

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 17, 2001

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, January 17, 2001 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chair Carolyn McGinn; with the following present: Chairman Pro Tem Ben Sciortino; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Mr. William P. Buchanan, County Manager; Mr. Jarold D. Harrison, Assistant County Manager; Mr. Rich Euson, County Counselor; Mr. Phil Rippee, Risk Manager, Department of Risk Management; Ms. Christine A. Ward, Patient Billing Representative, COMCARE; Ms. Jo Templin, Assistant Director, Division of Human Resources; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Ms. Susan Erlenwein, Director, Environmental Resources Department; Mr. Randy Duncan, Director, Emergency Management; Ms. Deborah Donaldson, Director, Division of Human Services; Mr. Mark Masterson, Director, Corrections; Mr. Colin McKenney, Director, Community Developmental Disability Organization; Mr. John Nath, Director, Kansas Coliseum; Dr. Charles Magruder, MD, MPH, Director, Community Health; Mr. Jerry Phipps, Senior Purchasing Agent, Purchasing Department; Mr. David Spears, Director, Bureau of Public Works; Mr. Jerry Phipps, Senior Buyer, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Mr. Allan Chappell, Agent, Ritchie Corporation, Environmental Concepts and Design.
Mr. Phil Meyer, Agent, Ritchie Corporation, Baughman Company.

INVOCATION

The Invocation was led by Chaplain Randall Jamieson of McConnell Community Chapel.

FLAG SALUTE

ROLL CALL

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

Chair McGinn said, "Next item."

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AWARD PRESENTATIONS

A. ADOPTION OF THE 2001 SAFETY SLOGAN, "MAKE SAFETY #1 FOR 2001," AND PRESENTATION OF AWARD TO CHRISTINE A. WARD, COMPREHENSIVE COMMUNITY CARE (COMCARE), FOR HER WINNING ENTRY IN THE SAFETY SLOGAN CONTEST.

Mr. Phil Rippee, Risk Manager, Department of Risk Management, greeted the Commissioners and said, "As part of your continual effort to promote safety awareness, the Board of County Commissioners has supported the adoption of an annual safety slogan for Sedgwick County employees since 1994. This year's slogan, 'Make Safety Number One for 2001', was submitted by Christine A. Ward of COMCARE.

"This year we had several hundred entries submitted, as opposed to last year with 18 entries submitted. And we feel this increased participation was due largely to our utilization of Outlook as a primary means of communication and it really took a long time for the Safety Committee members to pick this. And to show how quick it was, we had several for 2000, 'make safety number one for 2001'. So, then we had to go by the time it was submitted and when the Safety Coordinator sent this out, at 8:22, the entry was received at 8:37 on this one. So, I'd like to take time to recognize any members of the Safety Committee that are in the audience. If they would stand, I know we have a couple here. Bill Auchterlonie from EMS and some of the others, Diana, our Safety Coordinator, I'd like to recognize her efforts in this endeavor. It's extremely important.

"And this year, the package that she's going to receive consists of an awards certificate, which is made up for us by Public Works and framed copy of the slogan, which is framed by Facilities Management, a Red Cross first-aid kit, which is furnished by Risk Management, a fire extinguisher which is furnished by Kansas Fire and Equipment Company, a smoke alarm from the Sedgwick County Fire Department, an ergo-mouse, which is furnished by Corporate Express and a stuffed mascot 'safety owl' from Sedgwick County Zoo. So, everybody has put in their little part this year to help us out.

"I'd like to have Christine come up. This is the new slogan for 2001, which will go to all the departments by Friday. Christine, I present you with that framed slogan. This is the certificate and award for the safety slogan and this is your little box of goodies. We won't go through all of it and I congratulate you and thank you for submitting the safety slogan. Thank you very much."

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Chair McGinn said, “Christine, did you want to share with us kind of how you came up with your idea?”

Ms. Christine A. Ward, Patient Billing Representative, Comprehensive Community Care, greeted the Commissioners and said, “I had just, in the lunch room there at 635 N. Main where we’re at we have the safety slogan is up on the board and, I don’t know, over the last couple of months I’d been looking at it and trying to think of things that kind of went together, whatever, and didn’t know for sure when the contest would be, but when it popped up on my Outlook I went, ‘Oh, good. Let’s do this.’ And I did.”

Chair McGinn said, “Well, it’s a wonderful poster. Thank you very much. I’d like to thank Risk Management for doing the safety slogan contest and all the employees that participate as well. Thank you.”

Mr. Rippee said, “Madam Chair, I’m sorry. I guess the procedure would be to adopt the safety slogan.”

MOTION

Commissioner Winters moved to Adopt the Safety Slogan and present the award.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Next item.”

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B. PRESENTATION OF TRAINING CERTIFICATES.

1. 2000 EXECUTIVE DEVELOPMENT INSTITUTE

! WILLIAM K. AUCHTERLONIE, EMERGENCY MEDICAL SERVICE
(EMS)
!
! DANIEL E. BARDEZBAIN, SHERIFF'S DEPARTMENT
!
! ROBERT L. BURNS, SHERIFF'S DEPARTMENT
!
! ANNETTE GRAHAM, AGING
!
! DONNA R. HAJJAR, CORRECTIONS
!
! KENT E. KOEHLER, EMERGENCY COMMUNICATIONS
!
! LINDA M. LEGGETT, CLERK
!
! RITA R. RIPPEE, APPRAISER
!
! RANDALL D. SMITH, EMS
!
! GREGORY A. SCHUESSLER, EMS
!
! TERRI L. VIERTHALER, CORRECTIONS

2. CAREER DEVELOPMENT SUPERVISORY/MANAGEMENT

!
! RAMONA L. BEARD, AUTO LICENSE
!
! JAMES M. BUCHANAN, EMS
!
! DONNA R. HAJJAR, CORRECTIONS
!
! VALERHY J. HARMON, AGING
!
! DENNIS L. MAUK, EMS
!
! MICHAEL E. OWEN, EMS
!
! APRIL P. POWELL, AUTO LICENSE
!
! DALENE L. PRESSNELL, EMS
!
! TIMOTHY J. RIDDER, EMS
!
! GREGORY A. SCHUESSLER, EMS
!
! MARK K. SMITH, EMS
!
! RANDALL D. SMITH, EMS
!
! JUDITH A. VENDITTI, AUTO LICENSE

Ms. Jo Templin, Assistant Director, Division of Human Resources, greeted the Commissioners and said,

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“I’m happy to be here today to award certificates for the year 2000 Career Development program.

“The first group of participants were in the Executive Development Institute. This is the career development program we have for upper-level managers and department heads. I’m happy to say that this year, this program opened its door up to other cities and counties for participation, in conjunction with the Hugo Wall School at WSU. We also have a partnership with the City of Wichita. This year, we also opened this program up to those who were interested and we had participants from the City of Derby, the City of Andover, two from the City of Hutchinson and one from the City of Newton. So, this program continually grows and has other participation, which allows for participants to hear new and different perspectives from other cities and counties.

“I’d like all those who are present here today to come up and I’ll read your names off in alphabetical order, if you would please. This is for executive development institute: William Auchterlonie, EMS, Daniel Bardezbain, Sheriff’s Department, Robert Burns, Sheriff’s Department, Annette Graham, Department on Aging, Donna Hajjar from the Department of Corrections, Kent Koehler from Emergency Communications, Linda Leggett from the County Clerk, Rita Rippee from the Appraiser’s Office was not able to be with us today, as well as Gregory Schuessler from EMS, Randall Smith from EMS and Terri Vierthaler from the Department of Corrections.

“We also have certificates today to present to employees who are gaining supervisory/ management certificates. These employees have worked hard, over the past several years, to gain these achievements and today we have thirteen of those to present. If you’re here today to receive a supervisory management certificate, please come forward.

“Ramona Beard from Auto License, I don’t believe she was able to come, James Michael Buchanan from EMS, Donna Hajjar from Department of Corrections. She worked really hard this year. Valerhy Harmon from Department on Aging, Dennis Mauk, EMS, Michael Owen, EMS, April Powell, Auto License, Dalene Pressnell from EMS, Timothy Ridder from EMS, Greg Schuessler could not be with us today, from EMS, Mark Smith from EMS, Randall Smith from EMS and Judith Venditti from Auto License.

“In conclusion, I would just like to thank you, as the Board of County Commissioners, for supporting all of our career development programs and we appreciate that support, as well as department head support, who allow these employees to participate in these classes. Thank you.”

Chair McGinn said, “Just want to say, congratulations to all of you. Jo, before you sit down, I have a

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couple of questions for you. This is an eighteen week program, correct?”

Ms. Templin said, “The Executive Development Institute is, yes.”

Chair McGinn said, “And they meet once a week?”

Ms. Templin said, “Once a week, on Fridays for a time period from March through May and from September through October.”

Chair McGinn said, “Okay, so you give these presentations twice a year.”

Ms. Templin said, “Right. One Institute lasts the entire year.”

Chair McGinn said, “Okay. Got it. Well, I’m pleased to hear that you’re doing this in cooperation with the City of Wichita and, now other communities as well, because I think there’s so much that we can learn from each other and then just the fact that we have that ongoing communication, I think is great, too, because we can all grab from that from time to time, as we need it. And I’d just like to thank all the employees. I am very encouraged by the amount of employees that we see taking these programs to continue their education within the organization. So, thank you for taking the extra time. I know you all have busy lives, families and those type of things, and that it sometimes takes quite a bit of extra effort to do these kind of programs.”

Ms. Templin said, “Yes it is. And I’m grateful for the partnership program and the support of all the management of Sedgwick County.”

Chair McGinn said, “Thank you. Clerk, call the next item please.”

PLANNING DEPARTMENT

C. METROPOLITAN AREA PLANNING DEPARTMENT (MAPD).

- 1. CASE NUMBER DR 00-08 - PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS.**

OVERHEAD PRESENTATION

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Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "This first item has to do with an amendment to the subdivision regulations, which are approved jointly by the City of Wichita and Sedgwick County. Those regulations require that before you divide or sell portions of property, it must be platted in accordance with certain standards and procedures. And we think that this is a very important tool to insure orderly development in the County.

"It assures that we look at drainage issues, at circulation issues, that there's proper access for private and public utilities to get to lots and that, overall, we have an orderly pattern of development, both in urban areas and in rural areas. There are certain exemptions to the platting requirements. If you have a very large lot, over 20 acres, you're also allowed if you have a farm parcel to sell off one parcel, one lot of any size, as a lot that is exempt from platting. You can obtain a building permit without platting but, generally speaking, lots of 20 acres must be platted in the unincorporated part of Sedgwick County. And the main tool to enforce that is that the County Code Enforcement officer will withhold building permits until he determines that the property either does or doesn't need to be platted. It qualifies as an exemption, or it needs to be platted.

"The County Code Enforcement Officer brought to our attention that he has experienced some problems and difficulties that lot owners are having out in the rural areas, as a result of some loopholes in the way that this is enforced. And if I can give you the simplest example, probably the best way is to try to draw it. But lets say property owner 'a' comes in and he has over 20 acres. He qualifies for platting exemption. And let's say he builds a house on that acreage and he doesn't have to plat the property. Then he sells off 5 acres out of that 20 to an owner 'b' and he doesn't tell him anything about the platting process. Owner 'b' comes into County Code Enforcement and asks for a building permit and they're all ready to go and they find out, 'Oh, we have to plat the property'. There's a delay. There's a cost that he wasn't aware of and it does cause problems, just in the everyday enforcement of these regulations.

