

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

### **REGULAR MEETING**

**April 11, 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, April 11, 2001 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chair Carolyn McGinn; with the following present: Vice Chair Ben Sciortino; Commissioner Betsy Gwin; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Jack Kegley, Deputy Director, Emergency Management; Mr. Chris Chronis, Chief Financial Officer, Division of Finance; Mr. Daryl Gardner, Controller, Finance Department; Mr. Glen Wiltse, Director, Code Enforcement; Mr. Nathan McCommon, County Manager Intern; Mr. Tim Kaufman, Director of Operations, COMCARE; Mr. Aaron Blase, Assistant County Counselor; Mr. Marty Hughes, Revenue Manager, Accounting Department; Mr. Pete Giroux, Senior Management Analyst, Budget Department; Major Jackie Stewart, Sedgwick County Sheriff's Department; Mr. Jarold Harrison, Assistant County Manager; Ms. Annette Graham, Director, Department on Aging; Ms. Irene Hart, Director, Division of Community Development; Ms. Susan Erlenwein, Director, Environmental Resources; Ms. Marilyn Cook, Director of Clinical Operations, COMCARE; Ms. Kathleen B. Sexton, Chief Information Officer, DIO; Ms. Jane Moralez, Compensation Specialist, Human Resources; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Mr. Michael Kinard, Member, South Central Kansas Economic Development District.

Mr. Ken Elliott, Member, South Central Kansas Economic Development District.

Mr. James Dinkel, Member, Sedgwick County Physical and Developmental Disabilities Advisory Board.

Mr. E.G. Larkin, Member, Sedgwick County Physical and Developmental Disabilities Advisory Board.

Ms. Cathy Feemster, Member, Sedgwick County Physical and Developmental Disabilities Advisory Board.

Mr. Dan Thimesch, State Representative, 93<sup>rd</sup> District.

Ms. Bonnie Huy, State Representative, 87<sup>th</sup> District.

Mr. Ted Powers, State Representative, 81<sup>st</sup> District.

Mr. Duane Sanders, 11926 N. 127<sup>th</sup> St. E., Valley Center, Ks.

Ms. Nicki Soice, 3226 Keywest, Wichita, Ks.

**GUESTS (con't)**

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Mr. Rex H. Morley Jr., 5811 S. Preston Trail, Derby, Ks.  
Mr. John R. Todd, 1559 Payne, Wichita, Ks.  
Mr. William T. Davitt, 1205 Bitting, Wichita, Ks.  
Mr. Charles Peaster, 9453 N. 135<sup>th</sup> St. W., Sedgwick, Ks.  
Mr. Max Weddle, 863 S. Zelta, Wichita, Ks.  
Mr. John Dailey, P.O. Box 381, Valley Center, Ks.  
Mr. Michael Brincefield, 4730 Ida, Wichita, Ks.  
Mr. Mark Dick, Auditor, Allen, Gibbs & Houlik  
Mr. Joe King, Project Manager, Enterprise Resource Planning

### **INVOCATION**

The invocation was led by Major Raby of the Salvation Army.

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES:** Regular Meeting, March 7, 2001

The Clerk reported that all Commissioners were present at the Regular Meeting of March 7<sup>th</sup>, 2001.

**Chair McGinn** said, "Commissioners, you've had a opportunity to review the Minutes of March 7<sup>th</sup>. What's the will of the Board?"

### **MOTION**

Commissioner Sciortino moved to approve the Minutes of March 7<sup>th</sup>, 2001.

Commissioner Norton seconded the Motion.

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

### **VOTE**

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

**Chair McGinn** said, "Next item."

**DONATIONS**

**A. DONATION OF \$300 EACH FROM AIR PRODUCTS & CHEMICALS, ALTOFINA CHEMICALS, INC. AND VULCAN MATERIALS CHEMICAL DIVISION, TO BE USED FOR PROJECT IMPACT**

**Mr. Jack Kegley**, Deputy Director, Emergency Management, greeted the Commissioners and said, "The donations that we have from these three chemical companies are going to reproduce a safety tape that we're going to distribute to all of the schools in the County, private and public schools."

**Commissioner Gwin** said, "Jack, is this a tape we've done or is this one that we've gotten through our involvement in Project Impact?"

**Mr. Kegley** said, "No, ma'am. This is a tape that we've had on hand in the past, that we've tried to use in schools when requested, but because of Project Impact, we saw that we could do some mitigation work here and get this into the schools so the schools could have it anytime that they wanted to do training with it."

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

**Chair McGinn** said, "Great."

**MOTION**

Commissioner Winters moved to Accept the donations and authorize the Chair to sign

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letters of appreciation.

Commissioner Norton seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, “Thank you, Jack and thank you to the companies that have helped us out with this project. Next item.”

**APPOINTMENTS**

**B. APPOINTING RESOLUTIONS.**

**1. RESIGNATIONS (TWO) OF MARCI HESS AND LOUANNA BURRESS FROM THE SOUTH CENTRAL KANSAS ECONOMIC DEVELOPMENT DISTRICT (SCKEDD) BOARD.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “I would ask that you accept these resignations.”

**MOTION**

Commissioner Gwin moved to Accept the resignations.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin		Aye
Commissioner Tim R. Norton	Aye	

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

**Chair McGinn** said, "Next item."

**2. RESOLUTIONS (FOUR) APPOINTING KENT BROWN, SARAH GILBERT, MICHAEL KINARD AND KEN ELLIOTT (BOARD OF COUNTY COMMISSIONERS' APPOINTMENT) TO THE SCKEDD BOARD.**

**Mr. Euson** said, "Commissioners, these resolutions appoint these members to four year terms on this board and I would ask that you approve them."

**Chair McGinn** said, "Do I have a Motion of approve."

**MOTION**

Commissioner Winters moved to Adopt the Resolutions.

Commissioner Norton seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, "And I believe some of these folks are here today. Would you please come forward, over here to the podium, and we'll have Don Brace swear you in."

**Mr. Don Brace**, County Clerk, said, "Follow the reading of the oath, please say 'I do swear or affirm'."

*I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully*

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*discharge the duties of the office of South Central Kansas Economic Development District, so help me God.*

**Mr. Michael Kinard and Mr. Ken Elliott** said, "I do swear."

**Mr. Brace** said, "Congratulations."

**Chair McGinn** said, "Before you sit down please, I'd like to have you introduce yourselves, please, and just a little bit of background please."

**Mr. Michael Kinard** said, "My name is Michael Kinard. I'm the Executive Director of the Kansas Minority Business Development Council and newly-elected School Board member."

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

**Mr. Ken Elliott** said, "And I'm Ken Elliott. I'm with Sedgwick County Economic Development."

**Chair McGinn** said, "Thank you for serving. Clerk, call the next item please."

**3. RESOLUTIONS (THREE) REAPPOINTING CATHI GREER, EDWARD L. KEELEY AND LUCILLE A. SHIFTON (COMMISSIONER WINTERS' APPOINTMENTS) TO THE SEDGWICK COUNTY MENTAL HEALTH ADVISORY BOARD.**

**Mr. Euson** said, "Commissioners, these resolutions of reappointment are also for four year terms. They are in proper form and I would ask that you approve them."

**MOTION**

Commissioner Winters moved to Adopt the Resolutions.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
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, "Next item."

- 4. RESOLUTIONS (THREE) REAPPOINTING JAMES DINKEL, E. G. LARKIN AND CATHY FEEMSTER (COMMISSIONER WINTERS' APPOINTMENTS) TO THE SEDGWICK COUNTY PHYSICAL AND DEVELOPMENTAL DISABILITIES ADVISORY BOARD.**

**Mr. Euson** said, "Commissioners, these reappointments are also for four year terms on this board and the resolutions are proper and I would ask that you approve them."

**MOTION**

Commissioner Winters moved to Adopt the Resolutions.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, "I would like to ask, from the last two items, are any of the individuals here today? Please come forward."

**Mr. Brace** said, "After I read the oath, please say, 'I do swear or affirm'."

*I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Kansas and faithfully discharge the duties of the office of Sedgwick County Physical and Developmental Disabilities Advisory Board, so help me God.*

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**Mr. James Dinkel, Mr. E.G. Larkin and Ms. Cathy Feemster** said, "I do swear."

**Mr. Brace** said, "Congratulations."

**Chair McGinn** said, "Would you please come up and introduce yourselves?"

**Commissioner Winters** said, "Can each of you just identify yourselves for the audience?"

**Ms. Cathy Feemster** said, "I'm Cathy Feemster. I have a child who is mentally retarded and I own the East Wichita News."

**Mr. E.G. Larkin** said, "I'm Grant Larkin. I have a 30 year old son that receives services from Sedgwick County. Thank you."

**Mr. James Dinkel** said, "I'm Jim Dinkel. I also have a son that receives services here in Sedgwick County for the disabled."

**Chair McGinn** said, "We just want to say thank you very much for serving. I know it takes a lot of time out of your day but with your help, it helps us do a better job. Thank you. We have a couple of comments here. Commissioner Sciortino.

**Commissioner Sciortino** said, "Thank you, Madam Chairman. I, personally, have known Mr. Larkin and his son for probably twenty years, and I just want to thank you for taking the time out of your life, over the last number of years, to really try to insure that your son gets the best service possible. I really share that with all three of you, because I know what's your incentive and what maybe your motivations are. But Mr. Larkin's son is just one warm, caring individual and I had occasion to have him do some work for me and it's just marvelous to see how this young man will use whatever abilities he has to the best of his ability. And I just compliment all three of you for serving on these boards."

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

**Commissioner Winters** said, "And I just want to make a comment to two groups that are here this morning. We've got three State representatives here who, a lot of the recommendations you make to us we're making in conjunction with State representatives and funds that come from the State of Kansas. And to the representatives, I certainly want to clarify that we've appointed one Commissioner's advisory group to two boards this morning, the Sedgwick County Mental Health Advisory Board and these folks are going on to the Developmental Disabilities Advisory Board and we take those advisory boards very seriously. We think that we do have stakeholders involved in those advisory boards. They come to us. They make recommendations about how those funds, in

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their opinion, should be distributed to those that are needy and worthy. So, I think we've got kind of a special event here, as some new and these are existing board members are reappointed, but we hope you understand that that's the way we do business when we try to deal with issues that affect human services. And so, again, I certainly appreciate all three of you serving and the other three members who couldn't be here this morning. So, thank you very much."

**Chair McGinn** said, "Clerk, call the next item please."

**CITIZEN INQUIRY**

**B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING EMERGENCY VEHICLE PERMITS FOR FUNERAL ESCORTS.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "We received notification yesterday that the gentleman wanted it delayed and we think we're in the process of working out an agreement, so that it may not be necessary for him to come to you or appeal through you his use of lights. So, this item needs to be deferred."

**MOTION**

Commissioner Gwin moved to defer Item C. indefinitely.

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, "I would just like to add that, since we don't have these on the agenda very

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often, just to share with our audience that we do have an opportunity for citizens to come before the Board of County Commissioners and all they need to do is submit their request, in writing, to the Manager's Office a week or two . . . what is it?"

**Mr. Buchanan** said, "I think it's the Monday before, not the Wednesday . . . ten days before."

**Chair McGinn** said, "Ten days before. Okay, thank you. Clerk call the next item."

**Commissioner Norton** said, "Before we go on, could I make a comment on that. I did talk to a couple of people about this issue and I know Bob Pfeifer is here today with Cochran Mortuary. He's really a stakeholder, because he deals in that kind of industry. I think we've resolved it but, Bob, I wanted to be sure that you've connected with the County Manager or someone that can explain what we've done today, because we didn't discuss it very much here. So, I wanted to be sure, because you came today, that you knew kind of what we had done."

**Commissioner Gwin** said, "Can we refer Mr. Phiffer to your department, Rich? To Ed Randels or someone over there for information?"

**Mr. Buchanan** said, "That would be perfect."

**Commissioner Gwin** said, "Okay. Kristi, can you see that Mr. Phiffer finds his way to Ed Randels in the Legal Department."

**Commissioner Norton** said, "I just want to make sure that stakeholders that have shown up, other than the person wanting to speak, understands what we're doing today."

**Chair McGinn** said, "Thank you, for letting us know that. Clerk, call Item J-1."

### **J. DIVISION OF COMMUNITY DEVELOPMENT.**

#### **1. PRESENTATION OF THE NUISANCE TASK FORCE REPORT.**

##### **POWERPOINT PRESENTATION**

**Ms. Irene Hart**, Director, greeted the Commissioners and said, "I think members of the public may wonder what nuisance is. I know there's a legal definition of what a nuisance is somewhere and everyone has their own opinion about what a nuisance is, and it is usually 'I know it when I see it' but what it really is is a good neighbor policy. It recognizes that we all live in a community and in a

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neighborhood, no matter where we live in Sedgwick County.

“Fifteen to twenty years ago, the Board of County Commissioners established by resolution community standards regarding how we keep our properties, how we work with our neighbors and how we’re good neighbors. Last year, in order to provide better customer service, the Board of County Commissioners made an organizational change affecting how the code is enforced. They moved it from one organization, one department, to another department. At that time, you all took the opportunity to modernize and fine-tune the code. The following is a report from that effort of modernizing and fine-tuning. So, what we have for you today is a nuisance task force report.

“The change that you made last year said that effective January 1<sup>st</sup> of this year, all enforcement of County land use codes would be in one department. There would be one office. Instead of referring people back and forth across the County, there would be one department responsible for land-use enforcement. Since County Code Enforcement already enforces zoning compliance, you added nuisance code compliance to that department.

“In December, you authorized the change and, at that time, you recognized the need to update the fifteen to twenty year old code. You gave explicit instructions to staff. First of all, you told us to form a stakeholder committee. Now, forming stakeholder committees is the way the County often does business. What it does is bring together people who have a stake in the issue or a stake in the outcome. You told us to form that stakeholder committee. You asked them to review the nuisance code. You said, your instructions were not to reduce the current community standards. You said you specifically wanted the composting language clarified and updated. You wanted agricultural exemptions, so that we don’t impose barriers on an agricultural producer’s ability to conduct their business. You wanted us to take public comment and you wanted the committee to come back with any other recommendations they might have, in order to make this process work better.

“So, we did that. We formed a stakeholder committee. We asked Ken Short to be the Chair. The Chair of the committee is from the Mediation Center. We figured that’s a good neutral Chair. Dewey Sanders represents rural Sedgwick County, people who live on a larger amount of acreage. Bea Foss represented a more suburban area in the unincorporated part of Sedgwick County. She is from Oaklawn. Dan Kerschen is an agricultural producer. Rex Morley is an auto hobbyist. Len Miller represented the realtors, Wes Gaylon the home builders and Nicki Soice represented the Solid Waste Committee. Many of those people are here today. If I could ask them to stand just for a minute, so you can see who all was on the committee and who all came. Thank you.

“The committee was staffed primarily by . . . I was the lead staff person in Community Development. We also included staff from Code Enforcement, the Sheriff’s Department, the

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County Counselor's Office, Environmental Resources and the Planning Department.

“Over a period of three months, the committee met six times. We held a public hearing one evening at the Extension Office and I'd say there were approximately 300 persons in attendance and most of you were there also.

“Based on public comment and their own experiences, the committee decided to review both the nuisance code language itself and the process of enforcement. Now, first the recommendations regarding the code language itself. They have recommended to you a revised resolution. Those revisions include modernizing and having consistent language. To give you an example of that, the original resolution talked about refuse, which is a term we haven't heard in quite a while and about bulky waste. The term now is solid waste. We have a Solid Waste code. We use the same kinds of definition in the modern language that's contained in the current County code. So, one of the things we tried to do in updating this resolution was make sure the terms were consistent, across all the different components of the County code. We also came up with more specific definitions. There were some concern that the old language was way too vague. They spent considerable time refining and including more specific definitions, so that there's a clearer understand of what a nuisance is. They included an agricultural exemption and composting language as directed. They reorganized the code for clarity. For example, the code now covers two distinct areas. One, our what we'll call nuisances that are a health and safety threat to people and the second deals with inoperable vehicles.

“Now, your next agenda item, Item J-2, you'll consider this resolution, as was recommended to you by the committee, within the guidelines set by this Commission. In addition, the committee recommends a change in the resolution regarding inoperable vehicles. The current resolution says that inoperable vehicles are currently allowed only in a completely enclosed building. The committee recommends to you that you allow storage of inoperable vehicles behind screening that meets specific standards. If you do chose to accept that recommendation, we have language for you, that the committee has developed, and we can present that to you at the next agenda item.

“Now, in regard to the process of code enforcement, we need to make it clear that our goal in the process of code enforcement is compliance with the code, compliance with community standards. It's not an avenue to raise revenue. It's not an avenue to punish someone, but it's to try to get the properties to meet the community standards that are contained in the code.

“This next slide is pretty confusing. I don't think we can really talk about the process until we first walk through what it means to enforce the County code. I'd like to start . . . First, up here at the top, a complaint is received by County Code Enforcement. You can call it in, walk it in, send a letter and it's investigated within 24 hours. At this point, the investigator determines whether or not the complaint is valid. If it's not a valid complaint, then the case is closed. If it is a valid complaint, then they go through a process trying to contact the resident, let them know about the report, see if they're willing to clean it up, take care of the problem, discuss a time-frame. It's going to take you

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a while, because you're working . . . they try to work it out so that, again, the goal is to get the property in compliance, not to issue tickets. They'll have re-inspections. If the property's cleaned up, then the case is closed.

"If the property isn't cleaned up, and the people are still willing to comply, we go through it again and try to work with the resident, to make sure to achieve the final goal, which is to get the property in compliance. If that doesn't work, then a citation is issued. A ticket is issued by the Code Enforcement Officer. A court date is set and there's a court hearing. Now, there's three things that can happen in a court hearing. First of all, there can be a negotiation between the judge and the person who received a ticket and they can agree to get the situation resolved. Second, it can be continued while the person says 'I am working on this. Give me a little bit more time' and the judge will work with the individual, again, trying to achieve the goal of getting the property cleaned. If that doesn't happen, then the case goes to trial in County Court. The individual can be found guilty or not guilty. Now, if either party, either the County or the individual, is not satisfied with that verdict, either one can appeal the decision to District Court.

"So, that is the current process of Code Enforcement."

**Chair McGinn** said, "Irene, we have a question before you move on."

**Commissioner Sciortino** said, "Could you clarify, perhaps for me and maybe the audience, what is the difference between plea negotiation and continuance? You indicated that continuance would be if the defendant says 'well, I am working on it. I need some more time' and they work it. What would be an example of a plea negotiation?"

**Ms. Hart** said, "I'm going to ask the County Counselor's Office. On the left-hand side of the scale, it's all handled through Code Enforcement. Once the ticket is issued, a citation is issued, then it becomes the responsibility of the prosecutor or the County Court."

**Commissioner Sciortino** said, "Okay, maybe I should hold off my question until the end. I was a little confused over that. Why don't you maybe, if we could get the difference between plea negotiation and continuance. I'm pretty comfortable with what continuance means. In essence, the defendant says 'I'm working on it. I need some more time', and the judge allows him that. But could you explain plea negotiation?"

**Mr. Aaron Blase**, Assistant County Counselor, greeted the Commissioners and said, "Plea negotiation would perhaps be a situation where the individual entered a plea of guilty to some of the charges that had been brought and, in the context of doing that, there may be still yet another

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continuance to allow the individual to bring his property into compliance, prior to the sentence or fine being imposed for such a plea. And that would be something that would be done, rather than having a trial.”

**Commissioner Sciortino** said, “I understand. I understand that both of those are something to be done, other than have a trial.”

**Mr. Blasé** said, “Correct.”

**Commissioner Sciortino** said, “Okay, well it’s still a little confusing to me, but I think I’m starting to grasp it. Thanks.”

**Ms. Hart** said, “Some additional information, I mentioned before that Code Enforcement already enforces the zoning regulations and the land use compliance, in regard to zoning regulations. So, some numbers from last year, they didn’t do nuisance last year, but they did do land use. The number of complaints received last year were 541 complaints received about land use, or zoning non-compliance in Sedgwick County. So, 541 complaints. Of those complaints, 378 or 70% were found to be valid. Going through the process of trying to resolve the situation, it happened . . . resolution happened quite frequently and finally, only 184 citations were issued, or only 34%. So, of all the complaints that came in last year, 541, only 34% of them wound up being tickets. Seventy percent were valid complaints. They were resolved by just simply informing the landowner or working with them. That gives you an idea of how successful this can be.

“There is some problems in this area. Sometimes these complaints, even though they may not be a valid complaint, the neighbors may not be satisfied. Again, ‘I know a nuisance when I see a nuisance, and it’s still not taken care of, whether it complies with the law or not’. Even though it does comply with the law, the neighbor may still not be satisfied. We believe that this area maybe . . . this 30% that were not valid complaints, that may be an area that’s prime for mediation. And we’re looking into seeing how we can refer some of those on-going complaints to a mediation situation.

“Another problem we have is trying to reach a resident. We’ll send him a letter. We may try to contact them by telephone. We may visit them but if we don’t get any respond from them, then we need to issue a ticket, in order to get their attention. Perhaps there are some other ways that we can accomplish getting the property cleaned up in that situation, without resorting to issuing a ticket. But we’re looking at that.”

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**Commissioner Sciortino** said, "Irene, how much time do we spend in that loop. I mean, a Code Enforcement officer goes out, no one is at home, he leaves something on the door and then, you indicate, he phones or re-visits. Is that just a one, two and then it goes to a citation, or how much time is put into trying to make contact with the resident, prior to issuing the citation?"

**Mr. Hart** said, "I think they go back to the office, they write a letter, and I believe they give ten to fourteen days."

**Commissioner Sciortino** said, "I understand the time frame but I mean, we try to make contact, then we send a letter, and we wait 30 days to see if the person will respond to us because of the letter, is that correct?"

**Ms. Hart** said, "Apparently it's ten days now."

**Commissioner Sciortino** said, "Ten days, okay. All right, thank you."

**Ms. Hart** said, "Okay. Now, as we went through this process, the committee also had some recommendations. First of all, they said we need more community relations training. And I'll show you one example. In the old days, when we went out or when we sent a letter to individuals, we had a form that looks like a very legal form, cut and dried, and it says 'Notice of Violation'. Now, that's a way to make friends right off the bat. What we've done now is to change this form to an advisory notice, saying that we'd like to talk to you. We've received a report regarding your property and we'd like to talk to you about it. So, it's a little more customer friendly.

"Also, in the area of community relations, we've talked about department performance measures to start looking at what percentages of our referrals can we take care of, without having to resort to citation. So, one of the things we're going to be doing is looking at ways to . . . we're putting a priority on trying to get the situations resolved and brought into compliance without issuing citation. We've also scheduled this month some training for the Code Enforcement officers in mediation skills, to give them another set of skills to work with the public.

"A second recommendation was more professional training. One of the things we've done, as we've expanded our staffing to respond to these new responsibilities, we've added staff with a varied background. No longer do we only have staff with security and law enforcement background. We have staff with a variety of other backgrounds. We've scheduled routine and regular training. We've developed written procedures.

"Thirdly, our past practice is to respond only to complaints. We don't go out driving around looking for trouble. What the committee is recommending is that if an inspector sees health and

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safety issues, sees problems that are real health and safety issues, that they should stop and talk to the resident and see if they can't get that resolved ahead of time. Rather than waiting for something to happen or a complaint, be pro-active on the issues that deal with health and safety.

“There was another issues regarding anonymous complaints. And there was considerable discussion about who could complain and cause an inspection. During the course of the task force work, this question came up. I was asked to interview Commissioners and reported back to the committee that the Commissioners did not appear to be willing to put limits on the types of persons who complain, either by length of residence or living within so many feet distance of the property in question. The issue of anonymous complaints continued and we did not get consensus from the committee from this particular issue, but we did get compromise. The issue of anonymous complaints, ‘do I have to call in and give my name and address and make that public information in order to lodge a complaint or report what I think is an infraction’. The compromise that the committee recommends is that we collect data and more information on the callers as they call in. How long have you seen this? Is this just something you saw driving by or is this something that’s been going on for a while? Do you live in the neighborhood? So, get some general information and collect that information and look, after a year, and see who’s making the phone calls. Are they neighbors or are they people from other parts of the County? Just get more information, at this point, to see the nature of the complainant.

“So, in summary, what I would report is that we had an active, hard-working committee that had lively debate. They considered all aspects of the unincorporated area. And by that I mean the differing roles and the differing needs of suburban areas, of small acreage, five and ten acre tracts in the County and agricultural land. They recognized that there were a wide variety of differences and they tried to recommend to you a resolution that would fit all those needs.

“They did reach consensus on all items except the non-anonymous complaints. They did follow your instructs and they gave, what I believe are thoughtful additional recommendations.

“That’s the end of my presentation. There are members of the committee here who may wish to make some comment. But this is our report back to you on the efforts and the activities of the committee as you directed.”

