

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

### **REGULAR MEETING**

**December 13th, 2000**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday,, December 13<sup>th</sup>, 2000 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem Carolyn McGinn; Commissioner Betsy Gwin; Commissioner Bill Hancock; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Kayetta Rea, Tax Foreclosure Technician, County Treasurer's Office; Mr. Paul Rosell, Chief Deputy County Clerk; Mr. Doug Russell, Director, Division of Human Resources; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Irene Hart, Director, Division of Community Development; Mr. Glen Wiltse, Director, Code Enforcement Department; Mr. Clarence D. Holeman, Assistant County Counselor; Major D. Bardezbain, Sheriff's Department; Mr. Phil Rippee, Risk Manager; Ms. Kathleen B. Sexton, Director, Division of Information and Operations; Ms. Stephanie Knebel, Manager, Facility Project Services; Mr. Jim Osterlund, Project Manager, Facility Project Services; Ms. Jane Moralez, Compensation Specialist, Division of Human Resources; Mr. John Nath, Director, Kansas Coliseum; Mr. David Spears, Director, Bureau of Public Works; Mr. Jerry Phipps, Senior Buyer, Purchasing Department; Ms. Allison Ohlman, Communications Coordinator, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Mr. Chris Anderson, Member, Metropolitan Area Planning Commission.  
Ms. Elaine Mitchell, Sheriff Major, Sheriff's Department.  
Mr. Michael Pisciotte, City Administrator, City of Valley Center.  
Mr. Chris Anderson, Member, Metropolitan Area Planning Commission.  
Mr. James Truman, Mayor, City of Valley Center.  
Mr. Tim Norton, Mayor, City of Haysville.  
Mr. Jim Gregory, Director of Corporate Affairs, Raytheon Aircraft Company.  
Mr. Bruce Armstrong, President, Haysville City Council.

### **INVOCATION**

The Invocation was led by Mr. David Kimble of Bahai, Trees for Life.

### **FLAG SALUTE**

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**ROLL CALL**

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

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

**CONSIDERATION OF MINUTES:** Regular Meeting, November 22, 2000

The Clerk reported that Commissioner McGinn was absent at the Regular Meeting of November 22<sup>nd</sup>, 2000.

**Chairman Winters** said, "Commissioners, you've had an opportunity to review those Minutes. What's the will of the Board?"

**MOTION**

Commissioner Gwin moved to Approve the Minutes of the Regular Meeting of November 22<sup>nd</sup>, 2000.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

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### YOUR COUNTY SERVICES

#### A. TREASURER'S OFFICE.

**Chairman Winters** said, "Each week, we take an opportunity from somebody from various departments around the County to explain a bit about what their department does. Today we're going to hear from the Treasurer's Office. Do we have somebody from the Treasurer's Office here this morning. Certainly, come forward. Good morning."

**Ms. Kayetta Rea**, Tax Foreclosure Technician, County Treasurer's Office, greeted the Commissioners and said, "Our County Treasurer, Jan Kennedy, has just been re-elected to serve her second term as Treasurer, and our Chief Deputy Treasurer is Ann Smarsh.

"The Treasurer's primary function is to collect real estate, personal property taxes and special assessments. Then we distribute such revenues to the City, the townships, the schools and other taxing jurisdictions. The Treasurer also functions as a bank for all revenue gathering County departments. The Treasurer's Office sends out approximately 190,000 real estate statements and 46,000 personal property statements annually, for a total revenue of \$340,000,000.

"There are 18 full-time employees in our office and we are divided into three departments. I supervise the tax department. We are primarily the customer service area of our office. We assist citizens on the phone, and in person, with tax questions quotes or problems and do any research of payment histories as needed.

"We correspond with public and answer questions from mail and Internet questions. We accept and process tax protests and we work with other County departments to coordinate County tax foreclosure processes.

"Vickey Horton supervises the cashiers and tellers. They post the payments to the taxpayer account and issue receipts and issue tax refunds as needed. They also accept deposits from other County departments and process returned checks for the County.

"Carol Poe supervises the accounting department. They compile and audit daily summaries of financial

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transactions. They perform bank reconciliations for the main operating bank account and they distribute these funds collected to the local taxing units.

“We are really excited about our new, future plans to remodel our office, moving towards a one-stop shop for County citizens. In addition to the services we now offer, we will have stations for traffic and court collections. Construction is planned to begin on May 1<sup>st</sup> of 2001.

“We’re in the process of getting a new remittance processor. This piece of equipment will endorse and encode all checks that go through our office, saving the County bank fees that they charge for these services. It will process tax statements much more efficiently than we can do manually. The new equipment will also image all checks and documents, making research much easier and faster than our current microfilm system does.

“In addition to our normal duties, our office is involved in a major mapping project. Ann Smarsh, our Chief Deputy, has been coordinating a team of employees from our office and other County departments on a project to remap the entire County, assigning taxing units for distribution of taxes collected on vehicles.

“Thank you for inviting me here today to give you a brief summary of our office’s duties in the Treasurer’s Office. We can be reached at 383-7707 or 383-7414 or by inter-mail through the County’s website. Thank you. Anyone have any questions?”

**Chairman Winters** said, “All right, thank you. Could you remind us again, and the public, where the sub-tag stations are located, if citizens want to utilize those sub-stations as opposed to coming downtown?”

**Ms. Rea** said, “Yes. We have one in Derby, and I’m sorry, I don’t know the address. We have one at Brittany Center, which is at 21<sup>st</sup> and Woodlawn and then we also have one out west, at 21<sup>st</sup> and Maize, our new facility in . . . I’m not sure. At 21<sup>st</sup> and Maize.”

**Chairman Winters** said, “I had an opportunity to use that facility to purchase my last tag and it was very efficient and it looked very . . . it’s a very nice facility. It looks well and has plenty of room, and so people like me, who wait til the end and the line wasn’t too bad and it moved relatively fast. So, Commissioners, are there any other questions of the Treasurer’s Department? We thank you very

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much for sharing that information from one of the elected officials here at the County. Commissioners, do I have a motion to receive and file?"

**MOTION**

Commissioner Hancock moved to Receive and file.

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."

**APPOINTMENTS**

**B. APPOINTING RESOLUTIONS (TWO).**

- 1. RESOLUTION APPOINTING CHRIS ANDERSON (COMMISSIONER HANCOCK'S APPOINTMENT) TO THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION.**

**Mr. Richard A. Euson**, County Counselor, greeted the Commissioners and said, "This is a resolution that would appoint Chris Anderson to a term on the MAPC which would expire in August of next year. The resolution is in proper form and I would recommend it for your approval."

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**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, “And Chris Anderson is here and if someone . . . is there someone from the Clerk’s Office. Yes, here’s Deputy Clerk Paul Rosell to swear in Mr. Anderson.”

**Mr. Paul Rosell**, Deputy Clerk, County Clerk’s Office, said, “Please raise your right hand.

*“I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the office of Metropolitan Area Planning Commission.”*

**Mr. Chris Anderson**, Member, Metropolitan Area Planning Commission said, “I do swear.”

**Mr. Rosell** said, “Congratulations.”

**Mr. Anderson** said, “Thank you.”

**Commissioner Hancock** said, “Mr. Chairman, I’d just want to take the time to thank Mr. Anderson for agreeing to serve on the MAPC. It’s a hard, difficult, thankless job and sometimes I wonder how citizens have the time to do such things. But it’s a great service to the community and I really appreciate Chris taking the time to do it. Thank you very much.”

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**Chairman Winters** said, "We certainly all share those comments. Okay, next item."

**2. RESOLUTION APPOINTING ARNEATHA MARTIN (BOARD OF COUNTY COMMISSIONERS' APPOINTMENT) TO THE WICHITA-SEDGWICK COUNTY BOARD OF HEALTH.**

**Chairman Winters** said, "Commissioners, it's my understanding that we're not prepared to proceed yet with the appointment of the person to the Wichita/ Sedgwick County Board of Health."

**MOTION**

Chairman Winters moved to defer the item.

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, "Commissioners, the next items are the retirements. I'm going to move down to the front. So, Lisa, if you'd wait just a moment and I'll be down there."

"All right. Madam Clerk, will you call the next item."

**RETIREMENT PRESENTATIONS**

**C. RETIREMENT PRESENTATIONS.**

**1. PRESENTATION OF RETIREMENT CLOCK TO PHILLIP CHAMBERS,**

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**CONSTRUCTION/MAINTENANCE SUPERVISOR, PUBLIC WORKS.**

- 2. PRESENTATION OF RETIREMENT CLOCK TO ELAINE MITCHELL, SHERIFF MAJOR, SHERIFF'S DEPARTMENT.**
- 3. PRESENTATION OF RETIREMENT CLOCK TO BONNIE KERR, PURCHASING TECHNICIAN, PURCHASING DEPARTMENT.**
- 4. PRESENTATION OF RETIREMENT CLOCK TO FRANKLIN WHERRY, DEPUTY SHERIFF, SHERIFF'S DEPARTMENT.**
- 5. PRESENTATION OF RETIREMENT CLOCK TO CAROLYN HOLM, FISCAL ASSISTANT, AUTO LICENSE.**

**Chairman Winters** said, "Would all of those folks that are here please come on up and join me at the front of the room.

"I don't believe Phillip Chambers is here with us this morning but these five, if Phil was here, employees represent 129 years of service to Sedgwick County. And all of them have either advanced through their department or they've moved from one department to the other, and to me I think they represent the fact that we do have a lot of people who have a career at Sedgwick County that they think is important and they believe that their service to the public is a job and a career that they think is worth keeping and staying with for the long term.

"So, as we begin this presentation of these retirement clocks, I certainly want all of us to keep in mind the importance of institutional knowledge that people hold and the importance of passing that on to our co-workers and making sure that we all, then, are able to provide excellent public service. So, with that I'll ask Doug to start by passing out these . . . I'll do that. Doug, you say a few words about each one of these people and I'll give them the certificate and the clock."

**Mr. Doug Russell**, Director, Division of Human Resources, greeted the Commissioners and said, "Thank you, Mr. Chairman. This is humbling to look down this list and to see that the baby has 14 years. Carolyn Holm is a Fiscal Assistant in Auto License and will retire on January 1, 2001, after 14 years of service. Carolyn was hired on July 14<sup>th</sup>, 1986 as Senior Office Aide, promoted to Office Assistant on October the 2<sup>nd</sup> of 1989 and to Fiscal Assistant on January 1, 1992. So, 14 years."

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**Chairman Winters** said, "Carolyn, thank you very much. And on behalf of the Board of County Commissioners and the citizens of Sedgwick County, we'd like to present this certificate and this clock. We wish you the very best in your retirement and thank you for your work for Sedgwick County. Would you like to make a comment?"

**Mr. Russell** said, "Let's see, Bonnie Kerr, Purchasing Technician in the Purchasing Department, will retire on January 1, 2001 after 27 years of service. Bonnie was hired on July 23, 1973 as a Clerk in Auto License, became a Clerk II on June 10, 1974. This is so HR (Human Resource) sounding, ones and twos and all that. Became an Office Assistant on January 1, 1978. Promoted to Administrative Assistant on September 17<sup>th</sup>, 1980. Transferred to Purchasing October 28<sup>th</sup>, 1985, as a Fiscal Assistant, and was promoted to Purchasing Technician on January 1 of 2000. So, 27 years."

**Chairman Winters** said, "Bonnie, on behalf of the Board of County Commissioners, we'd like to present this certificate and a clock. Kind of an interesting story. I knew Bonnie before I was in this position. As I mentioned earlier, at the beginning of the Meeting, I do some things well. But going and buying my tags is not necessarily one of them. I first met Bonnie when she was in the Tag Office dealing with fleets and I was one of those people that would always, probably traditionally, come in towards the end of the time period. Bonnie was always very courteous, nice and did an excellent job in dealing with the fleets, as they purchased their tags. So, that was where I first met Bonnie Kerr, so I was glad to reacquaint myself with her, as she has worked in the Purchasing Office and has done a fantastic job for Sedgwick County over these many years. Bonnie, we'll certainly miss you, but we wish you the best. So, on behalf of the Board of County Commissioners, the citizens, the folks in Sedgwick County, we'd like to present you this clock and this certificate. So, thank you for all of those years and best wishes."

**Mr. Russell** said, "Bonnie, nothing to say? Wow. Franklin Wherry is a Deputy Sheriff in the Sheriff's Department and will retire on January 1 of 2001, after 26 years of service. Wow, things have changed a bit here. Franklin was hired August 13<sup>th</sup>, 1974 as a Jailer and promoted to Deputy Sheriff on October 24<sup>th</sup>, 1977. So, 26 years of service in Sedgwick County."

**Chairman Winters** said, "Frank, we also certainly want to extend our appreciation and congratulations to you on your retirement. I kind of make these remarks for both you and Elaine. I think, as a County Commissioner, one of the things that we take most responsibly and think about very seriously is public safety and those of you who have spent your career in law enforcement and are currently in law enforcement really do hold a huge responsibility and we realize that. And we realize

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that your job is probably no fun. We certainly wouldn't call it the department that one would most look for having a fun time. You deal with a lot of different and various kinds of problems. And we certainly, as a Board of County Commissioners and our citizens, appreciate the work that you do. So, Frank, a certificate from the Commissioners and this clock. It's really a token of our appreciation from the Board of County Commissioners and the citizens of Sedgwick County. We do appreciate the work that you have done. Would you like to make a comment? Thank you very much."

**Mr. Russell** said, "Okay, certainly last but not least, Elaine Mitchell, Sheriff Major at the Sheriff's Department will retire January 1, 2001 after 28 years of service. Elaine was hired on May 5<sup>th</sup> 1972 as a Clerk I, at the Clerk of the Court Common Pleas Office. Wow, all these . . . I haven't heard this many things since channel 2 in the last week. Became a Records Clerk in the Sheriff's Office on April 1, 1974. Senior Office Assistant on November 26<sup>th</sup> of 1979. Promoted to Deputy Sheriff on July 8<sup>th</sup>, 1985. Promoted to Sergeant on January 20<sup>th</sup>, 1990 and I think you were in the training room there, as I recall as well. Promoted to Lieutenant on February 18<sup>th</sup>, 1996. Promoted to Captain on February 16<sup>th</sup>, 1998 and was promoted to Sheriff's Major on July 1, 1999. So, Elaine Mitchell."

**Chairman Winters** said, "Elaine, also on behalf of the Board of Sedgwick County Commissioners and the citizens we want to make these as tokens of our appreciation of your work. In following your career, as Doug has outlined it, you have done a fantastic job. And, you know, I'm not exactly sure of the details. I think it's safe to say I believe the first woman sergeant in the Sedgwick County Sheriff's Department. Highest ranking woman in the Sheriff's Department. We think and we hope that we'll continue to see those kinds of advancements for others. We hear about glass ceilings. We think that you've probably broken this one and it will be more advantageous for others to follow in your footsteps. You have been a real asset to Sedgwick County, to the Sheriff's Department and to the citizens. As I said to Frank, again, public safety is something that we, as local elected officials, think is one of our most serious responsibilities. So, we appreciate all of the work that you've done over these years.

"Now, none of the other retirees have made any comments, so we'd like for you to make a comment

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or two. Come right over here to the microphone.”

**Ms. Elaine Mitchell**, Sheriff Major, Sheriff’s Department, greeted the Commissioners and said, “Of course, I love to talk, so it doesn’t bother me. I would like to thank everyone. I feel like I’ve spent my whole life in the Sheriff’s Department. I can’t imagine life without it but I’m going to find out. They tell me there’s life after the Sheriff’s Department. We’ll see. I’ve already got two trips planned, so I’m going to travel. I’ve already got the tickets and everything. So, I’m real excited and I thank you very much.”

**Chairman Winters** said, “All right, thank you, Elaine. All right, if we just take a few minutes, I’ll get back up to the front and if most of you are here just for the retirements . . . that was all of the retirements, right?”

**Mr. Russell** said, “One thing I did want to mention, Mr. Chairman, because this is interesting, if Mr. Chambers had been here, there’s a picture of him on his first day of work. I thought you’d enjoy that. I’ll go ahead and just do this. Mr. Chambers, Phillip Chambers, has done 34 years with Sedgwick County. That’s quite a while. Huh, David? He was Construction Maintenance Supervisor at Public Works and will retire January 1, 2001 after 34 years of service. He worked his way up through Public Works, and got into supervision in November of 1980. And it’s kind of neat. So, he’s got a picture of himself on his first day of work. He was like a 19 year old kid. So, that should be pretty cool.”

**Chairman Winters** said, “All right, we’ll see that he gets his certificate and his clock. One of the things that I was going to ask Mr. Chambers is how many days like today was he out involved in clearing the roads for citizens of Sedgwick County and I’m sure it was several. David, would you like to make a comment?”

**Mr. David C. Spears, P.E.**, Director, Bureau of Public Works, greeted the Commissioners and said, “Just a brief comment about Phil. He’s a great employee, super guy. I did want to say, he started at the East Yard and he finished at the East Yard. His entire career was out at our east maintenance yard.”

**Chairman Winters** said, “All right, well, thank you very much. Madam Clerk, don’t call the next item until I get back. We’ll take a moment.”

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**Commissioner Gwin** said, "How nice it was to see the Meeting Room filled with co-workers and friends for all the retirees. Thank you all for taking a few minutes to spend some time with us."

**Chairman Winters** said, "All right, Madam Clerk, we'll go ahead and call the next item."

### **PUBLIC HEARINGS**

#### **D. PUBLIC HEARINGS (TWO) REGARDING ANNEXATION REQUESTS.**

##### **1. CONTINUATION OF PUBLIC HEARING REGARDING ANNEXATION REQUEST BY THE CITY OF MAIZE, KANSAS.**

**Mr. Robert W. Parnacott**, Assistant County Counselor, greeted the Commissioners and said, "The first item we have is continuation of a public hearing regarding the annexation request by the City of Maize. We have continued it in order to obtain some additional information from staff and I believe we've obtained all the information that we're going to at this point. I don't know if we have anybody else here to speak on this matter."

**Chairman Winters** said, "All right, Mr. Euson, you maybe need to walk me through this. Should we reopen the public hearing? Ask for any other comment?"

**Mr. Euson** said, "This is a continuation of the public hearing that has been continued. You can say you're reopening it if you wish, to make that clear and receive any comments and if you do close the public hearing then you do have seven days to make a decision."

**Chairman Winters** said, "All right. Commissioner McGinn, do you have a comment before we begin?"

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**Commissioner McGinn** said, “Oh, I have some comments, but I want to see if we have anybody here that would like to continue to speak in the public hearing and then I’ll make my comments.”

**Chairman Winters** said, “All right. Is there anyone here who would like to address the Board of County Commissioners regarding our Item D-1, the annexation near Maize? Is there anyone here who would like to address the Commissioners on this item? I see no one today. We would be reminded that the City of Maize has made a presentation in the past and a number of property owners in the effected area have visited with the Board of County Commissioners at a previous public meeting. I see no one. All right, I see no one here to speak to this issue. Should we . . . Commissioner McGinn has some comments. I guess, maybe we need to hear them before we make any decision on the public hearing and what we should do next.”