"Then, on top of that, owner 'a' could take his property, which he's built on with the exemption and sell it off to an owner 'c'. Now, owner 'c' now owns the house on a 15 acre unplatted lot and let's say he wants to go and build a garage addition to the house. He goes to County Code Enforcement and County Code Enforcement says 'Well, I'm sorry. You have an illegal lot. It's 15 acres. You need to plat that property before you can get a building permit. The owner probably bought that 15 acres, assuming that because the house is on it, it met the legal exemptions at the time.

"That's the simplest example. There are other ways that you could almost create a whole subdivision by getting around the normal rules of subdivision and not have the orderly development that we're looking for. So, we convened a meeting of the County Counselor's Office, the County Code Enforcement Officer,

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the Register of Deeds to talk about this issue and agree that the best solution we could come up with was to provide a requirement for an affidavit, a covenant that would be filed when properties come in and they get their building permits under the exemptions. And the covenant says that, basically, probably, if you're going to be splitting or dividing or selling off portions of your lot in the future, it will be subject to subdivision regulations. And that will be a notice to all future buyers of the property.

"It will also be a record that County Code Enforcement can keep of these properties, so that they have a better idea about what position the property was in when the next person comes in on a portion of that property. And the idea is to just get across the information about the rules, so that this can be uncovered before the title passes and the properties are sold, so they're more aware of what the regulations are.

"This was reviewed with the Planning Commission, at a public hearing, and the Planning Commission has recommended approval by unanimous vote. The County Counselor has approved the proposed covenant, as to form. The City Council, because these are joint regulations, also endorsed the Planning Commissions recommendation to approve this amendment and I'll stand for any questions that you have."

Chair McGinn said, "We do have a question. We have a couple of questions now. But first I'd like to ask you to explain, Marvin, yesterday I asked you, 'Would this effect farmers, as they want to sell off a parcel of ground to their son or daughter' and your answer was 'No'. And would you just briefly explain that, so that's clear to everyone?"

Mr. Krout said, "That's right. Any tract that's in its original configuration, since before platting, is allowed to sell off one parcel, exempt from platting. And that would typically be a farmer who's selling it off to another family member. And no matter what the size, even if it's less than 20 acres, even if it's less than 5 acres, it automatically qualifies as an exemption and nothing in these rules would change that."

Chair McGinn said, "Okay, thank you. Commissioner Norton."

Commissioner Norton said, "Thank you, Madam Chair. Marvin, doesn't it also include that if you were to sell . . . have like a 40 acre tract and sell the home place of 'a', you could sell that off, move to the next, build another home, sell that off and as long as your original property stayed above the 20 acre plot, does it eliminate that problem. Because wasn't that the original problem that started it?"

Mr. Krout said, "That is a problem that's occurring, as you can practically create a whole subdivision. Now, technically, that's really not legal to do, but County Code Enforcement hasn't been equipped with the information to know that that was happening and they will be, now that they start to collect these

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covenants and put them into a data base.”

Commissioner Norton said, “Okay, thanks.”

Chair McGinn said, “Commissioner Winters.”

Commissioner Winters said, “Thank you. Marvin, there was a public hearing that was a bona fide public hearing in December that the MAPC held. Was there anybody . . . did anybody come and express severe opposition at that meeting?”

Mr. Krout said, “No, no one spoke in opposition at that hearing.”

Commissioner Winters said, “Okay, thank you.”

Chair McGinn said, “All right, is there anyone here in our audience who would like to speak to this issue? Seeing none, Commissioners, you’ve heard the information and read the background material. What’s the will of the Board?”

MOTION

Commissioner Sciortino moved to Approve the amendments to the Wichita-Sedgwick County Subdivision Regulations as recommended by the Metropolitan Area Planning Commission (MAPC), and authorize the Chair to sign the Resolution.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Next item please.”

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2. **CASENUMBER ZON2000-00055 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL AND "MF-18" MULTI-FAMILY RESIDENTIAL, LOCATED SOUTH OF MT. VERNON (EXTENDED) AND EAST OF WEBB.**

POWERPOINT PRESENTATION

Mr. Krout said, "As the first map comes up, this is a 12 ½ acre tract that's in the southeast edge, just outside the City of Wichita, in the southeast part of the County. It's on the east side of Webb Road and south of Pawnee, ½ a mile south of Pawnee. There it is. We're talking about this acreage here. This is a gas utility station that has a masonry wall on it. This is Multi-Family zoning and Duplex zoning, but this area has been developed with Single-Family. This area has been developed with Single-Family and Duplexes. This area was Single-Family, I believe and the request . . . there's a church on this site. Here's the aerial photograph that shows you the church, the Single-Family development. This area has since filled in. And the request is to take this 12 ½ acres . . . originally the request was for 'LC' zoning in this mid-mile on Webb Road. 'LC' zoning which permits a wide variety of commercial uses, fast food, auto repair, those kinds of uses, which generate fairly high traffic, on about an acre and a half. And then take this acreage here and zone it for 'MF-18'. 'MF-18' is the apartment category that allows 18 units per acre, and that would permit about 200 dwelling units, potentially. Another fairly high traffic generator on that lot.

"The Planning Department met with the applicant, after the case had been filed and while it was being advertised and we suggested . . . we wanted to know a little bit more about the project and we wanted to see if we could talk them into something that was a little bit more of a transition type of use to the surrounding Single-Family. And the applicant, by the time of the public hearing, agreed to Neighborhood Office zoning for this acre and a half that's located here and still asked for the Multi-Family zoning, but agreed to what we have in the zoning code called a 'Protective Overlay', where you can attach special conditions to it. And the special conditions that he agreed to attach and the Planning Commission considered was that, instead of 18 units per acre, the density would be limited to 6 units per acre, which is just slightly higher than typical Single-Family development and that it would be subject to a site plan which would receive administrative approval to be compatible with the surrounding area.

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“The intent of the ‘MF-18’ zoning is basically so that this can be developed as one lot, in a condominium style, so that patio homes could be developed and sold off, but the land, the underlying land would be held by an association. So, we think that this would be a compatible development in this area. Not unusual to find this kind of development in the mid-mile. And so we recommended approval.

“And the Planning Commission . . . there was no opposition at the Planning Commission hearing and the Planning Commission recommended unanimously, subject to the agreement that had been worked out on the Protective Overlay and the down-zoning to the Neighborhood Office. After the Planning Commission hearing, we received a petition from 23 owners on the other side of Webb Road, single-family homeowners. In their petition, they indicated that they were concerned that it may . . . the owner may be saying patio homes, but he may build Multi-Family development. The Protective Overlay will assure that that doesn’t happen and also they were concerned about high traffic generation and I think that both the neighborhood office and the six units per acre will assure that there won’t be too high of a traffic generation on Webb Road. So, those owners didn’t communicate with the staff about how the Planning Commission had acted and I don’t believe that they would be objecting to this case, if they saw how the Planning Commission had responded to it. I can’t say that for sure, though.

“So, I’ll run through the slides very quickly. This, looking at the east, this is the end of that gas facility. We’re now looking south, down Webb Road. This is the church to the south and this is the property in question, and Single-Family over on the right side. This is looking north. This is that gas compressor station again and the Single-Family homes along the west side of Webb Road. Looking east across the site. Looking back across to the Single-Family area where those protests occurred. Back to the aerial photograph and the zoning map and I’ll stand for any questions that you have.”

Chair McGinn said, “Thank you, Marvin. We do have a question. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Madam Chair. Marvin, am I right in assuming that the developer is totally comfortable with the Protective Overlay that you’ve imposed on it?”

Mr. Krout said, “Yes, he is. They’re agreeable to the Protective Overlay. I also want to say that the protest petition, in terms of the legal protest, amounts to only 3% within the required radius and so it just takes a simple majority, 3 of the 4 Commissioners to approve this.”

Commissioner Sciortino said, “I understand that. And the Protective Overlay, one of the concerns I’ve always had on some of these cases is that a developer can allude that he’s going to do something, get the zone change and then he, literally, or she, has a right to do whatever the zone changed items allow, not

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withstanding what he or she may have said. As you and I visited yesterday on this, this pretty much limits him to doing, virtually, what he said he would do, patio homes or turn it into single-family dwellings but it can't be more than six units per acre."

Mr. Krout said, "He might be able to attach the units. We didn't prohibit him from attaching units, but the overall density is no more than six units per acre."

Commissioner Sciortino said, "Okay. Thank you, Madam Chair. That's all I had."

Chair McGinn said, "Okay. It doesn't look like there's any other questions up here. Is there anyone here today who would like to speak to this issue? Seeing none, we'll leave it to the Bench. Commissioner Norton."

Commissioner Norton said, "Thank you, Madam Chair. Marvin, go back to the slide that shows the road going through the property. What are the properties to the north that kind of form the top two north portions of the 'x', where the roads intersect? What are they zoned at and what are they going to be?"

Mr. Krout said, "This area here?"

Commissioner Norton said, "No, south of the . . . that little area there and then to the west, too."

Mr. Krout said, "These are single-family lots and this is also Single-Family zoning. It hasn't been platted yet. It could be a day-care or a church or something like that, possibly."

Commissioner Norton said, "So, it is not platted at this present time?"

Mr. Krout said, "Right."

Commissioner Norton said, "But it's zoned . . ."

Mr. Krout said, "Single-family."

Commissioner Norton said, "Single-family. Is that Mount Vernon that kind of angles through the property?"

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Mr. Krout said, “Right, Mount Vernon comes here, to Webb Road and then you have the gas compressor station, which I guess is one of the reasons also to try to preserve the hedge row, is another reason not to take Mount Vernon straight across. So, I think it will act as a collector road and it will be named, on the plat, as Mount Vernon, but it will jog which, from a traffic planning standpoint is okay for collector streets. We don’t mind when collector streets jog. The important thing is to try to have some continuity from mile-road to mile-road and enough distance so you don’t have a conflict in traffic movements.”

Commissioner Norton said, “Will that just have a plain stop sign, entering onto Webb Road, or will that be signalized?”

Mr. Krout said, “I’m sure this will be, probably, a stop sign. Probably will not generate enough traffic to warrant a signal. Webb Road is scheduled . . . well, it’s in a CIP to be widened in the future. I can’t remember exactly.”

Commissioner Norton said, “Will that include a traffic study for signalization, too?”

Mr. Krout said, “Generally, the only time we require studies for traffic signalization is when we have commercial development that we know is generating several thousand trips per day and, usually, when you have that case, it’s the commercial developer who’s looking for the signal, more than the City or the County is. But for Single-Family development, what we’ll generally be dealing with is looking at the traffic that is generated and figuring out whether or not there are any turn-lanes, interim or permanent turn-lane, right or left that need to be associated with this, and there’s a good possibility. I just don’t recall. A lot of this was platted earlier, that we did require a left-turn lane construction, because more of the traffic in the afternoon will be coming from the north and then turning into the subdivision.”

Commissioner Norton said, “Speed limit along that Mount Vernon strip?”

Mr. Krout said, “This strip? You’ll have to help me with that, David. I think it would be, minor street, 30 miles per hour?”

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Mr. David Spears, P.E., Director, Bureau of Public Works, said, "That's right, residential area would be 30 miles per hour, by State Statute."

Commissioner Norton said, "Okay, and at the intersection of Mount Vernon and whatever that other street is, is that a four-way stop?"

Mr. Krout said, "Here. I think that will be determined . . . It probably will not be, at least initially. It will be determined by what the traffic engineers call 'warrants'. If there's enough traffic or accidents to warrant it, then they'll install stop signs."

