100,000 more and I just have a problem with that and I believe that's why we're here is to have the final say, no matter what a user says or the Board and Bids and Contracts. We're the ones that are responsible to the citizens for spending their money in the wisest way and given these are only used two to two and a half hours a day, I cannot support the Cat and I would encourage us to consider supporting a lesser cost."

**Mr. Duncan** said, "Again, commissioner, these were Sedgwick County costs. When I went to look at nationwide costs, they're a lot tighter and I have those here to share, if you'd like to see those."

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**Commissioner Sciortino** said, "Well, I'm just looking at the backup that you've given me and you've given me a lot of backup here and you've changed your matrix again and we've got something else to work with perhaps, but I doubt if it's going to change dramatically, unless these figures were totally erroneous to begin with."

**Mr. Duncan** said, "These are using Sedgwick County whole inventory, that we have on hand. During the process of visiting with you and the other Commissioners, each time I went back and looked and looked at the nationwide figures. I found out more source data than I had before. This is a process . . ."

**Commissioner Sciortino** said, "The nationwide figures are trade-in values. We actually have accurate records on what it has cost us to maintain our own equipment and I think that's more accurate than looking at what it cost to maintain a piece of equipment, nationwide, because we have hard data on what it cost us to maintain it, correct?"

**Mr. Duncan** said, "That's true. That's sixteen motor graders, versus what the general contractors, throughout the nation. . ."

**Commissioner Sciortino** said, "I understand but that's what we, that's our past experience on what it cost us to operate vehicles over the last whatever period of time you used to figure it and I think that's more accurate than taking what it cost to a county to operate a grader in Timbuktu. Anyway, I don't want to belabor this but I will not be supporting this recommendation."

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

**Commissioner Gwin** said, "Marvin, the only thing I have, I need to get some clarification on, we have a letter dated April the 10th, signed within our Director of Public, our Director of Public Safety, our Director of Purchasing and the Highway Superintendent concur with this recommendation. Do we do that? Do we ask those folks before it comes to Bid Board? How do they get involved?"

**Mr. Duncan** said, "Before it goes to the Bid Board, once the team has met and made their recommendation, and I run the decision matrix, then I put a cover letter on that and I cycle it through my boss and through Public Works so that everybody knows what's going on during this process."

**Commissioner Gwin** said, "Okay, so each of those people . . ."

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**Mr. Duncan** said, "That happens before it goes to Bids."

**Commissioner Gwin** said, "Before it goes to Bid. Okay."

**Mr. Muci** said, "Commissioner, if I may add, that is standard procedure, when we're using the request for proposal, especially with the heavy vehicle or equipment."

**Commissioner Gwin** said, "Okay, but each of those people then, in reviewing it, concurred with this recommendation, too. Is that correct?"

**Mr. Muci** said, "Yes."

**Commissioner Gwin** said, "Okay, thank you."

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

**Commissioner Hancock** said, "Thank you. You guys have the backup material with you there, on page 78. Down at the bottom it says total. Gives us our total, less estimate trade-in from total cost of purchase and maintenance equals the total. See those numbers there. So, what you're saying is between the . . . apparently this Champion Model 730A seems to be the number one contender here compared to the Cat. \$10,000 difference, in the life of this thing. Is that what we're talking, according to the figures?"

**Mr. Duncan** said, "If we stay with the County figures, that's correct."

**Commissioner Hancock** said, "Well, and if we don't stay with the County figures?"

**Mr. Duncan** said, "If we use nationwide figures, then the 730A costs out higher, in the long term, than the Caterpillar."

**Commissioner Hancock** said, "Marvin, you say that you have some of those with you. Can I have . . .? Because I have a feeling that it's going to be my decision here."

**Commissioner Sciortino** said, "Commissioner, while we're waiting, the one thing, Commissioner Hancock, that isn't mentioned in here is the less income opportunities. In other words, the initial price of the Cat is substantially higher than either the Champion 730, 7 . . . well, all of them. But if you're going to hone in on the 730, the less income opportunities, because we spent more money for the Cat, is an

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additional 30,800 and that's missing from page 78."

### **OVERHEAD PRESENTATION**

**Mr. Duncan** said, "These are the . . . after several conversations that I had with Commissioners I felt we needed to dig deeper into this cost issue thing and here is what the motor graders cost, minus the trade-ins."

**Commissioner Hancock** said, "That's just the bare price, no trade-in."

**Mr. Duncan** said, "That's with trade-ins considered."

**Commissioner Hancock** said, "We're talking two units here."

**Mr. Duncan** said, "Two units, that's what they cost. When you go to the income opportunities that Commissioner Sciortino was talking about, those are factored in, you have no income opportunity if you buy the Caterpillar, because that money's spent right away. And then the rest of them, I subtracted the income opportunities that we would lose from their overall costs."