**Commissioner McGinn** said, “Thank you, Mr. Chairman. I know the City of Maize has worked very hard in trying to grow as a community and I certainly support that growth, as long as it’s proper and orderly growth. I’ve talked to them about a number of different items. Fourteen point criteria that they need to kind of walk through and . . . when they do this type of annexation. And we found that there were some things that were incomplete and so, I’m a little bit slow to want to move forward on this at this time. But, the other thing that’s kind of weighed on my mind is this did go before the Metropolitan Area Planning Commission and I’d just like to read, for the record, their comment on this. I don’t think that they wanted to move forward in the manner in which it was set up at that time and they made a suggestion. So, ‘for the purpose of equity, the Wichita/ Sedgwick County Metropolitan Area Planning Commission recommends that the proposed annexation area be extended further to the west, to 119<sup>th</sup> Street. This recommendation was made on a Motion, after testimony from land owners, who indicated that they thought that it was unfair that they were being annexed when others could also be annexed.’

“So, I don’t know if we want to just close the public hearing and make that decision next week or if we want to make the decision today. But I’d say, based on incomplete information, I don’t think I can move forward in the manner that it’s presented to us today.”

**Chairman Winters** said, “All right, thank you. Well, I would support that. And I guess I would say too, to the City of Maize, I think if we had additional information that really followed along the issues that we believe needed to be addressed, that this, at a later time, could be a possibility. That they need to reconsider it and come back. I don’t think that my voting no today would mean that forever and

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ever I don't think this would be a proper annexation to reconsider. I believe there are some things there, but I just don't think we've got enough information to make a good decision."

**Commissioner McGinn** said, "Mr. Chairman, I would concur with that. This community, I know they do need to grow and they are trying to grow in a proper manner. I just think that some of the things are a little bit incomplete and perhaps they need to take another look at it. So, I agree, that in the future that maybe we can do something."

**Chairman Winters** said, "All right, Mr. Euson, what's your suggestion? That we go ahead and take action on this today or run seven more days or . . .? I think we're prepared to vote on this today, Commissioners, unless someone else has a comment."

**Commissioner Sciortino** said, "I was just going to say, we've carried this over now and I would feel comfortable . . .let's close the public hearing and I don't know that we shouldn't just go ahead and take action on it today."

**Chairman Winters** said, "All right, Mr. Manager, do you have comments on this? I think we're about to close the public hearing and take action. But if you've got thoughts?"

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "In a discussion with the City Administrator of Maize, Carol Bloodworth, you need to be aware that Maize is prepared to voluntarily withdraw the application. So, your action today they would support. It's not a . . . they understand that there has been some flaws in the process. They understand that, in fact, if there were an opportunity for them to annex property without your assistance, then they're prepared to do that and then they're prepared to come back to us, as the Metropolitan Area Planning Department suggested with a different sort of a boundary. So, I didn't want folks to not understand that this is not an issue that we're in conflict about. That, in fact, the City Administrator has agreed and was, had the weather been better earlier in the week, I suspect that the Maize City Council would have gotten together, but it was canceled and there's some indication that that's exactly what they'll do the next time they meet."

**Commissioner McGinn** said, "Just some clarification. So, are you saying we should close and wait the seven days, or do you think we could just go ahead and take action and everything would be fine with Maize?"

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**Mr. Buchanan** said, "I think you can close and take action and all indications with . . . they understand this is going to be open. They intended to submit the paperwork to withdraw it. Because of the weather, Monday, their meeting could not be done."

**Chairman Winters** said, "So, they're going to use a different strategies, from this point on, if they reconsider this. All right, Commissioner Gwin."

**Commissioner Gwin** said, "Thank you, Mr. Chairman. In looking at this statute and how it affects cities and property owners about to be annexed, it's the Board's challenge to determine whether or not manifest injury would occur if the city's not allowed to annex and/or if the city does annex the property owners. And I think, in some of our backup, it was pointed out by staff that Maize really didn't show a very good job of the manifest injury would occur to them if it weren't approved. They sited involving drainage problems or creating water supply and I don't know that those two things would be limited if they weren't able to annex. I would think they could proceed with some of those strategies, without having to annex this one."

"And then on the side of the folks being considered to be annexed, I think they more readily showed potential for manifest injury, particularly since they weren't going to receive services in a timely manner. We never got that from the City of Maize. And secondly, that particularly those with agricultural interests, that they may very well be impacted more so than some of the residential properties. And so, based upon looking at those, the criteria and determining where manifest injury may occur and may not occur, it would seem to me, I would cite that I don't believe Maize would suffer from not being able to annex. So, I could certainly . . . I would support denying their request."

**Chairman Winters** said, "All right. I don't know if we need to official close the public meeting, but we will close the public comment and other comment portion. Commissioners, what's the will of the Board?"

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**MOTION**

Commissioner Gwin moved to deny the annexation in full.

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, “And I think that if we do need to work with City of Maize in the future on solving some of their issues, I hope they realize that we certainly want to try to do that the best we can and we’ll be helpful if at all possible. Madam Clerk, call the next item.”

**2. PUBLIC HEARING REGARDING AN ANNEXATION REQUEST BY THE CITY OF VALLEY CENTER.**

**Mr. Parnacott** said, “Before I address that request, I would like to mention that the statute does require the decision of the Board be entered into a resolution and the resolution be sent by certified mail. So, we will have to prepare a resolution for your signature on the Maize annexation.

**Chairman Winters** said, “All right. Thank you.”

**POWERPOINT PRESENTATION**

**Mr. Parnacott** said, “The next item is also a K.S.A. 12-521 annexation request, much like the Maize annexation request. We have a map up on the screen to show you the area we’re talking about that the City of Valley Center has petitioned us to approve these two annexations. The petition was filed on October 10<sup>th</sup>. Following that, we provided notice, by certified mail, to land owners. There are two different land owners involved. We also published notice on November 30<sup>th</sup> in the Ark Valley News.

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The publication and the notice included legal descriptions and a map, showing essentially these two tracts, where they are.

“The reason we’re . . . this is a 12-521 County approved annexation is both of these tracts are unplatted, they are in agricultural use and they are in excess of 21 acres. So, the only annexation avenue for the city to proceed under is through 12-521.

“The MAPC received a copy of this petition and considered it and have provided us some finding that the proposed annexations are both compatible with the Wichita/ Sedgwick County’s Comprehensive Plan and the Valley Center’s Comprehensive Plan as it was revised, I believe in 1992.

“Under this statutory procedure, really the next step in this proceeding is to have the City present its case in support of the annexation. I believe we have Mike Pisciotte here from the City of Valley Center. He’s Administrator for the City. I’ll turn it over to him at this point, unless there are questions.”

**Chairman Winters** said, “All right. I see no questions now.”

**Mr. Michael Pisciotte**, City Administrator, City of Valley Center, greeted the Commissioners and said, “Thank you very much for hearing this case. Similar to the case before you from the City of Maize, is a case under a specific Kansas Statute Section 12-521 having to do with annexations that are not otherwise permissible to cities on their own behalf. Some of those examples would be consensual annexations, lateral annexations or island annexations. As Mr. Parnacott indicated, these pieces of property do not satisfy any of those requirements and therefore the City Council in September of this year passed a resolution requesting to petition before the County Commissioners to annex this piece of land, or both these pieces of land, rather.

“The Council has made a determination that these pieces of land are advantageous to the City and are compatible with existing policy and also with the Comprehensive Plan of the early ‘90s, which Mr. Parnacott indicated.

“As you are aware, perhaps that the City of Valley Center is growing and one of the ways that we are able to do that is through annexation. The City of Valley Center is responsible for providing municipal services within its corporate boundaries. These include public safety, it includes land use planning, zoning control, code enforcement, animal control, fire, police, water, sewer, streets, storm drainage, parks and recreation and the like.

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“This action is actually designed to promote the broader interests of the community. The City Council has taken pretty aggressive steps in the recent years to expand its boundaries and to plan for the service delivery thereon.

“This is tract one. That would be where this piece of property is.”

**Chairman Winters** said, “Michael, excuse me. Can you bring the microphone up? We’re having trouble hearing you.”

**Mr. Pisciotte** said, “Oh, I’m sorry. Can you hear me now? Okay. Tract one is this piece of property, owned by Mr. Schippers, is wholly surrounded by the City, as it stands. It is about, I think, 60 acres or so, primarily agricultural in use. It does have a single-family residence on it. The only access to this property is through 77<sup>th</sup> Street, which is annexed by the City, from here to here. It’s storm water issues are dependent upon the City. We do have water line across the property there. We have also, similarly, just installed a sewer main across the property at this point. We have a water main at this point, which can be accessed, if necessary, at this area. We do provide public safety services currently to this property without any benefit of tax revenue.

“Upon annexation, public safety issues and those things that are not related to utilities will be immediately provided, despite the fact that we will not receive any tax revenue until December of 2001. So, we would operate gratis for another 12 months. Water and sewer will be provided to this piece of property, upon petition of the property owner. We do not have a policy of forcing connection. We have an equity fee that’s attached to both utilities, as well as a hook-up fee attached to both utilities that would be charged at that point. They are exactly the same as for anybody else in the City. And it would be purely at the discretion and benefit of this property.

“Tract two is surrounded by 75% of the City. It’s approximately 160 acres. It is entirely agricultural, with no residential development on it whatsoever. It is abutted by 85<sup>th</sup> Street, which is the County, and also by Seneca Street, which is a township maintained road.

“Our public safety department is right there and it is very close to provide services, if necessary. Again, those services would be extended upon annexation. Again, at a 12 month loss to the City without benefit of revenue.

“I would like to state that . . . just a showing of previous City policy, an eastward expansion to Broadway. We have reached an agreement with Park City. Both of these annexations are compatible

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with that agreement. They're compatible with agreements that we have with the City of Wichita as well. The annexation agreement that we have with Park City comes like this, and then down and then over here, I think. This map is not entirely current. This piece of property right here is in the City, as are all of these currently in the City. In fact, these properties here were approved by this Board about 12 months ago, in an island annexation, as were several of these properties in this area. So, this Board has already shown that it is approving of this type of action in this area. Also, an island annexation up here that was approved by this Board.

"We are making steps to try to connect that in this area, which is a high point. It's an established area. And again, this is not completely updated, because of recent actions that we've taken that have annexed several more properties in this area.

"The City is, currently, as I stated earlier, putting in a sewer main that will come here. Our sewer plant is right there. It will tie in, come northward. In fact, it is, probably, about 90% installed, and then come to this point here, where it will terminate and satisfy an ongoing residential development, or a new residential development in this area known as Fiddler's Creek. That will be 85 units, residential. We'll have a new church development here and then Lusk Communities is promoting development in these properties right here.

"There is a water line across this property, an eight inch water line right here, that's owned by the Rural Water District. We are in negotiations currently with them to acquire that piece of property, or that infrastructure. And then we've also got plans that should be let, hopefully next month, if all goes well, to extend our water line down to 77<sup>th</sup> and Seneca and then up Seneca to create a loop there that will provide services to these properties, this property, this property and also set the stage for providing services in these areas, as well as expanding out in coming years to these properties.

"One of the issues before this Board is not whether or not this is a good annexation. It is whether or not there is manifest injury. And the City of Valley Center submits that there is no manifest injury to these property owners. We have received no opposition from them. They have been notified, over a course of time. We've been working with this property, probably for ten years in excess, to try to do a consensual annexation. We have not succeeded. In that ten years, we have come up and around that piece of property, and it makes perfect sense to the City Council, at this point, to go ahead and bring that in.

"The property tax increase, the cost increase if you will, next December, a year after services are being

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provided, is \$7.20 a month for this property and \$5.15 a month for this property. All services will be provided out of the general fund, except for water and sewer. The City Council has also made commitments, in the coming budget, in the last budget cycle, for the coming fiscal year, to increase its personnel and staffing for police departments and to provide better equipment and resources for additional City services to provide specifically in this area.

“One of the other issues that’s come up in staff discussions and others discussions is jurisdiction of Seneca Street. Seneca Street, at this point, is a gravel road maintained, as I stated earlier, by the Grant Township. I think they receive a total of \$48.00 approximately, from this piece of property, to maintain this road. It is essentially an expanded two tract. It doesn’t have a very good base. It is graded periodically, though at no discernable schedule. We do grade all of our dirt roads at one time per week. The City Council, however, has no interest in annexing this road and maintaining this road at a loss to the City, until such time that we receive tax revenue from that, which will be in December of 2001. So, therefore, the Council will not consider that until that point in time. And at that point, legally, all we could really do is annex down to this point, because we are not . . . we can’t legally annex this under State law, because we don’t abut any portion of that. We would probably still look at annexing this northern half here. Make it clean. Make it simple and try to work with Grant Township to coordinate those services. But at such time that that road was annexed, the level of services would increase, at least to the maintenance of at least a weekly maintenance program that we currently have.

“With that, I would request that you find that there is no manifest injury to the property and grant this annexation. And I stand ready to answer any questions that you may have.”

**Chairman Winters** said, “All right, thank you. We have a question from Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you, Mr. Chairman. Michael, does Valley Center provide its own water, or are you in a water extension agreement with the City of Wichita?”

**Mr. Pisciotte** said, “The agreement that we have with the City of Wichita, we still produce water and then we sell raw water to the City of Wichita. Essentially, we contract with them to treat that water. We buy back the finished produce and transport that to our community.”

**Commissioner Gwin** said, “And did I understand you to say then, that your water agreement with the City of Wichita wouldn’t preclude this kind of annexation.”

**Mr. Pisciotte** said, “That’s correct.”

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**Commissioner Gwin** said, "My second question has to do with your Comprehensive Plan. I noticed, at one point, they had to come back and you had all updated that. Where's Valley Center's growth going to be?"

**Mr. Pisciotte** said, "The most recent growth that we're experiencing, we're still experiencing in-fill. We have very few vacant lots in the traditional part of the City, though there's still some in-fill occurring. We have some new additions coming up here. These have been previously platted, but now we have a new petition that's been completed. In fact, some housing starts have occurred in this area. Also, right here is a new plat, 17 homes. This is low to moderate income, single-family residential. This property here has also finished its platting process and is beginning its petitions for improvements and it will include a mixed use, involving multi-family duplexes, higher-end single-family residential and mid-income single-family residential there. We're also receiving growth right here, just across the street from this property, single-family residential and commercial development in this area.

"This has been recently re-zoned to multi-family and expect that to occur within the next year or two. This plat right here is probably going to be in excess of 100, although it hasn't been finalized, residential units and this property right here is 85 upper-end single-family residential half acre lots. So, what we're seeing is an expansion, both to the east, to the west and to the north. What we also have is an area of the City that we have annexed in the past and are still in the process of providing services to. We are currently, right now, working on a new water system in this area. We do have water to all of this property. This is not experiencing significant growth in this area. There is a new, relatively new subdivision, maybe ten years old, five or ten years old, right here within the City of Wichita. But this is, for the most part, this is all large scale agricultural use, flood land area. So, it's not experiencing high development. The majority is here, here, here and here."

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

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Commissioner Gwin talked a little bit

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about your Comprehensive Plan and I'm not sure that you followed up with the completion of it. You first did it in 1980 and this was not in the growth area, but in 1992, when it was revised, it was said to be in the growth area. Correct?"

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

**Commissioner McGinn** said, "Okay. And as far as water and sewer, I think you did a pretty good job of showing where all that would be, but just in a simple question/ answer session, if I said everybody would have sewer and water available to them at some short period of time, that would be correct, wouldn't it?"

**Mr. Pisciotte** said, "I think it's very safe to say that they would have both water and sewer available to them within a matter of two months."

**Commissioner McGinn** said, "Okay, that's pretty soon. I'd like to talk about that Seneca Street just a little bit, and so I can be clear on that. I can understand that you wouldn't want to maintain it until you start receiving revenues, but that's a whole year away. Have you talked to the township about what their thoughts are on this? Are they going to continue to maintain this road?"

**Mr. Pisciotte** said, "No, we have not talked with the township, specifically, about this issue. We did talk to the township referencing two roads in this piece of area, in this property here, which we annexed through island annexation last year. There's two road, Craig and Davidson. We finished the final property I think . . . I forget the . . . probably this month, the first meeting in December and that gave us all the properties. We also, at that point, took the annexation. We'd approached this Grant Township and asked them if they'd continue maintaining these two roads for another month and then we would take that over. They denied, coming back and asking us 'well, if we're going to take this for a month, you just take this for a year'. And we took that to mean that they were not being cooperative in this discussion. So, we did not approach them on that."

**Commissioner McGinn** said, "Okay. So, of course, I have a concern because when it doesn't get maintained, they'll call us. And I'm just wondering where do we go from there?"

**Mr. Pisciotte** said, "I think the question could be . . . and I certainly don't want to bestow legal advise, because that's not my area of expertise by any means, nor do I want to get involved in the policies of another jurisdiction. But, from the City's standpoint, that is still township jurisdiction, that

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is still township responsibility and if a writ of mandamus or something like that needs to be executed to compel them to provide that service, then that may be what the property owner needs to seek. But at this point, specifically these properties, until they come into the City, don't have any protection services from the City. We're not obligated to protect them and we don't protect them, for that reason."

**Commissioner McGinn** said, "Does the township have to drive the grader north of that and south of that as well?"

**Mr. Pisciotte** said, "Yes."

**Commissioner McGinn** said, "So I don't understand why they wouldn't just keep coming on through. So, okay. I hope you guys can work that out. That's all I had."

**Mr. Pisciotte** said, "It's beyond my comprehension."

**Chairman Winters** said, "Thank you. Commissioner Sciortino has a question, but I just . . . while we're talking about that. On tract two, the east side of Seneca, is that in the City limits of Valley Center?"

**Mr. Pisciotte** said, "This property here?"

**Chairman Winters** said, "No, east. Is that property in the city limits of Valley Center?"

**Mr. Pisciotte** said, "Yes, it is."

**Chairman Winters** said, "But you don't want to annex the road."

**Mr. Pisciotte** said, "Not at this point."

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

**Commissioner Sciortino** said, "Thank you. Mike, did I hear you say that there was no objections from the land owners on tracts one and two?"

**Mr. Pisciotte** said, "Not that we're aware of. Something may come up today, but not that we're

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aware of.”

**Commissioner Sciortino** said, “Okay, but they refuse to voluntarily consent to be annexed? To me that sounds salt and pepper. They don’t have any problem but they’re not going to agree to it? Could you explain that?”

**Mr. Pisciotte** said, “One of the things . . . the City’s policy, in terms of annexation is to try to bring in people consensually. The logic being it’s better to have good neighbors and willful neighbors than it is to bring in enemies from the get-go. And so, we have made a concerted effort to approach property owners and seek their consent, make our case for that annexation and we present them certain information regarding their fiscal liabilities and what benefits they’ll receive and what costs they’ll incur. What we’ve come across, in some situations is, I’m not going to sign this. You can force me, and so be it, but I’m not going to consent to this. So, it’s almost an apathy. They’re not going to take any proactive steps to bring themselves in, nor are they going to take any proactive steps to block the process.

“Case in point, we had a property right here. We did unilateral annexation on three properties, earlier this year and these property owners stated that ‘we’re not going to sign the consent. You can go ahead and force us in, and we won’t make any comments or oppose the action, but we’re not going to sign it’. The logic behind that, I’m not aware of. But that’s the stated reason.”

**Commissioner Sciortino** said, “And I too, want to discuss that township road. I think I heard you say . . . Would the City of Valley Center be ready to make a commitment today that when the annexation is complete and you start getting revenue that yes you would definitely annex that township road? I know you said you would consider it but, is that a foregone conclusion you will?”

**Mr. Pisciotte** said, “I can’t give you a for certain that the City Council will deem that to be advisable. No, that’s their prerogative, that’s their right. Not being a member of the board or having a vote, I don’t have a say in that. I will recommend, at that point, that they annex that road, but I can’t guarantee that it will be annexed.”