Commissioner Norton said, "Okay, my final question is where are the entry ways into the area that will have condominiums or housing?"

Mr. Krout said, "There is a site plan. I think it was in your staff report, but there'll be one or two entries off of this collector street here. They showed an illustrated site plan, but they're not sure exactly how they're going to lay it out at this time and that's why the Protective Overlay calls for an administrative site plan approval at a later date."

Commissioner Norton said, "Okay. I have no further questions. Thank you."

Chair McGinn said, "Commissioner Winters."

Commissioner Winters said, "Thank you. I have a question for Commissioner Sciortino. Evidently, several people did file protests. Have those folks been calling you and do you have any . . .? I mean, this looks like a good project to me. And I just wondered, since none of those folks who signed the protest were at today's Meeting, if you'd had any contact with anybody that was giving you serious concern about this?"

Commissioner Sciortino said, "No, I have received no phone calls on it and then also, I wanted to find out from Marvin, exactly the extent of the protests were and, as he indicated, they were concerned about traffic counts and I believe with the Protective Overlay we're taken care and addressed all of those. But, no, I have not received any phone calls from my constituents."

Commissioner Winters said, "All right. And this is in your district, right?"

Commissioner Sciortino said, "This is my district, and I'm going to be very supportive."

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Commissioner Winters said, “Well, I’m prepared to follow your lead. Thank you. That’s all I had.”

Chair McGinn said, “Are there any other questions for Marvin, Commissioners? If not, what’s the will of the Board?”

MOTION

Commissioner Sciortino moved to Adopt the findings of fact of the MAPC and approve the zone change subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting within one year; adopt the Resolution and authorize the Chair to sign; and instruct the MAPD to withhold publication of the Resolution until the Plat has been recorded with the Register of Deeds.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Next item.”

- 3. CASENUMBER ZON2000-00051 - ZONE CHANGE FROM "SF-20" SINGLE-FAMILY RESIDENTIAL TO "LI" LIMITED INDUSTRIAL; AND

CASE NUMBER CON2000-00052 - REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A CONSTRUCTION AND DEMOLITION LANDFILL.**

POWERPOINT PRESENTATION

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Mr. Krout said, “Commissioners, this is a dual request. It’s a Conditional Use and it’s a request for Limited-Industrial zoning. You may remember this tract. You recently approved a Conditional Use and Limited-Industrial zoning for an asphalt plant at this location. This area, back in here, is a lake that was excavated for sand extraction and it is still zoned Residential.

“The request to for this property owner to extend the Industrial zoning back to this area and then, for a area that’s defined as sort of an inverted ‘L’, if you can follow the red dot, that’s the request for a Conditional Use for the construction and demolition landfill on that slightly larger area. This tract is on the east side of West Street. It’s south of K-96. It’s very close, within a block, of the recently approved and under construction transfer station that’s on the north side of 37th Street and west of West Street.

“The applicant . . . nearly all of this land is a lake today. The applicant’s plan is, basically, to fill that lake with clean rubble materials, that lake is as deep as 35 feet today, and to fill it to a level five feet above the highest established groundwater elevation and then to fill, on top of that, with inert materials, construction and demolition landfill materials, up to a maximum height of 70 feet above the existing grades in this area.

“The staff report contains a number of conditions, requiring the County Public Works to approve a drainage plan for this area. When we initiated it, we weren’t sure about the proposed site plan, in terms of the line, with respect to the City/ County flood control ditch and the flood control people have approved this site plan and the setback that’s shown on this site plan. This was reviewed by the Solid Waste Committee, along with their general guidelines, and Susan Erlenwein is here to answer any questions that you have about their discussion of this case or the general guidelines for construction and demolition landfills.

“It was then reviewed by the Planning Commission. The Planning Commissioner approved it unanimously, with no opposition. The applicant’s agents are here and I think they are prepared, they have boards and they’re prepared to make a presentation on this C & D landfill, if you would like them to do that. And I’ll just walk through some slides quickly and then try to answer your questions.

“This is the aerial photograph that shows you the area that would be filled. The plan is to fill it, basically, in stages, so that only a small area would be filled and then it would continue in a north to south direction until it was completely filled. This is a site plan that shows the eventual hill that would be a maximum height of 70 feet over the excavated lake. The asphalt plant would remain where it is today. This is the view of

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the lake today, looking east towards the Big Ditch. Looking west across the site. Looking north and west, so you're looking from the site across to an area owned by the same property owner. This is looking north, up West Street, at 37th Street. To the left of this screen is the transfer station. One of the advantages of this site is that it would be very convenient for people at the C & D landfill to send trash to the transfer station and for people at the transfer station to send C & D material over this block to the C & D landfill site.

This is also an area that is designated, in the recent Comprehensive Plan, as appropriate for industrial type development, so the staff did recommend approval. You can see, in the background, you can't see K-96, but K-96 is about here and then that's the Brooks Landfill in the background. The lake, which is undergoing some filling operation, I think now, mostly. And this is a home that is located to the north, across 37th Street, between 37th and K-96. But our understanding is that it is unoccupied and certainly is in a location where we would expect future commercial industrial development.

"This is looking north, towards that house off of the extension of 37th Street. Back to the photographs. And this is one of the slides that the applicants have, but I think they have some boards that can show this in more detail. And I'll stand for any questions that you have."

Chair McGinn said, "Okay, Marvin. I don't see any questions right now. Before I have the applicants come up, I would like for them to make a presentation and then I'd like to have Susan Erlenwein follow with some comments about the things that the Solid Waste Committee talked about. But before I do that, I would like to ask if there's anyone here in the audience today that would like to speak in opposition to this site plan? Seeing none, if the applicants would come forward, we'd appreciate having you show your presentation."

POWERPOINT PRESENTATION

Mr. Allan G. Chappell, Agent, Ritchie Corporation, from Environmental Concepts and Designs, greeted the Commissioners and said, "Before I begin, I would like to kind of point out the team that has worked on this project, so that maybe at the end of this, if there's any additional questions, specific questions, we could address those to the proper people. We have Phil Brothers here today. Phil will be the C & D manager at this facility and, of course, H. Tom Ritchie, President of Ritchie Corporation and then, Phil, Phil Meyer from Baughman Company. And we have worked together on many of the design and engineering concepts here with the facility.

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“Number one, I do want to stress, and I was pleased to hear Commissioner McGinn speak about the recycling emphasis with this Commission. This facility will actually be a construction and demolition recycling and disposal center and that’s no coincidence that we have recycling at the first of that sentence, that title. We intend to recycle 60 to 65% of everything that comes into this facility, so that in actuality only 30 to 35% of the material will ever go into any type of fill, fill-face operation.

“Again, the location, as you can see by this particular board and again, if we can go back to that slide, it might be viewed better. We feel it’s a perfect location, given the surrounding operations, the newly permitted and under construction transfer station, the proximity to Brooks Landfill, types of operations such as the sand and the asphalt operation existing already. We felt that this was a perfect site to place this operation at, both because it’s consistent with the surrounding operations and also, when you look at the traffic use. You know, these same vehicles which will be delivering C & D materials and recyclables, as we call them, to this facility are already there delivering solid waste to Brooks Landfill. So, you’re not having to look at that type of new traffic impact in some other area of Sedgwick County. We felt that that was a real positive.

“I’m sorry to be somewhat cumbersome with this. This is in a picture and I think you saw the slide before of the actual site plan. And the second point I would like to make with this is that we’re going to be pursuing a very aggressive education component with this facility. We have done that with another company here in town, Wood Recycling and Composting Center, where we have actually went out, worked with businesses, educated them as to what could come into the facility and how to segregate what materials to bring in. We find that that increases recycling rates and it also holds down contamination to materials, which all of us are concerned at, both from an environmental and a marketing standpoint.

“So, we will be pursuing that same type. In fact, Phil and I have been working on some brochures and some marketing concepts along those education-types of concepts, along those lines, just in the last couple of weeks. To get to how this facility will actually operate, let me go back to this slide that matches the site plan. Our scale house will be located in this area here. The entrance will be here and vehicles will come in and go to the scale house. The important thing here is that the scale house is the first point of inspection. We will actually have two or three points of inspection for all materials entering this facility, depending on what types of materials those are. If we have a load, we’ve been out working with commercial businesses. They’re segregating their concrete. They’re segregating their asphalt types of materials. Actually, those will come in, go to the scale house, be inspected and then be diverted directly into this area, where those materials will be recycled. They will never actually even enter into the C & D

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recycling disposal facility. If we're brought a mixed load, they will come in, be inspected, that mixed load will be determined and then it will be brought to the front of the fill-face, where we will actually have a segregating area. The material will be placed on the ground. Our people will look through that material and segregate it, so that we can again increase and maximize the recycling of any of those materials. So, you're looking at two or three looks at all material coming into the facility.

“We are trying to increase the recycling rate, but at the same point, that adds a tremendous safeguard into this facility, in that material that sometimes might be mixed in loads will be detected and will be diverted out of that material and sent to the appropriate place. Marvin made a very good point. With the Waste Connections transfer station right across the street, it's obvious where any MSW (Municipal Solid Waste) goes if it's not appropriate to be in this place will either be sent from the scale house or picked up and sent to, after we detect that and pull it out of the materials. And likewise, we have had discussions, I think in the initial packet that we had sent you before the holidays, there was a Waste Connections support letter in their from Mr. Jim Spencer, the regional manager, indicating that they would also be cooperating with the C & D recycling and disposal facility and sending over any C & D materials from the MSW stream, which is very consistent with the mandate to divert C & D materials from the solid waste stream. So, we feel that both of these facilities, and again, the location, is very much a positive for the area.

“If I could ask you to make one more switch. I'd like to use this board and slide to illustrate and discuss, again, the flow of materials. When the material comes in, by the scale house, mixed loads will go to this area, where material will be looked at and segregated. Concrete, asphalt and such material will then be recycled back into the existing facilities. Wood materials, metal, possibly even plastics, we're looking at partnerships right now, as to where to recycle all these materials, will be placed into containment, containers or containment bunkers, to where we will hold them on site until we have a load that's feasible to transport and recycle.

“Any small materials of the clean rubble nature, there was a definition in the packet that we provided you, would be placed in this area and that would be the material that we continue to fill, to fill actually the substrate and give us the five foot separation from groundwater that's required by regulations. This cross-section maybe depicts that a little better, that we will be filling this area with clean rubble, again, only and developing a five foot separation from the groundwater level and then we will be filling fill-face back here into the land fill. But again, only 30 or 35% will be filled. 60 or 65% will be diverted and recycled through partnerships either existing or ones that we will be developing with companies in the future.

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“Also, we do have a groundwater monitoring program. I do know that Susan . . . and this is very much to their credit, that they looked at that and that is included in your regulations today, that groundwater monitoring program is something that is looked on very favorably. We had actually designed that into this fill, previous to that regulation, but we are in compliance with that. So, we will actually have groundwater monitoring wells, I think we have two on the north side, which we will call up-gradient wells, which will determine if anything is moving onto the site, and then we will have two on the west side to determine if there is anything moving off the site. We can detect that in the groundwater. As the landfill progresses and moves down that west side, down the full length of the facility, we will continue to add monitoring wells to be able to monitor that groundwater.