**Chair McGinn** said, “Thank you, Irene. I know we have people that want to speak to this issue, but I think, in looking at Item J-2, I think it might be best to go ahead and make that presentation and then we will allow the task force members that would like to speak to this come up first and

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then also anyone else that would like to speak to this issue. So, if it's all right with the Board, I would like to go ahead and receive and file J-1 and then move to J-2 and open public comment."

**MOTION**

Commissioner Gwin moved to Receive and file.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, "Next item."

**2. RESOLUTION AMENDING CHAPTER 19 OF THE *SEDGWICK COUNTY CODE*, PROVIDING FOR ENFORCEMENT OF VARIOUS CODES BY THE DEPARTMENT OF CODE ENFORCEMENT, DEFINING VIOLATIONS AND PROVIDING PENALTIES THEREFOR.**

**Ms. Hart** said, "Commissioners, we've presented to you the recommendations from the advisory committee. The resolution that's before you is one that has been recommended by the committee. I don't have a presentation to go over each word in detail. There are copies that have been made available to the public, to members of the audience and you've certainly seen those. In addition, if you wish to take up the language regarding screening of inoperable vehicles, I'm prepared to walk through that and discuss that with you."

**Commissioner Sciortino** said, "That language is not in the resolution that's before us right now."

**Ms. Hart** said, "It's not in the current resolution, because that was a recommendation that was above and beyond the charge you made to that committee."

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

**Chair McGinn** said, "Let's go through it."

**Ms. Hart** said, "Okay. In the sections regarding inoperable vehicles, the current resolution says . . ."

**Commissioner Sciortino** said, "Hold on just a second."

**Commissioner Gwin** said, "We've got to get to where we are."

**Chair McGinn** said, "Page 145."

**Ms. Hart** said, "What I'll be working from is the nuisance code task forces recommended screening standards. The current resolution says that you can keep an inoperable vehicle only within an enclosed building. The committee says that doesn't really make a lot of sense out in the County. If an inoperable doesn't pose a health or safety hazard and can't be seen from the road or from a neighbor's property, why does it have to be inside an enclosed building? They believe that screening, similar to what's included in the zoning code for screening requirements, would be an acceptable option to including those vehicles in an enclosed building.

"The language that they have recommended to you says that these inoperable vehicles need to be the personal property of the owner or the resident of that property. They've given some specific requirements on the nature of the screening. Most of these are taken out of the zoning code, with some slight modifications, that it needed to be screened by decorative fencing or walls, evergreen vegetation, landscaped earth berms. They've given standards regarding height of such screening, that the fences and walls shouldn't have cracks and it should be painted in a neutral manner, so that it's not obnoxious to the neighborhood. That the fences and walls should be constructed of standard building materials that are usually used for fence and wall construction. We'd heard about someone in other counties who'd used car hoods lined up as a fence and they didn't think that was an appropriate fencing material.

"They talked about, on a rural residence, they talked about making sure that the vehicles that were screened were behind a house and not in someone's front yard. If your house was a long way from the road, perhaps there's room to do that but otherwise . . . for example, in Oaklawn, they didn't want someone putting up a big fence and a wall in the front yard of a property in Oaklawn. So, what they said was make sure it's behind the house if it's a house that's close to the road.

**Commissioner Sciortino** said, "Excuse me again, because I know this has had a lot of controversy.

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Did they define 'close to the road'?"

**Ms. Hart** said, "Yes, they did. And I can read that to you if you wish. 'All inoperable vehicles must be properly screened behind the front setback, which is the area between the primary residence or structure and the street right-of-way line of the property. Provided for this purpose is the maximum distance of the front setback shall be 100 feet from the street right-of-way.'"

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

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

**Ms. Hart** said, "It's in legalese."

**Commissioner Sciortino** said, "That's okay. I just want to make sure, if we're going to clean it up, that we don't create more nebulous . . ."

**Ms. Hart** said, "Now, one of the issues that they were concerned about was even though you have a screened area that houses inoperable vehicles, how do we make sure that that screened area doesn't become a junkyard or have so much stuff in it that it creates a health or safety hazard. One suggestion had been to limit the number of inoperable vehicles that could be in a screened area by a specific number, like six or five or seven. Another option became we need to have room, an owner should have room to mow between those vehicles, so the standard they recommended could be no more than one vehicle for every 375 square feet in that screened area.

"A third option, and one that your staff recommends, is to simply cite the State Statute that says, regarding junkyard and salvage control, that if there are more than 10 or more scrapped, ruined, dismantled or inoperative motor vehicles, then that would be violation of the State law and it would be up to the State to enforce that. So, there is some considerable discussion regarding what goes on in that screened area. As staff, we recommend adding the phrase that the owner of the property must comply with the junkyard and salvage control act and cites the State Statute. So, we had a variety of recommendations for you on that particular, how to deal with how much stuff can be behind a screened area."

**Chair McGinn** said, "Anything else, because we have lights going on."

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**Ms. Hart** said, "That's all I have."

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

**Ms. Hart** said, "Then let me call Aaron Blase up for the legal . . ."

**Commissioner Winters** said, "Okay, my only question . . . I had two. The screening requirements that you reviewed came out of the task force. The task force agreed on those screening requirements, basically?"

**Ms. Hart** said, "Yes, sir, they did."

**Commissioner Winters** said, "Then, secondly, on the number of vehicles, could somebody, either Aaron or Rich, help me with if there's a State law out there that refers to salvage yards and junkyards and it has the number of cars in which you're allowed to have before you fall into that category, can we change that? Can we write a County resolution that's different than that?"

**Mr. Blase** said, "What that is falling under is the Highway Beautification Act. It's a minimum standard for the distance. It basically says that if you have more than ten vehicles within 1,000 feet from the street that that is a junkyard, that you must get a certificate from the State on, is simply what that's saying. So, to answer your question, I believe we can lower that figure, as long as we're not inconsistent with that State statute."

**Commissioner Winters** said, "But anything we do would need to be consistent with the State law."

**Mr. Blase** said, "Correct."

**Commissioner Winters** said, "Okay. I think that's all I have right now."

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

**Commissioner Gwin** said, "Irene, on the sheet of paper I have says the recommendations were, regarding this, there are three option provisions, in the following order. That there be no limitation at all, correct? I didn't hear you say that. And then that there's no more than one inoperable vehicle parked or stored in any 375 square foot area on the property and then the last, the State law that says if these vehicles are kept within . . . if ten or more within a 1,000 feet to the nearest street, then you've got to comply. But I'm . . . so my assumption is, Aaron or Irene, for the interpretation

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then, if I have ten or more vehicles and I have a large enough piece of property that I can set these more than 1,000 feet from the nearest street, that I'm still not a junkyard. Is that correct? I still don't have to comply with State law, is that right or not?"

**Mr. Blase** said, "Yes, if you're not within 1,000, then that State statute does not apply to you and you would not be controlled by that State statute. You would be able to have any number of inoperable vehicles."

**Commissioner Gwin** said, "Okay. But we would still have a screening requirement, if we would adopt the screening requirement for those."

**Mr. Blase** said, "Correct."

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

**Ms. Hart** said, "This is what happens when a lawyer hears one thing and I hear the same thing."

**Commissioner Gwin** said, "I know, but we want the lawyer's opinion when it comes to legalese."

**Ms. Hart** said, "In the statement that says, 'The committee recommends no limitation', there was a sentence that said, 'the number of cars shall be limited to blank number'. What I heard them say was, 'we don't need that sentence in there'. We don't need the limitation sentence. We don't need to put a limit. We don't need to put a specific number of car limit. Not that there be no limitation of cars, but we don't need to put a specific number and only limit it to that number."

**Commissioner Gwin** said, "If the screening were to be required, is that hand in hand with that?"

**Ms. Hart** said, "They felt that we didn't need to say anything there. That we didn't need to have language saying it's limited to so many cars."

**Commissioner Gwin** said, "Okay. Well, then that statements not very clear here. Thank you, Madam Chair."

**Chair McGinn** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "This is legalese. Thank you, Madam Chair. You indicated before that we could be more restrictive than State law and statute and be okay. Can we be more generous than State law and say, 'We don't agree with the State law of ten or more. We'd like to make it 50 or more'. Can we be more generous than State law, or do we have to comply with . . . in other words, yeah, that's the answer. Can we authorize more than what the State allows?"

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**Mr. Blase** said, "I think that we would not want to have a code that would do that, because that would be inconsistent with the State statute that has that limitation."

**Commissioner Sciortino** said, "So, the maximum number that we can even think of is ten, because any more than that would be inconsistent with State law. Is that correct?"

**Mr. Blase** said, "Well, what the . . ."

**Commissioner Sciortino** said, "He can't answer yes or no. I don't know why lawyers do . . . they must get paid by the word. Can we put in more than ten?"

**Mr. Blase** said, "Well, what the State statute says is, if you have more than ten and if you're within 1,000 feet, then you have to be certified, there must be a certain standard. You must have approval of the local governing body to allow that to occur."

**Commissioner Sciortino** said, "Can we authorize twenty that are within 1,000 feet of the nearest street?"

**Mr. Blase** said, "If we did that, I would think we need to also include language that required that the State statute be followed and it is possible to have more than 10 and be within 1,000 under the State statute. You simple must get a certificate from the State."

**Commissioner Sciortino** said, "Representative Thimesch, I don't think you want us to be inconsistent with State statute, is that correct? Okay, I got the answer I think. I didn't mean to embarrass you. But I do have another . . . that was clear. I don't mean to belittle you. I'm trying to make a little bit of humor, because I'm sort of leaning right now towards liking this idea of screening, but I just want to make sure that we're not inconsistent with State law and I think I understand what the State statute is. So, thank you very much."

**Chair McGinn** said, "Commissioner Norton."

**Commissioner Norton** said, "Thank you. It seems to me that if we set a standard of nine vehicles, still have some screening on them and then, if it goes to ten, it falls under the State statute, it might eliminate some of our problems here. Is that wrong thinking, that we could do something with nine vehicles that are within the first 1,000 feet? State law's going to take care of it if it's ten or more. We'd pick up the nine. Set some minimum standard for screening. Maybe not a building, but some berming, and I think if we went that way, we would have found a pretty good compromise for what we're looking for."

**Mr. Blase** said, "You would certainly be able to do that."

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**Commissioner Norton** said, "Okay. That's all I have, Madam Chair."

**Chair McGinn** said, "Commissioner Gwin."

**Commissioner Gwin** said, "Okay, my question is nine in how big a . . . one of their recommendations is . . . one of the considerations was no more than one inoperable vehicle parked or stored in any 375 square foot area. I mean, if I have an acre of land, and nine cars on that acre, is that still okay, as opposed to ten or forty?"

**Commissioner Sciortino** said, "You could, if you're talking theoretical, we could combine the two and say no more than one inoperable vehicle parked or stored in any 375 square feet area of the property, not to exceed nine."

**Commissioner Gwin** said, "I didn't mean to complicate it. I'm just trying to get a picture of what you're thinking there."

**Chair McGinn** said, "Irene, are you finished with your presentation?"

**Ms. Hart** said, "Yes, ma'am. I do want to thank Aaron for his help during this process. I know that dealing with the combination of County statutes and State laws and the way they overlap and underlap each other, it's difficult to try to explain. One of the things I've learned is that definitions of words take on a different meaning in a legal context than they do in the dictionary and sometimes trying to reconcile and understand those two differences gets to be confusing for all of us and Aaron did a great job of trying to walk us through that. But that's all that I have."

**Chair McGinn** said, "Okay, thank you. Before we open public comment, I would just like to have a show of hands. How many from the task force are here today that would like to speak to this item? Three from the task force. Okay, and I see we have our representatives here. How many of you . . . are all three of you planning on commenting today? Would you like to? Okay. Thank you. And how many residents of Sedgwick County would like to speak to this issue today? About six, it looks like. Okay, thank you.

"I think I would like to begin with our representatives and Representative Dan Thimesch, would you please come forward and give your name and address for the record."

**Representative Dan Thimesch**, State Representative, District #93, greeted the Commissioners and said, "I appreciate the opportunity to be here today. It's somewhat dangerous allowing legislators to speak because I think you want this to be short, so I'll try very hard to be short.

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“Part of the reason I’m here today was this is an ongoing concern in my district. A year ago, we had a legislative coffee and Commissioner Winters was there and so this concern was very much a point of interest in my area. We appreciate the opportunity to share our concerns about nuisances and enforcement of nuisances and what I might want to say also is, we didn’t have the privilege of seeing the recommendation, so I’m greatly appreciative to the task force you set up. But we have some other areas that I hope that you will consider also.

“We share your desire that things have to change. We represent the same people, and they expect improvements. What changes can bring about the best results? First of all, the nuisance has to be redefined and I believe you’re working toward that. The definition is way too vague and has brought about unreasonable enforcement. Some cities and counties are successfully working together with their residents to clean up their area.

“Second, you are dealing with the extremes of problems and everything in between. A policy of dealing with the nuisances has to be flexible, as what might work for one problem might not work for another. Farmers cannot be treated the same as industry. Residences cannot be treated the same as small businesses. That, however, does not mean that anyone should be totally exempt. Our county is getting smaller, with the growth. It behooves us to develop a plan and for everyone to be in this together. Most people are reasonable and will follow a plan that is designed for everyone.

“Third, Code Enforcement has to have a reasonable internal policy for nuisances. Harassment has to stop. Going on private property without permission cannot be tolerated. Attitudes of code enforcers must be right. They must be less aggressive and more tolerant. If complaints are turned in, I believe that the accusers should know who turned them in. We have to build stronger neighborhoods, not tear them down with suspicions of the neighbors.

“Fourth, develop a plan of assistance for the county residents with cleanup, includes possibly free dump days, county willing to haul away ‘dead’ cars free when title is provided, county providing trucks possibly once a day, two times a year, to haul away trash. Developing partnerships, in other words, with associations and assist and coordinate clean-up. Code Enforcement to promote assistance first, enforcement second.

“Finally, what is the real objective here, more control or cleaning up a problem? The County Commissioners must decide. We strongly encourage you to set up a task force to continue this process to review what is working in other counties, to be much broader in scope, to listen, evaluate, make recommendations, to be creative, to define the real objective. This problem is not going away. A good-faith effort has been made in the legislature to help Sedgwick County dealing

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with this issue, but it has continually failed. We respectfully ask you to consider our recommendations. Representative Dan Thimesch, Representative Steve Huebert and Representative Bonnie Huy.

“One last comment that I would like to make. I believe that what we’re suggesting to you is an example of what worked in the State of Kansas dealing with nuisance tires. You can call them anything you want to, but a couple of years ago we had a large problem with tires. We developed a program, putting a lot of minds together, and were very successful in that. And how was that brought about? We charged 50 cents a tire whenever you buy a tire and that helped allow for free clean-up days for people to haul in up to 100 tires free. That resolved a large part of the problem. We helped develop incentive programs to give grant monies to schools and other interested parties into using some of these products of waste tires and to promoting more research in the usage of that. I think, in some of these areas dealing with nuisances, that is very comparable and that could work in this instance. We ask you to consider these types of things. With that, I will relinquish this to Representative Huy.”

**Chair McGinn** said, “Thank you, Representative Thimesch. We do have a question here, but first I guess, I want to say thank you also for partnering with us on the tire clean-up. I think it’s been a wonderful program and I hope you all continue that program. I do have a question. On one of your items, the free dump days, I guess my question is for David. Did I see an e-mail here just the other day announcing that we are having a free dump day, and how many years have we done that, or is it a new program, that type of thing?”

**Mr. David C. Spears, P.E.**, Director, Bureau of Public Works, greeted the Commissioners and said, “Okay, yes. It’s not a new program. Wichita sponsors it, because it’s for Brooks Landfill and they’re in charge of that right now. So, the ones this year are April 28<sup>th</sup> and 29<sup>th</sup>, Saturday and Sunday, and we do assist some of the small cities that request our help with dump trucks and the drivers and it’s been very successful and many people like it. The townships are also notified and they are given a pass that lets them pass all of the other cars and empty their loads quickly and get back and get more items. So, it’s been very successful.”

**Chair McGinn** said, “And we use our trucks and manpower to help out the smaller communities and townships as well.”

**Mr. Spears** said, “Not the townships, but the small cities. The townships do their own.”

**Chair McGinn** said, “Okay, thank you. We have a question. Commissioner Gwin.”

**Commissioner Gwin** said, “Thank you. Representative Thimesch, that tire recovery program has been very successful, because we are able to use funding that you all mandate to be attached to the

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purchase of tires. If part of the . . . the main issue in this room seems to be the inoperable vehicles. Would the State consider, say, a funding source on every automobile that's sold in this County, if we could recover money from that, maybe David and his folks would have the resources to go recover some of those and dispose of them. I mean, that's what makes the tire program so successful, is because we have access to several thousands of dollars to go and get tires and to return them. And so, like I said, what I think the issue this morning for most folks is inoperable. I don't have a source of money to haul those away."

**Representative Thimesch** said, "And that's one good suggestion. We could look into that possible partnership with counties, but also you could look at partnerships with salvage yards, because most of them are willing to actually go out and collect these vehicles, if they have a better knowledge of them. So, a partnership with the County and salvage yards, possibly a rotation type of thing. This is what I'm talking about, the task force could help work on, the new task force, to develop partnerships on a rotational type of thing, possibly with salvage yards saying that you're next on the list. We gather the location of these vehicles, possibly. You know, will you go out and pick them up? If there would have to be any supplement from government, you know, that would then be considered whether we would develop programs on a state level, or whether you would on a local level. Does that answer your question?"

**Commissioner Gwin** said, "Yes, that helps a great deal. Also, your suggestion about on-going revisitation on these kinds of resolutions. Luckily, we are able to do that on a regular basis, and as we go forward as we've done in this case, we enacted a resolution several years ago that we saw had problems and we are recognizing wasn't doing the job, and so luckily, we can go back and revisit our resolutions on a regular basis. Some of your suggestions are certainly valid and there may be ways that we can continue to incorporate and make these more meaningful. I appreciate your comments and your suggestions."

**Representative Timesch** said, "And we're very much willing to help you on a state level, whatever we can do."

**Commissioner Gwin** said, "Well, your interest and your presence here is very meaningful to us. Thank you. Thank you, Madam Chair."

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**Representative Timesch** said, "Thank you."

**Chair McGinn** said, "Thank you. Okay, I don't see any other questions. Anyone else who would like to come forward? Please."

**Representative Ted Powers**, State Representative, District #81, greeted the Commissioners and said, "You're awfully formal. I think this is more like the Senate than it is the House. I either wanted to fall out of the chair or do something to take a little bit of the tension away. Ben, no, the ten cars you were asking the lawyer about."

**Commissioner Sciortino** said, "Yeah, the answer is no. I like it. He speaks Kansas kitchen English."

**Representative Powers** said, "I am on the Transportation Committee out there and these questions, a lot of them do come up. Tim, I would say probably not, because I think you get nine or ten cars and then you start delineating out. It says ten cars. You get beyond ten cars, then you need to either go to KDHE (Kansas Department of Health and Environment) and get a permit for things to be taken care of."

"In just listening to this whole procedure here, I'm appreciative of the job that you folks have to do. You know, you fall right in the slot of urban/ rural and municipal and these questions, a lot of them do come up in Topeka. The agricultural things, I think your task force has addressed some of these things and I think there's clarity coming there. I hear some of the things mentioned that, Betsy, the one that you mentioned, you're talking about, I hear it as an excise tax. Now, we have . . . when I went to the legislature in '82, we put in an excise tax on tires, the 50 cent thing. And then the grants and the programs did a good job. But at the State level, I'm not sure but what we didn't pass something the other day that dropped some of the grants in that tire program."

**Commissioner Gwin** said, "I'm afraid that may be right."

**Representative Powers** said, "And we have some sneaky ways when it comes to monies. Basically, what you're talking about is monies. Now, on your car situation, what you would be talking about is an excise tax on each car that is sold."

**Commissioner Gwin** said, "And I expect that's probably not going to go anywhere, but Representative Timesch's remark about partnership with some of the local businesses would probably work better."

**Representative Powers** said, "He's a good one in that area on partnership things if you can work

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out something that way. But when you mentioned taxes and so forth, you get into some wild gyrations. Now, the Senate Bill, I think it was 315, that came up a couple of years ago. And the one presently that didn't quite make it this last time, the problems that we run into again there was farmers would like to be free on leaving their equipment set out. You know, if people would use reason in some of these things and keep things cleaned up and presentable, out in the country, then they need to set their machinery around. But even once in a while, those things can be put in order and presentable. And possibly, a lot of your complaints don't come from that area. Maybe some, but I guarantee you there's some other things I hear mentioned in here, this property rights thing, that's really become a problem. I don't know how you don't clean up something sometimes when you can see it from afar and not be able to set foot on the property to do these things. And you can follow that Arkansas River and really get into some ball of wax if you really want to go with that.

“One of the problems that I thought that came to us up to the State level in this whole thing, and it was kind of shot down in this last that it didn't get through, I thought that there was . . . this chart up there that I saw was very good. You started out with 500, you know in the process and trying to work it out. When you get into the courts for a thing, then you get into additional money. Now, my understand was that when it went through this cycle and got over to the courts that Sedgwick County, that was where you were having the trouble. Once again, possibly because of . . . all of these things sound good when you put them into law, but the biggest problem is enforcement. That's where the problem really comes and then the money for someone that doesn't want to respond to what maybe we and the whole process says is a nuisance.

“I'm still not sure exactly where your problem exists, as far as, once it goes through this process and I think Irene, one thing it addressed in there was some of the forms. You can make some of these pills better swallowed and so forth and so on but it still comes down, sometimes, to a crunch point. Now, I'm not, in the process of hearing this at the State level, I was not sure just exactly, once it does get over through this process and I see where it's referred to the District Court, if it goes that far. What's the crunch in there and where's the hammer? After you've once gone through this process, do you not have the right to say 'that's it, you clean up or we come in and clean it up for you'. That's what I'm not sure about.”

**Chair McGinn** said, “That's right. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you, Madam Chairman. I'm going to take a stab at trying to just get to the nuts and bolts of what the problem was and why we've come to you the last two or three sessions. That's where the loop is. As it's been explained to us, if it does go all the way to the court and if, for some reason, the court and the defendant have not been able to, the defendant refuses to clean it up on his own, as I understand it right now, we have the authority to fine him. We, at the present time, really don't have the authority to collect the fine. We can't do anything to

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him if we fine him and he decides not to pay the fine. There's really not much we can do about it. And that's a little bit of an embarrassment to us. And we have, right now as I understand it, no authority that the judge can use to get the nuisance abated. We do not have the right to go on that property and clean up the nuisance and then maybe put a lien on his property in hopes that, twenty years from now, if he ever sells it we can get our money back. That was the core problem that we are having presently that we are asking some legislative relief on."

**Representative Powers** said, "Okay, now the two problems that come up, number one and I can understand. I like to get out among the natives sometimes with this and I understand on the last deal, where the bill was down and this is due respect to Sumner County. I live in Sumner County and we're a different animal down there than you are in Sedgwick County. And the reason it got shut down was because the right situation, people think you should not have your nose in my business and so forth and so on. Except we have a few and sometimes . . . that do . . . they are inconsiderate with that. And this was one of the reasons that that didn't go through. And it does become a problem. I don't know. You take Sedgwick County and Johnson County and these things do come up and I respect with what we're trying to do here to keep things presentable, then the politics does get into it.

"The first time the bill came around, I did not vote for it, because some people were doing . . . and you may have some people here that are going to speak maybe against some of these things here today. They would call me up and say, 'I've got twelve cars out here and I wish I'd be left alone. We got a guy coming around just harassing me all the time about this'. Well, the smaller, the more concentrated the area, and the smaller and even in close to Haysville, to Mulvane or wherever we are you can't have, I would think, ten cars sitting around. Except I knew that in the past few years, we had about fifteen of them sitting right next to our middle school, right in Mulvane. That has since been resolved.

"I don't want to spend too much of your time. But that is a little bit of history of where this thing develops. Now, the waste tire thing I think has improved. But the worst part that happens with that, I think they cut the grants and I was around when we put that excise tax on the tires, 50 cents, eight years ago and I got news for you. The tax is still there. They'll tell you it's down to 25 cents, but I wanted to get rid of it because taxes are taxes, but that's what that program took care of."

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**Chair McGinn** said, "We have a question for you. Commissioner Norton."

**Commissioner Norton** said, "Well, I just wanted to comment I think Ted's right. As you get closer to the smaller cities and municipalities, the standards have to be raised. Most municipalities have a nuisance ordinance. I know Haysville did. I helped craft it and that's to clean up some of these problematic areas that we have. And it's real debilitating to a small town to have, just over the city limit boundaries, things that don't look so good. And somehow we've got to have a little teeth in that, as a County, to keep it contiguous between municipalities and the County."

