

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

### **REGULAR MEETING**

**OCTOBER 18, 2000**

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, October 18, 2000 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Carolyn McGinn; Commissioner Bill Hancock; Commissioner Betsy Gwin; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Richard Chebultz, Operations Manager, Division of Information and Operations; Mr. Tom Pollan, Director, Emergency Medical Service (EMS); Mr. Brad Snapp, Director of Housing Office, Division of Community Development; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Chris Chronis, Chief Financial Officer, Division of Finance; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. Mark Masterson, Director, Department of Corrections; Mr. John Nath, Director, Kansas Coliseum; Ms. Jane Moralez, Compensation Specialist, Division of Human Resources; Ms. Iris Baker, Director, Purchasing Department; Mr. David C. Spears, Director, Bureau of Public Works; Mr. Darren Muci, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Ms. Tracy Freeman, Education and Outreach Coordinator, KPTS.

Dr. Howard Johnson, Founder, Global Learning Center, Wichita State University.

Mr. Gary O'Neal, Mayor, City of Bel Aire.

Mr. Lee Parker, Attorney, City of Bel Aire.

Mr. Joe Lee, Owner, Leewood Homes.

Mr. Kevin Baumhoff, Self-help Network Center for Community Support, Wichita State University.

### **INVOCATION**

The Invocation was given by Mr. Ashok Aurora, Hindu.

### **FLAG SALUTE**

### **ROLL CALL**

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



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**Mr. Richard Chebultz**, Operations Manager, Division of Information and Operations, greeted the Commissioners and said, "Instead of focusing specifically on Security this morning, I'd like to familiarize you with my new role as Operations Manager and the areas under my direction. Operations consists primarily of support type functions, which makes it possible for other County departments and the courts to do their jobs in a safe and pleasant environment. It consists of security services, building maintenance services, the mail room, the information desk in the lobby and parking.

"Security provides the uniformed presence of both the courthouse complex and the juvenile court facility. They perform such functions as access control through entry screening. They respond to emergency situations and they conduct preventative patrols throughout the day, including evenings, weekends and nights. They are a 24 hour a day, seven day a week service.

"As you know, for the past several years, I have been directly responsible for those activities. Although those activities are still under my direction, we have a new Security Services Manager and that is Lela Albright. Her office is located in room 112 and the phone number there is 7387.

"Facility maintenance provides repairs and maintenance for, not only the building here at the courthouse complex, but for several others. For instance: the Forensic Science Center, the work release building, the juvenile court building, and 4-H, just to name a few. These are the folks that make sure our lights are working, that we have heat in the winter, that we have air conditioning in the summer. They are also the ones that see that our offices and public areas are cleaned on a daily basis. We have a new Facility Maintenance Manager and that is Steve Klausen. His office is located in room 135 and the phone number there is 7451.

"The mail room meters and sorts the majority of all the County's outgoing mail, prior to it being picked up and delivered. They are also the ones responsible for the collection and delivery of inter-office mail throughout the courthouse complex and several of the outlying County facilities. Each of you recently experienced an example of the mail room's work when you received a voter registration card that was sent out in the mail by the Election Commissioner recently. Each registered voter within Sedgwick County received one of these cards. Some 250,000 were sent out, all of which were processed by the mail room. The mail room is located on the first floor across from the print shop. The supervisor there is Carol Hardison and her number is 7519.

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"The Information Clerk, or Eula West, is located in the lobby of the courthouse just inside the front doors. She provides both directions and information for the visitors coming to the courthouse and for those who choose to call the County's information line. In speaking with Eula a few days ago, she mentioned that she was nearing the completion of her 31st year with the County. The wealth of information that she has gained over that 31 years is truly amazing. She not only knows the different departments within Sedgwick County but she also knows departments and functions that go on within City Hall, the Federal Building, and several of the State offices. So, for the viewing public, if you can't find a number for a County office or if you know the type of information you are seeking and you don't know what office to call, I would strongly encourage all of you to call the County's information line, at 383-7400, and Eula will undoubtedly be able to help.

"Lastly, I am the liaison between the County and the operators of our parking garage. I see that all parking around the courthouse complex is used to its maximum use. That, very briefly, covers the areas of my responsibilities. I'd like to thank you for this opportunity and if you have any questions I'll answer them."

**Chairman Winters** said, "Thank you, Richard. We appreciated that because it is a bit of a different arrangement than we've had previously, as far as the operation of the buildings and security. I guess congratulations to you in your new responsibilities. It was good to hear about them. Commissioner Hancock."

**Commissioner Hancock** said, "Thank you, Mr. Chairman. Richard, I think probably one of the most visible aspect, part of a security job here in the courthouse, are the metal detectors at the front entrance. A few years ago, I know it was quite a discussion when we thought of and then finally decided to put those in. We wanted as much freedom to the courthouse and the easiest access as possible. Can you tell us a little bit about those? Have they been effective for us? Have they done their job? I guess that's the question."

**Mr. Chebultz** said, "I could put it this way, we haven't had any incidents. If you take that into consideration, I'd say yes. I know that we have removed several of what we consider dangerous weapons from individuals coming into the courthouse, mainly knives. If they're not illegal, they're returned to the people as they leave the building. We have made some arrests with illegal weapons coming into the building. Yes, I'd have to say they are effective. We've had no incidents, which I think is a sign of success."

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**Commissioner Hancock** said, "I know it has been a real headache for you, but I must say you and your staff have handled it very well. I have, in my experience here, have not received comments that were negative in regards to that."

**Mr. Chebultz** said, "I know each one of the officers in the lobby tries very hard to make that as pleasant an experience as they can. Although it is not a very pleasant experience to have to empty your pockets when you come in the front door."

**Commissioner Hancock** said, "Thank you Richard, appreciate you being here today."

**Chairman Winters** said, "Thank you very much, Richard. Appreciate the information and good luck in your new responsibilities. Do I have a motion to receive and file this report?"

**MOTION**

Commissioner Hancock moved to receive and file.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

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**PROCLAMATIONS**

**B. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING OCTOBER 16 - 22, 2000 AS "MISTER ROGERS NEIGHBORHOOD SWEATER DRIVE WEEK."**

**Chairman Winters** said, "Commissioners, I have a Proclamation that I'd like to read for your consideration.

**PROCLAMATION**

**WHEREAS**, for 32 years, Mister Rogers' Neighborhood has personified a place where caring and consideration for others instills good feelings in all of us; and

**WHEREAS**, these messages, and the wonderful values that children learn from the program and from Fred Rogers, are timeless; and

**WHEREAS**, Fred Rogers' cardigan sweater has come to represent this gentle spirit, warmth, and nurturing of the Neighborhood; and

**WHEREAS**, KSN, KMUW, The Wichita Public Library, Newman University, Grene Vision Group, QuickPrint, Kamen Wiping Materials, Inc. and Four Season's Dry Cleaners are partnering with KPTS Channel 8 and the Salvation Army to create the first annual Mister Rogers Neighborhood Sweater Drive; and

**WHEREAS**, we will hold this drive from the 14th through the 31st, during the month of October, 2000;

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim the week of October 16th as

**“MISTER ROGERS NEIGHBORHOOD SWEATER DRIVE WEEK”**

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in Sedgwick County, and ask that all citizens of this community join with me in contributing sweaters to make this a successful drive.

"Dated October 18, 2000. Commissioners, that is the Proclamation, what's the will of the Board?"

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "We have with us today Tracy Freeman with KPTS, who will explain a little more about the sweater drive to us and as we just proceeded into this item, Commissioner Sciortino donned his cardigan sweater and he is now the . . ."

**Commissioner Sciortino** said, "I've got the warm and gentle nature."

**Chairman Winters** said, "Tracy, welcome."

**Ms. Tracy Freeman**, Education and Outreach Coordinator, KPTS, greeted the Commissioners and said, "Thank you so much for providing this opportunity for support toward our first annual sweater drive. As you know, Fred Rogers has been sharing his message with children for almost 40 years, since the early sixties. This is his 30th year for the annual sweater drive. I've just recently been hired as the Education and Outreach Coordinator for KPTS. We thought it was appropriate with our celebrating our 30th year on the air and Fred having his 30th year as well. So, what I've brought this morning is I brought you a program guide for each one of you and also a poster. Please take this back home or to your business or

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put it in the courthouse some where. We certainly appreciate your support in this. Next year, maybe all the Commissioners will don a sweater or vest for the event. Thank you. Any questions?"

**Chairman Winters** said, "If people want to make a contribution to the sweaters, how will they go about doing that?"

**Ms. Freeman** said, "There are several drop-off points. Newman University has three drop-off points on the university campus. The Four Season's Dry Cleaners have boxes at each one of their locations. The three main library locations, Westlink, Central, and Ford-Rockwell have boxes. KPTS has a box and I think that is about it. I know some of the churches in the area also have boxes."

**Commissioner Hancock** said, "I can also deliver them to Commissioner Sciortino's office."

**Ms. Freeman** said, "They could also bring them to the Commissioners' office as well. We'll bring him a box."

**Chairman Winters** said, "It sounds like a very worthwhile endeavor and we hope you collect some good sweaters that will be distributed to those who are really in need. Commissioner Sciortino."

**Commissioner Sciortino** said, "Could you, maybe if somebody just didn't pick up on all those things that you just mentioned, is there a phone number they can call?"

**Ms. Freeman** said, "They can call me at KPTS, our number is 838-3090, and ask for Tracy Freeman."

**Chairman Winters** said, "Thank you very much, Tracy. We appreciate you being here this morning."

**Commissioner McGinn** said, "Commissioner Sciortino, why don't you take the lead and give her your sweater?"

**Commissioner Sciortino** said, "Because I would get a divorce. This sweater was given to me by my wife."

**Commissioner Hancock** said, "Good reason."

**Chairman Winters** said, "Madam Clerk, would you call the next item please?"

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**2. PROCLAMATION DECLARING OCTOBER 21, 2000 AS "UNITED NATIONS DAY."**

**Chairman Winters** said, "Commissioners, I have a second Proclamation for your consideration.

**PROCLAMATION**

**WHEREAS**, the United Nations was founded 55 years ago with strong support from the United States of America and subsequently has been sustained and developed with the support of more than 180 members; and

**WHEREAS**, as citizens of the world and of the City of Wichita and Sedgwick County, we face a multitude of problems which are transnational in scope, such as nuclear arms, human rights abuses, poverty, hunger and disease; and

**WHEREAS**, the United Nations system, the General Assembly, the Security Council, the International Court of Justice, the Economic and Social Council, and the Secretariat, have made significant efforts to address these problems, even in the face of many financial difficulties and political controversies; and

**WHEREAS**, The Global Learning Center of Wichita and other co-sponsoring organizations have organized a community-wide event commemorating United Nations Day with a banquet and program on Saturday, October 21, 2000 at Wichita State University's Metropolitan Complex at 5:30 p.m.

**NOW THEREFORE BE IT RESOLVED**, that I, Tom Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim October 21, 2000 as

"UNITED NATIONS DAY"

and encourage all citizens to support the United Nations in helping address the multitude of social and economic problems that face the world.

"Dated October 18, 2000. Commissioners, that is the Proclamation, what's the will of the Board?"

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**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Here today with us is Dr. Howard Johnson, who is the founder of the Global Learning Center. Dr. Johnson, welcome."

**Dr. Howard Johnson**, Founder, Global Learning Center, Wichita State University, greeted the Commissioners and said, "It is a privilege to be here again. You've put forth this Proclamation for several years now. We, in the Global Learning Center, for the past 12 years, have tried to help people in South Central Kansas learn from each other, learn about racial differences. Learn about what is going on in the world and how it applies to our own community. We are very active in our community to learn how we might learn from what is going on in Sweden and other places. United Nations Day is to consider the United Nations and our role in it, but also to tackle some particular issue. This time it is nuclear arms. We hope you will come out to hear one of the nation's leading experts, Jonathan Shell, on the 21st. I have a notice that I'll put up in the office. Thank you very much. We appreciate your help."

**Chairman Winters** said, "Dr. Johnson, just one other question. Is this meeting on the 21st, is it open to the public? Do people need to make reservations if they would like to attend that meeting?"

**Dr. Johnson** said, "If they want to come to the banquet, they should make reservations today by calling the Global Learning Center. The number is 264-6884. The dinner cost \$20. The reception is at 5:30 and the dinner at 6:00 and the program at 7:00. If you can't make the dinner, come and hear Mr. Shell, one

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of the leading authorities coming here from New York. Thank you very much."

**Chairman Winters** said, "Thank you very much. We wish you the best of success at your meeting on Saturday. Madam Clerk, next item please."

**DONATION**

**C. DONATION OF \$200 FROM THE TOMMY LEE BURKHOLDER MEMORIAL FUND.**

**Mr. Tom Pollan**, Director, Emergency Medical Service (EMS), greeted the Commissioners and said, "On September 5, there was a deadly accident in western Sedgwick County. Following that, Tommy Lee Burkholder lost his life. A memorial fund was established by the family, in his name, and EMS was named as the recipient. This generosity in this time of horrific loss goes beyond words. Therefore, I would recommend that you accept this kindness and allow the Chairman to sign and send a letter of appreciation for the \$200 that we have received from this memorial fund."