“We are here also to ask, and I would like to make note of this, in the regulations it specifies certain setbacks. We would ask you today to approve, with this CU, some change in those setbacks. On the north side, which is the line that borders the property where the unoccupied dwelling is at, we’re looking for a 50 foot setback on the north side. We’re looking for a 30 foot setback on the west side, which is the full length of the fill that runs down the levee area. And then from the front, from West Street, we’re asking for a 100 foot setback. These setbacks have been approved by various . . . the Solid Waste Committee and then Planning and Zoning, but it is my understanding we have to ask you before that waiver to be able to do that.

Chair McGinn said, “Mr. Chappell, we need to have you closer to the mic, please. Thank you.”

Mr. Chappell said, “So, again, we would be asking for that waiver on those setbacks for this facility. At this time, I think we’ve tried to just kind of explain the nuts and bolts of this operation, but certainly we would stand for any questions or anybody on the team would be glad to answer any questions that you might have.”

Chair McGinn said, “And we do have questions. Commissioner Winters.”

Commissioner Winters said, “All right, thank you. Just a couple of quick questions, Mr Chappell, and

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I'm probably going to ask Susan a little bit more about this, but I'm sure you both are certainly aware of our C & D resolutions that we have in place. You talk about points of inspection and I'm assuming that it will be your regular and routine policy that anytime you see any kind of material that's not appropriate or not suitable or is not in the definition of what is considered to be C & D material, that load or even if it's part of a load, that entire load will be rejected."

Mr. Chappell said, "Yes, that would be correct. We would like to set up something with the transfer station across the street and make sure that those people are directed across the street. It's kind of the same philosophy. We don't want to send them out the gate and that material end up some place it should not. But absolutely, if we see MSW types of materials, that entire load will be rejected, yes sir."

Commissioner Winters said, "All right, and you are in agreement with the method and the way that Sedgwick County or others will be inspecting the on-going work of the C & D operation, whether that's being visited by County employees as inspectors or KDHE (Kansas Department of Health and Environment) or others, you're in complete agreement with all of those rules, as you understand them?"

Mr. Chappell said, "Absolutely."

Commissioner Winters said, "All right. And I'm sure that you could probably answer this. If not, one of the others could, but I would assume that we have worked with the Ritchie Corporation not all that long ago in changing the zoning requirements for the asphalt plant that is currently just south of this location. Do you all expect that that asphalt plant is going to be at that location for years to come? I mean, as you look around . . . I remember that case very well, and we commented at the time. I'm not sure we had any protestors come to that meeting when we sited and gave them permission for a new asphalt plant location. They had to shift their location. Now I don't know how many places you could find in this County to site an asphalt plant and not have some protests from adjoining property owners. There was not at this one. So, it would be my assumption that if Ritchie Corporation is going to continue to operate that asphalt plant at this location, it looks to me like the land use, at least for the foreseeable future here, would be very accommodating to this kind of C & D landfill operation.

"One last question, would you just clarify again on the setbacks. We had three different sides there. I had just been thinking about the back side or the east side. Would you clarify . . . there you go. If you just got a pointer and clarify what you're talking about on the setbacks."

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Mr. Chappell said, “Yes, sir. On the north side here, we would be looking at 50 feet setback. And on the east side, Phil pointed out that I mis-spoke and said west side, on the east side we’re looking at a 30 foot setback.”

Commissioner Winters said, “All right, and that’s the one that has been . . . the floodway control people have considered that and they’re in agreement with that. Okay. And then on . . .”

Mr. Chappell said, “And then on the West Street area here, we are looking at a 100 foot setback. And I might point out that the screening, the berms, the tree planting and scrub planting, all of that is virtually in place and done here already. And one other thing was, in the height that Marvin discussed, about 40 to 70 foot, the 40 foot height on this C & D fill is in this area. We designed it that way purposely, to where the higher part of the fill would be back behind all of these operations and just virtually not even visible from West Street.”

Commissioner Winters said, “All right, and so while you have your pointer there, could you point to the general location of the asphalt plant.”

Mr. Chappell said, “I hope I get this right. Let’s let Phil point to the . . .”

Mr. Phil Meyer, Baughman Company, said, “The asphalt is basically right in this area, along the crushing operation that’s there now, right north of it.”

Commissioner Winters said, “This is . . . You know, I mean, this is high intense industrial, in my estimation. Rock crusher and asphalt plant. All right, thank you, Mr. Chappell. I don’t think I have anything else, Madam Chair, right now.”

Chair McGinn said, “Okay. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Madam Chair. I’ve got a question, I guess, and then a comment. First of all, I want to complement the Ritchie Corporation, because this is just an example of vertically integrating your existing operations and I complement you on the recycling effort. Given the intensity that you’re going to do on recycling, I would assume that would mean that it will slow down the amount of debris that you can come in to fill up the lake, which then should extend the life span of the C & D landfill. Am I right in that assumption?”

Mr. Chappell said, “That’s absolutely right. If that scenario plays out, and it should, given our recycling

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and marketing education efforts, that would be exactly right. And I was remiss in that I did not discuss, we used Susan's waste characterization study from 1998 and estimated, just to give a range, anywhere from 100 tons to 300 tons per day, 300 being the maximum of all C & D material that was identified in this waste characterization study. With 100 to 300 tons a day coming into this facility and with a recycling rate, I think we figured it at 60%, which is very achievable, that will happen. This landfill, this C & D recycling disposal facility, to fill part of it, will be able to service the Sedgwick County area for anywhere between 23 and 69 years. And as you pointed out, those years, that longevity will do nothing but increase, with more and more recycling effort and more and more focus on recycling."

Commissioner Sciortino said, "Well, that was going to be my question, your estimate of the life span of the C & D, but you just responded to it."

Mr. Chappell said, "Just a ballpark number, you've got a 30 year facility here. I mean, there's no question that you'll have a 30 year facility."

Commissioner Sciortino said, "Well, I agree with Commissioner Winters. I can't think of a better use of this land and I cannot imagine someone wanting to come in and put condominiums or anything like that in that area. So, I'm going to be very supportive of this item. That's all I have, Madam Chair. Thank you."

Chair McGinn said, "Commissioner Norton."

Commissioner Norton said, "Thank you. How long is the entry way going in? Will that service a back up of vehicles so that they don't back up onto West Street?"

Mr. Chappell said, "Yes, the design that we have put together, and it is depicted on our site plan, is a 400 foot length. That may vary some. What we're looking at right now, looking at that front end with the setback, how to best accommodate, but we're looking at anywhere, a dozen, fifteen trucks . . ."

Commissioner Norton said, "Could safely be housed on the . . ."

Mr. Chappell said, "Exactly, being staged on site."

Commissioner Norton said, "Once the life span hits about 30 years or whatever, what are some uses of that property? I mean, are there going to be things that would keep it from being used, the property?"

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Mr. Chappell said, “The closure part, the closure design, and it’s pretty much as specified by KDHE and in Susan’s . . . the County regulations, would be a final grade compaction and then cover material being placed on this with vegetative growth. We have designed this to where both the sides and the top, or cap, will be maintainable.

“Now, we have had some discussions with Planning and Zoning internally, you know, what is a good use going to be for this. You know, if somebody can tell me what’s going to be in that area in 30 years, I can tell you what a good use would be for that. But what we can say is, you know, we’re receptive to doing whatever would fit in, you know. And we have the design and the capability and the easily maintained area, to where we can address that at that time. Right now, we really don’t have any plans. But, you know, when you look at a 50 to 60 acre site that can provide this type of service for Sedgwick County for 30 years, if it’s nothing but a maintained grassy knoll, so to speak, we feel that that’s probably good enough. But we’re willing to discuss anything.”

Commissioner Norton said, “That’s fine. I just think it’s prudent to think about what’s going to happen to that land. We had so many decisions in the past where we didn’t know what we were going to end up with when it had it’s cycle.”

Mr. Chappell said, “And something else to address your question would also be that KDHE requires a restrictive covenant, which will be filed with the Sedgwick County Clerk’s Office that basically says you can’t come back in . . . we can’t put houses on it. We can’t do something that’s inappropriate with this land. So, there’s a lot of people that have some say so, down the road, as to that. But certainly, we’re willing to discuss with anyone an appropriate use of that property.”

Commissioner Norton said, “Okay. The last question I have is really to Marvin. Were the other properties on the other corners ‘MF-18” and is that not apartment zoning? Did I look at that wrong?”

Mr. Krout said, “I believe that the corners were zoned red, the red color was ‘LC’ zoning and that was Limited Commercial zoning that was granted all over the County, within three miles of Wichita, about 50 years ago. And so, the areas beyond that are still residential, with the exception of these recent requests for Industrial for the transfer station and the asphalt plant.”

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Commissioner Norton said, "I must have looked at the wrong color, cause it looked like it was . . ."

Mr. Krout said, "Some of the colors start to blend together, they all kind of merge."

Commissioner Norton said, "Okay."

Chair McGinn said, "Okay, thank you. I have some quick questions here for Mr. Chappell and then I have some questions for Susan. The monitoring wells, can you show me at what location those will be at."

Mr. Chappell said, "Initially, we will have . . . and this will be within 50 feet, we will have one here and then we will have one approximately 300 feet, maybe 350 feet up this side. You understand, your landfill is building, your facility is building and growing, from this area and then when it makes the turn, then we'll place one here and then as we open up another phase, we'll place another one here, so that there will be monitoring wells down the site, as the facility grows."

Commissioner McGinn said, "Well, it seems like those are ideal locations to start with, given the fact that that's north and since the ground water moves from the northwest to the southeast, I guess I'm a little concerned. There is some pollution up in that area and you would be able to detect that, from the old landfill, so that it wouldn't be your responsibility."

Mr. Chappell said, "Absolutely. And that is actually the purpose of these two wells, is because the groundwater moves in this direction and we are not quite sure where that groundwater, from this area here, is moving. So, we are placing those two up-gradient wells to check what comes onto the property. These wells that would actually . . . and I think our initial . . . Carolyn, I think actually we have a well here, initially. So, that anything that moves across here would be caught in these first three and then again, we will just extend those as the facility grows."

Chair McGinn said, "Okay, very good. And then, in the background material, the surface water drainage will be diverted away from the area there that you're dividing things, is my understanding."

Mr. Chappell said, "Yes, and I might have Phil speak to the design of that and where that water will actually go on the surface water, because we did design a system into that."

Mr. Meyer said, "Basically, the development plan, we're maintaining the lake facility. The design we did maintains the lake facility at this location, and we have storm sewer systems that meander up both the west and the east side of this and will come up and have inlets at the north end, to pick up drainage all the way

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around this site and carry everything back down to the south. So, we're going to handle it through a circuit sewer system."

Chair McGinn said, "Okay, thank you. Also, I understand the road construction is thicker than normal and does have an excel and decel lane, correct, in this area?"

Mr. Meyer said, "Yes, the pavement on West Street is industrial standard today. We are guaranteeing a future excel/ decel lane to this site. It will be implemented when County Engineering warrants the need for it."

Chair McGinn said, "Okay, thank you."

Mr. Chappell said, "I think one point we do want to make with that, if I might, is this is more or less our neighborhood, so those improvements are certainly something that we want to look at to service our customers and provide this type of service in a safe and efficient manner. We do want to be able to have some of those discussions later on about maybe what our concepts are as to how best to do that."

Chair McGinn said, "Okay, thank you. I think the next questions I have are for Susan. Susan, I have three things that I'd like for you to address. One is, I know your background is in geology and so, this would, I would think, kind of be your thing. And so, just briefly explain the inert material and types of product that's going in the lake, is the first thing. The second thing I'd like for you to talk about is the on-site visits that your department is going to do and the third item is the requirements by KDHE."