"Now, as you go deeper out into the rural areas and into the farm lands, it doesn't make sense to have that huge restriction. But I think neighbors are neighbors. What makes us not be neighbors because you live on the very edge of Haysville, on the County, and right across the street you've got a neighbor that lives in a municipality. We still have neighbors that are rural and urban. So, I think we've got to have some jurisprudence on that because it does affect each others property values, from city to county. Now, maybe when you get out onto a farm that's 80 acres and you have something screened and it's on the back of it, I agree with you. Maybe it doesn't have to be as restrictive, but close in, close to the small municipalities, there is a problem and all of them have nuisance ordinances and they're trying to abate them and it's really tough for the County, with no abatement procedures, to take care of those issues that are very valid. So, that's kind of my little spiel, to carry the water again next year for us, because we need that ability. We have to have that ability. No different than the small municipalities have to have it, too. Thanks."

**Representative Powers** said, "I think this task force and Irene . . . you know, I heard the car shields come up and that is not a real good solution, just to put the shields . . . you know, if you've got one that you want to shield . . . or I guess, there are these panels, cause I've seen that, too. This person had fifteen cars and the shields were all over the place, but after a while the wind blowed and tearing, keeping things in shape."

**Chair McGinn** said, "We have another question. That was a new idea to me. I never thought about building a fence that way. Commissioner Sciortino."

**Commissioner Sciortino** said, "Ted, you were right on. There's a lot of difference between a rural county and an urban county. Now, I know you kind of tied Sedgwick with Johnson County, but I will further state that Sedgwick is unique and even different from Johnson County, because Johnson County, for all intent and purposes, doesn't have any rural area. We're a kind of a hybrid. We have

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a large concentration of urban area, we have twenty municipalities and we have the largest city in the State, but we still have rural area, too. So, our problem and the problems with enforcing are sort of unique and I could, I think, make a good argument that our problem is just Sedgwick County's problem and we're looking for some relief and we'll probably keep coming and coming and coming and talking and trying to convince you that maybe to focus on it a little bit harder next session. But I really do, you seem to really have a grasp of what's going on here."

**Representative Powers** said, "Well, I just mention one other thing. You know, when the disaster hit Haysville, I don't know who gives the permission, but one of our problems in Sedgwick County too is we have a burn law. You don't burn things in Sedgwick County. After the Haysville thing, someone gave permission, somewhere up the line, either you or someone else, that they had a big place just to the west and north of Haysville. Solved a million problems, folks, it solved a million problems. I'm sure it was . . . sometimes, at the State level I think, 'well, maybe we ought to have a burn day in Kansas'. And I've cleaned up some of these things myself. You hauled tires off. I was on the Transportation Committee and I know what some of that is. Not everybody is supposed to haul tires off. But I did, at a cost of 2 to 5 dollars a wack on some of those things, just to clean a certain place up. That one, and then after the Haysville thing, they got rid of lots and lots of trash there and it's cleaned up and taken care of and a good job done."

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

**Chair McGinn** said, "Thank you, Representative Powers. Appreciate it. Representative Huy, did you have some comments? Okay. Please give your name and address."

**Ms. Bonnie Huy**, State Representative, District #87, greeted the Commissioners and said, "I live at 1142 S. Governour Court. Thank you, Madam Chair and Commissioners. I want to commend you on your efforts to work with the community in resolving the nuisance situation. I think that's where we're going to get results and I'm very pleased to see that you have appointed a task force cross-section of residents and staff. I'm encouraged by that.

"One thing that I wanted to emphasize that is a big concern to me and that is the anonymous complainant. I'll give you just an example of a friend of mine who was recently cited. He is a landlord. He has several rentals and he has always stored refrigerators, stoves, etcetera in his back yard, out of sight, under an overhang and only temporarily, because, as we all know, refrigerators

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have to be evacuated, the freon, etcetera. And his neighbors, it's never been a problem. He has no new neighbors. He was recently involved in a political campaign and following the election, someone turned him in and they came out and they cited him. He had some tree trunks that were left there by KG&E and they cited him for tree limbs. There were no tree limbs. He was cited for, I think he had some refrigerators, air conditioners, etcetera. So, it cost him about \$1,000. He had ten days to comply. It cost him \$1,000 to clean up, which he would have cleaned up anyway. He had to haul off to the salvage yard and had to have someone come in and haul the tree stumps off, and that cost him \$70.00. So, I'm very concerned about the anonymous complainant. I think that a person ought to know who has made the complaint and they should try to work together to try to resolve whatever it is they've complained about.

“Another concern I have is, and I believe you've address that, is what defines a nuisance. What might be a nuisance to me, might be an object of beauty to Ben. Also, I'd like to see how you define what is a hazard, as far as health and safety. But again, I do commend you for your efforts. I think it's a good start and we certainly want to work with you to resolve this situation.”

**Chair McGinn** said, “Thank you, Representative Huy. Just a real quick question for me. You said your neighbor was turned in. Would that be within the City of Wichita?”

**Representative Huy** said, “It was and I realize this is the County, however, this is just another example of what's going on in the County and in the City and I'll be speaking with the City, too.”

**Chair McGinn** said, “Sure, I just needed that clarification. Thank you very much.”

**Commissioner Gwin** said, “Also, Representative Huy, on the resolution that we have, Section 19-22 talks about activities or conditions that are prohibited and particularly lists the items that we're considering that constitute a threat to the health or safety of any person and I'll ask my staff to give you a copy of that so that you can see that.”

**Representative Huy** said, “I have that. Thank you.”

**Commissioner Gwin** said, “Okay, you're welcome.”

**Chair McGinn** said, “Thank you and thank you all for being here today. We really appreciate your comments and your support at the State level as well. Before we begin public comment, I guess I'd just like to share that this is not an open meeting, but it's kind of been our standard when there's an issue that's of concern to our constituents that we allow that opportunity to come forward. I would like to just back up just a bit and share, once again, for our viewing audience that this did begin in December and at that time when we moved two positions, we discovered that perhaps what was on

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the books perhaps does not make sense today and so, as Commissioner Gwin said, we have the opportunity to go back and review those types of things and it was this Commission that said also, at that time, that we wanted to form a task force of diverse individuals from all backgrounds in the County to be on this, so that we'd have all the stakeholders at the table to be at this task force and work through these problems because we felt that those are the folks that will help us get to what our citizens want rather than us just working internally. So, that was very important to us.

“The task force was charged with basically clarifying Ag use as an exemption, composting and then, some of us added later, if you'd like to give us some other recommendations, we would certainly listen to those and take them in as part of when we make our decision. And so, just wanted to give that background and so, I guess, as you make your comments today, I would like to keep them within the parameters of the guidelines that we set out for the task force and germane and to that point.

“So, we will start with the task force and I believe three individuals indicated that they would like to speak. Please keep your comments to five minutes and when we go down to public comments, I will move that down to three minutes. And so, when you come forward, if you are a Sedgwick County resident, please give your name and your address for the record. So, let's begin with our task force.”

**Mr. Dewey Sanders**, 11926 N. 127<sup>th</sup> St. E, Valley Center, Ks., greeted the Commissioners and said, “I bring you greeting from Gobbler's Knob where I'm still the main turkey, in case you were in doubt. I appreciate the trust that you placed in me, that I might have this opportunity to serve the people. For many years I believed that my sole purpose for being on this earth was to serve God and my fellow man. People came to this country in the pursuit of life, liberty and happiness. They fled religious persecution and legal persecution is my understanding of history. And in our country, we have tried to rectify that. It has been mentioned before about anonymous complaints. I think that is a serious problem. I believe in our country we are to have the right to face our accuser. In this case, it is being denied. I still think it's something that should be seriously considered.

“We've had a great many problems, in times past, inconsideration, rudeness and, at times, harassment. I became very concerned, so I drove around and I looked at places that were owned by people who I have known for a good many years and put a great deal of confidence in their word. For the life of me, I could not see any reason for any citation being issued on that piece of property. I also looked around the neighborhood, and felt that I could come pretty close to where the complaint came from. That bothers me. Now, the scriptures tell me that in my personal conduct

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I'm not to be offensive to those around me. And Representative Powers, I appreciate the fact that you stepped away from the podium so that I would have time. I was afraid I wouldn't. He and I have had a lot of fun over the years. When I get a chance to poke at him I do and he does likewise and we both enjoy it.

"We had a problem with semantics. We had staff that helped us in our efforts, and we needed them. I had a problem with Counsel. I feel that there is a difference between hazard and nuisance. Counsel informed me that according to the law and the language they were one and the same. I could hardly accept that and after the adjournment of the meeting, we chanced to meet in the lobby down at the Public Works Building and I said I want to give you a senario and I get to share it with you folks.

"My neighbor, who lived right straight across the road from my farm buildings had a bull over there and that son of a buck bellers and bawls and snorts and paws and drives you nuts. I got a bull over on my side of the road. He don't say a word. Now, my neighbor's bull, he's asking for attention and you walk out in the lot and you can pet him and you can scratch his ears and you'll have a real lovely relationship. Come over to my yard and walk in the pen where my bull is and you're dead meat. Now, I contend that my neighbor has a nuisance on his place and on my farm, I have a hazard. Counsel just kind grinned and said, 'you're just using common sense'. Now, I thought that was the kind that we were supposed to use and the things that have happened in the past, I see a great deficiency of common sense. Now, I've taken probably my share of the time. I appreciate it.

"I'm beginning to get a little emotional and I do that on occasion. I'm not ashamed of it but I'm disgusted. Sometimes it affects the way I present myself. You have quite a job ahead of you. I don't envy you. And if there's anything that I can do to help this thing work, I'll give her a try."

**Chair McGinn** said, "Dewey, some of us are very blessed to have known you, but for the record we need your name and address please."

**Mr. Sanders** said, "Do you have time? My address takes considerable time. For the uneducated, I live in the far northeast corner of Sedgwick County. I've lived there all my life. I sleep in the room where I was born, with a different woman. But I have about the fifth address now and it's 11926 N. 127<sup>th</sup> E. and that's Valley Center, if you could believe it."

**Chair McGinn** said, "Thank you, Dewey. And I do want to also say thank you for serving on this

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committee. I know, in years past, you've always been active in government and we sure appreciate your voice for agriculture and some of the other things that you do. Thank you."

**Ms. Nicki Soice**, 3226 Keywest, Wichita, Ks., greeted the Commissioners and said, "I'm going to take a second. The evening that we had the public hearing out at the Extension Office, as a committee we heard a lot. And I went back through my notes and I kept track of them, based on the type of comment and so I want to reiterate for a second kind of what we heard.

"The concerns that we heard, none of them had to do with agriculture. The second set of issues were all relative to enforcement. However, the committee was not charged with looking at enforcement and I'm not sure that there's a whole lot that we could do about it. A law is only as good as the enforcement behind it.

"The second issue that we really heard a lot about is anonymity. And the committee really wrestled with that issue. And I might also add that the gentlemen were very kind and did not kick me out of the room but it did seem that the issue of anonymity may have been split between male and female. The females had a different perception about whether it should be anonymous. I do hear everything that you have to say about you have the right to face your accuser and I agree, but the other end of that is there are those of us who feel we must protect the family and it's because of our hormones maybe. I don't know. The feminists will come after me for that statement, but there are times that I would worry about making those comments. So, we could not reach consensus on anonymity, but it was a big issue that night.

"And the last issue was zoning and it really had more to do with the zoning code than it did the nuisance code, and those issues have not been addressed and the Commission may wish to do something to take a look at the zoning code as well. That's the only comments that I have to make. Thank you."

**Chair McGinn** said, "Thank you for being here today, Nicki. Rex, I think you're next."

**Mr. Rex H. Morley Jr.**, 5811 S. Preston Trails, Derby Ks., greeted the Commissioners and said, "I live at 5811 S. Preston Trails, which is out in the southeastern section of Sedgwick County, between Rose Hill and the Derby area. Derby is my post office. I served on the County Commission's task force because I was asked. As I recall, in fact I've got a paper at home, the task force says that the County Commission asked the task force to look at three things. One of them was farming and nuisance, solid waste and nuisance and I saw in there, the third item to go over the comments and concerns of the people at the public meeting, I believe it was May 31<sup>st</sup> [sic] we were supposed to look at those comments and concerns.

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“While we did attempt to do on farming and solid waste on our task force and such, I’ve got to commend Ms. Hart and the attorney that is part of the staff on their recommendations. For the most part, they’re pretty good recommendations. I have no problem with them. The problem I have is some of the recommendations that were left out on part of the task force. There were a lot of things we asked to see done and for some reason they got lost or misplaced or just weren’t brought forth. I don’t know whether that was intentional or whether it was a form of a blockage or whether it was a put-off. But we never really did get to what I saw as a number three issue, which was to go over the comments and concerns that were stated at the public meeting. And we all did receive a copy of what those concerns were, and if they weren’t part of what the committee task force was supposed to look at, why did we get a copy of them. That’s from Mr. Parnacott, versus all the comments, notes and everything that evolved from that meeting for the general public.

“Anyway, for the most part, like I said, what we did put down Ms. Hart has real good things up there on the board. Following the path of a complaint to conclusion is very good. I didn’t really see that before in that manner. I saw some hints of it and I accept that. I think it’s a pretty good following.

“Now, I don’t think that there’s too many committee members that will disagree with me, but there were a lot of things that we felt like we wanted to discuss but weren’t able to really do so. There’s a lot of things that we all felt that needed to be gone over that perhaps you might want to impanel another committee to do so. One of them is the zoning codes themselves. And due to the nature of the complaints of the way the zones themselves are enforced, maybe something should be done to look into that seriously, because that, apparently, was a very big concern of the people at the meeting. And if that many people were concerned at a public meeting about code enforcement and the way it was being done, I mean, come on guys. We’ve got to look at it logically. Both the code enforcement people, at that time, have police background. One of them quite extensive, so he should know how to deal with the public. He shouldn’t need future training. He had plenty of it. So, something’s wrong.

“Now, since most of us didn’t agree totally what was proposed to you, four of us have signed what we would like for you to look at as possibly . . . and one of the members that I was able to contact felt like it was a zoning change and we’re not really after a zoning change, per say, but we would

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like for maybe you to look at these as an addendum or something to go in the future to help define a lot of these issues a lot further.

“Like in solid waste, the item they’ve got for solid waste, define some things as such and such, but solid waste, under that definition is not necessarily the same thing that a car enthusiast or a sheet metal worker would consider a solid waste. Solid waste could be a fender, laying on the ground, under the current form that they put in, where to a car enthusiast, it’s something that he’s going to patch and use. Or like the art deco downtown on Broadway, use it for a bumper and make a deal. Even the City’s got a pretty nice little car welded-up piece there in its city hall. Solid waste, we’ve got to really decide who gets to do what with it and just not make a generalized term and that’s kind of what these four members have signed to would ask you to look at and I will give that to you folks here.”

**Chair McGinn** said, “Do you have copies for everyone, Rex?”

**Mr. Morley** said, “Yes, I do have some copies over there. I don’t know if there’s enough left, if everybody picked them up.”

**Chair McGinn** said, “See to it that we get that at the Bench here today please.”

**Mr. Morley** said, “Now, I want you all to understand, this is my personal opinion, I’ve heard community standard.”

**Chair McGinn** said, “Rex, how much time do you need? You’re past your time.”

**Mr. Morley** said, “I’ve probably got about a minute and a half.”

**Chair McGinn** said, “Okay.”

**Mr. Morley** said, “All right, community standards. Community standards isn’t what one person sees and says, ‘I wouldn’t do that, thus he shouldn’t be allowed to do that either’. And that’s what a lot of this has been done as. It’s a community standard if I wouldn’t do it, so you shouldn’t be allowed to do it and that’s what we’re seeing a lot of this enforcement as being. Now, on anonymity, I have real strong concerns. I realize and understand Nicki’s concern and the lady’s concern that for them it may affect them different. But you’ve got to remember something. If you’re anonymous, somebody is going to get blamed. And if the person that you’re complaining

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about is a revengeful type person, somebody's going to get blamed. Somebodies going to bear the brunt of it, and if it's the brunt, both physically and materially, it's wrong for an innocent person to have to face that."

**Commissioner Sciortino** said, "Wait a minute. So, a guilty person should be retaliated against, is that what you're saying?"

**Mr. Morley** said, "I am not saying a guilty person should be retaliated against. I'm saying anonymity should not allow an innocent person be retaliated on."

**Commissioner Sciortino** said, "Only the person that complained. That's what you're implying."

**Mr. Morley** said, "No, I'm not implying that revenge is necessary at all. As a matter of fact, my next comment is going to be that if the complainer says that there's a possibility that the individual is going to retaliate, that at that point in time, it is up to our police department, both police and sheriff, to be notified that this might be a possibility but this guy wants to complain about a problem that he's having. They have a right. That's what our police and law department is for. So, are you saying that you'd rather have a innocent person get injured or have property damage?"

**Commissioner Sciortino** said, "I'll reserve my comments."

**Chair McGinn** said, "Okay, I think so and I'd like to have Mr. Morley continue and let's finish the comments."

**Mr. Morley** said, "Well, basically that's it. I appreciate people's concerns about anonymity, but I don't think it's right to let that concern be forced onto someone innocent and we've had several cases where it's already been proven. One of our own task force members took it upon herself to go down and complain to a man about his property. The man told her he would do something. She went home. The next day, the man was at her door demanding to speak to the woman's husband because he had gotten a citation in the mail. Well, he blamed her for the citation, because she was the one that had the guts to go down and talk to him. So, her husband had to sit there and stand for the berating this man charged upon that family. Now, that's wrong."

**Chair McGinn** said, "Okay, thank you, Mr. Morley, for your comments today and also I want to again say thank you to Nicki Soice and Dewey Sanders for serving on the task force and the others who aren't here today to take that time to help us gather information on making our decisions. Okay, we're now going to proceed with public comment and I am limiting comment to three minutes. I did allow the task force individuals to go over, but that was because of the task that they had before them and the job that they did and I thought that their information needed to be given. So, who would like to speak first, I guess? Please come forward. Give your name and address. And again, I would like to make sure that we keep comments to the charge of the task force as best

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we can, please.”

**Mr. John R. Todd**, 1559 Payne, Wichita, Ks., greeted the Commissioners and said, “My concerns, as it relates to the nuisance ordinance, has to do with what I consider the abuse of private property rights that’s going on currently, as the ordinance is being enforced and as it would be enforced under the new ordinance. We have private property owners in Sedgwick County who are being cited by County officials for code violations and convicted in the County Court for misdemeanor crimes without knowing who their accusers are. In other words, this is by anonymous complaints. This abuse is in direct violation of the Sixth Amendment to the United States Constitution that requires that you know who your accuser is. Reports are circulating that Sedgwick County Code Enforcement Officials and other County employees are ignoring ‘no trespassing’ signs and are trespassing on private property without the owner’s permission and without a search warrant. They are cutting wire fences and confiscating property owner’s private property with County trucks, destroying, dumping or selling same. These actions clearly violate the Fourth Amendment of the United States Constitution dealing with trespass.

“The Sedgwick County Court is not the appropriate place for trying serious property rights issues for a number of reasons. The court is not a court of record and therefore lacks a stenographic record of the proceedings. The County Attorney aggressively tries to plea bargain with the people and fails to explain to them if they plea bargain they are admitting guilt to the alleged crimes and are therefore forfeiting their right to appeal their case to the district court and to their right to a trial by jury. I’m going to skip over some other comments on that. This is not due process of law as I see it.

“The solutions, I think that’s what you all want to hear today, I think that’s the most important thing. They are actually very simple. County code complaints need to be in writing and signed by the neighbor who is complaining, so that the accused knows who accused him. This encourages individual’s responsibilities and eliminates the problems associated with neighborhood snitches that is possible under the anonymous system. Trespassing on private property should not be allowed and should cease immediately. Three, the County Court needs to be abolished. A more appropriate method of dealing with problems, with property disputes would be mediation. I have included a little flyer on the back of my testimony. The Wichita Bar Association currently has a mediation process. There is a booklet that they sell for twenty bucks. I’d be glad to . . . I’ve given it to one Commission member and if you’ll share it with the others I’d appreciate that, that goes into detail about how problems can be resolved.”

**Chair McGinn** said, “Thank you, Mr. Todd for being here today.”

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**Mr. Todd** said, "If you'd read through the rest of the recommendation, I'd appreciate it."

**Chair McGinn** said, "Got it. Thank you very much. Would anyone else like to speak to this issue? Please come forward."

**Mr. William T. Davitt**, 1205 Bitting, Wichita, Ks., greeted the Commissioners and said, "I thank you very much for this opportunity to visit with you very briefly about just one point, the anonymous complaint. When there is a conflict of interest, who's rights are more important, yours or mine? The Wichita Eagle, many years ago, had a cracker-jack reporter, Jack Reed, who moved in and out of the offices of Topeka and really knew what was going on. He said, 'Bill, it isn't the office holder that you have to watch. It's the guy behind the scenes, who's telling the office holder what to do'. Now, an affluent citizen buys some acres out in the country, builds a big house, landscapes his yard, and then he goes to the County Commissioners and says, 'Now, I helped you get elected and I don't like the stuff that my neighbors have in their yards and I want you to make him move that stuff. Now, I want to remain behind the scenes. I don't want to sign the complaint. You get the inspector to sign the complaint'.

"Now, Commissioners, when you took the oath of office, you swore to Almighty God that you would uphold the Constitution of the United States and the supreme law of the land provides that a defendant, in a criminal case, has a right to be confronted by the witnesses against him and when you allow the affluent citizen to remain behind the scenes and you don't require him to sign the complaint, you are violating your oath of office and that affluent citizen, hiding behind your skirts, is a coward. Again I ask the question, when there is a conflict of interests, who's rights are more important, the affluent citizen who just moved out there or his neighbors who have been living out there for generations?"

**Chair McGinn** said, "Thank you, Mr. Davitt. Would anyone else like to speak to this issue? Please come forward."

**Mr. Charles Peaster**, 9453 N. 135<sup>th</sup> St. W., Sedgwick, Ks., greeted the Commissioners and said, "I live three miles outside of Bentley, have a Colwich phone number, but my mail comes out of Sedgwick. Today, you were given a proposal and on page three of this proposal, under 'b', outdoor storage, one of the things that's not allowed to be stored outdoors is salvage material. If you go back to page two, under salvageable material, there's a whole list of things that are considered under this. As I recall, this County Commission gave the citizens of Sedgwick County a option, recycle or pay more taxes.

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“In this particular proposal, you’re stopping me from being able to recycle, by having to store the recyclable materials inside. I believe you should have the same ability to store these outside, fenced or out of the view of other people, the same as I would an inoperable vehicle. Now, one of the things that these did deal with is inoperable vehicles, but that has nothing to do with operable vehicles, which is a totally different issue and the main issue there is, what am I allowed in the number of operable vehicles on my property, and there is no limit. My only issue is, do I have to prove that my vehicles are operable or not operable? But I have a definite problem with, you’re asking me to recycle but you’re telling me if I store my recyclable materials outside I’m in violation of the code. You can’t have me want to do one thing, tell me if I don’t do it you’re going to tax me, increase my taxes, and then on the other hand, tell me I can’t do it. Thank you for your time.”

**Chair McGinn** said, “We have a question.”

**Commissioner Gwin** said, “I have a question for you, sir. Talk to me specifically about what materials you’re referring to. What do you have? What kind of materials do you have?”

**Mr. Peaster** said, “Part of what I have is material that I use around my place that is like metal, angle-iron, pipe. Part of what I store outside is the aluminum in a barrel, the aluminum cans that are mashed and put in a barrel till there is an accumulation of the number of them and then they’re taken to the salvage yard, depending on the amount of money that they pay, thirty cents a pound or whatever. You’re wanting us to recycle plastic. That also can go into a barrel. It can go outside. What is the problem. I live across from a farm. If I’m worried about flies, I wouldn’t live across the road from a farm. The dairy farm has 10,000, probably a million more flies than my barrels that have my aluminum cans or my plastic stored in them are going to draw.”

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

**Chair McGinn** said, “We have another question. Commissioner Winters.”

**Commissioner Winters** said, “Mr. Peaster, have you seen the screening proposal that the task force talked about?”

**Mr. Peaster** said, “Most definitely have. I attended all but one of the meetings.”

**Commissioner Winters** said, “What do you think about that, very briefly, what do you think about that screening proposal?”

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**Mr. Peaster** said, "I think if you had that same screening for the salvageable materials as you do for the inoperable vehicles I believe it's workable. Yes, sir."

**Commissioner Winters** said, "Okay, thank you very much."

**Chair McGinn** said, "Thank you, Mr. Peaster. Would anyone else like to speak to this issue? Please come forward."

**Mr. Max Weddle**, 862 S. Zelda Court, Wichita, Ks., greeted the Commissioners and said, "I own property north of Park City. My background is that I spent a lot of time at Raytheon in the engineering department, and you know what they say about engineers, it's like talking to the dead. I need to have a little chat with the attorneys. The area of the exemptions concerns me a little bit. Subsections 'A-1E' and 'A-1F' of this section do not apply to composting activities. And E talks about breeding grounds and habitats of rats, mice, snakes, so forth and then it talks about storage, harboring, caging or dwelling of any animal of any kind. Does this mean that I have to have a compost pile in order to keep my parakeet? What does the amount of animals have to do with the composting and also, the heavy growth of weeds and noxious vegetation, I read that if I have a compost pile, I can have the noxious weeds growing also. So, I think there's a language problem there. Plus the fact, what do you put in a compost pile? You put in solid waste. You didn't exempt that, it was not in the exemption. So, in effect you're saying, you can't have storage of solid waste but you can't compost either. So, it's a catch-22.

