

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

### **REGULAR MEETING**

**MAY 9, 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, May 9, 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. Doug Russell, Director, Division of Human Resources; Mr. Mark Masterson, Director, Department of Corrections; Mr. John Green, Undersheriff, County Sheriff's Department; Mr. Don Brace, County Clerk; Mr. Daryl Fox, Director, Animal Control; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Jarold Harrison, Assistant County Manager; Ms. Annette Graham, Director, Department on Aging; Mr. John Nath, Director, Kansas Coliseum; Ms. Kathy Sexton, Director, Division of Information and Operations; Mr. Pete Giroux, Senior Management Analyst, Budget Department; Dr. Charles Magruder, Director, Community Health Department; Mr. Mark Borst, P.E., Traffic Engineer, Public Works Department; Mr. Chris Chronis, Chief Financial Officer, Finance Department; Mr. Richard Yost, Project Leader, Information Development, Division of Information and Operations; Mr. David Spears, Director, Public Works Department; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

### **GUESTS**

Mr. Joe L. Norton, Bond Counsel, Gilmore & Bell, P.C.  
Mr. Michael Hauschild, Police Chief, Derby Police Department.  
Mr. Marty Hammer, former member, Civil Service Board.  
Ms. Mary Pat Jeffries, 2006 E. Winchester, Wichita, Ks.  
Mr. Charles Fleming, 2315 E. Fager, Wichita, Ks.  
Ms. Terie Jerdon, 2311 E. Fager, Wichita, Ks.  
Ms. Sharon Rushwood, 14633 Sundance, Wichita, Ks.  
Mr. Charles Piester, 9453 N. 135<sup>th</sup> Street W., Sedgwick, Ks.  
Mr. John Dailey, P.O. Box 381, Valley Center, Ks.  
Mr. Charles Dix, Knights of Columbus Council #4118.

### **INVOCATION**

The invocation was led by Mr. Kevin Clark, Roman Catholic.

### **FLAG SALUTE**



**Regular Meeting, May 9, 2001**

**1. PROCLAMATION DECLARING MAY 7-13, 2001 AS “PUBLIC SERVICE RECOGNITION WEEK 2001.**

**Chair McGinn** said, “Commissioners, I’d like to read this Proclamation into the record.

**PROCLAMATION**

**WHEREAS**, government public service employees have both responsibilities and opportunities to improve the quality of life of others in our community; and

**WHEREAS**, dedicated women and men working in public service in Sedgwick County provide vital family, health and recreation services, ensure community safety and responsiveness in emergencies, construct roadways and preserve our environment, maintain property information and utilize a multitude of internal services, all to meet the essential needs of a dynamic and diverse community; and

**WHEREAS**, these quiet heroes utilize their talents and energies to give their fellow citizens the tools and opportunities to make the most of their lives, working 24 hours a day, 365 days a year; and

**WHEREAS**, these public service employees work daily to make government better, improving efficiencies and forging partnerships to provide the best services to the citizens.

**NOW THEREFORE BE IT RESOLVED**, that I, Carolyn McGinn, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim May 7-13, 2001 as

**“PUBLIC SERVICE RECOGNITION WEEK 2001”**

in Sedgwick County and recognize the efforts of our Sedgwick County employees in delivering quality public service.”

**MOTION**

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

## Regular Meeting, May 9, 2001

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

**Chair McGinn** said, "I believe we have Doug Russell here today to accept that."

**Mr. Doug Russell**, Director, Human Resources, greeted the Commissioners and said, "A couple of things I wanted to say. Number one is, I really appreciate you taking the time to recognize our employees, your employees. Two is, if you don't already know it, I love my job. I love my job because we have probably 2,400 people on a given day from every walk of life. There is virtually nothing one can do, in life, that Sedgwick County employees in some way or another aren't going to touch you at some point.

"I had the gift of coming in to this organization through the Department of Aging and got to watch wisdom in frail packages. I tell you what, it is exciting to know that there are people who care, who come to work every day because they care. If you dial 911, you've got us. If a Sheriff's Deputy shows up, you've got us. If you lose a loved one and you wonder why, what happened, the Forensic Science Center will tell you that. It is a grave business, but believe me, I've seen it and it works.

"If you want to have fun, you can go to a park, you can go to a zoo. If your house catches on fire while you are gone, we'll come and put it out. If you have a wreck along the way, call 911 and the ambulance will show up and that is Sedgwick County. There are people doing this, especially when

## **Regular Meeting, May 9, 2001**

we're out for play. There are people doing it 24 hours a day, seven days a week. Some people work 24 hour shifts, first shift, second shift, third shift, holidays, nights, you name it, there is somebody there. There is literally nothing that I can think of that you do over a period of time that this organization won't affect you. It draws some of the best people I've ever worked with. It is so neat to have people come here and I hate to say some of the corporate problems that are in the world have led us to some of our best employees. They say, well I'm sorry but Sedgwick County probably won't move to Florida and they come here because they like Sedgwick County, they want to live here. The short answer is, there is 2,400 people who thank you very much and we sure appreciate good leadership. Thank you."

**Chair McGinn** said, "Thank you, Doug. Stay up there for just a minute. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Madam Chairman. Doug, just listening to you, it seems like if any citizen in Sedgwick County has a problem, there is probably somebody working here that could help them resolve that difficulty. I have a big problem with my golf swing and I'd like for you to get the person who could help me to contact me after the meeting."

**Mr. Russell** said, "Absolutely, and I can help you now. Quit playing."

**Commissioner Sciortino** said, "I thought I'd take bowling up as an alternative and last Sunday that didn't work out very well either."

**Chair McGinn** said, "Doug, on a more serious note, I want to say thank you for what you do. I know part of your role is making sure our folks are in the right position and that when they do have some problems, from time to time, that you help them work out the solutions and that type of thing. I've been very impressed, while I've been here, watching you and how you run your department and how you help others in all our departments. I just want to say thank you for helping all of our employees as well."

**Mr. Russell** said, "It is a great joy."

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

**Commissioner Gwin** said, "Just real quickly, you know the things you mentioned, fire, EMS, those others kinds of things, I think we come to take those for granted. We assume that someone will be there, that the roads will be paved, that ambulances will arrive, and they will. But that assumption is predicated on the fact that you have employees, you have folks who are capable of responding.

**Regular Meeting, May 9, 2001**

This Proclamation acknowledges those folks, their presence, their abilities, their capabilities, and how proud we are, as an organization, to have the employees that we do. Thank you, Doug. Thank you, Madam Chair.”

**Mr. Russell** said, “Thanks, Commissioner.”

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

**2. PROCLAMATION DECLARING MAY 13-19, 2001 AS “NATIONAL LAW ENFORCEMENT MEMORIAL WEEK.”**

**Chair McGinn** said, “Commissioners, I’d like to read this Proclamation into the record.

**PROCLAMATION**

**WHEREAS**, the Congress of the United States of America has designated the week of May 13<sup>th</sup> as ‘National Law Enforcement Memorial Week’; and

**WHEREAS**, law enforcement officers are warriors in the fight against crime; our guardians of life, and property; defenders of the individuals rights to be free and are dedicated to the preservation of life, liberty and the pursuit of happiness; and

**WHEREAS**, Sedgwick County desires to honor the valor, service and dedication of its own Sheriff’s Deputies and all law enforcement officers; and

**WHEREAS**, it is known that every 57 hours an American Law Enforcement Officer will be killed in the line of duty somewhere in the United States and 189 officers will be seriously assaulted in the performance of their duties, our community joins with other counties and cities to honor peace officers everywhere;

**NOW THEREFORE BE IT RESOLVED**, that I, Carolyn McGinn, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim May 13-19, 2001 as

**“NATIONAL LAW ENFORCEMENT MEMORIAL WEEK”**

**Regular Meeting, May 9, 2001**

and call upon all citizens to honor and show our sincere appreciation for the law enforcement officers of Sedgwick County who make it possible to leave our homes and family in safety each day with the knowledge that our communities are protected by men and women willing to make the ultimate sacrifice to guard our loved ones, property, and government against all who would violate the law.

"Commissioners, do I have a motion to adopt this Proclamation?"

**MOTION**

Commissioner Norton moved to adopt the Proclamation and authorize the Chair to sign.

Commissioner Winters seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, "Today we have Under-Sheriff John Green here to accept this Proclamation."

**Mr. John Green**, Under-Sheriff, Sedgwick County Sheriff's Department, greeted the Commissioners and said, "On behalf of the Sedgwick County Sheriff's Office, Sheriff Steed, and law enforcement officers in the Sedgwick County community, thank you."

**Chair McGinn** said, "Thank you. And thank you for all that you do and all those that work for the Sheriff's Department and other services that we provide. Clerk, call the next item please."

**ADOPT A HIGHWAY**

**B. RENEWAL APPLICATION BY KNIGHTS OF COLUMBUS #4118 FOR THE SEDGWICK COUNTY ADOPT A HIGHWAY PROGRAM ON 21<sup>ST</sup> STREET**

**Regular Meeting, May 9, 2001**

**NORTH FROM 167<sup>TH</sup> STREET WEST TO 199<sup>TH</sup> STREET WEST. DISTRICT #3.**

**Mr. David Spears**, Director/County Engineer, Public Works, greeted the Commissioners and said, "Item B is a renewal agreement with the Knights of Columbus #4118 for the Sedgwick County Adopt-A-Highway Program. They will be responsible for 21<sup>st</sup> Street North between 167<sup>th</sup>, which is Colwich Road, and 199<sup>th</sup> Street West. Here, to say a few words on their behalf today is Mr. Charlie Dix. I'd recommend that you approve the agreement and authorize the Chair to sign."

**MOTION**

Commissioner Winters moved to 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.

**VOTE**

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

**Mr. Charlie Dix** said, "I'm with the Knights of Columbus Council 4118. As another community project, we relish the idea of being able to go out and help keep our highways and byways clean. That's about all I have to say."

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

**Commissioner Winters** said, "Thank you for being here. We've got several folks that we're going to be visiting about today that are citizens who volunteer time and effort to make our community a better place. For those people and organizations, such as the Knights of Columbus, who go out and keep highways clean those become very valuable resources for all the citizens of Sedgwick County and makes this a better place to live. We really do appreciate your work on this project."

**Chair McGinn** said, "Thank you very much and thank you for being here today. Clerk, call the next item please."

**Regular Meeting, May 9, 2001**

**DONATION**

- C. DONATION BY DELORES E. CRAIG-MORELAND, PHD OF A HORSE AND 12 EQUESTRIAN INSTRUCTION SESSIONS, VALUED BETWEEN \$3,250 AND \$4,000, TO BE USED BY JUDGE RIDDEL BOYS RANCH.**

**Mr. Mark Masterson**, Director, Department of Corrections, greeted the Commissioners and said, "As you know, the Judge Riddel Boys Ranch at Lake Afton has provided an equestrian program for many years as an activity to enrich our youth programming. Doctor Delores Craig-Moreland has long been a supporter of this program and the value it adds to our overall objective of teaching youth to assume responsibility and change their behavior. Dr. Craig has located and purchased a five year old registered Arabian gelding called Frankie that she wishes to donate to the program. In addition, she would like to contribute 12 riding lessons from White Stables to improve the skills of our staff who work with the horses and youth. This is important because we've had some staff turnover and we need this training to properly train our new workers.

**OVERHEAD PRESENTATION**

"I thought you might enjoy seeing a picture of Frankie, so I'll put a picture of him up there. He is a beautiful horse and his disposition is perfect for our program. She carefully selected him. I ask that you accept the donation and authorize the Chair to sign a letter of appreciation to Dr. Craig for her generous contributions."

**MOTION**

Commissioner Gwin moved to accept the donation and authorize the Chair to sign a letter of appreciation.