**Chairman Winters** said, "Thank you very much, Tom. It is certainly a very heart felt gift and is certainly very special that they would make this consideration of naming our Emergency Medical Services as a recipient of this gift. Commissioners, are there comments or what's the will of the Board?"

**MOTION**

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

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

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Chairman Thomas G. Winters                      Aye

**Chairman Winters** said, "We will prepare this letter to send to the family. Again, we appreciate very much the naming of our Emergency Medical Services as the recipient of this memorial. We would have to think, Tom, that part of that is because of the services that your organization provided in a very serious time of need for this family. Thank you for your work, Tom. We certainly thank the Burkholder family."

**Mr. Pollan** said, "Thank you and it is our organization."

**Chairman Winters** said, "It is our organization. Thank you. Next item."

### **PUBLIC HEARING**

#### **D. PUBLIC HEARING REGARDING THE SEDGWICK COUNTY HOUSING AUTHORITY 5-YEAR AND 2001 ANNUAL PLANS.**

**Mr. Brad Snapp**, Director of Housing Office, Division of Community Development, greeted the Commissioners and said, "Today you have before you the 2001 Annual Plan for the Sedgwick County Housing Authority. It is part of the 5-year plan that was approved last year. The 5-year plan states how the County will comply with the current regulations put forth by H.U.D. (Housing and Urban Development) The purpose of the annual plan is to outline the strategies addressing the housing needs of very low and extremely low income people living in our jurisdiction, which is Sedgwick, Butler, and Harvey County, with the exception of the City of Wichita.

"The second part of the plan is an outline of our administrative plan. Both of these documents are available for view at the Housing Office. The annual plan and 5-year plan have been available for view for 45 days prior to this hearing. A resident advisory council helped to prepare the plan as well. Before you open the public hearing, I'll just go through the strategies.

### **OVERHEAD PRESENTATION**

"In order to maximize the number of affordable housing units available to the P.H.A.,(Public Housing Authority) we will adjust the payment standards annually. You approved that adjustment in August. Payment standards are based on the area rent and used in a calculation to determine the amount of rental assistance that is provided to the tenant. We hope that more property owners will participate in the

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program because of our screening procedures. Anyone or any applicant with a criminal conviction for drug related or violent crime within the last three years will not be eligible for assistance.

"Our second strategy is to increase the number of Section 8 units or actually assistance units. This year we were awarded 21 additional units. We have a total of 318. Our award this year was for almost \$69,000 of rental assistance. We also received \$100,000 from the Federal Home Loan Bank for home ownership assistance for first time home buyers. We're targeting that program to our Section 8 program. We've had a few applicants but no one has actually been approved for purchase yet.

"We have two local preferences. One is for persons with disabilities and the other is victims of domestic violence. The preference is that people don't have to wait as long on the waiting list. When a voucher is available, their name will come to the top of the list. We want to increase our awareness of the program by translating, we're going to try something different this year, is translate some of our application materials into Spanish. Currently, we have applications two times a month at the Housing Office for half a day at a time. We're trying to get some additional sites in Newton and El Dorado to help people with disabilities and seniors who might have transportation difficulties.

"We're going to continue our marketing efforts through a service network, our web site and print media, and participate in the area wide service providers network to increase our program awareness. We will actively pursue the furtherance of fair housing. The Kansas Department of Commerce and Housing conducted a study on the impediments to fair housing. First on the list was difficulties for people with disabilities to find suitable housing. We're going to train landlords and tenants about fair housing rights and responsibilities. We will post the Landlord/Tenant Act on our web site. We'll participate in fair housing seminars and, if the case arises, we'll instruct people on how to file a discrimination claim. If you have any questions, I'll try to answer them at this time."

**Chairman Winters** said, "Thank you, Brad. Commissioners, are there questions or comments before we have the public hearing? I see none. At this time we will open the public hearing regarding Sedgwick County Housing Authority 5-Year Plan and the 2001 Annual Plan. Is there anyone here in the meeting room who would like to address the Commissioners on this issue? Is there anyone here who would like to address the Commissioners regarding the Annual Housing Authority Plan? Seeing no one, we'll close the public meeting. Commissioners, any comments or response? I think Brad did a thorough job of explaining this ongoing program."

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**MOTION**

Commissioner Gwin moved to approve the Plans and authorize the Chairman to sign related certifications.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

**DEFERRED ITEM**

**E. RESOLUTION APPROVING THE ANNEXATION OF LAND NOT ADJOINING THE CITY OF WICHITA, KANSAS.**

**Chairman Winters** said, "Commissioners, this is a deferred item that we started a discussion on last week. Bob Parnacott from Legal is going to do a review. This is not a public hearing, but if it is appropriate with all of you, at that time I'd like to ask if there is anybody here in the audience who wants to address the Commission, we'll take any comment that anybody has and then we'll have our discussion."

**POWERPOINT PRESENTATION**

**Mr. Robert W. Parnacott**, Assistant County Counselor, greeted the Commissioners and said, "As you noted, this was on the agenda last week and we've carried it over to this week. We've got a map up on the screen showing the area to be annexed and the area surrounding it. What we have is a responsibility

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of the Commission to make a determination whether this annexation will hinder or prevent the growth and proper development of the area being annexed and the area around it or any other cities incorporated within Sedgwick County.

"We have a MAPD report that was talked about last week and that is part of the record. We had some comments from the City last week. We have representatives from the City of Bel Aire here today, the Mayor, a Council Person and their City Attorney. The developer, Joe Lee, is here also. I believe there should be somebody with the City. They indicated they would be here. Terry Cassidy is here from the City. Then Marvin Krout from MAPD. Other than that, I don't think I have any further comment at this point. I'll answer any questions."

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

**Commissioner Sciortino** said, "Just once again, I know last week . . . what is that little rectangular space that is carved out of the land that is being requesting to be annexed?"

**Mr. Parnacott** said, "That is a separate land owner. Somebody else owns that land and is not part of the annexation."

**Commissioner Sciortino** said, "Okay, so that land would still stay in the Unincorporated Sedgwick County."

**Mr. Parnacott** said, "Right."

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

**Chairman Winters** said, "Bob, then in helping us make sure we know where this property is. To the south of that property, that piece that does appear to be in the City of Wichita, that is part of the parking lot of the Koch office complex?"

**Mr. Parnacott** said, "Are we talking about this part right here?"

**Chairman Winters** said, "Yes."

**Mr. Parnacott** said, "I'm not sure. I'm seeing a nod from Marvin, so the answer is yes."

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**Chairman Winters** said, "All right. Very good. Is there anyone here who would like to address the Board of County Commissioners on this issue? Again, this is not a public hearing, but it is normally our practice to hear from folks who want to address the Commissioners on subjects such as this. Is there anyone here who would like to address the Board of County Commissioners? Yes, come forward please. Please give your name and address for the record."

**Mr. Gary O'Neal**, Mayor, City of Bel Aire, said, "Chairman Winters and County Commissioners, I would like to thank you this morning for allowing me to speak and represent the City of Bel Aire. I would also like to acknowledge Bel Aire Council Woman Carolyn Marlier is in attendance this morning as well as our City Attorney, Mr. Lee Parker.

"During your meeting last week, the island annexation by the City of Wichita of property located in the southwest corner of the intersection of 45th Street North and Oliver was discussed. During the discussion, the issue of future maintenance of Oliver Street was raised. A majority of your members voted to defer the annexation for one week so that the City of Bel Aire could be contacted concerning the future maintenance of Oliver Street. The City of Bel Aire is pleased to respond, not only to the issue of the future maintenance of Oliver Street, but also to the entire annexation issue.

"The prosperity of the 1990s produced a housing boom for the City of Bel Aire. Since 1994, Bel Aire has experienced more than 100 housing starts per year. This caused Bel Aire to surpass the maximum population for a Kansas city of the third class in 1998. We are now a city of the second class and one of the 50 largest cities in Kansas, with both residential and commercial development. With the prosperity and growth, there also are consequences. Among these consequences for the City of Bel Aire is greater water usage than anticipated in its water contract with the City of Wichita and a rapid exhaustion of the developable land contained in the service area delineated by its water contract with the City of Wichita. We are now at a point in which the major developers who contributed to this growth and prosperity are reporting that they are about to exhaust the developable land available to them. This has already affected Bel Aire housing starts for the year 2000, which are down by one-third. This has also caused Mr. Joe Lee, who is present this morning and is one of Bel Aire's finest developers, to leave the delineated service area in search of developable land.

"This rapid exhaustion of developable land is not a newly discovered consequence, but one which has faced the governing body of the City of Bel Aire for all the time that I have served as both a council members and as its mayor. During that time, we have attempted in good faith to negotiate an adjustment in our water contract with the City of Wichita to reflect, not only the increase usage levels, but also an increase in our service delivery area. While the contract promised that Wichita would, in 1998, negotiate

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in good faith with the City of Bel Aire concerning an increase in its service deliver area, it has not done so. In fact, while Bel Aire has been attempting to negotiate with the City of Wichita in good faith, those holding the mantle of power for the City of Wichita have done anything and everything they can to show their disdain for the City of Bel Aire and its citizens.

“The City of Wichita attempted to annex the well fields of the City of Bel Aire without giving Bel Aire notice of the annexation. When the staff of the City of Wichita was apprised of this situation, they told representatives of the City of Bel Aire that they would correct the situation with a 'courtesy deannexation'. However, when those in power within the government of the City of Wichita found out about this, they stopped the process. When the City of Bel Aire requested an increase in its service delivery area to the east, in the Rock Road corridor, Wichita countered by refusing to negotiate in good faith pursuant to the terms of the water contract; at the same time placing a sanitary sewer main to service the controversial Willowbend North development within the corporate limits of the City of Bel Aire, without permission and in violation of the ordinances of the City of Bel Aire; and ultimately annexing the property lying in the northeast corner of the intersection of 45th Street and Rock Road.

"When Mr. Joe Lee came to the City of Bel Aire with the request for annexation of the property in question here today and the City of Bel Aire went to the City of Wichita with the request to expand its service area on the west side to include this property, Wichita flatly denied our request and the mayor of the City of Wichita countered by asking me, on more than one occasion, why the City of Bel Aire did not revoke its charter and become part of the City of Wichita. This annexation is so important to those few individuals who control the power of the City of Wichita that they have waived their internal policies which state the developer must pay for the extension of sewer and water mains to this development and are actually using Wichita taxpayer dollars to extend at least one half mile of sewer and water mains to this development.

"Wichita has taken water, partially derived from Cheney Lake, which was constructed with federal funds as a water supply to this area, and sewage treatment, through a plant which was licensed by the State of Kansas a regional treatment facility, and Wichita uses those services as a tool to impose the will of those few individuals who control the power of the government of the City of Wichita on the citizens outside of their boundaries. By doing so, they strip these citizens of their fundamental right of self determination and, in the case of Bel Aire, they trample on the sovereignty of its government. Wichita is allowed to do this because the governments charged by law to check such activity and to protect those fundamental rights are unwilling or incapable of doing their lawful duty.

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"Although I told some of your members, prior to last week's meeting, of certain facts that directly bear on the issue of whether the City of Bel Aire would be materially effected by this island annexation and requested that I be notified of the date of the annexation hearing so I could be present, you held the hearing last week without informing me of the hearing, as I requested, and none of the things I mentioned were even properly addressed.

"Recently, this is what I told some of your members. First, Bel Aire has a sewer collection system across the street from the property to be annexed. The Bel Aire sewer collection system runs up Oliver, right on the east side of Oliver all the way up on the east side of the island annexation property. Second, Bel Aire has a 12 inch water main located across the north end of this property, that runs across the north end of this property, along 45th over to our well fields. Third, the property owner had originally requested annexation from Bel Aire which was not accomplished solely because of Bel Aire's contract with Wichita. And fourth, the City of Wichita's island annexation would effectively box in Bel Aire on three sides by Wichita and to the north by Kechi, preventing Bel Aire an opportunity to grow in the future. In essence, Bel Aire would become another Eastborough.

"What I was unable to tell you before , but am now able to report, is that Bel Aire has just culminated a lengthy process of discussions with the OEI management group and the City of Park City. The result is a memorandum of intent to proceed further with securing at least water and sewer services to service areas not included in the Wichita water contract from a source other than the City of Wichita. This is sad, because the City of Bel Aire is a multi-million dollar customer of the City of Wichita who has been denied an expansion of services based upon petty politics. It is also sad, because it officially ushers in another era of distrust of the motives and intentions of those few individuals who control the power of the government of the City of Wichita.