"The other area of concern would be, again, with Dewey and the hazard. If we have this fence around everything and you put a junkyard dog in there, does it become not a nuisance but a hazard and what are the trespass rights of anybody inspecting behind the fence. If it's a visually enclosed fence, does the County have the right to go look inside of that? And what is the County's problem when the dog bites him? Amen.

"I think you need to come back and review the language and put it more in laymen's terms, because this is going to be administered by laymen and enforced by laymen. I agree with the previous speaker, the vagueness on the salvage material. It seems to be that it's going to exclude a portion of the population. Not all of us, but a portion of us, the way it's written now.

"That's all I have. Oh, one other thing. Who determines what the hazard is, a threat to health and safety? I fail to understand what a hazard would be if you have a stack of neatly stacked two by fours, I mean as an example. Who makes that judgment call on what's a hazard? There's one in here that says something about possible injuries from exposed surfaces: metal, glass or other rigid materials. If I walk into your screen door, it's a glass storm door, are you in violation of the law for having that? It was obviously a hazard to me, because I bumped my head on it. The corner of a building. What is the definition of that. It seems to me it's awfully vague. Thank you."

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**Chair McGinn** said, "Thank you, Mr. Weddle. Would anyone else like to speak to this issue? Please come forward."

**Mr. John Daley**, P.O. Box 381, Valley Center, Ks., greeted the Commissioners and said, "Thank you for the opportunity to speak. As a resident of unincorporated Sedgwick County, I attended all of the task force meetings as an observer, with the hope to have input. The resolution as presented today is composed by staff. The task force members discussed what they wanted and what they wanted was largely ignored. Staff and lawyers felt free to comment and give opinions during the meetings. Comments from interested and affected citizens were not welcomed. The only way that we got to get our opinions was talk to the members after the meeting had taken place. Maybe it would be brought up the next time. And there were times in there we could make corrections or suggestions that might have helped, but it wasn't really allowed. Suggestions and ideas presented by committee members, and then there was consensus would be reached to include them in a revision of the nuisance resolution, but when sent to staff and legal, it would not be included in the printed form at the next meeting.

"The first time the task force met, on January 11<sup>th</sup>, Carolyn McGinn, Council Chair, made comments and also provided the printed form to the committee. A key sentence was 'It is our expectation that you will also have the opportunity to invite members of the public to provide input, with their ideas and concerns to be included on your recommendations'. Three main areas were the agricultural, which has already been mentioned, solid waste, but what was brushed under the rug a lot by staff was 'by listening to each other, identifying other issues of concern that do not reflect the intent of our community standard'.

"January 31<sup>st</sup> public meeting, which has been mentioned, was held where the task force heard speakers from unincorporated portions of the County. I remember seeing three of the present Commissioners that evening. The task force and Commissioners heard a lot of problems and suggestions at the meeting, where there were at least 300 citizens in attendance. February 7<sup>th</sup>, task force met to get acquainted and discuss problems and made suggestions. February 21<sup>st</sup>, staff brought a document from legal that was picked apart grammatically and because of content. March 7<sup>th</sup>, the committee discussed screening, which did not show up on the next printed revision. The task force wanted to have more input but was not allowed to. To me, as an observer, they seemed surprised to learn that this was going to be the last meeting, because they knew more work was to be done. April 4<sup>th</sup> the task force was reconvened with a short notice to give approval on the final printed version. There was never a vote that 'yes, we back the resolution and we're proud of it'. Screening was added, as recommendations. There were other items members wanted to discuss at this meeting, but were not included and not allowed to by the staff. What I suggest, please send this back to the committee and let them do the work and not have the staff and lawyers there to say, 'no,

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we don't want that. You can't do this'. Have them submit what the committee needs to submit.” **Chair McGinn** said, “Thank you, John, for your comments. And John, I do want to just clarify something that has to do with when we set the task force up, that's why we put the diversity of stakeholders on there. They were to be the ones that participated in the small meetings and then we had the public comment. That was the time for others to comment. So, that's . . . Yes, I'm hearing that you weren't allowed to comment at the small meeting and that was set up by . . . that's kind of the guidelines that we put out. That's why we had the public hearing for others. Anyway, just to explain that. Maybe you don't agree or not but I just wanted to explain that. Is there anyone else that would like to speak to this issue? Please come forward.”

**Mr. Michael Princefield**, 4730 Ida, Wichita, Ks., greeted the Commissioners and said, “I lived, just prior to this, in Derby and we own some property out in the County and so I'm familiar with several different sets of municipal ordinances. I've had some experience with these types of ordinances. For 35 years we owned a family business, which was a restaurant, and I've dealt with these problems. The whole time we had that business we always carried an 'A' rating. But I want you to know, that doesn't make regulations that are enforced always right. I've had people tell me things. One inspector's opinion was that all surfaces should be stainless steel and I should take my knives and cut things on stainless steel because it's an impervious surface and would be more easily cleaned than some others. This is the type of thing part of this involves, is getting what Mr. Dewey called common sense and what I would call just tolerance or good manners. It seems to be severely lacking and the more rules we get and the more regulated we get, the less tolerant people seem to be of one another.

“There was a little cartoon strip, when I was growing up used to run and it was called 'There Ought to be a Law' and what it was everybody's pet peeve, they presented it as 'why don't we pass a law to do something about that'. And that's what I see a lot of this nuisance ordinance as. It's not whether something really affects my health. It's whether or not I like it and if I don't like it then I get a law passed against it. You know, with the solid waste someone already addressed the oxymoron and the duplicity in the recycling thing and it's even worse than what he had time to say really.

“But I just . . . the mediation is getting glossed over somewhat. It was mentioned some, but I think that ought to be the first step. That's why we need to not have the anonymous way of reporting things. It should be required . . . it should go to a mediator immediately to see if those two neighbors can work it out. And I think these things ought to be required or reported on some sort of a neighborhood basis. There should be some sort of geographic limitation to who can complain and I don't think the Code Enforcement officers should be told to go out and look for this stuff. This is like hiring your own private police force to go out and enforce your own private interpretation of what you like and don't like.

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“I think it should stay on a complaint only basis. I think the complainant should be the one to file the complaint because the way it is now, you pass it off to the government. The government becomes the complainant and you have no recourse to settle with the person who is actually the real complainant. With the mediation and some common courtesy among each other, I think a lot of these things can be settled.

“The screening is a first step towards that. But a lot of these issues involve, and why people get so heated, are things they have accumulated, property that is valuable to them, whether it has value to anyone else or not. And then somebody says, ‘Hey, if you don’t do this we’re going to come and take it away from you by force’. And some of them have devoted their whole lives to some of these things. I don’t think we’re giving proper consideration to people’s . . . as a society, the buzz words are all diversity and tolerance and all these things, and I don’t see very much of that tolerance being practiced.”

**Chair McGinn** said, “Your time is up but we do have a question for you. Commissioner Gwin.”

**Commissioner Gwin** said, “Not a question. Just one of the comments you made that I think I’m going to have to disagree with, when you talked about the neighborhood restriction. That, if I don’t live in that neighborhood, I shouldn’t have a right to complain about what I see. I disagree. I think that we are residents of this County and, no matter where I am in this County, if I see something that I believe is injurious, either to me or to my family or if I believe is harmful to the rules and regulations under which we live, I think I have a right to complain, whether I live there or not. If I see a drunk driving down the street, whether he’s driving where I live or not, I’m going to call the cops. If I see children being abused, whether they’re my children or not, I’m going to complain. So, you and I may continue to differ on that, and as Ms. Soice pointed out, there seem to be some gender-based things here, anonymity among them. But I feel compelled to report to the appropriate authorities if I see areas of concern, whether it’s personal behaviors or whatever. And so, I don’t want to get into a debate about that but I’m just saying that that’s an area where you and I specifically disagree.”

**Mr. Brincefield** said, “Well, in answer to that question, I would say some things need to be specifically stated as being things that affect others outside that area. You’re talking about personal injury or a drunk driver. A drunk driver can affect people any place he goes. A tree branch laying in my yard for decorative purposes is not going to get up and chase anybody.”

**Commissioner Gwin** said, “I understand. Thank you.”

**Mr. Brincefield** said, “I just fought for close to \$2,500 with the City of Derby getting a case such as that dismissed on Constitutional grounds in the District Court.”

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**Chair McGinn** said, “Thank you, Mr. Brincefield. Anyone else would like to speak to this issue? Anyone else? We’re not talking about zoning issues. That’s another day. No. No, thank you. I’m going to close the public hearing and leave the comments to the Bench. I would like to share with you all and get what you want to do, find out what you want to do. We have to be at a luncheon today and so we will probably recess at 11:30 and reconvene at 1:30. Would you like to go ahead and start this discussion here in the next fifteen minutes, knowing that we will have to take a break.”

**Commissioner Winters** said, “I think so.”

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

**Commissioner Sciortino** said, “Thank you, Madam Chair. First of all, I would like to compliment the task force. Yours wasn’t an easy job, since we did try to bring a cross-section of all the stakeholders, I’m sure it was rather lively, as are some of our staff meetings. And the word consensus means majority of you agreed to something and presented it to us.

“I tried to . . . I did, I listened to everyone that spoke and the one thing that kept coming up was ‘we have the right to face our accuser’. We don’t like anonymous complaints. That the defendant has a right to know who snitched on him, who brought about the complaint in the first place. Now, those people who know me know that I am a very conservative Republican that believes strongly in the Constitution, 1<sup>st</sup> amendment, 2<sup>nd</sup> amendment, 6<sup>th</sup> amendment, all of them. And I’m going to defend, I may not agree with you, but I’m going to defend your right when it comes to the Constitution of the United States of America.

“But there’s a little bit of a misconception on this that I think needs to be clarified and I’ll make an analogy, too. A person calls and complains that he thinks that this person is not complying with the zoning or with the nuisance law that we have on the books. He doesn’t know for sure, but he thinks that. And as you saw, through our cycle, a Code Enforcement officer goes out and if that Code Enforcement officer sees that this is out of compliance, that Code Enforcement officer, after having tried to reconcile it with the person, can cite him as being out of compliance. We are the accuser, because we believe, the County believes ‘yes, that person is definitely out of compliance and something has to be done to become in compliance’.

“You heard stated by one of the people that one of the reasons that they would like to have anonymity lifted is so that innocent persons wouldn’t be retaliated against. I read that to believe so

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that only the people that complained could be retaliated against and the innocent ones wouldn't be retaliated against. That's the very reason for anonymity is out of fear that if someone has the audacity to accuse somebody of maybe being out of compliance, that they have the right to be retaliated against.

"Now, the analogy that I want to make, because I don't think this was thought enough clearly through, if you carry that further, then I wouldn't have the right to call the police department and say, 'I saw so-and-so or I think so-and-so is selling drugs to children out of this house and I don't think that's right and you ought to check that out'. Well, the police don't tell the defendant, if indeed the police go out and find out that that person was selling drugs and they're going to charge him with it, they're not going to tell that person who ratted on him, snitched on him, out of fear that that person could be retaliated against. And that's, to me, the crux of the anonymity process here. That person isn't filing a claim. That person doesn't come in front of the judge and bear witness against that defendant. That person is just informing us that perhaps this individual is out of compliance and I think you ought to look into it and, if we do and we find them out of compliance, and as it indicated there, we only find about 70% that are out of compliance, then we have a process. Now, if you have a problem with the law, and every time there's a law made in the United States of America, it infringes on a person's individual rights and the only form of government that is totally free is anarchy. There is no laws. I mean, when there is a speeding law, that infringes on my right to drive a car as fast as I think I can drive it safely and I'm a professional . . . I'm not but I'm saying the analogy is, if I'm a professional race-car driver, I should be able to drive it as fast as I want to, because I can drive it safer at 110 miles an hour than 55. That's the, I think, little cloudiness over the anonymity question.

"And I also agree with Commissioner Gwin. I don't think it should be limited to only if you live within a certain amount of feet of somebody, should you inform us that you feel this person is out of compliance. I think that if I'm driving around anywhere and I see something that I think is not complying with code or with zoning requirements, I have a right to call the County and say, 'I think this person is out of compliance and I think you should go check it out'. And if it is right I think you should enforce the law that's on the books. And when you enforce the law that's on the books, the problem that any government has, you have to use the rule of law. Is it in compliance or not. There's not very much room for subjectivity. I know this guy, he's a good guy, he's lived here all his life, so I'm not going to enforce it for him, but I'm going to enforce it to this person over here. I mean, that's not fair either.

"If we have zoning laws that need to be changed, that's a whole other issue. If a law is on the books we should enforce it, if it's on the books and it should be enforced any time we're made aware that it's out of compliance. But this idea of anonymity, again, this is not in a court of law where I'm

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accusing you and I'm bearing witness to you but I'm doing it secretly and you don't have a right to find out who's bearing witness against you. This is an individual and can it be abused, sure. Could it be used like Ms. Huy said, they want to retaliate against this person because they had the audacity to support your opponent and, 'By golly, we're going to go after him'. Yes, there can be abuses but I think the abuses would be far graver if we had to come out and tell everybody that filed a complaint.

"Now, what I would like to do, and I don't know how we could, but if it could be determined that by a person signing a complaint that would not be public record, I think we could go a long way to stopping some of casual complaints or the harassment by just saying, when they call in, if you would come in and fill out a form and sign a complaint, we will go out and inspect it. That's going to stop the Realtor that's driving around on his or her cell phone and just the casual complaints. If they actually have to do something to come in and sign a complaint, I think we'll eliminate 90% of the complaints right there, provided that document can be held in anonymity. And that's my opinion about it but I did want to . . . I took umbrage, perhaps maybe rightfully or wrongfully, by the allusion that the reason they wanted to clear up the anonymous thing is so that 'innocent' people wouldn't be retaliated against. I took that to mean that only the 'guilty' people would be retaliated against, the ones that had the audacity to complain about me, and that's wrong. Thank you."

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

**Commissioner Winters** said, "All right, thank you. I also want to thank the task force for the work they've done. I think you've really spent a lot of time on an issue that's difficult for all of us but I think we're getting close to a good product. And I guess, one of the things that we really haven't had an opportunity to do as a commission is really decide what we each think about this and so that's kind of the process we'll begin now and I'm going to throw out just a couple of things and then the rest of you can, maybe, see what you think about it.

"I also want to thank our State Reps for being here. We do appreciate your input. One of the things that I would like to follow up on is some of the recommendations by Representative Thimesch. If there's not some way to get some programs ongoing similar to the tire amnesty program and I don't know how that would look. They've all got dollar signs attached to them, but I would like to pursue that and see if there isn't some positive sides that we could help some people who want to do some clean-up perhaps but just don't have the where-with-all to do it. So, I think that's an excellent suggestion.

"I like a lot of this resolution that's in front of us. I think a couple of things that I would like for us to consider adding is I would consider adding the screening provisions, as opposed to having vehicles completely enclosed within a building and I would add the salvage material also to that screening requirement."

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**Commissioner Sciortino** said, "Where's the salvage material?"

**Commissioner Winters** said, "Well, the screening requirement only talks about inoperable vehicles. It doesn't say anything about salvage material and I'm saying I would consider including salvage material in that, and as far as the number of inoperable vehicles, I'm comfortable with following what the State laws says. I don't know how that would be part of the record, but we're talking about within so many feet of public roadway and then if they fall within the screening requirements, then I think that gets me to at least someplace I could begin the discussion. Madam Chair, that's it for right now."

**Chair McGinn** said, "Okay. We're about to run out of time. I would agree with you as well on those items. I think the screening certainly is something that we ought to take a look at. If it's a visual thing. If people want to have their cars back behind something that's screening year around and let them be exposed to the elements, that's their decision to do that. The salvage material is, I guess, new thinking here for me today and I think that that is something that I certainly want to consider as well. And then also allow up to what the State law allows, which is nine cars. You get to ten, you've got to go get a salvage permit."

"Commissioners, like I said, we do have to break for a luncheon. Are there any comments that you would like to make, Commissioner Gwin, Commissioner Norton, before we take the recess?"

**Commissioner Gwin** said, "Not right now."

**Commissioner Norton** said, "We're going to come back to this issue though, aren't we?"

**Chair McGinn** said, "Yes, at 1:30 we'll reconvene."

**Commissioner Norton** said, "I think I'm okay for right now."

**Chair McGinn** said, "Okay, well I will recess our Meeting and we will reconvene at 1:30 today."

**The Board of County Commissioners recessed at 11:28 a.m. and returned at 1:47 p.m.**

**Chair McGinn** said, "I will call the Meeting back to order. I would like to share that normally we go straight through our meetings, but today was a special exception. Congressman Tiahrt was being presented the 'Spirit of Enterprise' award by the Chamber today and we had all committed to going to that luncheon today. So, that's why we took a break for lunch."

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“All right, Commissioners, we are back on Item J-2. I know everybody’s trying to settle in here, but we need to continue our discussion on this and come to some kind of consensus. So, Commissioner Norton.”

**Commissioner Norton** said, “I’ll kind of kick it off a little bit. As Tom was finishing up, I concur exactly with what Tom was saying on screening and the salvage material. I think if we work out some language that offers the ability to create screening, instead of an enclosed building to mitigate some of the problems, I would agree with him. I also believe that we can use that same screening to take care of salvage material, as defined, that I would be in concurrence there.

“I do have a problem with some of the things that could happen with salvage material, even if it’s behind screening. You know, salvage material that’s stacked up two feet high may be okay behind screening. If it’s stacked eight foot high, it may become a hazard to children or to animals or whatever. So, we may have to define that. I don’t know if today is the time to do that. That may be something we’ll want to look at later.

“I agree that we need to let the inoperable vehicles be guided by the State statutes that guide that and we’ll deal with the less than nine vehicles with the ordinance that we’re putting together, the resolution. The final comment that I would have, and I’ve kind of talked around about this, but I worked on the nuisance abatement ordinance in the City of Haysville as a Councilman and one thing I found out, after 14 years, is that it becomes a living document and that you’re going to touch it today. You’re going to sign off on it and six months from now there will be a case or an instance that comes up that will change your philosophy or your thinking about how you want to deal with it and we’ll be continually wordsmithing and amending this procedure.

“In fact, we were handed some pretty good information today from a couple of our speakers. I know Betsy has looked at it and we’ve had a conversation that, ‘wow, this is pretty good stuff and we probably want to blend it into ours’, but you know we could go on with that process for a long time and maybe never come to the final document, because it is going to be a living, fluid document and I really believe that we need to move forward, with the few caveats that we’ve talked about, put this ordinance on the books and then start working, through our task force and through actually instances that come before us, to develop the final product that may not really come to bear for two or three more years, until we get some instances that work for us and for the citizens.

“I think it’s very important that this is not about government taking control. It’s about making life better for all the citizens and keeping property rights and nuisances consistent for everyone. So, I think we need to move forward and go ahead and adopt this resolution and then work on it and wordsmith it as we go along. That’s all I have.”

**Chair McGinn** said, “Thank you, Commissioner Norton. Commissioner Gwin.”

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**Commissioner Gwin** said, “Thank you, Madam Chair. I did not speak to this before we took our break, but I guess I’d like to get back. How difficult this job must have been for the task force when we tried to make specific . . . asked them to focus on specific items of concern of ours, and yet it obviously turns out to be much broader and much more complex than just pinpointing one or two certain issues. However, given the charge that we gave the task force, I want to thank them for their work and for the report that we have.

“Of particular interest are some additions. I think last one I had was this blue copy with additions, I think, or purple with additions. I’m not sure which is which. The phrase that ‘the inoperable vehicles are the personal property of the owner or the occupant of the property’ I think needs to be added to what we have. Isn’t that one of the recommendations of the task force?”

**Ms. Hart** said, “It’s in the screening language.”

**Commissioner Gwin** said, “In the screening part. I guess the screening standards that are recommended by the nuisance code task force are ones that I could support. I concur with others who have discussed the maximum number of inoperable vehicles permitted and prefer the language that ‘the owner or occupant of the property must comply with the junkyard and salvage control act K.S.A. 68-2201 et seq. with those additions’. I think we’ve met the requirements of trying to exempt composting activities, the exemption of agricultural activities and I think today I’m prepared to make those additions or changes to the resolution.

“As Commissioner Norton said, when you’re handed information for the first time, it’s real difficult to make a decision based upon that, but there are some suggestions here and as one of the gentleman who signed it said, I feel that these changes, particularly screening as an option which I think we will incorporate should be at least evaluated further and I would concur that some of these suggestions that we’ve been given today, evaluate when we have the time to go through them. Several of them are, as Commissioner Norton said, wordsmithing items. There are a couple of things that I would have to run by Legal to make sure that I wouldn’t consider something in conflict to what I already have. But I would like the opportunity to review this carefully and purposefully to see if there are other amendments that I might want to consider at a later date. So, I think that’s it right now, Madam Chair. Thank you.”

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

**Commissioner Sciortino** said, “Thank you, Madam Chair. I have a question of our County Attorney. Rich, I get a little nervous wanting to improve another law, or a modification to a law without knowing that you’ve sprinkled the holy water on it. The resolution, as presented to us, has your department seen and are comfortable with it, that it has cleared up some of the nebulous areas? Do you have any reservations about us seriously considering approving it today?”

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**Mr. Richard Euson**, County Counselor, said, “No, no reservations. I think it’s in a format that does address the two concerns, in regard to the agricultural exemption. I think it’s in a form that can be passed and we can work on it.”

**Commissioner Sciortino** said, “And what about the suggestions on the screening standards? Have you had a chance to look at that and are you comfortable with the verbage that’s been presented to us?”

**Mr. Euson** said, “I’m really not and I have not looked at it. Aaron Blasé may have looked at it but he has not reviewed it with me and so, I’m not ready to pass on that.”

**Commissioner Sciortino** said, “Okay. Aaron, let me ask you that question. Have you had a chance to look at the screening standards that are being presented?”

**Mr. Blase** said, “Yes, the screening language that is being presented is basically adapted from language that’s in existence. It’s in the zoning code, not used as it relates to the screening of inoperable vehicles or vehicles necessarily. I have reviewed it and I’m comfortable with it.”

**Commissioner Sciortino** said, “Okay and then let me ask you one quick follow-up. By adopting these screening regulations, we’re just doing away with they have to be in an enclosed building and are now modifying that to say that it’s okay if they just keep it within the screening area and we’ve defined screening. Is that basically what we have done or what we’re thinking of doing?”

**Mr. Blase** said, “What we’re thinking about doing is allowing inoperable vehicles to be stored, as long as they’re screened from view.”

**Commissioner Sciortino** said, “As opposed to the old one, saying they had to be inside an enclosed structure.”

**Mr. Blase** said, “Correct. Now, one thing that ought to be pointed out is that currently, and I don’t know if this will be changed, but currently the zoning code would seem to indicate that whether a vehicle is operable or inoperable, it must be stored in an enclosed building. So, that may be an area that needs to be perhaps looked at at a later point, just to make sure that there’s no inconsistencies between the codes, if you adopt the screening.”

**Commissioner Sciortino** said, “All right. But you would not be uncomfortable with us adopting the screening proviso as it is right now?”

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**Mr. Blaze** said, "No, I wouldn't."

**Commissioner Sciortino** said, "Okay, because I agree with Commissioner Norton. This resolution, maybe more than any other resolutions that we pass, is a dynamic item. It's going to always need continual looking into and modifications and, as cases come up that maybe we haven't anticipated. So, I do think that this is a honest beginning, on both sides of the issue, but addressing ourselves primarily to the people that had expressed a lot of concerns with our present laws, is that I hope you'll appreciate that this is an honest beginning on this Board, to try to come together and affect a compromise that we can all live with. On that, you're never going to have 100% of perhaps what you wanted on either side, but I hope that you would appreciate that this Board has really worked very hard to try to come up with something that at least is a good beginning. So, I will be supportive of the screening proviso also. Thank you."

**Chair McGinn** said, "Okay, Commissioners, I think eventually we need to figure out a way to make this into a motion, but what I'm hearing, I think, and correct me if I'm wrong, and you've never been shy about that. So, I'm thinking I'm hearing that there's some kind of consensus on screening. And the maximum number of cars, leaving that to the State level. Once you get to ten you have to get a salvage license. I'm not sure what I'm hearing on the salvage materials addition. Is that something we want to continue to look at or we want to insert? Commissioner Winters."