**Commissioner Sciortino** said, “Okay, but once the annexation is complete, the land owner no longer pays township taxes, is that correct?”

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**Mr. Pisciotte** said, "They will continue . . . the tax bills for 2001 have gone out, or the December 2000 tax bills have gone out. So, they will pay their \$48 to Grant Township, or \$46 or whatever it is, will go to Grant Township for this fiscal year. Then, if it is annexed prior to April 1, at the next tax roll it will be inside the City, it will be on the City of Valley Center's tax roll and at that point we will begin to see a benefit from that property, in terms of tax revenue that support the cost of services being provided to it and we will add it an additional service or I will recommend anyway, an additional service for that portion of that road."

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

**Chairman Winters** said, "All right, thank you very much. I guess that's one I'm gonna need to think a little bit about, too. It would just appear to me that if you're on both sides and we've kind of been in this place of being between two cities and neither city wants the road, so the County gets the road. So, we just need to clearly think this one through, I think."

"I would acknowledge that Mayor Jet Truman, from Valley Center, is in the audience today. Mayor Truman, we appreciate your being here."

**Commissioner McGinn** said, "Does he have any comments?"

**Mr. James Truman**, Mayor, City of Valley Center, greeted the Commissioners and said, "I guess my additional comment is only to be . . . because I can speak for the Council a little bit, I think, that once we have annexed both sides of the road, we will be looking at taking over the road maintenance, because it's a benefit to those people that we put them on a regular schedule anyway. That's my opinion, but the Council, I think, if they . . . if we're benefitting from it, the land owners ought to benefit from it also."

**Commissioner McGinn** said, "So, you're talking about the . . ."

**Mr. Truman** said, "I'm talking about that section two there, tract two, Seneca, yeah. That would be my only comments. We're in discussions with, I think, even the County on some of the roads that we have now that we've annexed just to the road and we're working with Park City on some other ones"

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where we've kind of split the road. So, there are some problems there that we need to work out, but when it comes to where we're on both sides of that road, we'll annex that road also."

**Chairman Winters** said, "All right. Thank you very much, Mayor. We would . . . this is time to have a public hearing on this. We have received comments from City of Valley Center. I would ask now and open the public hearing and ask if there is anyone else here in the Meeting Room who would like to comment. Is there anyone here today to speak to the issue before us, concerning this Valley Center annexations? I see no one in the Office. Commissioner McGinn has received correspondence from an individual. Commissioner McGinn, would you want to share that with us?"

**Commissioner McGinn** said, "Thank you, Mr. Chairman. Yes, on tract one, the owner, Clarence Schippers, I guess he's elderly and because of the weather, could not get out and so, I would like to defer this one week, just to give him the opportunity to speak, if that's what his desire is to do. Had some concerns and I'm not sure if it's anything that would get in the way, but I want to give him the opportunity to come forward and talk to this issue."

**Chairman Winters** said, "All right, Rich, we're certainly on proper grounds to take public comment today and continue the public hearing until next week?"

**Mr. Euson** said, "Yes, I think you are and you can either continue the public hearing in general, or continue it merely for the purpose of allowing Mr. Schippers to make his comments next week."

**Chairman Winters** said, "From the legal perspective, Rich, they've made an annexation request which did not include Seneca. Would the County Commission be in order to rewrite that annexation request to include the road?"

**Mr. Euson** said, "I really, . . . well, I think you need to take the annexation request as it comes to you. The question is, are they willing to amend their request to include that road and that's a question for them to answer for you."

**Mr. Parnacott** said, "I would note that the statute allows you, for instance, to approve annexation of less than what they've requested, but you're not allowed to require them to annex more than they've requested."

**Commissioner Sciortino** said, "Well, we just heard from the Mayor that they would annex it, once

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they started getting revenue.”

**Commissioner McGinn** said, “But is the question, can they do it through amendment to the annexation request.”

**Mr. Parnacott** said, “I would think that kind of a change would require republication, re-notice, even though you probably have the same land owners involved. I think, because there’s notice to the area, what we’ve said so far in our notice is they’re not annexing the roadway. If you’re going to proceed that way, I think the public needs to be notified that the annexation request does include the roadway. Whatever concerns they may have about that.”

**Chairman Winters** said, “Well, somehow, I would just like to clarify that, because I mean, I’ve got the same issue in Attica Township, and it is a little difficult to respond to the township when they say ‘the city’s on both sides of the road, and we’re going to stop main . . . we’re not going to maintain it.’ So, then you get into ‘okay, who is?’ and it becomes a little bit of a sticky issue. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thanks, Mr. Chairman. Bob, based on what I just heard from the Mayor, could the City of Valley Center amend their annexation request now to state that they would annex this road when revenue starts coming in? I mean, could they make that amendment to this?”

**Mr. Parnacott** said, “I think it would be like withdrawing the current petition and resubmitting it. You’d have to have a new resolution by the City Council requesting that that be done. You’d have to prepare a new petition. The new petition would come to us. We’d have to notice it back up and set the hearing for another 60, 70 days down the road.”

**Commissioner Sciortino** said, “Okay.”

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

**Commissioner McGinn** said, “Could you also tackle that task by doing an MOA or MOU agreement?”

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**Mr. Parnacott** said, "I don't know."

**Commissioner McGinn** said, "I mean, basically, what I'm hearing from the Mayor, they're working together with other communities, Park City, they work together with the County and I just wondered if that would be something that they could do and then that way you wouldn't have to go through the publication process."

**Mr. Parnacott** said, "So, the Memorandum of Understanding would be between which parties? Between the County and the City or between the City and the township?"

**Commissioner McGinn** said, "I would think it would have to be between the City and the township."

**Mr. Parnacott** said, "Okay, and since the township's really not present here . . . I mean they could certainly work that out after the annexation is approved."

**Commissioner McGinn** said, "And I don't know that the question's been asked, but I know it's not a lot of money, but if the township said, 'here's our money that we receive off of this and will you take care of the road.'"

**Mr. Parnacott** said, "I don't know why that couldn't be worked out. I just don't think it can be made a condition of the annexation."

**Chairman Winters** said, "And I would think that could be worked out, unless both parties said 'no, I'm not going to do it'. Then that would be a problem. All right, I see no one else here to address the Commission today, so Bob, what do we need to do now, if we want to take action again next week?"

**Mr. Parnacott** said, "It sounds like you want to continue the hearing one more week and check with this land owner and see if they will be able to come next week and present their views."

**Chairman Winters** said, "So, we need to take that in the form of a Motion."

**Mr. Parnacott** said, "To continue the hearing, yes."

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**MOTION**

Commissioner McGinn moved to continue the public hearing for one week on the Valley Center annexation.

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, Bob. Thanks, Michael and Jet. We appreciate your being here. Next item."

**PLANNING DEPARTMENT**

**E. RESOLUTION AUTHORIZING APPLICATION TO KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) FOR TRANSPORTATION ENHANCEMENT FUNDS.**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "As you know, the Kansas Department of Transportation has a set aside program of I think it's ten percent of the funds they receive from the Federal government for surface transportation improvements, for what are called transportation enhancements. And these may be bike paths or other

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scenic enhancements that are transportation related. We have done a lot of projects in the past years with that, both City and County projects. There's a pedestrian bridge that is yet to be built, but is funded with this program, to be built over the Big Ditch at Zoo Boulevard to make a bicycle connection. There are other bike paths that have been constructed throughout the area. Small cities in Sedgwick County have recently become involved in this program, and also are competing for this funding and I think Derby and Haysville have both received money in recent years.

"This is a program request that was in last year's submission that the County Commission approved, along with a number of City of Wichita projects for submission to KDOT and its competitive grant program. This is a proposed path that would link the City's Gypsum Creek path, which runs north/south along Gypsum Creek and in this vicinity. It's around the area of the turnpike and Pawnee. It would run along Pawnee. I don't have a map of this area with me, but this is basically a mile of path that would run along Pawnee, the portion of Pawnee that's in the County, because this is an area that's owned by Cessna and is exempt from annexation. You want me to try to shut this off?"

**Commissioner Sciortino** said, "Well, so we can see the map a little better."

**Commissioner McGinn** said, "Well, that's about it. The problem is, the map that we have in our backup is not color coded, so we can't really tell what line is what."

**Commissioner Gwin** said, "Allison, do you want to take mine? Because I have the one he's talking about highlighted."

## **OVERHEAD PRESENTATION**

**Mr. Krout** said, "Okay, this the Gypsum Creek Bike Path, which is partly build and down below Kellogg and has yet, the rest of it, to be constructed. The City of Wichita, among its projects, is asking for a link of connection between that Gypsum Creek path and the current Canal Route path. And this is a proposed route that would run one mile, through County land, we imagine it will remain always unincorporated because it's in the area of Cessna, which is an industrial district, and it would connect that Gypsum Creek path to Pawnee at Rock. At Pawnee and Rock, the City of Wichita has a project in their . . . I think it's next year's Capital Improvement Program, to widen Pawnee from two lanes to four lanes, from Rock to Webb Road and also to widen Webb Road, between Harry and Pawnee,

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to four lanes and the intention is to build extra-wide sidewalks and to extend the path system to an area between Pawnee and Harry that's very dense and developing rapidly. So, this would be a connection of planned sidewalks to an existing path, the Gypsum Creek Path, that is going to be maintained by the City of Wichita. KDOT likes the idea of connecting paths, so you're more likely to use it to get from one place of another. So, we think that this will rank fairly high. We've also worked in the past with Cessna to talk about the possibility of some additional easement that may be necessary along the right-of-way of Pawnee, and they've been very cooperative and, in fact, have endorsed this project previously."

**Commissioner Gwin** said, "Marvin, can you trace that again, because the highlighter doesn't show up very well on ELMO?"

**Mr. Krout** said, "It's the one mile of Pawnee, between Woodlawn which is right at the turnpike where this Gypsum Creek path runs, to Rock Road and Pawnee. And then, beyond that, the City in its program next year is going to building a four-lane road, with widened sidewalks."

**Commissioner Gwin** said, "Okay, so the only thing we're talking about today is a one mile piece?"

**Mr. Krout** said, "It's a one mile piece."

**Commissioner Gwin** said, "Because with all those dots on there, it was kind of hard to figure out which we're going, I mean those little slashes or whatever. It's just that one mile piece is what you're talking about."

**Mr. Krout** said, "It's a one mile piece and we're asking you to endorse the application. It would mean that if it was approved that the County would provide a local match of about \$110,000 towards the total project cost of \$350,000."

**Commissioner Gwin** said, "So, \$110,000 for a mile."

**Mr. Krout** said, "Well, actually the cost of that sidewalk would be potentially about \$300,000."

**Commissioner McGinn** said, "\$392,000."

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**Commissioner Gwin** said, "Can't I do a whole road for that?"

**Commissioner Hancock** said, "You sure can."

**Commissioner Gwin** said, "I mean, it seems awfully high. That's where I'm going with this."

**Mr. Krout** said, "Well, I think we worked with County Public Works on trying to get a cost estimate. Dave, you have any . . .? If it's lower, we certainly won't use all that money. We'll return it."

**Commissioner Gwin** said, "Well, yeah."

**Mr. Krout** said, "And the match would be 30% of whatever the total cost is. It's not a five foot sidewalk. It would be a, probably, a ten foot path."

**Commissioner Hancock** said, "It still doesn't match. I mean, we can do a mile road for \$300,000."

**Chairman Winters** said, "Just a minute. Marvin, can you tell us, when is this application due? When do we need to submit this? Are we under a time frame?"

**Mr. Krout** said, "The end of the year, if you want to defer it for a week and have County Public Works look at the numbers and maybe make some revisions, we can do that."

**Chairman Winters** said, "Commissioners, I see several lights blinking. I've heard enough questions. Did you want to continue the discussion now, or do you want to defer this for a week and maybe we can gather some additional information?"

**Commissioner McGinn** said, "I have a question."

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

**Commissioner McGinn** said, "Thank you. Marvin, I know we have some comprehensive bicycle plan planned out that perhaps includes these linking paths. But have we paid for them totally with taxpayer dollars, or how much of this path development have we paid with ICE-T, and is it called ICE-T now or it's T-21 money now?"

**Mr. Krout** said, "If you go back historically, the Canal Route path was paid for . . . and the County's

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K-96 path were paid with local . . . the K-96 path was paid with County dollars. It was sales tax money, unless it was . . . unless you've made it part of the overall project mix and KDOT helped pay for that."

**Mr. Spears** said, "It's part of the overall plan."

**Mr. Krout** said, "So, that was 50/50 match. The Canal Route is an old route and the route along the Ark River, which is intended to be enhanced, those were routes that were paid for with local funds. All the other bike paths that have been built or funded are being done through the ICE-T program. There isn't . . . the City of Wichita hasn't built any recent paths and Sedgwick County hasn't built any recent paths with only local money. We have . . . unless you want to count the . . . we have some paved shoulders that we kind of indicate are part of the system, like on West 21<sup>st</sup> Street and those have been done locally."

**Commissioner McGinn** said, "So, who is the driver behind this? I mean, is it because of some comprehensive plan we did a long time ago, or what's pushing this?"

**Mr. Krout** said, "Well, this is part of the parks and open space plan that was officially adopted in '96 by the City and the County. It's a competitive grant fund, and so I think that in the past the City and the County have said 'yes, let's try to take advantage of this and construct the system'. I think that in the past, the Chamber of Commerce, in their surveys about quality of life, have said that things like bike paths and open space are important amenities to try to retain and attract employees to be living in this community and helping to increase the job base, and so we think that it's an important program and here's a potential source of funding."

**Commissioner McGinn** said, "Okay, and I support figuring out how we can inter-link some of these paths throughout the community, but I guess I think about some of these trails that are going on, the cost share is put up by private entities and are we working to find private entities that perhaps want to partner in these types of things?"

**Mr. Krout** said, "There are some non-profit groups who are advocates of building, but they have not come up with any private monies. I think that a couple of years ago, we asked Cessna if they wanted to participate, and they said, except for providing a possible easement, no thank you. We haven't been

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able to find sources of private money, except that in some cases, for instance, on the Gyp Creek path, in front of the Target Store that's at Kellogg and Armour, there's a sort of a enclosed area with, I think, there's a water fountain and a landscaped area where you can stop and rest. And that was donated by private interests."

**Commissioner McGinn** said, "Does this piece of path cross on Cessna property?"

**Mr. Krout** said, "It may, depending on the alignment, may require an extra easement and relocating the fence that's on their property."

**Commissioner McGinn** said, "So, we may put a path on their property and they're not interested in participating."

**Mr. Krout** said, "Well, they would be moving their fence back, and so it would be like an extension of the right-of-way and they're agreeable to donating that easement, as part of the project."

**Commissioner McGinn** said, "Okay, that's all I had right now."

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

**Commissioner Hancock** said, "Marvin, in this program, this price does not include any right-of-way accumulation? It's already available to us?"

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

**Commissioner Hancock** said, "And it doesn't include the next mile of road that we're talking about, with the City, the full length?"

**Mr. Krout** said, "Right. Nothing in the City."

**Commissioner Hancock** said, "Okay. Well, maybe we'd better have . . . it's my view that we do need to take a look at this. This is awfully expensive. I can understand a little bit about construction. I was calculating this, in terms of a foundation, and this is just extremely expensive project. I think we need to take a look at it and bring back some better estimates. I think they're a little off. Because, with this estimate here, Marvin, I couldn't approve this project. It's just too expensive."

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**Mr. Krout** said, "That's fine. We'll work with Public Works."

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

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

**Commissioner Sciortino** said, "Thank you. Well I echo, I think, what Commissioner Hancock and some of you have discussed. I'd like to find out for sure what the cost of it is. And perhaps with the weeks time, we could defer, and David could help us in that area. Marvin, the one thing that I don't know if we've had any surveys. Are these bike paths being used. Do we have any surveys that say what percentage of the population even use it. I'm reminded of what was done on K-96. There's a beautiful bike path. There's very little ingress and egress opportunities, other than maybe riding your bike to the ingress. There's no parking, real parking facilities to be able to park and take your bike off and then use the path. I use that road every day and I've yet to see anyone on that bike path. And I know it is nice to be able to say, 'We have bike paths' and I'm not unsupportive of them, but have we had any type of surveys done to see who's using them. What percentage of the people are using them, to see if this is a worthwhile project to put our limited funds into?"

**Mr. Krout** said, "A direct answer to your question is 'No, we haven't done any use surveys', and that might be interesting to do. We have asked people, through the mail-out survey that was done as part of the Comprehensive Plan process a couple of years, how important are these kinds of facilities to you, as part of the overall transportation network and the results were very high, were very favorable. And I'd be glad to kind of exert those and share those with you. But we haven't done any counts of how many people are using it.

"But I'd also say that part of the problem with this is for a while we didn't have a connection across the railroad tracks at 17<sup>th</sup> Street number one, and number two, it still stops and ends at a location. Doesn't have a connection. Now, the City intends to construct a path from Webb Road to Grove Park. And that is already funded. It just hasn't started construction. They've submitted an application. They've agree to submit an application this year to connect the path in Grove Park to the path at 17<sup>th</sup> Street and McAdam's Park and the Canal Route. Then the Canal Route, as you know, runs all the

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way down to the south, and then we're talking about a connection along Wassal Street to connect that to the Gyp Creek Park and I think when you start building up connections, so that you can get from one place to another more easily, there'll be more reason to use these."

**Commissioner Sciortino** said, "And I agree with that and I think if it's just bits and pieces, you'll have very little. No, I agree with that. And as a concept, I don't have a problem connecting them, cause if we're going to do them, they need to be connected, where a person could maybe drive . . . bike all the way downtown and all the way around town."

**Mr. Krout** said, "And I think when the County constructed the bike path along K-96 there was a realization that maybe it wouldn't, you know, it wouldn't get a lot of use right away. The area as going to grow and this needed to be connected, but it was a convenient and inexpensive time, because of the construction of the highway and because the State was willing to share the cost."

**Commissioner Sciortino** said, "Okay, that's all I have. I would support deferring this for a week, til we can get a little better picture on our costs, but I'm opposed to it, at this particular time."

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

**Commissioner McGinn** said, "Just two more quick questions. As we look at the costs to do this, this may sound ridiculous to some people that ride a bike, but the trail that they were proposing from Valley Center to Hutchinson, they were going to do with base rock. They weren't even going to put concrete down. And is that something that anyone would even think about looking at, as we make these connecting links."

**Chairman Winters, Commissioner Gwin** said, "No."

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

**Commissioner McGinn** said, "Well, okay. That's how they were going to make another trail. And then my next question is, so after we build this, who maintains and picks up the trash and all that?"

**Mr. Krout** said, "In this case, it would be County's responsibility to maintain that."

**Commissioner Sciortino** said, "For that one little link."

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**Mr. Krout** said, "I mean, that one mile. Yeah. Just like they maintain it today."

**Commissioner McGinn** said, "Well, I would feel . . . I think it's a good idea, but I would feel more comfortable seeing some better figures."

**Chairman Winters** said, "All right. Is there anyone here in the Meeting Room who would like to address the Commission on this issue? Yes, sir. Come forward."