"Officially, the City of Bel Aire objects to this island annexation and will use every legal remedy available to it to supports its objection. It is the City of Bel Aire, not the City of Wichita, that will be harmed by this island annexation and it is the exact harm that the State of Kansas was trying to prevent when it prescribed this hearing before the County Commission. Twenty years ago, when those few individuals who controlled the power of the government of the City of Wichita challenged the fundamental right of self determination of the citizens of Bel Aire and attempted to trample on the sovereignty of its government, it was Sedgwick County that championed Bel Aire's cause and we were affirmed in the courts of law. Again, Sedgwick County finds itself at such a juncture. While we have observed members of Wichita's governing body angrily accost and berate individual County Commissioners who do not do Wichita's bidding, we implore you to rise above all of this and follow the law in denying this island annexation.

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"The City of Bel Aire's seal bears the inscription established by the will of its citizens November 26, 1980. The County Commission had a big hand in establishing the will of the Bel Aire citizens to become a city. The City of Bel Aire's motto is a 'City of the Future with Respect for its Past'. If this island annexation is allowed, Bel Aire will become a 'City of the Past with Little or No Future.' That will end my prepared text. At this time, I would be more than willing to answer any questions that the County Commissioners may have, myself or Mr. Parker."

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

**Commissioner Gwin** said, "Thank you, Mr. Chairman. Mayor O'Neal, I want to get back to the paragraph where you speak about the well fields, the water well fields. Where is that in the process now?"

**Mayor O'Neal** said, "We are in negotiations with the City of Wichita to deannex our well fields. As with many things with the City of Wichita, it gets tabled and it sits and it sits."

**Commissioner Gwin** said, "That is where it is currently."

**Mayor O'Neal** said, "That is where it is currently."

**Commissioner Gwin** said, "Where are those fields located?"

**Mayor O'Neal** said, "The well fields are located on North Broadway, approximately, I think, just about 47th and Arkansas."

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

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

**Commissioner Hancock** said, "Thank you, Mr. Chairman. Mayor, the well fields are three miles east of Oliver?"

**Mayor O'Neal** said, "That is correct. Straight east along 45th. If you went directly east. Those well fields have been Bel Aire's since we were an improvement district. There are five wells there and they've pumped for many years."

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**Commissioner Hancock** said, "They're still active."

**Mayor O'Neal** said, "Yes."

**Commissioner Hancock** said, "In one of the paragraphs in your written statement that you gave me, on the third page, the second paragraph down, it speaks of a contract with Wichita. What is that about? Can you explain that to me?"

**Mayor O'Neal** said, "Our water and sewer contract with Wichita runs through 2008. There are, when it was originally drawn up, I believe it was in 1988, each year there were water usage levels that were set. We have exceeded those levels and we've been attempting to renegotiate our contract to increase, not only the water levels that were originally put in the contract in 1998 to help take care of the growth we've had, but also to expand our customer service area since we are rapidly running out of developable land."

**Commissioner Hancock** said, "Thank you, Mayor. Thank you, Mr. Chairman."

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

**Commissioner McGinn** said, "Right now I just have a quick administrative question for Rich. The bottom of page two, where you said that you had told members prior to last week's meeting that you wanted to be informed of when this hearing was. Is that up to the County or is that up to the City that is petitioning for annexing to let other governing body's know, Rich? I'm just curious on that."

**Mr. Richard Euson**, County Counselor, said, "The statute really doesn't even require a public hearing and doesn't require any notice. It is not really up to anybody to give any notice as a matter of law."

**Commissioner McGinn** said, "I was just wondering because it does seem, when you do island annexations, that folks that could be effected, it is unfortunate our system doesn't have a way to inform them of hearing dates or when it is on an agenda, I guess. Thank you."

**Commissioner Gwin** said, "I want to concur. I always thought there was some sort of process that would automatically notify cities."

**Commissioner Sciortino** said, "Did you indicate to us Mayor that you had asked some of us to be allowed to speak? This is the first time I heard that you wanted to speak."

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**Mayor O'Neal** said, "We had asked to be allowed to appear when this came up upon County Commission's agenda."

**Commissioner Sciortino** said, "Who did you ask that of?"

**Mayor O'Neal** said, "I have spoke in the past with Commissioner Gwin and also with Commissioner Winters."

**Commissioner Gwin** said, "Like I said, if there is an oversight on my part I certainly apologize. I assumed in this process that representatives of the City of Bel Aire and the City of Wichita would be notified by somebody but obviously you weren't. I apologize for that."

**Mayor O'Neal** said, "I think we would have assumed the same thing, that there would have been a mechanism in place that on an island annexation which directly borders another city that would impact it as greatly as it does the City of Bel Aire the a mechanism would be there so the Commissioners themselves would not have to be responsible to instruct someone to contact us."

**Commissioner Gwin** said, "If it was my oversight, I apologize. I made an assumption I probably shouldn't have."

**Chairman Winters** said, "Likewise, I guess, I would certainly apologize if that was the case in my case. The first recollection, Gary, that I have of talking to you about this was Monday morning of this week. The first conversation you and I had, I told you that you would clearly be allowed to speak today. I guess, we're fortunate then that we deferred it last week for a different reason, but you certainly had an opportunity to speak.

"Again, if part of that was my mistake, I apologize, but I don't recollect having that conversation. Talk to me for just a second about the contract that you currently have with the City of Wichita. Does it specifically indicate about the service area west of Oliver and whether your current contract and the water you secure from them could be used to serve this area?"

**Mayor O'Neal** said, "This would be outside the customer service area that is outlined in our contract. We had asked the City of Wichita to expand to allow us to service this area. Mr. Lee petitioned, the owners petitioned Bel Aire to be able to service this area for the development. When we contacted the City of Wichita we were denied, as we have been on other occasions, when we've gone to Wichita to expand our service area for our contract."

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**Chairman Winters** said, "Okay, very good. Commissioner Hancock, did you have another questions?"

**Commissioner Hancock** said, "In regard to the contract about water service, I had heard and Lee, I'm glad you came to the podium, because I'm probably going to ask for you. I've heard that this particular agreement also precludes annexation west of Oliver, is that correct also?"

**Mr. Lee Parker**, City of Bel Aire Attorney, greeted the Commissioners and said, "There is no term as to annexation. The only thing that the agreement talks about is that if we're going to take water from the City of Wichita that we use and provide that water within a certain area. It also says that we can get sewer from the City of Wichita, and if we do that, that we send the sewer only from a certain area into the City of Wichita. At the time this contract was signed between Bel Aire and the City of Wichita, Bel Aire still had active well fields that were pumping every day into the Bel Aire system.

"In doing so, if you look at the contract very carefully, what it does say is that we will take a minimum amount of water each year until the year 2008. So that is set up. But there is no language within the contract that Bel Aire was giving up its sovereignty to go on ahead and annex any where it wanted to. It just says that if you do annex these properties you've got to service it with sewer and water from elsewhere. Bel Aire has got their well fields. Had a meeting last night, quite frankly, that was fortuitous. We didn't know that this was all coming up when our agenda was set, but the folks from OEI were in talking about both sewer and water possibilities with Bel Aire and that is where the intent to proceed came from."

**Commissioner Hancock** said, "So, I can understand where this area would be serviced by water with the water wells being west of there, but how would this area be serviced with sewer that wouldn't be sent to the City of Wichita?"

**Mr. Parker** said, "The City of Park City has a sewage treatment plant with capacity that is built in to take both the sewer from Park City and additional capacity. What we're looking at, quite frankly, and talking about is at least a three city operation, including the City of Kechi, who by the way whose Mayor was at our meeting last night. He is very interested in this because this would clean up some problems Kechi has with their lagoon system. The City of Bel Aire that would put an interceptor line that would run into the Park City plant."

**Commissioner Hancock** said, "Their current plant?"

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**Mr. Parker** said, "Their current plant."

**Commissioner Hancock** said, "So this area, if annexed into Bel Aire could be serviced as fast as it would be developed."

**Mr. Parker** said, "As quickly as we could get the pipe in the ground. When we talked with the folks in our meetings over a period of time, we asked how long that would take. It is our belief that they can have the pipe in the ground between a year and 18 months from the time that we start to proceed. Those are realistic times. It could be quicker than that if we need it to, but realistically, by the time we get through with everything, it will be a year. Quite frankly, with Mr. Lee's property, the way it is going to work is that irregardless of where he goes, he's got to go through a platting process and then start developing. It is our belief that we can have sewer and water up and ready to go by the time he has his houses ready."

**Commissioner Hancock** said, "Water for a city is a long term proposition and I do have some concerns. You might be able to help me with this, the contract with the City of Wichita runs through 2008 if I heard you right. Is that correct?"

**Mr. Parker** said, "That's right."

**Commissioner Hancock** said, "What happens if the agreement with the City of Wichita is not renewed for water service?"

**Mr. Parker** said, "The situation is simply one where we right now have enough water rights and depending on how our engineer looks at it, but under our current appropriation, we have enough water rights for a population of about 4,800 to 5,000 folks."

**Commissioner Hancock** said, "So, today, if the tap were turned off today, you would need more water."

**Mr. Parker** said, "That's right. That is where Park City comes in because they have appropriations for about six to seven times what we have. That is why we are working with them. What we would do is basically purchase raw from either them, that's where the agreement is headed right now, is we purchase raw from them and would be putting up a treatment facility to go ahead and treat that water."

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**Commissioner Hancock** said, "Thank you Lee, I appreciate it."

**Mr. Parker** said, "The other thing is that within all of that, we're not just talking alone either, although we might start it alone. There are some other cities that have been talking with us as well in that northern corridor about this issue of treated water from that plant, that is potable water, drinking water."

**Commissioner Hancock** said, "Okay, thank you. Thank you, Mr. Chairman."

**Chairman Winters** said, "All right, thank you. Thank you, Lee. Thank you, Gary. Commissioner Sciortino, did you have a question?"

**Commissioner Sciortino** said, "Yes I did. I don't know if I have it of the attorney, he might come back up because I don't know who I am addressing this to. I'll start off with the Mayor. In the closing, you strongly indicate that if we approve this request for an island annexation it is going to turn Bel Aire into like an Eastborough with no possibility of growth in the future and what have you. I see a relatively small piece of land that is being asked to be annexed. My first question is, is that the only land left for you to be able to annex to grow?"

**Mayor O'Neal** said, "Lee, jump in at any time. I will tackle that question. We have property that sets over on Rock Road, at the corner of 45th and Rock Road in the southeast corner. It is currently the Peter's property, who is a former Commissioner. That property, Wichita would like to annex that property from us. We have asked to have additional property along Rock Road, just to the north of there on the northwest corner of 45th, to try to expand Bel Aire to the east. We've been told by Wichita flatly that no other city will be allowed to have property along Rock Road. That Wichita and Wichita alone will control the Rock Road corridor and it is their intention to annex all the way to 254 as quickly as they can. By doing so, that would completely eliminate Bel Aire from continuing to grow to the east, which we are within a quarter mile of Rock Road on the east now and there is developable land there for us to develop. So by those actions, Wichita has taken away our ability to grow to the east towards 254 and Rock Road. Kechi borders us on the north, along 53rd Street, which we can grow no further north of the boundary lines with Kechi. We're within a half a mile or less of them at this point, depending upon where you are on our corporate limits.

"To the south along 37th, we are already bordering Wichita all the way along our southern boundaries, so the only direction we have left to go would be to the west. By allowing this island annexation, that immediately starts shutting off Bel Aire's ability to grow to the west, so we will be surrounded by Wichita on the west, the south, and east, and by Kechi on the north."

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**Commissioner Sciortino** said, "You're going to have to really talk to me slow because this is brand new to me. I see a lot of land in that number 26 that looks like to be unincorporated land and I see land north of 45th and I see one small island annexation. Could you not annex the rest of whatever is in 26?"

**Mr. Parker** said, "May I speak to that?"

**Commissioner Sciortino** said, "Please."

**Mr. Parker** said, "The problem that you get into when you start looking at . . . that when you put that in, that ends up functioning as a barrier to move further. Beyond that, Wichita is going to have pipe in the ground that runs right along here."

**Commissioner Sciortino** said, "It would be in the right of way, though, isn't it?"

**Mr. Parker** said, "That would be right of way, but at the same time, if you do that, if we would go into 26 and start doing that, that would always be an island that would set there. It would be my suggestion is that it would not happen in that way. That is not what the belief of the City of Bel Aire is either. What our belief is, is that there will be a move to go ahead and annex this piece of property as well."

**Commissioner Sciortino** said, "But you could go in and make a move and annex that property right now, could you not?"

**Commissioner Hancock** said, "Not unless it was platted."

**Mr. Parker** said, "Not unless we provide them sewer and water under this new agreement that we are just now formulating. Yes, we could do that if someone would allow it. Again, like I said, we're ending up in a land fight over here because we're starting to close the boundaries and that's where it goes. Up north, we can go about a half mile north or so, but you've got to realize that there's some natural boundaries that sit in here as well."