**Commissioner Winters** said, "I would like to include it in this motion and include it in this resolution and I would think that's one that if we figure out later that doesn't work then we'll come back and readdress it, but I think here the real issue to me is the screening. And if the screening can be done properly and in order, then I think once it's out of view, I'm pretty comfortable with adding the salvage material into that at this time."

**Chair McGinn** said, "And I guess my question is, cause I don't know, at what point, if we fill up five acres of salvage material . . . I mean, if it's scrape iron, do we also now we get into another area as far as commercial or operating a business or getting into something else? I don't know."

**Commissioner Winters** said, "Well, I wouldn't know either, except if somebody does get into doing something that is business-oriented and they're not in the proper zone classification for that, then that's something for Code Enforcement to take a look at. But I think again, coming back, one of the things that I've heard through this process is that we had some places that, clearly, I think a number of folks felt were not something that was out of line but because of some zealous enforcement issues, small things got blown out of proportion and I don't want to open the door to now have large problems in the County, large areas of nuisance, but I would give my interpretation that if somebody can do effective, well done screening that that should solve neighborhood problems."

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**Chair McGinn** said, "Okay. Commissioner Norton."

**Commissioner Norton** said, "Well, I agree with Tom. I think the thing that we'd have to look at is, if it escalates to a commercial salvage business, then we may want to look at it under other zoning violations or other business violations that we would have throughout the County. I can go along with the salvage materials, but I do worry about it becoming a hazard and it becoming someone that's doing a commercial business without a license or without the zoning to do that. And I think we'd have to take that into consideration at some point in time. But, once again, that becomes part of the fluid document. When that comes before us, then we know that we do have a problem to deal with, and we'd have to take it on a case by case basis. That's all I've got."

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

**Commissioner Sciortino** said, "I didn't address the screening of the salvage material and, I guess, I would feel more comfortable asking the absent County Manager or Code Enforcement or somebody what their feelings are, if this is going to cause any more hindrance or what have you, cause it's a new item. I'm not saying I'm against it and conceptually, I kind of like the idea of hiding that."

**Chair McGinn** said, "Maybe Glen could come forward."

**Commissioner Sciortino** said, "There he is. Well, you were gone, so we're going to usurp you and go to Glen. Glen, do you have any concerns from operating your department, if we include screening of salvage material? Would that cause you any concerns? And if so, please address it."

**Mr. Glen Wiltse**, Director, Code Enforcement, greeted the Commissioners and said, "The biggest issue is if it becomes a business and then trying to prove whether it's business versus storage and stuff. But you just have to address those on a case by case basis anyway. So, I think it could be included."

**Commissioner Sciortino** said, "How will you be able to determine that it's time to look into their salvage material as being too much if you can't see it?"

**Mr. Wiltse** said, "That would have to come from a complaint from some neighbor that says 'Hey, it's there and there's a lot of traffic in and out'. If it's truly a business, you're going to see paths of traffic and those types of things. So, once again, it would have to be on a case by case basis. And if it's truly a business, you're going to see a lot of vehicles, typically. You're going to see maybe some crushing equipment, something to that effect. I'm not sure."

**Commissioner Sciortino** said, "But conceptually, you're . . . I'm not trying to put words in your

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mouth. I'm really looking for some assistance here for my own vote. Is this a concern of yours?"

**Mr. Wiltse** said, "It is to a certain degree but it's probably something, as Commissioner Norton said, we may have to work through at some point. I think it's a good compromise to try to work through some of these issues and if it becomes a major problem we may have to address it at some other point."

**Commissioner Sciortino** said, "I'm going to be supportive of this issue, but I would encourage all of you that are doing this type of function, please don't try to abuse this because, as evidenced, we can change anytime we want to. So, I think I will support this in the area of trying to work out an agreeable compromise but I encourage you all, please don't try to abuse this and make of it something more than what we're intending. But I will be supportive of adding salvage material behind the screening. Thank you."

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

**Commissioner Winters** said, "Thank you. Glen, if we do some changes here today and add some other parts into this resolution, and at some period in the future you see things that need to be addressed that aren't being addressed and you don't have the ability to address and, in light of Commissioner Norton, I'd expect you to be back here to us saying such and such is working or such and such is not working."

"And Commissioner Sciortino, I guess I would share that with you. I mean, I'm willing to, if it doesn't work, I'm willing to keep working on something until we get something that does work."

**Commissioner Sciortino** said, "Right, and I assumed you were and that's why I'm going to be supportive of it."

**Commissioner Winters** said, "Thank you, Glen."

**Commissioner Gwin** said, "I guess my question is, where in the resolution shall we add the words that have to do with screening for outdoor storage of salvage material?"

**Commissioner Winters** said, "Right there, well it's a two, at the top of page four where it talks about inside a building."

**Commissioner Sciortino** said, "Oh, 'shall be enclosed within a building' . . ."

**Commissioner Winters** said, "Don't say that. Put that language in."

**Commissioner Sciortino** said, "Well, but I mean, could a person decide to store it inside a

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building, if he so desired?”

**Commissioner Winters** said, “Certainly.”

**Commissioner Sciortino** said, “So, it could be inside a building or . . .”

**Commissioner Gwin** said, “And I mean the part about screening for . . .”

**Commissioner Sciortino** said, “Oh, I don’t know about that, as far as adding salvage material.”

**Commissioner Gwin** said, “Salvage material, I don’t know where that goes because all this verbage has to do with screening for . . .”

**Commissioner Sciortino** said, “Inoperable vehicles, parked or stored.”

**Mr. Blase** said, “My suggestion may be this. It will require some wordsmithing by revising the screening to maybe add it as a new subsection three, after two, rather than adding it into two and then have it apply both to the inoperable vehicles and the salvage material and then amend the language to say what we intend for it to say.”

**Mr. Euson** said, “Could I possibly suggest something. Either we attempt to make these changes, while you continue the rest of your meeting and bring it back to you at the end of your meeting or bring it back to you next week, even as a consent agenda item, because I think we have a pretty good idea of where you want to go. It’s just a matter of doing the wording and certainly, staff needs to be comfortable with that before we do it. I’m just suggesting that, because it may be a little awkward to try and do that as we go.”

**Chair McGinn** said, “Do you want to shoot for the end of the meeting or just put it on a consent item next week?”

**Commissioner Sciortino** said, “I’d be comfortable to give them . . . they’re saying that they’re going to try to rush it through. I’ll leave it up to you to take direction.”

**Commissioner Winters** said, “Just an idea and you can all say you don’t like this. You won’t hesitate to tell me otherwise I guess. I’m interested in knowing that everybody sees where we’re headed here. So, if we could even wait two weeks and have you draft up something and then let us have something, let anybody else that wants to look at what the final product looks like look at it and if they want to tell us whatever they think about that, they can. But I think we’re on a pretty good road, where we’re all agreeing on about three things here.”

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**Chair McGinn** said, “And I guess, for those that don’t want to come back or that kind of thing, I guess I’d like to summarize a little bit of what we’re trying to get into the legalese part and that is that we do want to insert the nuisance code task force recommendation screening standards into this and that we also want to insert the state law, according to inoperable vehicles in a site and then the third item we want to add salvage materials. Is that what I’m hearing from everybody? We’re clear on that?”

**Commissioner Gwin** said, “That they can store those behind screening.”

**Chair McGinn** said, “Screening, on the salvage materials, it has to also be behind screening as well. Okay. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thanks, Madam Chairman. I think it’s important for the public to know, though. We’re talking . . . we will be adopting the task force’s consensus recommendation of the resolution that we have before us, adding what the Chairman has just mentioned, but if it comes back with us in a week or two, it isn’t an open forum again trying to get us to change it. The document that you see, that we have in our backup, is 99% of what we’re going to approve, with the addition of the screening proviso and this won’t be, ‘let’s reopen this whole thing and start adding and subtracting before we even get the first document out’.”

**Chair McGinn** said, “Correct. Commissioner Winters.”

**Commissioner Winters** said, “Well, based on that, if Commissioner McGinn, if you would make a motion just like you said, I would think maybe we could get a motion out there and vote on a motion today and it’s a done . . . the wordsmithing and crafting may be a little bit here or there but our intentions will be very clear.”

**Commissioner Gwin** said, “And then, just to add that the approval of the resolution and the amendments that you’ve mentioned, contingent upon Legal’s review and technical adjustments, as they call it in the trade.”

**Chair McGinn** said, “Okay. Commissioner Norton.”

**Commissioner Norton** said, “The only caveat I would add, and this really doesn’t have to do with the resolution that we’re looking at, but I think we need to bring back the anonymity issue next time and talk about it more. Because that came up a lot today and we haven’t addressed how we feel about the anonymity totally.”

**Commissioner Gwin** said, “That’s one of those things I have on the list.”

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**Commissioner Norton** said, "I don't know if we put that on as an agenda item, separate from this but somehow we need to talk about that and come to some conclusion."

**Commissioner Sciortino** said, "Is there a reason not to talk about it right now?"

**Commissioner Norton** said, "Well, certainly we can, but I want to be sure that we do talk about it at some point. If today's the day, that's fine."

**Chair McGinn** said, "I'd be happy to visit about it today."

**Commissioner Sciortino** said, "Well, let's keep talking about it. We've got it here on the table. I've sort of made my position made. I don't know if it was clear or not."

**Chair McGinn** said, "I guess I'll share my view on that, for what it's worth, and see if there's any support. I agree with the comments that Commissioner Sciortino made before lunch about knowing your accuser and that type of thing. What I'd like to see is that perhaps if someone turns me in and I call up Code Enforcement and say, 'I want to find out who turned me in', then maybe I can't have that answer but I think, for our own internal checks and balances, based on the things that we heard. Code Enforcement driving by and that kind of thing or Animal Control saw them, so they sent somebody out. I would like to have some internal tracking, so I think that when someone does call in, I think they should have to perhaps give their name and that type of thing, for our own internal information. That would be one way to go about it. Because I think we need to know when people say, 'who's making all the calls' well, can we say, 'it's 70% neighbors' and it's whatever but that way it gets it off of Code Enforcement just driving around do that. You had a question."

**Ms. Hart** said, "Our legal advise was that we couldn't be sure that those names would not become public information. That it wasn't clear that that name would always be kept confidential and internal. That if the case went to court, those are public records and there is some concern we couldn't keep them . . ."

**Chair McGinn** said, "I'm just throwing these out because I want to hear what you guys are thinking. The other thing that was mentioned was if I want to complain, make a complaint on my neighbor, that I need to drive down to Code Enforcement. If it's that serious, I ought to drive down to Code Enforcement, fill out a form and that type of thing. I'm okay with that, but as long as let's say I'm 80 years old and I can't drive. Something is available that Code Enforcement will mail out the form to them and they can mail it back, that type of thing. So, I don't want transportation to become an issue for people that feel they need to turn someone in for the public good."

**Ms. Hart** said, "If I could add, the compromise from the committee was that we collect more

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information about the characteristics of the caller up front and try that for a while and just see what kinds of calls we're getting. Are we getting them from neighbors? Is that the predominant complainant but let's get some characteristics and find out how big a problem this is. Maybe it is neighbors that don't want their names known or maybe it is realtors driving by, trying to sell property. But collecting that information and evaluating it, after a period of time, would give us more information on which to make such a decision."

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

**Commissioner Sciortino** said, "Thank you, Madam Chairman. The point that I was trying to make was that if we were to be able to craft something legally that would mandate a person calling in with a complaint, or to advise us of their opinion that somebody's in violation of one of our laws, that we do ask them to come in and sign a form. My thinking process there was that that would eliminate a lot of the just casual or vindictive and I think really reduce the volume of the complaint calls.

"One thing that was pointed out to me and I believe our County Counselor, because I had talked to him about this a day or so ago, and there isn't a unanimous agreement within our County Attorney's Office as to whether or not that would be public record or not. I think I would be comfortable with what the task force had agreed. Try to get as much detail that we can right now, but perhaps we could instruct our County Counselor to get an attorney general's opinion as to whether or not, if we did get a signed complaint, would that be public record or not. Now, if it would be public record, then I would withdraw my support of that.

"If it could be given us some assurance that that information would be just for internal use and it would not be public record, so that the public would not be intimidated not to call us, then I would be supporting something, even with the compromise of a senior or somebody incapacitated. But perhaps right now we could just take the task force recommendation of trying to garner as much addition information as possible from the complainants that are calling in and maybe do try to get an attorney general's opinions that if we did get a signed complaint, could that be held in confidence, and I don't think that's anything more than requesting the attorney general's opinion. They don't charge us for that, do they?"

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

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

**Commissioner Gwin** said, "Thank you. My sense is that this issue came because of what some

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perceive as over-zealous enforcement from County staff. And my sense also is that if we do in fact collect information on calls, whether they are on complaints filed, whether they're from the public at large, or whether they are from a county employee. I think each has a responsibility to report what they see. But if we would collect information on where the source of those complaints originated, whether it's county personnel who are out doing their job or whether it's the general public who sees what they perceive to be a problem, then I think we can demonstrate to those who think or who may in fact have a point, I don't know. I think then we can demonstrate to those folks who brought this forward that here are the sources of those complaints. I don't know what those numbers would be. I have no idea of knowing what that is. But we have employees who are tasked to do their jobs and I'm not going to tell those employees to quit doing their job. I mean, I might as well fire them if that's the case. I'm certainly not going to limit an individual's right to call and say what he or she believes is a problem to our community.

“So, I guess my recommendation on this would be to try to collect data and see the source of the complaints and then let's evaluate it and if it does appear that we have over-zealous enforcers, then maybe we need to have some discussion about what's the appropriate way to do our jobs within this organization. I think that's the fair way to do it. I suspect that the public at large does make a lot of these calls and I suspect we hear from neighbors a lot but I don't want those neighbors ever put in a position where they're going to be the receiver of harassment back to them because they cared enough about their neighborhood to call.

“So, I'm not so interested right now on who the person is or where he or she lives, but whether or not that complaint came from the public or whether that complaint came from a County employee doing his or her job. And so, I have no problem collecting that kind of information and kind of seeing where we are. I mean, if I feel strongly I want to go down and sign my name and address and give you everything in that data collection that might be helpful to you, that's fine. But otherwise, I think we just need to start evaluating. See who brings the complaints. I think that will tell us a lot. Thank you.”

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

**Commissioner Winters** said, “Thank you. Well, I think I pretty much agree with Commissioner Sciortino and Commissioner Gwin. It does trouble me a bit, though, that we hear so much about this issue of the anonymous complainant and I'll probably get in a little bit of trouble by trying to draw a couple of examples. But it's . . . Commissioner Sciortino did that this morning. It's as if I had somebody driving by my house every morning at 90 miles an hour and I called the Sheriff and say,

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‘come and look’, and the Sheriff catches the guy driving 90 miles an hour. That’s not turning the person in to the Sheriff’s Department. As the complaint, I’m not involved in that issue. It’s between the Sheriff and the driver of the vehicle who was driving 90 miles an hour.

“The same way in our animal control. We have a prohibition against dangerous exotic animals. You can’t have a lion and a tiger in your backyard in a chicken coop. Now, if your neighbor calls up and if somebody does have that and somebody calls and issues a complaint to Animal Control that someone has a lion and a tiger, the complainant is out of the picture. It’s not between the complainant and the property owner. It’s between the property owner and Sedgwick County. And it’s the same way with these issues. The complainant is not the problem. And I’m not a legal expert but it doesn’t have to do with being able to see your accuser and have your accuser give testimony. The issues are are you in violation of County ordinance or are you not.

“And I’m troubled that that’s so confusing, because we’ve heard from lots of people, today and in the past, on this issue. So, I’m pretty much coming down on the side that the issues are not between someone who makes a complaint and someone who is perhaps in violation of the law. Those issues are between the property owner and Sedgwick County. So, one issue may be to take some additional information, through the process of any telephone calls that are made. I just want to be clear, and I think we are, clear to Code Enforcement that we’re not going out to trying to find cases. We’re not going out to try to gin up opportunities to write citations. We’re just there to do the job that we’ve got and we’ve got plenty of things to do without doing that. So, I’m one that’s not going to be in favor of adding anything into this resolution to directly address that.”

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

**Commissioner Sciortino** said, “Thanks, Madam Chairman. Rich, just a point of order. I don’t know. I spoke up toward, I’d like to see an attorney general’s opinion. Does that take a motion where three out of five of us have to get that or can one commissioner want an attorney general’s opinion and would that suffice? How does that work?”

**Mr. Richard Euson**, County Counselor, said, “It merely takes a consensus of a majority of you.”

**Commissioner Sciortino** said, “Well, I would like to see if there’s any support for my position about trying to clarify, if we were ever to go to the next step of wanting signed, can we protect the anonymity and I think we would need an attorney general’s opinion. It’s my understanding it doesn’t cost us anything. We just merely request that of them. I’m glad you all support this position of anonymity, because there was a confusion there. But my reasoning behind wanting to consider getting a signed complaint is two-fold. One, I think it will cause a lot less work on our Code Enforcement, because the presentation that Irene said, a full 30% of the complaints that we go out and see we find to be just without merit, but it still took time and effort to go out there and to look at it. If we make it a little bit more proactive, where they have to come in, if they can, and sign

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something maybe it will reduce these superfluous complaints because ‘I’m mad at this guy so I’m going to get at him and just try to throw as much stuff against the wall just to cause his life or her life to be miserable’. I would like to see if you all would support me in maybe getting an attorney general’s opinion to see if we did have a signed complaint, could that be withheld from public record. I’ll leave that up to at least two of you to agree or not. That’s all I have. Thank you.”

**Chair McGinn** said, “Commissioner Norton.”

**Commissioner Norton** said, “I happen to agree with Ben. I think frivolous accusations are what we’re talking about here, and certainly in a court of law you have the right, if someone continues to make a frivolous accusation, to defend yourself. Hopefully, Code Enforcement will mitigate those before they get to that point. They’ll look at that and say ‘hey, there’s no substance to the accusation. We’re not going to cite it. We’re not going to even identify it as a problem’. The second part of that is I think we have to be prudent and certainly Code Enforcement has to be prudent that they don’t create frivolous accusations themselves. And if we can maintain that and have a code of ethics for our Code Enforcement department, I think both of those things will go away, whether we have anonymity or not. I think it really boils down to those two things. So, hopefully we have gotten past that. I think it would be interesting, and I would support you on your endeavors to find out what the attorney general says. That’s all I have.”

**Chair McGinn** said, “Well, I will support you to find out. All right. But I am okay with starting the first step and lets do some data collecting. I think that’s important and maybe that will solve many of our problems in itself and it will give us an idea of who is calling in. All right, well, Commissioners, I guess we need to try to make a motion.”

#### **MOTION**

Chair McGinn moved to adopt the Resolution inserting after 19-22A2, Item number three, the recommendation from the nuisance task force on screening standards and in that, Item B, we would insert the Kansas Statute on junkyard and salvage control and everything will be contingent on legal review. And add salvage materials in this as well where they would be screened as well.

Commissioner Norton seconded the Motion.

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

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**VOTE**

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

**Chair McGinn** said, “Thank you, Irene.”

**Ms. Hart** said, “We will be able to put that on the County website as soon as it’s in final form.”

**Chair McGinn** said, “Okay, you want to give the website to everybody.”

**Ms. Hart** said, [www.sedgwickcounty.org](http://www.sedgwickcounty.org)

**Chair McGinn** said, “Yes. I just want to take a moment here to also again thank the task force for the work that they did. I’ll just say, I’ll be quite honest here, you taught me a lot about inoperable vehicles. More than I ever thought I would really would want to know but it has been thoroughly a very good exercise of improving government and so, your input was certainly important. I think we have come a long ways. We may not have gone clear to the end someone may have wanted, but please understand, we are trying to find the balance of values for all our constituents, and so I think we have made progress and as Tim and some of my other colleagues have mentioned that, you know, this may be something that we have to come back and review next year or from time to time. So, thank you all for participating with this item. Clerk, call the next item please.”

**AWARD PRESENTATIONS**

**D. AWARD PRESENTATIONS**

- 1. PRESENTATION OF AWARD FOR OUTSTANDING ACHIEVEMENT IN POPULAR ANNUAL FINANCIAL REPORTING FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) FOR THE SEDGWICK COUNTY SUMMARY FINANCIAL REPORT FOR FISCAL**

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**YEAR ENDING DECEMBER 31, 1999.**

**Mr. Chris Chronis**, Chief Financial Officer, Division of Finance, greeted the Commissioners and said, "This is a presentation that has become fairly routine for this organization. In fact, it's the nineteenth consecutive year that we have received this award. The Certificate of Achievement for Excellence in Financial Reporting is an award of the Government Finance Officers Association to a select few local governments who achieve the highest standards of quality in the production of their financial reports.

"I'd like to ask Daryl Gardner, the County Controller, to come up here. As the CFO of the organization, I'm the person at the top of the org chart for finance, and so I get to claim credit. But Daryl Gardner and his staff are the people who do the work that has resulted in the County achieving this award for so many years. So, I would like to present this to Daryl Gardner."

**Mr. Daryl Gardner**, County Controller, greeted the Commissioners and said, "Thank you, Chris and thank you, Commissioners, for all your support in submitting us for this award. I would like to thank my staff, who some of them are here, Marty Hughes, Cindy Roeder, Teresa Moore and then Tammy Brandt also. All of them are significant in putting together the annual report and producing the numbers that go into it. Without them we would not be able to do such a fine document. Thank you."

**Chair McGinn** said, "Thank you, Daryl and for all of your staff that work hard on this to do this type of thing. I have a question on this, just a little bit. Is this something that every county, I guess, applies for? And I'd like to know how . . . if other counties receive this award as well?"

**Mr. Gardner** said, "This award is available to be applied for by any local government throughout the United State. Only about 10% of local governments actually receive the award. A higher percentage of that actually apply, but less than 50% actually apply for the award and only about 10% actually receive it."

**Chair McGinn** said, "Very good. Well, congratulations. Commissioner Winters."

**Commissioner Winters** said, "I just wanted to ask Daryl how long he'd been with Sedgwick County?"

**Mr. Gardner** said, "I've been here 18 years."

**Commissioner Winters** said, "Eighteen years. And I just wanted to say thank you and, I mean, you have the kind of institutional knowledge that an organization can't afford to easily give up and we have lots of new folks coming. We have new systems going, but the institutional knowledge

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that you bring to this organization is very valuable and, as Commissioners, we certainly appreciate that.”

**Mr. Gardner** said, “Thank you.”

**Chair McGinn** said, “You’re not finished yet. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Well, I just want to say, also, I’ve had some dealing with Daryl and some of his staff and he’s getting an award for one thing, but we all know that there have been a couple of other items that have happened just this last year or so that has substantially saved us hundreds of thousands of dollars just in some things that he has taken in-house as opposed to contract out and Chris is a little reticent to accept public compliments, but we’re always pretty quick to complain, but this is one issue that I think that the Finance Department literally saves the taxpayers a lot of money and they don’t get sufficient credit for what they do and I, for one, want to publicly compliment you.”

**Mr. Gardner** said, “Thank you, Commissioner.”

**Chair McGinn** said, “All right, thank you, Daryl. Next item please.”

**2. PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FROM THE GFOA FOR THE SEDGWICK COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING DECEMBER 31, 1999.**

**Mr. Chronis** said, “The award that we just discussed is given to local governments for, among other things, making an easily readable comprehensive annual financial report. Now, the document in question is about yea thick and it’s full of lots of statistics and financial information. I don’t know that anybody, other than an accountant, would ever characterize it as easily readable.

“This report, however, is what we commonly refer to as the popular financial report and it’s a very abbreviated summary of the key pieces of information from that larger comprehensive annual financial report. Sedgwick County has now received this award for Outstanding Achievement for Popular Annual Financial Reporting for two consecutive years. The work on this also is done by Daryl and his staff, but the document itself is largely put together by interns. And this year, the intern who drew the assignment and performed most of the work on this document was Nathan McCommon. So, I’d like to ask him to come up here, so that we can present this award to him, which doesn’t mean that he gets to take it with him when he leaves.”

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**Mr. Nathan McCommon**, County Manager's Office Intern, greeted the Commissioners and said, "Thank you. Well, I would say, like Daryl, that I didn't do this alone. I had a lot of help and it wouldn't be for me to accept this personally. So, this is indeed an award that belongs to Sedgwick County."

**Chair McGinn** said, "Thank you, Nathan. All right, Clerk, call the next item please."

### **NEW BUSINESS**

#### **E. DIVISION OF FINANCE.**

##### **1. PRESENTATION OF THE 2000 SEDGWICK COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT AND APPLICATION TO THE GFOA FOR ITS CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING.**

**Mr. Chronis** said, "Commissioners, I believe most of the people in the audience are in the family, as it were and I have a presentation which I've shared with you on an individual basis. As you know, it runs 15 or 20 minutes. I'd be glad to dispense with that and just do a very brief discussion, if that's what you prefer, in the interests of time."