Ms. Susan Erlenwein, Director, Environmental Resources Department, greeted the Commissioners and said, "All right. The material taken to a facility like this is typically material from construction or demolition sites. Materials such as two-by-fours, the wallboard which is gypsum, the shingles, asphalt concrete, only inert materials allowed to be buried at a Construction and Demolition facility. That's why it's so important that they are looking at recycling the material and sorting through it. When the Solid Waste Committee helped develop the regulations for Construction and Demolition landfills in Sedgwick County, protecting the groundwater was one of their main concerns. That's why, when they looked at this, they required a trained spotter on site to look at the material, to make sure that only inert material was buried and they also developed regulations to have the monitoring wells to make sure that if anything did get in there that would not be allowed, that it was detected immediately, on site, before it ever got off the site. And you correctly stated earlier that the groundwater in Sedgwick County typically flows from northwest to southeast. Part of the regulations require that we review their plans on monitoring well locations, to make sure that they are in the appropriate spots.

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“Additionally, the Committee was extremely concerned about enforcement, so Environmental Resource Department will be in charge of enforcing this and we will have, at least once a week, random inspections of the Construction/ Demolition facilities in Sedgwick County to look at the material being buried and make sure it is the inert material, that they do have trained spotters and that all the other regulations, such as litter patrol is being followed. So, we have very good regulations, I feel, and will be enforcing those. That was one of the main concerns of that Committee.”

“And what was your third question?”

Chair McGinn said, “The third question was KDHE’s requirements.”

Ms. Erlenwein said, “Kansas Department of Health and Environment also has requirements, but they’re changing those right now, to make them even stricter than what they have on the books now. KDHE will give the final permit for this location and they’ll review all of the information and they have the right to make it site-specific if they so want. For example, if they feel this site might require clean-up information, they will require a one million dollar bond for the company to put forth if they deem it necessary.”

Chair McGinn said, “Okay, thank you. Does anyone else have any questions of Susan? Okay, thank you, Susan. Is there anyone else here who would like to speak to this topic before we move forward? Okay, we’ll leave the remaining questions to the Bench.

“I would just like to make a few comments. I think that this company has done an excellent job in this presentation in covering all the areas, anywhere from groundwater contamination to the traffic situation and being a good neighbor and making sure that it’s in a site that’s probably most likely always going to be industrial use. And I looked through the backup material. I see that this was a unanimous vote from the MAPC, the Solid Waste Committee supported it, John Davis from Wichita/ Sedgwick County Department [sic] supported it and I happen to think that this is an excellent idea here and the reason is is because we often times think about recycling just in our household, at that level and we talk about cans, bottles and those types of things and so, then when we talk about C & D landfills we think about construction and demolition and so it’s just another place that doesn’t really have hazardous waste going to a landfill, but it’s still a landfill in some capacity and what’s unique about this is that it’s more than a C & D landfill, it’s a recycling center. And I think that’s an excellent thing and I think that that’s the type of thing that we need to think about in the future, as we go on down the road preserving our natural resources.

“So, I’m going to support this item and with that, are there any other questions or comments?”

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Commissioner Winters said, “My only comment would be, Madam Chair, that I’m going to support this also. I think it’s a good project and you are correct in thinking about, when we really start talking about heavy-duty diversion, we’ve got to look at commercial and industrial waste streams. And they probably make up a great deal more than a lot of the household recyclables. So, when you start talking about diversion of this kind, I think it is significant. I’m prepared to support the Motion as it is. I think the only two clarifications that I think we need to make in our Motion is one, concerning the setbacks and I’m supportive of the setbacks that have been requested and that we clarify that any kind of insurance requirements will be whatever the KDHE requirements are.”

Chair McGinn said, “Okay. Before we make that Motion, Commissioner Norton.”

Commissioner Norton said, “Thank you. I had just one more question of Susan. How many C & D landfills do we have in the County now, and how many do recycling similar to what’s being proposed?”

Ms. Erlenwein said, “There’s a construction/ demolition landfill on K-15 owned by the Cornejos and they do, typically, asphalt and concrete recycling at that location. There’s another one that was located down in Derby. That has some capacity considerations right now that KDHE is looking at. So, actively, there’s one open right now.”

Commissioner Norton said, “The Solid Waste Committee feels that we’ve mitigated any problems that could come up through conversations with the companies, because I know we’ve had some problems with other C & D landfills in the past.”

Ms. Erlenwein said, “Yes, the Committee was very active in developing the regulations and feel very strongly that they’ve addressed the environmental issues.”

Commissioner Norton said, “Okay, thanks. Thank you, Madam Chair.”

Chair McGinn said, “Thank you. All right, Commissioners, Commissioner Winters, if you’re ready. You’ve got that figured out.”

Commissioner Winters said, “Well, pretty close. And again, it was 50 foot on the north and 30 feet on the east and 100 feet on the west. Marvin, did you have something.”

Mr. Krout said, “Well, I’d suggest, those numbers are reflected in the site plan that was approved by the Planning Commission, so my suggestion is the motion should be something like ‘adopt the finding in fact

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of the MAPC and approve the zone change and conditional use permits, subject to the recommended conditions, waive the setback requirements of the County's Solid Waste guidelines to reflect the setbacks as specified on the site plan that accompanies the conditional use permit, adopt the resolution and authorize the Chairman to sign."

Commissioner Winters said, "And add something, cause I'm just going to say 'so moved', but we need something else in there about any kind of insurance or requirements will be those as recommended by Kansas Department of Health and Environment."

Mr. Krout said, "Well, there's no recommendation, there's no insurance or bonding requirement in the Planning Commission's recommended conditions."

Commissioner Winters said, "Well, that's where I was confused then."

Chair McGinn said, "But KDHE still has the last word, whatever they please."

Mr. Krout said, "KDHE, it will be their determination, right."

Commissioner Sciortino said, "So, we don't have to have that as part of the recommendation?"

Chair McGinn said, "Don't need to have that in there."

MOTION

Commissioner Winters moved to adopt the finding in fact of the MAPC and approve the zone change and conditional use permits, subject to the recommended conditions, waive the setback requirements of the County's Solid Waste guidelines to reflect the setbacks as specified on the site plan that accompanies the conditional use permit, adopt the resolution and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

VOTE

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Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Thank you. Next item.”

4. MONTHLY REPORT.

Mr. Krout said, “Commissioners, I’ll be brief. We had 94 development applications in November, 40 in December. That’s 664 development applications for the year 2000, which beats the previous record, which was 1999 of 606. So, it was a banner year in terms of number of development applications. In the past couple of months, some of the more significant applications that were heard by the Planning Commission include about a dozen wireless communication towers, mostly in the City of Wichita but a couple that were out in the unincorporated area, an 80 acre commercial development in the Kellogg and Greenwich area that is being proposed for significant development with over a half a million square feet of commercial space, a case across from that parcel for a mobile home park adjacent to an existing mobile home park. One of the few, maybe the only one in this decade that the Planning Department will be recommending approval for. But that was approved in an appropriate location, we thought, at that time. And also a kind of an in-fill site, 22 acres near the Meadowlark and the Planeview neighborhoods in southeast Wichita that’s been vacant for some time and the developer worked with the neighborhood to develop a set of conditions to try to respect the neighborhood and yet develop it with a variety of commercial uses.

“We’ve been working with the committee of the Planning Commission on some major zoning amendments and they intend to have a public hearing on that next month. So, you should be hearing those amendments in March. The land-use research staff has been preparing for and assisting with the meetings, the first three meetings that we’ve held of the Comprehensive Plan Advisory Committee. We’ve had a couple of people from the agricultural field in, someone from the Farmland Trust and also local extension service who talked about agricultural practices here Sedgwick County.

“We finalized the report on the Delano neighborhood plan and that plan is going to heard by the Planning

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Commission, officially, next month and we'll be bringing that to the City Council and to you in March. We've been working with consulting engineers on trying to solve alignment issues on widening 21st Street at Broadway, so that the Mid-town North plan can be brought to a state of completion and adoption. We've also been working on developing a strategy for the Union Pacific Railroad corridor that was abandoned, actually, about two years ago that runs through mid-town and used to run across the river and then into the Delano area. We have a plan for that corridor in the Delano area but didn't have one through mid-town and downtown. We've been developing a strategy and in the process of doing that, working with a couple of significant businesses that are in the mid-town area and have aims for expansion.

"In transportation planning, we hosted a meeting with KDOT (Kansas Department of Transportation) and City/ County staff on ITS, Intelligent Transportation Systems. We're going to host another meeting later this week and we're going to try to take the coordinating role and get that project going. KDOT has agreed to provide about \$3,000,000 in funds over the next five years, with matching commitments from the City and County if they're willing to, so we're going to try to detail what that would look like for you.

"We negotiated with a consultant to contract to provide services and develop access management guidelines for a committee that was established last year and then we'll get that committee going again, to look at the issue of access management on City and County arterial streets.

"Also . . . Well, let me stop there and see if you have any questions."

Chair McGinn said, "Well, okay. You just brought one up here. Commissioner Norton."

Commissioner Norton said, "Thanks. Marvin, is the manufactured home park, is that in conjunction with El Caudillo? Is that the one you're in reference to?"

Mr. Krout said, "Is El Caudillo the 47th and Seneca site that's in limbo?"

Commissioner Norton said, "Yes."

Mr. Krout said, "No. This was a site near Kellogg and Greenwich, north of Kellogg, east of Greenwich, adjacent to an existing manufactured home park, sandwiched between that park and commercial development. Almost like the construction waste landfill, sandwiched between the asphalt plant on the

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transfer station. It was probably a good location for that use and met the criteria in the comprehensive plan. The 47th and Seneca site we brought to the neighborhood advisory committee that's developing a plan for the south Wichita and north Haysville area and basically we recommended that that be deferred so the committee can grapple with the larger issue of manufactured home parks in all of that part of town."

Commissioner Norton said, "Well, I sat in on part of that meeting and I was wondering if that had come to a head yet. There was a pretty good protest to that particular addition."

Mr. Krout said, "Yes, and I'm sure there will be again."

Commissioner Norton said, "I'm very interested on any manufactured home parks that end up on the south side, just to . . . you know, public record."

Mr. Krout said, "Provided an updated set of information for that committee on the demand and supply of land for manufactured home parks in that area, just so they'd have a little more information to make a decision."

Commissioner Norton said, "Okay, thanks."

Chair McGinn said, "Okay, I don't see any other questions for you, Marvin. Thank you. It's been a long morning with you. Thank you very much."

MOTION

Commissioner Winters 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	Absent
Commissioner Tim R. Norton	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Ben Sciortino	Aye

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Chair Carolyn McGinn

Aye

Chair McGinn said, "Thank you. Next item."

NEW BUSINESS

D. GRANT APPLICATION TO FEDERAL EMERGENCY MANAGEMENT AGENCY FOR PROJECT IMPACT FUNDING.

Mr. Randy Duncan, Director, Emergency Management, greeted the Commissioners and said, "I usually have two times when I come up and visit with you, and that is when I bring you grants and when I tell you about emergencies. And I'm pleased to be here today on a grant issue, as opposed to an emergency.

"Our grant issue today is Project Impact. Project Impact has been an emphasis by the Federal Emergency Management Agency (FEMA) to identify communities that have vulnerabilities to disaster and to encourage those communities to become more resistant to disaster. Obviously, our recent involvement with the tornados and other things clearly indicates that we have a potential for those in this area, so I think it's great that our community has been nominated to be considered to become more active in terms of making us resistant to those disasters.