"The other thing that I think that is somewhat important to look at is that this is really a development that comes off of Bel Aire itself. The bottom line is, Wichita down here, this is Koch and a school building. Beyond that is 96 Highway that goes through. This is a development directly off of the site of Bel Aire and really and truly a natural extension to Bel Aire that comes off of that kind of growth. By the way, your Planning Commission thinks that this should be industrial over here."

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**Commissioner Sciortino** said, "Okay. Thank you very much. That's all I had."

**Commissioner Hancock** said, "Is there a larger map of the area that we have available to us today?"

**Chairman Winters** said, "I'm sure there is, but I don't know if anybody has one with them today. We're looking for a larger map of the area."

**Commissioner Gwin** said, "To further on Commissioner Sciortino's question, Bob put that smaller map back up for a minute. Whether Bel Aire could go across the street and annex to the south of this parcel? They can't annex that A) until it's platted by somebody. At this point, it is not platted. So, somebody would have to want to sell or buy it, plat it, before Bel Aire could make a move on it."

**Commissioner Sciortino** said, "That's just the same as what Mr. Lee is petitioning, unless he was willing to plat that land, no one could annex that either."

**Commissioner Gwin** said, "He doesn't own it."

**Commissioner Sciortino** said, "Well, whoever the petitioner is of the land."

**Chairman Winters** said, "Does anybody have any other questions for Mayor O'Neal? Thank you very much, Gary. Is there anybody else here who would like to address the Commissioners on this? Please come forward. Yes, sir, please come forward. Please give your name and address for the record."

**Mr. Joe Lee**, Owner, Leewood Homes, said, "We are the hopeful developer of the land. My address is 2427 Timbercreek Circle in Wichita. We've been a developer and builder for 23 years in Wichita and sometimes in the City and sometimes in the County, both. First of all, I'd like to say that I have no ax to grind with Bel Aire or the Bel Aire community. In fact, we are building and platting new land to the north up there in Bel Aire, up in here, approximately 100 lots.

"When we had the opportunity to buy this piece of property last January, we felt like it was a good project for \$100,000 homes. That is what we bought it to do. We felt like, not knowing the politics between Wichita and Sedgwick County on the Bel Aire area, we felt like it was just natural to have Bel Aire bring their sewer across the street. It turned out that it wasn't quite that natural. We went to the City of Bel Aire, back on the 31st of January last year, and asked to be annexed. At that time, we did not own the land, we only had it under contract. We were obligated to do something because we took it under contract, subject to being able to provide sewer and water to us. We did that and we went to Bel Aire

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and they worked on getting us sewer and water. We talked about, but could never get anything down in writing, that they could provide sewer for us from Park City. They told us verbally and I was willing to take that. I'm kind of a person that believes whatever I hear, I guess.

"We went along until April and we still could not get anything in writing. They told us that the water that they have over near Broadway, they had plenty of water but it was not good quality water, so they kept working on the water problem. We never could get an answer. Finally, we withdrew our application. On May 1st, I believe it was, we went ahead and closed on the land anyway. So now I have high priced wheat land. June the 1st we withdrew our application with Bel Aire and on June the 26th, we requested annexation to the City of Wichita. At that time, we had a meeting with Mr. Cherches and his staff and they said they would support us. They didn't tell us we could have it because it is not their job to tell us that. They said they would support us.

"So time went along and finally we did get our annexation request to them on the 26th of June. Sometime in July, which I can look up the dates if I need to, but I don't think it is that important, we did hear from them. They requested more information, such as legal description and so forth and so on. Then about August the 20th, we received from the City of Wichita that they were going to proceed with trying to get the annexation request through, knowing that they had to have the County sign off on it. I have talked on two or three occasions with Mrs. Gwin. I've talked on several occasions with Mr. Pisciotte and a few with Mr. Krout and the City.

"The water on Broadway, they tell me and I believe them because I used to live about a mile from there, is very inadequate water. They would have to have other water to mix with it in order to be quality water, at least that's the way I understood it. My whole concern is, and I really don't care where I am annexed to, as long as I have the utilities. But my whole concern is we're soon going to be a year and I still haven't got anything going. Well, you know who is making money off of that, it's the bank. Consequently, I'm being delayed and being delayed. I do have, I've gone to the expense of survey, replatting, core drilling, and topo. which I've been working with Baughman and Company on those particular items.

"I notice several of you Commissioners referred to the contract, and I have a copy of it, if someone would like to take it and make copies for everybody. I'd be happy to have it shared. I don't think you probably want to take time this morning to read it, but it is there. I did fax it to Mrs. Gwin at one point in time, so she did have a copy of it.

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"My whole thing is get me out of this delay. I'm between a rock and a hard place it seems like and I just need to proceed. I think the City and the County, the area, needs more housing. I'm proposing approximately two hundred and some \$100,000 homes in this area. I'd like to get on with it. That's my whole thing. I have no complaints with Gary or the City of Bel Aire. I have no complaints with the City of Wichita. I've worked with both of them very well, until this situation comes up, and it is a political battle that I'm caught between and I didn't know any better. Can I answer any questions?"

**Chairman Winters** said, "Thank you, Mr. Lee for those comments. They were helpful. Commissioner Gwin."

**Commissioner Gwin** said, "Thank you, Mr. Chairman. Joe, thanks for being here today because we wanted to get some information for you. As you said, originally you went to the City of Bel Aire to ask for annexation because you figured they were just across the street and services were that close, is that correct?"

**Mr. Lee** said, "I think the services are approximately in here. Gary, you might be able to help me there or Mr. Attorney. Somewhere in there, just to the east of Oliver, maybe 100 yards or so."

**Commissioner Gwin** said, "Okay. So, besides the fact that Bel Aire is a nice town and the close proximity of services, as you perceived it, was one of the driving forces why you started with them, correct?"

**Mr. Lee** said, "I started with them because I thought it was just a natural thing to go across the street to hook onto sewer. The City of Wichita will have to come from the corner down here at 37th, well the school at 37th and Oliver."

**Commissioner Gwin** said, "When you and I talked about this, it seems like a year ago but I don't think it is, at that time it appeared to me, from what I had heard from you and others, that there was just no way that Bel Aire was going to be able to provide you with services. I was kind of leaning toward the request, based upon your ability to develop the land and be able to have water and sewer. Now today I've heard, as have you, that Bel Aire in partnership with other communities in that part of the County and using their water source can supply services to this area. Does that make a difference? It makes a difference to me in my thinking I think, does it make a difference to you?"

**Mr. Lee** said, "Two weeks ago, I read in the Valley Center News of the plan for the City of Bel Aire, Kechi, and Park City to collaborate on sewer, I'm not sure if it said water or not."

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**Commissioner Gwin** said, "Sewer I think."

**Mr. Lee** said, "That was my putting two and two together and saying, 'there is what part of my delay is' because Bel Aire, unbeknownst to me, was working on it. I would like to remind you that I only waited 120 days instead of what we agreed to verbally, 90 days, for Bel Aire to come up with an answer on sewer and water after I submitted my petition. I did not withdraw my petition until May 1st."

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

**Chairman Winters** said, "Thank you. Are there other questions of Mr. Lee? I don't see any. Thank you very much sir. Is there anyone else who would like to address the Commission on this issue? Are there any other citizens here who would like to address the Commission on this issue? From this point in time, we'll limit discussion to Commissioners and staff. I've got a question for Marvin Krout. Marvin, while you are headed this way, I'm going to ask you if you would talk with us just for a moment about what our Comprehensive Plan that we've used as a guide in this community and County for a number of years, how does the Comprehensive Plan address the growth area of Wichita and the growth area of Bel Aire?"

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "The Comprehensive Plan that was adopted in 1993, and then updated in 1996, and again just this year as recommended by the Planning Commission and adopted by the County Commission, identifies areas for growth for all the small cities, as well as for Wichita. In this area, it uses Oliver as the boundary line for the extension of Wichita's growth to the north.

"One of the things that I did, just in the last 24 hours, thinking about how did we get to that decision, because sometimes streets create problems in being boundaries, was to try to look at what was the rationale for that line at the time. If you look at this mile section, it all drains perfectly to a drainage way that runs from a southwest to northeast direction. This property drains to the southeast. All of the property in this mile section drains in that direction. The City is updating its master sewer plan and the master sewer plan shows an interceptor to be coming up that drainage way and serving all of this section. The Comprehensive Plan says that, generally speaking, you should use naturally boundaries, geography, as a way to demarcate the boundaries of communities and their logical growth pattern. I think that was the main reason why, both in the contract between Wichita and Bel Aire and also in the Comprehensive Plan, this whole section was identified as future growth for Wichita, along with the fact that Wichita was already along and even inside the mile section on the south and did border the mile section already on the west.

"The Comprehensive Plan calls for at least some of this area along Hillside and along the railroad corridor

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and near the interchange of Hillside and 254 for industrial development. As you know, this land is all in one ownership. We don't have a lot of land that is close to utilities that is in single ownership that has that kind of access. We think that this is a unique property and it is the kind of property that we ought to be reserving for the possibility of a large corporate entity, a large industrial or office type business that needs 200 or 300 acres.

“So, it seemed natural, both in terms of the continuation of the land use, Koch a similar land user to the south and also in terms of the natural extension of gravity lines for sewer for that mile section to be a part of Wichita. That is why it is part of the official Comprehensive Plan and has been for many years now.

"I talked to Mr. Lee and I empathize with him. I understand what it feels like to be between a rock and a hard place. He agreed with me that probably this tract will probably need a lift station in order to be served by Bel Aire. Now, we do have lift stations and pump stations, as part of some sewage treatment plants, but again, the Comprehensive Plan says that good planning, orderly planning, is to try to rely as much as possible on gravity sewer systems. This entire mile section will logically be developed and served by Wichita rather than by Bel Aire. That is my opinion. That is the information that we gave you when the City of Wichita made the request for your approval."

**Chairman Winters** said, "All right, and so with your planner's hat on and I think Commissioner Gwin brought this up last week, one of the charges that we have is to hopefully determine how this will effect one areas ability to grow and I forget exactly what the legal terms are. In your opinion, we could say, with some planning thought in process, that this is in the Wichita future growth pattern. We have outlined it as in their place and to not do this would be a hindrance to them."

**Mr. Krout** said, "I would agree that this would be a hindrance to Wichita's growth as documented in the official Comprehensive Plan. Bel Aire does have growth opportunity to the north, granted that makes it more limited. I think the statutes don't provide any right for any community to have indefinite expansion possibilities."

**Chairman Winters** said, "Thank you. We've got a couple of questions. Commissioner McGinn."

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Marvin, thank you for the explanation on the natural boundaries and the sewage, how you try to make sure it is a gravity flow before you put in a pump station. The question I have is, when the Metropolitan Planning Commission puts together the growth areas for Wichita and Sedgwick County, do the other small communities have an opportunity to have

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input? Are they involved in that process?"

**Mr. Krout** said, "Yes, there is an official public hearing process and official requirements for notification. I remember my staff made a special effort to have a special meeting, out at the Extension Service at special times, where they met with officials from each of the communities and walked through what we projected for growth, both in terms of directions and acreage, to get input from them. There's never been on record or, to my knowledge even informally, a request from Bel Aire saying we don't like where you put the line. That certainly didn't come up in any public hearing."

**Commissioner McGinn** said, "When we look at the colored maps that you produce, that shows the current boundaries and the growth areas, we actually give those to the small communities and say this is what we've come up with."

**Mr. Krout** said, "Right, now the plan is a guide and a community might come and say we have development interest in this direction and, just like in any zoning case, the land use is a guide too. I think that you look at it in that way. But they were definitely, all the communities involved in the process of trying to identify, so that the County has an idea about where to expect public services and new traffic demands and so on to occur in the future. That is the purpose of the plan, is to try to identify where the logical directions for growth. The logical direction for growth for Bel Aire was to the north. The logical direction for growth for Wichita, in this section between Hillside and Oliver, was to the north."

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

**Chairman Winters** said, "All right, thank you. Commissioners, are there other questions or comments? Commissioner Hancock."

**Commissioner Hancock** said, "Can we put the map up. Twenty-six is the square mile we're talking about, way down at the bottom. Marvin, could you show me where the boundaries are of everything over there? In color this looks real good. In black and white, it's pretty hard to say anything about it."

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**Mr. Krout** said, "Here's that parking lot, Koch property, this is 37<sup>th</sup> Street. This is Oliver. This is 45<sup>th</sup> Street and the 72 acres we're talking about is right over there. This is Bel Aire. This is Wichita. In fact, Bel Aire goes up north of 45<sup>th</sup>. This is where Bel Aire has some expansion possibilities. In fact, you can see the drainage line right here, right here and right here. Both of these sections draining to the south."

**Commissioner Sciortino** said, "The Mayor had indicated, we can't see Rock Road very well, that the City of Bel Aire would not be allowed to expand to the east. I'm still trying to figure out if it is unincorporated land, and it pretty well butts up to Bel Aire and a developer decided to develop it, why wouldn't Bel Aire be allowed to entertain a petition from somebody else? I mean somebody out east. He said they wouldn't be allowed to and I don't understand that."