**Chair McGinn** said, "I think we have consensus for a short briefing."

**Mr. Chronis** said, "What we are presenting today is the comprehensive annual financial report for the year that ended last December 31<sup>st</sup>. This is not the subject of the awards that we just discussed, but we believe that this report, similarly, will achieve the same award. The audit has been completed. We are a little bit slower this year than we have been in years past and for that I apologize. Even so, we are delivering the report, I believe, sooner than any other local government in the State. At least any that I'm aware of and for that I thank the staff, which has performed very diligently to produce the report so quickly.

"Once again, Daryl Gardner has performed most of the analysis and statistical production documentation. Tammy Brandt, in our office, performed most of the preparation on the computer system and so she deserves a lot of credit as well. We have received a clean audit. We finished the year, essentially, as we had forecasted, as is consistent with our long-range financial plan. We have no major danger signals staring us in the face. There are no horror stories. It's a good news story. We have a clean audit and our auditor, Mark Dick, is here in the room and will be glad to answer any questions that you might have. You have received the report and I will end the discussion at that. Answer any questions that you might have."

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**Chair McGinn** said, “Commissioners, are there any questions for Chris? Commissioner Winters.”

**Commissioner Winters** said, “I think I would like to maybe just have Mark Dick make a couple of statements to the same effect that Chris has. That his firm is our audit firm and they’ve completed that audit and what the results of that, briefly, are.”

**Mr. Mark Dick**, Auditor, Allen, Gibbs and Houlik LC, greeted the Commissioners and said, “Certainly. Happy to be here. As Chris pointed out, we completed the audit on February the 16<sup>th</sup> this year. That’s the earliest date of any public entity in the State of Kansas. I think this is about the third year that you’ve been able to achieve that. One of the things that I want to point out to you, that is the level of effort that it takes for your finance people to get this done. Our people, my staff come in to do the audit. We spend between 1,500 and 2,000 hours doing the audit, which was done February the 16<sup>th</sup>. For every hour that we spend, your staff spends multiple hours. They did an excellent job. You have some real finance professionals and I commend you for that.

“The other good news is that, financially, the County is in a very strong position. You manage your finances extremely well. We went through the audit. Basically, three things that we look for, very quickly. Are the statements fair? Are there any misstatements in them. We found no misstatements. Everything was fine. Did you have internal controls and did they work? Yes, they did. We had one minor exception with a federal program that got cleaned up. So, that was not an issue this year. Last but not least, did you comply with the multitude of regulations, both County regulations, State regulations and Federal regulations, with all your federal money. And yes, you significantly complied with all of those. So, you received an unqualified opinion, which is the highest level you can get and, again, I commend you and your finance staff for a job well done. Be happy to respond to any questions.”

**Chair McGinn** said, “Thank you, Mark. I don’t see any right now.”

#### **MOTION**

Commissioner Gwin moved to Receive and file the Report; approve the Application and authorize the Chair to sign.

Commissioner Sciortino seconded the Motion.

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

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**VOTE**

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

**Chair McGinn** said, "Thank you, Mark, for being here today. Next item."

**2. CONTRACT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR FUNDING AND OPERATION OF THE EXPLOITED AND MISSING CHILDRENS UNIT.**

**Mr. Marty Hughes**, Revenue Manager, Accounting Department, greeted the Commissioners and said, "This afternoon we have an agreement for your consideration with the Kansas Department of Social and Rehabilitation Services. Historically, they've provided one-third of the cost share of materials, supplies and operating expenses for the Exploited and Missing Children's Unit. This contract renews the cost-share arrangement with SRS through 2001. The contract could be renewed annually, in writing, subject to mutual agreement with the parties. Based on the 2001 EMCU budget, one-third of the costs of operations for the Exploited and Missing Children's Unit for 2001 should run about \$33,437 and that's one-third of their 2001 budget of \$100,312. So, I recommend your approval on this. I might also add that while one-third of the cost does come from SRS, another third comes from the City of Wichita and then, of course, Sedgwick County provides a third of the cost. So, it's a shared arrangement for operating the EMCU. I recommend you approve the agreement."

**Chair McGinn** said, "And I guess Sheriff Steed has reviewed this is all okay with this."

**Mr. Hughes** said, "Yes. He put it in their 2001 budget."

**Chair McGinn** said, "Commissioners, do I have a Motion?"

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**MOTION**

Commissioner Gwin moved to Approve the Contract 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	Aye
Commissioner Tim R. Norton	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

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

**3. AMENDMENT TO THE 2001 CAPITAL IMPROVEMENT PLAN (CIP) TO INCLUDE REMODELING THE ADDICTION TREATMENT SERVICES BUILDING LOCATED AT 940 NORTH WACO.**

**Mr. Pete Giroux**, Senior Management Analyst, Budget Department, greeted the Commissioners and said, “I have two CIP amendments for your consideration today. The first is an amendment to the 2001 CIP to remodel the Addiction Treatment Services building and the second is an amendment to the 2000 CIP concerning the replacement of Heating Ventilation Air-Conditioning system in the main building of the Judge Riddel Boy’s Ranch.

**POWERPOINT PRESENTATION**

“Addiction Treatment Services is located at 940 N. Waco. It provides services to an average of 600 clients monthly. Many of those make multiple visits for both counseling, testing and group meetings. It’s a leased facility. We’re in the first year of that five-year lease.

“Here’s an idea of the number of people that enter that building. You can see it’s a very busy facility. There are a number of different programs that participate with us here. A lot of these are reimbursed, for your information. There has been significant program growth, especially for adolescents and parents. Some of the group meetings have been forced elsewhere and the existing three group rooms in the facility didn’t meet needs. In addition to that, the facility needed attention.

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It's a bit of a maze. I think I've heard some of you say that and there was a lot of wasted space in the hallways.

"Here's what the project does. It provides five group meeting rooms. Maintains the 21 offices. Improves the HVAC system. Adds an ADA bathroom and also improves our security and our ability to get this reimbursement. Staff believes it compares favorable with the alternatives. It greatly improves the program capability, fixes all the building deficiency and it can be accomplished in phases without too much impact on programs. The funding is from available grant funds. Both staff and the CIP Committee recommend approval. Do you have any questions?"

**Chair McGinn** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "Tell me a little bit more about amending the 2000 CIP. Are we adding money into the 2000 . . . I mean, the 2000 is already gone."

**Mr. Giroux** said, "This is . . . CIP funds are non-year funds and until the program is completed, funds remain in those funds. This is a 2001, this is a new project added to the 2001 program. The other program was an approved CIP project for the 2000."

**Commissioner Sciortino** said, "Yes, but I want to talk about the word 'amending the 2000 CIP'. What did you mean by that?"

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "That's the next project."

**Commissioner Sciortino** said, "I'm sorry. That's after this one. So, this one we're adding two hundred and some odd thousand dollars to our 2001 budget and it's coming from grant monies, one hundred percent?"

**Mr. Giroux** said, "Yes."

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

**Chair McGinn** said, "Okay, before we move forward, did you have a question right where we're at?"

**Commissioner Norton** said, "Yeah, right where we're at. Thanks. Talk a little bit about what's going to actually happen to the building. I know you're going to move some stuff forward and push some staff back. Kind of tell us about what exactly is going to be done."



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

**Chair McGinn** said, "Next item."

**4. AMENDMENT TO THE 2000 CIP FOR WORK RELATED TO INSTALLATION OF AN HVAC SYSTEM AT THE JUDGE RIDDEL BOY'S RANCH AIR CONDITIONING PROJECT.**

**Mr. Giroux** said, "This is the 2000 project and this is a change in scope, a proposed change in scope to that project. It was originally funded at 80,000. And as you may be aware, this building was built in 1960 and it had motel-style, through the wall, air-conditioning units that were probably inadequate when they were originally installed. They've incrementally installed a variety of different air-conditioning systems in the building and, principally, this system is augmented with window-style units that are on one side of the building.

"The through the wall units no longer have all the replacement parts available. Two of those nine units are inoperable. They've been cannibalized for parts. The design, the replacement system is a good long-term solution. They have exterior heat exchangers and they install ducting to get proper air flow into the facility and that was especially evident if you go into some of the classroom areas where, for instance, there's a fan that blows air out onto one of the servers in the computer classroom.

"Because of the complexity of the design, there was significant sheet-metal work and penetration of the walls. And unfortunately, the bid exceeded the architect's estimate. Our proposed solution to this is to . . . and we've gone ahead and pursued this solution, was to have Facility Project Services staff negotiate with the low bidder and determine what was possible within the available funds. And that is completion of three of the nine zones and air-conditioning the highest priority area and that's the computer classroom and some of the adjacent offices. We would propose to come back and accomplish the remainder in the 2002 CIP. Again, the funding is from the available budget. And staff and the CIP Committee recommend approval. Do you have any questions?"

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**Chair McGinn** said, "Yes. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. I'll ask the same question, because in listening to what you said, it didn't appear to me there needed to be an amendment, because it was budgeted at 80,000. We had 68,000 left and the contractor agreed to build three of the nine units just using the amount of money that was left. Is that what you just told us?"

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

**Commissioner Sciortino** said, "So, what are you amending?"

**Mr. Giroux** said, "What we did was reduce the scope of the project. Rather than being able to complete the entire building, we're going to have to do it in two phases."

**Commissioner Sciortino** said, "But wouldn't that be a new Capital Project for the year 2002 or how does that . . .?"

**Mr. Giroux** said, "The second phase, yes sir, will be a new Capital Project for 2002. But, again, this one has been reduced in scope and that's not what you originally approved in 2000."

**Commissioner Sciortino** said, "Okay, so the amendment is the money stays the same in 2000 but instead of it being a completed project, it's only three-ninths completed."

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

**Commissioner Sciortino** said, "All right, I understand now. Thank you. That's all I had."

**Chair McGinn** said, "Okay, Commissioners, are there any other questions? If not, what's the will of the Board?"

### **MOTION**

Commissioner Gwin moved to Approve the CIP amendment.

Commissioner Norton seconded the Motion.

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

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**VOTE**

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

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

**E. CREATION OF A STORM WATER MANAGEMENT DEPARTMENT.**

**Chair McGinn** said, "Commissioners, I would like to have this item deferred for one week, for further . . . two weeks?"

**Mr. Buchanan** said, "We want a short meeting next week."

**Chair McGinn** said, "Was two weeks okay with everything else? Okay, two weeks."

**MOTION**

Chair McGinn moved to defer Item F for two weeks.

Commissioner Winters seconded the Motion.

**Commissioner Gwin** said, "Why?"

**Chair McGinn** said, "Well, and I guess, I don't know what's on the agenda for next week. So, I mean if . . ."

**Commissioner Gwin** said, "No, that's fine."

**Chair McGinn** said, "I didn't know if . . . I mean, we're in the discussion time so . . ."

**Commissioner Gwin** said, "No, I'm okay."

**Chair McGinn** said, "And all I was going to share is, after we receive more information, it may not take a lot of discussion from the Bench but . . ."

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**Commissioner Gwin** said, "Right. No, that's fine. I can concur."

**Chair McGinn** said, "Two weeks. Okay. I have a Motion and a second. Clerk, call the vote please."

**VOTE**

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

**Chair McGinn** said, "Excuse me. I guess it's too late now. I don't think next week is the week that we wanted the short meeting. It was the 25<sup>th</sup>."

**Mr. Buchanan** said, "The 25<sup>th</sup>. I'm sorry. I'm a week ahead."

**MOTION TO RECONSIDER**

Commissioner Gwin moved to reconsider Item F.

Commissioner Sciortino seconded the Motion.

There was no discussion. The vote was called.

**VOTE**

Commissioner Betsy Gwin		Aye
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, "Now, can I have a Motion to defer for one week?"

**MOTION**

Commissioner Gwin moved to defer Item F for one week.

Commissioner Sciortino seconded the Motion.

There was no discussion. The vote was called.

**VOTE**

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

**Chair McGinn** said, "Thank you. Thank you, I think. Next item."

**F. PARTICIPATION IN THE 2001 BULLET-PROOF VEST PARTNERSHIP PROGRAM OFFERED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAM (OJP), BUREAU OF JUSTICE ASSISTANCE.**

**Major Jackie Stewart**, Sedgwick County Sheriff's Department, greeted the Commissioners and said, "Today I have a request for the approval for the Sheriff's Department to participate in the 2001 Bullet-Proof Vest Partnership Program that's offered through the U.S. Department of Justice. This will be the third year that we've participated in this particular program. Basically, the program offers a 50% reimbursement costs to registered jurisdictions. This year, the Sheriff's Department needs to replace approximately 50 bullet-proof vests for our officers. Total cost, without participating in this program, would be approximately \$26,000. With your approval here today, the registration can all be done on-line, so there's no paperwork for anybody to sign here today."

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

**MOTION**

Commissioner Sciortino moved to Approve jurisdiction registration and authorize the Chair or her designee to complete the registration process through the OJP Vest Web Page.

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Commissioner Norton seconded the Motion.

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

**VOTE**

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

**Mr. Buchanan** said, “Madam Chair, one of those vests will be put in the hall, outside the Commission Office for staff when they come with agenda items.”

**Chair McGinn** said, “I was thinking maybe the other way around. You know, sometimes you guys hurt us once in a while. Thank you, Jackie. This is a very good program. Next item.”

**F. AGREEMENT WITH WICHITA RADIO CONTROL CLUB FOR USE OF LAKE AFTON PARK APRIL 20-22 AND AUGUST 25-26, 2001 TO HOLD SPECIAL EVENTS AND AT VARIOUS TIMES TO HOLD PRACTICE AND HOBBY RUNS OF RADIO CONTROLLED MODEL AIRCRAFT.**

**Mr. Jarold Harrison**, Assistant County Manager, greeted the Commissioners and said, “This is the same agreement we’re had for over a decade and we would recommend your approval.”

**MOTION**

Commissioner Gwin 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.

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**VOTE**

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

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

**I. DEPARTMENT ON AGING.**

**1. CONTRACT WITH ASSOCIATION FOR RETARDED CITIZENS TO PROVIDE A SEIZURE DISORDERS PROGRAM.**

**Ms. Annette Graham**, Director, greeted the Commissioners and said, "I bring before you today a contract for the Association for Retarded Citizens Seizure Disorders Program, which is a new program that will provide education, training, case-management on epilepsy. This will increase awareness through educational outreach in the school system with the School Alert program, case-management, life-coping skills, workshops for persons with seizure disorders, inservices to Aging providers, such as senior centers and assisted living facilities, news letters and participation in community affairs.

"The contract is for \$10,540 and it is within the 2001 Physical Disabilities budget, as approved by the Board of Sedgwick County Commissioners previously. A Physical Disability provider ceased operations earlier this year and those funds are being reallocated to this program. This has been reviewed by Legal and we would recommend approval and authorize the Chairperson to sign."

**Chair McGinn** said, "So, Annette, we're taking it from a provider we would have paid and doing it ourselves?"

**Ms. Graham** said, "We had another provider doing a different service, Deaf and Hard of Hearing Services ceased operations and closed their doors earlier this year. This funding had been allocated to them. So, the advisory board reallocated the funding to a new program."

**Chair McGinn** said, "Okay, thank you. Commissioners, what's the will of the Board?"

**MOTION**

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

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Commissioner Norton seconded the Motion.

**Commissioner Sciortino** said, “If I could just ask one question. What happened to the service that we were hoping to provide for the deaf and hard of hearing people?”

**Ms. Graham** said, “That service was no longer available. They were the only service provider in town doing that, of the non-profit. We had a for-profit company come and present to the advisory council a somewhat similar service, but the advisory council recommended funding this new service.”

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

**Chair McGinn** said, “Is there any other discussion. Clerk, call the vote.”

**VOTE**

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

**Chair McGinn** said, “Next item.”

**2. AGREEMENTS (TWO) PROVIDING COMMUNITY SERVICE COORDINATION FOR QUALIFYING FRAIL OR AT-RISK ELDERLY INDIVIDUALS.**

- **MAE FIELDS**
- **JODY LUJAN**

**Ms. Graham** said, “I bring before you today two contracts for community service coordination, which are for fiscal year 2001. Community service coordination is in its third year as a program provided by the Sedgwick County Department on Aging. Clients served are age 60 and over who have needs that cannot be met through the information and assistance telephone service and who are not in need of more long-term case management. Services provided are in Sedgwick County. These contracts will be paid through the allocated mill levy funds and the two contracts are with

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Jody Lujan and Mae Fields will be community service coordinators in the community. We recommend approval and authorize the Chairperson to sign.”

**MOTION**

Commissioner Gwin moved to approve the Agreements 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	Aye
Commissioner Tim R. Norton	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

**Chair McGinn** said, “Next item.”

**3. FISCAL YEAR 2001 AREA PLAN REVISION, TO BE SUBMITTED TO THE KANSAS DEPARTMENT ON AGING.**

**Ms. Graham** said, “Each year, the Central Plains Area Agency on Aging submits an area plan to the Kansas Department on Aging which details how the area agency plans to spend federal dollars in the fiscal year of October 1<sup>st</sup>, 2000 through September 30<sup>th</sup>, 2001. An area plan revision is submitted to reflect changes in the plan, such as decrease in funds or changes in the way funds are actually allocated and spent.

“This revision is required to be submitted to the Kansas Department on Aging and it is usually a housekeeping revision. It corrects any changes in line-items that would result in the lost of federal funding. We had some minor changes this year that are reflected in the Area Plan Revision. Reallocation of money to add personal care to Harvey County, a reduction in one program, Respite Services in Harvey County, to meet adequate proportion, which is a requirement from the Kansas Department on Aging. They set those adequate proportions. Addition of \$4,784 in reallocated

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money to a nutrition program. Reallocation of \$8,409, due to Via Christi dropping their health screening programs and new providers were selected for Butler County Health Promotions and Health Screenings as per K.D.A. policy. Reallocation of Via Christi funds to Wellness Professionals and Prairie View for health screenings. Reassignment of services previously performed by Butler County Department on Aging, a total of \$2,000 reallocated to Wellness Professionals and a total of \$7,405 reallocated to Wellness Professionals.

“Those two changes were based on K.D.A. recommendation to keep us within federal policies. Both of this area plan revision has been approved by both the Butler and Harvey County Commissioners and by the Central Plains Area Agency on Aging advisory council. We would recommend approval and authorize the Chairperson to sign.”

**Chair McGinn** said, “Commissioners, do I have a Motion on this?”

**MOTION**

Commissioner Winters moved to Approve the Area Plan Revision and authorize the Chair to sign

Commissioner Gwin seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, “Thank you, Annette. Now, we will move to Item J-3.”

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- 3. CONTRACT WITH MEDIATION CENTER OF WICHITA TO PROVIDE MEDIATION SERVICES FOR DISTRICT COURT CASES.**
- 4. AGREEMENT WITH CITY OF WICHITA, KANSAS PROVIDING WICHITA TRANSIT SERVICES IN AND AROUND OAKLAWN IMPROVEMENT DISTRICT.**
- 5. AGREEMENT WITH COMMUNITY HOUSING SERVICES/WICHITA-SEDGWICK COUNTY, INC. PROVIDING OPERATING CAPITAL TO SERVE THE OAKLAWN/SUNVIEW AREA.**
- 6. AGREEMENT WITH MID-AMERICA WORLD TRADE CENTER INSTITUTE TO PROVIDE PROMOTION AND FACILITATION OF INTERNATIONAL TRADE IN THE STATE OF KANSAS.**

**Ms. Hart** said, "Item J-3, J-4, J-5 and J-6 are all contracts that are renewed from last year. Mediation Center for mediation services. J-4 is with Wichita Transit for bus service to the Oaklawn community. Community Housing Services, their annual operating grant and World Trade Center, their annual operating contract. I didn't know if you wanted to take all four of those at once or not."

**MOTION**

Commissioner Winters moved to approve the Contracts for Items J-3, J-4, J-5 and J-6 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	Aye
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, "Next item."

**7. FUNDING OF 21<sup>ST</sup> CENTURY COMMUNITY GRANT APPLICATIONS (SIX).**

**Ms. Hart** said, "Those are the six communities and funding as recommended to you earlier, outlined in your staff meeting. I can go through those one at a time, if you wish."

**Commissioner Gwin** said, "For the record, please read the city and the amount."

**Ms. Hart** said, "Bel Aire, \$5,000 for comprehensive planning, Maize, \$5,000 for comprehensive planning, Goddard \$5,000 for comprehensive planning, Sedgwick \$5,000 for drainage planning, Mulvane \$4,000 for transportation planning, Derby \$1,000 for river-front planning. A total of \$25,000."

**Chair McGinn** said, "Okay, Commissioners?"

**MOTION**

Commissioner Gwin moved to approve the recommended funding.

Commissioner Winters seconded the Motion.

**Chair McGinn** said, "I have a Motion and a second. Commissioner Winters."

**Commissioner Winters** said, "Thank you. I really think that helping these small communities, particularly with this comprehensive planning, is very worthwhile. Sometimes it's a tough job for smaller cities to think about planning and spend their precious tax dollars to do future planning for their cities and I would ask that you would even somehow copy in the Metropolitan Area Planning Department, Marvin particularly, and let him know, as part of our operation, we're helping smaller communities in Sedgwick County work with their Comprehensive Plans. I think he should know that."

**Ms. Hart** said, "Okay. He participated in the review of the applications and also recommends this."

**Commissioner Winters** said, "Okay, well if you would verify with him that we've taken that action and that you've been asked to contact him, I'd appreciate it."

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**Ms. Hart** said, "I'll do it."

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

**Chair McGinn** said, "Thank you. And I want to echo your comments. I think this is a step in the right direction for our small communities. We're seeing that with the larger small communities, they're doing that, but I'm starting to see the next size coming up, the ones around getting close to that 5,000 level that's starting to do this and seeing how that's very beneficial for their growth. Especially in this County, with the kind of growth that we're experiencing all over. They want planned growth."

**Ms. Hart** said, "Once again this year, we'll pull the checks and let you know. In the past, often times, Commissioners have made presentations at the council meetings. So, we'll pull those checks and try to arrange that for you."

**Commissioner Gwin** said, "That's what I was going to ask about. Just let us know when we get to present them."

**Chair McGinn** said, "We have a Motion. We have a second. Have we voted? Clerk, call the vote."

**VOTE**

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

**Chair McGinn** said, "Thank you, Irene. Are you done yet? So, you're enjoying the day, too. Next item."

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### **8. PRESENTATION REGARDING THE YARD WASTE PILOT PROJECT.**

#### **POWERPOINT PRESENTATION**

**Ms. Susan Erlenwein**, Director, Environmental Resources, greeted the Commissioners and said, “I want to quickly review the Yard Waste Pilot Project. You’ve received a copy of the final report. The Yard Waste Pilot Project received funding from the Kansas Department of Health and Environment with over \$56,000 in grant form. We ran it from April 1<sup>st</sup> through November 30<sup>th</sup> of 2000 so that we could get the three seasons of grass clippings and leaves. The purpose is to help prepare for the ban of grass clippings and fallen leaves which will take place January 1<sup>st</sup>, 2003. The pilot project compiled data on current yard waste management practices, the disposal alternatives that are available to the public and allowed our department to help develop education programs. All of you also received a pamphlet that we helped develop after doing this project with good information for the citizens.

“Methodology, first we had to pick two neighborhoods at random. We picked one neighborhood that had newer homes with larger lots and few trees and an older neighborhood with small lots and large trees, so that we could get a good comparison. The newer neighborhood was Beacon Hill area, which is located east of Oliver and south of 29<sup>th</sup> Street North. The older neighborhood with the larger trees is Schweiter Park, which is east of 135 and around the Lincoln Street area. We had really good participation in this. We sent surveys out to over a thousand homes in both areas to determine what current practices were in maintaining the yards. We then selected 400 residents at random from each neighborhood and we divided them into four groups. One group was given the task of composting, another mulch mowing, another having curb-side collection and fourth, which they didn’t want to do, was self-haul to a compost facility.

“To quickly review those, we developed a RFP (Request for Proposal) to have a waste hauler collect the yard waste. Wichita Sanitation received that. They provided 90 gallon carts to 100 residents in each of these neighborhoods, collected on a weekly basis. We developed a form for them to fill out to know how much material was in each cart when they took it to Wood Recycle Center, who also was selected through RFP process. They also noted the amount of weight coming in through this program.

“Group two, the self-haulers, were given bio-degradable bags to self-haul the material to Wood Recycle and Compost Center and they recorded the weights there. The type of bags was dictated by the center. Normal plastic bags would not compost, so we had to get specific bags for this process.

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“Group three received compost bins. The Solid Waste Committee reviewed different types of bins and selected the bin to be used in this program. It was given to 100 participants in each of the neighborhoods. Unfortunately, the bins were a bit on the small side and that proved to be a problem in the compost process. And mulch mowing, 100 people in each neighborhood were able to buy mulching blades for their current mowers and reimbursed them up to twenty dollars for those blades. What we discovered, however, is that many of the neighbors already had mulching mowers or blades for their mowers, so not that many took us up on this offer.