**Commissioner Hancock** said, "You say income opportunities, are you talking about interest on money?"

**Mr. Duncan** said, "Yes. If we'd have bought the least expensive grader instead of the Caterpillar, then we could invest that money over the next eight years, at five percent, and that's what it would be."

"Then, from reference material that looks at nationwide maintenance cost per hour, this is what's indicated in that material. The Caterpillar's at \$22.95 an hour, the 730A is also at \$22.95 an hour but they're for different things. The 730A costs more to fuel, per hour, where the Caterpillar costs more for parts and supplies per hour, and tires. It actually breaks it down that far."

"We're going to operate those 8,000 hours. So, that's what it would cost, during the life of that vehicle, for us to operate."

**Commissioner Hancock** said, "This is for both units."

**Mr. Duncan** said, "Both units. This is what it would cost to operate it and to buy it, less the income opportunities."

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**Commissioner Sciortino** said, "What is that. I can't read. Go back up one line. What is the cost of the Cat there? Is that 645?"

**Mr. Duncan** said, "645,830."

**Commissioner Sciortino** said, "And what is it for the 520, let's just take 520, 509?"

**Mr. Duncan** said, "509,014."

**Commissioner Sciortino** said, "And 559 for the other one."

**Mr. Duncan** said, "Right. Here's where the big change comes in and that's your salvage values. At the end of the 8,000 hours or eight years, what am I going to get? What can I anticipate of getting, trading in this vehicle? So, what the issue is here is the depreciation. The Caterpillar will depreciate 40% during this eight years, where the other models will depreciate up to 70%. When you take the salvage value away from the what it's going to cost to buy it and what it's going to cost to operate it . . ."

**Commissioner Sciortino** said, "Wait a second. Can we go back up there again to the salvage value now. Okay, how come . . . is that 89,000 per unit?"

**Mr. Duncan** said, "For two."

**Commissioner Sciortino** said, "Well, the last figures you gave me was 169,000 for two. What was the difference? What did you find out that eliminated that?"

**Mr. Duncan** said, "That was the total cost . . ."

**Commissioner Sciortino** said, "No, it's less estimated trade-in. You have \$175,210 for the Champion 730 and \$186,032 for the Cat."

**Mr. Duncan** said, "That was total cost, after trade-in."

**Commissioner Sciortino** said, "Huh?"

**Mr. Duncan** said, "That was the total cost . . . that was less estimated trade-in from total cost of purchase and maintenance, using County figures, was 169,542 for two machines."

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“Using the national references, after we take our salvage costs, because the Caterpillar is more salvageable than the others, we recoup some of that money that we pay up front. So, it’s either pay me now or pay me later.

“And just to show the trends in the depreciation I put them all on one slide here and these are all from the same reference material. So, in this particular case, articulated motor graders from Caterpillar depreciate far less than the other models. But that’s not true in every case.”

**Commissioner Gwin** said, “We can’t see the colors, Marv. Which line is which?”

**Mr. Duncan** said, “This is the Caterpillar. This is the 730A. It’s the second line from the top. The 720A is the, it’s a yellow line, doesn’t show up very good on here and then the John Deere is right here.”

**Commissioner Gwin** said, “Okay, thank you.”

**Commissioner Hancock** said, “Okay, so give me the bottom line. After 8,000 hours, how much more are we going to pay for this Cat?”

**Mr. Duncan** said, “Using the national figures, after 8,000 hours, we’re going to pay 25,000 more than the 720A for two, which is about 12,500 for one more, over eight years for the Cat.”

**Commissioner Hancock** said, “Okay, let me ask you another question. This is a tool and it’s a pretty good tool, both of them. The Champion and the Cat are pretty good pieces of machinery and what we use them for is to do a job. Basically, is to move dirt. And what you’re telling me, Marvin and Darren is that the people who have to move the dirt feel that the product that they’re turning out is better with the Cat than with the Champion. Is that what you’re saying to me? And it’s \$25,000 better?”

**Mr. Duncan** said, “That’s what the operators have indicated and the maintainers and the references that I called.”

**Commissioner Hancock** said, “And one of the reasons that you actually would use this so few hours a day is because it’s better than other machines? I’ve had . . . Carolyn mentioned farm tractors before, I’ve had a farm tractor where one of them does the job in a hour and one of them does it in six.”

**Mr. Duncan** said, “Using our County data, the Caterpillar is actually used more, per month, than the other graders.”

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**Commissioner Hancock** said, "Is there a reason?"