**Mr. Tim Norton**, Mayor, City of Haysville, greeted the Commissioners and said, "I can shed a little light on the cost there. When we did our project in Haysville, because it had Federal money and State money there are standards that are tremendous. It is put together, architecturally and engineering, as a highway. A federal highway and it has standards that you wouldn't believe, as far as width, depth of concrete, ADA, accessibilities. We did a project that was about a mile and a half, through our parks. About a 10 foot wide, although it's all done in metrics, which is another thing. You have to have a special engineering firm to do the plan for you in metrics. That project was about \$450,000. And we probably could have done it, as a city, for about \$150,000. So, because there's such stringent guidelines from federal government, State, that's why the project is so inflated. So, just to give you some idea and some background."

**Chairman Winters** said, "Thank you very much. Is there anybody else who would like to address the Commission on this issue? All right, Commissioners, I'm going to try to be supportive of this, but I agree that we need to take a look at the details. Do I hear a motion to defer this for one week?"

### MOTION

Commissioner Gwin moved to defer for one week.

Chairman Winters seconded the Motion.

**Chairman Winters** said, "We have a motion and a second to defer this item for one week and hopefully have some more detail cost information. Is there any other discussion? Seeing none, call the vote."

### 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, "Thank you, Marvin. Next item."

**NEW BUSINESS**

**F. DIVISION OF COMMUNITY DEVELOPMENT.**

- 1. RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$110,000,000 PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR RAYTHEON AIRCRAFT COMPANY (FORMERLY BEECH AIRCRAFT CORPORATION).**

**Ms. Irene Hart**, Director, Division of Community Development, greeted the Commissioners and said, "Today, you'll be considering authorization to issue Industrial Revenue Bonds for two separate companies. Both of these companies have had . . . you have held public hearings and have issued resolutions of intent earlier this year. However, Raytheon's was issued in 1998. So, the one you'll be considering today, you've already approved the resolution of intent in 1998. You had public hearing at that time. We have Jim Gregory, who's Director of Corporate Affairs for Raytheon is here to make a brief presentation. Joe Norton and Winton Hinkle, Bond Counsels, are also here to answer any questions you might have.

**POWERPOINT PRESENTATION**

**Mr. Jim Gregory**, Director of Corporate Affair, Raytheon Aircraft Company, "Thank you, Irene. It's my pleasure to be here today to request Sedgwick County approval for \$110,000,000 in Industrial Revenue Bonds. Your foresight, in 1998, in approving a billion dollars in Industrial Revenue Authority

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created the business climate that helped us decide, earlier this year, to announce our next new business jet. This is the first new airplane that we've announced in about four years. It's the Hawker 450, a light mid-size business jet that we announced at the National Business Aviation Association show and convention in New Orleans this year. We had 110 orders for this airplane. It features a composite fuselage and I'm going to tell you a little bit more about our composite fuselage activities as we go along.

"To give you an update on the kinds of things that Raytheon Aircraft did in the year 2000, to contribute towards investing \$110,000,000 in the community, I'd like to give you just a little brief overview of some of the programs, with your permission. The Hawker Horizon is a super mid-sized business jet that we announced in 1996. We have 150 airplanes in back-log. We're going to be rolling this airplane out and first flying it next year. It has a 16.2 million dollar price. Our largest customer for this is Executive Jet Aviation, which is the largest fractional ownership company in the world and here you see the composite fuselage moving through our Plant 4 assembly area, where we assemble all of our turbine-powered airplanes. And it had just left a tool that we call a fast-tool that fastens the fuselage together, and we've just attached the tail to this airplane.

"The Premier One, entry-level, light jet that we have, we announced in 1995. We have more than 300 orders for this airplane. We're going to start manufacturing and delivering this airplane next year, at a rate of about 60 a year going forward. We'll have certification next year and we were very pleased that in the year 2000 this airplane received the national new product award in the Omega company category, from the Society of Professional Engineers.

"Also, during the year 2000, we began deliveries in earnest of the T6A Primary Trainer, primarily for the U.S. Air Force. I've talked to you about this in the past. We won this contract in 1995. We actually started deliveries in the year 1999, but in earnest in the year 2000. We had 37 of these airplanes through the first three quarters of the year and we also delivered these airplanes to Canada and Greece and we've won every single national/ international competition for primary training airplanes since we won the contract.

"We also experienced significant growth during the year 2000 in our fractional ownership service company. See, we have nearly 90 airplanes in that fleet. We started this program three years ago. We have 185 employees that are part of this company now in our Sedgwick County headquarters, which is at the Corporate Hills office building at the corner of Douglas and Webb. What this program

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allows us to do is to bring people that have not been involved in general aviation in the past, into the fleet. About 80% of the people that buy a fraction of an airplane and allow us to service them and operate that airplane on their behalf have never been involved in aviation before.

“During the year, we completed a \$14,000,000 paint facility addition. Last year, when I stood before you, I showed you some of the initial work that was going on with that facility. This would allow us to paint many of our airplanes, going forward, that we hadn’t been able to in the past. It extends our capacity in the paint shop area and we’ll be able to do that in an environmentally friendly way.

“Also during the year, we added two Viper Placement machines that are made by Cincinnati Machine Company, to our composite Center of Excellence. This is where we do the fuselage for the Premier One, the Hawker Horizon and the new Hawker 450, which will begin development work in earnest next year, following certification and the beginning of the deliveries of the Premier One. We’re going to install two more of these and this really equips Raytheon Aircraft with some industry leading technology going forward.

“2000 major expenditures, we have the major paint facility addition that was completed. We also have built a new experimental test-flight hangar. We’ve added a number of offices to our Plant 4 Turbine Assembly area, where we assembled all of our turbine-powered airplanes. We added the two Cincinnati Machine Viper Automated fiber placement machines. Also some considerable equipment to support the Hawker Horizon program and also to support the T6A program.

“Of the \$110,000,000 that we’re requesting today, \$108,000,000 would be for investments that the company made in Sedgwick County and, as you know, under the interlocal cooperation agreement between Sedgwick County, the City of Salina, and the City of Andover and Raytheon Aircraft, you permitted to issue Industrial Revenue Bonds on behalf of those other political jurisdictions. Andover, we spend about \$122,000 and in Salina we spend about 1.4 million. You see the bulk of the investments we made in Kansas were in our major facility here in Sedgwick County.

“Of the \$108,000,000 and a half that Sedgwick County . . . that consists of the Sedgwick County IRB, 25 million of that was for buildings and facility improvements that we made at our site in Wichita. Eighty-three million were for machinery and equipment. And if you approve today the issuance of this \$110,000,000, that will mean we’ll have another \$740,000,000 remaining from the \$1,000,000,000 letter of intent, or resolution that you had the foresight to pass in 1998.

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“Just a little investment recap for Raytheon Aircraft, over the last 20 years or so. You can see that we’ve put a lot of money into our Kansas facilities. I’d bring your attention to the last five years, where we’ve averaged more than \$100,000,000 in investment over that period, to improve our facilities and create an environment where we can bring some of these new airplanes to fruition.

“Of course, under Kansas statutes, Industrial Revenue Bonds can be issued without the creation of new jobs, but merely to help stabilize the economy. We have been successful, over the last 18 years, in increasing our employment. We’re running at about 10,000 people. We have for the last two years, in the State of Kansas. We currently have 700 open requisitions just here in Wichita. And so, while we had some dips, ours is a cyclic business and industry. We have been able to show steady growth. Some of the benefits of the stability would be the addition of more than 5,000 employees since 1982 and we’re currently sustaining those additional employees. Our State payroll stands at about a half a billion dollars. Annual State supplier spending is a quarter of a billion dollars. Most of that goes to local companies here in Wichita and the Sedgwick County area.

“Summing up, we had, in 2000, we had another great year. Our deliveries were up. We delivered, through the third quarter, nearly 400 airplanes, which was about the number that we delivered in the entirety of last year. So, we expect that we’ll do even better when the fourth quarter numbers come in. We were able to announce the Hawker 450 program, which again, will begin development work next year. It’s probably five or six years away from actually being delivered to a customer but we do have those 110 orders to fall back on. In fact, those 110 orders help contribute to the record 4.3 billion backlog that the company currently enjoys. We have tremendous growth in the fractional ownership company. We began T6A deliveries in earnest and, of course, we won the new product award from the National Society of Professional Engineers.

“Looking ahead to 2000 [sic], we’re going to have the Premier One certified. We’re going to start delivering that airplane. We’ll have the first flight of the Hawker Horizon, a super mid-size airplane and of course we’ll begin development work on the Hawker 450.

“Therefore, Raytheon respectfully requests that the Sedgwick County Commission issue \$110,000,000 in Industrial Revenue Bonds today. And thank you and I’d be happy to stand for questions.”

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

**Commissioner Sciortino** said, “Thank you, Mr. Chairman. Jim, I was trying to do some real quick math. In 1990, your employment base was about 7,000. And in the year 2000 it was 10. So, that’s

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what, a 42, 43% increase in your employment base here.”

**Mr. Gregory** said, “Just in the last ten years.”

**Commissioner Sciortino** said, “And I think that’s a tremendous commitment and you have definitely a very strong impact on the overall economy of Wichita and Sedgwick County and I just want to commend you and your company on deciding to make that major commitment, notwithstanding that it’s no longer a family owned, private company. But I think speaks well for Raytheon and I think Sedgwick County is very happy to have you with us.”

**Mr. Gregory** said, “Thank you. We appreciate that.”

**Chairman Winters** said, “All right, thank you. This is not scheduled as a public hearing, but if there is anybody in the audience that wants to address the Commission on this issue, we would certainly listen to them. Is there anyone here who wants to address the Commission on this item? I see no one. I certainly want to echo Commissioner Sciortino. We’ve had a . . . Sedgwick County has had a long working relationship with Beech Aircraft and now Raytheon and I think it has worked extremely well and I think we’re dealing with quality company that produces quality products and we’re certainly pleased that Sedgwick County can play our role in that. I really do appreciate, and the Commission appreciates, the brief presentation this morning. I think we could probably do this pretty routinely, but I think it’s, again as Commissioner Sciortino pointed out, we continue to think about the ways we finance growth in this community and this is one of the ways that we do this. And as I look around and look at the numbers that Jim has presented, it’s being very successful and we want our business citizens to have a way to provide excellent jobs for our citizens and Raytheon is certainly one that’s doing that. I would acknowledge Winton Hinkle is here and Mr. Hinkle, we certainly do appreciate your contacting us about any questions and we sure would have been there if we would have had them. Commissioners, are there other comments concerning this item? Irene, do we need to do anything else, except adopt the resolution?”

**Ms. Hart** said, “No, sir.”

**Chairman Winters** said, “All right, Commissioners, what’s the will of the Board?”

### MOTION

Commissioner Gwin moved to Adopt the Resolution.

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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, “Jim, thank you very much for your presentation and we’re glad that things are going as well as they are. Next item.”

**2. RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,500,000 PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS AND AN AMOUNT NOT TO EXCEED \$500,000 OF SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS FOR UNITED WAREHOUSE COMPANY.**

**Ms. Hart** said, “On July 5<sup>th</sup> of this year, the County Commission had a public hearing and approved a resolution of intent to issue bonds for United Warehouse. United Warehouse will be constructing a 200,000 square foot warehouse complex in the unincorporated area between the City of Park City and the City of Wichita. We have requests from both the City of Wichita and the City of Park City for Sedgwick County to issue these bonds. Charlie Schaeffer, President of United Warehouse is here if you have questions of him. Joe Norton and J.T. Class, bond counsel, are also here. Be happy to answer any questions you may have.”

**Chairman Winters** said, “All right, thank you. Is there anyone here who would like to address the Commission on this issue? Is there anyone here who would like to address the Commission? All right, thank you.

“I guess I would make one comment. We have just completed, in the previous item, being of assistance to one of our corporate leaders in the community, Raytheon Aircraft. One of the big guys.

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And now we're going to do, I think we're going to approve a process and a resolution here that's going to allow us to assist a small business and not that Mr. Schaeffer's business is really small, but it's not a huge, corporate giant. But it is one that's been in the community for many, many years. In fact, when my father was first starting in the trucking business, he was doing business with Mr. Schaeffer's father, who was operating United Warehouse. So, that goes back a long ways. So, I think we do have availabilities and opportunities to be of assistance to multiple kinds, types, sizes of businesses.

"Commissioners, if there is any other questions, I'm sure that there is somebody here that would be glad to answer them. If not, I'm prepared to take a motion to approve this resolution."

**MOTION**

Commissioner McGinn moved to Adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you very much, gentlemen, for being here. Commissioners, I think we had to . . . we were going to try to schedule a time certain for David Spears and his annual road show, because we wanted to kind of get it in if there's prime time on TV, we wanted to make sure it was there. I'd suggest that we go to that item now, take that item and then take a break after that item. Is that acceptable with you all? Madam Clerk, call Item H."

**H. PRESENTATION DEPICTING ROAD AND BRIDGE CONSTRUCTION PROJECTS COMPLETED DURING 2000. ALL DISTRICTS.**

**POWERPOINT PRESENTATION**

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**Mr. Spears** said, "It takes about a minutes and sixteen seconds for that to load and it's on the way. We rehearsed this yesterday here. Commissioners, I would like to report to you on the projects that were constructed in the year 2000, including roads, bridges, maintenance and repair projects. The map, when it appears, shows all the projects that were funded in 2000.

"This year, we completed 20.25 miles of both skim coating, that's our cold mix, and chat seal. The roads are selected by our staff in January and you are notified by memorandum, accordingly.

"The skim coating and chat seal are shown in blue and green on the map, such as that right there. In addition to these projects, the 2000 construction program can be summarized as follows: 10 miles of road were constructed by contract this year, and they are shown by yellow on the map, 33.25 miles of road were overlayed with 1 inch of BM-1 hot mix, shown as a black dashed line on the map, 31.75 miles of road were treated with a latex modified slurry seal, depicted by the narrow pink lines on the map, 14 bridges were constructed, or are under construction, by contract, shown on the map by red dots, I think you can see those, 11 bridges were constructed by our crews, shown on the map by green diamonds and 54.25 miles of shoulders (both sides of the road) were constructed by our crews and they are shown by a wide red line on the map.

"All the projects are in accordance with Sedgwick County's Capital Improvement Program. The exact locations of all the improvements are shown in your back-up material, which I passed out to you earlier. In total, improvements were made to, and this is important, 149.5 miles of the 500 miles of paved road that Sedgwick County is responsible for and that means that 29.9 or say 30% of the County's road system was improved in the year 2000.

"A memorandum depicting the expenditures on our projects was sent to you on November 28<sup>th</sup>. In general, the expenditures for 2000 were seven and a half million dollars in actual road project costs, 2.9 million dollars in actual bridge project cost and, in total, the bottom line is, we were \$816,907.28 under the budget.

"I would also like to mention the special assessment projects. Ten sewer projects were constructed, or are in the process of being constructed, at a total cost of \$580,588.09 and eight special assessment street projects at a total of \$985,120.17. And, of course, these keep Paul Taylor and his staff

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extremely busy. The specific projects are also attached to your back-up material.

“Now we are ready to view the presentation and I want to remind you that, someone famous once told me this, ‘Infrastructure is the mother’s milk of economic development’. I want to thank Mara Elman. She prepared the powerpoint on this. And Jerry Day of my staff took the pictures. So, they did the lion’s share of this. Are you ready to go?

“Today, in the categories, we’re going to show you pictures of the road projects, the BM overlays, latex modified slurry seal, and both the last two are part of our preventive maintenance program and that is what I really think has led to our success here in Sedgwick County. Then we’ll talk about what our crews do, the cold mix and chat seal and the rock shoulders and the bridges by our road crews, our bridge crews, and the bridges by contract.

“First of all, the road projects, that map shows you the location of all the road projects by contract this year. First, R-230, Central from K-96 to 143<sup>rd</sup> Street East. This is an old, this a before. We do the before and after, so you can see the contrast. That’s an after of course. Before, again. After. And that project was done by Asphalt Construction. Project cost about, almost 1.3 million.

“This is Tyler Road, from 29<sup>th</sup> Street North to 53<sup>rd</sup> Street. Actually, the City limits is right at about 29<sup>th</sup>. This was before. That’s what it looks like now. The railroad crossing. Cornejo did that for \$940,000, approximately.

“This is, actually we call this St. Mark’s road, 29<sup>th</sup> Street North, from Colwich Road to 247<sup>th</sup> Street West. That’s a before picture. All the rest of these will be after pictures. A few valleys and hills on this one. This goes right through the little community of St Mark’s. Beautiful church there. That’s not anything wrong with that line. That goes down in a little valley there. I know that looks curved. There’s the church. We wanted to get that picture in there. APAC did that, about \$560,000.

“Okay, this is 47<sup>th</sup> Street South, from Wichita city limits to West Street, which that’s actually Meridian to West Street, one mile. That’s old. Some new. New still. And that was APAC again, at about \$270,000.

“Next is Maize Road, and of course that just got underway and this is just simply old roads. Just wanted to let you and the public know that it is in process. And 3.7 million dollars.

“143<sup>rd</sup>, this one’s getting in progress, but these are just before pictures. Nothings happening there yet,

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but it is let and going to be underway when the weather gets a little better. You can see it is needed. It's about a \$500,000 project.

"Zoo parking lot, that's a before picture of the field. There's what it looks like now. We saved the trees, worked around the trees. Ritchie, a little over \$200,000. Coliseum, Lot C, Lot D, Lot A and Conspec did that. About \$520,000.

"Now, this is our BM-1 overlay, preventive maintenance program. Those green dashes show you the miles that we did. Thirty-three point two five miles, and I'm not going to show you all those. Just show you a typical one, right there. Ritchie had this project. A little under 1.1 million. That is 295<sup>th</sup> Street West, between old U.S. 54 and MacArthur.

"Then, the other part of our preventive maintenance, by contract, is the latex modified slurry seal. 31.75 miles we did this year, shown by yellow on the map. Once again, I'll just show you a typical. Ballou had this project and that is 31<sup>st</sup> Street South, between Oliver and McConnell Air Force Base. You may not realize it, but that is a County road there. A little under \$850,000 for all . . . that's for the entire program, not just that piece.

"Now the cold mix and chat seal and this is what we do with our own people, 20.25 miles. This is a before picture of the one we did on 135<sup>th</sup> Street West, north of U.S. 54. That's a before and that's after. Now, keep in mind, we put that down with a motor grader. We do not have a lay down machine. The guys do a great job. The entire program, all the miles, \$640,000.

"Rock shoulders, it's a very important safety program that we have, and those are the miles we did on that, 54.25 miles. There's a typical example of that. Spent about \$122,000 on that this year.

"Bridges by County services, our people. We had 11 projects. That's a little confusing. Up on that one road there, I believe it's Webb Road, there's four bridges in that one mile. Of course, these are before and after. This is on Webb, between 77<sup>th</sup> and 85<sup>th</sup>. And that's after, \$18,000. There's another one on Webb. That's a before, after, \$20,000. Another one on Webb, that's a before of course and there's the after. This is on the County line, between 69<sup>th</sup> and 77<sup>th</sup>. That's a before. After. And you realize, we had 650 bridges that we're responsible for in the County.

"These are bridges by contract. We did 14 this year, shown by the red dots. This is the one down by Derby we had the opening on, near 83<sup>rd</sup> Street South. There's the ribbon cutting that we had. Commissioner Sciortino, Commissioner Hancock was there.

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“This is a bridge out west of Clearwater. You see how narrow that bridge is. It’s the last truss bridge in Sedgwick County. There’s another picture of it. We’ll save these pictures for you, because that’s what it looks like now.”