**Mr. Krout** said, "It would be the same situation that we have here on the west side. When Bel Aire contracted for the water and sewer service with Wichita, it was subject to the condition that if you ask to extend the services beyond these lines to the east . . ."

**Commissioner Sciortino** said, "So they have the same restrictions east of Rock Road that they have . . ."

**Mr. Krout** said, "Again, if you look at Rock Road on the east side, there is the same issue about drainage divides and what is the natural area to be served by sewer. It makes more sense for Wichita to bring the sewer up in that area."

**Commissioner Sciortino** said, "But given the Mayor indication that there is this new alternative to Wichita water and they've already found an alternative to the sewer, why would they be stopped to develop?"

**Mr. Krout** said, "Potentially, if Bel Aire has those contracts and they and Kechi can work together and they can get the State to approve the sewer plan extension because Park City has a State approved service area and to include Kechi and Bel Aire now in an expanded service area would have to go through KDHE (Kansas Department of Health and Environment) approval process. I imagine that the City of Wichita would probably have something to say about that, since this has been identified by Wichita as their growth area. I'm not sure that there wouldn't be a debate on that and that services would be immediately available by the City of Wichita."

**Commissioner Sciortino** said, "Wouldn't the City of Wichita put up the same objection if they tried to bring this new level of service to this proposed island annexation, since it is in Wichita's growth area and

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if they have to go to the state wouldn't Wichita be delaying Mr. Lee even further from being able to make his development?"

**Mr. Krout** said, "I'm sorry, I'm not following."

**Commissioner Sciortino** said, "You were saying that Wichita might visit with the State and try to delay or deny their request to get the State to approve whatever the tri-cities were trying to do to the east. If the City of Bel Aire tried to give this to Mr. Lee west of Oliver and that is in Wichita's growth plan, wouldn't it be right to assume Wichita would be doing the same thing to the State for that land also?"

**Mr. Krout** said, "As I understand it, the only way that Joe Lee's property can be served with water and sewer and maybe you need Bel Aire to say yes or no to this, is if they enter into these agreements for water and sewer with Park City. I would say that is uncertain, at this time, whether or not the state is going to permit that to happen."

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

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

**Commissioner McGinn** said, "Just a quick question for Marvin. In looking back at the Comprehensive Plan and how we were trying to have contiguous growth is what they say. To me, if you just look at that map to go supply sewer and water across the street would be better. It looks to me like we're leap-frogging if it is a City of Wichita annexation. We're leap-frogging and we're supplying the City of Wichita taxpayers are supplying a half a mile of sewer line or whatever. I'm just thinking about some of the conversations on the Comprehensive Plan and, to me, it doesn't make sense when you think about those comments."

**Mr. Krout** said, "There are probably other areas where . . . half a mile, versus two or three or five miles of leap-frogging are probably a little bit different. This has been defined as part of the growth that we expect in the next ten years. I think that in this case, although I wasn't privy to the discussions that Mr. Lee had, I think the City of Wichita is anxious to see that property to the north of 37th Street developed and feels like extending the water and the sewer at this time will promote that economic development. So, the land should rapidly fill in between that half mile and this mile.

"You're right, we promote growth to be contiguous but I don't think that means absolutely every parcel.

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There are some parcels that, for one reason or another, are just not available. There is not a willing seller, so you try to make it as compact as possible. There is always going to be a little bit of jumping and filling back in."

**Commissioner McGinn** said, "Without knowing the owners for the rest of that area, who knows? What if it was owned by Koch and they're going to just hang on to it for their own purposes. I don't know. I'm just saying that as a scenario. So now, we've actually extended utilities to an area that is not going to be funded by future development."

**Mr. Krout** said, "That's possible, but my understanding, in discussions with Koch, is that they are willing and ready to market and sell that land for development."

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

**Chairman Winters** said, "I see no questions right at this very moment, so I'd like to try to see where we're headed and if there is a way we can come to a conclusion on this. We get to the point where, if we need more information, we need more information. There comes a time when you've got to take the information you've got and make a decision and move forward. I've seen a couple of things here. One is having the services provided in a reasonable time, the existence of the Comprehensive Plan that shows this as future growth area for the City of Wichita, the natural lay of that property. I'm ready to proceed on and allow this island annexation to happen. Commissioners, I need some response from you all if there is any support for that. What direction do you want to take? Commissioner Gwin."

**Commissioner Gwin** said, "Thank you, Mr. Chairman. I can look at the same factors that you do and come up with different answers. That is why this is not an easy process. The dilemma I had was the availability of services. As of last week, when I was convinced that only the City of Wichita could deliver services, I thought maybe I could reluctantly support it. Now, I go back and look at the criteria that I'm supposed to consider. The principle one, I believe, is whether or not this annexation request would hinder the growth of a city or another city. I think it's very apparent that this island annexation request would in fact limit the growth of Bel Aire. Bel Aire has very limited space anyway and what little space is contiguous is obviously precious to their longevity and to their continuing success.

"I think we need to consider orderly growth and planning and the majority of that is not, in my mind, island

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annexation, it is growth from an adjacent boundary to an adjacent parcel. The cost methods and adequacy of proposed governmental services, I appreciate development and the industry as much as anyone. That's, in the real estate business where I spent the last few years of my life before this. Waving policies and asking all of us to pay just to hem in a small city seems a little heavy handed.

"I believe Bel Aire can, in fact with their partners in that part of the County, provide the services necessary in a reasonable time period. The Comprehensive Plan, I don't really put a lot of stock in that with the exception that I can use it as a guide. In this particular case, I think I'll just use it as that and not something that I have to live by, word for word, because we can change that.

"The overall consideration of the proper growth of the area and of each city, as I said, is I believe that the proper growth of the City of Bel Aire will definitely be impacted if we approve this. I believe serious damage would be caused to Bel Aire and to its possible expansion to the west if we permitted this. I respectfully disagree with the Chairman, but I think I'm going to side and deny this annexation request."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I got a good education today and that's a positive thing. I'm going to support the adoption of this resolution primarily because of the effect that it might happen with the developer. This man went out and we need our developers or, without it, no community can grow. He is right in saying that he didn't even realize that there was any jurisdictional battles going on. He just innocently wanted to develop the piece of property. He went to, what he thought, was the most logical place first and I agree that it would have been the most logical place. He gave them I think more than enough time to respond. I heard 30 days more than the normal 90. He went ahead an bit the bullet and bought the land, again in good faith, hoping that he would be able to get water or sewer somewhere. I also agree that he isn't all geared up that he really wants to go to Wichita but it appeared to him that out of default that was going to be the only place that he could get adequate quality water and sewer, so he made his petition there.

"My concern, by not adopting this resolution, when I heard from Marvin that, again, if the tri-cities are successful in negotiating something then they have to go to the State, if I heard it right, for approval. We've all had some experience in trying to get the State to do something and to expect a real quick turn around I don't think is too realistic, coupled with the fact that I believe the City of Wichita would probably try to block that just as they might want to block east of Rock Road. All this time Mr. Lee is sitting there paying interest on the money and taxes on a white elephant that now he doesn't know whether or not he is going

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to be able to develop it or not. I don't think that is fair to the developer and for those reasons I'm going to be supporting the adoption of the resolution as it was presented. Thank you."

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

**Commissioner Hancock** said, "Thank you, Mr. Chairman. I'm going to be supportive of the resolution also. This all started last week and I apologize for all of this this week over the road and who was going to maintain Oliver Street for that mile. A good friend of mine reminded me one time that I had said that if someone doesn't take the responsibility we need to, so I guess that is a moot point. I presume the County will continue to take care of Oliver Street for that mile involved here and we'll be glad to do that.

"A more important question has arisen and that is the growth of these cities. First of all, I want Mr. Lee to be able to get this land annexed, get services to it, and move forward. I'm a little concerned about whether those services can be provided right now by Bel Aire and in a manner and a fashion that you need to be successful in your endeavors. I need to support this resolution today.

"A larger issue though needs to be addressed and, while I am not long for this world as far as this County Commission is concerned, I would suggest that the cities get together and sit down in good faith and discuss growth issues concerning Bel Aire, Park City, Kechi, and Valley Center. Those determinations need to be made in advance. People who purchase property with the intentions of development need to know what they can or can't do and they need to understand what the expectations are. It is not fair for our citizens for units of government to be at each other to a degree that adversely affects the citizens that we're trying to serve. I think we're adults and adults need to be sat down and make some good decisions about growth issues, especially in this part of the County. It is important and it is going to continue to be a problem. If you do not want the County Commission to start making these decisions on an occasional basis, then sit down with each other and make a determination of where you're going to grow and what you can agree on, as far as services are concerned. That would be my advice to those who are here and those who might be listening. Today, I'm going to support the resolution. Thank you, Mr. Chairman."

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Like Commissioner Hancock last week, I too had a problem with the fact that we're seeing annexations without taking responsibilities for road maintenance and that type of thing. As I studied that issue all through the week, I think I've come to the

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conclusion that there is perhaps a flaw in the State statutes and those types of things. So that has kind of become another issue in one sense. But this week, after finding out that Bel Aire can supply the services and the utilities, I kind of am leaning to the fact that it appears to me that it is a better fit, particularly when I look back and think back of the things I heard during the Comprehensive Plan discussions. That was, we don't want leap-frogging. We don't want to pay for pipes that go a half mile, mile, to developments.

"We want orderly growth and, in looking at the map, for Bel Aire to just extend pipe across the street is a much better fit. I don't know that I can support this annexation. If my numbers are right, and I don't think I am going to win this, but if this annexation goes through, I do want to go back to talking about the roads for just a minute and tie into what Commissioner Hancock had said. That is, these communities need to come together and talk about how they're going to work out agreements to provide services and take care of safety issues.

"I think back at another issue we had that had to do with 37th Street. I had to pull the Minutes of the May 24 meeting and I asked Councilman Pisciotte if there was a way that the City could start sitting down with other communities to work out these agreements and he agreed that it didn't make sense, as he drove down the road, that at one time he was in Wichita then he was out and then he was in again. In the Minutes that I was looking at, he made a sincere comment that he felt strongly that the communities, including the City of Wichita, needed to sit down and work out these agreements. I think he was sincere about that and I hope that the communities can eventually do that. That is a little bit different issue than what we have to talk about today. I guess, I'll just conclude by saying that I think that the growth appears to fit better with Bel Aire and I do believe that it would hinder its growth if the City of Wichita leap-frogged and annexed that area. Thank you."

**Chairman Winters** said, "All right, thank you. Commissioners, I'd recognize somebody who would like to make a motion, if there is somebody who wants to try that."

### MOTION

Commissioner Sciortino moved to adopt the Resolution.

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, "All right, we have a motion and a second to adopt the Resolution which would then allow for this island annexation. Is there any further discussion on this motion? Does everybody understand the motion is to adopt the Resolution? Seeing no further discussion, Madam Clerk, would you

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call the vote.”

**VOTE**

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

**Chairman Winters** said, "Thank you very much. Thank you, Bob. Madam Clerk, call the next item."

**PLANNING DEPARTMENT**

**F. PLANNING DEPARTMENT.**

- 1. CASE NUMBER ZON2000-00039 - RESOLUTION REGARDING A ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "GC" GENERAL COMMERCIAL, GENERALLY LOCATED NORTH OF K-42 HIGHWAY, EAST OF ANNE (SCHULTE, KANSAS).**

**POWERPOINT PRESENTATION**

**Mr. Krout** said, "Hello again. Hopefully a little easier item. We are talking about the area that is outlined in black tape with the arrow. It is a one acre tract. It is north of the Phillips 66 station that is near the old corner of K-42 and MacArthur Road.

“As you can see on the map, recently the bypass has been constructed to provide for better traffic at the intersection and this area is no longer a signalized intersection, but the service station convenience store is still there and the owner of that service station/ convenience store would like to have an associated use and would like to use this one acre, back behind this service station/ convenience store, for a self-storage

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warehouse. Three buildings that would be about 30 feet wide by 100 feet long. They would be for self-storage. It would use the existing access point that is already established for the service station on the northeast side of K-42.

"What they had to request was General Commercial zoning. General Commercial zoning is the first district that allows this use without restrictions not along a frontage. Technically, this is not along the frontage of an arterial street and second, in the general office and limited commercial district you're also required to have an on-site manager and technically, what they will be doing is managing the operation from the separate business, from the Phillips 66 business. They'll be associated and have the same operating hours, but it requires the General Commercial zoning.

"The applicants did volunteer a protective overlay that would restrict the uses on this General Commercial tract to only limited commercial uses, excluding some commercial uses like adult entertainment and liquor stores and some other uses that might be a problem nearby to residential and related uses. Also, the only use that would be permitted that is not an LC would be the self storage use. They also agreed to submit site plans to the Planning Director for approval that would include building elevations, landscaping, screening review to assure that this use would fit with the existing buildings in the area and would properly screen and buffer the surrounding areas.