**Mr. Duncan** said, "Because they like the way it operates."

**Commissioner Hancock** said, "They like the way it operates. Okay, all right. Thank you, Marvin."

**Chairman Winters** said, "All right, thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I guess if I had a choice and I had a choice to drive a Cadillac or a Chevrolet, I would probably opt to drive the Cadillac. So, maybe I would drive the Cadillac more than the Chevrolet. I'm also getting a little confused about these numbers, Marvin, because we've talked a lot on this, and every time I make an exception on a matrix, I get a different matrix. Even today, we're being shown something different than what's in our backup data. But even using these numbers, after 8,000 the Cat is still more expensive. And it's more expensive to buy. It's more expensive to operate. It's more expensive all the way down the line and then we're estimating national figures, as opposed to our own local data, that we've accumulated on pieces of equipment that we've owned, which I think is more accurate than referring to national figures. And I respect the users. I respect the Bid Board. I respect you. But you're not the ones that are accountable to the taxpayers. We are and I will not vote for buying this higher piece of equipment that's only going to be used two to two and a half hours a day and I think a road grader, and I'm not knowledgeable at all on a road grader, a road grader moves dirt and I have to assume John Deere, Champion, or Galion must do a pretty decent job in moving dirt or they wouldn't be in business and couldn't sell any pieces of equipment. If the matrix is weighted and slanted toward Cat, then we shouldn't even bid it, we should just go out and buy Caterpillars.

"Anyway, that's all I want to say. Thank you."

**Chairman Winters** said, "Thank you. Well, for those exact same reasons are the reasons I'm going to support the recommendation of the Bid and Contract is because I want the best value for the taxpayers and I really do have an appreciation for Marvin and his team and the respect of the Bid Board in coming back with, what they believe is to be the best value for the dollar. I'm appreciative that, whether we're buying motor graders that do multiple functions or whether we're buying computers or police cars or whatever it be, there's times when we're not absolutely locked into buying the low bid, but we're out for the best product possible and I know all of these machines are good. I'm sure every one of them could probably meet the job. I'm just going to take the recommendation of the Bid Board. I think they've gone through a process. They've directed a process that got complicated, got lots of numbers. I appreciate

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your concern about the new numbers coming up and the changing of the numbers but I've got confidence in this process and so I'm going to support the Board of Bids and Contracts recommendation.

"Commissioners, I don't see any other comments now. If there are no other comments or questions, what's the will of this Board? Let's see, we're on Item L-1."

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

**2. REPORT OF THE BOARD OF BIDS AND CONTRACTS' MAY 25, 2000  
REGULAR MEETING.**

**Mr. Muci** said, "As stated, you have the Minutes from the May 25th meeting of the Board of Bids and Contracts. There are eleven items for consideration.

**(1) GRADING, STORM SEWER, CONCRETE PAVEMENT & BITUMINOUS  
SURFACING - PUBLIC WORKS  
FUNDING: SALES TAX**

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“Item one is grading and storm sewer work for Public Works. This project 807-K. It was recommended to accept the low bid of Ritchie paving. That amount is \$3,718,757.70.

**(2) RE-ROOFING & FASCIA REPLACEMENT OF FIRE STATION #37- FIRE DEPARTMENT & FACILITY PROJECT SERVICES**  
**FUNDING: FIRE DEPARTMENT**

“Item two is the re-roofing and fascia replacement for Fire Station number 37. It was recommended to accept the low bid of Mahaney Roofing. That amount is \$83,610.

**(3) ADULT RESIDENTIAL FACILITY- FACILITY PROJECT SERVICES & DIVISION OF HUMAN SERVICES**  
**FUNDING: FACILITY PROJECT SERVICES**

“Item three, remodeling of an Adult Residential Facility by Facility Project Services and the Division of Human Services. It was recommended to accept the low bid, with alternate, of Alcon Construction. That amount is \$1,664,650. There are two pages of a complete tabulation which follows.

**(4) WEED CHEMICALS- PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

“Item four, various weed chemicals for Noxious Weeds and Public Works. It was recommended to accept the individual low bids of the vendors you see listed: UAP Pueblo, \$40,442.20, Van Diest Supply, \$3,384.80, and Vegetation Management Supply, \$6,222.60. The grand total of purchase, as you see, \$50,049.60 and the following page is a complete tabulation.

**(5) CITY SURFACE HOT MIX- PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

“Item five, city surface hot mix for Public Works. It was recommended to accept the low bid of Cornejo and Sons, \$57,750 was the price.

**(6) VIDEO ARRAIGNMENT SYSTEM- JUVENILE DETENTION FACILITY**  
**FUNDING: JUVENILE DETENTION FACILITY**

“Item six is a video arraignment system for the Juvenile Detention Facility. It was recommended to reject

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the only bid received and resolicit at a later date. As you see it exceeded the budgeted amount for this project.

**(7) SLIP-IN PUMP & TANK UNIT- FIRE DEPARTMENT  
FUNDING: FIRE DEPARTMENT**

“Item seven is a slip-in pump and tank unit for the Fire Department. It was recommended to accept the low bid of Chief Fire and Safety. That amount is \$19,410.