Commissioner Winters seconded the Motion.

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

**Regular Meeting, May 9, 2001**

**VOTE**

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

**Chair McGinn** said, “Mark, this is . . . what they do is teach the young men that are out there how to take care of the animal as well?”

**Mr. Masterson** said, “Absolutely. Before you ever get to ride, you have to learn how to care for the animals and more important than the activity is learning that responsibility. Then these type of animal/ human programs, for certain kinds of kids can really help to facilitate making that connection, and can be a connection for staff with kids and we’re always looking for those types of connections to try to make a difference and help a kid change his behavior.”

**Chair McGinn** said, “So it is not just about hopping on a horse and having fun.”

**Mr. Masterson** said, “No, it’s not.”

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

**Commissioner Sciortino** said, “Mark, this sounds like a good . . . how many horses will we have now, with this one?”

**Mr. Masterson** said, “We have eight. This replaces a horse that we had for about three decades that passed away.”

**Commissioner Sciortino** said, “Great, good program.”

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

**APPOINTMENTS**

**D. APPOINTING RESOLUTIONS (FIVE).**

- 1. RESOLUTION APPOINTING CHRIS CHRONIS (BOARD APPOINTMENT) TO THE COMMUNITY HOUSING SERVICES WICHITA/SEDGWICK**

**Regular Meeting, May 9, 2001**

**COUNTY BOARD OF DIRECTORS.**

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, "This is a non-profit corporation which exists to assist certain homeowners with repair and financing issues. Sedgwick County has a presence on this board and Chris Chronis has been the appointment for the past year. The proposed resolution would reappoint Mr. Chronis and I would recommend you adopt it."

**MOTION**

Commissioner Winters 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 Norton	Aye
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

**Chair McGinn** said, "Chris Chronis is our Chief Financial Officer and I believe he is at another meeting right now, but he did indicate that he would like to continue on this board. Next item."

**2. RESOLUTION APPOINTING JENNIFER SULLIVAN, DVM (COMMISSIONER SCIORTINO'S APPOINTMENT) TO THE SEDGWICK COUNTY ANIMAL CARE ADVISORY BOARD.**

**Mr. Euson** said, "Commissioners, this Resolution would appoint this person to a four year term on this board and I would recommend its adoption."

**MOTION**

Commissioner Sciortino moved to adopt the Resolution.

**Regular Meeting, May 9, 2001**

Commissioner Winters 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

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

**3. RESOLUTION APPOINTING SKEETS WINKLER (COMMISSIONER NORTON'S APPOINTMENT) TO THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION.**

**Mr. Euson** said, "Commissioners, this is a reappointment to this five member board and I would recommend you adopt the Resolution."

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Aye

**Regular Meeting, May 9, 2001**

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

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

- 4. RESOLUTIONS (TWO) APPOINTING HUTCHINSON POLICE CHIEF DICK HEITSCHMIDT AND DERBY POLICE CHIEF MICHAEL HAUSCHILD (BOARD APPOINTMENTS) TO THE SEDGWICK COUNTY REGIONAL FORENSIC SCIENCE CENTER ADVISORY BOARD.**

**Mr. Euson** said, "Commissioners, the Resolution creating this board requires that we have at least two members who do business with the board and the reappointments of these members would ensure that constituency. So, I would recommend you adopt the Resolution."

**MOTION**

Commissioner Gwin moved to adopt the Resolution.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

**Chair McGinn** said, "I believe the Chief is here today. Please come forward. Chief Hauschild."

**Mr. Don Brace**, County Clerk, said, "Raise your right hand and I'll read the oath."

***"I do solemnly swear that I will support the Constitution of the United States and***

**Regular Meeting, May 9, 2001**

*the Constitution of the State of Kansas and faithfully discharge the duties of the Office of Sedgwick County Regional Forensic Science Center Advisory Board, so help me God.”*

**Mr. Michael Hauschild**, Derby Police Chief, said, “I do.”

**Chair McGinn** said, “Would you like to say anything?”

**Chief Hauschild** said, “Thank you again. I’ve lost count of the years that I’ve been sitting on the Board. I’ve been on the Board before there was a forensic center so, it is again my pleasure to be asked to remain on the Board. The Center serves the law enforcement community in this area, a tremendous service. I applaud the Commission for recognizing that as a need for, not only law enforcement, but also the families, survivors who it truly does serve.”

**Chair McGinn** said, “Thank you for all the years that you’ve given the time to serve on this board. Clerk, call the next item please.”

**AWARD PRESENTATION**

**E. PRESENTATION OF AWARD TO MARTY HAMMER FOR 14 YEARS OF SERVICE ON THE CIVIL SERVICE BOARD.**

**Commissioner Winters** said, “Madam Chair, I’d like for Undersheriff John Green and Marty Hammer to join me here at the podium. I’ve often said that one of the most important functions that local government is involved in is public safety and law enforcement is certainly a big part of that. Sometimes we tend to forget that there are also volunteer citizens out there that are making law enforcement as good as it can possibly be. For 14 years, Marty Hammer has served on the Sheriff’s Civil Service Board. Undersheriff John Green and Sheriff Gary Steed have wanted to make a presentation to him.

“So, they have a plaque that they’re going to present to Marty. But I wanted to take a special time,

## **Regular Meeting, May 9, 2001**

Marty has been my appointment to that Board over these years and he has done an outstanding job and we want to thank all of those citizens who volunteer to work on boards and staffs, committees and that kind of thing that make this a better County to be in. I'm going to turn it over to Undersheriff John Green to make a couple of comments and the presentation and then if Marty would like to make a couple of remarks, we would certainly appreciate that. John, if you'll just step in here."

**Mr. Green** said, "Marty, on behalf of Sheriff Steed, the Board of County Commissioners, and the men and women of the Sedgwick County Sheriff's Office, we have this plaque for you, the bronze medal of outstanding service, for 14 years of public service to the Sedgwick County Sheriff's Department and the County. Thank you."

**Mr. Marty Hammer** said, "There are a few people I wanted to thank because you are thanking me but I really need to thank several people. This started out a number of years ago. Commissioner Bud Hentzen appointed me to this position. I thought I might bring a little bit to the table, but I've taken a lot more away from the table. Going back to Sheriff Hill, his Undersheriff at that time Earl Wathan, his Executive Officer Dick Coleman. I've since gone through them and Clyde Bevis came along, as his Executive Officer, and then Mike Pulice is his Undersheriff. Then Jan Heffner came in and I've worked with her. Tom Winters and I have had numerous occasions to talk. He keeps increasing my hours and cutting my wages, but honestly and then on to Sheriff Steed and his Undersheriff John Green, two of the nicest people I've met in a long time.

"I'm in awe and humbled by the dedication of the people with the Sheriff's Department. There is not a day goes by that I don't see these people in different aspects of life than other people do probably. I see the good side that they have when things are going good for them and when we're in trouble, that's the first people we call. When things aren't going quite as well, we have to make the decisions on policies and procedures which we are led to your council here, through the efforts of Bill Buchanan and his efforts working with the Sheriff's Department. It all boils down to the dedication of the people that are in that department. I can't say enough for them. So, the next time you see somebody out there in a uniform who is working in the jail, who is working in the courts, who is a detective or a patrolman, tell them thank you because they put in a lot more than we'll ever take back from them. Thank you."

**Chair McGinn** said, "Thank you. Commissioners, I'd like to take an off agenda item if I could."

### **MOTION**

**Regular Meeting, May 9, 2001**

Commissioner Gwin moved to take 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**

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, "I think it is most fitting that today was a day when you passed a Resolution about public service week to do one of the things that we get the most pleasure out of. That is announcing someone else who has joined the public service. Today, I want to call up Daryl Fox who, after an extensive search, has been offered and accepted the job as the new Director of Animal Control. We're glad to announce him and introduce him to you. If you have any problems, he's the guy you call from this point forward. Daryl, congratulations."

**Mr. Daryl Fox**, Director, Animal Control Department, greeted the Commissioners and said, "I am pleased that I have the job of Animal Control Director and working for Sedgwick County. I've come to you from United Parcel Service, where I served 18 years with them in the city, and I know they have done a good job for you there. What I've done there is I've done most of the hiring and trained about 60 drivers and also supervised over 60. So, I believe, with the employees that I have, that is working with me now in Sedgwick County, that we will serve Sedgwick County well. My

## **Regular Meeting, May 9, 2001**

plan is and my hope is that we will continue to carry on the work that has been done in the past.”

**Chair McGinn** said, “Thank you. Welcome to Sedgwick County and I’m sure we’ll get to know you better.”

**Commissioner Sciortino** said, “I want to know if you can play softball because we have a problem with our team, or do you golf?”

**Mr. Fox** said, “My golfing . . . I believe my grandson said he could beat me in golf, but I’m a basketball player.”

**Chair McGinn** said, “Okay, maybe we need to change our sport.”

**Mr. Fox** said, “But I can play softball.”

**Commissioner Norton** said, “I’m trying to envision Ben going up against Daryl.”

**Commissioner Sciortino** said, “My goal is to try to hit the bottom of the net.”

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

### **PUBLIC HEARING**

#### **F. PUBLIC HEARING AND RESOLUTION REGARDING PROPOSED SPECIAL ASSESSMENTS FOR CERTAIN INTERNAL IMPROVEMENTS PROJECTS IN THE COUNTY.**

### **POWERPOINT PRESENTATION**

**Mr. Joe L. Norton**, Gilmore & Bell, P.C., Bond Counsel, greeted the Commissioners and said, "As you may recall, at an earlier meeting in April you established today’s date and time for a public hearing to consider proposed assessment for various internal improvement projects in the County. This particular item is for seven street or road improvements that have been previously authorized and projects substantially or finally completed. As a preface, subsequent to the public hearing today, you’ll be considering a Resolution which will levy assessments for these public improvements and, after that Resolution is adopted and published, notices will be sent to each affected property owner advising them of their final assessment and giving them 30 days in which to provide for payment in whole or in part of this assessment and any amount not so paid would then be financed by the County’s general obligation bond issue later this summer over a period of

### **Regular Meeting, May 9, 2001**

15 years. Those assessments would be spread over time with the interest rate obtained by the County on its General Obligation Bonds.

“Prior to this date, notice of the public hearing has been mailed to each affected property owner advising them of their proposed assessment, the date and time of this hearing, as well as publication in the official County newspaper. In order to pull all these assessments together, I would like to recognize some other people who have been very beneficial in the process. Jim Weber is with me here today to answer any questions you may have. Karen Bailey of Public Works, Mary Byrne of Finance, and Robin Busenitz of my office have been very instrumental in putting these projects together and I’d like to recognize them before we proceed.

“On the screen before you are seven projects that we are discussing today, Belriv Addition, Huntington Pointe Addition, Salem Meadows, Savanna at Castle Rock, Suncrest, Sunnydale Farms, and Town & Country Estates. Since they do concern different property owners and different parts of the County and assessments, it might be beneficial to take these separately and see if there are any persons who wish to speak to these particular items before we proceed on down the line to subsequent hearings. I’m taking silence by the Chair to indicate that we will do it that way.

“The first project is Belriv Addition. This is a road project located on the map, which is north of Kellogg and west of Andover Road, approximately 143<sup>rd</sup> Street. The benefit district to be improved is outlined as set forth on the screen. There are 30 parcels proposed to be assessed equally for the cost of the improvement. On the screen before you is a list, prepared by Public Works and Finance Department, of the total cost of the project, which are in the amount of \$264,763.92, which is the line set forth in green near the bottom of the right-hand portion of the page.

“Parcels to be assessed 30, and again in blue there the average cost per unit equally divided is \$8,825.46 to be spread over 15 years with interest if the property owner does not pay up front. This project was initiated by a petition signed by 100% of the owners of land within the proposed benefit district. Mr. Weber and I would be available to answer any questions now or after comments from the public.”