**Commissioner Sciortino** said, “How come it’s got a little curly-cue?”

**Mr. Spears** said, “I don’t know if it’s the . . . there should be a camber, what’s called a camber in it. Should be higher in the middle than at the ends, but that maybe the screen has a little to do with that. We shared in cost with that, as we did the Derby bridge, that’s federal funds, and our share of the approximately 2 million was approximately 400,000.

“Okay, this is B-320, on 85<sup>th</sup> Street North, between 263<sup>rd</sup> and 279<sup>th</sup>.”

**Commissioner Sciortino** said, “How old is that bridge right there?”

**Mr. Spears** said, “Sir, I don’t know. I would guess it’s probably at least 50 years old.”

**Commissioner Sciortino** said, “Because I would just picture a horse and buggy going over it.”

**Mr. Spears** said, “Probably some did. There’s what it looks like now. This on 231<sup>st</sup> West, between 77<sup>th</sup> and 85<sup>th</sup>. Of course that’s a before and there’s the after. 200,000, Utility Contractors. Before, on 69<sup>th</sup> Street North, between 215<sup>th</sup> and 231<sup>st</sup> West, before, after. On 13<sup>th</sup> Street North, between 199<sup>th</sup> and 215<sup>th</sup>, that’s a before, after. Almost \$500,000, Dondlinger and Sons. 23<sup>rd</sup> Street South, between 231<sup>st</sup> and 247<sup>th</sup>, that’s what it looks like now, just under \$200,000 by Dondlinger.

“I’ll show you a pin and hanger bridge. All we did is repair the pin and hangers. The program, by the federal government. When a bridge in New York fell down, they started going around the country and doing ultra-sonic testing of all the pin and hanger joints. That’s kind of interesting, you can see that bridge was built in 1952.

“That just shows you an old joint and a deck. That’s during the process of repair of that joint. And there’s the aftermath of that. There’s the old pin and hanger and you see the rust in it. What happened, the pins rust out and then the joint comes apart and then the bridge can have a problem. And that’s

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the repair, when they . . . that's a new pin and hanger on that. So, we did two of those this year, Wildcat, \$111,000. I think we only have like eight of those in the whole County, out of the 650 bridges, we only have eight bridges of that type.

"This is on 311<sup>th</sup> Street West, between 87<sup>th</sup> and 95<sup>th</sup> South. Same. New, 58,000. That's an after picture. Don't have one of the before. 66,000, Utility Contractors, that's on the County line, between 55<sup>th</sup> and 63<sup>rd</sup>.

"This is out at Lake Afton. I don't know if you remember the low water crossing there and they've had a lot of problems with that, such as a day like today, no one would be able . . . well, I don't want to say no one could go through there, but it would be very difficult with that water going across the road. These are before pictures. So, we built that there.

"This is the bridge in Commissioner McGinn's district that failed this year. Had a problem with that. Just wanted to show you a few pictures and we put the rush on this and got it designed and let. There's a hole that came in it. Here's a contractor working to remove the deck of the existing bridge. In progress, there they're pulling the deck there, which they did last Wednesday. We have to put what's called a silica fume on top of that, another layer about an inch thick to protect that deck. And almost \$500,000, King Construction."

**Commissioner Gwin** said, "And when will that be done, David?"

**Mr. Spears** said, "Well, with the weather, we could put the silica fume on when that gets to 75% of strength, which is usually about a week. However, you have to have 40 degree temperature to do it. So, we would have been ready, today or tomorrow, to do it but we're not going to be able to. So, we're waiting on the temperature. So, I'm going to say . . ."

**Commissioner McGinn** said, "It will be 40 on Saturday."

**Mr. Spears** said, "That might be, but we'll check that. Probably, to be honest with you, it could be middle of January before it's finished.

"This is, after we had diverted traffic off of Ridge Road, most of the traffic came over to Meridian and

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then the Meridian bridge failed and so, I just want to show you some pictures of that. And we are in process, we put . . . trying to . . . we're getting that . . . we had it surveyed, designed and we want to let that on March the 20<sup>th</sup>. We were going to try to do it in February, but we're not going to make that, so it's probably going to be March 20<sup>th</sup> before we can let that job.

"That concludes the show. There's the same map that we showed at the beginning. Once again, I want to thank Mara Elman, who by the way, at 8:15 this morning she was on the way to the hospital, she would have been here, you know to have her baby. So, I hope she made it to the hospital. We don't really know, at this point. And also Jay Day for taking the pictures and that concludes the program."

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

**Commissioner Gwin** said, "Thank you, Mr. Chairman. David, you know in times past we've kind of chuckled and chortled as you've showed the before and after pictures and all that is in, just in deference to you and the fact that we work so closely with you. But in the whole scheme of it, this is one of the most important jobs that this government does. I couldn't get to and from my work, Mara couldn't get to the hospital, I mean, if quality roads and good bridges weren't out there for us to drive on. And Sunday evening, I was at a friend's party over in Butler County, with the ice and all of that and most of us who went were residents of Sedgwick County and almost to a person they commented, they knew when they got back to Sedgwick County the roads were going to be better. And I've heard that over and over again, that not only do we lay down better roads, do we construct better roads and bridges, than some of our neighbors but we do a better job of maintenance on a regular basis, to make sure they are kept in good shape, but you and your folks, too, are also out there when we need you for treating the roads with . . . you know, when it's icy or snowy or those kinds of things. And so, we do depend upon you and your staff every day and I appreciate the hard work that you and all the people of Public Works do for us, as citizens of this County. It's a very important job."

**Mr. Spears** said, "I really appreciate those comments, Commissioner Gwin, and we do have a dedicated work force down there. And I want to point out, most people don't even know this, but like in times . . . today, the weed department guys, the survey guys, they go out and help on the roads. Which, you know, they don't really have to do that, but they are doing that to help us. And we need them, because it's pretty bad out there today. So, thank you for those comments."

**Commisioner Gwin** said, "Well, you're welcome and I always, like I said, it's wonderful to get

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comments from folks who don't live in this County, that say 'I can tell the difference between night and day when I drive from my county, when I enter Sedgwick County, both in the quality of the roads that are there and the condition of the roads where they need to be in good shape. So, thank you.'

**Mr. Spears** said, "Thank you."

**Commisisoner Gwin** said, "Thank you, Mr. Chairman."

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

**Commissioner Hancock** said, "Thank you, Mr. Chairman. David, I want to echo what Betsy has said, and add a little bit more to that. As you know, this is my last road show. And I'm going to miss them, sincerely. They are . . ."

**Commissioner Gwin** said, "Well, you can come back."

**Commissioner Hancock** said, "I won't miss them that much. I'm trying to be nice here. One of the things the Commissioners haven't had to worry about for all of the time that I've been here, and that's been the infrastructure of the County, because it's been in good hands. And it's because of you and the people that work for you. From you on down and everybody and they've always been very gracious to me and working with me on projects and I want you to know that I really appreciate everything that you've done. I sincerely mean that. It's an important part of the things that we do and it's really an outward sign of how things are in Sedgwick County and you've made that very easy for me and I think I speak for all the Commissioners. All the Commissioners in terms of how the roads are constructed and maintained. It's a bad day out there, and I know on days like this they really especially earn their money and tell all the folks down there thank you from me and tell them I'm going to miss them and to keep grading my road real good. No. I know they will. But tell them I'll miss them and keep up the good work."

**Mr. Spears** said, "I'll tell them that, Commissioner Hancock and thank you for those comments."

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

**Commissioner McGinn** said, "Thank you. What I've heard from Commissioner Gwin and Hancock

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are the roads in the County, which I agree that we do have very good roads, but I'd hate to lose sight of the fact that a lot of our roads are also in many of the cities and we do interconnecting links with communities that are less than 5,000. And didn't you tell me that, in the last five years, about 24 million dollars worth of the road projects that we've done are now part of Wichita's community. So, our roads aren't just in the County. I mean, the ones we built are also, now, in some of our communities, too."

**Mr. Spears** said, "That's right. We try to be forward thinking with our Capital Improvement Program, and we know the roads that need to go from two-lane to four-lane, like on the edge of periphery of Wichita. And so, we've concentrated on those and I think the public has benefitted from that."

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

**Chairman Winters** said, "All right, thank you very much. David, it was a good presentation today and I concur with what the other Commissioners have said."

**Mr. Spears** said, "Thank you."

**Chairman Winters** said, "Commissioners, do we have a Motion to receive and file?"

**MOTION**

Commissioner Hancock moved to Receive and File.

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

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**Chairman Winters** said, "Commissioners, what's the will of the Board? Do you want to go back and start with F-3, or do we need to take a five minute break, recess? Or do you just want to keep going?"

**Commissioner Gwin** said, "I would just as soon keep going. I think, with the number of us. . . yeah, take a break as we need it, as individuals."

**Chairman Winters** said, "Okay, Madam Clerk, call Item F-3."

### **3. RESOLUTION AMENDING CHAPTER 6, ARTICLE II, SECTION 107, OF THE SEDGWICK COUNTY CODE, RELATING TO PLAN REVIEW FEES AS ADOPTED BY SEDGWICK COUNTY RESOLUTION NO. 233-1998.**

**Mr. Glen Wiltse**, Director, Code Enforcement Department, greeted the Commissioners and said, "Currently, Code Enforcement performs plan review on all commercial projects within Sedgwick County and within plan review. That entails looking at a set of detailed plans that we look at electrical, plumbing, mechanical, the structural, we look at zoning compliance, parking and those types of things. In the past, we've had an agreement with the Fire Department that they look at the uniform fire code aspects of the plan review. We have paid them, in the past, 35% of the proceeds from that. And we have been in negotiations with them, because of all the other parts of the plan review, to reduce that dollar amount from 35% to 30%, starting January 1 of 2001. And then it would reduce to 25% in January 1 of 2002. We've done that simply because we look at the major part of it, and we felt and agreed that the 35% was a little excessive for the part of the work that they were actually doing. If you have any questions, I'd be glad to answer them at this time."

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

#### **MOTION**

Commissioner Gwin moved to Adopt the Resolution.

Commissioner Hancock seconded the Motion.

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

#### **VOTE**

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

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

**G. RESOLUTION AUTHORIZING THE SALE AND CONVEYANCE OF REAL PROPERTY UNDER AUTHORITY OF K.S.A. 19-211(D).**

**OVERHEAD PRESENTATION**

**Commissioner Hancock** said, "Thank you. Mr. Chairman, I'm going to be presenting this item today. Allison is putting up a map for us to show the properties concerned in this item. I think I'll begin. Allison, were you able to identify . . . would you like to identify those properties. There are seven properties that we're talking about today for this conveyance and Allison is going to point them out. You might want to just point at them and count them, Allison, if you would."

**Ms. Allison Olhman**, Communications Coordinator, Communications, said, "Well, there are two properties up here. There are . . . actually, there are four properties up here, I'm sorry. Have two properties that are located down here. And then one property right over here, for a total of seven."

**Commissioner Hancock** said, "Okay, thank you. Commissioners, what this is is an agreement and approval to transfer real property, currently owned by Sedgwick County, to the City of Haysville, and as you have seen, there are seven separate parcels involved in this transfer. Sedgwick County accumulated these properties following the May, 1999 tornado, in preparation for the grade separation project at the Union Pacific and 71<sup>st</sup> Street South. And Allison, could you point that out, where that's going to be, where the railroad is? Keep going. A little further. That's it, right there. It's also known as Grand Street in Haysville. And as you know, it made very good sense to make the purchase of those properties, do the purchase of those properties, following the May tornado, before improvements were rebuilt back on those properties. It saved the County a considerable amount of money.

"The reason I'm presenting this item today, Commissioners, is I feel very strongly about the transfer of this property. Ordinarily, Mike Pepoon would be here to make the presentation, but I just wanted you to understand that I feel very strongly about this and I hope that you support me in this transfer.

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I know it's unusual, in that for construction project purposes, Sedgwick County generally retains control of the property and ownership throughout the construction project. And this is a considerable project right here. However, it's not absolutely necessary.

"So, why do what I ask you to, approve a transfer of the properties? It's very simple. Haysville is in the process of rebuilding its mid-town area. It's had a difficulty doing that, over the years, but it sees opportunity now, knocking on its door, following the tornado in May of '99. They are currently working, two of the gentlemen who are here, the Mayor, Tim Norton is here and Mr. Bruce Armstrong, President of the Council is here today. Those two gentlemen have been working with developers, a preferred developer to go about the business of signing some kind of an agreement that would allow redevelopment up and down Seneca Street, west of the railroad and on the east side of Seneca and south of 71<sup>st</sup>, on the west side of Seneca. The advantage for the City of Haysville to own these properties is very simple. In negotiating with a preferred developer, the preferred developer is going to ask the question at some point in those negotiations, 'do you have control of those properties' and without control of the properties, the City of Haysville really cannot sign an agreement and mean it. It's just that simple. And for them to begin reconstruction the . . . in my view, the railroad is going to be getting in the way of that redevelopment. It's going to put it off for, I estimate, at least a couple of years. And it should be, right now, Haysville should be going through reconstruction right now, as we're talking about it. But they haven't been able to do it.

"In order to expedite that process, sign an agreement with a preferred developer, it's imperative that they have ownership of those properties and can speak with authority about those properties to the preferred developer. And I have Tim Norton here today and Bruce Armstrong and certainly, I'll try to answer any questions that you may have or they may be able to answer some questions I can't. Certainly, they know more about it than I do. But it's something that I believe very strongly in.

"I have spoke with David Spears concerning the project, and the concern at Public Works is that any development might get in the way of the process. So, as a result I'd like to . . . let's see. As you know, the back-up for this, the descriptions of the property is . . . let me find it. The descriptions of the properties is on 67, but I'd like to refer you to paragraph four on page 69. And that's an agreement that will be published, along with the transfer of the properties. And in that paragraph four, it clearly states that these parcels will be used from now to the point that the construction is completed of this grade separation for construction purposes only.

"And for the life of me, Commissioners, I can't understand the difficulty in this transfer. I don't believe that there will be any other development get in the way of this grade transfer or this grade separation project. It doesn't make good sense at all not to allow the city of Haysville to have ownership and at least give the city the opportunity, the chance to enter into some kind of agreement with the preferred

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developer. So, I'm asking you today to approve this item, as presented on our agenda. And I'll try to answer any questions. As I said, Mayor Knight's here and Bruce Armstrong is here to answer any questions you may have. I'm sorry, Mayor Norton."

**Chairman Winters** said, "All right, before we have any questions, I would ask is there anybody here who wishes to address the Board of County Commissioners on this issue. It's not a public hearing issue, but is there anybody here in the Meeting Room who has any comments? Yes, please come forward. And please give your name and address for the record."

**Mr. Bruce Armstrong**, President, Haysville City Council, greeted the Commissioners and said, "I'm President of the City Council and I'll take over as mayor, once Mayor Norton resigns and comes onto the County Commission. I just wanted to expand a little bit on what Commissioner Hancock had said. We do find it's very important to be able to talk to developers, but we also understand that this railroad project is of the utmost importance and do not want to do anything that would stop that railroad project. This is not only for the County, but very important for the City of Haysville to have this railroad go through as it is.

"The other problem that we are now . . . that Commissioner Hancock did not touch on is that we, as a city, as the County has, you've had properties that are in the County that are sitting and people have not gone through and cleaned up those properties. We have several properties that are sitting, basements, foundations and this type of thing. These properties are in that same condition. You have foundations, you have lots of different things that need to be cleaned up on these properties. We, as a council, have presently passed some blight ordinances. We are now in the middle of public hearings, hearings with people to force them to clean up these properties, since it has been 19 months. They have not seen to come in and clean up these properties. If we don't feel that we have control to be able to see that, we know that what they're going to say to us is 'what is happening to all these other properties that are not being cleaned up and not being taken care of. We see that as a detriment to the city on being able to answer our citizens as to what we're doing to get the City of Haysville cleaned up.

"And again, I think as Commissioner Hancock has said, there will be no construction on these properties, and even our agreement that we are looking at the preferred developer, at this point, will

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not talk about these properties. But once a preferred developer is named, we have acquired the other properties that are adjacent to the north of this property. Once they are doing the building, to then attract the present businesses and to attract what needs to be done to come into our town, we would not like to have these properties sitting, in the condition that they are sitting at this point. That itself becomes a detriment to the city, to have the growth that we need to do to continue our downtown growth, at this point. It would not be as prohibitive if they were not sitting in the middle of our downtown area.

“So, with that I wanted to add a little bit of additional information that Commissioner Hancock had not let you know, because I’m sure he wasn’t a party to what we’ve been doing to these blight ordinances that we have in town and these are part of the properties that fall into the blight ordinance. Which, if you have not already received some, you will be receiving the notices that the rest of the people are, because you are the property owners about these blighted properties that are sitting in the middle of Haysville. I’d be happy to answer any questions that you may have at this point.”

**Chairman Winters** said, “Okay, got a couple of lights on.”

**Commissioner Hancock** said, “Bruce, I just wanted to ask, the ordinance that you put into effect is a stronger ordinance than you had in the past?”

**Mr. Armstrong** said, “Yes, we went through and revised our ordinance for this very reason. We saw that there were people that were not complying and we feel we needed to increase that ordinance, to be able to go through and make people comply, as much as we can make them comply. Yeah, in the ordinance they do have provisions that they can use in order to stop that. But we would rather not go that far. Presently, the citizens that are coming in, we’ve now seen seven. We have now five more weeks of at least five to six citizens that have called for hearing on their properties. So, we’re going to be very busy looking at these and, yes, we have increased that ordinance considerably. We have to get Haysville cleaned up.”

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

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

**Commissioner Gwin** said, “Thank you, Mr. Chairman. Okay, Bruce, or Mr. Armstrong, excuse me, I don’t mean to be so casual, these properties are vacant.”

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**Mr. Armstrong** said, "They are vacant at this moment."

**Commissioner Gwin** said, "And your issue seems to be more of, initially, their current condition and your need to be able to enforce improvement of that condition?"

**Mr. Armstrong** said, "The ability to do two things for it. To improve those conditions, for one. And to be able to have something, so people can see that, so it is . . . for additional people coming in, for people who want businesses to come in, it would be to the north of that. This being right on the corner of our city, where all of the traffic passes. Shows very bad for the city, about bringing in any additional developers, any additional businesses and that type of thing."

**Commissioner Gwin** said, "And you said that Sedgwick County is going to receive notification, regarding the current conditions and demands that we clean up, to meet whatever your new ordinances say, is that correct?"

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

**Commissioner Gwin** said, "Have we received them, David?"

**Mr. Spears** said, "I was just about to try to interrupt you. We received them yesterday."

**Commissioner Gwin** said, "Okay. Okay. So, I guess, the first thing I'd ask our staff to do is to respond as quickly as possible to those notices. The other thing, looking at the map, I can see some potential for development of the parcels north of 71<sup>st</sup>, on Seneca and the one east of the rail . . . the one that kind of sits by itself, east of the railroad tracks. I have a little concern about that strip along the railroad track, because I'm assuming a lot of that's going to be needed for right-of-way and other issues, when the fly-over or the overpass comes through Haysville."

**Mr. Armstrong** said, "Are you talking about south of . . .?"

**Commissioner Gwin** said, "South of 71<sup>st</sup>."

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**Mr. Armstrong** said, "Along the railroad there. Yeah, that was the old, was part of the old town of Haysville. That sits right across from our historical district and we don't see that getting back into heavy development at this point, because it sits right across from our historical district. Also, which I don't think is shown on the map, there will be rerouting of that road that goes right there now. That road will reroute and come and cut off part of the other parcel that is to the east there. So, it is not going to be as good a piece for any type of sales or businesses that would go on that. It would look better going back into our historical district than it would for a lot of development on that south end of it, because when that underpass goes in, there is a whole change of that intersection, where that land abuts right there. That will . . . there will be a piece in the east there, a small piece that may be for development, but the rest of it is not going to be highly developed."