**(8) SOFTWARE LICENSES- DIVISION OF INFORMATION & OPERATIONS  
FUNDING: DIVISION OF INFORMATION & OPERATIONS**

“Item eight, various software licenses for the Division of Information and Operations. It was recommended to accept the low bid of Software Spectrum, \$35,200.

**(9) HON FURNITURE- COMCARE  
FUNDING: COMCARE**

“Item nine, various hon furniture components for COMCARE, Division of Human Services. It was recommended to accept the low bid of Budget Office Supply, G2i. That amount is \$10,937.64. And two pages of complete tabulation follows.

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

“Item ten is a proposal for space planning services for the Juvenile Complex by Facility Project Services. It was recommended to accept the low proposal of Architectural Development Services. That amount is \$10,500 and following is a recommendation memo, outlining the recommendation process.

**(11) VARIOUS SOFTWARE- COMCARE, DISTRICT ATTORNEY, & SHERIFF  
FUNDING: COMCARE, DISTRICT ATTORNEY, SHERIFF**

“And item eleven, various software for COMCARE, District Attorney and the Sheriff. It was

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recommended to reject all bids and resolicit at a later date. In fact, we're in the process of doing that. These bids exceeded the budgeted amount for these purchases as well.

**ITEMS NOT REQUIRING BOCC ACTION**

- (12) **UNIFORMS- SHERIFF**  
**FUNDING: SHERIFF**
  
- (13) **FIBER OPTIC CABLING- DIVISION OF INFORMATION & OPERATIONS**  
**FUNDING: DIVISION OF INFORMATION & OPERATIONS**
  
- (14) **DELIVERY OF EMULSIFIED OILS- PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

“There were three items that did not require action at that particular time. They were tabled for review. They include various uniform components for the Sheriff, and four pages of tabulation follow. Fiber optic cabling project for the Division of Information and Operations. Those proposals are being reviewed. And the delivery of emulsified oils. No bids were received. I'll be working with the Director of Public Works to identify the best method of receiving those materials. I'll be happy to take questions and recommend approval of the Minutes from the Board of Bids and Contracts.”

**Chairman Winters** said, “Thank you, Darren. Commissioner Gwin.”

**Commissioner Gwin** said, “Darren, on item three, I don't know what facility that is. Can you help me with that?”

**Mr. Muci** said, “Yes, that is 623 North Elm and . . .”

### **Regular Meeting, May 31, 2000**

**Mr. Arnold** said, "It's 622 East Elm, 623 East Central. It's the two brick buildings, just west of the railroad tracks, by Stephens Dairy that we are going to remodel into Adult Residential Facility for Department of Corrections. They're on the north side of Central, just west of the tracks."

**Commissioner Gwin** said, "Okay, and I guess what I'd forgotten was we have ownership of that building?"

**Mr. Euson** said, "Yes, we do. Those are the buildings that we condemned."

**Commissioner Gwin** said, "That's all complete and everything. When will this work start?"

**Mr. Arnold** said, "As soon as we get the contract signed with the contractor, I would imagine within about 25 days."

**Commissioner Gwin** said, "Okay. Then on Item ten, space planning services for the Juvenile Complex. Stephanie, there's a real wide range of proposals here, of dollar amounts. Are we, in this case the RFP was issued and it's based on cost and past performance, recommending the low bid here. Are we sure this company understands the scope of what's needed here, because it's quite a bit lower than others?"

**Ms. Knebel** said, "Yes, Commissioner, that firm does understand. The review committee met and looked at the past performance. I met with the lead architect from that firm and he understands what's expected and he confirmed with me that that was the price and he will do it for that price."

**Commissioner Gwin** said, "Okay. All right. Thank you, Mr. Chairman."

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

#### **MOTION**

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

Commissioner Hancock seconded the Motion.

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

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**VOTE**

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

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

**CONSENT AGENDA**

**M. CONSENT AGENDA.**

**1. Right-of-Way Agreement.**

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V98031	\$196.00	\$250.00
V99039	\$204.00	\$210.00
V96061	\$176.00	\$130.00
V95088	\$269.00	\$246.00
V97054	\$445.00	\$450.00
V72016	\$166.00	\$245.00



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

**Chairman Winters** said, “We do not need an Executive Session, is that correct?”

**Mr. Euson** said, “That is correct.”

**Chairman Winters** said, “And there is no Sewer or Fire District. Is there any other business to come before the Regular Meeting of the Board of County Commissioners? Seeing none, the Meeting of May the 31st, 2000 is adjourned.”

**N. OTHER**

**O. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:42 a.m.

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

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

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

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**BETSY GWIN**, Commissioner  
First District

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**BILL HANCOCK**, Commissioner  
Second District

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**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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**James Alford**, County Clerk

APPROVED:

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, 2000