“One of the results that we found was with the composting. People complained about the size of the bins. They liked doing it, to a certain extent, but it took a lot of work. Elderly people did not like it as much as younger and, in fact, we had them call up and say, ‘We’d like to have more bins’. Some households ended up with four bins to handle their materials.

“Mulch mowing did turn out to be the most popular method of handling the yard material. Many participants in other categories switched to the mulch mowing as the choice, and as I mentioned, they already had blades in the most part. We had people switching from free curbside collection of the yard waste to mulch mowing, because they didn’t like the idea of bagging it and the hassle it took to put it into the cart.

“As I just said, mulch mowing was the most preferred method. It took less amount of time to mow the grass, less work. One of the education points that we found said people at the start thought, ‘Well, mulch mowing takes too much time’. It does not. They thought they’d have to mow their yard more often. It turns out they mowed it once a week. Or they complained about the type of grass, ‘Gee, my grass won’t mulch mow’ and it turned out it did. So, this got through some of the fears that they started with.

“Composting was, again, time consuming and the bins were too small and some people ended up with extra compost that they didn’t have gardens, ‘What do I do with this. Which neighbors can I give it to’.

“Curbside collection, it was extra work and extra time. They had to put the bag on, take it off, put it in the cart and even though it was free, through this grant provision, we had people saying ‘pick up the curbside cart. I don’t want it. I want to mulch mow.’ We also had, even though the neighbor had it, they’d go by, with Wichita Sanitation, and find the cart was empty. Only 15% of the people in Beacon Hill who were provided the carts actually used them. They preferred to mulch mow. Forty percent in Schweiter Park used the carts.

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“Self-hauling, the least preferred method of those. Self-hauling, they only did it for about five weeks and stopped doing it. The bags bio-degrade and that means, if you leave them out in the sun too long they bio-degrade. You pick them up, the bag rips. So, it’s not popular for people to do this. And in the end, what we discovered is they’re willing to mulch-mow. Larger composters are needed and we did provide directions to people if they want to build their own. You don’t have to go out and spend a lot of money to compost. And Schweiter Park, we had more participation and more yard waste in than we did in Beacon Hill.

“And conclusions, it was a successful program. We did develop educational material and it showed that a ban in grass clippings and fallen leaves will be able to be accommodated by the public. Thank you. I tried to go through that quickly. I’d be happy to answer any questions.”

**Chair McGinn** said, “Very good, Susan. Commissioner Gwin.”

**Commissioner Gwin** said, “Besides the difference in Beacon Hill and Schweiter for lot size and number of trees, you have a demographic difference there, too. Did you all study that, to find out demographically, the differences? It would seem to me that Beacon Hill would be younger families and Schweiter might be older.”

**Mr. Erlenwein** said, “That’s correct and what we discovered is the younger families, we feel, were caught up in school activities and were not as able to fill out our reports and respond to them, where we had more dedication from the Schweiter Park area and more participation. We held workshops in both neighborhoods, before and after the program. We had more people show up in the Schweiter Park area for the workshops. So, overall, they had more participation.”

**Commissioner Gwin** said, “And see, I’m thinking the difference between the mulch mowing, composting or bagging and having it taken off, you said there were more folks in Schweiter who still would bag the grass clippings and have the hauler come by and I think that may be relevant to age.”

**Ms. Erlenwein** said, “I think part of that is the fact that that’s how they were chosen, at random, to do and they said, ‘This is my task and I’m going to do it’. And other people would call us and say, ‘Even though this is my task, can I please change to mulch mowing?’”

**Commissioner Gwin** said, “I see. Okay. Because, you know, in some of these discussions about the yard waste, the issue for some many people is, ‘that’s the way I want my yard to look’. I want to rake my yard and I want to bag it up. That’s the way I’ve always done it and the same with the leaves and those kinds of things.”

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**Ms. Erlenwein** said, "In fact, in some of the cases in Schweiter Park, even with the curb-side collection of yard waste, they said, 'I don't want to push a cart that heavy, filled with grass clippings and leaves'. I preferred to mulch mow. I don't want to hassle, pushing the cart out to the curb. So, it became an issue of weight and age factor."

**Commissioner Gwin** said, "Well, I'm thinking on the education side of this, how you're challenged to get folks to re-think the way they've always done it."

**Ms. Erlenwein** said, "It's changing habits and perceptions as well, because they found out, 'Gee, I can mulch mow my grass and it didn't kill it'. I'd like to thank Kelly Schott, of my staff, who was put in charge of this project. I think she did a great job of working with the neighbors and getting out there and doing the workshops and developing the RFPs."

**Chair McGinn** said, "Very good. Commissioner Winters."

**Commissioner Winters** said, "Thank you. Two quick things, Susan. I'm sure the folks in Schweiter Park have a lot of very nice yards, but I would also assume that the people in Beacon Hill, a newer area, might have more manicured yards or kind of a uniformity. Did they really accept the mulch mower concept? Because so many of the folks that you see that have the really high intense yards say, 'Well, I can't mulch mow'."

**Ms. Erlenwein** said, "Yes, they did."

**Commissioner Winters** said, "So they, after they got in a project, even though a lot of them didn't participate, they were able to accept the mulching blades on their mowers."

**Ms. Erlenwein** said, "Yes, they did."

**Commissioner Winters** said, "Okay. Do you have any other such projects planned for the future or . . .?"

**Ms. Erlenwein** said, "As we get into following the percentage of people recycling, what we'd like to do is apply for a grant to the State for recycling and pay-as-you throw program. And I'll have a pilot project on that as well."

**Commissioner Winters** said, "Well, I know I was very supportive of this project last year and was one of those that was pushing for us, even though we got kind of a late start. So, I want to say thank you to you and your staff that we were able to get this done. I do appreciate it."

**Ms. Erlenwein** said, "You're welcome."

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**Chair McGinn** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Madam Chairman. You said something that was a little confusing. Were we taking people that were already mulching and asking them to bag, switch it around? What were we doing?"

**Ms. Erlenwein** said, "One thing the State required, through their grant, was that the people were picked at random to participate in this. But I negotiated with the State, that once we picked them at random if they did not prefer that method that they were picked for, could they switch to something else and the State said they would agree to that."

**Commissioner Sciortino** said, "Now, you had people that, and I agree with Commissioner Gwin, I think that some of the older people, that have been bagging all their lives, they're going to be the most resistant to change and go to something different. But did you have people that had been bagging, then complain . . . they wouldn't be complaining cause they had to take it to the curb, because that's what they've been doing all their lives. This must have been people who had been mulching before or doing something else, complaining to go to the more laborious way. But did you have anybody . . . ? I guess what I'm trying to get at is how we can educate them that mulching is better than bagging."

**Ms. Erlenwein** said, "We had people complain, at the start of the program, that they thought it would not be good for their grass and it would kill it and we asked them to go ahead and try it anyhow. And once they tried it, they kept on the program, decided they liked it."

**Commissioner Sciortino** said, "Okay, thanks. That's all I have."

**Chair McGinn** said, "And Susan, what are some of the ways we're going to get this information out? I mean, I'm hearing mulching is popular."

**Ms. Erlenwein** said, "Well, we participated in different programs, such as the Wichita Garden Show, where we have booths, and did hand these out at the garden show. We participate in other ways. We've hired a PR firm to help us in our education program on how we can get the word out."

**Chair McGinn** said, "Okay. I don't know if this would be appropriate or not, but the symposium we're having on the business thing for reduction of waste and recycling. I mean, some places still have to mow their businesses, too."

**Ms. Erlenwein** said, "And one of the speakers at that will be talking about how to handle the yard waste. But we will have a symposium for businesses on waste minimization May 10<sup>th</sup>. That will be

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one of the topics.”

**Chair McGinn** said, “Okay. Thank you, Susan. Commissioners, what’s the will of the Board?”

**MOTION**

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

**Chair McGinn** said, “Next item.”

**9. ADOPTION OF THE JANUARY 27, 2000 – JANUARY 27, 2001 SEDGWICK COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE, TO BE SUBMITTED TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.**

**Ms. Erlenwein** said, “You have received an update and you should have your update notebook to just add that to the front of it. The Kansas Department of Health and Environment requires every county to update their Solid Waste Plan on an annual basis. This is the third time that we have done this and the purpose of the update is to review any changes in the area, any changes to goals that we’ve set or revisions to the plan.

“The current committee composition is listed in the update, to show that we still have good representation from haulers and citizens, businesses, recyclers and I think we still have a very dedicated group to continue to meet on a monthly basis.

“The plan also shows demographics. Since we just had the 2000 Census, it shows the new numbers and it shows the percentage increase from the 1990 data. Sedgwick County has increased 12% in population in the ‘90s. The city with the most growth was Kechi, with over 100% growth increase.

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The city with the least growth was Haysville but Eastborough actually declined, with almost an 8% decline in the '90s. So, that information is there, to show how the population base is growing and changing. There's a section on roads and bridges to show projects that were completed last year. Also, in a note in there, is the fact that the counties working with building a bridge made out of recycled material on 13<sup>th</sup> Street North, west of 119<sup>th</sup> Street West. So, that's a project that we're looking forward to.

"Waste hauling companies, it's always noted what new companies come into our area or which companies have been purchased by others. For instance, last year BFI was purchased by Waste Connections and that's one of the ones noted in the update.

"Data is also important in this, to show what's changing. Solid waste generated increased in 2000. It increased by 6.7% over 1999. We're back over 1,500 tons a day. Whether this is a reflection of population growth or City staff in one of our Solid Waste Committee meetings mentioned that the trucks used to go around the scales. Now, they've started going over it. That might also show an increase from missed data from previous years.

"Compost amount going to the compost facilities has gone up almost 5% over 1999. The word is getting out to the companies that haul yard waste, manicured lawns that this is cheaper than the land fill. To go to these facilities is an economic incentive.

"Curb-side recycling decreased in 2000. There's a 20% decrease from 1999. We feel one of the reasons for this is the fact that some of the companies have changed from weekly curb-side collection to every other week. In addition to that, they increased their prices. Waste Connections had said they were having 10% of their customers in the past participate in curb-side collection. Now, it's 5% of their customers.

"There's also a slight decrease in the drop-off recycling containers, such as you see at the Dillon store. It was a 1.45% decrease from 1999 of people taking material to that. We've received these numbers from Weyerhaeuser, who receives the materials.

"Household hazardous waste saw a 2% decrease in customers going to the facility and just over a 12% decrease in the amount of materials received. There is less education on the facility last year. Usually, the city has a promotion at the end of the year to tell people about the facility. That did not happen in the year 2000.

"We also note that construction and demolition material, the material they received increased 66% in 2000. Again, it is cheaper than going to the land fill. Our department help distribute information to all of the contractors in Sedgwick County to let them be aware of the facilities that are out there



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

**Chair McGinn** said, “Every year I get to celebrate my birthday on the same day as the adoption of the Solid Waste Plan. I don’t know if that’s good. It’s always January 27<sup>th</sup>, so I can remember my birthday either through trash or through my birth. I don’t know. All right, next item.”

**10. HOME RULE RESOLUTION TO ENTER INTO AN AGREEMENT WITH NINTH STREET PHYLLIS WHEATLEY ASSOCIATION FOR SEDGWICK COUNTY TO PROVIDE FUNDING FOR LIMITED REHABILITATION AND REPAIR OF PROPETY LOCATED IN THE MCADAMS COMMUNITY.**

**Ms. Hart** said, “I am not Sherdeill, but I’m covering this for him. This is a new project to abate some blight in the McAdam’s neighborhood, which is one of our target neighborhoods this year. It’s a new partnership with the Ninth Street Phyllis Wheatley Association in which we’ll contribute some materials and supervision and they’ll contribute some labor and we’ll get a blighted property buttoned up and put back to use. Be happy to try to answer any questions you might have.”

**Chair McGinn** said, “I guess I’d just like to make a couple of comments and that is part of this, is a response to what we heard people say during the Comprehensive Plan hearings, and much of that was, ‘We want our neighborhoods revitalized. We don’t want them to die, as people move out’ and those types of things and many people, they said they want to stay in their community, even though it was blighted. They’d like to figure out ways to fix it up and that type of thing. And so, as far as the fix-up programs, we’re doing that with Sherdeill and through some of our housing projects and that type of thing.

“This particular facility is a place for folks to gather in an area that’s kind of enclosed around highways. They were, back when they built 35 highway, we cut a neighborhood right in half and business is on one side, residents are on the other side. But you still have that little McAdams neighborhood there, about 9<sup>th</sup> and Ohio I think it is and there are a couple of businesses there and then Phyllis Wheatley is next to that and this 9<sup>th</sup> Street Church of God happens to own that property. And so, I guess I look at this as an innovative way for the County to do what they can to revitalize

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neighborhoods because that's what people want and, since we're not a municipality, we don't just go in and do big projects in another city. That's up to the municipality to make those decisions and those types of things. But we deal in human services and this is a facility that perhaps seniors can use and children can use for their learning and those types of things that they are doing through the 9<sup>th</sup> Street Church of God.

“So, I just wanted to share that. It is new, so I guess we will find out how well it works and what kinds of partnerships, perhaps, that we can get involved in, in the future.

“And so, I would ask for the support of my colleagues on this project.”

**MOTION**

Chair McGinn moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**K. EMERGENCY MANAGEMENT.**

- 1. HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS PLANNING GRANT AWARDS (TWO) FROM KANSAS DIVISION OF EMERGENCY MANAGEMENT, TO BE ISSUED TO THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC), AND MEMORANDUM OF AGREEMENT WITH LEPC FOR USE OF GRANT FUNDS.**

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**Mr. Kegley** said, “There’s actually two of these grants. One to allow us to present some training at our annual symposium that we do each year and then one grant to allow us to hire a regional planner. This regional planner came about because of work that Randy Duncan has been doing with the State to initiate regional hazardous materials response teams and this planner would help us kick that off and get that program started. We would recommend that you would approve the grants and sign the authorization.”

**Chair McGinn** said, “Commissioners, do I have a Motion to approve?”

**MOTION**

Commissioner Gwin moved to accept the grant awards, approve the Memorandum of Agreement and related documents 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	Aye
Commissioner Tim R. Norton	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

**Chair McGinn** said, “Thank you, Jack. Commissioners, I’d like to call an Off Agenda item. Oh, he does. Oh, sorry Jack.”

**2. ADDITION OF ONE GRANT-FUNDED REGIONAL HAZARDOUS MATERIALS PLANNER POSITION, RANGE 20, TO THE EMERGENCY MANAGEMENT STAFFING TABLE.**

**MOTION**

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

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Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, “Thank you, Jack. Now, I would like to call an Off Agenda item.”

**MOTION**

Commissioner Gwin moved to take up an Off Agenda item.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

**OFF AGENDA ITEM**

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**Chair McGinn** said, "Thank you. Good afternoon, Marilyn."

**Ms. Marilyn Cook**, Director of Clinical Operations, COMCARE, greeted the Commissioners and said, "This item is a grant application to the Kansas Department of Social and Rehabilitation Services Mental Health Substance Abuse Treatment and Recovery. I appreciate your willingness to hear this Off Agenda item today."

"We received an application from SATR, Substance Abuse and Treatment Recovery, which is our State funding source for our drug and alcohol programs, on March 26<sup>th</sup>. They gave us until March 31<sup>st</sup> to ask questions and our first question was, 'When is it due' because it wasn't in the application package and they told us on April 2<sup>nd</sup> it was due on the 16<sup>th</sup>. Hence, we needed to present that to you today. Judy Addison and her management staff did a really nice job of putting this together in a week. It represents about a quarter of our business, so it was important to us."

"You have a copy of the application that indicates that our addiction treatment program provides assessment, individual and group therapy and case management services for adults and adolescents. The application has a page that shows the rates that the State has agreed to pay us for those services and we also, the application also is negotiated in a way that we get both a monthly and an annual cap on rates, regardless of the services provided."

"What we are asking for, in this application, is an increase in both the annual and the monthly caps to \$260,000. We also will have an opportunity for an oral presentation on this application next Monday, on the 16<sup>th</sup>, where we would hope to advocate for that increase in cap. We are requesting that you approve the application and I'd be happy to answer any questions."

**Chair McGinn** said, "Commissioners, are there any questions on this item? If not, what's the will of the Board?"

### **MOTION**

Commissioner Gwin moved to approve the application and authorize the Chair to sign.

Commissioner Winters seconded the Motion.

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

### **VOTE**

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Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

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

**L. DELETION OF TWO OFFSET PRESS OPERATOR POSITIONS, RANGE 16, FROM, AND ADDITION OF TWO GIS ANALYST POSITIONS, RANGE 24, TO, THE DIVISION OF INFORMATION AND OPERATIONS (DIO) STAFFING TABLE.**

**Ms. Kathleen B. Sexton**, Chief Information Officer, DIO, greeted the Commissioners and said, "Essentially, this item shifts two staff resources from Printing to GIS services. I'm available for any questions."

**MOTION**

Commissioner Winters moved to approve the deletions from, and additions to, the DIO Staffing Table.

Commissioner Norton seconded the Motion.

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

**VOTE**

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

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

**Commissioner Sciortino** said, "Can I ask her a question. These are existing employees, is that

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correct?”

**Ms. Sexton** said, “They’re existing positions that are vacant right now.”

**Commissioner Sciortino** said, “Oh, they weren’t employees before.”

**Ms. Sexton** said, ”They used to be employees but they’re vacant right now and we’re shifting the vacant positions and changing them into GIS staff, vacant positions that we will then advertise.”

**Commissioner Sciortino** said, “This isn’t an employee coming as a press operator, from our print shop over to you. Is this person that’s going to get \$60,576 in salary from your department, presently getting money from the County in some way?”

**Ms. Sexton** said, “There are no people filling these two positions, Commissioner. They’re vacant positions that we’re taking from, what was a print shop, and we’re saying ‘We need GIS staff worse, let’s upgrade the positions and hire techies’ and yes, they are more expensive people.”

**Commissioner Sciortino** said, “Okay, so these aren’t existing employees that are just moving from one department.”

**Ms. Sexton** said, “No, just positions.”

**Commissioner Sciortino** said, “Okay, thank you. That’s all I have.”

**Chair McGinn** said, “Next item.”

**M. RECLASSIFICATIONS AND REALLOCATIONS FOR THE THIRD AND FOURTH QUARTERS OF 2000**

**POWERPOINT PRESENTATION**

**Ms. Jane Moralez**, Compensation Specialist, Human Resources, greeted the Commissioners and said, “I’m here today to present to you the reclassifications from the third and fourth quarters of 2000. The process that we use for reclassification is to survey public sector, perform a classification study, which requires a questionnaire be completed. There’s our process there. We perform a reclassification study, the questionnaire is completed, the incumbent is interviewed and we evaluate the position, using the Sedgwick County Position Management plan. We are

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committed that we would look at one-third of our 483 classifications in a year. We did that during 2000. We actually looked at 875 positions. That does include the Sheriff's study.

"This is showing our year to date, that we had completed our year as we had said we would. Third and fourth quarter reclassifications, there were two different departments that had requested it for the third quarter of 2000 and, since we were so busy with the Sheriff's study, we had to postpone those. So, there is a \$3,000 impact for 2000 and 2001 is \$278,683 and this is all going to be absorbed through your current budgets. If you have any questions, I'd be glad to answer them."

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

**Commissioner Sciortino** said, "Well, you've got me at my weakest moment, so I'm going to be easy on you. I think I have a problem with what we do. We were supposed to look at reclassifying an individual employee in the third quarter of 2000. We didn't do that. I understand. So, we did it now, so we're going to pay them, retroactive back, assuming we . . . why are we doing that?"

**Ms. Moralez** said, "We're doing that because the person has been doing the job duties and we have made the commitment that when we find that there are changes within a position, that we will go back to the point when we should have looked at them. So, we are recommending . . .and it's a tech group in Appraiser and a position in the D.A.'s Office."

**Commissioner Sciortino** said, "Well, there's more than that. There's three or four or five different positions that we did that to."

**Ms. Moralez** said, "Yeah, there are."

**Commissioner Sciortino** said, "I don't understand, I guess, how government works, cause it sure works a hell of a lot different than business and if we didn't reevaluate this person and we don't reevaluate . . . you don't go retroactive back to when maybe you should have reevaluated him. If you reclassified him and gave him more responsibilities, what more did you have to do to reclassify him?"

**Ms. Moralez** said, "Well, we made the commitment to the departments that we would go back, retroactive. That was a . . .when we went to ask if we could postpone it, we said that we would go back to October the 1<sup>st</sup> with anything . . ."

**Commissioner Sciortino** said, "And you have the authority to do that, without asking the Board permission?"

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**Ms. Morales** said, "We have done it before, yes."

**Commissioner Sciortino** said, "No, I'm asking the question, do you have the authority to do that without asking the Board?"

**Mr. Buchanan** said, "No. You approve all increases and you approve all classifications. The \$3,000 that were impacted in the 2000 budget, it's my understanding, those people were doing work out of their classification, which if we were to hire new people, we would have been paying them at a higher rate. But since they were existing people and their duties were reassigned, that's . . . they were doing out of . . ."

**Commissioner Sciortino** said, "No, I understand and I'm not questioning that we needed the job done. What I'm taking offense at is it's coming to us for approval. What happens if we disapprove it? What would you do?"

**Ms. Morales** said, "We would not go back . . ."

**Commissioner Sciortino** said, "I mean, have you already paid them?"

**Ms. Morales** said, "No, sir. No, we have not."

**Commissioner Sciortino** said, "They did not get a bonus but they've already been promised that they would get it."

**Mr. Buchanan** said, "There is an expectation."

**Commissioner Sciortino** said, "There's an expectation that they're going to get paid and they've been told they're going to get paid and as soon as we rubber stamp it. And I don't know, maybe the rest of you don't give a darn about this but this really bothers me and I just don't like the fact that it's already assumed that this retroactive thing . . . if that's our policy that we can do it and make it retroactive, then let's understand that that's our policy but I didn't know that that was a policy that we had, that we did that."

**Mr. Buchanan** said, "Commissioner, if I may, there is an expectation that, during the process, this would be reviewed. We're pretty careful to make people understand that the decision rests with you and that it's not a sure thing. There may be, because of experience, some expectation, 'Well, this is the way it's always been done'. But on occasion it hasn't been done, over the last several years there have been several that have been pulled or delayed or not done and so, I don't think I agree with you that the employee's expectation . . . I don't think they've spent the money or I don't think

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they're banking on it. I think they understand that you have the decision-making process and that it's not a sure thing."

**Commissioner Sciortino** said, "Okay, but what I don't understand is if we needed to have these jobs reclassified in the third quarter of 2000, why wasn't it done?"

**Mr. Buchanan** said, "Because we did the Sheriff. That was more important, because we had people here . . ."

**Commissioner Sciortino** said, "I understand we did that, but I mean, we already knew the jobs that they had to do. We already did it. How much more difficult is that to put that on the agenda as one line item and we go forward with it. I can't understand."

**Ms. Moralez** said, "We didn't do the studies until into 2000 [sic]. I didn't do the studies until January of this year."

**Commissioner Sciortino** said, "Okay, then if you didn't do the study until January, how did you know that they should be doing the job?"

**Ms. Moralez** said, "The request came in about, I believe it was September, about the same time that we started the Sheriff's study. We said, 'We just don't have the capacity. Can you please postpone this'. What we said was that we would bring to you a request to take it back to October 1<sup>st</sup>, with your approval. We did not promise anything. The employees don't . . . I don't even know if they know it, to be really honest, cause we don't discuss that with them. We just discuss that with the department head."

**Commissioner Sciortino** said, "Well, I wouldn't want to bet that the employees don't know that they're going to get their money retroactively. I won't support this. You guys do what you want."

**Chair McGinn** said, "Commissioner Gwin."

**Commissioner Gwin** said, "Thank you. The only thing that comes to issue here is on the Fire Department, Fire District's employees and reclassifications. Do we always consider those on our regular agenda or should those kinds of reclassifications be considered under the Fire District agenda?"

**Ms. Moralez** said, "I have, historically, brought them all in one piece. I really don't know the answer to that."

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**Commissioner Gwin** said, "Okay. Someone might advise me where I should make consideration for, and maybe not today, but for reclassification of Fire District employees. Is this the right place?"

**Mr. Euson** said, "I do think that those should probably come under the Fire District agenda. They're almost a little bit like bid board items, in a way. You do get them approved here. The increases are approved as part of the approval process. Also, when you sign off on the weekly compensation . . . let me look into that."

**Commissioner Gwin** said, "Okay. It was just a point of information."

**Mr. Euson** said, "I do think it's a good point and I think they should probably be at least reiterated on the Fire District."

**Commissioner Gwin** said, "Because I don't know that the Board of County Commissioners, sitting as the Board, has any authority over the Fire District."

**Mr. Euson** said, "That's correct, sitting as a board."

**Commissioner Gwin** said, "I mean, I think we'd have to be the Board of the Fire. Sorry, it's late in the day."

**Chair McGinn** said, "No, I think it's a good point. Thank you. Commissioner Norton."

**Commissioner Norton** said, "Thank you. I guess my concern is similar to Ben's. Hopefully, this is an aberration. It happened one time?"