**Commissioner Gwin** said, "And I apologize, I'm looking now at the map and I see that little road, kind of reconfigured back to the east and then back to the north, it goes through that one parcel right there. So, I was trying to figure out why we had to take that, but now that's perfectly clear to me. Well, I guess I have . . . I certainly am concerned about trying to assist the City of Haysville in getting the properties cleaned in a manner in which they could be presented. I'm still a little unsure about when that transfer should happen, but I'll listen to my colleagues. Thank you, Mr. Chairman."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. This is something new to me, where we're just selling land for a dollar. Mr. Buchanan's not here. Okay. What did we pay for this land, when we acquired it?"

**Commissioner Gwin** said, "Rich, do you know? David?"

**Mr. Spears** said, "Denver Bland is here, and he's our right-of-way agent down there, and correct me if I'm wrong, Denver. I think it was around, all together we've spent around \$625,000."

**Commissioner Sciortino** said, "And how did we determine that now the fair market value is less than \$50,000?"

**Mr. Spears** said, "I cannot answer that question?"

**Commissioner Sciortino** said, "Do you have an answer for that?"

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**Mr. Euson** said, "I can. We obtained information from the County Appraiser's Office on each one of those tracts and each tract was appraised by them at less than \$50,000."

**Commissioner Sciortino** said, "Each tract? I mean, so the total amount of land that we would be . . . is there only one tract then that we're . . .?"

**Mr. Euson** said, "I believe that they're seven tracts."

**Commissioner Sciortino** said, "And all six combined value less than \$50,000."

**Mr. Euson** said, "No, the individual value of each is less than \$50,000."

**Commissioner Sciortino** said, "Oh, well, okay. I'm trying to look at this resolution here. We have the authority, if the land that we're wanting to convey is less than \$50,000, we have the authority to do what we are proposing to do?"

**Mr. Euson** said, "Yes, you have the authority to negotiate a private sale."

**Commissioner Sciortino** said, "Okay, but I just heard you say that the fair market value is in excess of \$50,000. We're giving them all six tracts, is that not correct?"

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

**Commissioner Sciortino** said, "So, can we still do what . . . do we have the authority to do it, since the land value is more than \$50,000?"

**Mr. Euson** said, "Well, we believe you do. This is the same as taking seven separate resolutions and putting them on the agenda, with properties each worth less than \$50,000. So, we believe it's within your authority to do this."

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

**Chairman Winters** said, "All right, thank you. Commissioner Hancock, I certainly respect your decision and I certainly pay a great deal of attention to processes that you go through in determining issues like this. And I certainly want to be a partner with Haysville, as they build back a significant portion of their community after the tornado. And we were, in a sense, I mean that the tornado was

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here. It was certainly the time for us to be purchasing property and Haysville to be purchasing property, if we're going to work on this overpass.

"You know, I would want to visit with David Spears about the condition of the properties currently, and see what kind of a process it would be to clean these properties up, because I think if they haven't been cleaned up, I would certainly be one that would want to make this whole area, even during the construction process, be as presentable as possible. And particularly when it's through the middle of Haysville. We all know that we've seen construction projects that are extremely chunky and messy and we've seen construction projects that are clean, and I think we want to make this one clean. And so, I certainly will be glad to visit with David and think about getting these properties cleaned up.

"I just wonder if we're a bit early in the process though, of transferring ownership. And in conversations with David Spears, I think it's difficult for us to determine, right now, exactly which properties we no longer have use for a public purpose. As soon as that's determined, I'm going to be certainly one in favor of sitting down with Haysville and making a deal that will help them proceed on with their process of development. But it's my understanding that we haven't even completed the process of acquiring all of these properties. We're still engaged in some court action. And I certainly don't want anything to mess up the railroad project and the construction process. So, I wonder if there is any way that we could have legal staff craft a resolution for us that would clearly put out our intent, so Haysville and any preferred developers would know that when the time is right, Sedgwick County will be dealing with Haysville or their preferred developer in determining what to do with any excess property and that we do that once we know, for sure, where the lines are going to be for the railroad crossing. Once we know, for sure, what kind of construction easements the construction company is going to use.

"So, I want to be . . . I don't want to hold onto this property and then turn around and start dealing with a new developer, someone that Haysville hasn't recognized or somebody other than the City of Haysville. I just think we're a bit early on this particular process. Commissioner Hancock."

**Commissioner Hancock** said, "Thank you, Mr. Chairman. I really don't want to confuse the issue concerning the action by the City of Haysville, concerning the clean up process. I think these are . . . they're related but they're separate. Does that make sense? It's the first time. Me making sense is pretty tough sometimes. But I think the point here is that Haysville is struggling to make the properties appetizing for developers. And so, that issue has to do with the clean ups and there is, on one of these properties, I'm not sure, is there one of them that we own, is that the one where the Vickers station is, currently?"

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**Mr. Armstrong** said, “Yes, one of the properties still has an old Vickers station still on that one.”

**Commissioner Hancock** said, “And it was designed, evidently, to resist tornadoes, because it did. Amazing phenomenon, but it’s still there. It’s the only thing that was left. And you guys all saw it. And so, as Haysville struggles to clean up these properties and to make them presentable to possible developers, that’s one issue and I think that’s a separate issue. And that’s important and that’s why we’re going to receive the notices.

“One thing I want to caution everyone about though, I think it would be a little bit easier, in some of these instances, to work off of asphalt and concrete than dirt, as far as staging is concerned and construction. Before we get carried away with tearing up asphalt and making it dirt, we might want to think about that. The other thing is, other issue really is the one that I am really addressing and that is the ability of Haysville to do business. And if we can’t come to an agreement today among the Commissioners to transfer the properties, then I would suggest, it’s not sounding real good, but I would suggest that we do a little different arrangement. If we can’t come to some kind of an agreement today and transfer these properties like I wish you would do, because it’s a simple process and I don’t think it will cause us any problems, then I suggest that we come back with an agreement with the City of Haysville announcing to possible developers that they will have control of those properties at the appropriate time.

**Chairman Winters** said, “Okay. Commissioners, if we look at it in that respect, then we have the option again of proceeding with Mister Hancock’s first request to do this resolution. I think I would rather take a look at the second option, and not do that today, but I’m only one Commissioner. I need to hear from the rest of you. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you, Mr. Chairman. This is out of total ignorance on my part. And I’m looking to this Board to educate me a little bit. And I want to say that going in. And also, I am not against helping any of our 20 cities within the County, but what I heard is that we paid 6 hundred and some odd thousand dollars for this property and we’re going to sell it for a dollar. Now, if that’s something that we’ve done in the past, then that’s normal business. I’ll have to figure out a way to accept that from my more conservative approach as to how we spend and accumulate assets. I have to assume the City of Haysville, if they purchase property north of this area probably paid more than a dollar for that land. I’m just . . . educate me. Is that normal business?”

**Chairman Winters** said, “Well, I would say part of that though is to really tell what that looks like, we’d need to see a more detailed map that showed exactly what property we’re going to take and use

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for the crossing, because I'm sure that . . . I mean, we wouldn't have purchased this property if it hadn't . . . part of it's going to become railroad right-of-way."

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

**Chairman Winters** said, "And so, I mean, once it gets through the construction process, the properties going to have a whole lot different value than it was when local government had to purchase it to do a project. And just because we purchased it for \$600,000. We do our project, there may not be near \$600,000 worth of property left there."

**Commissioner Sciortino** said, "I appreciate that. What was being presented was . . . and I'd like to try to support Commissioner Hancock on this. Can we make a firm commitment that, once the construction is done, we would sell the property to Haysville. I'm just asking, is part of that commitment, we're ironclad selling it to them for a dollar and that's what our . . . is that okay and normal and have we done things like this in the past? And, if so, I don't have no trouble with it. It just sounded kind of . . ."

**Commissioner Hancock** said, "Well, I can answer. We've done it before. It isn't unprecedented, no. We did the Clearwater Yards to the City of Clearwater, since I've been here as I recall. And I'm sure there are others. But it isn't unprecedented at all. But, I just want to remind the Commissioners that the money that we use to buy this property isn't Sedgwick County government's money. It's the people's money. And in a sense it's going back to the people. And some of those people happen to live in the City of Haysville.

"And all I'm trying to do is give them the necessary tools to compete out there in a hostile world because Mother Nature has not been too kind, in the last decade, to the City of Haysville. And I'm not talking only about the '99 instance, but the '92 and the '95 and so, all I'm trying to do is remind the Commissioners that it isn't our money. It's their money and we're not in the business of making a profit. And we won't, I'm sure. But we shouldn't even think about, in those terms."

**Chairman Winters** said, "Okay, thank you. Commissioner Sciortino, do you have anything else right now?"

**Commissioner Sciortino** said, "No, not at this time."

**Chairman Winters** said, "So, can I ask you, are you leaning towards option one or option two? The

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option one would be to do this deal today. Option two would be to do some kind of resolution later that would think about it.”

**Commissioner Sciortino** said, “I would be leaning very strongly toward option two.”

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

**Commissioner McGinn** said, “Well, I don’t have much, other than I agree with some of the comments I’ve heard. And I want to be supportive of helping the City of Haysville develop and get started in that process but, as you said Chairman Winters, is that you feel like we’re very premature in this process in that we have some legal issues out there on this property and I think we’re just . . . this is ahead of where we need to be. And so, I would have to say I’m leaning towards option two, although I’m not sure and clear about exactly what options he means, as well. So, I don’t want to commit to option two either, but I’m just, because of the legal matters that are out there right now on this property, I think that we’re just a little bit too premature on this.”

**Chairman Winters** said, “Okay, Tim Norton, Mayor of Haysville, is in the room. Tim, would you like to make a comment, after you’ve heard us wrestle with this for a bit.”

**Mr Tim Norton**, Mayor, City of Haysville, greeted the Commissioners and said, “I hesitated to be the front man on this, because my role will change here very soon. There are some things that need to be brought forward though. First of all, we have been working, I’ve worked diligently since the day of the tornado, on the economic development of that east side of North Main. Part of what is going to be important for the business overlay, for the overall development, for the ability to make it all look congruent and be a downtown is for Haysville to know that we’re going to have the power to do something with that property, in conjunction with other properties along North Main. It all needs to be folded in together. Now, having said that, our intent is not to do anything that would jeopardize the County moving forward as the lead on the railroad project. In fact, we’ve worked diligently with HNTB, the County staff, PEC, all entities. Haysville’s at the table on that and will continue to be, because it is critically important to us, as part of the core, downtown redevelopment. That train project is not exclusive of downtown development. It is a big part of it.

“So, having said that, the thing we need is to know that we’ll have control, ultimately. And I don’t know how you mandate that, saying ‘oh yeah, we’ll do that three years from now’ when there may be other elections, there may be people dropping off. The one way we know that we’ll have it is for you to say today, you’ve got it. I don’t know how you say that in two or three years. I mean, people

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change their minds. People vacillate. Other issues become involved and I don't know how you can say that, 'well, let's put it off two years, til the train project is done'.

"We're trying to make decisions now on a second crossing. It's going to be very expensive to Haysville, and that has to do with some land north. Well, we may not put that crossing north, because that may be more important to us not to have a road there, but to have that as develop-able property, because we know we're not going to get the property south, or not at least until the developer has already done another plan. If we don't have the access, knowing that we have that property, right now, then that won't be included in the developer's agreement. That won't be included in how they go out and seek people to buy property and to develop it and to find businesses. If you don't have that, then it's left out. Then we would have no need to have that later, and then it falls outside the business overlay, because we don't know what's going to happen to it and I think that's critical to the whole project. I think it's a strong point.

"Now, I take a little exception that we don't want to act too prematurely, because I've been talking about this issue for a year and I know we've talked to David about it, we've talked to Commissioner Hancock about it. I am sure this has been on the County Commissioner agenda and has been talked about before. So, I don't know that it's premature and we need to look at the legal things. From my perspective, that's been looked at several times and we have come to the point where it looks like this is something that is very do-able. It's not outside the law. Yes, it is a risk. It is a risk that the County Commission would look at and say, 'yeah, it's some money'. We're putting some money into one of the small communities. We're already putting a lot in there for the railroad project and now we're putting a little more in there. I guess you could go out and seek to sell that at fair market value, but I think you would be doing a great dis-service to a large constituency of that south part of the County and for Haysville, because we've already got enough people buying it free market and putting up things that we really don't want along out downtown. We want to be able to control that with the business overlay, with a preferred developer and have our destiny in our own hands, as opposed to someone else. And I think that's critical, in today's environment, small cities need to control their own destiny and so many times it's controlled by other entities, particularly when it comes to annexation and some of those issues. And, you know, you're fighting it every day. And so, it's going to continue to be intrusive. This is a place where we don't want it to be intrusive, on the four walls of Haysville that we've got to control.

"Now, when you go around . . . the next level is talking about cleaning up the properties. We hesitated

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to send those letters to the County. We went back and forth and back and forth. The truth is the Victory Baptist Church property, we got authorization from David, to let us go ahead and reclaimate it and clean it and level it. City of Haysville did that. It's County property because it's right next to Lee's Cleaners, brand new building. It looked terrible. It's in our historical district. We went in and tore out the foundation, the basement, hauled in dirt, leveled it, seeded it and made it look good.

"Now, I guess, that's one of those things. We could send a bill and I guess we could see that bill with interest now, starting to add up really fast. And I don't know if it adds up to \$600,000 or not. But we're willing to be great partners at that. I see it as important not to move those foundations, unless David says so, because if you're going to be putting heavy equipment there, in the middle of our town, park it on a pad so that when they get started in the mornings they're not churning up dirt and running it all on our streets. Concrete pads look pretty good, particularly along the historical district where Walt's Refrigeration and the old hardware store was. I see that as becoming a maintenance yard for the railroad property to put their equipment. And having it on a pad makes pretty good sense. So, we're not anxious to tear those out yet, unless it's important to the railroad project to do."

**Commissioner Hancock** said, "Mayor, may I interrupt you? How many total parcels are in this whole thing? Do you . . . we have seven. You have two and one of them is in condemnation right now that we spent money on. But then you've purchased some stuff to the north and then, on the south side of Grand, on the east side, there are a number of parcels in there, because they're small little lots. Do you know how many all together are involved in all this?"

**Mr. Norton** said, "In the tornado?"

**Commissioner Hancock** said, "Well, no, in the . . . on the map that I have here, and . . . where's Allison, bless her heart. We have a number of parcels that you've accumulated and that we have."

**Mr. Norton** said, "Well, when you get down into this area here, all of this area here was the 'old town' area. The blacksmith's shop, the bank, all of that was in here. Some of you have toured that area. We purchased all that as a city and have created a park historical district there. We're rebuilding the bank, rebuilding some buildings. We've purchased some property here, where we're moving old historical buildings in here. This area was devastated, just like the property of the County. I mean it came right through here, so we've reclaimed all this, with the idea, in fact we own some property right here where the road is going to turn and go straight through."

**Commissioner Hancock** said, "Well, my point is this. Is that there are more lots owned by the City of Haysville than by Sedgwick County, currently, that will be affected by the railroad construction?"

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**Mr. Norton** said, "Yes."

**Commissioner Hancock** said, "That we'll need parts of it for the right-of-way, ultimately. And my point is this, unless the issue here is about money, and the City of Haysville purchasing these properties from Sedgwick County, subsequent to the construction. If that isn't the issue, then the issue is will development get in the way of the grade separation project and my answer to that is, it already can, if that's the decision of the City Council of Haysville."

**Mr. Norton** said, "Well, the truth is, I don't think all the easements along this property north has been determined yet. I think there could be more easements needed here. And I think Prairie State Bank owns this and Haysville will be closing on all of this."

**Commissioner Hancock** said, "So, what I'm saying is that if the issue is will development get in the way, the answer is it already can, if that's the city's choice. So, I don't think that's a fear that we should be entertaining. I don't think it's a problem. And that's what I've heard it to be, the primary objection. And if that's the objection, I can't see reason not to do this."

**Mr. Norton** said, "I would agree, Commissioner Hancock."

**Chairman Winters** said, "Yeah, you two guys are convinced, I'm sure."

**Commissioner Hancock** said, "But I just wanted to point that out to the Commissioners is that if the problem is will development get in the way, we own such a small portion of the total amount of property down there that's going to be used for this, the County does, it already can get in the way. I mean, that shouldn't be an issue. If we can't trust the city to not get in the way with their development, then we've got a problem already, because they own more of it than we do, the total amount of property."

**Chairman Winters** said, "I've got a couple of more Commissioners that have got questions or comments. Mr. Norton, do you need to wrap up anything or did you have a last thought?"

**Mr. Norton** said, "I think one thing we had talked about was adding to the agreement that this property would be off limits until the project was done. That no development could take place, even though we have ownership of it. We're giving authorization to the County to control that property until what time the railroad project is totally done and they sign off on it. I think the key is that we just need

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to let developers know, long range, if they're going to look for a business that needs an acre, and fifty feet of it is in that one piece of property, that at least they can go ahead and start thinking about, 'that's going to be a part of the long range plan' instead of 'well, we just don't know, so we've got to do something else.'

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

**Commissioner Sciortino** said, "Yeah, well, if I heard from the Mayor, Mayor Norton is indicating we have to do this today, because deferring it to the second thing wouldn't work for him. So, I guess our decision is up or down, do we want to do it today, is basically what I heard from the Mayor."

**Chairman Winters** said, "Well, I don't think I'd quite say that. I mean, I think if we do it down today, I think there's always tomorrow and there's always different strategies."

**Commissioner Sciortino** said, "Right, and I'm not saying that I agreed with him, I just said that's what I heard him say. The thing about the preferred developer, I'm a little confused on that, even though we own the land and they pick a preferred developer, the only difference would be that when that developer got going, he would come to us for purchase of the land, as opposed to the City of Haysville. Is that, basically, correct? And I don't see us putting, or going with some other developer that Haysville would really object to in a big way. So, I don't know that that's going to really put a wrench in Haysville's plans. And, candidly, I still have to get past this dollar. I'm sure you all can convince me why it's a good idea, but I'm still concerned about selling all this land for a dollar. I understand it's not our money, it is the citizens' money. But it's all of the citizens of Sedgwick County's money, not just the citizens that live in Haysville. So, anyway, I could not support doing that today."

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

**Commissioner McGinn** said, "Well, I just had one comment and that is, I don't know how come we can't let the developers know. So, I don't see that we're in the way either and I see . . . oh, his lights off. I'm ready to call for the question."

**Chairman Winters** said, "Are there any other comments or questions? Commissioners, which Item number is this?"

**Commissioner Hancock** said, "G. Well, let me put it out of its misery."

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### MOTION

Commissioner Hancock moved to Adopt the Resolution.

The Motion died, for lack of a second.

**Commissioner Hancock** said, "Mr. Chairman, could I ask you to direct Legal to bring to us some suggestions regarding this issue and how we might proceed, in cooperation, in partnerships with the City of Haysville, to make sure that any preferred developer that comes along can have some kind of assurances from Sedgwick County that that land will be made available to them and bring us back some options? It doesn't mean we have to approve the options. I would like to have some legal suggestions from them and ask that you talk with the City of Haysville, the Council, the Mayor and their attorney and maybe we can come to some kind of an arrangement that would work and make everybody happy. This is very, very important to me and the City of Haysville and they have to have some kind of an assurance to make sure that a developer, whether it's preferred or otherwise, will be on hand to build things when the time comes and it's right. It's going to be a long time, Commissioners, before anything goes on down there. A couple of years. And that just puts Haysville so far behind the curve, it's almost a crime. And we need to be cognizant of that and work out some kind of partnership arrangement with them. I would ask that they do that."