**Chair McGinn** said, “Commissioners, are there any questions for Mr. Norton? We will open the public hearing and accept public comment at this time. Is there anyone here who would like to speak to this item? Anyone here today who would like to speak to this item? Seeing none, I will close the public hearing.”

**Mr. Norton** said, “I think we can leave it open.”

## Regular Meeting, May 9, 2001

**Chair McGinn** said, "Okay, great."

**Mr. Norton** said, "The next project is a road improvement in the Huntington Pointe Addition. Again, this located south of 63<sup>rd</sup> Street South and east of Hydraulic in the area indicated. The proposed benefit district is outlined on the map before you. There are 32 lots within this district proposed to be assessed equally for the cost of the improvements. Again, the same format of costs. Total costs of this project are \$189,258.43, when divided among the 32 parcels results in a principle component assessment of \$5,914.33. This project was also initiated by 100% petition of the property owners."

**Chair McGinn** said, "Please come forward and give your name and address please."

**Ms. Mary Pat Jeffries**, 2006 E. Winchester, said, "We were not aware of anything regarding the streets at the time we purchased the property. My assessment is quite a bit higher than he just quoted there. It is over \$6,000. We were not informed by the land owner or anybody else that this assessment was going to be levied on us."

**Mr. Norton** said, "I'll try to respond to those questions. As indicated, this project was initiated by a petition for the development company that started the development, which is Huntington Pointe Development Company, L.L.C., signed by Paul Mahoney as the managing partner back in 1999. The Resolution was adopted by the Board of County Commissioners authorizing this project in August of '99 and recorded with the Register of Deeds that month, so it was on public notice. I have been advised by Public Works that the amount of the assessment here, the \$5,914 is slightly lower than what was noticed up at the public hearing. They were able to trim some costs since the time we had noticed at the public hearing. So the amount that was in the notice, slightly over \$6,000 was higher than we now anticipate the assessment to be. It would be this amount if the Commission takes action as we have recommended today."

"We see this come up from time to time where projects are started by developers and then property owners obtain those houses later on, down the line, and there may not be as good as communication as would be desired, but we did take proper notice to publish this and record it, as set forth by statute."

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

**Commissioner Sciortino** said, "Thank you, Madam Chair. This is directed to Rich Euson. I am confident that the County did everything they were supposed to do to announce it and work with the developer, but the lady indicates that when she purchased her property, is there any obligation that

### **Regular Meeting, May 9, 2001**

the seller has to give to a person that maybe an announcement had already been made and everybody knew about it but then she buys a home. Is there any responsibility that maybe she could go against the person who sold her the home for not announcing it or telling her about it? How does that work?"

**Mr. Euson** said, "I suppose that is possible. There is something in the title work that would show, on Schedule B of the title commitment, there would be information that would show that the property is subject to possible special assessments and because that is filed with the Register of Deeds it becomes public knowledge and you have what is called constructive knowledge of it, which means that legally you know about it whether you really read it or not."

**Commissioner Sciortino** said, "Let me ask one other question. On the wild assumption say it hadn't been recorded with the Register of Deeds and when she purchased her property there was nothing that she had received, then what is her recourse? She is shaking her head no that it is not in the documents that she received upon the purchase and it wasn't filed. What happens then?"

**Mr. Euson** said, "I'm not sure I can answer that without more information about the specific transaction."

**Commissioner Sciortino** said, "Could I maybe recommend that she come and show you the documentation. At a time convenient with you ma'am you could visit with our County Manager and County Attorney and show them the documentation or if you want to leave it, he could look at it and return it to you. Maybe after the meeting you could give that to him."

**Mr. Euson** said, "We'd be happy to look at it."

**Commissioner Sciortino** said, "You could maybe leave it with Kristi Zukovich or one of our staff people. This lady has some documentation she would like our County Counselor to look at and he will get back with you and let you know after he reads it. Thank you."

**Mr. Charles Fleming**, 2315 E. Fager, said, "There are actually three of us here today. We talked to several of our neighbors. None of us knew of this. As a matter of fact, it was two weeks ago that we received this letter. We have called Columbian Title who was our real estate closer. They tell us and it has only been two weeks so we haven't had time to research the legality of this, but we called Columbian Title and they said by law anything that is a lien or against the property has to be brought out at closing. This was not brought out at closing. Actually, no one lived at this development. This was a development that they were vacant lots at that time. So, actually what you are doing is paying for the developer's development. I don't think that is right. We're paying

### **Regular Meeting, May 9, 2001**

\$19,000 for the property and then turning around and paying for his development. The original development should be on the developer and not on people who purchase the property later, unless he tells us we owe money. So, I don't know what is going to happen with it, but it was quite a shock to us. But then there has been other shocks with this property deal, too. Anyway, we should have been told about this at closing. It is not right."

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

**Commissioner Gwin** said, "There is a brand new subdivision, vacant land that has been subdivided into lots, right?"

**Mr. Fleming** said, "Right, it was at the time, yes."

**Commissioner Gwin** said, "And streets and water and sewer have been put in in this subdivision, correct?"

**Mr. Fleming** said, "No, we had to do it ourselves. We had to do our own wells. The only thing he developed was the street that now the County has paid for."

**Commissioner Gwin** said, "You don't have public water or public sewer."

**Mr. Fleming** said, "No, we had to do it all ourselves. We recently did that, I've only been there two months."

**Commissioner Gwin** said, "What do you use for sewer service?"

**Mr. Fleming** said, "Septic tanks."

**Commissioner Gwin** said, "In subdivisions in the County that are County streets, the County charges or collects special assessments for the improvements that go there. If you had sewer or water, you would be paying special assessments for those also. So, it is typical, in County subdivisions, that the property owners pay special assessments for those improvements on top of the cost of the land."

**Mr. Fleming** said, "The big problem with this is at the time we bought the property it was now city, it is in the city limits."

**Commissioner Gwin** said, "That happens. If the subdivision has improvements then special assessments is the method that is used in this State, for that matter, for those paying for the

### **Regular Meeting, May 9, 2001**

improvements. I'm not quite sure why the title company and why this was not addressed at the time when you purchased the property or you closed on the property. Did you work through a real estate company?"

**Mr. Fleming** said, "No, we went through the land development company."

**Commissioner Gwin** said, "Obviously you have some concerns here and I would refer those to our Legal Department to review for you, but you certainly have an issue with the title company, I think."

**Mr. Fleming** said, "The title company assured us, as we talked to her yesterday, that when she searched all the records that it didn't show up and it was hidden from her by the developer. She didn't know anything about it. So it was hidden from her and us."

**Commissioner Gwin** said, "If it was recorded with the Register of Deeds, it is not hidden."

**Mr. Fleming** said, "She claimed it wasn't. She claimed she did a complete search. I can only tell you what she told us yesterday."

**Commissioner Gwin** said, "I think we need to have our Legal Department and others look at the information that you received and you may have to pursue it on a legal basis as individuals, I would suspect. Thank you, Madam Chair."

**Chair McGinn** said, "Thank you. Give us your name and address please."

**Ms. Terie Jerdon**, 2311 E. Fager, said, "On the assessment, when I purchased my property I did ask if there were any special assessments. The only thing they told me would be imposed on us is the addition of city water out to the city limits since we were annexed into the city. There was no mention of the roads or any information given on that. So, I don't see how we should be liable for it when the roads were already there to start with and no mention of the roads were even put into it. The only thing they told us about was that the city water would be coming in and we would have to pay for city water even if we didn't tap into the line. We would be responsible for the assessment fees on that."

**Chair McGinn** said, "Thank you. Is there anyone else here today that would like to talk speak to this item? Anyone else? Commissioner Winters."

**Commissioner Winters** said, "Madam Chair, if there is no one else to talk about Huntington

## **Regular Meeting, May 9, 2001**

Pointe, I have a question for Mr. Norton. To just clarify this again, we have a petition with 100% signature by property owners at the time the petition was filed.”

**Mr. Norton** said, “There was one owner at the time.”

**Commissioner Winters** said, “There was one owner. So, all of these folks that have a problem today have a problem with that one owner or the developer at that time or whoever searched the records after that was done before they purchased their property. I’d certainly sympathize with them not knowing what arrangements they were getting into but that is not something we can deal with at this point and juncture because we’re dealing with that original petition that had 100% ownership signature, is that correct?”

**Mr. Norton** said, “That is correct. I think those are things that we can look later on at some of the documents that they have and see if there is information on there or not, but I am very comfortable that we have the stamped filed copy of the Register of Deeds of this Resolution so that it was on record. What happened after that, I’m not sure.”

**Commissioner Winters** said, “So you might also be able to help look at some of their stuff.”

**Mr. Norton** said, “Sure, we’ll do that.”

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

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

**Commissioner Sciortino** said, “Madam Chair, Joe just answered my question. I wanted to verify for sure that it got registered with the Register of Deeds and he has just so indicated. That was my question was to make sure that the County did everything they were supposed to do.”

**Chair McGinn** said, “Is there anyone else who would like to speak to this? I guess we’ll move on.”

**Mr. Norton** said, “The next project is one for Salem Meadows Addition. Again, this is located adjacent to U.S. Highway 81 or Broadway, at about 103<sup>rd</sup> Street. The proposed benefit district is shown on the map before you and contains six parcels. The costs will be divided equally. No, they’re not. There are two larger tracts on the left side of the map that bear a proportionately larger cost of the assessment than the four smaller tracts on the right hand side of the screen. The total

### **Regular Meeting, May 9, 2001**

cost of the project is \$96,178.79. As indicated in blue, the two larger residential lots are \$13,871.94 and the four residential lots are \$17,108.73. Again, this is a project that has been requested by 100% petition of the property owners at the time the project was commenced.”

**Chair McGinn** said, “Is there anyone here today who would like to speak to the Salem Meadows project? Anyone who would like to speak to this issue? I don’t see any questions from the Commissioners, Joe, so we’ll move on.”

**Mr. Norton** said, “The next project are improvements to 143<sup>rd</sup> Street East, between 13<sup>th</sup> and 21<sup>st</sup>, adjacent to the Savanna additions. This is a project that was not commenced by petition of the property owners. As you may recall, it was commenced by action of the Board of County Commissioners. This one has a little history that might bear repeating a little bit to put you in the proper frame of reference. This is a project that has now been annexed into the City of Wichita and when those projects were being commenced, there was a requirement, in order to get water service, that developers or the property owners pay for the paving of 143<sup>rd</sup> Street to a certain standard. There were petitions received at the time. The property was since subdivided so many times that the County reinitiated this project under notice and hearing. We did have the notice. We had the hearing. Citizens had an opportunity to protest the project at that time. A petition was received but it was determined by this board that the petition contained an insignificant number of signatures to stop the project and so the project has proceeded. This is one where the County shared a significant portion of the cost of the project because the improvements also went from, in essence, the railroad tracks, which are at the middle of the map on up to 21<sup>st</sup> Street, which was a County at large significant portion of the project.

“The costs associated with this project aren’t totally known yet because the project has not been finally complete, but we did know that by the action of the Board of County Commissioners the maximum amount to be assessed to these property owners was in the amount of \$175,000. The project, as you can see, the estimated cost now were about \$680,000 so we know it is well over the \$350,000 which the benefit district would share half of, so the assessments are proceeding at this point in time. There are 247 platted lots within the subdivisions and the method of assessment is to assess each of those lots equally for the portion of the improvements at 143<sup>rd</sup> Street, which results in an assessment of \$708.50, again to be spread over 15 years if not paid at the time of notice.”

## **Regular Meeting, May 9, 2001**

**Chair McGinn** said, "Is there anyone here who would like to speak to this item? Please come forward and give your name and address."