"To go over just a few of the bottom line financial details, this is a two year grant. The total amount of the assistance that we would be receiving from FEMA is \$300,000. We have to combine that with \$100,000 we put in on a local basis. Now, before you get too concerned, let me say that that \$100,000 does not have to be in hard cash. In fact, it's preferred to be in in-kind soft-match services and so on, which is the reason why we have not specifically identified a budget resource as the source for that \$100,000.

"On a practical basis, what we'll be doing is going out into the community, working with private enterprise, citizens, private non-profit groups and forming partnerships to help create opportunities for citizens in our County and communities within our County to improve their vulnerability to disaster. And as we create each one of those partnerships, the amount of the contribution from the various partners is what will count towards our part of the obligation on this.

"I'd be happy to answer any additional questions, if you have any. If you don't, I would request that you consider allowing the . . . to approve the grant application and allow the Chairman to sign it."

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Chair McGinn said, "Commissioner Norton."

Commissioner Norton said, "Randy, do you feel like that you can raise the \$100,000 in partnerships or is there going to be a shortfall that we're going to have to deal with?"

Mr. Duncan said, "I do not anticipate any shortfall. We've had absolutely tremendous reception from a number of the communities here within our County that are already biting at the bit, wanting to be partners and rolling forward with us. As a matter of fact, I'm pleased to say one of the efforts that has been spearheaded by this Commission will help us, and that specific effort, as Chairman McGinn alluded to earlier was the Compact 2000. You'll probably recall, shortly after the May 3rd tornado in '99 there was a Wind Mitigation Committee organized and the effort and time and expense that went into that will help towards matching our grant as well. And frankly, that was one of the things that got us nominated for this particular consideration. So, the direct answer to your question, Commissioner, I don't see any shortfall at all."

Commissioner Norton said, "Okay, thanks."

Chair McGinn said, "Well, Randy, I just want to say you are the most excited staff person I know that comes before us on Wednesday morning and I appreciate your enthusiasm. And I think it's great that Sedgwick County has been chosen to be a part of the Project Impact community. I did serve on that task force with Councilman Joe Pisciotte and Councilman Martz and what was interesting was we learned a lot about structures but we even learned more about educating our folks out there about safety and just being aware of the signs of the storm and what to do after that. So, . . ."

Mr. Duncan said, "We have a lot of work to do on that."

Chair McGinn said, "Yes, that's the unfortunate thing, but at least we got the ball rolling and I'm glad for that. Are you going to have another 'storm fair' this year? I was just curious."

Mr. Duncan said, "Yes, as a matter of fact we are. We had a very successful response to our original 'Storm Fair 2000'. Our original concept was we wanted the leadership of the communities within the County to come in and be aware of what's available, in terms of resources, how would they get help and things of that nature. That concept, we think, has taken off so much that we're planning a slight change in emphasis for this year's 'storm fair'. We're going to be hosting it March the 17th at the Kansas Coliseum and it's our intention to open it up to the general public this year and have a number of vendors present who will have the opportunity to talk about the types of services that they can provide to help

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citizens make their homes and other environments they're exposed to safer from disaster. So, we're very excited about that, too."

Chair McGinn said, "Well, I'm glad you're starting early. It seems like about a dozen years ago, we never even thought about storms til April or so and I think the Heston tornado hit around first part of March or something. It was kind of a strange deal. So, we need to be aware. Did I hear something about 'safe rooms' for the schools?"

Mr. Duncan said, "Yes, as a matter of fact that's been another, what I would consider real success, as a result of our mitigation work after the May 3rd '99 tornado. USD 259, the school system here in the Wichita area, has received a substantial amount of funding to put in place 'safe rooms' in a number of their facilities. As a matter of fact, most recently and probably what caught your eye was an additional award of nearly another half million dollars to the school system to build some additional 'safe rooms'. As a matter of fact, we're so enthusiastic about that particular project that when we have what's called our 'kick-off meeting' for Project Impact, we're planning on conducting that in one of the newly built 'safe rooms' at Jefferson school, so that the public will have an opportunity to come in and see that 'safe room' and see how their children are protected within the school system in case of severe weather."

Chair McGinn said, "Well, that's great. Commissioner Norton."

Commissioner Norton said, "Randy, will this also deal . . . we talked about storms, but will this deal with other disasters like floods and man-made disasters, terrorists, airplane crashes, those kind of things, too?"

Mr. Duncan said, "Well, while we use storms as the main emphasis to get people interested, I think they're going to find that these same educational opportunities will help them in any other type of disaster as well. And that's really what we try to do. Even though, on a seasonal basis, our entry is with storms, we want to talk about all types of disasters and get folks prepared for those."

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Commissioner Norton said, “Thanks.”

Chair McGinn said, “Thank you, Randy. I don’t see any other questions. What’s the will of the Board on this?”

MOTION

Commissioner Norton moved to Approve the Grant Application and authorize the Chair to sign.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Thank you, Randy. Next item please.”

E. DIVISION OF HUMAN SERVICES.

1. AGREEMENT WITH KANSAS SCHOOL FOR EFFECTIVE LEARNING PROVIDING 2001 SEDGWICK COUNTY COMMUNITY CRIME PREVENTION FUNDING.

Ms. Deborah Donaldson, Director, Division of Human Services, greeted the Commissioners and said, “This first item is with Kansas School for Effective Learning, better known as KANSEL. This is an organization that works with students who are not successful in your traditional school settings and they work with students to earn their GED or work towards their diploma and secure employment. The amount of this contract is \$95,000 and those are Sedgwick County prevention funds. I’d be glad to

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answer any questions. Would recommend your approval.”

Chair McGinn said, “Okay, we do have a question. Commissioner Winters.”

Commissioner Winters said, “Debbie, how many more of these contracts do we have to do with Prevention funds? Are there several more to go?”

Ms. Donaldson said, “Yes, we do have several more.”

Commissioner Winters said, “Okay, cause I was going to say, it sometimes becomes confusing that we think that this is something new. We’ve already really approved the way that Prevention funds are going to be distributed for 2001 but these are just, then, the actual contracts and the agreements with these organizations.”

Ms. Donaldson said, “That’s correct. It’s just that once we have completed the contracts with the different agencies, many of them have to have a board meeting to have their Chair sign or approve those contracts and so, unfortunately, they seem to kind of trickle in through the next month or so while we get them finalized.”

Commissioner Winters said, “All right, very good. Thank you.”

Chair McGinn said, “Thank you, Commissioner Winters. I’d just like to add a comment. I went down there about a year ago for an open house and I was just really impressed with what they were doing. One of the things that impressed me was, you know, people can come in there and work to get their GED and can they also get their diploma, Debbie? I can’t remember if that was just a GED or they can get a diploma as well. Do you know that?”

Ms. Donaldson said, “I believe they can get a diploma.”

Chair McGinn said, “Well, that’s what I was thinking, but the point I wanted to make is sometimes people don’t learn at the pace that others do in a typical school system and so, if you’re a slower learner you can go in there and work at your own pace. And so, I think they provide an excellent program for folks in our community.”

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Ms. Donaldson said, “And also they deal with students who, because of some difficulty, are not able to participate in the regular school system and without this they would not gain at all on their academic career.”

Chair McGinn said, “Thank you. Are there any other questions or comments?”

MOTION

Commissioner Winters moved to Approve the Agreement and authorize the Chair to sign.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Next item.”

2. CONTRACT WITH REGIONAL PREVENTION CENTER PROVIDING 2001 LIQUOR TAX FUNDING FOR SUBSTANCE ABUSE PREVENTION, EDUCATION, AND INFORMATION AND REFERRAL SERVICES.

Ms. Donaldson said, “Commissioners, this is our yearly contract with Regional Prevention Center, where they receive liquor tax funds in the amount of \$15,000 to help support the work they do in this area. I would recommend your approval.”

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Chair McGinn said, “Do I have a Motion to approve?”

MOTION

Commissioner Sciortino moved to Approve the Contract and authorize the Chair to sign.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Next item.”

3. AMENDMENTS TO CONTRACT (TWO) WITH MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS.

- ! COMPEER, A PSYCHOSOCIAL SUPPORT PROGRAM FOR SEVERELY AND PERSISTENTLY MENTALLY ILL RESIDENTS OF SEDGWICK COUNTY**
- ! SPECIALIZED RESIDENTIAL SERVICES, INCLUDING INTENSIVE SUPPORTED HOUSING AND GROUP HOME PLACEMENT TO PERSONS DISCHARGED OR DIVERTED FROM STATE MENTAL HOSPITAL TREATMENT**

Ms. Donaldson said, “Commissioners, these two amendments are our work towards combining a number of our different contracts. The first one is the Compeer program. Compeer receives State and County funding and previously we have had two contracts with them and then two contracts to monitor

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for essentially the same service but with different funding sources. This amendment allows us to combine those two contracts to one Compeer program.

“The second one is Specialized Residential Services, which has been a separate contract and we are adding to it the contract which was the Group Home Respite, which essentially are residential services. So, that allows us to combine these contracts, in terms of monitoring and accountability and to make it more understandable to people who are looking at the work that’s done. I would recommend your approval.”

Chair McGinn said, “Do I have a Motion to approve?”

MOTION

Commissioner Winters moved to Approve the Amendments to Contract and authorize the Chair to sign.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Next item.”

4. AMENDMENT TO CONTRACT WITH JOB READINESS TRAINING PROVIDING AN AMENDED BUDGET.

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Ms. Donaldson said, “Commissioners, this is the program that actively works with our adolescents with a serious emotional disturbance who, in fact, don’t get or often don’t develop the skills they need to become employed because they’re so often focused on dealing with the illness. This program has been very active in helping those young adolescents develop work-readiness skills and acts as a psycho-social group for them. The demand for this group has been much larger than we expected and it’s been very positive, in terms that we have been able to fund that through Medicaid funding. And we’re asking for this amendment which increases that to \$135,162.50. I recommend your approval.”

Chair McGinn said, “Do I have a Motion to approve this?”

MOTION

Commissioner Sciortino moved to Approve the Amendment to Contract and authorize the Chair to sign.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Next item.”

**5. AGREEMENT WITH VIA CHRISTI REGIONAL MEDICAL CENTER
AUTHORIZING DIRECT MEDICAID BILLING FOR COMMUNITY-BASED**

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MENTAL HEALTH SERVICES.

Ms. Donaldson said, “Commissioners, these are actually two agreements. One is the affiliation with Via Christi and then the Community Based Services contract with Via Christi. This allows them to bill Medicaid directly and the Community Based Services contract sets forth their reimbursements for providing case management, psycho-social and partial hospital services. I’d be glad to answer any questions.”

Chair McGinn said, “We do have a question, Debbie. Commissioner Winters.”

Commissioner Winters said, “I guess just a quick question. This is the contract that sometime ago, as we . . . when I was Chair, we notified them that we were canceling a contract and they had some concern about whether we were going to get a new one back in place quickly. I assume that Via Christi is satisfied with this contract that we’re most likely going to approve here in just a moment?”

Ms. Donaldson said, “Yes, we’ve had some very positive meetings. I think everybody is very pleased with these contracts and the direction that we’re going and I think, I felt like I’ve had a lot of support from Via Christi, in terms of helping to get this done.”

Commissioner Winters said, “Okay. Very good.”

MOTION

Commissioner Winters moved to Approve the Agreement and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

VOTE

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Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, "Next item."