**Chairman Winters** said, "I would certainly support that kind of continued discussion because, I mean, somehow we just need to address the issues that those who don't think this is a work-able issue at this time, all of their concerns need to be addressed and the only way we can do that is to keep talking about it. And I would be supportive of a group of County folks continued to work the issue. And so, whether that comes from Rich's Legal Office or the Manager and including Public Works, because they're the ones who seem to still have an issue there."

**Commissioner Hancock** said, "Well, thank you for your considerations. Mayor, thank you. Bruce, thank you very much for being here today."

**Mr. Euson** said, "So, Mr. Chairman, is that the direction of the Board then?"

**Commissioner Gwin** said, "Yes, I concur with that. We need, because I know that there are concerns from Public Works, and we need to make sure the legal things are worked out and, certainly, the rest of us need to come to an understanding as to what happens next and what we'd like to see happen next."

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**Mr. Euson** said, "Thank you."

**Chairman Winters** said, "All right, Commissioners, we have 21 more items on today's agenda, plus a Sewer District item. So, would you like to just continue to plow on through, or do you want to break for lunch?"

**Commissioner Sciortino** said, "Let's keep plowing."

**Chairman Winters** said, "Keep plowing. I would think maybe they're going to go a bit faster from here on."

**Commissioner Sciortino** said, "Wait a minute, I don't know if you have a consensus yet, between the plowing and the eating."

**Chairman Winters** said, "Oh, I was ready to keep plowing and I saw . . . are you ready?"

**Commissioner Gwin** said, "We're just going to start . . ."

**Commissioner Sciortino** said, "Start eating. We'll just have Hardee's bring us in a couple of burgers here."

**Commissioner Gwin** said, "I'd say, well I don't know."

**Chairman Winter** said, "Let's go another fifteen minutes at least and we'll see where we're at. All right, Madam Clerk, next item."

### **I. COUNTY COUNSELOR'S OFFICE.**

#### **1. RESOLUTION AUTHORIZING SALE OF UNREDEEMED REAL ESTATE AFTER TAX SALE.**

**Mr. Clarence D. Holeman**, Assistant County Counselor, greeted the Commissioners and said, "This is a form resolution that I bring to you just about every year, at this time. It's . . . by statute, you are required to proceed with tax foreclosure, once the values of certain properties reach a certain level. We've hit that point. This resolution simple directs the tax foreclosure proceeding begin, that we go ahead and file the law suit and carry out your duties, under the statute."

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**Commissioner Hancock stepped out at 12:00**

**Chairman Winters** said, "Now, there's nothing different in this resolution than what we do every year at this time?"

**Mr. Holeman** said, "No, Mr. Chairman, there is not."

**Chairman Winters** said, "All right, thank you. Commissioners, other questions of comments."

**MOTION**

Commissioner Gwin moved to Adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**Commissioner Gwin** said, "Point of discussion. Could we . . . we've got Major Bardezbain cooling his heels out here. Would it be possible to take Item J and let him get back to the job of running the jail?"

**Chairman Winters** said, "Sure. Call Item J."

**J. AGREEMENT WITH PREFERRED MEDICAL ASSOCIATES, INC. TO PROVIDE MEDICAL SERVICES TO DETAINEES OF THE SEDGWICK COUNTY DETENTION FACILITY.**

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**Major D. Bardezbain**, Sheriff's Department, greeted the Commissioners and said, "I have the responsibility of overseeing the daily operation of the Detention Facility. I'm here to ask that the Board approve the third year renewal of a professional services agreement between Sedgwick County and Preferred Medical Associates Inc. to provide medical services to Sedgwick County Detention Facility. As you're aware, the Sheriff's Department, per statute, is required to provide medical services to detainees in custody and this agreement will provide for medical staff, on site, in the facilities, twenty-four hours a day, seven days a week. If you have any questions, I'd be glad to entertain those at this time."

**Chairman Winters** said, "This is the third year of a three year contract?"

**Major Bardezbain** said, "Yes it is."

**Chairman Winters** said, "And what's the total amount of this contract?"

**Major Bardezbain** said, "For the year 2001, it is \$1,475,776."

**Chairman Winters** said, "All right, thank you. I'm going to be supportive of this, but as we've visited in my office, I think it is probably time to start thinking about the new contract that will start when this one expires and this is a significant amount of money to spend for medical services. So, I would just hope that you and Sheriff Steed would get all the good advice from anybody you can get it from and coming up with a good contract for when this one expires."

**Major Bardezbain** said, "Well, the balls already rolling in that direction."

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

### **MOTION**

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

Commissioner McGinn seconded the Motion.

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

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**VOTE**

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

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

**2. RESOLUTION PROVIDING FOR CONDEMNATION OF CERTAIN REAL PROPERTY.**

**Mr. Euson** said, "Now that we're off the air, would you like the short version of the condemnation resolution?"

**Commissioner Sciortino** said, "Yeah."

**Mr. Euson** said, "It's for two properties that the household . . . for the Household Hazardous Waste Facility at Osage and Stillwell. We've just not been able to reach agreement with the property owners. We are on a fast track, to get this project done. It's really necessary to start condemnation proceeding. Of course, that does not mean that we won't be able to, or that we won't, in fact, continue to negotiate with them. So, we would ask that you pass this resolution to allow us to keep on track and we will promise that we will keep trying to negotiate. I will try to answer any questions you may have."

**Chairman Winters** said, "All right. Okay, Commissioners, questions, comments?"

**MOTION**

Commissioner Sciortino moved to Adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

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**VOTE**

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

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

**3. AGREEMENT WITH CITY OF WICHITA, KANSAS PROVIDING JOINT FUNDING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT.**

**Ms. Jennifer Magana**, Assistant County Counselor, greeted the Commissioners and said, "You have before you an agreement with the City of Wichita for the joint funding and management of the Metropolitan Area Planning Department for the year 2001. This agreement has been submitted to, but not approved by the City of Wichita. It is slightly different than funding agreements, joint funding agreements from previous years in that it allows the County Commission to review and recommend . . . make reviews and recommendations for any merit increase in salary for the Director of the MAPD. It also would allow the Director to be considered a County employee, for purposes of personnel discussions. If you have any questions, I'm available for comments, as is Stephanie Payton with the Manager's Office."

**Commissioner Hancock returned at 12:05**

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

**Commissioner McGinn** said, "Thank you, Mr. Chairman. I'll be brief. I just want to make a few comments for the record. We did add a review process in these two local agreements with the Metropolitan Area Planning Department, as well as the Health Department and I just want to state that these are performance reviews and they are tools used to make employees better and we do that here at our County. We've done them, in the past, at other organizations as well. And we do fund the Metropolitan Area Planning Commission 50% and we fund the Health Department 40% and I think

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it's important that we, as County Commissioners, have the opportunity to help our employees be successful and this is an opportunity to communicate and help them grow as an employee. So, I also will add that I talked to two Council Members from the City of Wichita who we have these inter-local agreements, Councilman Pisciotte and Councilman Martz and they thought it was a great idea. So, I just wanted to have those comments for the record. Thank you."

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

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. If I understand my reading of it, we still, all the aspect of the operation of it, metropolitan and administration, stay with the authority of the City."

**Ms. Magana** said, "That's correct, Commissioner."

**Commissioner Sciortino** said, "And all we're asking for is that prior to them, whoever he reports to, receiving a meritorious salary increase, that we have an opportunity to make a recommendation, but we can't stop it. If they look at our recommendation and still decide they still want to give him a meritorious salary, I don't see us being able to stop that, is that correct?"

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

**Commissioner McGinn** said, "But would it just not come out of our funds?"

**Commissioner Sciortino** said, "I don't know. All it says is that we can review and recommend, but the question I have, my last question is, we approve this, they don't approve this. Where does our agreement stand then?"

**Ms. Magana** said, "Well, the current funding agreement is set to expire December 31<sup>st</sup> of this year."

**Commissioner Sciortino** said, "I understand that, but that wasn't the answer to my question. We approve the agreement, going forward with this change, they don't, what happens? It just stops December 31<sup>st</sup>?"

**Ms. Magana** said, "Most likely, this current agreement would stop and we'd look at starting in January, I guess, with a new agreement."

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

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**Chairman Winters** said, "Was that all, Commissioner?"

**Commissioner Sciortino** said, "Yeah."

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

**Commissioner Gwin** said, "Good question, Commissioner Sciortino. Just quickly, too. I'm going to support the amendments we've made to this agreement. I concur with Commissioner McGinn that I believe it's an important part of the management process and, particularly, I think appropriate for departments that are so integrally important to Sedgwick County as a whole. Thank you."

**Chairman Winters** said, "Thank you. Are there other questions or comments? We're ready for a motion."

**Commissioner McGinn** said, "Are we going to take . . . we're just taking them one at a time?"

**Ms. Magana** said, "Yes, we are."

### MOTION

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

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, "Is there additional discussion?"

**Commissioner Sciortino** said, "Yes, I would just like to say one thing. I'm going to be supportive of it, because the way I read this agreement, I would assume the City of Wichita would appreciate our comments and our thoughts as to how well the department ran. And all we're asking for is can we be allowed to make you some suggestions or recommendations. We are a 50/50 partner here. We're not trying to usurp their authority. We're not saying we want to take over the operation of it or the supervision of it. All we're saying is that we would . . . if I read it correctly, we would just like to just, at least, give you our recommendations and our suggestions and I would . . . I can't see them denying this. To me, it just seems like a reasonable request. So, I'm going to be supportive of it. I don't know what happens after December 31<sup>st</sup> if they don't agree to it, but I guess we can discuss that January 1<sup>st</sup>."

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**Chairman Winters** said, "All right, thank you. We have a motion to approve the agreement on Item I-3. Is there other comments or discussion? Seeing none, call the vote."

**VOTE**

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

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

**Commissioner Gwin stepped out at 12:09**

**4. AGREEMENT WITH CITY OF WICHITA, KANSAS PROVIDING JOINT FUNDING OF THE WICHITA-SEDGWICK COUNTY COMMUNITY HEALTH DEPARTMENT.**

**Ms. Magana** said, "Commissioners, you have before you this agreement with the City of Wichita, similar to the MAPD agreement. It has also been submitted to, but not approved, by the City of Wichita. And it does have the same provision as the MAPD agreement, in that it provides for the review and recommendation of the Board of County Commissioners for the Director of the Department of Health prior to any merit salary increase being granted. It also, for purposes of personnel discussions, allows the Director to be considered a County employee, solely for those purposes. Those are the only changes. Other than that, the terms and operations continue as in previous joint funding agreements and remain with the City of Wichita."

**Chairman Winters** said, "All right, thank you, Jennifer."

**MOTION**

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

Commissioner McGinn seconded the Motion.

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

**VOTE**

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

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

**5. AGREEMENT WITH CITY OF WICHITA, KANSAS FOR JOINT FUNDING OF THE WICHITA-SEDGWICK COUNTY FLOOD CONTROL WORKS.**

**Ms. Magana** said, "Thank you, Commissioners. This agreement has been approved by the City of Wichita. It is the same agreement as previous joint funding agreements, in that it provides for 50/50 funding with the City and the County for flood control. And substantially no terms and conditions have changed in previous years that management responsibilities still remain with the City of Wichita. I'd recommend your approval of the agreement."

**Commissioner Gwin returned at 12:11**

**MOTION**

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

Commissioner Sciortino seconded the Motion.

**Chairman Winters** said, "This amendment doesn't have that . . .?"

**Ms. Magana** said, "It does not have an amendment."

**Chairman Winters** said, "We have a motion and a second. Any discussion? Seeing none, call the vote."

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**VOTE**

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

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

**Commissioner McGinn stepped out at 12:12**

**K. DEPARTMENT OF RISK MANAGEMENT.**

- 1. AGREEMENT WITH DELTA DENTAL PLAN OF KANSAS, INC. TO PROVIDE ADMINISTRATIVE SERVICES FOR A SELF-FUNDED DENTAL PLAN FOR SEDGWICK COUNTY EMPLOYEES.**

**Mr. Phil Rippee**, Risk Manager, greeted the Commissioners and said, "The following agreements and contracts deal with the annual renewal of our employee benefits. There's four of them. Item K-1 approves the first year of a three year agreement with Delta Dental to administer our self-funded dental plan. The appropriate action for this item would be to approve the agreement and authorize the Chairman to sign."

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Bill Hancock	Aye

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

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

**2. CONTRACT WITH PREFERRED PLUS OF KANSAS, INC. TO PROVIDE GROUP HEALTH INSURANCE FOR SEDGWICK COUNTY EMPLOYEES.**

**Mr. Rippee** said, "Commissioners, Item K-2 is a contract with PPK to provide a co-existing health plan for our Sedgwick County employees to compliment the self-insured plan. I recommend you approve the contract and authorize the Chairman to sign."

**MOTION**

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

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

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

**3. AGREEMENT WITH BLUE CROSS/BLUE SHIELD OF KANSAS TO PROVIDE ADMINISTRATIVE SERVICES FOR SELF-FUNDED HEALTH, LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE COVERAGE FOR SEDGWICK COUNTY EMPLOYEES.**

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**Mr. Rippee** said, “Commissioners, Item K-3 is exactly what the Clerk has read and I would recommend that you approve the agreement and authorize the Chairman to sign.”

**MOTION**

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

Commissioner Hancock seconded the Motion.

**Chairman Winters** said, “And Phil, a comment. Delta Dental, Preferred Plus of Kansas, Blue Cross Blue Shield, these are all companies we’ve worked with in previous years and even though these are new contracts, they are continuation with folks we’ve been doing business with for years.”

**Mr. Rippee** said, “Yes, Mr. Chairman. Since 1991.”

**Chairman Winters** said, “Very good. We have a motion and a second. Is there any other discussion? Seeing none, call the vote.”

**VOTE**

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

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

**4. AMENDMENT TO THE GROUP VISION CARE POLICY, A FLEXIBLE BENEFIT PLAN OPTION OFFERED TO SEDGWICK COUNTY EMPLOYEES.**

**Mr. Rippee** said, “Commissioners, Item K-4 merely adopts the group vision care plan policy in the form of an amendment. This benefit is offered to Sedgwick County employees as a voluntary benefit and it costs the County nothing. I would recommend you adopt the amendment.”

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**MOTION**

Commissioner Hancock moved to Adopt the Amendment.

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Thank you, Phil. Hope you enjoyed the Meeting today. Next item."

**Commissioner McGinn returns 12:14**

**L. DIVISION OF INFORMATION AND OPERATIONS.**

**1. AMENDMENT TO THE 2000 CAPITAL BUDGET TO ERECT EXTERIOR SIGNAGE IN THE COURTHOUSE COMPLEX (CIP #2000 PB-460).**

**Ms. Kathleen B. Sexton**, Director, Division of Information and Operations, greeted the Commissioners and said, "You have all been briefed on the project and I recommend your approval of the CIP amendment."

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

**Commissioner Sciortino stepped out at 12:15**

**MOTION**

Commissioner Hancock moved to Approve the CIP amendment.

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Commissioner Gwin seconded the Motion.

**Chairman Winters** said, "But this will not solve the problem that Commissioner Hancock has."

**Commissioner Hancock** said, "That's why I say, I will supplement."

**Chairman Winters** said, "They do not make a sign big enough to show people not to come to the third floor of the County Courthouse to go to small claims and traffic court."

**Ms. Sexton** said, "I'm not going to argue with you, sir."

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

**VOTE**

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

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

**2. AMENDMENT TO THE 2000 CAPITAL BUDGET FOR WORK RELATED TO RELOCATING RISK MANAGEMENT TO ECCO PLAZA (CIP #2000 PB-456).**

**Ms. Stephanie Knebel**, Manager, Facility Project Services, greeted the Commissioners and said, "The next three items are all related with each other. The first one is amending the 2000 Capital budget, including a cost of a project to relocate Risk Management to Ecco Plaza. The cost of this project is around \$21,523. I recommend approval."

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**Chairman Winters** said, "All right. Do we have a motion?"

**Commissioner Sciortino returned at 12:16**

**MOTION**

Commissioner Gwin moved to Approve the CIP amendment.

Commissioner Hancock seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Next item. Item L-3."

**3. LEASE AGREEMENT WITH ECCO DEVELOPMENT CORPORATION FOR RISK MANAGEMENT SPACE.**

**Ms. Knebel** said, "Commissioners, now that Risk Management is over at Ecco Plaza, we need to lease some space for them, so this agreement is an agreement between the County and Ecco Plaza for their space. I recommend approval."

**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.

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**VOTE**

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

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

**4. LEASE AMENDMENT WITH ECCO DEVELOPMENT CORPORATION FOR PURCHASING DEPARTMENT SPACE.**

**Ms. Knebel** said, "Commissioners, when Risk Management moves over to Ecco Plaza they'll be taking up some space that's currently leased to the Purchasing Department. This amendment will make those modifications and adjustments necessary to have a more accurate lease agreement with the Purchasing Department. I recommend approval."

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

**Commissioner Hancock** said, "You just really dread me asking this question, I think. How much of Ecco Plaza are we renting right now?"

**Ms. Knebel** said, "I don't have a square footage. We have our Housing Department over there and we will have our Purchasing Department and now, our Risk Management folks. So, there's just three departments over there."

**Commissioner Hancock** said, "Have we ever considered buying Ecco Plaza?"

**Ms. Knebel** said, "I believe we have had considerations through the years."

**Commissioner Hancock** said, "And it's just not for sale?"

**Ms. Knebel** said, "It's still being under evaluation."

**Commissioner Hancock** said, "Well, we're putting \$21,000 in the remodel over there. It just seems

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to me that maybe we ought to own it or quit renting, and then the price would go down.”

**Ms. Knebel** said, “And there are current negotiations going on and better understanding about lots.”

**Commissioner Hancock** said, “Don’t want to put you on the spot, Stephanie. I’m just curious.”

**Chairman Winters** said, “What’s the will of the Board concerning Item L-4.”

**MOTION**

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

Chairman Winters seconded the Motion.

**Chairman Winters** said, “Mr. Manager.”

**Mr. Buchanan** said, “I can’t help myself. They’re not going to sell it for a dollar.”

**Chairman Winters** said, “All right, we have a Motion and a Second to approve the agreement and authorize the Chairman to sign. Is there other discussion? Seeing none, call the vote Madam Clerk.”

**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. Next item.”

- 5. CONTRACT WITH DOSHIE ETAL FARRIS FOR PURCHASE OF LAND RELATED TO CONSTRUCTION OF A HOUSEHOLD HAZARDOUS WASTE FACILITY AT THE STILLWELL COMPLEX.**

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**Mr. Jim Osterlund**, Project Manager, Facility Project Services, greeted the Commissioners and said, "As per approval, to purchase land from Doshie Farris, who lives at 1203 South Osage, through the process. She's been a motivated seller. The cost of the property was \$75,000, plus closing costs. Expenditures can be funded from a cash loan from a project for Solid Waste funds and the loan will be repaid later in a bond issue. I ask the Commissioners to approve the contract and authorize the Chairman to sign."