**Ms. Sharon Rushwood**, 14633 Sundance, said, "We are new homeowners. When the petition went out around our neighborhood to sign, a lot of us did not get an opportunity to sign it in protest of the assessment. We didn't even, when we purchased the property and others, know that the developer again was responsible for the payment of the improvement of the road. I feel that this is kind of an unfair assessment since the developer was supposed to pay for the improvement of the roads. Also, it is a major street connecting others in the County. It is not through our subdivision exactly, so a lot of other people use the road, not just the citizens of Savanna. The improvements done on the road over the years consisted of a truck with some asphalt, with a guy and a shovel, who shoveled the asphalt and filled the potholes that he felt probably would be a problem and just padding them. So I don't feel the construction or the upkeep of the road was sufficient over the years so then the road deteriorated."

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

**Commissioner Gwin** said, "You've lived at Savanna how long?"

**Ms. Brushwood** said, "My husband purchased the property a couple of years ago and we just got married and I've lived there since October."

**Commissioner Gwin** said, "Okay, congratulations. You're right. 143<sup>rd</sup> Street has been a very difficult roadway. Prior to our action, it was, quote, maintained by Minneha Township and Minneha Township had threatened to take any sort of road covering off and return it to dirt. We got a big protest from folks out there saying that A, they didn't want it to be dirt, B, they wanted it to be maintained, C, it was carrying a lot more traffic and they asked me, because it is in my district, please can you do something about this roadway. With the cooperation and understanding of my colleagues, we took the road back into the County road system. It was not a part of our road system

### **Regular Meeting, May 9, 2001**

or our responsibility. So, we brought the road back under the County umbrella so that we could improve it. As you can see by the numbers, you and your neighbors will be paying \$175,000 of the total cost. The rest of us in this County who don't live nearby or who may or may not drive up and down that road are paying \$490,000 of the cost of the road. So, we are spreading it County wide because it is a mile line road and we know that other individuals will be driving on it besides you all. So, we've done our best effort, I think, to regain control of the road to put it into a safe situation because it was very dangerous before, as I think you and your neighbors would understand, and minimize the impact of the cost of that on you and the other folks in Savanna. So I know it is a cost you don't want to pay but the rest of us in the County are assisting you in this project and that doesn't happen very often. I appreciate you being here. We hope when the project is done it will be a roadway that is much safer for you and your neighbors."

**Ms. Rushwood** said, "If they start improving what they have improved now. The ditches are kind of dangerous."

**Commissioner Gwin** said, "It is a big project. David, when will we be done with that?"

**Mr. David Spears**, P. E., Director, Public Works, said, "I haven't seen the latest report but my guess if I was guessing I'd say it would be done by the end of summer or no later than that."

**Commissioner Gwin** said, "So there is still quite a bit of work to do out there. Please stay in touch with me as you watch it progress, would you?"

**Ms. Rushwood** said, "Thank you very much."

**Chair McGinn** said, "Is there anyone else who would like to speak to this item? We'll move forward then."

**Mr. Norton** said, "The next project is an improvement in the Suncrest Addition for streets. Again, this is located east of I-135, west of Hydraulic and north of 71<sup>st</sup> Street South. The map before you depicts the benefit district that is to be assessed for the cost of the improvement. There are 47 lots within this benefit district each to be assessed equally for the costs. Again, the project was initiated by a petition signed by 100% of the owners of property at the time the project was commenced. Total cost of the project was \$193,945.51, which divided among the 47 parcels results in a assessment of \$4,126.50."

**Vice Chair Sciortino** said, "Is there anyone here who would like to speak to the Suncrest Addition? Seeing no one, Joe continue."

### **Regular Meeting, May 9, 2001**

**Commissioner Norton** said, "That is totally undeveloped right now, isn't it? Isn't it one property owner?"

**Mr. Norton** said, "I'm not exactly sure what the status of that is, Commissioner Norton."

**Commissioner Norton** said, "Is that Wildcat Construction?"

**Mr. Norton** said, "I think that is undeveloped yet."

**Mr. Jim Weber**, Deputy Director, Public Works Department said, "I don't think they have any houses in there yet."

**Mr. Norton** said, "The next project is Sunnydale Farms street improvements. Again, this is located between I-135 and Hydraulic and south of 101<sup>st</sup> Street North. The map before you depicts the proposed benefit district which contains 12 parcels to be assessed equally for the costs. The final cost statements indicate a total cost of \$80,643.46. When divided among the 12 parcels results in assessment proposed of \$6,720.29. Again, this project was initiated by 100% of the property owner petitions."

**Chair McGinn** said, "Is there anyone here today who would like to speak to this item? Move forward."

**Mr. Norton** said, "The final road improvement project is one for Town & Country Estates. This is an area of the County located west of Rock Road and north of 63<sup>rd</sup> Street South as depicted on the map before you. This map depicts the picture of the benefit district. There are 18 platted lots and there are, I believe, eight unplatted parcels. The proposed method of assessment is on a benefit unit basis treating each of the parcels, regardless of size, equally sharing the cost of the proposed road improvement district.

"This project also has a little bit of history in that the petition originally for this project signed by the majority of the property owners, the Commission approved the project, bids were received for this project cost greatly in excess of the amount authorized by the petition and resolution. The project was somewhat redesigned. A new petition was carried in the area signed by about 69% of the owners of property within the benefit district. The project was re-bid, reauthorized at the new cost and we have that now before you at \$260,688.60, which results divided by 26 units to be assessed in the principle component of about \$10,026.48. Jim or Dave, do you have anything to add about this particular project at this time? I guess not."

## Regular Meeting, May 9, 2001

**Chair McGinn** said, "Is there anyone here today that would like to speak to this item? I don't see anybody."

**Mr. Norton** said, "This concludes the presentation of the various aspects. It would probably be appropriate to close the public hearing, unless you have other comments of me or other County staff. We have prepared a Resolution for our consideration which would implement the special assessments in the amounts set forth here during the public hearing we have described. I believe it is in proper form and subject to your action and consideration this morning."

**Chair McGinn** said, "I will close the public hearing. Commissioners, are there any other questions or comments for Joe?"

**Commissioner Gwin** said, "Just real quickly before we address this. I know we have to go talk about some sort of similar projects in the Sewer District. When you are through with that, will you be available or Jim to visit with these folks who came from Huntington Pointe to spend some time with them?"

**Mr. Norton** said, "Sure. We will do that. Yes."

**Commissioner Gwin** said, "Sorry, Commissioner Sciortino. I know it is your district but I'd like them to get some of their questions answered as soon as possible."

**Mr. Norton** said, "I'd be happy to."

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

### MOTION

Commissioner Gwin moved to adopt the Resolution.

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

## **Regular Meeting, May 9, 2001**

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

**Chair McGinn** said, "We will need to recess this meeting. For those of you out there who are watching items as they come up, we will not be gone very long, it is just something that we have to take care of in the Sewer District meeting."

### **G. RECESS TO THE SEWER DISTRICT MEETING.**

**The Board of Sedgwick County Commissioners recessed to the Sewer District Meeting at 10:04 a.m. and returned at 10:19 a.m.**

**Chair McGinn** said, "We'll call back to order the Regular Meeting of May 9, 2001. Clerk, call the next item please."

### **PLANNING DEPARTMENT**

#### **H. CASE NUMBER DR 2001-02 – AMENDMENTS TO THE UNIFIED ZONING CODE.**

#### **POWERPOINT PRESENTATION**

**Mr. Marvin Krout**, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "Certainly a hard act to follow. It is true that some people consider zoning amendments kind of in the same category as sewer assessments and watching paint dry. There are some other people whose livelihoods depend on zoning or who feel very impacted by certain rules in zoning. We have really a long list of zoning amendments before you, but I'm just going to touch on some of the main ones that the Planning Commission has recommended.

"Their mission started out, about last summer, when the Wichita City Council passed something called the Redevelopment Incentives report. It was addressed at the older areas and trying to find some ways of providing more incentives for encouraging development and redevelopment in older areas. Some of those incentives, most of them, were financial in nature but we also looked at the possibilities for removing any unnecessary regulatory barriers. A week ago, the City Council adopted a rehabilitation code, a separate building code from buildings for new construction, to try to encourage development. It is more flexible. Also, we looked at the zoning code and tried to identify where might there be some flexibilities that we can offer. Where we've seen people going to the Board of Zoning Appeals and having to go through a public hearing process more than once

## **Regular Meeting, May 9, 2001**

indicating that there's maybe something that needs to be looked at.

“We also, not just for older areas but in new areas, realized that there is a recent trend towards lots getting smaller. The aging population, people looking for more compact development that fits into the Comprehensive Plan. All of these are ideas that will also fit in new construction as well as remodeling and additions. The set of issues that we originally talked about had to do with parking setbacks and lot size. In the issue of parking, not so much for single family development, but for multi-family and commercial development, one of our good models, I think, is Old Town where none of those properties have their own parking. They all sit on their own lots and the parking is provided in a sort of cooperative way. It could be done by, in that case by the City, it could be done privately, but the point is that you don't have to provide a certain amount of parking on your own zoning lot. The zoning code is not real flexible about that. You have to go through some special processes to do that. So, one of the ideas was to open that up and allow for development to have as much as all of its parking off of the lot but in a reasonable walking distance to the lot.

“Second has to do with setbacks and I'll use this as an example and there is another lot. If you go to older areas, the old lot pattern in older Wichita and some of the other small cities were really 25 foot lots put together in groups of two so you see lots that are 50 feet wide and development patterns that are based on that with side yard setbacks that are not the six foot wide that we have today. So what we have seen in older areas where people want to do an attached garage or a room addition is they are having difficulty sometimes making that fit. So we have streamlined the setback rules to say that in the rear half of the lot you can treat an attached addition or attached garage just like you can an accessory building, which means you can get closer to the property line in the rear half of the lot where the homes are and in the rear yard you can also reduce the rear lot setbacks and treat them as though it is going to be an accessory building which means as close as three feet to a property line.

“Also, where lots are platted or going to be platted less than 60 feet wide, reduce the side yard setbacks for the house itself from six feet to five feet. We've actually recommended that the R-6 district, which has a 6,000 square foot minimum, be reduced to 5,000 square feet. There are examples in other communities of homes that are even on smaller lots than that and have worked very well. Here's another point, the idea, I think that there was an Oaklawn study recently that looked at how to attach garages as one of the kinds of additions that you would do to a house. Right now, you would have to go to the Board of Zoning Appeals and get a variance to put a one car garage onto a typical Oaklawn house. Not necessary, and so we've recommended change. Here is

### **Regular Meeting, May 9, 2001**

a home that is no more than 40 feet wide, which can fit on a 50 foot lot and so we see that there is going to be demand for this in the future. We should prepare for it by being more flexible and not requiring people to go through unnecessary processes.

“So that was the original intent of this but any time we open up the zoning code we get a lot of interest in looking at other changes, too. So, it grew lots of branches and that is why it took so long. The Planning Commission, if you saw the minutes, had lots of meetings, lots of hearings and discussions. In all but one area, they have finished their deliberations and are making recommendations to you and I’ll tell you about that one area in a second. But one of the other areas was portable storage containers. Primarily an issue in the city, where you have larger commercial strip centers and commercial developments. There is a sort of new industry of people who lease these on a temporary basis to businesses who need temporary storage, especially seasonal like Christmas time and so on in the limited commercial district, the main retail district.

“There are limitations today on how much, percentage wise, you can store outside and on this being considered to be open storage. Meaning that even though it is temporary, it is required to be screened and landscaped with permanent screening and landscaping materials. So we met several times with the representatives of the industry and have come up with some suggestions recommended by the Planning Commission that allow these to be introduced into the limited commercial districts as well as the heavier districts but still with some control. They’ll be close to the building, behind the main building line, and on a temporary basis, up to four months at a time. Also, this is the back so it doesn’t matter so much, but no bright signage facing the street so that it becomes a sign instead of a temporary storage facility.