"The Planning Commission held their public hearing. We did have some people from the residential area to the west and we also had a representative of the Catholic Church, which is on this site to the north and northeast of the site, expressing concerns. There were concerns about adding traffic to the general area. There were concerns that bringing more commercial use might increase safety problems in the area. The church, specifically, had some concerns about esthetics and expressed the concern about the need to have proper screening and proper landscaping, if this project were to proceed.

"The Planning Commission, after taking that public input, the applicant responded that this use is a low traffic generator. They will submit the plans. They will try to ensure compatibility. I indicated that we'll invite the people who are interested to review those plans, so we can have their input at that time. Based on that, the Planning Commission voted 11 to 2 to approve this request. After the Planning Commission meeting, we did have written protests that were filed, not by the church, but by this property owner to the north and east and also this property owner to the north and west. The area within 1,000 feet represented

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by that land is less than 20% of the area, so it just requires a simple majority of the County Commission to approve this request.

"I'll go through the slides quickly. This is the aerial photograph. This is the service station. There is another commercial use along K-42 right at that intersection. These are residential uses that are along Anne, the residential street."

**Commissioner Hancock** said, "Marvin, show me the new church, it's been built."

**Mr. Krout** said, "It is back here. There are expansion plans for additional buildings in this area. That is the church and that is their access."

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

**Mr. Krout** said, "It looks like it was still under construction. This is the site to the north and, I think, this is actually the church land and that is their access point. You can see this represents the north line and there is already a tree row that has been established along what would be the north line of that storage area. So, our side of the tree line is where the mini-storage would occur. On the other side of the tree line is where the Catholic Church property is."

**Chairman Winters** said, "Can you hold it there for a moment. Then that tree line, clear down to the farthest tree on the east . . ."

**Mr. Krout** said, "I can show you some other slides. Remember it is a triangle shape of land. This represents the north side of that triangle. This represents the east side of that triangle. That is the property and it extends a little further to the west. That is the triangle of land that comprises an acre. This is across the street. There is a lumber yard that's established for a long time on the south side of K-42. We're looking now, this is to the south and west along K-42. This is the eastern access point, which will be the access point for the proposed use. This is the service station itself."

"Again, you can see this would be the north line of the property. There were some trees that were planted here. I'm sure that we will be requiring those to be replaced and maintained as a part of the landscape and site plan approval process. The intention is to take that row of trees across the north side of the property."

"This is the north line of the existing service station today. This is in back of the property and this is the area that would be intended for use for the proposed storage. This is the back of the homes that are facing

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on to Anne Street. So a couple of the homes, not in this view, but further to the left of this slide are homes that would back up to the proposed use. This is the southwest edge of the service station and another commercial use that is on the corner. Again, this is the rear of the lots along Anne Street, the church to the north. This is the area where the self-storage would occur and the tree row would have to be continued along here and along here."

"Again, this is the site, in here, to the north of the service station. This is the commercial use that is to the south and west of the service station. This is looking back to the north and east on K-42. This is across the street, across K-42 to the south. This is looking west, the service station. Back to the aerial photograph. This is where that tree row was and then it kind of died out, further to the west. We would expect that there would be both a screening fence or wall and additional landscaping along these edges."

**Chairman Winters** said, "To your knowledge that tree row is on the applicant's property and those trees are already there?"

**Mr. Krout** said, "I think so. Is the applicant's agent here? I don't see him here to answer that question, but I believe that is on their property."

**Chairman Winters** said, "Okay. Is that it, Marvin? Are there questions of Marvin for clarification?"

**Commissioner Hancock** said, "Marvin, you talked about, just a few minutes ago, the screening. I think, under the recommendations, that falls under Item 3. It has been requested . . . explain that to me that again. I visited with folks who represent the church and they had a specific request. I am curious as to how this process will take place? I want their request to be heard, at some point."

**Mr. Krout** said, "They have submitted a letter and it was part of the package. They indicated what their concerns were, in terms of aesthetics. Strongly consider a concrete type fence as the only option that will separate our two properties, to keep inadvertent foot traffic to an absolute minimum. I think that, unless the two sides agree on something else, we're going to take that strongly into account when the site plan comes and we will notify the Catholic Church and let them see what architectural plans and the buffer plans looks like."

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**Commissioner Hancock** said, "Okay. That's all I needed to hear. Thank you."

**Chairman Winters** said, "All right, thank you. Again, this is not a public hearing, but we will take comments, if there is anybody here in the meeting room who would like to address the Commission on this issue. Is there anyone here who would like to address the Board of County Commissioners on this item that we're now discussing? I see no one."

"Marvin, the reason I was asking about those trees is one of the things, just as I drive down K-42 with the new church there, there really is a very attractive view of the church. I mean, it's well kept and it really just enhances the whole view of the community. I mean, you're driving along there and you see that well kept area, between the highway and the church, but the church does sit back quite a ways off of the highway. I guess, it is not really appropriate to say that someone between the highway and another piece of property, by building something, then obstructs a pleasant view. I don't guess that is what we think about in land use management."

**Mr. Krout** said, "I'm an architect by background, so I think the aesthetics of the community, including the Schulte area is important. I think the Catholic Church is creating an anchor for this area and it is important to try to develop all of our community in a quality manner. Exactly how that is going to occur, how that can be compatible with the Catholic Church, compatible with the rest of the commercial development that they have already established. I even indicated to the Planning Commission, you are leaving me a little bit ambiguous here on how this is going to work out. That is why I said we will involve the church in those discussions. I think when you have an edge of commercial property to residential, when you have a use like this and you are trying to help establish a positive image, that aesthetics, both in terms of sometimes the building materials themselves and sometimes in terms of the landscaping and buffering are important."

**Chairman Winters** said, "One of the reasons I was asking about the trees though is it appears that those trees are going to create some kind of natural boundary. They are going to be there whether this project goes on or not. They're going to grow up to be big trees and at least where they extend to, they're not going to be able to view past that. As I think about those trees, maybe my concerns are partly relieved because there is going to be a hindrance to view naturally."

**Mr. Krout** said, "I'm sure we're going to try to assure when the plans come in that saving the trees is part of the plan."

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**Chairman Winters** said, "Okay. How about the fencing then? There is fencing on the back side of the property. How about the fencing on the south side of the property? Will it be whatever fencing is determined, will it fully enclose the entire facility?"

**Mr. Krout** said, "We haven't seen a site plan yet but, from the discussion at the Planning Commission meeting, they indicated that their intention is to provide a sort of a compound effect and to enclose the facility. I think that we will work to try to make sure that you don't see all 50 overhead doors real easily off of K-42 as you are driving by."

**Chairman Winters** said, "Okay. I think that answers most of my questions. Commissioner McGinn."

**Commissioner McGinn** said, "You just created a question for me. How does that work then on the back side. I received a call about a case that happened four months ago and we found out that maybe it didn't get put in, it was in our discussion but it didn't get put in the Conditional Use item areas. You said it goes back and you are sure the Planning Commission will make sure it does this or that. How do we assure ourselves that there is. . . ?"

**Mr. Krout** said, "They've assigned responsibility to me to sign off on the plans and make sure they are compatible with the church and the area. I indicated that to try to assure that, I'll be sending notices to try to get input from the local property owners. If someone is not satisfied with the results of that, because it is an administrative decision, they have the right to appeal to the County Board of Zoning Appeals to try to say that this isn't what was intended and this doesn't protect the area in the way the Planning Commission wanted.

"I had suggested to the Planning Commission that they could have the plans come back to them, we've done that sometimes, as opposed to just an administrative approval. But the Planning Commission felt that an acre of ground with a relatively small development that this is something that we probably could work out administratively."

**Commissioner McGinn** said, "So will we look at a variety of things anywhere from brick fences to trees? I don't know. Do you look at all of that?"

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

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

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**Chairman Winters** said, "All right, thank you. Commissioner Hancock, this is in your district. Any comments or suggestions? It appears to me to be a workable plan, although I certainly hope it is finished right."

**Commissioner Hancock** said, "No Mr. Chairman, I'm fine with this."

**MOTION**

Commissioner Hancock moved to adopt the Resolution, subject to platting within one year.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**2. AMENDMENTS TO THE METROPOLITAN AREA PLANNING COMMISSION BYLAWS.**

**Mr. Krout** said, "Commissioners, these are minor amendments that the Planning Commission has approved as part of their bylaws, but require the City Council and the County Commission to concur it for them to be effective, according to the joint agreement between the City and the County. We just had a new Chairman who was appointed and the Chairman was in the process, one of his first duties is identifying the people who will serve on the two standing committees, the subdivision committee and the

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advanced plans committee.

“In trying to juggle preferences around, we found that the bylaws were a little bit restrictive, in terms of their requirements. By changing them slightly, by filling of the entire membership of fourteen with seven on one board and seven on the other and having some balance, so that there are at least three members that are City appointees or the County appointees on each of those, gives us more flexibility that we have now and was better able to meet the needs and the preferences that the Planning Commissioners had on which committee they were able to serve on. That is the nature of the amendment. The City Council concurred in that change yesterday and we're asking you to do the same.”

**Chairman Winters** said, "All right, thank you. Commissioners, are there questions or comments on this issue?"

**MOTION**

Commissioner Hancock moved to approve the amendments.

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."

- 3. WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION NOMINATION OF BUD HENTZEN AS REPRESENTATIVE TO THE CENTRAL PLAINS QUAD-COUNTY PLANNING FORUM.**

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**Mr. Krout** said, "Commissioners, your bylaws for the Quad-County Planning Forum require that a member of the Metropolitan Area Planning Commission serve as a part of that forum. The Planning Commission has nominated Bud Hentzen, who is here this morning in case he'd like to comment or decline or whatever, to serve over the next year as the Planning Commission's representative on Quad-County. I have to say that Bud is one of our most knowledgeable Planning Commissioners. He attends every workshop that we set up inside Wichita and outside Wichita. I'm not sure that he wants to hear it all, but we're certainly giving him a lot of new knowledge serving on the Planning Commission. I think he'd be a good appointee."

**Commissioner Hancock** said, "Can you find anyone else?"

**Chairman Winters** said, "Thank you, Marvin. We do acknowledge Bud Hentzen is in the audience today. Bud, we appreciate your agreeing to be a representative to the Quad-County. The old Tri-County of Harvey County, Butler County, and Sedgwick County has been around for a long time. We've expanded that to include Reno County in a Quad-County kind of planning process. We certainly appreciate your willingness to be on that board. We certainly appreciate your involvement on the Planning Commission. I believe Bud is our at-large appointment, so he is an appointee that all the Commissioners have agreed upon. Bud, we do appreciate all the work that you do, plus all the other Planning Commissioners do. That is sometimes a thankless job and requires a lot of long hours. We appreciate your work."

### MOTION

Commissioner Gwin moved to approve the appointment.

Commissioner Hancock seconded the Motion.

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

### VOTE

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye



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"I participated in discussions with the City and County staff on USD 259 bond activities. The City CIP, which is being updated to look at the years 2001 to 2003 to make some amendments. Met with the Hilltop neighborhood leaders to try to prioritize their recommendations from their adopted plan and was involved in several other meetings that I probably don't need to bother telling you about now, you can read the report."

**Chairman Winters** said, "All right, thank you for the report, Marvin. Commissioners, are there questions or comments?"

**MOTION**

Commissioner Hancock 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

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

**NEW BUSINESS**

**G. RESOLUTION ESTABLISHING FAIR MARKET RENTS APPLICABLE TO THE SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR FISCAL YEAR 2001.**

**Mr. Brad Snapp**, Director of Housing Office, Division of Community Development, greeted the Commissioners and said, "The fair market rents are established by H.U.D. and they are published annually about the end of September and housing authorities are required to adopt those. This is what we base our

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assistance on for the year. That's all I have."

**Chairman Winters** said, "All right, commissioners, are there questions? Commissioner Sciortino."

**Commissioner Sciortino** said, "Brad, just in looking at the back-up data, they establish rent for a no bedroom home. What is that?"

**Mr. Snapp** said, "Studio bedroom. These have gone up approximately \$7 a month."

**Commissioner Sciortino** said, "I was just questioning a house without a bedroom."

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

**MOTION**

Commissioner Hancock moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

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**H. EMERGENCY MEDICAL SERVICE.**

**1. AGREEMENT WITH FLINT HILLS TECHNICAL COLLEGE TRAINING PROGRAM FOR SEDGWICK COUNTY EMS TO PROVIDE FIELD INTERNSHIPS TO STUDENTS.**

**Mr. Pollan** said, "The agreement that I have before you is with Flint Hills Technical College of Emporia. It is a standard form agreement and it will allow their paramedic students to come here and work with our paramedics to improve their skills and get them ready for state certification. Again, I would remind you that one of the major benefits of this is that we recruit about 95% of our paramedics from these programs. It is a nice way for us to look at them early and be able to evaluate them. I would recommend your approval."

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Allison, would you turn up the lights? Maybe it would help warm it up in here a bit. Next item."