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

**Commissioner Gwin** said, "Question about Ms. Farris' name. Mr. Euson, we talked about this in my office. I've never, in my life, heard a person's name be Doshie Etal Farris. And she did not sign the contract that way. She signed to contract Doshie M. Farris. I'm not willing to sign a contract if we can't get the seller's name right. Usually, contracts are Doshie Farris and others, etal."

**Mr. Euson** said, "I don't have any recollection of discussing this."

**Commissioner Gwin** said, "Well, there's something funny here. I mean, either . . . do you know anything, Jim? Do you know about that?"

**Mr. Osterlund** said, "Yes. She has a living trust, with her son, Floyd Farris and Elma Casey. That information was a typographical error on the contract, as listed. But we do recognize that these other people are part of the owners of the property. They will be represented at closing and so the closing documents will be proper."

**Commissioner Gwin** said, "So, more accurately, it is Doshie M. Farris, etal."

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

**Commissioner Gwin** said, "I just wanted to make sure that we're doing this the way we ought. Can we make a correction or amendment or something on the contract?"

**Mr. Osterlund** said, "I'm sure we can."

**Commissioner Gwin** said, "You see what I'm saying, Rich? Page 172. She signature is on 174 and where her name is written is on both 172 and 174."

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**Mr. Euson** said, "I understand what you mean, and the question is, I approved the contract as to form and why does the contract say one thing and her signature says another. And all I can tell you is that, as I think you well know, it's common to enter into real estate contracts where you really don't . . . you know, you go on the best information you have about who the seller is and, on the face of the contract, it didn't appear to me that there was anything that indicated that the person who signed it was not the seller or it isn't the appropriate name. But there was a discrepancy between the printed name and the written name. I mean, there's always a question. Is the property jointly owned. Should the husband sign. You never know, until you get your title commitment back and, in most cases, you just take that chance."

**Commissioner Gwin** said, "So, if the ownership is held in Doshie M. Farris etal, living trust, whatever, should that not be the name of the seller on the contract?"

**Mr. Euson** said, "Well, really, you know really the full names ought to be on the contract and I guess, in order to do these correctly you'd probably do some research into the title to determine exactly who owns it."

**Commissioner Gwin** said, "Well, and I don't want to belabor this but I think it's really important, as we start acquiring property that we make sure that we have the proper name of the seller/ sellers if there are more than one on the contract. That's all. Because I'm going to approve it. I'm just saying, we need to be a little bit better at the details."

**Mr. Euson** said, "But if there was no discrepancy, had it not been on the contract, you would not have necessarily have known whether it was right or not."

**Commissioner Gwin** said, "No, I wouldn't."

**Mr. Euson** said, "So, are you asking that we determine, independently, whether or not the contract is the owner and is all of the owners?"

**Commissioner Gwin** said, "Yes."

**Mr. Euson** said, "Is that what we're going to do?"

**Commissioner Gwin** said, "That's what I'd be more comfortable, if I'm going to spend the taxpayers' money buying property, I want to make sure I have it bought from all those who need to be a party to

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the contract. I hate to come up later and be sued because 'etal' said they didn't sign it or they weren't willing to sell it for that price or whatever. That's all."

**Mr. Euson** said, "Well, we will do that but that's going to require that we get some title work prior to our approving the contract, which will slow these down considerably, but I don't mean to be argumentative, but we will be glad to do that. We've just never done it before."

**Commissioner Gwin** said, "But, I mean, you may talk to us individually, and I'm going to approve it but I'm just saying I would think that looking at a contract that says Doshie Etal Farris as the seller, someone ought to be able to say, 'that ain't right'. That's not the right name."

**Mr. Euson** said, "I doesn't necessarily appear to be . . . you know, I have an unusual middle name. I don't . . ."

**Commissioner Gwin** said, "But it's not a term that you ordinarily would see in a contract meaning and others. I mean, that's my concern at the way it shows. So, enough said."

**Mr. Euson** said, "Well, I don't know what to do with this."

**Chairman Winters** said, "So, what do we want to do with this contract?"

**Commissioner Gwin** said, "Well, I'm prepared to approve the contract. I'm just pointing out to folks that I think we need to be a little more dutiful in the task of ascertaining ownership."

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

**Commissioner Sciortino** said, "Thanks. When we get down to the closing, we're going to have sufficient documents in front of us that will assure the County that it is the owner of the property. Is that not correct?"

**Mr. Euson** said, "Well, that's correct. We . . . the title work is ordered and the title work shows who owns the property and from that, the title company makes a requirement that a deed be executed by whoever that owner is, whether it's a Doshie Etal Farris or Doshie M. Farris or Doshie M. Farris and four other Farris'. And that requirement is put into the deed and the deed signed by whoever needs to sign it."

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**Commissioner Sciortino** said, “And then once that’s done, that’s when we hand over the money. Is that correct?”

**Mr. Euson** said, “That’s right.”

**Commissioner Sciortino** said, “Okay, so that’s . . .”

**Chairman Winters** said, “As long as we’re satisfied at closing that we’re handing the money to the right person.”

**Mr. Euson** said, “Well, we always are but I suspect that there are dozens of transactions, in this community, every week where you don’t have all the joint owners signing the contracts or they’re not signing their middle name or their middle name may be omitted or unusual or something, and the transactions still go through, because the property owners are willing to sell and if we’re going to be doing title searches in advance of approving contracts, it’s expensive and time consuming. But if that’s the will of the Board, that’s what we’ll do.”

**Chairman Winters** said, “What’s the will of the Board on this contract?”

### **MOTION**

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

Commissioner Sciortino seconded the Motion.

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

### **VOTE**

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

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

**M. WAIVER OF POLICY TO APPOINT AN UNDERSHERIFF AT RANGE 29, STEP 7.**

**Ms. Jane Moralez**, Compensation Specialist, Division of Human Resources, greeted the Commissioners and said, "I'm here today to ask for a waiver to policy to appoint Undersheriff John Green at a range 29, step 7 effective January the 8<sup>th</sup>, 2001. Salary savings for 2001 will be \$584 and I recommend your approval."

**Chairman Winters** said, "All right, thank you. Commissioners, questions, comments?"

**MOTION**

Commissioner Hancock moved to Approve the policy waiver.

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, Jane. Next item."

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**N. TAX DISTRIBUTION CALENDAR FOR 2001.**

**Ms. Carol Poe**, Accounting Department Supervisor, greeted the Commissioners and said, “Each year we submit a distribution calendar. It’s sent to all the taxing districts. It’s used as a cash management tool. The dates on the calendar are statutory and it’s also used by our Finance Department and our Cash Management Officer. Ms. Kennedy’s recommendation is that you approve it.”

**MOTION**

Commissioner Hancock moved to Approve the Calendar.

Commissioner Gwin seconded the Motion.

**Chairman Winters** said, “And of course, you have a copy of that distribution calendar in your back-up for the agenda. Commissioners, are there other questions or comments? Seeing none, call the vote.”

**VOTE**

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

**Chairman Winters** said, “Thank you, Carol. Next item.”

**O. KANSAS COLISEUM MONTHLY REPORT.**

**POWERPOINT PRESENTATION**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, “This report, when it gets up there, is going to be on the month of October[sic] in our operations. Good month for us in November. We had almost 70,000 people attend 21 events and 43 individual performances. Net revenues were in excess of \$155,000. We served as a practice location for the figure skating event

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that took place out at Ice Sports Wichita and we had a lot of the pairs competition just come out, on afternoon on the 16<sup>th</sup>, and they used our ice to practice. And it's always nice to get something new like that. Having worked one year, the '82 figure skating championships when I was with the arena in Pittsburgh, a lot of preparation goes into finally getting to that event and this is the start here, with these regional competitions.

"We had the Carmen concert, 'Heart of a Champion' tour. Had 8,500 people show up for that. This is the third time we've presented Carmen in the last six years. Christian artist, it's always a great show. A lot of young people turn out for it. It was a good event for us to have.

"We are in our sixth year with the Farm Trade Expo and this thing just gets bigger every year. Two hundred exhibiting companies, three hundred plus booths. Had over 17,000 people come through the door of the three day event. Now, keep in mind that these 200 exhibiting companies usually bring two or three people with them and they spend three or four days in our town. So, there's a lot of room nights and a lot of impact associated with that event.

"The Turkey Classic go-cart races. Very important event, from the aspect that this was conceived by David Rush, the Assistant Director out at the Coliseum. Completely put together and promoted by the Kansas Coliseum. This was an in-house production. It was staged over the Thanksgiving weekend. It's a three day event. It's normally a very, very quiet weekend for us. We had 230 entries, from as far away as Canada and Minnesota. All those folks brought their whole families. They travel in little trailers. Pavilion II was full of the pit area. Again, the hotels in our area were completely full over what is one of the quietest weekends of the year. We set up our area building with the track, bleachers on the side, pit area. You can see, there's a lot of money that goes in these little bitty cars. This is quite the big thing. I was not aware of the extent of go-cart racing in popularity. And we went all the way from the thrill of victory, to the agony of defeat and, quite frankly, we split \$15,000 with our partner in promoters' profit. And once we paid all our bills, we realized nearly \$10,000 in net revenue. We're definitely going to do this again next year. This was a good event for us and it was a complete in-house promotion.

"Further on in the sports zone, we had over 20,000, almost 21,000 come to five hockey games and 10,000 people came, over 10,000 came to four soccer games. If there are any questions on November, I'd be happy to answer them at this time."

**Chairman Winters** said, "All right, thank you. Questions or comments about John's report? If not, what's the will of the Board?"

**Regular Meeting, December 13th, 2000**

**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, John. Hope you enjoyed the meeting. We enjoyed having you here. Next item."

**P. PUBLIC WORKS.**

- 1. AGREEMENT WITH PROFESSIONAL ENGINEERING CONSULTANTS FOR THE DESIGN OF 63RD STREET SOUTH BETWEEN BUCKNER AND ROCK ROAD TO A FOUR-LANE FACILITY DESIGNATED AS R-**

**Regular Meeting, December 13th, 2000**

**237 IN THE CAPITAL IMPROVEMENT PROGRAM. DISTRICT #5.**

**Mr. Spears** said, “Item P-1 is the approval of an agreement between Sedgwick County and Professional Engineering Consultants authorizing the design of 63<sup>rd</sup> Street South, between Buckner and Rock Road, to a four-lane facility designated as R-237 in the Capital Improvement Program at a cost of \$286,790.50. I recommend that you approve the agreement and authorize the Chairman to sign and the budget was \$300,000.”

**Chairman Winters** said, “All right. Commissioners, what’s the will of the Board?”

**MOTION**

Commissioner Sciortino 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, “Next item.”

- 2. MODIFICATION OF PLANS AND CONSTRUCTION, REQUEST NUMBER ONE AND FINAL, WITH DONDLINGER AND SONS CONSTRUCTION CO., INC. ON SEDGWICK COUNTY PROJECT NO. 616-13-4938: CIP #B-343; 624-11-3516: CIP #B-344. DISTRICT #3.**

**Regular Meeting, December 13th, 2000**

**Mr. Spears** said, "Item P-2 is a modification of plans and construction, request number one and final, for two bridge projects included in one contract. The first is on 13<sup>th</sup> Street North, between 199<sup>th</sup> and 215<sup>th</sup> Streets West, designated as B-343 in the CIP. The second bridge is on 23<sup>rd</sup> Street South, between 231<sup>st</sup> and 247<sup>th</sup> Streets West, designated as B-344 in the CIP. There will be a net decrease of \$52.97, due to variations in plan quantities from actual field measurements. I recommend that you approve the modification and authorize the Chairman to sign."

**MOTION**

Commissioner Gwin moved to Approve the Modification of Plans and Construction 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, "Thank you, David. Next item."

**Q. REPORT OF THE BOARD OF BIDS AND CONTRACTS' DECEMBER 7, 2000 REGULAR MEETING.**

**Mr. Jerry Phipps**, Senior Buyer, Purchasing Department, greeted the Commissioners and said, "You have the Minutes for the December 7<sup>th</sup> meeting of the Board of Bids and Contracts and there are five items for your consideration.

**1) FIRE HOSES- FIRE DEPARTMENT  
FUNDING: FIRE DEPARTMENT**

**Regular Meeting, December 13th, 2000**

“Item one is fire hoses for the Fire Department. It was moved to accept the low bid per item, Casco Company for item three for \$3,325 and item one, two and four, for emergency fire equipment, for \$11,569, for a grand total of \$14,894.

**2) FIRE BOOTS- SEDGWICK COUNTY FIRE  
FUNDING: FIRE DEPARTMENT**

“Item two, fire boots for the Sedgwick County Fire Department. It was moved to accept the low value of Danko Equipment Company for \$16,864.20.

**3) WASTEWATER PUMPING STATION (FOUR MILE CREEK) #3 AND FORCE  
MAIN EXTENSION  
FUNDING: PUBLIC WORKS**

“Item three, wastewater pumping station for Four Mile Creek for the Public Works. It was moved to accept the low bid of Wildcat Construction for \$997,500.

**4) CHANGE ORDER FOR WILSON DARNELL MANN  
FUNDING: FACILITY PROJECTS**

“Item four is a change order for Facilities Projects for Wilson Darnell and Mann for not to exceed \$21,560.

**5) FIRE HOSE COUPLINGS- SEDGWICK COUNTY FIRE  
FUNDING: FIRE DEPARTMENT**

“Item five, fire hose couplings for the Sedgwick County Fire Department. It was moved to accept the low bid per item as follows: Casco Company for items three, seven, ten and eleven for a total of \$5,716 and Danko Emergency Fire Equipment for items one, two, four, five, six and eight, for a total of \$3,559.50 for a grand total of \$9,275.50.

**ITEMS NOT REQUIRING BOCC APPROVAL**

**Regular Meeting, December 13th, 2000**

- 6) **SUPER RAM WITH REMOTE; SPREADER AND CUTTER- SEDGWICK COUNTY FIRE**  
**FUNDING: FIRE DEPARTMENT**
  
- 7) **MICR PRINTER, SOFTWARE AND SEALER**  
**FUNDING: DIVISION OF FINANCE**
  
- 8) **LIFTBAGS AND CUTTERS- SEDGWICK COUNTY FIRE**  
**FUNDING: FIRE DEPARTMENT**

“There were three items that did not receive consideration, super rams for the Fire Department, micro printers for the Division of Finance and liftbags, cutters for the County Fire Department. It was moved to table these items for review.”

**Chairman Winters** said, “All right, thank you. Commissioners, any questions or comments?”

**MOTION**

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

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, Jerry. Next item.”

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**CONSENT AGENDA**

**R. CONSENT AGENDA.**

**1. Right-of-Way Easements.**

- a. Seven Temporary Construction Easements on Sedgwick County Big Slough Drainage Project.
- b. One Easement for Right-of-Way on Sedgwick County Project No. 831-AA, BB, CC; CIP #R-243. Districts #2 and #5.

The following tracts of land have been granted by Easement for Right-of-Way at no cost to the County. The Director, Code Enforcement, requested each Easement as a condition of receiving Platting Exemptions on unplatted tracts.

- c. Road Number 592-35, Owner: Cheryl E. Engen, located in the Northeast Quarter of Section 14, Township 25 South, Range 2 East, more specifically located on the west side of 143rd Street East and south of 109th Street North. Lincoln Township. District #1.
- d. Road Number 592-35, Owner: Cheryl E. Engen, located in the Northeast Quarter of Section 14, Township 25 South, Range 2 East, more specifically located on the west side of 143rd Street East and south of 109th Street North. Lincoln Township. District #1.
- e. Road Number 783-U, Owners: Kerry Edison and Robin Edison, located in the Southwest Quarter of Section 17, Township 28 South, Range 3 West, more specifically located on the east side of 295th Street West and north of 47th Street South. Afton Township. District #4.
- f. Road Number 23-BB, Owner: John E. Dugan Family Partnership L.P., located in the Northeast Quarter of Section 23, Township 29 South, Range 1 West, more specifically located on the west side of West Street and south of 95th Street South. Ohio Township. District #3.

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**2. Floodway Reserve Easements.**

The following tracts of land have been granted by Easement for Floodway Reserve at no cost to the County. The Director, Code Enforcement, requested each Easement as a condition of receiving Platting Exemptions on unplatted tracts.

- a. Owner: Sara Deeanna Struthers, located in the Northeast Quarter of Section 35, Township 28 South, Range 2 West, more specifically located on the west side of 135th Street West and south of 63rd Street South. Illinois Township. District #3.
- b. Owners: Gregg A. Girrens and Diana Girrens, located in the Southwest Quarter of Section 5, Township 28 South, Range 2 West, more specifically located on the east side of 199th Street West and north of 31st Street South. Illinois Township. District #3.
- c. Owners: Donald A. Stolz and Jamie R. Stolz, located in the Southwest Quarter of Section 31, Township 29 South, Range 4 West, more specifically located on the east side of 407th Street West and south of 111th Street South. Erie Township. District #3.
- d. Owners: John E. Dugan Family Partnership L.P., located in the Northwest Quarter of Section 23, Township 29 South, Range 1 West, more specifically located on the east side of Hoover Road and south of 95th Street South. Ohio Township. District #3.

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

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V2091	\$212.00	5	Barbara Adams
V20129	\$437.00	2	Kenneth Norton
V20130	\$140.00		Keith Showell
V20131	\$600.00		Ross Boucher

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V20136	\$312.00	4	Kenneth Steffens
V20137	\$177.00		Daryl E. Martin

- 4. 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>
V99075	\$500.00	\$287.00
V2051	\$325.00	\$141.00
V2016	\$414.00	\$450.00
V20197	\$211.00	\$405.00

- 5. Recommendation that Kansas Board of Tax Appeals approve a bankruptcy settlement of delinquent personal property taxes of Venture Stores, Inc., pursuant to K.S.A. 79-1703(b).**
- 6. Recommendation that Kansas Board of Tax Appeals approve a bankruptcy settlement of delinquent real property taxes of Dorothy R. Henry, pursuant to K.S.A. 79-1703(b).**
- 7. Order dated December 6, 2000 to correct tax roll for change of assessment.**
- 8. Payroll Check Register of December 8, 2000.**
- 9. General Bills Check Register of December 8, 2000.**
- 10. Budget Adjustment Requests.**

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

**Commissioner McGinn** said, "Just one question. I just notice, a lot of times my district gets put down

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and it's Tom's district. I don't know if it matters, for the record, or not."

**Chairman Winters** said, "What page are you on?"

**Commissioner McGinn** said, "Page 12, Item E. I guess that's yours Tom. 295<sup>th</sup> Street West and the 47<sup>th</sup> Street South is not my district."

**Chairman Winters** said, "Yeah, that's District three."

**Mr. Spears** said, "Thanks for pointing that out."

**Commissioner McGinn** said, "Well, I notice those things because mine are rarely in there."

**Chairman Winters** said, "All right, what's the will of the Board concerning the Consent Agenda?"

**MOTION**

Commissioner Gwin moved to Approve the consent agenda as presented.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chairman Winters** said, "Is there any other business to come before the Board? Seeing none, this meeting is adjourned."

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**S. OTHER**

**T. ADJOURNMENT**

**Regular Meeting, December 13th, 2000**

There being no other business to come before the Board, the Meeting was adjourned at 12:40 p.m.

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

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**CAROLYN McGINN**, Chair  
Fourth District

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**BEN SCIORTINO**, Chairman Pro Tem  
Fifth District

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**BETSY GWIN**, Commissioner  
First District

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**TIM R. NORTON**, Commissioner  
Second District

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

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2001