“County S.O.B.’s, one of my staff people saw me looking at this slide and said ‘who are the County S.O.B.’s?’ The question isn’t who are the County S.O.B.’s, the question is what are the County S.O.B.’s. S.O.B.’s are sexually oriented businesses and I think what I need to say to clarify or put in context the Eagle article from yesterday or the day before, is that there is nothing new that is in this zoning code. In fact, it is word for word the same as the separate County Resolution that you passed a year ago to deal with sexually oriented businesses in the unincorporated area. The reason for placing this in the zoning code and I’m sure Rich Euson or his staff would be able to expound on this if you asked them to is that the zoning statute, the state statutes have specific authority in the zoning statutes for amortizing and terminating uses that are nonconforming. So, in order to reinforce the existing Resolution that you have on the books already that you passed last year, we’re also proposing entering that same language into the zoning code.

## Regular Meeting, May 9, 2001

“Basically, these regulations require spacing next to facilities, land uses that are considered incompatible, like schools or churches or residential districts or not spaced too close to other similar facilities and that the amortization clause in the appropriate section of the zoning code will state like your existing Resolution does that on July 1, 2004, uses that are nearer than that 1,000 foot distance to incompatible land uses must relocate. So that was basically the purpose of Sexually Oriented Businesses provisions.

“Another area that came up, we’re fairly pretty far along, had to do with day reporting facilities. You probably have been reading in the newspaper about that. Primarily a city issue, because primarily the areas where the city has suggested are the most appropriate for these facilities in the future are areas that are zoned industrial. The areas that are on the map, the purple areas, which include the area around Mid-Continent, Southwest Industrial District, the Bridgeport Industrial District, Comotara, those are areas where, in the City’s recommendations, new day reporting facilities would be located. Not only in industrial districts, but also at least 1,200 feet away from residential districts or other sensitive land uses. So, if you have any specific questions about that, there is only one area of the County, two areas maybe, in the County that could possibly qualify for these uses. One is the area down near where you recently approved the transfer station, but as you see the red area shows that there is not much area that isn’t close to a residential zoning district so there is really not much purple area there. The other area there is also very little area up by the KGE power station, up west of Maize. So, this is really primarily an issue for the City but this is the Uniform Zoning Code and the rules would apply unless you specifically change them to the City. The rules for sexually oriented businesses as being proposed are being proposed specifically for sexually oriented businesses in the unincorporated area.”

**Chair McGinn** said, “Marvin, before you move on, I guess I always thought that those type of facilities also needed to be close to busing and have that capability. I don’t know, does the bus run down south there?”

**Mr. Krout** said, “No, and that wouldn’t be the local criteria but it is part of the state’s criteria that they be near some public transportation so that would rule out most County sites in addition to the lack of industrial land.”

**Commissioner Gwin** said, “My question about that is though even the sites that are within the City that are identified as industrial, again like the Chair, I thought bus routes were supposed to be easily accessible. I also was under the understanding that they should be . . . don’t they have to contact

### **Regular Meeting, May 9, 2001**

their probation officers, too? Isn't that a part of this process?"

**Mr. Krout** said, "Day reporting facilities? There is a very elaborate process by which . . . basically, these are facilities where people have violated their parole. They have to report daily to these facilities during all the daytime hours that they're not working or they're not living at home in the evening. In addition to that, they wear G.P.S., global positioning system ankle bracelets, so that parole officers know where they are at all times."

**Commissioner Gwin** said, "I guess I'm concerned about their ability to get to those locations without public transportation."

**Mr. Krout** said, "There is public transportation in the Bridgeport area. There is public transportation out to Comatara. There is public transportation out in the West Pawnee area, southwest. Certainly those are limiting areas. At first, the Planning Commission recommended included the downtown area as an appropriate place for day reporting facilities. In fact, it was interpreted as being similar to an office, originally, and then that led to an appeal by the neighborhood group out in Twin Lakes. The Planning Commission, on their second recommendation and also the new downtown board that has been set up as a self taxing district, have both recommended that the downtown not be included, at least now, for day reporting. Originally, the recommendation was to treat these day reporting uses the same as residential facilities where people are assigned to live, as sort of halfway houses, basically. The new recommendation treats day reporting actually in a more strict way than the residential facilities. Residential facilities could still be located in the downtown or in office or commercial districts, but only by conditional use if they are anywhere near a residential zone. If you have further questions about that, I'll be glad to answer."

"There are a large number of other minor changes dealing with definitions, better definitions, trying to clarify things, questions that have come up. There are new uses. There is a use called telecom hotels which are basically almost unmanned facilities but need a lot of space for computer equipment that is related to telecommunications and radio equipment. They have found space in some of our vacant class B and class C space in the downtown area. But they didn't quite fit into an office use and there were some questions about are they a utility, do they need a traditional use permit. So from time to time we drop out old uses like blacksmith shops and we add new uses like telecom hotels."

## **Regular Meeting, May 9, 2001**

“One more issue that the Planning Commission talked about, more than once, but decided needed more discussion is the area of parking and storage of vehicles and possibly equipment in the front yards on residential lots, both in the city and in the County. This is sort of what is left after the Resolution that you recently adopted having to do with the storage of materials and vehicles behind a screened fence and behind a certain setback from the front yard. This is actually in your front yard. What can you do.

“The City and the County have taken, informally, some slightly different administrative interpretations over the years. We were trying to work with them to straighten that out. We’ve had some meetings. I see that there are some people here that you are probably acquainted with better than I am, from the discussions you had on the Resolution. The Planning Commission did not vote on that item. They’ve had several meetings and hearings. They are going to next take that item up on May 24<sup>th</sup>, after their zoning hearings, which I indicated to one of the interested people, it would probably be 2:30 to 3:00 on May 24<sup>th</sup>. they may or may not come to a decision at that time, but they felt that that needed a little more thinking and a little more time. The last time we had a discussion there were several new issues that came up. So, that issue is not on the table at this time. It hasn’t been recommended by the Planning Commission.

“The last thing I want to do is introduce to you is Donna Goltry of my staff who is sitting in the back there trying to hide. Donna has done tremendous work since she has joined us a few years ago. We’re lucky that she is one of the people who didn’t leave town with Pizza Hut and we managed to take her on. She’s done wonderful work. She’s very passionate and dedicated and thorough. This work wouldn’t have been done if she hadn’t been there to do it. I’ll try to answer any questions that you have.”

**Chair McGinn** said, “Commissioners, are there any questions for Marvin at this time?”

**Commissioner Norton** said, “I have one, Madam Chair. Talk a little bit more about the portable storage containers and the color. Is that something that has changed because I’ve had two or three people in that industry who have certain color storage containers that have said ‘you’ll put me out of business if you require it to be earth tone’ .”

### **Regular Meeting, May 9, 2001**

**Mr. Krout** said, “Well, what we’ve said is . . . currently today they may be violating the rules. Currently today if you put out an open storage container in any zoning district, whether it is limited commercial or general commercial or industrial, it is considered outside storage and you’re supposed to screen it with a fence. In fact, we had some of these people come to us and showing us how they could actually put wood boards around the outside of these facilities and then asked us would that be screening. We said yes, but instead we thought if you’re going to be not out in the front yard of a commercial building, like a trash receptacle, if you’re going to be a neutral color or a color that matches the building, that it is not going to be like a sign again that it is going to stand out, then you don’t have to screen it. But today, no matter what color it is, you have to screen it today.

“So actually, what we’re doing is eliminating the screening requirements but saying if it is going to be visible and you’re not going to screen it, it needs to blend in and not look like an eyesore. So that may mean that some people in some situations may decide to paint or locate them, like you saw in these cases, in the back of the building where it is not visible and it is not an issue.”

**Commissioner Norton** said, “When that came up, did you have some protests and some dialogue about that?”

**Mr. Krout** said, “Well, we had dialogue. We had dialogue about that, we had dialogue about the maximum time for them to display if it is going to be temporary when you need to remove it in a limited commercial district. The Planning Commission considered all of those issues very seriously, I think. The Planning Commission even before they had their hearings in the beginning of February, there was a Planning Commission subcommittee and that subcommittee met at least 15 or 20 times and they seriously considered those and other issues. They didn’t take every single request by every single representative or that industry or any others, but I think that, by and large, we did have people get up and say this is something we can live with.”

**Commissioner Norton** said, “Thank you, Madam Chair.”

**Chair McGinn** said, “Thank you. I don’t see any other questions for your Marvin. We’re not required to have a public hearing but I see there are some people in the audience that may want to speak to this item? Could you give me a show of hands if you are interested in speaking on this item? Two people. Well, please come forward. We’ll limit your comments to four minutes.”

**Mr. Charles Piester**, 9453 N. 135th W., Sedgwick, KS, said, “One of the items that I’d like to

### **Regular Meeting, May 9, 2001**

speaking on has to do with in the back of the book, well it is actually on the front of the book. It is on page 4, Article 1, H-3. The item that I'm referring to is saying that they're adding a section of this and they're wanting to put in there that it is subject to limitations in Section 7-I. That wording wasn't in there previously. For your information, I believe that if you add that you're going to be in violation of K.S.A. law 19-2960, Section C."

**Chair McGinn** said, "Marvin, could you help us out. The page numbers he is referring to is not what we have in our material."

**Mr. Piester** said, "In the old book it was on page 4."

**Mr. Euson** said, "I think it is on backup page 108."

**Mr. Piester** said, "It is on Article 1, page 4, Item 3, it says nonconformity created by the adoption of this code. They're adding a section which makes it a requirement to register this with Code Enforcement. It previously wasn't in there. I believe by doing this you're going to be in violation of K.S.A. 19-2960, Section C, which says basically that you can't modify this if it is going to create a problem with Kansas law. That is the Kansas law under home rule that gave you the option to set up these codes. I believe it is something that needs to be looked at and removed from the code book. It is one of the items that is highlighted to be added."

**Chair McGinn** said, "Was there anything else you had on that?"

**Mr. Piester** said, "No, the other one that the Planning Commission is taking care of it, had to do with parking and trailers and I believe that is all part of one unit. So, basically this is a little bit of what we've gone through. Some of the stuff is highlighted. They didn't show you all of that, which I understand there is like an addition of going from page 204 to like 255 with the additions of other items. Thank you for your time."

**Chair McGinn** said, "Thank you. Marvin, would you like to make any comments on his comments?"

**Mr. Krout** said, "When the zoning code was passed, the new unified zoning code, we still call it new, in 1996, the provision on page 4 says we're not making any uses non-conforming that were as

### **Regular Meeting, May 9, 2001**

a result of this and that was to try to assist with any financing or any unintended consequences from it. Now what we are doing, through this code, is identifying that the sexually oriented businesses are nonconforming and because they are nonconforming under the state law they can be terminated by July of 2004. That is what statement J is about. Statement I has to do with the registration, which has always been in the zoning code, that nonconforming uses are supposed to be registered, so that the County code enforcement officer has an idea about where they are. I'm looking at page 224 of the delineated version where you see I and then J on the bottom. Those are the sections that are referred to on Page 4. So Section J has to do with the sexually oriented businesses and I think Rich would agree that that exception needs to be on page 4 in order for you to carry out the J.

“Item I has to do with registration and I don't recall that that was the recommendation of the County Counselor or not. It was a recommendation of the County Counselor, so maybe they'll have some other suggestions for you about that. But I think it also ties to the sexually oriented businesses. Now, there was some discussion about this and I think we can continue that discussion with the Planning Commission because it came up in the context of all these other comments about parking and storage in rural areas. I think we can continue looking at the registration issue and see if there may be some things that need to be changed on that. There is an appeal process, if someone feels that there was some . . . if they fail to register it doesn't mean that they're not eligible as a nonconforming use. There is a process where they can establish their nonconforming use.