6. REVISED COMCARE FEE SCHEDULE.

Ms. Donaldson said, "Commissioners, this is our official fee schedule, the sliding fee schedule that we use to set fees for individuals that are served. It's been important to revise the fee schedule because of a raise in Medicaid rates, because you can only bill at the highest point of your fee schedule and to take advantage of those new rates we have to have a new fee schedule retro-active to January 1st, which is what they've done is make those retro-active to January 1st. Another major point or change in this fee schedule is it does eliminate the zero fee. Staff feels very strongly that if at all possible people pay for a service, they tend to value that more. We always keep the option that in cases of extreme poverty, we can always set a zero fee. So, it really does not eliminate that possibility. I'd be glad to answer any questions and would recommend your approval."

MOTION

Commissioner Sciortino moved to Approve the revised COMCARE fee schedule.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

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Chair McGinn said, "Thank you, Debbie. Next item"

**7. AMENDMENT TO AGREEMENT WITH CLARENCE M. KELLEY
DETENTION SERVICES, INC. PROVIDING CONTINUED OFF-SITE
JUVENILE DETENTION HOUSING.**

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "This is the annual amendment to our agreement with Clarence Kelley Detention Services for secure juvenile detention beds at their facility in Topeka for our male detainees that exceed our capacity at the Juvenile Detention Facility. This amendment extends the agreement through calendar year 2001. The agreement contains a reduction in the daily rate of five dollars and a reduction in the number of beds that we guarantee to pay for each day from 23 to 20 beds affective July 1st. I'm happy to report to you that these favorable terms were able to be negotiated because of a statewide reduction in the numbers of juveniles in detention, which has created competition and brought the bed price down in all our agreements with providers around the State.

"Additionally, in calendar year 2000, we achieved a ten bed per day reduction in our demand for secure beds. This is directly related to the implementation of our Community Justice Plan, which has increased the number of service providers and local placements to serve our youth and reduce waiting time in detention. I ask that you approve the agreement and authorize the Chair to sign."

Chair McGinn said, "We have a question. Commissioner Sciortino."

Commissioner Sciortino said, "We don't have a question, Madam Chair, we have a comment. Mark, I know you tried to pass off the reason that we got these reductions was due to items outside your control, but as I understand it, there was some rather strong negotiating on our part, which would mean through you, to get these rates and also the main thing was the reduction of the requirement for the beds. So, I just want to publicly complement you on what you've done, because I think you are an integral part in getting the County to have more favorable conditions on the contract. That's all I have."

Mr. Masterson said, "Thank you."

Chair McGinn said, "Commissioner Winters."

Commissioner Winters said, "Thank you. Mark, I know that we have instituted a couple of new programs and will continue in the prevention, intervention, detention phase of Juvenile Justice Reform. I

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just, I guess, we may be early on the reporting back side but again, I think the Commissioners continue to be very interested in new and innovative programs that we're bringing to the community and so, even Mr. Manager, at some future staff meeting, maybe we need to have Mark paint us another picture about how all this is working. And again, we may be premature but I just want to keep it in the public's mind and certainly in the staff's mind that we are certainly interested in these numerous new programs that we've put out, some of them with some pretty high, intensive one-on-one work with juveniles and so, I'm looking forward to hearing some of those reports later on this year. That's all, Madam Chair."

Chair McGinn said, "I agree with Commissioner Winters. It's my hope, we'd like to be able to say it's all the prevention programs and those types of things that are kicking in and it may be too premature but as we learn more and collect more data, maybe we'll learn more about what kind of effect we are having. If there aren't any other questions . . ."

Commissioner Sciortino said, "Madam Chair, I think a word that we could use is that we're 'guardedly optimistic' that our programs are working."

Chair McGinn said, "Thank you, Commissioner Sciortino. Do I have a Motion to approve this amendment?"

MOTION

Commissioner Winters moved to Approve the Amendment to Agreement and authorize the Chair to sign.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye

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Commissioner Ben Sciortino
Chair Carolyn McGinn

Aye
Aye

Chair McGinn said, "Next item."

8. AMENDMENTS TO AGREEMENT (FIVE) PROVIDING SIX-MONTH EXTENSIONS.

! FAMILY CONSULTATION SERVICES: MULTISYSTEMIC THERAPY TO JUVENILE OFFENDERS

! OFFICE OF THE DISTRICT ATTORNEY FOR THE EIGHTEENTH JUDICIAL DISTRICT OF KANSAS: JUVENILE DIVERSION PROGRAM

! KANSAS CHILDREN'S SERVICE LEAGUE: JUVENILE INTAKE AND ASSESSMENT CENTER CASE MANAGEMENT SERVICES

! EIGHTEENTH JUDICIAL DISTRICT OF KANSAS: JUVENILE DETENTION ADVOCACY SERVICES

! WICHITA A.C.T.S. ON TRUANCY: TRUANCY IMMUNIZATION PROJECT, PARENT RESOURCES, AND COMMUNITY RESOURCES AND REFERRAL NETWORK

Mr. Masterson said, "We had five contract extensions with Juvenile Justice program providers. When we initially implemented these new State funded programs, the State provided funding for calendar year 2000. Mid-year, after we had contracted with providers to begin these programs, the State made the decision to change the funding cycle and transition to the State fiscal year. We now need to amend each of the agreements, extending them from January through June, 2001 to facilitate this transition.

"The five agreements to extend six months are: Family Consultation Service to provide the MST program, Multi-systemic Therapy and that adds \$125,000 to their existing contract for the period, the District Attorney's Office to provide the Juvenile Diversion program adds \$72,350, Kansas Childrens' Service League to provide case management at the Juvenile Intake and Assessment Center adds \$72,367 for the

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period, the District Court to contract with Legal Services to provide the Detention Advocacy Service program adds \$68,987 and finally, Wichita A.C.T.S. on Truancy to provide the Truancy Immunization Project and serve as the lead agency to facilitate provision of the Parent Resource and Community Resource and Referral Network programs, \$346,283 for the six month period. I ask that you approve the amendments to the agreements and authorize the Chair to sign them.”

Chair McGinn said, “Thank you, Mark. We have questions. Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Madam Chair. Mark, if I understand it right, the six months extensions now will make it that these programs will all come due again now at the same time. Is that correct? Make it a little bit easier to negotiate these contracts.”

Mr. Masterson said, “That’s correct.”

Commissioner Sciortino said, “Okay. That’s all I had. Thank you.”

Chair McGinn said, “Commissioner Winters.”

Commissioner Winters said, “All right, thank you. I might have been premature. I should have made my comment, I think, right here because these are new programs, are they not? Now, Wichita A.C.T.S. on Truancy has been around for a while.”

Mr. Masterson said, “It’s an expansion of Wichita A.C.T.S. on Truancy with two additional programs that they serve as the lead agency for, which are new programs.”

Commissioner Winters said, “So, when we think about the prevention that we’re doing with our dollars, we’ve got a bit of a handle on it. These are new programs that we implemented with State dollars and so these are the ones that after we get a feel for, even this Multi-Systemic MST . . . I mean, this is a brand

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new program for us here in Sedgwick County. Mark and I attended a seminar a year and a half ago with guys talking about this and consultants telling us about how it worked and so, this is one we've kind of bought into. Once we really get a feel on whether this is working, I think the Commission would like to hear back, hear an update, hear from you or even from Family Consultation. What kind of results are we seeing on this group of programs. And I'm not saying it needs to be done right away but I think we're all interested in how we're putting the State money to its best use. Because again, this is the first time that Kansas has talked about prevention and we've coupled it with our prevention programs and we need to stay very close to it. So, thank you, Madam Chair."

Chair McGinn said, "Thank you. If there aren't any questions or comments, do I have a Motion to approve?"

MOTION

Commissioner Winters moved to Approve the Amendments to Agreement and authorize the Chair to sign.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, "Thank you, Mark. Next item."

9. WAIVER OF POLICY TO HIRE A COMMUNITY SERVICE LIAISON FOR

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**THE COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION AT
RANGE 16, STEP 5.**

Mr. Colin McKenney, Director, Community Developmental Disability Organization, greeted the Commissioners and said, “I’m seeking your approval this morning for a waiver of policy to hire a vacant Community Service Liaison position above step, at a step five, range sixteen. I’m pleased to request this from you, as we’ve received a very qualified applicant for the position. The individual has seven years experience providing this type of service to individuals who received developmental disability services in our community. And due to the significant qualifications of the individual, the waiver of step is necessary to offer a salary contingent with their current level of compensation. I’ll answer any questions, if you have them.”

Chair McGinn said, “I don’t see any questions, Colin. What’s the will of the Board on this?”

MOTION

Commissioner Winters moved to Approve the policy waiver.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Thank you. Next item.”

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F. ADDITION OF A NEIGHBORHOOD ECONOMIC DEVELOPER POSITION TO THE COMMUNITY DEVELOPMENT STAFFING TABLE.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “We’d like to table this for two weeks and bring it back to you then.”

Chair McGinn said, “Okay. Do I have a Motion to defer this for two weeks?”

MOTION

Commissioner Norton moved to table this Item for two weeks.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Next item.”

G. KANSAS COLISEUM MONTHLY REPORT.

POWERPOINT PRESENTATION

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioner and said, “What I’ll be doing this morning is giving you a report on operations for the month of December, 2000 and then a little recap over 2000 and some of the things that happened at the Coliseum, some of the milestones that we’ve reached and some of the trends that we’re noticing in our industry.”

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“For the month of December, 2000 the Coliseum had total attendance of 50,480 people. We had nineteen events and 23 individual performances. Our net revenues for the month were in excess of \$160,000. Highlights were of course everybody’s favorite purple dinosaur ‘Barney’. We had 7,000 attend two shows with this event. The little kids had a great time with this thing. Plenty of time for some of the little guys to get up on the stage and actively take part in the show and it really worked out pretty good for them.

“Basically, the rest of the month rounded out with a lot of sporting events. We had nine Thunder Hockey games and five Wings Soccer games. And of course you can see, we had almost 37,000 people attending those events.

“The year in review, 2000 was a good year for the Kansas Coliseum. We had a total of 197 events, 395 performances. Over 700,017 people attended events and we exceeded 2.5 million dollars in revenue. And Commissioners, I’m here to tell you, that we are very proud of the fact that we still remain one of the few facilities like ours in the country where our operating revenues exceed our operating expenditures. We do not have any burden on the taxpayers.

“For the first time, in the year 2000, Select-a-Seat processed in excess of a million dollars in credit card sales to ticket buyers. Now, that’s throughout the system. And if you’re interested to know how big the ticket business is in Wichita, it’s approximately \$15,000,000. The majority of that is cash business, sales at the door.

“This shows a real trend, how people want to stay home, use the convenience of either dialing on the telephone or buying their tickets through the Internet. And another little factor that’s driving this is if you start looking at the average ticket price. In 1998, the average ticket price that was paid for by credit card was \$21.21. In the year 2000, it was \$27.21. That shows a huge increase. I understand that the rock band U-2 is going on tour. It’s not going to come to our market. It’s basically going to the major market, with the big hockey and NBA arenas. Their ticket price is \$130. It will give you some kind of comparison.

“Also in 2000, we hosted four of the top twenty-five touring acts, based on the box scores in amusement business, which is an industry trade magazine, K.I.S.S., Dixie Chicks, Elton John and Creed. Now, it’s interesting to note that although the Dixie Chicks were the number six touring act all around in the country, they were the number one country touring act, and we played them here in our market.

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“That’s the end of the short recap. If there’s any questions, I’d be happy to answer them at this time.”

Chair McGinn said, “Commissioner Norton.”

Commissioner Norton said, “John, how does last year’s revenue stream compare with other years? Down?”