**Ms. Moralez** said, "I've never had it happen before."

**Commissioner Norton** said, "Okay. It would concern me that we would have another time that it's not just \$3,000 but it's \$200,000 that we go back and, 'Oh, we've got to pay these people'. I mean, \$3,000 over the course of events is not a lot of money but I understand what Ben is saying. That kind of expectation, if the expectations dollar amount didn't come to \$3,000, it came to \$50,000, would we still be easily debating this. We'd probably be fighting it pretty hard. So, I happen to agree with Ben a little bit. We can't allow this to happen again and that's an anomaly that could be really hurtful to people in their expectation of what we're going to do for them. That's all I've got."

**Chair McGinn** said, "And I guess I'd like to add to that as well and that is, see I think this has happened once before and while I was sitting on the Bench and it had to do with, 'Why are we giving raises'. We have to rush them in before the end of the year, so that they can get their 3% raise based on the pay that they received at the time."

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**Commissioner Sciortino** said, “No, I think what it was is they hired somebody and had them working here before we approved it and we didn’t approve it because Jane would have a heart attack because we didn’t approve that raise. They got hired before.”

**Chair McGinn** said, “And so the point I want to make is I’m going to approve this today, but I think, perhaps in the future, we need to do things differently so that, I agree with Commissioner Sciortino. I think these employees know that somehow they’re in here and so, that raises their expectations, and as Commissioner Norton says, if we have a big budget crisis and we say ‘no’ there’s going to be a lot of disappointed employees. So, I think maybe we need to look at either the policy or the process in which we do this in the future.”

**Ms. Morales** said, “No problem. We will do that.”

**Chair McGinn** said, “Commissioner Sciortino.”

**Commissioner Sciortino** said, “Well, and I’m going to be very mild here. If you agree with me that this is a wrong thing to do, to me I think it’s a little wrong to say, ‘But it’s okay because the money isn’t too different’. If it’s a wrong thing to do, it should be a wrong thing to do, and I don’t know but it’s got to be more than me screaming here, setting staff to let them know that we really mean business and I’m probably the only one but I wouldn’t mind approving this today forward and not retroactive because it’s also retroactive January, February, March of this year, too and how much of that is retroactive. \$3,000 was retroactive to 2000. How about January, February and March? How much of that is retroactive?”

**Ms. Morales** said, “That is the impact for the entire year.”

**Commissioner Sciortino** said, “No, I understand that, but how much of it is retroactive to January, February and March of 2001.”

**Ms. Morales** said, “All of the positions that are there.”

**Commissioner Sciortino** said, “No, retroactive for 2000. We have to go back and pay them \$3,000 for the year 2000.”

**Mr. Buchanan** said, “Jane, have you calculated the number from January 1<sup>st</sup> to today of salaries for the 2001.”

**Ms. Morales** said, “No, that is the entire year.”

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**Commissioner Sciortino** said, "Okay, well, wait a second. I don't have a calculator but take that, divide it by twelve and then times it by three so you're talking \$70,000 retroactive for this year, too, as opposed to \$3,000 for 2000. I don't support it. You all let your conscience do whatever you want. I support going from today forward, but I'm not going retroactive and we're not going to do this anymore. But that's up to you because the figure is actually closer to \$75,000, as opposed to \$3,000."

**Commissioner Norton** said, "You're right, if you figure the three months in there, then it becomes almost \$70,000."

**Mr. Buchanan** said, "Commissioners . . ."

**Commissioner Sciortino** said, "But the employees don't know anything about it, so they shouldn't be upset, right?"

**Mr. Buchanan** said, "Commissioners, I would respectfully request that we withdraw this item and bring it back next week."

**Commissioner Winters** said, "I'm prepared to vote on this today. I think we've gone through a process. Maybe it's not the best that it could have been but I think we've got employees doing jobs. We've got a reclassification process and if somebody wants to get more involved, if a Commissioner wants to get more involved in the reclassification process and sit through the analysis of each one of these people, when and how it happens, I think you can certainly do that. And my voting on this would have no representation that I don't take it seriously. I think we've got a system that has worked pretty well in the past and I'm ready to support it. I would wish that we would always do things quicker and faster and ahead of times, but I can understand sometimes when that doesn't happen. So, I'm prepared to go ahead today.

"Now, if others want to defer it for a week, I'm certainly willing to do that, too."

**Commissioner Sciortino** said, "I don't see how deferring it for a week is going to change our minds, but just one last thing that I want to say on here is that, first of all, what we're saying is that the employees really do anticipate that this money is coming. That this isn't a secret. They do know and they're going to be very upset if they don't get the money. I won't be supporting this because it is a large amount of money and, if nothing else, it's going to let staff know that we'd

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better start doing these reclassifications on a timely manner and if it takes a few extra hours to get it done, we'd better get it done on time or we're not going to get it. I just have a problem with it and I'm trying . . . well, I've already expressed myself. I don't want to act like a bore here."

**Chair McGinn** said, "And I just want to clarify something, a comment that you made Commissioner Sciortino, that if we think it's wrong we should vote for this and that's not what I was saying. What I was saying is that perhaps our process could be better and it has a kink in it and we need to change how we're doing that. And so, I wanted to make that clarification and I also know that this has happened in the private business, at Cessna Aircraft, to my husband and same type of situation. So, anyway those comments said, Commissioners do we have a motion on this item?"

**MOTION**

Commissioner Gwin moved to Approve the reclassifications and reallocations.

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Tim R. Norton	No
Commissioner Thomas G. Winters	Aye
Commissioner Ben Sciortino	No
Chair Carolyn McGinn	Aye

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

**N. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETINGS OF MARCH 29 AND APRIL 5, 2001**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, "The Board of Bids and Contracts held a regular meeting on March the 29<sup>th</sup>, 2001. As a result of this meeting, the following items are being presented as consideration for approval.

**1) CONTRACT FOR UNIFORMS- JUVENILE DETENTION & RESIDENTIAL**

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**FACILITIES**  
**FUNDING: CORRECTIONS**

“Item one, contract for uniforms for juvenile detention and residential facilities. Recommending accepting the only bid received from Industrial Uniform. This would be an annual contract with an estimated cost of \$16,000.

**2) CARPET CONTRACT- FACILITY PROJECT SERVICES**  
**FUNDING: FACILITY PROJECT SERVICES**

“Item two, carpeting contract for Facility Project Services. Recommending accepting the low bid of Harry Street Carpet. Again, this would be an annual contract with an estimated cost of \$50,000 per year.

**3) HVAC MODIFICATIONS AT JUDGE RIDDEL’S BOYS RANCH**  
**FUNDING: FACILITY PROJECT SERVICES**

“Item three, HVAC modifications at Judge Riddel’s Boys Ranch. For the record, there is a typo in the recommended dollar value. The recommendation is to accept the negotiated price of Piping and Equipment for \$68,403.

**4) ASPHALT SURFACE REJUVENATION- PUBLIC WORKS**  
**FUNDING: SALES TAX FUND**

“Item four, asphalt surface rejuvenation for Public Works. Recommending the only bid received of Cutler Repaving for \$119,281.35.

**5) CM-E CHAT- PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

“Item five CM-E chat for Public Works. Recommend the low bid of A-Plus Trucking for \$40,800.

**6) CS-2 CRUSHED STONE- PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

“Item six, CS-2 crushed stone for Public Works. Accept the low bid of A-Plus Trucking for \$18,350.

**7) EMULSIFIED OIL- PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

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“Item seven, emulsified oil for Public Works. Recommend the only bid received from Koch Materials Company for Items 2 and 4, for a total of \$651,600.

**8) SLIP-IN-PUMP AND TANK UNIT- FIRE DEPARTMENT  
FUNDING: FIRE DEPARTMENT**

“Item eight, slip-in-pump and tank unit for the Fire Department. Accept the low bid of Hays Fire Equipment for \$10,070.

**9) FIRE SQUAD TRUCK UNIT- FIRE DEPARTMENT  
FUNDING: FIRE DEPARTMENT**

“Item nine, fire squad truck unit for the Fire Department. Accept the low bid of Rusty Eck for \$43,180.

**10) FIBER OPTIC PLACEMENT- DIVISION OF INFORMATION AND OPERATIONS  
FUNDING: DIVISION OF INFORMATION AND OPERATIONS**

“Item ten, fiber optic placement for the Division of Information and Operations. Accept the low bid of Decker Electric for \$148,385.

**11) VANS- FLEET MANAGEMENT  
FUNDING: FLEET MANAGEMENT**

“Item eleven, vans for Fleet Management. Accept the low bid of Don Hattan for Items 2 and 4, including trade-ins, for a total of \$59,798 and the low bid of Mel Hambelton for Item 3 for \$38,500. Grand total of this expenditure, \$98,298.

**12) TRUCKS- FLEET MANAGEMENT  
FUNDING: FLEET MANAGEMENT**

“Item twelve, trucks for Fleet Management. Recommend total bid meeting specifications from Don Hattan for \$88,473.

**13) POLICE SEDANS- FLEET MANAGEMENT**

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**FUNDING: FLEET MANAGEMENT**

“Item thirteen, police sedans for Fleet Management. Accept the low bid of Don Hattan for \$63,532.

**14) SEDANS- FLEET MANAGEMENT  
FUNDING: FLEET MANAGEMENT**

“Item fourteen, sedans for Fleet Management. Accepting the bid from Don Hattan for \$43,089.

**ITEMS NOT REQUIRING BOCC APPROVAL**

“There was one item that was tabled for further review. It was coin-operated copiers for the Division of Information and Operations.

“There was a second meeting held on April 5<sup>th</sup>, 2001. As a result of that meeting, the following items are being presented for consideration and approval.

**1) ENTERPRISE FINANCIAL SYSTEM- FINANCE  
FUNDING: FLEET MANAGEMENT**

“Item one, Enterprise Financial System for Finance. For the record, I’m amending the numbers based on clarification provided by the County Counselor’s Office. And the recommendation is to accept the proposal of SAP for negotiated price of \$989,895, which includes all softwares licenses and all first-year maintenance fees. Also recommending the proposal of Solbourne for \$2,686,484 for implementation services. For a total expenditure, to date, of \$3,676, 379.

**2) COURTHOUSE SIGNAGE- FACILITY PROJECT SERVICES  
FUNDING: 2000 CAPITAL PROJECT**

“Item two, courthouse signage for Facility Project Services. Recommending low bid of Engravers Unlimited for \$16,878.45.

**3) BRIDGE IMPROVEMENTS- PUBLIC WORKS  
FUNDING: SALES TAX**

“Item three, bridge improvements for Public Works. Recommending low bid of Dondlinger & Sons for \$3,094,403.55.

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- 4) **INTERNET SIT SUBSCRIPTION- DISTRICT ATTORNEY & LEGAL DEPARTMENT**  
**FUNDING: DISTRICT ATTORNEY & LEGAL DEPARTMENT**

“Item four, internet site subscription for the District Attorney and Legal Department. Recommending a bid of Lexis Publishing for purchase of 60 site licenses for a total of \$16,728.

**ITEMS NOT REQUIRING BOCC APPROVAL**

- 5) **EXTERIOR MAINTENANCE- FACILITY PROJECTS**  
**FUNDING: FACILITY PROJECTS**
- 6) **CUTTING MACHINE- DIVISION OF INFORMATION & OPERATIONS**  
**FUNDING: DIVISION OF INFORMATION & OPERATIONS**

“There were two items that were tabled for further review at this meeting. One, exterior maintenance for Facility Projects and the other, a cutting machine for the Division of Information and Operations.

“Would be happy to take questions and recommend approval of these items as submitted by the Board of Bids and Contracts.”

**Chair McGinn** said, “Commissioners, are there any questions for Iris? Commissioner Norton.”

**Commissioner Norton** said, “I don’t really have a question. I would like to, if we could, maybe vote on all of them except Item 1 of the April 15<sup>th</sup> Meeting with SAP. Maybe vote on it separately and maybe not lump it in with all the smaller things.”

**Chair McGinn** said, “Okay, everybody’s okay on that. So, are your questions on this or something else?”

**Commissioner Sciortino** said, “Mine are other items than the ERP.”

**Chair McGinn** said, “In the ERP.”

**Commissioner Sciortino** said, “No, my question is not about the ERP.”

**Chair McGinn** said, “Okay. Let’s take your question, Commissioner.”

**Commissioner Sciortino** said, “Okay, first of all, in Item 3 in the first section on the HVAC modifications, I’m trying to read this. They bid \$149,000 and we negotiated down to \$68,000.”

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**Ms. Baker** said, "Correct. This is the project where the scope of work changed. This is in reference to the earlier CIP amendment for the change in work."

**Commissioner Sciortino** said, "But is \$149,000 to do that whole project and this is only three-ninths of the project, or one-third of the project?"

**Ms. Baker** said, "Correct. When the negotiating was done, the scope of work had changed."

**Commissioner Sciortino** said, "I got that part. And then, on Item 12, vehicles for Fleet Maintenance [sic] and this one was kind of hard for me to read. But if I'm reading it correctly, Don Hattan Chevrolet grand total, with trade-in, was \$88,000. Mel Hambelton, I guess that was a Ford, was \$37,000 but the Ford didn't meet specifications?"

**Ms. Baker** said, "Right, Mel Hambelton bid a three-quarter ton and the specification was a one-ton. Everyone else bid one-ton."

**Commissioner Sciortino** said, "Okay, all right. And that's all I have. Thank you."

**Chair McGinn** said, "Okay, if there's not any other questions on anything other than Item 1 on page 320, can we have a Motion to approve the Bid Board recommendations?"

**MOTION**

Commissioner Gwin moved to Approve the recommendations of the Board of Bids and Contracts for the March 29<sup>th</sup> and April 5<sup>th</sup> 2001 meetings, with the exception of Item 1 on the April 5<sup>th</sup> 2001 meeting.

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
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, “Now, I will open discussion, I guess, on Item 1, page 320. Commissioner Norton.”

**Commissioner Norton** said, “I guess my question is, and it may be staff that worked on it might want to answer it. I’d like just a little idea of how we arrived at this final conclusion. Just a little bit of the process, just so we have it on record. I mean, this is a lot of money we’re spending. We’ve looked at a lot of vendors and I want to be sure that we understand how we got to this, through staff recommendations.”

**Ms. Baker** said, “Sure, I understand. I’ll let Joe King, with Project Manager, address that.”

**Mr. Joe King**, Project Manager, Enterprise Resource Planning, greeted the Commissioners and said, “We began this process late last summer, August of 2000, and at that time we retained the services of Government Finance Officers Association to help us with the selection process. Through a very rigorous process, with over 100 Sedgwick County stakeholders, we developed a rather extensive request for proposals that contained 1,366 business requirements that we want this new Enterprise Resource System to provide for the County.

“We released that request for proposals on October 16<sup>th</sup> of 2000. Based upon that release, we received nine proposals from Enterprise Resource Planning vendors, contour vendors specifically. What we did, at that point, was we evaluated all of those proposals and GFOA provided great assistance in this arena and we evaluated them on several different fronts. The first one being the ability of the vendor to meet the stated business requirements listed in the RFP. In other words, out of the 1,366 business requirements, how did they respond to each of those and could their software provide what we’re asking it to provide. Secondly, we looked at how well the technology of that particular software package matched the technology landscape that currently existed and still exists in Sedgwick County. Third, we looked at the preliminary costs. Fourth, reference checks and the vendors presence in the public sector. In other words, how many implementations have they done? What was their reputation in the public sector environment? And fifth, the implementation aspects of getting the software in place. Were the implementation vendors credible? Did they have public sector experience and so on?

“From that analysis, we were able to elevate three of the nine vendors to the next phase of the selection process. The vendors that were elevated at that particular time were J.D. Edwards, Peoplesoft and SAP.

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“The next phase, as I said, were demonstrations of the software. What we did was create very detailed demonstration scripts for each of the vendors to follow over a two-day time period. These scripts were very detailed in the various areas of the financial and HR system. They included elements in the general ledger, accounts payable, accounts receivable and on the HR side, benefits, payroll, all of those types of activities. We had over 75 Sedgwick County stakeholders involved in the demonstration. From those, we asked all of those folks to provide evaluations about the software and what they saw.

“From that, we tabulated the results and the tabulations showed that there were two clear software vendors that were preferred by Sedgwick County and that scored highest on the demonstrations and those were Peoplesoft and SAP. And they, because of that, were elevated to the next phase of the process, discovery sessions. During discovery, we asked each vendor to clarify any assumptions that they had about Sedgwick County from their original proposals. It gave us an opportunity to see re-demonstrations of the software and we put it through its paces rather rigorously. This time, we did more lifecycle software scripts than we did specific elements. In other words, we said, ‘We want to see a procurement to pay life-cycle’. We want to see somebody who enters a requisition and we want to see how your software handles that, all the way through to us cutting a check to the vendor. So, it was a very rigorous process in that sense.

“The other thing that discovery allowed us to do was really get a good feel from the implementation vendors of how . . . what their methodology was, how they were going to implement the software, all of those particular aspects. From the discovery sessions, we asked each of the vendors, then, to come back with a clarification of their proposal and that clarification included documenting their assumptions plus revising their cost, based upon those assumptions. We then took those revised proposals and, basically, laid them side by side, SAP versus Peoplesoft and the recommendation was for the County to select SAP and its implementation partner, Solbourne. And the reasons for that selection were basically threefold. When you looked at, once again, going back to the business requirements, the SAP software requires less modifications and customizations to the software than does Peoplesoft. The total price submitted by SAP and Solbourne was significantly less than the price submitted by Peoplesoft and their implementation partner. And when you compared the five-year total cost of ownership, again the total cost of SAP to Sedgwick County, including the hardware that we’re going to have to purchase to get this system in, as well as maintenance fees and taking all those into account, the SAP solution, once again, was significantly lower in cost than the

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Peoplesoft Solution.

“As you can see, and I’ve just kind of given you a thumbnail sketch, and I’ll be glad to clarify any issues or answer any questions, but it was a rather extensive and rigorous process that we followed.”

**Commissioner Winters** said, “Would you just say that third reason again? You listed three. What was that third one?”

**Mr. King** said, “The five-year total cost of ownership. That includes not only the contract price, but the hardware required that we’ll have to purchase to get the systems in, as well as maintenance fees over those five years, software maintenance.”

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

**Commissioner Norton** said, “One little clarification there. Tell me a little bit more about SAP and Solbourne, as far as the company itself, how long they’ve been in business, a little bit about them.”

**Mr. King** said, “I apologize, I don’t have the actual company backgrounds with me today, but I will give you some indication. SAP is the second largest software manufacturer in the world, only second behind Microsoft. Solbourne has been in the public sector arena with ERP systems now for a number of years. We did visit, we did conduct a site visit to the city of Richmond, in California, where they implemented SAP and also used Solbourne to do the implementation. And both the software and the implementation firm received very, very high marks from them, in terms of their putting that into place.”

**Commissioner Norton** said, “Okay, thanks.”

**Chair McGinn** said, “Commissioner Gwin.”

**Commissioner Gwin** said, “Iris, I’m still a little confused on how much we’re paying for that. I get . . . I have different numbers on different pieces of paper.”

**Ms. Baker** said, “The number that’s presented into the record today is the number that includes the software licenses.”

**Commissioner Gwin** said, “Which I show on two different pages as two different numbers. But I’m looking at . . .”

**Ms. Baker** said, “We’re combining all of the licenses known, to date and we’re presenting it today,

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as opposed to piecemealing it through the course of the rest of the year.”

**Commissioner Gwin** said, “Okay, so would that be 883,686?”

**Ms. Baker** said, “That’s 883, 686.”

**Commissioner Gwin** said, “Okay, then what’s the difference between the 989?”

**Ms. Baker** said, “Let me grab my cheat sheet. For SAP you’ve got an \$864,426 base software license cost for them. There is a third party for tax record management. That’s another \$19,260. Through the course of the year, there will be a maintenance fee on that, \$6,741. And then the total first-year cost for the SAP maintenance will end up being \$97,968 and that’s where you come up with the \$989,895.”

**Commissioner Gwin** said, “Okay, I appreciate that. It just doesn’t . . .”

**Ms. Baker** said, “There is an additional hook-up fee, \$1,500 for some equipment. So, what we had done is we ended up taking all of those costs for the first year and presenting them today. That insures that the funds are certified and we can cut the purchase orders after the contract is signed and we’re covered for the rest of the year, with the exception of a third contract that we’re currently negotiating for a cashing receipt system. It will be presented in the next week or two.”

**Commissioner Sciortino** said, “But I thought that was part of that total package that was presented to us at the staff meeting?”

**Ms. Baker** said, “It may have been. It’s part of it, but we’re presenting a couple of . . . we’re not presenting the entire cost today. We’re not presenting everything.”

**Mr. King** said, “Let me just clarify the cashing contract that you’re going to see in the next week or two. Enterprise Resource Planning vendors, while they provide a very, very comprehensive solution, there still are niche areas that, quite frankly, they do not really provide within their software. Cashing is one of those pieces. What we asked, in the request for proposals, is for the software vendors to come to the table with not only their best implementation partner, but also any third-party solutions that would be required to meet the total solution in our request for proposals and virtually every single vendor that came back with a proposal had a third-party cashing piece with it. So, this is not unusual and, as Iris indicated, we are still in negotiations with that contract and you should see it in the next week or two.”

**Commissioner Sciortino** said, “What do you estimate that contract will come in at?”

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**Mr. King** said, "Right now, we are looking at approximately \$500,000 for that contract."

**Commissioner Gwin** said, "Okay, my only suggestion, I realize this is fairly complicated but if we have those kinds of amendments or clarifications, if I could just get an e-mail. Maybe I've got it, I just haven't gotten to it today."

**Ms. Baker** said, "You probably have it somewhere but I'll make it concise and resend it, break out the totals for you."

**Commissioner Gwin** said, "Thank you. You don't need to do it today. I'm just thinking about any changes from what we receive in our backup, to understand what you'll present. Thank you, Madam Chair."

**Chair McGinn** said, "Commissioners, are there any other questions? If not, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to approve Item 1 on the April 5<sup>th</sup>, 2001 Bid Board, on the Enterprise Financial System for Finance.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**CONSENT AGENDA**

**N. CONSENT AGENDA.**

**1. Right-of-Way Agreements.**

**Regular Meeting, April 11, 2001**

- a. Three Easements for Right-of-Way for Sedgwick County Project No. 833-AA, BB, CC on Rock Road from Derby to Mulvane. CIP# R-243. Districts #2 and #5.
- b. Two Easements for Right-of-Way and one Temporary Construction Easement for Sedgwick County Project No. 628-10, 11; MacArthur Road through Lake Afton. CIP# R-233. District #3.

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

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V010145	\$160.00		Sunflower Apartments of Andover
V01035	\$25.00	5	Rick Rice
V01057	\$495.00		Deborah Klaus
V01060	\$295.00	2	Robert Joyce
V01062	\$223.00	3	Mt. Hope Community Development, Inc.
V01061	\$490.00	2	Helms Rental Properties
V01058	\$285.00		Sunflower Apartments of Andover
V01063	\$358.00	4	Cochran-Stewart Investments
V01044	\$228.00	2	Donna Dutton
V01064	\$284.00	2	Spring Creek Apartments

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V99029	\$228.00	\$272.00

**Regular Meeting, April 11, 2001**

V8701020	\$254.00	\$332.00
V93028	\$243.00	\$300.00
V96030	\$494.00	\$500.00
V94034	\$207.00	\$298.00
V99031	\$375.00	\$400.00
V98025	\$153.00	\$200.00
V99028	\$120.00	\$235.00
V98022	\$475.00	\$500.00

**4. Plat.**

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

Mystic Lakes Addition

- 5. Agreements (two) with Kansas Credit Investigation Co. and Mt. Hope Police Department to provide on-line access to Sedgwick County electronic data.**
- 6. Donation of \$100 by PBA Architects PA, to be used for Project Impact.**
- 7. Performance Evaluation for Gerald C. Frantz.**
- 8. Order dated March 28, 2001 to correct tax roll for change of assessment.**
- 9. Payroll Check Registers (two) of March 30, 2001.**
- 10. General Bills Check Registers of March 30 and April 6, 2001.**
- 11. Budget Adjustment Requests.**

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

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

**Regular Meeting, April 11, 2001**

Commissioner Norton seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, “Okay, that’s okay Rich? Okay, I’m going to adjourn the Regular Meeting, April 11<sup>th</sup>, 2001.

**P. OTHER**

**Q. ADJOURNMENT**

**Regular Meeting, April 11, 2001**

There being no other business to come before the Board, the Meeting was adjourned at 4:18 p.m.

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

\_\_\_\_\_  
**CAROLYN McGINN**, Chair  
Fourth District

\_\_\_\_\_  
**BEN SCIORTINO**, Vice Chair  
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