“Some of the people in the audience were saying ‘well it shouldn't be the burden of the property owner, it should be the burden of the County to prove they're a nonconforming use’. I don't agree with that and I don't think the County Counselor will either. Both I and J references are necessary, in order to accomplish what you are trying to do with sexually oriented businesses. I think that we have no intention of trying to rush through with these other provisions and I think that, as part of that, we can have continued discussion about the Item I on registration. If the Planning Commission has some additional recommendations on the registration of nonconforming uses and it doesn't interfere with what you're trying to do with sexually oriented businesses, we can come back to you, as we intend to, with the residential parking and storage issues and tell you we've reexamined that and have some other suggestions. I think Rich will tell you that this is necessary to accomplish what you're trying to do with sexually oriented businesses.”

**Chair McGinn** said, “I think I'm going to have a question for Rich. Rich, on page 108, item 3, the comment of it being in conflict with Kansas statutes.”

**Mr. Euson** said, “We don't believe it is in conflict with the statute and we've looked at that. It merely restates the idea that we've had in our code for some time that nonconforming uses do need to be registered. It merely affirms that, so I am very comfortable with it.”

## Regular Meeting, May 9, 2001

**Chair McGinn** said, "Thank you. We have one more speaker. Please come forward."

**Mr. John Dailey**, P.O. Box 381, Valley Center, Kansas, greeted the Commissioners and said, "Thank you for a few minutes of your time. Mine is about the same. A little bit further comment on page 4 of the new. It says that there are no nonconformities created by this law. Then, does that mean and would you have your Planning Department define that since this doesn't make something nonconforming should you have to register it and why should you if it says it doesn't make it nonconforming then why register it. That has been discussed in court also and there has been a recent court comment about that situation. So it is the registration part that is the main thing, it is not the sexually oriented businesses that I think that we're talking about, it is the registration process."

"If you will look on my book it is 224, Number 3, under I, it is registration deadlines. Marvin may be able to correct this. Under Number 3, it says registration deadlines. On my book it says that the deadline is January 1<sup>st</sup>, 1997. This is 2001. How can you meet a deadline that was four years ago? There are non-consistencies there, does your book also say '97?"

**Commissioner Gwin** said, "Yes, because that registration item has been in the code for several years."

**Mr. Dailey** said, "Yes, but if it wasn't if they're going to make you register something and you're looking at this book now, how are you going to know you are supposed to do it when the deadline has already passed."

**Commissioner Gwin** said, "I'd have to ask legal staff. Thank you."

**Mr. Dailey** said, "If it isn't a nonconformity, which the code is not supposed to do, then you shouldn't have to register it. Not everybody and probably most of the people in the County don't know these things happen and they write the books up. You read them or you don't read them, you pass them and it gets kicked under the rug until you get cited and then you know you're supposed to register. You have somewhat proof that you've been doing what you're doing but you're not a business."

"So, therefore you don't have receipts that you've done things, you don't have licenses, and it needs to be cleared up so people know what they need to do and be a little bit more realistic. If you need to register it, okay, but do it, don't just say you were supposed to do it four years ago and then we're citing you because you didn't. In the book before this, in '96, before that, it was the responsibility of the administrator to register these things and keep records. Also, I would like you

## Regular Meeting, May 9, 2001

to consider if we want to see these registrations, how do we go about doing that? if we want to see what other properties have been registered, there should be something in the records that we could just ask how many properties like these have been registered and I bet it is a surprisingly low number because people don't know they're supposed to be registered. I hope, as Marvin says, that we can talk about this in MAPC and maybe get this to work a little bit better. Thank you."

**Chair McGinn** said, "Thank you, Mr. Dailey. You practiced that very well, you got it right down to four minutes. Commissioner Gwin."

**Commissioner Gwin** said, "Just a comment on the registration deadline. Right after the date of January 1, 1997, there is a sentence that says 'for nonconformities arising because of an amendment to this code or because of a change in jurisdictional boundaries, property owners shall have one year from the date on which the nonconformity first became nonconforming to register it'. Does that, Rich, meet the criteria for the sexually oriented businesses and the requirements that we have on them? Doesn't that supercede the January 1997 date or not? It seems to me that that would be another sentence that . . . because aren't we amending the code? So, if I amend the code today to include this amortization of nonconformity, particularly as it is related to sexually oriented businesses, that is an amendment. It seems to me then that, based upon the amendment and then if we adopt this today, that sentence says that the owners of those have one year from the date, today's date or whatever, but from that date to register those nonconformities. Am I interpreting this correctly or have I missed the boat all together. I think that clarifies the date issue, because I am amending this code. This date was a part of it when we adopted it or when my predecessors adopted it back when, I would think."

**Mr. Euson** said, "That is correct, but that really speaks to the registration of it as a nonconformity. I don't think it effects the amortization of the business. It talks about registering as a nonconforming use. I'm not sure that it changes anything, any of the intent that we were trying to do when we asked to have the provisions of the adult entertainment code merged into the unified zoning code."

**Commissioner Gwin** said, "So the Resolution that we adopted then having to do with the sexually oriented businesses and the amortization, that clock started ticking when this Board adopted that Resolution, is that correct?"

**Mr. Euson** said, "That is correct."

## **Regular Meeting, May 9, 2001**

**Commissioner Sciortino** said, "Commissioner, I think this does address that gentleman's concern. If by amending something today we've made something nonconforming today, how does he register it if it says you have to register it by 1997. I think what we've just said here is this second sentence indicates if something has become nonconforming because of an amendment you have one year from the date it became nonconforming, that is today, to register. I think that was your concern and I think that sentence clears up that part of it for you."

**Commissioner Gwin** said, "Okay, thank you. Thank you, Madam Chair."

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

### **MOTION**

Commissioner Sciortino moved to follow the recommendations of the Metropolitan Area Planning Commission and approve the proposed amendments to the Unified Zoning Code; adopt the Resolution and authorize the Chair to sign.

Commissioner Gwin seconded the Motion.

**Chair McGinn** said, "I have a Motion and a Second. Any discussion? Commissioner Winters."

**Commissioner Winters** said, "I just have a question of Marvin. Marvin, the people who have raised this question about registration and deadlines, I don't think they are involved in a sexually oriented business. How do you think this is going to affect them?"

**Mr. Krout** said, "This doesn't affect them. These changes don't affect them at all, unless they have donned sexually oriented businesses and we don't know about it, it doesn't affect them. There is nothing in this code that is really making any additional existing uses nonconforming. I think what I need go back and clarify, I hope this isn't muddying the water, but when you go back to page 4 and it talks about no uses made nonconforming by this code, what they are talking about uses that were conforming to the code before 1996 and, because we've changed something and it may have been mostly probably inadvertent because we tried very hard not to do that, but if we changed

### **Regular Meeting, May 9, 2001**

something, like say lowered the density for apartments and there was an apartment district that was built under the previous code, at 18 units per acre, and now it would otherwise become nonconforming because we changed the rules to 17 units per acre, page 4 declared that it should not be considered a nonconforming use.

“But if we didn’t change anything about the code, like let’s say you had a nonconforming junk yard that didn’t have industrial zoning out in the rural area prior to 1996. If it was nonconforming before ‘96, it is still considered a nonconforming use. For many years, as long as the County has had a zoning code, there has been a requirement for registration of all nonconforming uses. Now, I think what we can talk about with the Planning Commission and with the applicants is you just found out that you were supposed to register a nonconforming use and you haven’t done it, the language in here kind of implies that the only way that you can now register is to go to the Board of Zoning Appeals. I guess, I’m thinking that there is probably an easier way for us to handle that in the future. I think that will deal with their issues. We’ll have a discussion about it and we’ll flesh that out.”

**Commissioner Winters** said, “Thank you. That was helpful. Thank you, Madam Chair.”

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

**Commissioner Norton** said, “I guess I was wondering if we have, with the registration, do we have a data base that I could pull up at any one time and see the nonconforming uses within the County?”

**Mr. Krout** said, “I’ve never seen it. That’s a question for the County Code Enforcement Officer. He is supposed to keep a record of all nonconforming uses in the County. I don’t know if he has it in a data base and you can pull it up or not. We’ll ask that question.”

**Commissioner Norton** said, “Certainly I think it would be ludicrous to register and then not have a data base that we could pull up, particularly when you are talking about floods and tornados and those kinds of things. That is when you find out all your nonconforming uses. Then you have problems.”

**Mr. Krout** said, “I’m sure that the records are not complete. That everyone didn’t register over the years like they were supposed to.”

**Regular Meeting, May 9, 2001**

**Commissioner Norton** said, “Certainly, that would be a challenge that we need to make sure that we take on ourselves. If we’re going to register people, we need to have that in a data base, so if somebody questions it we can readily access it and find out for sure if that property is nonconforming or whatever. We probably need to follow up on that.”

**Chair McGinn** said, “Thank you. Commissioners, are there any other comments? We have a Motion and a Second, Clerk call the vote.”

**VOTE**

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, Marvin. I’d like to recess this meeting for five minutes.”

**The Board of Sedgwick County Commissioners recessed at 10:58 a.m. and returned at 11:08 a.m.**

**Chair McGinn** said, “I’ll call back to order the Regular Meeting of May 9. Clerk, call the next item please.”

**NEW BUSINESS**

**I. GRANT APPLICATION TO KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL FOR BYRNE GRANT FUNDING OF FORENSIC LABORATORY EQUIPMENT.**

**Mr. Green** said, “We are requesting approval of an application for a Kansas Criminal Justice Coordinating Council for Byrne Grant for acquisition of a forensic light source, digiscope digital camera and associated computer hardware and software equipment. The purpose is to enhance and

**Regular Meeting, May 9, 2001**

compliment the forensic work station obtained from a grant in 1999 for the collection of evidence in processing of latent prints. The total cost of the grant is \$24,911. The matching fund portion for the County will be \$6,228 and the funds have been identified in the budget.”

**Chair McGinn** said, “Commissioners, are there any questions?”

**MOTION**

Commissioner Gwin moved to approve the grant application.

Commissioner Sciortino 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

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

**J. AGREEMENT WITH WICHITA FESTIVALS, INC. FOR USE OF COUNTY FACILITIES DURING THE 2001 RIVER FESTIVAL.**

**Mr. Jarold Harrison**, Assistant County Manager, greeted the Commissioners and said, "It is time for that party here in Wichita again, the River Festival. We have an annual use agreement with River Festival for use of certain County property. In spite of the fact that the parade route has relocated away from the courthouse, they’re still asking to use parking areas around the courthouse Friday, May 11<sup>th</sup>, from 5:00 to 9:00 p.m., and they’ll coordinate with our parking company to coordinate that use. They’re also asking to use the parking compound again this year for Friday afternoon, 3:00 p.m. to approximately 1:00 p.m. Saturday for the golf cart parking for the festival

**Regular Meeting, May 9, 2001**

parade and use of available barricades for street closings and festival events that we might have available for their use. We've received a signed agreement. This would be subject to a receipt of certificate of insurance and we would recommend your approval."

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

**Commissioner Gwin** said, "Just a technical change but in Section 1, Item C, I don't think we call the Public Works Public Services anymore. I think that technical change ought to be made at some point."

**Mr. Harrison** said, "Noted, we'll get that corrected in next year's agreement, if that's alright."

**Chair McGinn** said, "Thank you. Are there any other questions for Jerry? If not, what's the will of the Board?"

**MOTION**

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

Commissioner Norton seconded the Motion.