**2. LEASE AMENDMENT WITH ROCKCREEK L.P. FOR SPACE AT 251 NORTH CLEVELAND, WICHITA, KANSAS.**

**Mr. Pollan** said, "We have leased this particular facility of about 2,800 square feet since 1994 to have

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a facility for us to fix and maintain small pieces of equipment that we have and also to store our medical supplies and operational supplies. I would recommend that we allow this lease to continue, through this amendment, and allow the Chairman to sign."

**MOTION**

Commissioner Hancock moved to approve the Lease Amendment and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

**I. DIVISION OF HUMAN SERVICES.**

**1. CONTRACT WITH PROJECT INDEPENDENCE, INC. TO PROVIDE MENTAL HEALTH REFORM ADULT SERVICES.**

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "Before you is a contract renewal for \$55,650. Now I am here because we want to tell you about the value of this program. As you know, this program, over the last year and a half or so, has caused some concern from you and from us because we have not provided oversight in a manner that you require and a manner that this program deserves. Although there have been lots of questions raised about the funding and the contractual relationship with this group, again you will here about the value of this program. Rather than hold up this project because of some of those issues that have been raised, I am recommending that we proceed because we have in place some safe guards to assure you and assure the public that the money

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that Sedgwick County citizens will spend on this project will be monitored and accounted for appropriately.

"It seems to me that part of your task is to safe guard and manage resources of this community. There is no more important duty than that, than to be accountable to the community for these funds. We have, as you remember over the past several months, had some issues about contracts. COMCARE is involved, the Division of Human Services has well over 100 contracts with various agencies. Several months ago, Deborah Donaldson and I put together a contract monitoring program, to make sure that every contract is reviewed on more than an annual basis, routine and regularly, so that we are sure that we are getting the services that we have contracted for and that the contract provisions are in place. Tim Kauffman, who is the Director of Administration for the Human Services is responsible for that. I want now to turn this over to Chris Chronis, just to let you know what things are in place to assure you that these funds are accounted for appropriately."

**Mr. Chris Chronis**, Chief Financial Officer, greeted the Commissioners and said, "As the Manager noted, there have been some discrepancies in the past financial reports that we received from this organization. We are still working to clear up those discrepancies and we will report back to you in the next several weeks, once we've completed that process. In the meantime, I wanted to assure you that we have put safe guards in place, procedures in place to assure that, going forward, County funds are properly used and accounted for.

"The first of those procedures that we've put in place is that the Human Services Administration Director, Tim Kauffman, is going to review this organizations receipts and other financial records on a monthly basis going forward to assure that the money that we provide is spent properly and to identify any concerns about spending patterns of the organization quickly enough that we can take appropriate action before any damage is done.

"Secondly, we intend to pay against the contract on a quarterly basis and to adjust the payment amount, as needed, to limit the amount that we pay only to those legitimate expenditures that have been made. Third, Project Independence will be required to provide periodic income statements or other financial records to show us, to our satisfaction, that the County funding that is being used by the organization in relation to other funding sources, principally the State, is accounted for properly.

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"Finally, all invoices that are submitted by Project Independence will not be paid until they have been reviewed and approved by Tim Kauffman and he will also be reviewing and approving the supporting documentation that accompanies those invoices. He'll do that with assistance from me and the rest of the Finance Division. Now I'd like to have Debbie follow me and tell you about the value of the program, because it does have considerable value to this community."

**Ms. Deborah Donaldson**, Director, Division of Human Services, greeted the Commissioners and said, "As the Manager mentioned, this is a renewal of our contract with Project Independence. We've worked with Project Independence since 1993. This has been a really important program for our community. It is a consumer run organization that is managed and staffed by consumers. It is open in the evenings and weekends. This is a time when other services often are not available or, one of the problems that individuals with a serious mental illness deal with, is social isolation. This provides a way of meeting that need with peer support and individuals who have been through that. The consumer run organizations throughout the State do receive technical assistance from Wichita State University and Kevin Baumhoff is here today, from the university, to talk a little bit about that technical assistance and give you maybe a global more overall view of consumer run organizations and what they mean to the system of care that we have developed. I also would like to recognize Shelly Meadows, over here, who is the Executive Director of Project Independence. Welcome."

**Mr. Kevin Baumhoff**, Wichita State University, Self-Help Network Center for Community Support and Research, greeted the Commissioners and said, "Our Wichita State University center has been providing technical assistance and direct facilitation since last spring to Project Independence. We've been focusing on the following areas, expanding board involvement and establishing more shared leadership among the board members so it is not so centralized. More involvement means more accountability, more people involved with the process, more people that are looking over each others shoulder and supporting each other to make the right kinds of decisions and make sure the deadlines are met, et cetera."

"Improving communication with vendors, and we've been involved in working with both the State and COMCARE in the communication that Project Independence provides. Improving what is reported and the timeliness of those reports, since that has been a problem area. Improving accountability, both what

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is written in the contract, as well as including accountability, related to having a new accounting firm identified that would help them with payroll and with payment of bills. So, they have that outside resource which other C.R.O.s across the state have used as well. If you think about this, this is running a small business from top to bottom, managing your board of directors, managing your planning process, a managing staff, providing a service, paying taxes, paying bills. This is a complicated business that these individuals are pursuing. They need support in doing so and we have been providing that, not just to them, but to 16 other consumer run organizations across the state that find themselves with similar challenges.

"Project Awareness is one of those programs and there is a system-wide need for this kind of support. We are providing this support because it is a valuable service. It is provided locally, but it is also has a state-wide and national implication. That is in its relation to the recovery paradigm. While traditional services are vital to establishing wellness, it is now understood that recovery from mental illness is possible, when consumers are provided the following: opportunities to escape being defined totally as a client or a patient, opportunities to have a different role, I'm an employee, I'm a student, I'm a board member, I'm a volunteer. A new role to rely on. A new role to announce to others when they meet and a new role to identify themselves as. Opportunities to graduate and experience higher status or rewards as a result of their hard work. Also, to begin setting longer term goals for themselves. Also, to begin incrementally to experience reality feedback and not to be protected always by the service system. That is an incremental process of experiencing the reality of decisions that you make, the consequences of those, and to not be so overly protected by the service system that's there, sustaining or maintaining an individual. And, to have a fair chance to learn the skills and the expectations that facilitate escape from an ongoing dependence on mental health service system.

"In the 1990s, this was really a decade that we refer to now as neuromodulation. It was the time that we learned how to monitor the illness and get those symptoms under control. We think we're in a new decade. That new decade is neuroplasticity. What I'm saying is, the brain developing new ways to grow, meeting new challenges, and in fact recovering. We are looking at brains racked by mental illness growing new pathways, learning new skills, functioning at new levels, opening the chance for persons to make contributions to their own recovery and the recovery of others around them. Consumer run organizations, even those that have struggled, are now at ground zero of this challenge. They need to experience the struggle. They need to come back from it. They need appropriate levels of support, with balance and with accountability. Most of all, they need a real chance to prove themselves to others, that there is life after mental illness and that there's a future that is less dependent on traditional mental health services.

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"COMCARE also needs a chance to try to support cutting edge methods and helping people escape life-long dependence on mental health services, on their services. They really should be honored for their support of Project Independence. Even though they've struggle to help the Project be successful, if we don't, consumers, supporters, and COMCARE don't at least try to make a way for people to be something other than a patient, something other than a consumer, something other than a client, nothing really ever will change. I am available to answer any questions that you might have about our support of the project."

**Commissioner Hancock stepped out at 11:24.**

**Chairman Winters** said, "Thank you very much, Kevin. Welcome back to Sedgwick County for your presentation. We're glad you're here. Commissioner Sciortino has a question or comment."

**Commissioner Sciortino** said, "Kevin, did I hear you say that WSU has been providing these support services on how to work your budget and what have you since 1993?"

**Mr. Baumhoff** said, "Self-help Network has been providing various levels of support to support groups since 1993. In 1999, we began to have a contract with the State of Kansas to provide technical support, specifically to consumer run organizations across the state."

**Commissioner Sciortino** said, "So, did you provide this particular project with that support last year?"

**Mr. Baumhoff** said, "We began providing that kind of support last year, yes."

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

**Chairman Winters** said, "Thank you. Commissioners?"

**Commissioner Sciortino** said, "I have another question, but not of that gentleman. First of all, there's never been a question in my mind about this entity and the services it provides. Okay. So that's never been . . . I appreciate you all telling us how important this service is, but that has never been a question from the Bench, that these services are required, they are useful, they are helpful. I have some very close friends that fall in this general category of illness and I can see, first hand, where they benefit through some of these projects. My concern was, as I have already expressed to each of you individually, was in some of the financial handling of the monies. That was a concern with me. That will always be a concern with me, as long as I am a Commissioner, is to ensure the fact that, notwithstanding the quality of the work that

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we're trying to contract with, is that those monies are being spent properly. What I heard today from Mr. Chronis especially has given me the comfort level of knowing that, at least from this day forward, we've got those assurances. I'm especially gratified to hear that we'll be making payments on a quarterly basis, based on receipts that we receive in arrears. I like the fact that there will be the ability to get an income statement, because that will prove beyond a shadow of doubt that those figures are correct and I feel very comfortable now, based on what I've heard, to support the approval of this contract. Thank you."

**Chairman Winters** said, "All right, very good. Are there any other questions or comments?"

**MOTION**

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

Commissioner Sciortino seconded the Motion.

**Chairman Winters** said, "Is there any other discussion? Mr. Manager, do you have anything else regarding this item?"

**Mr. Buchanan** said, "No, sir."

**Chairman Winters** said, "Any other discussion? This is a motion to approve the contract amount with Project Independence and I believe that amount was \$55,650. We have a motion to approve that. Seeing no other discussion, Madam Clerk, call the vote."

**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, "I want to thank the staff for clarifying a number of issues. I think it has been a better process. I want to thank Kevin Baumhoff from WSU. I want to thank all the rest of you who

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were here to support this project. We do believe this is a good project and we believe maybe we have a bit of a better system in doing what we do, too. So, thanks to the staff and the others. Next item."

**2. AGREEMENT WITH FAITH VILLAGE, INC. TO PROVIDE DEVELOPMENTAL DISABILITY COMMUNITY SERVICE PROVIDER STATUS.**

**Ms. Donaldson** said, "Commissioners, this item relates to a new provider. In the program we call the Faith Village, Inc. The new provider is Bethesda, who has services that they provide in other states. They are taking over the operations of RISE, Inc., which has been a provider in our community. They will be providing services at this point, there is fewer than 30 folks, but we really welcome them to the community and we're looking forward to working with them. This is the new provider agreement that will allow them to provide those services and also allow them to participate in the DD finance plan. I would recommend your approval."

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

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

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**3. ADDITION OF ONE FIVE-PASSENGER VAN AND ONE TRANSIT VAN TO THE COMPREHENSIVE COMMUNITY CARE (COMCARE) FLEET.**

**Ms. Donaldson** said, "Commissioners, this particular item are two new vans to our fleet. The first one is a five-passenger van and that is for our crisis case management program that you approved several weeks ago. As you are aware, this is a program that does most of its work out in the community. So, this will be critical for them to be able to do their jobs. The other is a van for our children's program. We have found that families are a lot more comfortable if we can, in fact, transport children to group therapy or other activities other than sending a taxi or doing a caravan of personal cars. The amounts are \$32,000 for the five passenger van and \$20,000 for the transit van. Those are going to be paid for with State funds. I'd be glad to answer any questions."

**Commissioner Hancock returned at 11:28.**

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

**MOTION**

Commissioner McGinn moved to approve the additions to the COMCARE fleet.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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

### 4. ADDITION OF ONE PROJECT LEADER POSITION, RANGE 29, AND ONE ADMINISTRATIVE ASSISTANT POSITION, RANGE 18, TO THE COMCARE STAFFING TABLE.

**Ms. Donaldson** said, "Commissioners, these two new positions will be temporary positions. The project leader position will be a position that will oversee the new software for COMCARE, once that is selected, in terms of implementation. We received a very strong recommendation from the Division Director of Information and Operations, plus William M. Mercer, the consultant, saying this is really critical if you in fact are going to do your software well and have it operate the way we want it to. The second position, again, is a temporary position to help us keep current our new state data reporting requirements which we hope the new software will help us be able to do a more efficient way and, consequently, we're just asking for a temporary position on that interim. I'd be glad to answer any questions."

**Chairman Winters** said, "Debbie, when you say temporary, do you have an idea how long that temporary is?"

**Ms. Donaldson** said, "At this point, we are anticipating that actually the project leader position will probably be approximately a year and the second position will probably be approximately two years."

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

**Commissioner Sciortino** said, "Just as a follow up question, are we approving this one position for only 12 months and the other position for only, it has a sunshine law and it goes away and you have to come to us again if you wish to extend it, or what are we approving?"