Mr. Nath said, “That was one of our better years. It’s going to be in the top five. These statistics and these numbers are kind of unaudited, so you know, we still have some year-end to do. But it looks real good for this year.”

Commissioner Norton said, “Goal of a million people next year?”

Mr. Nath said, “We’d like to hit a million people. We’ve come very, very close once. The year we did Garth Brooks, four years ago and the Franklin Graham Crusade we were over 900,000.”

Commissioner Norton said, “So, we have a goal now.”

Mr. Nath said, “You bet ya.”

Chair McGinn said, “Commissioner Winters.”

Commissioner Winters said, “Thank you. Well, last year with K.I.S.S. and the Dixie Chicks and Elton John and Creed, I suppose I could ask you what you’ve got planned for 2001, but I doubt if you’d tell me, would you?”

Mr. Nath said, “Well, at this time the only one I can say is the REO Speedwagon/ Styx show, February 1. There are several other events that we’re working on, however I hate to say anything until we get a contract signed because things change so quickly in this business.”

Commissioner Winters said, “Well, to have those four events, four groups here last year was very good and it was a good job. Well received concerts. Thank you.”

Chair McGinn said, “Commissioner Sciortino.”

Commissioner Sciortino said, “Thank you, Madam Chair. John, great work. I think last year was a

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banner year for us. Anything to report on the Wichita Stealth? Anything moving on that area?"

Mr. Nath said, "The Stealth, the contract has been assigned. It will be on the agenda next week and Mike McCoy, the General Manager, will be here and he'd like to say a few words. And then, I think two weeks from then, we'd like to come back to you because I think he has something for you."

Commissioner Sciortino said, "Okay, well I'm real excited about it. That's our new pro football team in Arena II and I'm kind of excited about that."

Mr. Nath said, "I think you're going to see some really positive things happening."

Commissioner Sciortino said, "Yeah, okay. Great. Thank you very much. That's all I have, Madam Chair."

Madam Chair said, "Thank you, John. It's always exciting to see what variety of events you bring throughout the year and you've done a great job."

Mr. Nath said, "I've got a great crew. The staff out there are just tremendous."

Chair McGinn said, "I agree. Great, thank you. Do I have a motion to receive and file?"

MOTION

Commissioner Winters moved to Receive and file.

Commissioner Norton seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye

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Commissioner Ben Sciortino

Aye

Chair Carolyn McGinn

Aye

Chair McGinn said, "Thank you, John. Next item."

H. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORT.

POWERPOINT PRESENTATION

Mr. Charles Magruder, MD, MPH, Director of Community Health, greeted the Commissioners and said, "What I would like to do today is concentrate on one particular item and to give you an update on what we're doing related to Tuberculosis, or TB in Sedgwick County.

"First thing is to make you aware that we have begun examining this in earnest, primarily related to our emerging health surveillance activity. This is one of the first items that we have begun to look at. In terms of giving you an idea of where we at with this, the first thing is to let you know or inform you about the incidence. If you can see in this graph, there are two primary points to bring up. First, you can see that for the most part, over the past several years, the actual incidence of TB in Wichita/ Sedgwick County has actually been below, except for one particular year where it was equivalent, the rate throughout the United States. However, if you look at the bottom line which shows the incidence in the State of Kansas, if we compare ourselves just within the State, our incidence is higher in our local area. And that's one of the reasons why it merits some additional examination.

"The other thing to point out, in particular, about that graph is that we do not have what you would call an outbreak, but the reason that it is somewhat interesting, in terms of examining the State, is that we might have some interesting clusters. Clusters simply refers to the fact that there might be some components of the incidence of TB that are somewhat increased that, again, merit further examination.

"As a result of that, we did initiate some discussion some months ago regarding additional investigation with the State, who subsequently then communicated with the Federal Government, Centers for Disease Control, to examine some ideas of how we might begin to work together to help examine this issue further.

"The framework that we're currently operating under is to define the scope of these possible TB clusters. To identify possible sites of transmission. If it's merited, based upon the review of the information, to

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recommend potential cluster control measures and, beyond that, again if it's merited, to recommend possible policy changes that might prevent similar incidences in the future, again, related to this concept of clusters, not to an idea of an outbreak.

"The specific components of this, at this time, is to do a case review to determine the periods of infectiousness and this is where the current Centers for Disease Control staff, that are working with us here in Sedgwick County are extremely beneficial. They are also assisting with contact investigation to assess the adequacy of follow-up of certain cases. We are re-interviewing all of the recent cases to gather additional information and we're examining the possibility that TB transmission might be at an increased risk in certain types of settings. In particular, we're looking at two areas, histories of hospitalization and histories of incarceration.

"In terms of potential new resources, aside from the support that's already been provided that might come to us related to this effort, possible provision of approximately \$108,000 is what's being examined over the next year. The Centers for Disease Control and their different stages are still examining some of the details of this but everything seems very positive at this point. Possible uses that are being contemplated once the Centers for Disease Control staff have left, in completing their initial process, we will want some temporary personnel to continue the follow-up investigation. We will possibly have a need for increased clinical services and, in addition, will want to provide some additional social support for clients and perhaps provide incentives for client participation. Those are the primary things that are being examined for that extra budget at this point. Just a reminder of where we have come from. I'll be happy to answer any questions that you have."

Chair McGinn said, "Thank you, Doctor. Commissioner Sciortino."

Commissioner Sciortino said, "Yeah, Dr. Magruder, could one of the reasons be why Wichita is above the median line for the State of Kansas, if a person is suspected of having Tuberculosis say in outlying communities and they're transported here to actually get their diagnosis at a hospital, would that be counted as a Wichita case of Tuberculosis?"

Dr. Magruder said, "I do not believe that the State classifies the information in that manner. We, on occasion, are asked to provide consultation either for providing treatment in this area or in some instances, though not too frequently, if there is a situation in an outlying county, sometimes they will call on us to provide support because the State provides funding to us for that purpose. And I could check on this, sir,

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to find out for certain but my initial thought, in answering that question is that the State manages this data and does the reporting in accordance with the origin of the individual, not where they would go to receive treatment. But I will verify that and get back with you on that.”

Commissioner Sciortino said, “My last question is how many cases of Tuberculosis were diagnosed, say, for the year 2000 here in Wichita?”

Dr. Magruder said, “I don’t recall the exact number, but as you saw from the graph, it ranges from the early twenties, the number of actual cases of disease. And that is a very important point that I failed to make earlier in the presentation. In the data that I’m presenting, I’m specifically talking about incidents of disease, not of infection. Infection is simply when we acquire the organism but your body defends against it and we are able to detect with a skin test that you have developed antibodies to fight it but you haven’t actually acquired disease. What we are investigating here are cases where your body, for whatever reason, and there may be a variety of reasons why that’s the case, has not successfully defended against the organism and you’ve actually acquired disease that requires a more aggressive treatment. That’s what we’re honing in on here, not cases of infection but cases of disease.”

Commissioner Sciortino said, “Thank you. That’s all I had.”

Chair McGinn said, “Okay, I don’t see any other questions. Thank you, Dr. Magruder. Commissioners, you heard the report. What’s the will of the Board?”

MOTION

Commissioner Sciortino moved to Receive and file.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Absent
Commissioner Tim R. Norton	Aye
Commissioner Thomas G. Winters	Aye

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accept the sole source bid from Printrak International for \$29,460.

2) COST ALLOCATION PLAN
FUNDING: DIVISION OF FINANCE

“Item two, cost allocation plan for the Division of Finance. It was recommended to accept the proposal of DMG Maximus for \$18,500.

ITEMS NOT REQUIRING BOCC ACTION

3) TELEPHONE AUDITING SERVICES
FUNDING: DIVISION OF FINANCE

4) PUBLIC RELATIONS RECYCLING PROGRAM
FUNDING: ENVIRONMENTAL RESOURCES

5) FLEET MANAGEMENT FACILITY
FUNDING: CAPITAL IMPROVEMENT FUNDS

“There are three items that did not receive consideration. Telephone auditing services, Division of Finance it was recommended to table this for review. Public relations recycling program, for Environmental Resources, likewise it was tabled for review. And Fleet Management Facility through Capital Improvement funds was likewise tabled for review.

“I would be happy to take questions and recommend approval of the Boards of Bids and Contracts for January 4th and January 11th meetings.”

Chair McGinn said, “Commissioners, do you have any questions? Seeing none, Clerk call the vote please. We need a Motion.”

MOTION

Commissioner Norton moved to Approve the recommendations of the Board of Bids and

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Contracts.

Commissioner Sciortino seconded the Motion.

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

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, "Next item."

CONSENT AGENDA

J. CONSENT AGENDA.

1. Right-of-Way Easements.

Two Easements for Right-of-Way for Sedgwick County Project 831-AA, BB, CC; Rock Road between 87th Street South and K-15 in Mulvane. R-243. Districts #2 and #5.

2. Agreement with Mennonite Housing Rehabilitation Services, Inc. to provide vendor with Developmental Disability Community Service Provider status.

3. Addendum to Agreement with The Consortium, Inc. providing mental health services to youth in state custody awaiting adoption.

4. Orders dated January 3 and January 10, 2001 to correct tax roll for change of assessment.

5. General Bills Check Register of January 12, 2001.

6. Plat.

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Approved by Public Works. The County Treasurer has certified that taxes for the year 2000 and prior years are paid for the following plat:

Heimerman Meadows Addition

- 7. Budget Adjustment Requests.**
- 8. Supplemental Budget Adjustments.**

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

MOTION

Commissioner Sciortino moved to Approve the consent agenda as presented.

Commissioner Winters seconded the Motion.

Chair McGinn said, "Any other discussion? And I see some discussion on this."

Commissioner Norton said, "I have a question on the supplemental budget adjustment that we got. Half a million dollars for Ark Valley Lodge Project, would you give me a little update on that, what that is?"

Mr. Buchanan said, "Commissioners, about five or six years ago, in the budget, we had included approximately \$940,000, \$980,000 for the rehabilitation of the Ark Valley Lodge. Subsequent to that placing in the budget, the next fiscal year and the following fiscal year or two, that number was reduced with the commitment that when, at the year-end, when we were back in the fiscal position to restore that money, it would be restored. In the meantime, we also borrowed another four hundred or so thousand dollars from that same fund in those same years, because of some other difficulties we were having.

"The original \$450,000 placed back in the fund, this will make the fund whole to what was budgeted approximately four or five years ago. We have now, Chair McGinn has put together a task force who has examined the use of the building. We have preliminary architectural review and we'll be back to you within a month or so with a project plan base and budget on how we can restore that building and make that for County use."

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Commissioner Norton said, “So, this completes the funding of that project.”

Chair McGinn said, “It makes the funding available.”

Commissioner Norton said, “Okay, thanks.”

Chair McGinn said, “Are there any other questions on the Consent Agenda? I have a Motion and a Second, so now we can call the vote.”

VOTE

Commissioner Betsy Gwin		Absent
Commissioner Tim R. Norton	Aye	
Commissioner Thomas G. Winters		Aye
Commissioner Ben Sciortino		Aye
Chair Carolyn McGinn	Aye	

Chair McGinn said, “Is there any other business to come before the Board of County Commissioners? Seeing none, I will adjourn this Meeting.”

K. OTHER

L. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 11:15 a.m.

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

CAROLYN McGINN, Chair
Fourth District

BEN SCIORTINO, Chairman Pro Tem
Fifth District

BETSY GWIN, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

ATTEST:

Don Brace, County Clerk

APPROVED:

, 2001

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