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

**VOTE**

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, Jerry. Next item."

**K. DEPARTMENT ON AGING.**

**Regular Meeting, May 9, 2001**

**1. AGREEMENT WITH CITY OF GODDARD, KANSAS PROVIDING DELIVERY OF UNITED STATES DEPARTMENT OF AGRICULTURE COMMODITIES.**

**Ms. Annette Graham**, Director, Department on Aging, greeted the Commissioners and said, "This contract allows for the distribution of USDA donated commodities to the rural areas of Sedgwick County. This is an income based program that allows eligible consumers to receive products such as flour, dry milk, peanut butter, fruits, vegetables, and juice. This program has been successful in helping low income persons in the rural areas. The program is not limited to the elderly, but anyone who meets the income guidelines. The department utilizes a volunteer system to deliver commodities. Our responsibility is to coordinate volunteer pickup of the commodities once a month at United Food Warehouse at 29<sup>th</sup> and Meade. We request the approval of the agreement with the City of Goddard for delivery of the USDA commodities and authorize the Chair to sign."

**Chair McGinn** said, "Commissioners, what's the will of the Board?"

**MOTION**

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

Commissioner Sciortino seconded the Motion.

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

**VOTE**

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

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

**2. AGREEMENT WITH WILLOW CREEK MANOR FOR SEDGWICK COUNTY TO PROVIDE COMMUNITY SERVICE COORDINATION.**

**Regular Meeting, May 9, 2001**

**Ms. Graham** said, "Mill levy funded community service coordination was provided to Willow Creek Manor from December 1999 to May of 2000. Willow Creek Manor has now budgeted to privately pay for the eight hours per week for a contracted service coordinator. Community Service Coordinator would be available to assist residents by disseminating information regarding available services, filling out paper work, making telephone calls, access services and information, providing transportation to access services, deciphering mail and or bills and determining which services can best meet the needs of the residents. This contract will allow Willow Creek Manor to privately pay for a Community Service Coordinator, making more mill levy funds available for additional seniors in the Sedgwick County area. This contract has been approved by the Sedgwick County Legal Department and this program has proven to be very successful in meeting the needs of residents in these communities. We would request approval of the contract and authorize the Chairperson to sign."

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

**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.

**VOTE**

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

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

- 3. AGREEMENT WITH KANSAS DEPARTMENT ON AGING AND KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES PROVIDING PAYMENT OF MEDICAID ADMINISTRATIVE CHARGES.**

**Regular Meeting, May 9, 2001**

**Ms. Graham** said, "This is a contract that funds payment of Medicaid administrative charges to reimburse for client assessments supported by Medicaid to the Kansas Department on Aging. This is a payment for service contract, which has a rate of reimbursement of \$10 for each unit with the unit being 15 minutes. This contract results in a change in how assessments, under the Medicaid Wavier Program, are reimbursed. There are no additional funds requested, this is all Medicaid dollars reimbursement for services and we request that you approve the contract and authorize the Chair to sign."

**Chair McGinn** said, "Commissioners, what's the will of the Board?"

**MOTION**

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

Commissioner Norton seconded the Motion.

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

**VOTE**

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, Annette. Next item."

**L. AGREEMENT WITH WINNING SPIRIT FOR ADVERTISING RIGHTS AT THE KANSAS COLISEUM.**

**Mr. John Nath**, Director, Kansas Coliseum., greeted the Commissioners and said, "This is our

**Regular Meeting, May 9, 2001**

standard agreement for advertising rights at the facility. Winning Spirit is a company that produces logo materials for promotional purposes. We are doing a barter agreement with them whereby they get advertising space at the Coliseum. We, in term, get promotional items such as the denim shirts and golf shirts that we present to promoters and clients. We recommend 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.

**VOTE**

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.”

**M. DIVISION OF INFORMATION AND OPERATIONS (DIO).**

**1. RESOLUTION AMENDING INFORMATION SERVICES POLICY AND ADOPTING INFORMATION TECHNOLOGY USAGE POLICY.**

**Ms. Kathy Sexton**, Chief Information Officer, greeted the Commissioners and said, "I have a policy for amendment this morning that has not been amended since 1997. I think it is time, primarily because of the change in using E-mail and the Internet and now this new policy proposed today would account for some of that change in the way we use those tools. The new policy replaces a section of the old policy that only dealt with E-mail and voice mail. The new policy would not only deal with those two media but also Internet usage. It does stipulate that these tools are provided by the taxpayers for County employees for business use only and it does also though recognize the changing nature of work and the work force and that E-mail is essentially like a telephone. If you can call your spouse and say I'm going to be late tonight or whatever, then it is okay to send an E-mail and do the same thing. The policy stipulates brief and occasional personal

**Regular Meeting, May 9, 2001**

use. That, along with some of the other details in the policy, we think, will help supervisors better enforce the standards that we all expect for using this equipment. Please let me know if you have questions, otherwise I recommend you approve this Resolution that would delete Section L of the old policy and adopt the new policy.”

**Chair McGinn** said, “Commissioners, are there any questions for Kathy? What's the will of the Board?”

**MOTION**

Commissioner Sciortino moved to adopt the Resolution.

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

**Chair McGinn** said, “Next item.”

- 2. ADDITION OF ONE CUSTOMER SUPPORT ANALYST POSITION, RANGE 22, AND ONE NETWORK SUPPORT ANALYST POSITION, RANGE 24, TO THE DIO STAFFING TABLE.**

**Mr. Richard Vogt**, Project Leader, Division of Information and Operations, greeted the Commissioners and said, "With me today is Tim Kaufman from COMCARE and the Division of

**Regular Meeting, May 9, 2001**

Human Services. Today we bring for your consideration the addition of two technology positions to the Division of Information and Operations. These positions will support the rapidly expanding technology needs of the County and, in particular, of COMCARE. COMCARE is in the process of acquiring a new comprehensive case management and medical billing system that will greatly expand their information management capabilities, meet the new federal privacy guidelines, known as HIPPA, and enhance the quality of service provided to the citizens of Sedgwick County. The positions are completely funded by COMCARE out of existing funds but will be located within the Division of Information and Operations. We're excited about this cooperative endeavor between two divisions and ask the Commissioners to approve the addition. If you have any questions, I'll answer them."

**Chair McGinn** said, "Commissioners, are there any questions on this item?"

**MOTION**

Commissioner Gwin moved to approve the additions to the DIO Staffing Table.

Commissioner Winters 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

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

- N. AMENDMENT TO 2001 CIP FOR INCREASE OF BUDGET AUTHORITY ON PROJECT #R263, LEFT TURN LANE/SIGNAL LOCATED AT 23<sup>RD</sup> AD 199<sup>TH</sup> STREETS.**

**OVERHEAD PRESENTATION**

## **Regular Meeting, May 9, 2001**

**Mr. Pete Giroux**, Senior Management Analyst, Budget Department, greeted the Commissioners and said, "This is an amendment to the 2001 Capital Improvement Program. It is our request for approval of increase in the budget authority for a C.I.P. Project R-263. That is located in Goddard. It is a left turn lane and signal combination at 23<sup>rd</sup> and 199<sup>th</sup> West. That project is a request from both the City and the USD there. They will share in the cost of this project.

"The original estimate was \$120,000. The bid came in at \$180,000 and I'm told that the increase was due to a change required by full signalization at the turn lane. So it is an overall increase of about \$60,000. Public Works proposes to fund that with savings that we've realized this year from the R-140, which is the latex slurry seal project. The C.I.P. committee has reviewed this and concurs with Public Works' request. Do you have any questions?"

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

**Commissioner Winters** said, "I have a question of David Spears. David, we had several projects this year when we go out for bids we're taking an engineer's estimate. Our engineer's estimates are usually high. Of all the projects this one was not, this one was low. But other projects you are still below engineer's estimates on several other projects this summer?"

**Mr. Spears** said, "I do have somewhat of a concern with items like this being placed on the agenda that just highlight the ones that go over the budget because we've had five projects this year that have come in under the budget by a grand total of \$2,348,613.93. This is the only one of six that came over. I do give a year-end report that gives you the net of the year and I kind of think that is our job to do. If we place all these on the agenda, whether plus or minus, you're going to get a little clogged up."

**Commissioner Winters** said, "I don't have any problems with us actually dealing with this on the agenda. Some of these projects, I think, once we've made our first assumptions that we're going to do the project then to go back over again is a little difficult sometimes. But I just want it to be clear that again we're working with engineers estimates and they come in over we do have to at least acknowledge that somehow. Thank you, David."

**Chair McGinn** said, "Thank you. Are there any other questions for Pete?"

### **MOTION**

**Regular Meeting, May 9, 2001**

Commissioner Winters moved to approve the C.I.P. Amendment.

Commissioner Gwin 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

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

**O. COMMUNITY HEALTH DEPARTMENT MONTHLY REPORTS (TWO).**

**POWERPOINT PRESENTATION**

**Mr. Charles Magruder**, M.D., Director, Community Health Department, greeted the Commissioners and said, "I have a brief overview today for you. Just to give you an idea of some of our recent activities. I want to make you aware of our 25<sup>th</sup> annual Molar Drama at the Wichita Children's Theater and Dance Center. The individual in the middle there, her name is Sarah, this is her acting debut. She is from our community education section. This is something that is done on an annual basis and it provides a wonderful opportunity to educate young children about preventive dental behaviors and activities. Every second grade student in Sedgwick County was invited to this. We had 5,000 in attendance. This was underwritten a great deal by the Wichita Dental Society. Other contributors to this were Boeing, Kaylor Dental Labs, Midwest Orthodontic Lab, Pierce-Turke Dental Lab, Dillons, the American Cancer Society, and the Associated Milk Producers.

"In terms of another recent activity, we participated in the Home Show. We had a booth there that gave citizens lots of information about water wells and lagoons, animal control, indoor air quality, neighborhood improvement and also information about various aspects of nutrition. In terms of

## **Regular Meeting, May 9, 2001**

some program information, wanted to make you aware of another annual activity, our A.I.D.S. Basketball League. They were asked to give a presentation at a national conference. This is the poster that they utilized. This was the 13<sup>th</sup> Annual H.I.V. A.I.D.S. Conference in San Francisco. There were over 2,500 people in attendance.

“In terms of some collaborative efforts, we are beginning to work more with the W.S.U. Masters Degree in Public Health Program. One aspect of that, we provided preceptorship to a student who did the evaluation of our A.I.D.S. Education Basketball League and also worked with our epidemiology section. Two Health Department staff participated in the students review committee for that purpose. Be happy to answer any questions that you might have.”

**Chair McGinn** said, “Commissioners, are there any questions for Doctor Magruder?”

**Commissioner Norton** said, “I see he didn’t say anything about participating in the Big Brothers and Big Sisters Bowl-A-Thon. Of course, that was creating a health hazard as opposed to fixing one, is that correct? We saw you bowl now, Doc.”

**Dr. Magruder** said, “Lacking some coordination is not necessarily a health hazard.”

**Commissioner Sciortino** said, “I objected to the name of your team, Charlie’s Angels, and we had to bowl right next to them.”

**Dr. Magruder** said, “Let me make certain, sir, that you are aware that it was not my idea. If I could be permitted to ask one question. I was curious about Commissioner Sciortino’s tie today.”

**Commissioner Sciortino** said, “It is early chicken soup.”

**Chair McGinn** said, “Thank you.”

### **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**

**Regular Meeting, May 9, 2001**

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, Doctor. Next item."