**Mr. Buchanan** said, "If I may interject at this point, Commissioners. We have hired several contract managers, most of them have been on a contract for a year or 18 months. The anticipation is that position, when that project is finished, will go away. We think, although Ms. Donaldson suggested a year, some of us believe we don't have quite all the information in front of us to make this decision, but it might be as much as 18 months. That position will go away at that point. That determination will come back to you. This is for a year and, if we need to extend it for six months, we will get back to you sooner than later. But those positions will go away."

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

**Chairman Winters** said, "Okay, very good. Any other questions or comments?"

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

**5. APPLICATION TO KANSAS DEPARTMENT OF CORRECTIONS FOR FISCAL YEAR 2000 UNEXPENDED COMMUNITY CORRECTIONS GRANT FUNDS.**

**Mr. Mark Masterson**, Director, Department of Corrections, greeted the Commissioners and said, "Kansas Department of Corrections has announced availability of \$390,00 for distribution to local

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community corrections agencies to supplement this year's budget. We've prepared an application requesting \$51,231.50 to fund the anticipated growth in salary costs. The Community Corrections Advisory Board approved this application at their October 12<sup>th</sup> meeting. I am here today to ask for your approval to submit the application to the State. Be happy to answer any questions."

**MOTION**

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

Commissioner Gwin seconded the Motion.

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

**Commissioner Sciortino** said, "So, what we're saying is that in the fiscal year 2001 budget that we've already approved, \$50,000 in anticipated salary increases were not part of the budget."

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

**Commissioner Sciortino** said, "Okay. And if this doesn't get approved, then they wouldn't get the raises, is that right?"

**Mr. Masterson** said, "If this isn't approved and if reclassifications of positions is approved, we would have to absorb that growth within the current State budget."

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

**Chairman Winters** said, "Thank you. Other questions? We have a motion. Seeing no other questions, call the vote."

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye
Commissioner Carolyn McGinn	Aye



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Commissioner Gwin seconded the Motion.

**Commissioner Gwin** said, "What about Fat Tire Beer?"

**Chairman Winters** said, "John, we have a motion and second to approve Item J, but why don't you describe the second part of that."

**Mr. Nath** said, "The second part of that is with the Fat Tire Beer Company, which is distributed through AB Sales. Fat Tire is a microbrew. It is a heavier, dark, sweeter beer. It is a very good product. If you'd like to come out and visit us we will be happy to arrange for some sampling. They are going to become one of our advertising partners. We are going to feature their product at certain stands. We recommend approval. It helps us bring another variety of product to our customers."

**Chairman Winters** said, "Very good. We have a motion and a second to approve Item J-1 and both of the contracts. Are there any questions? Seeing none, call the vote."

**VOTE**

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

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

**2. MONTHLY REPORT.**

**Mr. Nath** said, "The report for September 2000, September is a month generally when we start getting ready for our season, which traditionally starts in October. This year was really no different. We started

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out with the Kansas Saddle Horse Show, which is a reoccurring show that we do all the time. We had the Kansas Junior Livestock Show, which is one of our favorite events with the kids out there. We also had Mid America Flea Market with over 4,000 people in attendance this year.

"There are some things that we always do. We have to put things back together. We have to change light bulbs. We have to make sure equipment works for the start of the hockey and the soccer seasons. So, we test the ice floor and make sure we have no problems with that equipment and we completely go over our scoreboard. This is a 16 year old piece of equipment that we've kept in tip top running condition. But it requires some maintenance. We have to get up there and we've got some older technology involved with that. That is just one of the things we need to do. The terminology is lower, rather than drop the scoreboard.

"Also we had on the ticket front a very, very busy month. If you recall, we put Elton John on sale last January. Tremendous demand for tickets. We ended up selling about 9% of the total house by Internet. Internet is where ticketing is going, all across this country. Our previous agreement, that we agreed to in August with Net Vision, Net Vision completely rewrote the interface to our Select-A-Seat ticketing on the Internet. We had two shows go on sale, the Dixie Chicks and Creed. While both shows sold out, it is interesting to see where the ticket sales went. Dixie Chicks sold out in an hour. The Creed concert also sold out but it didn't sell out until the day of the show, so those tickets were on sale for a month. So it is really interesting to see how it works. With the Dixie Chicks you could see 33% went by Internet. We had about 6% by phone. It's because all those folks who would normally call by telephone just went to their computers instead. The outlets again, a heavy, heavy issue. Only 17% of the tickets for the Dixie Chicks were sold at the Kansas Coliseum. People went to the outlets, they went to the convenience, and that's how they got it. The Creed was a little bit different. As you can see, we still had a heavy phone usage, heavy Internet usage, but the outlets for the brunt of those tickets was only 4% out at the Coliseum.

"It is interesting to see how that works. But the system itself, traditionally where people used to go to the box office to buy tickets is no longer the rule. People go to the outlets. They get them in advance and if they want the tickets to, like a Dixie Chicks show, they get them on the Internet. That is where all our

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business is going to. We hope to come to you, in the near future, with some plans on improving that through some new software acquisitions so we can go real time on the Internet so people could sit at home on their computer and actually pick the seat they sit in, go to our web site to see the view of what the stage looks like from where they're sitting. That is some stuff that we are going to be bringing to you.

"We probably don't say this enough. I don't think we say this enough. The Coliseum is one of the few facilities in the country of any capacity of any size that does not require taxpayer support for operations. We've done that consistently, but we don't do it all by ourselves. We have to have help in that. We have partners and we have promoters and we have clients that help us do that. So, as a way to recognize that help and to kind of recognize those partners, we had the Kansas Coliseum Invitational this year. We put on a golf tournament. We invited our partners, our media partners. We invited our clients, the promoters. We invited the corporate partners that currently supply a quarter of a million dollars of revenue to us each year. We had a great time. First we had some duffers involved out there on the course. We even had some beer babes. The winning team was comprised of some media folks, the U.S. Army, which is a client of ours, and Papa John's Pizza. It was a great time. It gave those folks a chance to network with each other and it gave us a chance to say thank you for helping us be successful. That is the end of the report. If there are any questions, I'd be happy to answer them at this time."

**Chairman Winters** said, "All right, thank you very much. Commissioners, other questions or comments of John?"

### **MOTION**

Commissioner Hancock 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

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

**Chairman Winters** said, "Good report, John. Thank you. Next item."

**K. RECLASSIFICATIONS AND REALLOCATIONS.**

**POWERPOINT PRESENTATION**

**Ms. Jane Moralez**, Compensation Specialist, Division of Human Resources, greeted the Commissioners and said, "I'm here today to present to you the second quarter reclassifications and reallocations. During the second quarter of 2000, we looked at 205 ½ positions. Fifty-nine positions of those are recommended for reallocation. Twenty-seven positions are recommended for reclassification. Seventy-seven positions are recommended to be retained at their current classification and 46 ½ positions are reallocated in the 2001 budget.

"The process that we use for reclassification is that we survey the public sector. We have a list of benchmarks that we use and we send out salary surveys. We also perform a classification study, which includes a questionnaire, interviews with the incumbent and supervisor, and also evaluating the position using the Sedgwick County position management plan.

"We have a compensation study schedule, where we look at all the classifications within Sedgwick County. Currently, we have about 483. We try to look at a quarter of those each year, which is 161. As you can see, we have looked at more positions than we are required to look at. We've looked at this year, 289 ½ positions. One hundred five positions were denied reclassification, seven were deferred, 5 ½ are included in the 2001 budget, and 122 positions are either recommended for reclassification or reallocation. The budget impact for 2000 is \$77,857, and for 2001 is \$159,617. I'd be available to answer any questions."

**Chairman Winters** said, "All right, thank you, Jane. Commissioners, are there questions or comments? Commissioner Sciortino?"

**Commissioner Sciortino** said, "So these reclassifications are going to be retroactive back to the second

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quarter?"

**Ms. Morales** said, "To the beginning of the third quarter, which is July the 1<sup>st</sup>."

**Commissioner Sciortino** said, "Okay, but what does second quarter impact mean?"

**Ms. Morales** said, "That is the reclassifications and studies we did during the second quarter, which would have been from April through the end of June."

**Commissioner Sciortino** said, "So that \$77,000 doesn't impact the second quarter."

**Ms. Morales** said, "No, it doesn't. The third quarter and fourth quarter."

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

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

**MOTION**

Commissioner Hancock moved to approve the reclassifications and reallocations.

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, "Jane, I know that is a lot of work to look at that many job reclassifications. We appreciate your efforts in being our expert on classifications. Good job. Next item."

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**L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' OCTOBER 12, 2000  
REGULAR MEETING.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "On the behalf of the Board of Bids and Contracts, you have the Minutes before you of the meeting of October 12th. The following items are being submitted for your approval. They are as follows.

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

"Software licenses for the Division of Information and Operations. Accepted the low bid of Software Spectrum for \$44,528.

**(2) IMAGING HARDWARE & SOFTWARE - DIVISION  
INFORMATION/OPERATIONS  
FUNDING: DIVISION OF INFORMATION AND OPERATIONS**

"The second item is imaging hardware and software for the Division of Information and Operations. Accepted the sole source quote of Automated Business Systems for \$139,725.

**(3) REPLACE MUNGER BUILDING BOILER - FACILITY PROJECT SERVICES  
FUNDING: FACILITY PROJECT SERVICES**

"The third item is to replace the Munger Building boiler. Accepted the low bid of JWC Plumbing and Piping Systems for \$61,500.

**(4) TAX FORECLOSURE & TITLE SEARCH - FINANCE  
FUNDING: DIVISION OF FINANCE**

"The fourth item is tax foreclosure and title search for Finance. Accepted the only bid received from Columbian Title for \$46.50 per item, approximately 908 items for consideration there.

**(5) BANKING SERVICES - DIVISION OF FINANCE  
FUNDING: DIVISION OF FINANCE**

"The fifth item is banking services for the Division of Finance. Accepted the contract extension and

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modification with Union National Bank, for an approximate value of \$150,000.

"The recommendation is approval of these items as presented by the Board of Bids. I'll attempt to answer any questions that you might have."

**Chairman Winters** said, "Thank you. The only question is the name of the bank. I think you said UNB and that's United Missouri Bank, is that not right. United Missouri, not Union National. Those banks change their names too often. This is with United Missouri Bank. Commissioners, other questions or comments?"

**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	Aye
Commissioner Ben Sciortino	Aye
Chairman Thomas G. Winters	Aye

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

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**CONSENT AGENDA**

**M. CONSENT AGENDA.**

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

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V2073	\$102.00	5	Cottage Grove
V2088	\$22.00	5	Cottage Grove
V2095	\$147.00	5	Helms Rental Properties
V20100	\$299.00	5	Cottage Grove
V20102	\$349.00	5	Cottage Grove
V20103	\$450.00	5	Helms Rental Properties
V20104	\$289.00	5	Cottage Grove
V20105	\$225.00	4	Floyd A. Goerzen
V20106	\$436.00	4	Floyd A. Goerzen
V20107	\$211.00	5	Cottage Grove
V20108	\$242.00	2	Village Green Apts.
V20109	\$191.00	2	Country Walk Apts.

**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>
V94101	\$179.00	\$250.00
V99070	\$288.00	\$340.00
V99075	\$217.00	\$500.00
C95037	\$350.00	\$302.00
V2066	\$231.00	\$660.00

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- 3. Agreements (five) with Advantage Home Care, Inc., Life Patterns, March, Inc. dba Assisted Healthcare, Moving Solutions and Special Care Services, Inc. to provide Developmental Disability Community Service Provider status.**
- 4. Notice of Public Hearing on December 13, 2000 regarding a petition for annexation presented by the City of Valley Center.**
- 5. Order dated October 11, 2000 to correct tax roll for change of assessment.**
- 6. General Bills Check Register of October 13, 2000.**
- 7. Payroll Check Registers of October 13, 2000.**
- 8. Budget Adjustment Requests.**

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

**MOTION**

Commissioner Hancock moved to approve the Consent Agenda as presented.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

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Chairman Thomas G. Winters                      Aye

**Chairman Winters** said, "We do not have a Sewer or Fire District Meeting today. Is there other business to come before this Board?"

**N.     OTHER**

**Commissioner McGinn** said, "Yes, Mr. Chairman."

**MOTION**

Commissioner McGinn moved that the Board of County Commissioners recess into Executive Session for 45 minutes to consider consultation with Legal Counsel on matters privileged in the Attorney Client relationship relating to potential litigation, legal advice, and personnel matters of non-elected personnel, and that the Board of County Commissioners return from Executive Session no sooner than 12:31 p.m.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "We are recessed into Executive Session."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:47 a.m. and returned at 1:19 p.m.**

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**Chairman Winters** said, "We are back in session of the Regular Meeting of October 18th. Let the record show that there was no binding action taken in Executive Session. Is there anything else Mr. Euson? Anything else, Commissioners? We're adjourned."

**O. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 1:19 p.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

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ATTEST:

\_\_\_\_\_  
**James Alford**, County Clerk

APPROVED:

\_\_\_\_\_, 2000