**P. PUBLIC WORKS.**

- 1. RESOLUTION AUTHORIZING ESTABLISHMENT AND INSTALLATION OF TRAFFIC CONTROL DEVICES AT CERTAIN INTERSECTIONS OF TOWNSHIP ROADS WITHIN LINCOLN TOWNSHIP, AND PROVIDING FOR THE ENFORCEMENT THEREOF. DISTRICT #1.**

**Mr. Mark Borst**, P.E., Public Works, greeted the Commissioners and said, "Item P-1 is a Resolution that will establish east west stop control on 117<sup>th</sup> North at its intersection with Rock Road. The Lincoln Township Board official requested we review this location and they concur with the recommended stop control as contained in the Resolution and I recommend you adopt the Resolution."

**MOTION**

Commissioner Gwin moved to adopt the Resolution.

Commissioner Norton seconded the Motion.

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

**Regular Meeting, May 9, 2001**

**VOTE**

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

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

**2. RESOLUTION AUTHORIZING ESTABLISHMENT AND ENFORCEMENT OF A SPEED ZONE ON 69<sup>TH</sup> STREET NORTH BETWEEN BROADWAY AND THE WEST END OF THE I-135 OVERPASS IN KECHI TOWNSHIP. DISTRICT #4.**

**Mr. Mark Borst** said, "Commissioners, Item P-2 is another traffic Resolution that will reduce the maximum speed limit on 69<sup>th</sup> Street North between Broadway and I-135 from the present 55 miles per hour to 40 miles per hour. Kechi Township officials requested this change and, via field review, staff has determined that the 40 mile per hour limit is reasonable for existing conditions and I recommend you adopt the Resolution."

**Chair McGinn** said, "Commissioners, what's the will of the Board?"

**MOTION**

Commissioner Gwin moved to adopt the Resolution.

Commissioner Norton seconded the Motion.

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

**Regular Meeting, May 9, 2001**

**VOTE**

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."

- 3. AUTHORITY TO AWARD CONTRACT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION ON SEDGWICK COUNTY PROJECT 646-10 THROUGH 14, 797-CC, 644-15 THROUGH W 1/4 OF 17; EAST/WEST ROADS BETWEEN CLEARWATER AND VIOLA ROAD. CIP# R-192. DISTRICT #3.**

**Mr. Spears** said, "Item P-3 is the authority to award contract commitment of County funds form 1309 for the Kansas Department of Transportation. This is for the project located on the road between Clearwater and Viola, designated as R-192 in the Capital Improvement Program. The low bidder was Ritchie Paving out of Wichita at \$3,409,920.12. Sedgwick County's share will be 20% of construction, plus a small percentage for construction engineering, totally \$722,060.33. I recommend that you approve the Form 1309 and authorize the Chair to sign."

**Chair McGinn** said, "Commissioners, what's the will of the Board?"

**MOTION**

Commissioner Winters moved to approve the Authority to Award Contract and authorize the Chair to sign.

Commissioner Sciortino seconded the Motion.

**Regular Meeting, May 9, 2001**

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

**Chair McGinn** said, “Thank you. Commissioners, at this time I would like to take an Off Agenda item.”

**MOTION**

Commissioner Winters moved to take an Off Agenda item.

Commissioner Sciortino 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**

**Chair McGinn** said, “Commissioners, in the last couple of years we’ve had updates from a group called C.O.R.E., Center-City Organized Revitalization Effort. This group of individuals primarily began with a group of ministers from Inter-Faith Ministries. It was to revitalize some of the core areas of our community. I’ve been sitting on the board for about two years and Brad Snapp from our Housing Department has also been sitting on this board. last year, in our budget, we allocated

**Regular Meeting, May 9, 2001**

that we would give them \$10,000 to continue on with their efforts. At this time, I would like to make a motion that we approve the \$10,000 to go to C.O.R.E.”

**MOTION**

Chair McGinn moved that this Board find that the public welfare would be enhanced by the County’s contribution to the revitalization effort of the center city, and that the Board approve the contribution of \$10,000 to the Center-City Organized Revitalization effort for its operational and development activities.

Commissioner Winters seconded the Motion.

**Chair McGinn** said, “I have a Motion and a Second. Is there discussion? Commissioner Winters.”

**Commissioner Winters** said, “Just for clarification, Madam Chair, when you talked about being a part of that board and then you said we budgeted, you actually meant Sedgwick County had planned on budgeting and has budgeted the \$10,000.”

**Chair McGinn** said, “That is correct. Thank you for that clarification. And now I have a clarification. Rich, is it in conflict that I am on the board that I would be voting for this?”

**Mr. Euson** said, “I think it would be appropriate for you to abstain.”

**Chair McGinn** said, “Commissioners, any other discussion? Clerk, call the vote.”

**VOTE**

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

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

**Q. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF MAY 3, 2001.**

**Regular Meeting, May 9, 2001**

**Mr. Chris Chronis**, Chief Financial Officer, Sedgwick County, greeted the Commissioners and said, "You have before you the Minutes of the May 3 meeting of the Board of Bids and Contracts.

**1) UTILITY AUDITING SERVICE- DIVISION OF FINANCE**  
**FUNDING: DIVISION OF FINANCE**

“Item one is utility auditing service for the Division of Finance. The Board of Bids and Contracts recommends that you accept the negotiated contract of D & B Enterprises for a flat fee of \$26,000 annually and 35% of shared savings for a period of 24 months. That would be for electricity, gas and water services.

**2) CM-E CHAT- PUBLIC WORKS**  
**FUNDING: PUBLIC WORKS**

“Item number two is CM-E chat for the Division of Public Works. The Board of Bids and Contracts recommends that you accept the low bid meeting specifications of Frank Bills for \$41,670.

**3) SCANNERS & PRINTERS- DIVISION OF INFORMATION & OPERATIONS**  
**FUNDING: DEPARTMENTAL CAPITAL OUTLAY**

“Item three is scanners and printers for the Division of Information and Operations. The Board of Bids and Contracts recommends that you accept the proposal contract with Automated Business Systems for a one year contract having an estimated value \$102,240. However, I would recommend you defer this item for one week because the minutes that are before you are incomplete and we need to get you additional information before you vote on this item.

**4) CERVICAL COLLARS- EMERGENCY MEDICAL SERVICE**  
**FUNDING: EMERGENCY MEDICAL SERVICES**

“Item four is cervical collars for Emergency Medical Service. The Board of Bids and Contracts recommends that you accept the low bid of Alliance Medical for \$10,542.

**5) WEED CHEMICALS- NOXIOUS WEEDS**  
**FUNDING: NOXIOUS WEEDS**

**Regular Meeting, May 9, 2001**

“Item five is weed chemicals for noxious weeds. The Board of Bids and Contracts recommends that you accept the low bid by item for each of the seven items in the quotation. UAP Timberland, L.L.C. is the low bidder for item number six and the recommended amount is \$8,654.20. Van-Diest Supply is the low bidder for items number one, four, five and seven and the total amount of those commodities is \$35,465.65. Vegetation Management is the low bidder for item three in the amount of \$4,284.60. The grand total of purchasing those items from those various vendors is \$48,404.40. There was no bid received for item two of those seven items.

**6) ANNUAL FILENET SUPPORT ITEMS/ MAINTENANCE AGREEMENT-  
DISTRICT COURT  
FUNDING: DISTRICT COURT- BYRNE GRANT**

“Item six on the minutes is annual FileNET support items and maintenance agreement for the District Court. Recommend that you accept the sole source quote of FileNET for a total of \$51,040.61.

**7) ROUTER SOFTWARE/ HARDWARE AND MAINTENANCE- CORRECTIONS  
FUNDING: JUVENILE JUSTICE AUTHORITY GRANT**

“Item seven is router software and hardware and maintenance for the Corrections Department. Recommend that you accept the State of Kansas contracting pricing on these items with Sysco Equipment for \$33,058.25.

**ITEMS NOT REQUIRING BOCC APPROVAL**

**8) APPLICATION/ TECHNICAL SOFTWARE TRAINING COURSE- DIV  
INFORMATION/ OPERATIONS  
FUNDING: DIVISION OF INFORMATION AND OPERATIONS**

“There is one item not requiring Board approval at this time, application and technical software training courses for the Division of Information and Operations. The Board of Bids and Contracts tabled that item for further review. I’ll be happy to answer questions that you may have about these items that are before you and if there are none then I would recommend approval of the Minutes as

**Regular Meeting, May 9, 2001**

presented with the exception of Item 3.”

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

**Commissioner Sciortino** said, “Thank you, Madam Chair. Chris, on Item 5, sub-item number 4, I’m confused. Vegetation Management, I don’t know what it means with rebate, but it seems like it is substantially lower than Van-Diest Supply.”

**Mr. Chronis** said, “If you see the footnote at the bottom of the page, that item was found not to meet specifications and so that bid was rejected. The product is called Pendulum and it was found not to meet specifications.”

**Commissioner Sciortino** said, “Then that wouldn’t work for us, apparently. Thank you. That’s all I have.”

**Chair McGinn** said, “Commissioners, are there any other questions for Chris?”

**MOTION**

Commissioner Gwin moved to approve the recommendations of the Board of Bids and Contracts with the exception of Item 3, which I further move that we defer for one week.

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

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

**Regular Meeting, May 9, 2001**

**CONSENT AGENDA**

**R. CONSENT AGENDA.**

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

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V01054	\$272.00	2	Geraldine Loehr
V01085	\$181.00	2	Springcreek Apartments
V01074	\$269.00	2	Springcreek Apartments
V01084	\$361.00	5	William Favreau
V01081	\$444.00	2	Chapel Ridge Apartments
V01080	\$575.00	2	Chapel Ridge Apartments
V01086	\$208.00	2	Chapel Ridge Apartments
V01078	\$301.00	4	Jerry Bressler

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

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
V99036	\$185.00	\$268.00
V99035	\$141.00	\$65.00

**Regular Meeting, May 9, 2001**

V99075	\$459.00	\$288.00
V2061	\$396.00	\$515.00
V2058	\$373.00	\$87.00
V96030	\$500.00	\$235.00

3. **Case Number VAC2001-00013 – request to vacate utility easement generally located north of 31<sup>st</sup> Street and east of 143<sup>rd</sup> Street East.**
4. **Bankruptcy settlement of delinquent real property taxes of Historic Development Corporation, pursuant to K.S.A 79-1703(b).**
5. **Contract with Sammy G. and Davina J. Milligan for purchase of property under the Federal Emergency Management Administration flood property buyback program.**
6. **Order dated May 2, 2001 to correct tax roll for change of assessment.**
7. **Payroll check Registers of April 27 and April 30, 2001.**
8. **General Bills Check Register of May 4, 2001.**
9. **Budget Adjustment Requests.**

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

**MOTION**

Commissioner Gwin moved to approve the Consent Agenda as presented.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Betsy Gwin                      Aye

**Regular Meeting, May 9, 2001**

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

**S. OTHER**

**Chair McGinn** said, "Commissioners, is there any other business to come before this Board?"

**MOTION**

Commissioner Sciortino moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with Legal Counsel on matters privileged in the attorney/client relationship relating to legal advice and also personnel matters of non-elected personnel and that the Board of County Commissioners return from Executive Session no sooner than 12:10 p.m.

Commissioner Gwin 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

**Chair McGinn** said, "We're in Executive Session."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:38 a.m. and returned at 12:44 p.m.**

**Chair McGinn** said, "I'll call back to order the meeting of the Board of County Commissioners Regular Meeting of May 9, 2001. Let the Minutes show there was no binding action taken while in

**Regular Meeting, May 9, 2001**

Executive Session. Is there anything else to come before this Board? If not, we're adjourned."

**T. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 12:45 p.m.

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

\_\_\_\_\_  
**CAROLYN McGINN**, Chair  
Fourth District

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

\_\_\_\_\_  
**BETSY GWIN**, Commissioner  
First District

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

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

ATTEST:

**Regular Meeting, May 9, 2001**

**Don Brace**, County Clerk

APPROVED:

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